
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Julie Annette-Donnadieu Juliano (daughter)
Julie Annette-Donnadieu Juliano (mother)
Jeanne Katherine Donnadieu Juliano, individually
and on behalf of Sofia Donnadieu Juliano, a minor child

Case Number: 03-09230

Names of the Respondents

UBS Financial Services, Inc.
Stephen J. Martin
Wayne S. Dictor

Hearing Site: Tampa, FL

Nature of the Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

For Julie Annette-Donnadieu Juliano (daughter), Julie Annette-Donnadieu Juliano (mother), Jeanne Katherine Donnadieu Juliano, individually and on behalf of Sofia Donnadieu Juliano, a minor child, hereinafter collectively referred to as "Claimants": W. Andrew Clayton, Jr., Esq., Browning, Clayton & Krawetz, Sarasota, FL.

For UBS Financial Services, Inc. ("UBS"), Stephen J. Martin ("Martin"), and Wayne S. Dictor ("Dictor"), hereinafter collectively referred to as "Respondents": Ronald Schindler, Esq., Fowler White Burnett P.A., Miami, FL.

CASE INFORMATION

Statement of Claim filed on or about: December 31, 2003.

Claimant Julie Annette-Donnadieu Juliano (daughter) signed the Uniform Submission Agreement: December 15, 2003.

Claimant Julie Annette-Donnadieu Juliano (mother) signed the Uniform Submission Agreement: December 9, 2003.

Claimant Jeanne Katherine Donnadieu Juliano signed the Uniform Submission Agreement: November 19, 2003.

Statement of Answer filed by Respondents on or about: March 3, 2004.

Respondent UBS signed the Uniform Submission Agreement: March 17, 2004.

Respondents Martin and Dictor did not file executed Uniform Submission Agreements.

CASE SUMMARY

Claimants asserted the following causes of action: interference with expectancy interests; breach of contract; and, negligent supervision. The causes of action relate to the transfer of certificates of deposit.

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

RELIEF REQUESTED

Claimants requested compensatory damages of approximately \$182,000.00, costs, attorneys' fees, and such further relief as the undersigned arbitrators (the "Panel") deemed just and equitable.

Respondents requested dismissal of the Statement of Claim, that costs and fees be assessed against Claimants, expungement of this matter from Respondents Martin and Dictor's NASD Central Registration Depository ("CRD") records, and such other and further relief as the Panel deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Martin and Dictor did not file with NASD Dispute Resolution properly executed Uniform Submission Agreements but are required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and, having appeared and testified at the hearing, are bound by the determination of the Panel on all issues submitted.

The parties 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 (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimants Statement of Claim is dismissed, with prejudice.

The Panel recommends the expungement of all references to the above-captioned arbitration from Respondents Martin and Dictor's registration records maintained by the NASD CRD based on the defamatory nature of the information in the CRD system, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents Martin and Dictor must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Any and all claims for relief not specifically addressed herein, including Claimants' request for attorneys' fees, are 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 = \$ 300.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent UBS is a member firm and a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were assessed during these proceedings.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No three-day cancellation fees were assessed during these proceedings.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

No injunctive relief fees were assessed during these proceedings.

Forum Fees and Assessments

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

One (1) Pre-hearing session with a single arbitrator @ \$450.00/session	= \$ 450.00
Pre-hearing conference: March 18, 2005 1 session	
One (1) Pre-hearing session with the Panel @ \$1,125.00/session	= \$1,125.00
Pre-hearing conference: May 13, 2004 1 session	
Six (6) Hearing sessions with the Panel @ \$1,125.00/session	= \$6,750.00
Hearing Dates: March 23, 2005 2 sessions	
March 24, 2005 2 sessions	
March 25, 2005 2 sessions	
Total Forum Fees	= \$8,325.00

The Panel assessed \$4,162.50 of the forum fees jointly and severally to Claimants.
The Panel assessed \$4,162.50 of the forum fees to Respondent UBS.

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 are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	= \$ 4,162.50
Total Fees	= \$ 4,462.50
<u>Less payments</u>	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 3,037.50

Respondent UBS is solely liable for:

Member Fees	= \$ 5,200.00
<u>Forum Fees</u>	= \$ 4,162.50
Total Fees	= \$ 9,362.50
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 4,162.50

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

ARBITRATION PANEL

Philip C. Bennett, CPA	-	Public Arbitrator, Presiding Chairperson
Richard N. Davidoff	-	Public Arbitrator
Randall T. Stack	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Philip C. Bennett, CPA
Public Arbitrator, Presiding Chairperson

Signature Date

/s/
Richard N. Davidoff
Public Arbitrator

Signature Date

/s/
Randall T. Stack
Non-Public Arbitrator

Signature Date

March 30, 2005
Date of Service (For NASD Dispute Resolution use only)

MAR. 29. 2005 3:01PM NASD BOCA RATON

NO. 693 P. 5/6

Resolution

Arbitration No. 03-09230

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Richard N. Davidoff	-	Public Arbitrator
Randall T. Stack	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Philip C. Bennett, CPA
Public Arbitrator, Presiding Chairperson

3/29/05
Signature Date

Richard N. Davidoff
Public Arbitrator

Signature Date

MAR. 29. 2005 3:04PM NASD BOCA RATON

Arbitration No. 03-09230

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Richard N. Davidoff	-	Public Arbitrator
Randall T. Stack	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

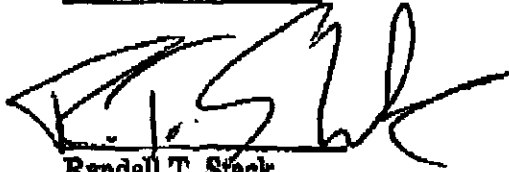
Philip C. Bennett, CPA
Public Arbitrator, Presiding Chairperson

Signature Date


Richard N. Davidoff
Public Arbitrator


3/29/05
Signature Date

NASD Dispute Resolution
Arbitration No. 03-09230
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A large, stylized handwritten signature in black ink, appearing to read 'R. T. Stack', is written over a horizontal line.

Randall T. Stack
Non-Public Arbitrator

3-29-05
Signature Date

Date of Service (For NASD Dispute Resolution use only)