

**STIPULATED AWARD
NASD Dispute Resolution**

In the Matter of the Arbitration Between

Claimants

James and Mary Perry

and

Case Number: 04-01329
Hearing Site: Louisville, Kentucky

Respondents

J.C. Bradford & Co.,
n/k/a UBS Financial Services Inc.,
Edwin Patrick Miller and
Joseph Troy Schmeing

NATURE OF CASE

Customers v. Member and Associated Persons

REPRESENTATION OF PARTIES

James and Mary Perry ("Claimants") were represented by William S. Bonnheim, Esq., William S. Bonnheim, PLC, Palm Desert, California.

J.C. Bradford & Co. n/k/a UBS Financial Services Inc. ("UBS"), Edwin Patrick Miller ("Miller") and Joseph Troy Schmeing ("Schmeing"), hereinafter collectively referred to as "Respondents", were jointly represented by Tracey Salmon-Smith, Esq., UBS Financial Services, Inc., New York, New York.

CASE INFORMATION

The Statement of Claim was filed on or about February 27, 2004. The Submission Agreements of James and Mary Perry were signed on or about January 23, 2004.

A Statement of Answer was filed jointly by Respondents on or about May 24, 2004. The Submission Agreement of Respondent UBS was signed on or about May 21, 2004 by Tracey Salmon-Smith, Esq. The Submission Agreement of Respondent Miller was signed on or about May 21, 2004. The Submission Agreement of Respondent Schmeing was signed on or about August 9, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty; wrongful conduct; unsuitability; and negligence. The causes of action related to Claimants' purchase of Lucent Technologies and WorldCom stocks.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted affirmative defenses including: the Statement of Claim fails to state a claim upon which relief may be granted; Claimants' causes of action are barred by the doctrines of ratification, waiver, and estoppel; and Claimants expressly and implicitly represented to Respondents that they understood the nature and risks of the securities they purchased.

RELIEF REQUESTED

Claimants requested an award in the amount of:

Actual/Compensatory Damages	\$25,000.00
Punitive Damages	Unspecified
Attorney's Fees	Unspecified
Interest	Unspecified
Other Costs	Unspecified
Other Monetary Relief	Unspecified

Respondents requested that the claims asserted against them be denied in their entirety and that they be awarded their costs and attorneys' fees. Respondents also requested that this matter be expunged from the CRD records of Respondents Miller and Schmeing.

OTHER ISSUES CONSIDERED & DECIDED

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. In either case, the parties have agreed to receive conformed copies of the award while the original remains on file with NASD Dispute Resolution ("NASD").

AWARD

After considering the parties' submissions and representations, but without making any findings of fact or conclusions of law, the undersigned arbitrator orders as follows:

- 1.) Claimants' claims, having been withdrawn, are dismissed with prejudice;
- 2.) Other than Forum Fees, which are specified below, the parties shall each bear their own costs and expenses incurred in this matter;
- 3.) The arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Edwin Patrick Miller's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Edwin Patrick Miller must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;

- 4.) The arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Joseph Troy Schmeing's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Joseph Troy Schmeing must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive; and
- 5.) Any relief not specifically enumerated, including punitive damages and attorneys' fees, is hereby dismissed with prejudice.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	\$ 125.00
--------------------------	-----------

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. In this matter, the member firm is UBS Financial Services Inc.

Member surcharge	\$ 425.00
------------------	-----------

Forum Fees and Assessments

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

One (1) Pre-hearing session with a single arbitrator	x \$ 450.00	\$ 450.00
Pre-hearing conference: August 12, 2004	1 session	
Total Forum Fees		\$ 450.00

The arbitrator has assessed \$225.00 of the forum fees jointly and severally to Claimants

The arbitrator has assessed \$225.00 of the forum fees jointly and severally to UBS, Miller and Schmeing

FEE SUMMARY

Claimants are jointly and severally liable for:

Initial Filing Fee	\$ 125.00
Forum Fees	\$ 225.00
<u>Total Fees</u>	<u>\$ 350.00</u>
Less Payments	\$ 350.00
Balance Due NASD Dispute Resolution	\$ 0.00

Respondent, UBS, is liable for:

Member Fees	\$ 425.00
<u>Total Fees</u>	<u>\$ 425.00</u>
Less Payments	\$ 425.00
Balance Due NASD Dispute Resolution	\$ 0.00

Respondents, UBS, Miller and Schmeing, are jointly and severally liable for:

Forum Fees	\$ 225.00
<u>Total Fees</u>	<u>\$ 225.00</u>
Less Payments	\$ 225.00
Balance Due NASD Dispute Resolution	\$ 0.00

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

ARBITRATOR

Harold G. Wren, Esq. - Public Arbitrator, Presiding Chair

/s/ Harold G. Wren, Esq.
Harold G. Wren, Esq.
Public Arbitrator, Presiding Chair

07/22/05
Signature Date

07/25/05
Date of Service (For NASD office use only)

FEE SUMMARY

Claimants are jointly and severally liable for:

Initial Filing Fee	\$ 125.00
Forum Fees	\$ 225.00
Total Fees	\$ 350.00
Less Payments	\$ 350.00
Balance Due NASD Dispute Resolution	\$ 0.00

Respondent, UBS, is liable for:

Member Fees	\$ 425.00
Total Fees	\$ 425.00
Less Payments	\$ 425.00
Balance Due NASD Dispute Resolution	\$ 0.00

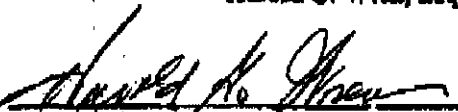
Respondents, UBS, Miller and Schmeling, are jointly and severally liable for:

Forum Fees	\$ 225.00
Total Fees	\$ 225.00
Less Payments	\$ 225.00
Balance Due NASD Dispute Resolution	\$ 0.00

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

ARBITRATOR

Harold G. Wren, Esq. - Public Arbitrator, Presiding Chair



Harold G. Wren, Esq.
Public Arbitrator, Presiding Chair

07/22/05
Signature Date

Date of Service (For NASD office use only)