
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Lee Gold and Rita Gold Trustees,
The Lee Gold Revocable Living Trust

Case Number: 04-03781

Names of the Respondents

UBS PaineWebber, Inc.
Susan E. Arnold

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Lee Gold and Rita Gold Trustees, The Lee Gold Revocable Living Trust, hereinafter collectively referred to as "Claimants": Michael B. Lynch, Esq., Hooper & Weiss, LLC, Orlando, Florida.

For UBS PaineWebber, Inc. ("UBS") and Susan E. Arnold ("Arnold"), hereinafter collectively referred to as "Respondents": Rebecca Swenson, Esq., Associate General Counsel, UBS Financial Services, Inc., Fort Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed on or about: May 21, 2004.

Claimants signed the Uniform Submission Agreement: April 9, 2004.

Statement of Answer filed by Respondents on or about: August 4, 2004.

Respondent UBS signed the Uniform Submission Agreement: June 9, 2004.

Respondent Arnold signed the Uniform Submission Agreement: June 15, 2004.

Motion to Dismiss filed by Respondents on or about: December 9, 2004.

Response to Motion to Dismiss filed by Claimants on or about: December 16, 2004.

(Unopposed) Motion for Entry of a Stipulated Award and Order of Expungement filed by Respondents on or about: June 30, 2005.

Joint Motion for Entry of Stipulated Award and Statement of Stipulated Facts filed by the parties on or about: September 1, 2005.

CASE SUMMARY

Claimants asserted the following causes of action: unsuitability; breach of fiduciary duty; negligence; breach of contract; violation of Section 10(b) and Rule 10(b)(5) of the Securities

Exchange Act of 1934; common law fraud; violations of SRO Rules; failure to supervise, and, respondeat superior. The causes of action relate to the purchase in Claimants' account of various common stocks including, but not limited to, the following: Cisco Systems, Inc; EMC; Motorola; Sun Microsystems; and, McData Corporation.

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 in the amount of \$40,329.46, disgorgement of all commissions, fees and other charges paid to Respondents, interest, punitive damages, attorney's fees, the costs and expenses of this proceeding, and such other and further relief as deemed just and proper by the Panel.

Respondents requested that the Panel enter an award dismissing the Statement of Claim in its entirety and granting such other and further relief as deemed just and proper, including assessment of all forum fees against Claimants. Additionally, Respondent Arnold requested that the Panel enter an order directing that all references to this matter be expunged from Respondent Arnold's NASD Central Registration Depository ("CRD") records.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents filed a Motion to Dismiss in which they asserted, among other things, that Claimants' claim should be dismissed as a sanction for failure of Claimants to provide requested documents that would demonstrate that the allegations in Claimants' claim are false. In their response, Claimants asserted that responses to Respondents' discovery requests were provided. On or about January 4, 2005, the Panel issued an Order denying Respondents' Motion to Dismiss.

On or about June 23, 2005, Claimants filed with NASD Dispute Resolution a notice of settlement.

On or about July 8, 2005, the Panel issued an Order denying Respondents' Motion for Entry of a Stipulated Award and Order of Expungement.

Upon Respondents' request, the Panel conducted a telephonic conference with the parties on August 2, 2005 for the purpose of reconsidering Respondents' Motion for Entry of a Stipulated Award and Order of Expungement. On or about August 2, 2005, the Panel issued an Order directing the parties to submit a stipulation executed by the parties.

On or about October 11, 2005, the Panel agreed to the parties' Joint Motion for Entry of Stipulated Award.

The parties agreed that the Stipulated Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, Joint Motion for Entry of Stipulated Award and Statement of Stipulated Facts submitted by the parties, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimants' claims are dismissed, with prejudice.

The Panel recommends that all references to the above-captioned arbitration be expunged from Respondent Arnold's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notice to Members 04-16, Respondent Arnold must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the Panel has made the following affirmative findings of fact:

The allegations in the Statement of Claim are clearly erroneous.

FEEES

Pursuant to the NASD Code of Arbitration Procedure (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	= \$ 175.00
--------------------------	-------------

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	= \$ 875.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,000.00
Total Member Fees	= \$2,625.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred in this matter.

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 incurred in this matter.

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 incurred in this matter.

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:

Two (2) Pre-hearing sessions with the Panel @ \$600.00/session	= \$1,200.00
Pre-hearing conferences: October 18, 2004 1 session	
August 2, 2005 1 session	
<hr/>	
Total Forum Fees	= \$1,200.00

The Panel has assessed forum fees of \$300 to Claimants, jointly and severally.

The Panel has assessed forum fees of \$300.00 to Respondents, jointly and severally.

The Panel has assessed forum fees of \$600.00 solely 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 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 in this matter.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 175.00
Forum Fees	= \$ 300.00
Total Fees	= \$ 475.00
Less payments	= \$ 475.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent UBS is solely liable for:

Member Fees	= \$2,625.00
Forum Fees	= \$ 600.00
Total Fees	= \$3,225.00
Less payments	= \$2,625.00
Balance Due NASD Dispute Resolution	= \$ 600.00

Respondents UBS and Arnold are jointly and severally liable for:

Forum Fees	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 300.00

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

ARBITRATION PANEL

Donald J. Spero, Esq.	-	Public Arbitrator, Presiding Chairperson
Thomas Czinner	-	Public Arbitrator
John A. Palermo	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

_____/s/
Donald J. Spero, Esq.
Public Arbitrator, Presiding Chairperson

October 11, 2005
Signature Date

_____/s/
Thomas Czinner
Public Arbitrator

October 11, 2005
Signature Date

_____/s/
John A. Palermo
Non-Public Arbitrator

October 12, 1005
Signature Date

October 14, 2005
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution
Arbitration No. 03-03781
Stipulated Award Page 5 of 5

Respondent UBS is solely liable for:

Member Fees	= \$2,625.00
Forum Fees	= \$ 600.00
Total Fees	= \$3,225.00
Less payments	= \$2,625.00
Balance Due NASD Dispute Resolution	= \$ 600.00

Respondents UBS and Arnold are jointly and severally liable for:

Forum Fees	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 300.00

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

ARBITRATION PANEL

Donald J. Spero, Esq.	- Public Arbitrator, Presiding Chairperson
Thomas Czinner	- Public Arbitrator
John A. Palermo	- Non-Public Arbitrator

Concurring Arbitrators' Signatures



Donald J. Spero, Esq.
Public Arbitrator, Presiding Chairperson

10/11/2005
Signature Date

Thomas Czinner
Public Arbitrator

Signature Date

John A. Palermo
Non-Public Arbitrator

Signature Date

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

NASD Dispute Resolution
Arbitration No. 03-03781
Stipulated Award Page 5 of 5

Respondent UBS is solely liable for:

Member Fees	= \$2,625.00
Forum Fees	= \$ 600.00
Total Fees	= \$3,225.00
Less payments	= \$2,625.00
Balance Due NASD Dispute Resolution	= \$ 600.00

Respondents UBS and Arnold are jointly and severally liable for:

Forum Fees	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 300.00

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

ARBITRATION PANEL

Donald J. Spero, Esq.	- Public Arbitrator, Presiding Chairperson
Thomas Czinner	- Public Arbitrator
John A. Palermo	- Non-Public Arbitrator

Concurring Arbitrators' Signatures

Donald J. Spero, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date


Thomas Czinner
Public Arbitrator

Oct 11-05
Signature Date

John A. Palermo
Non-Public Arbitrator

Signature Date

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

Respondent UBS is solely liable for:

Member Fees	= \$2,625.00
Forum Fees	= \$ 600.00
Total Fees	= \$3,225.00
Less payments	= \$2,625.00
Balance Due NASD Dispute Resolution	= \$ 600.00

Respondents UBS and Arnold are jointly and severally liable for:

Forum Fees	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 300.00

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

ARBITRATION PANEL

Donald J. Spero, Esq.	-	Public Arbitrator, Presiding Chairperson
Thomas Czinner	-	Public Arbitrator
John A. Palermo	-	Non-Public Arbitrator

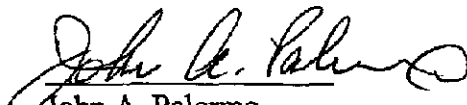
Concurring Arbitrators' Signatures

Donald J. Spero, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Thomas Czinner
Public Arbitrator

Signature Date



John A. Palermo
Non-Public Arbitrator

10/12/05

Signature Date

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