

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

David Thomas (Claimant) vs. UBS Financial Services, Inc. f/k/a UBS PaineWebber, Inc.
and Donald F. Rothermich (Respondents)

Case Number: 04-07653

Hearing Site: Columbus, Ohio

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

REPRESENTATION OF PARTIES

Claimant David Thomas hereinafter referred to as "Claimant": Robert Bertsch, Esq.,
Bertsch & Associates, P.C., Port Washington, NY.

Respondents UBS Financial Services, Inc. f/k/a UBS PaineWebber, Inc. ("UBS") and
Donald F. Rothermich ("Rothermich") hereinafter collectively referred to as
"Respondents": Dan A. Rosenbaum, Esq., UBS Financial Services, Inc., New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: November 1, 2004.

Claimant signed the Uniform Submission Agreement: October 6, 2004.

Joint Statement of Answer filed by Respondents on or about: January 24, 2005.

Respondent UBS signed the Uniform Submission Agreement: January 24, 2005.

Respondent Rothermich signed the Uniform Submission Agreement: January 21, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: unsuitability, breach of fiduciary duty, failure to supervise, violations of the Securities and Exchange Act of 1934. The causes of action relate to the purchase of Abbott Labs stock.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages of \$500,000.00, lost opportunity damages, interest, costs and disbursements including attorneys' fees and such other and further relief as may be deemed just and proper.

Respondents requested that the claim be dismissed in its entirety, expungement of Rothermich's CRD record, costs and such other and further relief as may be 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 Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Donald F. Rothermich's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 04-16, Respondent Donald F. Rothermich must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by the 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, the arbitration panel has made the following affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous.

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	= \$ 300.00
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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 persons at the time of the events giving rise to the dispute. Accordingly, UBS Financial Services, Inc. f/k/a UBS PaineWebber, Inc. is 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:

November 21-22, 2005 adjournment by Claimant	= \$1,125.00
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Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: April 28, 2005 1 session	
Two (2) Hearing sessions @ \$1,125.00 per session	= \$2,250.00
Hearing Date: May 23, 2006 2 sessions	
Total Forum Fees	= \$3,375.00

1. The Panel has assessed \$1,687.50 of the forum fees to Claimant.
2. The Panel has assessed \$1,687.50 of the forum fees jointly and severally to Respondents.

Fee Summary


1. Claimant is solely liable for:	
Initial Filing Fee	= \$ 300.00
Adjournment Fee	= \$1,125.00
Forum Fees	= \$1,687.50
Total Fees	= \$3,112.50
Less payments	= \$1,425.00
Balance Due NASD Dispute Resolution	= \$1,687.50
2. 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
4. Respondents are jointly and severally liable for:	
Forum Fees	= \$1,687.50
Total Fees	= \$1,687.50
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,687.50

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

ARBITRATION PANEL

Kevin R. McDermott, Esq.	-	Public Arbitrator, Presiding Chairperson
Alan J. Davidson, JD	-	Public Arbitrator
Peter L. Pointer	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Kevin R. McDermott, Esq.
Public Arbitrator, Presiding Chairperson

5/26/04
Signature Date

Alan J. Davidson, JD
Public Arbitrator

Signature Date

Peter L. Pointer
Non-Public Arbitrator

Signature Date

May 26, 2006
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

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Alan J. Davidson, JD	-	Public Arbitrator
Peter L. Pointer	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Kevin R. McDermott, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Alan J. Davidson, JD
Public Arbitrator



Signature Date

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Non-Public Arbitrator

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Kevin R. McDermott, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Alan J. Davidson, JD
Public Arbitrator

Signature Date

Peter L. Pointer
Peter L. Pointer
Non-Public Arbitrator

5-27-06
Signature Date

May 26, 2006
Date of Service (For NASD Dispute Resolution use only)