

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

UBS Financial Services, Inc., Claimant v. Kenneth A. Diamond, Respondent

Case Number: 03-04641

Hearing Site: Los Angeles, California

Nature of the Dispute: Member v. Associated Person

REPRESENTATION OF PARTIES

For Claimant:

Laura Martin, Esq.
Davidson & Grannum, LLP
Northvale, New Jersey

For Respondent:

In Propria Persona

CASE INFORMATION

Statement of Claim filed: June 25, 2003

Reply to Respondent's Answer filed by Claimant: September 30, 2003

Claimant's Uniform Submission Agreement signed: June 11, 2003

Statement of Answer filed by Respondent: September 8, 2003

Respondent's Uniform Submission Agreement signed: September 8, 2003

CASE SUMMARY

Claimant alleged failure to repay monies owed representing the unforgiven outstanding principal amount of an Employee Forgivable Loan (EFL).

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested actual damages of \$57,720.00 for the principal balance due on the Promissory Note, interest on the principal from December 7, 2001 to the date of payment, and costs, including attorney's fees.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

On or about July 9, 2003, Claimant and Claimant's counsel signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

Pursuant to the Code of Arbitration Procedure IM-10100, the waiver of the Claimant shall constitute and operate as a waiver for all member firms and associated persons (including terminated or otherwise inactive member firms or associated persons) against whom the Claim has been filed.

The parties agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Stipulated Award may be entered.

STIPULATED AWARD

After considering the pleadings, testimony, and the Parties' request for this Stipulated Award, the Panel decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant and Respondent have entered into a confidential settlement agreement.
2. Respondent is liable to and shall pay Claimant the sum of \$57,720.00 in compensatory damages.
3. Respondent is liable to and shall pay Claimant interest in the amount of on \$57,720.00 from December 7, 2001, until payment of this Award is made in full, pursuant to contract.
4. Respondent is liable to and shall pay Claimant attorney's fees and costs pursuant to contract.
5. All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code of Arbitration Procedure ("Code"), the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 1,000.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm UBS Financial Services, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,100.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	= \$ 1,700.00
Total Member Fees	= \$ 3,550.00

Adjournment Fees

The following adjournment fees are assessed:

June 9-10, 2004 adjournment requested by the parties	= \$ WAIVED
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Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

Two (2) Pre-hearing conference sessions with the Panel @ \$750.00/session	= \$ 1,500.00
Pre-hearing conferences: February 24, 2004	1 session
April 14, 2004	1 session

Total Forum Fees	= \$ 1,500.00
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1. The Panel assessed \$750.00 of the forum fees to Claimant.
2. The Panel assessed \$750.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 3,550.00
Forum Fees	= \$ 750.00
Total Fees	= \$ 5,300.00
Less payments	= \$ (5,300.00)
Balance Due NASD Dispute Resolution	= \$ 0.00


2. Respondent is charged with the following fees and costs:

Forum Fees	= \$ 750.00
Total Fees	= \$ 750.00
Less payments	= \$ (0.00)
Balance Due NASD Dispute Resolution	= \$ 750.00

All balances are payable to NASD Dispute Resolution and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Robert D. Sussin, Esq.	-	Non-Public Arbitrator, Presiding Chair
Oren Peretz	-	Non-Public Arbitrator
Sheldon M. Jaffe, Esq.	-	Non-Public Arbitrator



Robert D. Sussin, Esq.
Chair, Non-Public Arbitrator

10 / 27 / 04
Signature Date

Oren Peretz
Non-Public Arbitrator

Signature Date

Sheldon M. Jaffe, Esq.
Non-Public Arbitrator

Signature Date


11/01/04
Date of Service

ARBITRATION PANEL

Robert D. Sussin, Esq.	-	Non-Public Arbitrator, Presiding Chair
Oren Peretz	-	Non-Public Arbitrator
Sheldon M. Jaffe, Esq.	-	Non-Public Arbitrator

Robert D. Sussin, Esq.
Chair, Non-Public Arbitrator

Signature Date


Oren Peretz
Non-Public Arbitrator

10-27-2008
Signature Date

Sheldon M. Jaffe, Esq.
Non-Public Arbitrator

Signature Date

11/01/04
Date of Service

ARBITRATION PANEL

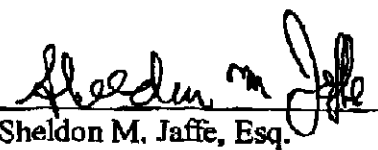
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Robert D. Sussin, Esq.
Chair, Non-Public Arbitrator

Signature Date

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