

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

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In the Matter of the Arbitration Between:

Camilo F. Jimenez (Claimant) v. UBS Securities, LLC (Respondent)

Case Number: 04-08599

Hearing Site: New York, New York

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

Claimant Camilo F. Jimenez ("Jimenez") hereinafter referred to as "Claimant": Appeared *pro se*.

Respondent UBS Securities, LLC ("UBS") hereinafter referred to as "Respondent": Rachel M. Manne, Esq., Kramer Levin Naftalis & Frankel, LLP., New York, NY.

**CASE INFORMATION**

Statement of Claim filed on or about: December 22, 2004.

Claimant signed the Uniform Submission Agreement: December 12, 2004.

Reply to Respondent's Motion to Dismiss filed on or about: March 21, 2005.

Statement of Answer and Motion to Dismiss filed by Respondent on or about: March 1, 2005.

Respondent signed the Uniform Submission Agreement: February 23, 2005.

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of employment contract, libel and slander on form U-5, compensation, defamation, and failure to supervise.

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

**RELIEF REQUESTED**

Claimants requested:

Compensatory Damages	\$ 136,987.00
Compensatory Damages	\$ 12,000.00
Attorneys' Fees	\$ 1,012.50
Other Costs	\$ Unspecified

Other Non-Monetary Relief: expungement

Respondent requested that the Statement of Claim be dismissed in its entirety.

**OTHER ISSUES CONSIDERED AND DECIDED**

On the Initial Pre-hearing telephonic conference that was held May 25, 2005, Arbitrator W.A. Hohausser recused himself from the Panel at Claimant's request and was replaced by Fred Shinagel.

On or about June 3, 2005, at the request of both parties, Arbitrators Saverio J. Cina and Paul Schiffres recused themselves from the Panel and were replaced by Manuel Schultz and Jerome Lowengrub.

The Panel held an executive session via telephone conference call and granted Respondent's Motion to Dismiss.

On or about July 15, 2005 Claimant filed a Motion for Reconsideration of the Panel's decision to dismiss this case. On or about July 19, 2005 Respondent submitted a response. After due deliberation, the Panel denied the Motion for Reconsideration and determined that the forum fees would be split equally between the parties.

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 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. 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

**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 is a party.

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

**Forum Fees and Assessments**

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

Two (2) Pre-hearing sessions with Panel @ \$1,125.00	= \$2,250.00
Pre-hearing conferences: May 24, 2005 1 session	
July 1, 2005 1 session	

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Total Forum Fees	= \$ 2,250.00
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1. The Panel has assessed \$1,125.00 of the forum fees to Claimant.
2. The Panel has assessed \$1,125.00 of the forum fees to Respondent.

**Fee Summary**

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,425.00
<u>Less payments</u>	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 0.00

2. Respondent is solely liable for:

Member Fees	= \$ 2,450.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 3,575.00
<u>Less payments</u>	= \$ 3,200.00
Balance Due NASD Dispute Resolution	= \$ 375.00

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

**ARBITRATION PANEL**

Jerome Lowengrub

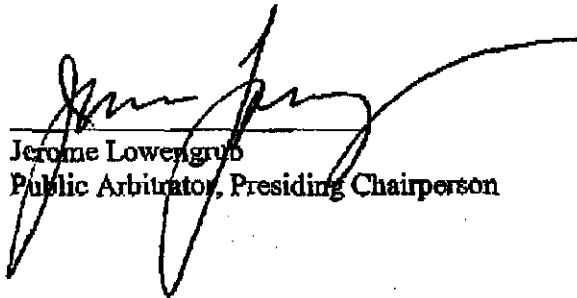
Manuel Schultz

Fred Shinagel

- Public Arbitrator, Presiding Chairperson  
- Public Arbitrator  
- Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.



Jerome Lowengrub  
Public Arbitrator, Presiding Chairperson

8/2/05  
Signature Date

Manuel Schultz  
Public Arbitrator

Signature Date

Fred Shinagel  
Non-Public Arbitrator

Signature Date

August 3, 2005  
Date of Service (For NASD Dispute Resolution use only)

**ARBITRATION PANEL**

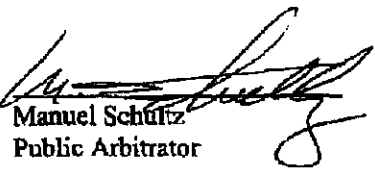
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Jerome Lowengrub  
Public Arbitrator, Presiding Chairperson

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Signature Date

  
Manuel Schultz  
Public Arbitrator

7/29/05  
Signature Date

\_\_\_\_\_  
Fred Shinagel  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

August 3, 2005  
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ARBITRATION PANEL

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Manuel Schultz	-	Public Arbitrator
Fred Shinagel	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

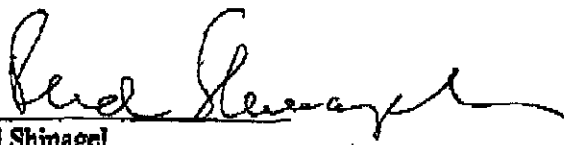
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Jerome Lowengrub  
Public Arbitrator, Presiding Chairperson

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Signature Date

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Manuel Schultz  
Public Arbitrator

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