
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Deborah Coppola
Harry Anthony Coppola, Jr. Rev. Trust DTD 08/13/97

Case Number: 04-01955

Names of the Respondents

UBS Financial Services, Inc. f/k/a PaineWebber, Inc.
Michael Gomberg

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Deborah Coppola and Harry Anthony Coppola, Jr. Rev. Trust DTD 08/13/97, hereinafter collectively referred to as "Claimants": Scott L. Silver, Esq., Blum, Silver & Schwartz, LLP, Coral Springs, Florida.

For Respondent UBS Financial Services, Inc. f/k/a PaineWebber, Inc. ("UBS"): Wes Holston, Esq., UBS Financial Services Inc., Fort Lauderdale, Florida.

For Respondent Michael Gomberg ("Gomberg"): Garry O'Donnell, Esq., Adorno & Yoss, Boca Raton, Florida.

CASE INFORMATION

Statement of Claim filed on or about: March 12, 2004.

Claimants signed the Uniform Submission Agreement: March 1, 2004.

Respondent UBS signed the Uniform Submission Agreement: April 7, 2004.

Respondent Gomberg signed the Uniform Submission Agreement: April 14, 2004.

Statement of Answer filed by Respondent Gomberg on or about: May 17, 2004.

Respondent UBS did not file an Answer to the Statement of Claim.

CASE SUMMARY

Claimants alleged the following causes of action: 1) violation of NYSE Rule 405; 2) violation of NASD Rule 2310; 3) breach of contract; 4) breach of fiduciary duty; 5) common law fraud; 6) negligence; and, 7) negligent hiring, retention, and supervision. The causes of action relate to the purchase of the Oak Associates Large Cap Growth Fund in Claimants' account.

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

RELIEF REQUESTED

Claimants requested: 1) compensatory damages in the amount of \$300,000.00; 2) interest at the legal rate from the date of purchase or reasonable market return; 3) rescission; 4) punitive damages; 5) costs; and, 6) such other relief as this Panel deemed just and proper.

Respondent Gomberg requested an award of attorneys' fees as the prevailing party.

OTHER ISSUES CONSIDERED AND DECIDED

On December 17, 2004, Claimants notified NASD Dispute Resolution that the parties settled this matter and that they would be submitting a proposed Stipulated Award.

On or about February 18, 2005, the parties submitted to NASD Dispute Resolution a Joint Stipulation To Dismiss and Expunge Registered Representative's Record with a proposed Stipulated Award.

The parties stated that they have entered into a settlement agreement in which all parties agreed that this matter be dismissed, with prejudice, as to all claims against Respondent Gomberg and that Claimants and Respondents remised, released and forever discharged each other from and against all claims and demands which they have or may have based upon any facts or circumstances that arose or existed on or prior to the date hereof and that Claimants shall discontinue the Action, with prejudice. In addition, the parties requested that a Stipulated Award be entered, expunging all reference to the issues raised in this matter from the NASD Central Registration Depository (the "CRD") record of Respondent Gomberg.

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.

AWARD

After considering the pleadings, the Stipulation To Dismiss and Expunge Registered Representative's Record with proposed Stipulated Award, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims against Respondent UBS and Respondent Gomberg are dismissed, with prejudice.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Gomberg's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Gomberg must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

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

Filing Fees

NASD 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 that employed the associated person at the time of the events 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 adjournments were requested 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 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 injunctive relief with a 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 injunctive relief. 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 Panel and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or more. The fees associated with these proceedings are:

One (1) Pre-hearing session with Panel @ \$1125.00 per session = \$ 1,125.00

Pre-hearing conference: July 22, 2004 1 session

Total Forum Fees = \$ 1,125.00

The Panel has assessed forum fees in the amount of \$562.50, jointly and severally, to Claimant.

The Panel has assessed forum fees in the amount of \$562.50, jointly and severally, to Respondent.

Filing Fees

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

Initial claim filing fee = \$ 300.00

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The Panel has assessed forum fees in the amount of \$562.50, jointly and severally, to Respondents.

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.

No administrative costs were incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 562.50
Total Fees	= \$ 862.50
Less payments	= \$ 862.50
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent UBS is solely liable for:

Member Fees	= \$5,200.00
Total Fees	= \$5,200.00
Less payments	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents UBS and Gomberg are jointly and severally liable for:

Forum Fees	= \$ 562.50
Total Fees	= \$ 562.50
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 562.50

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

ARBITRATION PANEL

Sheldon I. Saitlin, Esq.	-	Public Arbitrator, Presiding Chairperson
Gary M. Landau, Esq	-	Public Arbitrator
David W. Newman	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Sheldon I. Saitlin, Esq.
Public Arbitrator, Presiding Chairperson

02/23/05
Signature Date

/s/
Gary M. Landau, Esq.
Public Arbitrator

02/24/05
Signature Date

/s/
David W. Newman
Non-Public Arbitrator

02/28/05
Signature Date

03/03/05
Date of Service (For NASD Dispute Resolution office use only)

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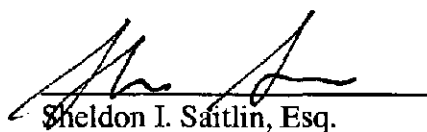
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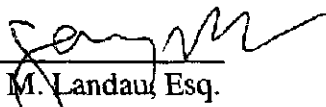
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Gary M. Landau, Esq	-	Public Arbitrator
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Sheldon I. Saitlin, Esq.

Public Arbitrator, Presiding Chairperson

Feb. 23, '05
Signature Date



Gary M. Landau Esq.
Public Arbitrator

2/24/07

Signature Date

David W. Newman
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

Gary M. Landau, Esq.
Public Arbitrator

David W. Newman
Non-Public Arbitrator

Signature Date

2/28/05

Signature Date

Date of Service (For NASD Dispute Resolution office use only)