

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Name of the Claimant  
UBS Financial Services, Inc.

Case Number: 04-07334

Name of the Respondent  
Steven Schaefer

Hearing Site: Pittsburgh, PA

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Nature of the Dispute: Member vs. Associated Person

**REPRESENTATION OF PARTIES**

Claimant, UBS Financial Services, Inc., hereinafter referred to as "Claimant", was represented by Brent A. Burns, Esq., Davidson & Grannum, LLP, Orangeburg, New York.

Respondent, Steven Schaefer, hereinafter referred to as "Respondent", was represented by Brian T. Must, Esq., Metz Lewis, LLC, Pittsburgh, Pennsylvania.

**CASE INFORMATION**

Statement of Claim filed on October 19, 2004.

Claimant signed the Uniform Submission Agreement on September 14, 2004.

Statement of Answer filed by Respondent on January 14, 2005.

Respondent signed the Uniform Submission Agreement on December 7, 2004.

**CASE SUMMARY**

Claimant asserted a cause of action for breach of a promissory note. The cause of action relates to Respondent's employment with Claimant.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses among others: accord and satisfaction, unjust enrichment and lack of consideration.

**RELIEF REQUESTED**

Claimant requested:

Compensatory Damages  
Interest  
Attorneys' Fees  
Costs  
Other Monetary Relief

\$ 82,161.75  
unspecified amount  
unspecified amount  
unspecified amount  
unspecified amount

### **AWARD**

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

1. Respondent is liable to and shall pay to Claimant the sum of eighty-two thousand one hundred sixty-one dollars and seventy-five cents (\$82,161.75 ) plus simple interest on that amount at the rate of six percent (6%) accruing from March 31, 2004 until award is paid in full;
2. The parties shall bear their respective costs, including attorneys' fees, except as fees are specifically addressed below; and,
3. Any and all relief not specifically addressed herein is 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 = \$1,000.00

#### **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, UBS Financial Services, Inc is a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

#### **Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

June 8- 9, 2005 adjournment requested by Claimant	= waived
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#### **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:

June 8-9, 2005 adjournment requested by Claimant	= waived
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#### **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: March 28, 2005 1 session	

One (1) Hearing session @ \$750.00 = \$ 750.00  
Hearing Date: August 17, 2005 1 session

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Total Forum Fees = \$1,500.00

1. The Panel has assessed \$750.00 of the forum fees to Claimant.
2. The Panel has assessed \$750.00 of the forum fees to the Respondent.

**Fee Summary**

1. Claimant is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$3,550.00
Forum Fees	= \$ 750.00
Total Fees	= \$5,300.00
Less payments	= \$5,300.00
Balance Due NASD Dispute Resolution	= \$ 0.00

2. Respondent is solely liable:

Forum Fees	= \$ 750.00
Total Fees	= \$ 750.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 750.00

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

**ARBITRATION PANEL**

Michael D. Neft	-	None - Public Arbitrator, Presiding Chairperson
Paul J. Snyder, III	-	Non-Public Arbitrator, Panelist
Neil H. Alexander, JD, CFP	-	Non -Public Arbitrator, Panelist

**Concurring Arbitrators' Signatures**



Michael D. Neft  
Non-Public Arbitrator, Presiding Chairperson

8/23/05  
Signature Date

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Paul J. Snyder, III  
Non-Public Arbitrator, Panelist

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Signature Date

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Neil H. Alexander  
Non-Public Arbitrator, Panelist

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Signature Date

August 25, 2005  
Date of Service (For NASD Dispute Resolution office use only)

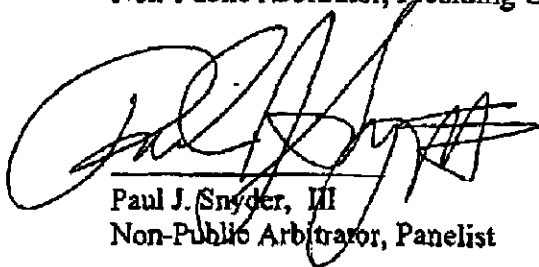
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Non-Public Arbitrator, Presiding Chairperson

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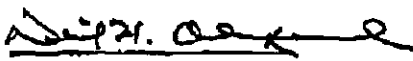
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Paul J. Snyder, III  
Non-Public Arbitrator, Panelist

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Signature Date

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Neil H. Alexander  
Non-Public Arbitrator, Panelist

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08/24/05  
Signature Date

August 25, 2005  
Date of Service (For NASD Dispute Resolution office use only)