

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Kathleen A. Miller

Case Number: 04-03967

Name of the Respondent
UBS Financial Services, Inc.
f/k/a UBS PaineWebber, Inc.

Hearing Site: Pittsburgh, Pennsylvania

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

Claimant, Kathleen A. Miller, hereinafter referred to as "Claimant", was represented by Michael J. Betts, Esq., Betts Law Offices, Pittsburgh, Pennsylvania.

Respondent, UBS Financial Services, Inc., f/k/a UBS PaineWebber, Inc., hereinafter referred to as "Respondent", was represented by Jon D. Kaplon, Esq., UBS Financial Services, Inc., Weehawken, New Jersey.

CASE INFORMATION

Statement of Claim filed on June 2, 2004.

Claimant signed the Uniform Submission Agreement on May 22, 2004.

Statement of Answer filed by Respondent on August 27, 2004.

Jon D. Kaplon, Esq., Associate General Counsel and Corporate Vice-President of Respondent, signed the Uniform Submission Agreement on August 27, 2004.

CASE SUMMARY

Claimant, in her Statement of Claim asserted the following causes of action, among others: breach of contract, negligence, failure to supervise, breach of fiduciary duty, misrepresentations and non-disclosures, and suitability. The causes of action relate to the purchase and sale of various unspecified annuities, common stock, and mutual funds.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: failure to state a claim upon which relief may be granted; Claimant's claims are barred by the doctrines of ratification, waiver, and estoppel; statutes of limitations; there is no independent cause of action for a violation of NYSE or NASD rules; authorization; failure to mitigate damages; any alleged losses were caused by market conditions; and Claimant's claims are barred by the doctrine of laches.

RELIEF REQUESTED

Claimant in her Statement of Claim requested:

Compensatory Damages	\$ 113,592.00
Punitive Damages	amount unspecified
Interest	amount unspecified
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified

Respondent in its Statement of Answer requested the dismissal of this proceeding and an award in its favor of the costs and disbursements of this proceeding, and such other and further relief as is just and proper.

OTHER ISSUES CONSIDERED AND 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.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Arbitration Panel (the "Panel") has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent shall pay Claimant compensatory damages in the amount of \$46,058.00, plus simple interest at the rate of six percent (6%) per annum on that amount from July 26, 2005 through the date the Award is paid in full;
2. All claims for punitive damages are denied in their entirety;
3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
4. Any and all relief not specifically addressed herein is denied in its entirety.

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 firms that employed the associated person(s) at the time of the events giving rise to the dispute. Accordingly, Respondent is a party.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,750.00
Total Member Fees	= \$ 5,200.00

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 Panel @ \$ 750.00	= \$ 750.00
Pre-hearing conference: January 4, 2005 1 session	
Four (4) Hearing sessions @ \$ 1,125.00	= \$ 4,500.00
Hearing Dates: July 25, 2005 2 sessions	
July 26, 2005 2 sessions	
Total Forum Fees	= \$ 5,250.00

1. The Panel has assessed \$ 5,250.00 of the forum fees to Respondent.

FEE SUMMARY

Claimant is assessed and shall pay:

Initial Filing Fee	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$ 975.00
Refund owed to Claimant	= \$ 675.00

Respondent is assessed and shall pay:

Member Fees	= \$ 5,200.00
Forum Fees	= \$ 5,250.00
Total Fees	= \$ 10,450.00
Less payments	= \$ 3,550.00
Balance Due NASD Dispute Resolution	= \$ 6,900.00

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

ARBITRATION PANEL

Marshall S. Galinsky, Esq.	-	Public Arbitrator, Presiding Chairperson
Joseph Decker, Esq.	-	Public Arbitrator, Panelist
Raymond Peter Dimuzio, CPA	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures

Marshall S. Galinsky

Marshall S. Galinsky, Esq.
Public Arbitrator, Presiding Chairperson

7-29-05

Signature Date

Joseph Decker, Esq.
Public Arbitrator, Panelist

Signature Date

Raymond Peter Dimuzio, CPA
Non-Public Arbitrator, Panelist

Signature Date

July 29, 2005

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

Concurring Arbitrators' Signatures

Marshall S. Galinsky, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Joseph Decker, Esq.
Public Arbitrator, Panelist



Signature Date

Raymond Peter Dimuzio, CPA
Non-Public Arbitrator, Panelist

Signature Date



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

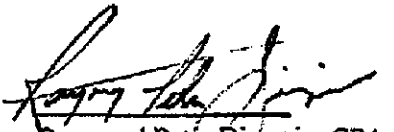
Concurring Arbitrators' Signatures

Marshall S. Galinsky, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Joseph Decker, Esq.
Public Arbitrator, Panelist

Signature Date



Raymond Peter Dimuzio, CPA
Non-Public Arbitrator, Panelist

7/29/05

Signature Date

July 29, 2005

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