

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

John E. Held II (Claimant) vs. UBS Financial Services, Inc. (Respondent)

Case Number: 03-07223

Hearing Site: Cincinnati, Ohio

Nature of the Dispute: Associated Person vs. Member.

REPRESENTATION OF PARTIES

Claimant John E. Held, II ("Held") hereinafter referred to as "Claimant": Carl J. Stich, Jr., Esq., White, Getgey & Meyer Co., LPA, Cincinnati, OH. Previously represented by Russell S. Sayre, Esq., Taft, Stettinius & Hollister, LLP, Cincinnati, OH.

Respondent UBS Financial Services, Inc. hereinafter referred to as "Respondent": Claudia M. Cohen, Esq. and Erin Carney D'Angelo, Esq., Epstein, Becker & Green, P.C., New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: October 3, 2003.

Response to Motion to Dismiss filed on or about: January 23, 2004.

Claimant signed the Uniform Submission Agreement: October 2, 2003.

Motion to Dismiss and Statement of Answer filed by Respondent on or about: December 19, 2003.

Respondent signed the Uniform Submission Agreement: December 19, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: wrongful termination, tortious interference, defamation on Form U-5.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested unspecified compensatory damages, interest, punitive damages, reformation of the Form U-5, attorneys' fees and for such other relief as is just and proper.

Respondent requested the dismissal of the Statement of Claim in its entirety, attorneys' fees, forum fees and such other relief as the Panel deems appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

Prior to the hearing, Respondent filed a Motion to Disqualify Claimant's counsel. The Motion was withdrawn after attorney Russell Sayre withdrew as Claimant's counsel.

After the hearing, Claimant filed a motion requesting attorneys' fees. Respondent submitted a Memorandum of Law in Opposition to Claimant's Application for Attorneys' Fees. After due deliberation, the Panel granted Claimant's Motion for Attorneys' Fees relating to its defense against Respondent's Motion to Disqualify Russell Sayre as Claimant's counsel. Arbitrator Timothy Wasson dissented. The remaining request for attorneys' fees is denied.

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

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The Panel finds in favor of Respondent on all claims and denies Claimant's claims in their entirety.
2. The Arbitrators find that there is no evidence that Claimant traded or misused inside information, that he engaged or participated in insider trading, or that his actions caused any harm or disadvantage to a customer or to the market. Any disclosure of confidential client information on Claimant's part caused no harm or damage to any person.
3. Respondent is liable for and shall pay to Claimant attorneys' fees in the amount of \$30,000.00 pursuant to Rule 11(b)(1) and Rule 11(c)(2) of the Federal Rules of Civil Procedure.
4. Any and all relief not specifically addressed herein, including punitive damages, is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 250.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, UBS Financial Services is a party.

Member surcharge.	= \$1,500.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

August 3-6, 2004 adjournment by Claimant and Respondent = \$1,000.00
Respondent's share = \$1,000.00

November 16-19, 2004 adjournment by Respondent = \$1,000.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Four (4) Pre-hearing sessions with Panel @ \$1,000.00 = \$ 4,000.00

Pre-hearing conferences:	March 11, 2004	1 session
	May 7, 2004	1 session
	June 3, 2005	1 session
	March 20, 2006	1 session

Fifteen (15) Hearing sessions @ \$1,000.00 per session = \$15,000.00

Hearing Dates:	March 6, 2006	2 sessions
	March 8, 2006	2 sessions
	March 9, 2006	2 sessions
	March 10, 2006	2 sessions
	September 26, 2006	2 sessions
	September 27, 2006	2 sessions
	September 28, 2006	2 sessions
	November 7, 2006	1 session

Total Forum Fees = \$19,000.00

1. The Panel has assessed \$9,500.00 of the forum fees to Claimant.
2. The Panel has assessed \$9,500.00 of the forum fees to Respondent.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to,

additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

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|---|------|--------|
| 1. Claimant requested copies of tapes | = \$ | 375.00 |
| 2. Respondent requested copies of tapes | = \$ | 225.00 |

Fee Summary


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|-------------------------------------|------|-----------|
| 1. Claimant is solely liable for: | | |
| Initial Filing Fee | = \$ | 250.00 |
| Forum Fees | = \$ | 9,500.00 |
| Administrative Costs | = \$ | 375.00 |
| Total Fees | = \$ | 10,125.00 |
| Less payments | = \$ | 1,250.00 |
| Balance Due NASD Dispute Resolution | = \$ | 8,875.00 |
| 2. Respondent is solely liable for: | | |
| Member Fees | = \$ | 4,450.00 |
| Adjournment Fee | = \$ | 2,000.00 |
| Forum Fees | = \$ | 9,500.00 |
| Administrative Costs | = \$ | 225.00 |
| Total Fees | = \$ | 16,175.00 |
| Less payments | = \$ | 4,675.00 |
| Balance Due NASD Dispute Resolution | = \$ | 11,500.00 |

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

ARBITRATION PANEL

Mitchell B. Goldberg, Esq.	-	Public Arbitrator, Presiding Chairperson
Alex H. Keller	-	Public Arbitrator
Timothy Wasson	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Mitchell B. Goldberg, Esq.
Public Arbitrator, Presiding Chairperson

December 19, 2006

Signature Date

Alex H. Keller
Public Arbitrator

Signature Date

Concurring in Part, Dissenting in Part Arbitrator's Signature

Arbitrator Wasson dissents from the Panel's award of attorneys' fees.

Timothy Wasson
Non-Public Arbitrator

Signature Date

December 21, 2006

Date of Service (For NASD Dispute Resolution use only)

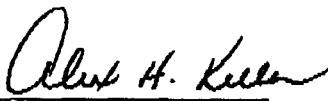
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Alex H. Keller	Public Arbitrator
Timothy Wasson -	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Mitchell B. Goldberg, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date


Alex H. Keller
Public Arbitrator

12-20-06
Signature Date

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Timothy Wasson
Non-Public Arbitrator

Signature Date

12.20.06

D.

December 21, 2006
Date of Service (For NASD Dispute Resolution use only)