

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Peter Grabler (Claimant) vs. UBS Financial Services, Inc. (Respondent)

Case Number: 05-01425

Hearing Site: Boston, Massachusetts

Nature of the Dispute: Customer v. Member

REPRESENTATION OF PARTIES

Claimant Peter Grabler ("Claimant") appeared *pro-se*.

Respondent UBS Financial Services, Inc. ("Respondent"): Erin M. Naftali, Esq., UBS Financial Services, Inc., Weehawken, NJ.

CASE INFORMATION

Statement of Claim filed on or about: March 21, 2005.

Claimant signed the Uniform Submission Agreement: April 1, 2005.

Statement of Answer filed by Respondent on or about: August 19, 2005.

Respondent signed the Uniform Submission Agreement: August 19, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty and negligence.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$10,000.00 and attorneys' fees in the amount of \$2,000.00.

Respondent requested dismissal of the Statement of Claim in its entirety, costs, disbursements, and such other and further relief as is just.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent submitted a Motion for Summary Judgment and Dismissal of the Claim. Claimant submitted a Counter-Motion for Summary Judgment. After due deliberation, the Arbitrator

granted Respondent's Motion for Summary Judgment and Dismissal of the Claim and denied Claimant's Counter-Motion for Summary Judgment.

AWARD

After considering the pleadings, the Motion for Summary Judgment and Counter-Motion, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are dismissed 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	= \$	75.00
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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 person at the time of the events giving rise to the dispute. Accordingly, UBS Financial Services, Inc. is a party.

Member Surcharge	= \$	325.00
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Forum Fees and Assessments

The Arbitrator 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 arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator @ \$250.00 per session	= \$	250.00
Pre-hearing conference: November 8, 2005 1 session		
Total Forum Fees	= \$	250.00

The Arbitrator has assessed \$250.00 of the forum fees to Claimant.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$	75.00
Forum Fees	= \$	250.00
Total Fees	= \$	325.00
Less payments	= \$	325.00
Balance Due NASD Dispute Resolution	= \$	0.00

2. Respondent is solely liable for:

<u>Member Fees</u>	= \$	325.00
<u>Total Fees</u>	= \$	325.00
<u>Less payments</u>	= \$	325.00
<u>Balance Due NASD Dispute Resolution</u>	= \$	0.00

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

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NASD REGULATION

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NASD Dispute Resolution
Arbitration No. 05-01425
Award Page 4 of 4

ARBITRATOR

William I. Carmen, CPA

Sole Public Arbitrator

Arbitrators' Signatures



William I. Carmen, CPA
Sole Public Arbitrator

4/19/05
Signature Date

April 21, 2006

Date of Service (For NASD Dispute Resolution use only)