

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In The Matter of The Arbitration Between

Emilie H. Welch

Claimant

vs.

PaineWebber, Inc.
Walter Keating

Respondents

Award

NASD No. 89-00713

SUMMARY OF ISSUES

This claim was filed on March 13, 1989. Claimants alleged the following: lack of suitability, unauthorized trading and failure to supervise her portfolio of securities.

Respondents denied each and every allegations of the claimant and asserted the following affirmative defenses: failure to state a claim upon which relief can be granted, respondent Keating acted in what he perceived to be claimant's best interests, with no intent to defraud, and the claim was barred by claimant's own conduct and her participation in and ratification of the very transactions of which she complained.

DAMAGES AND RELIEF REQUESTED

Claimant requested the following:

1. Compensatory damages of \$44,311.13.
2. Punitive damages.

DAMAGES AND RELIEF AWARDED


On February 9, 1990 in Los Angeles, California, the undersigned arbitrators heard the controversy in two sessions between the parties as set forth in submissions to arbitration signed by Claimant on February 16, 1989 and by Respondents PaineWebber, Inc. on May 10, 1989 and Walter Keating on May 9, 1989.

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

1. Respondent PainWebber, Inc., only, is liable for and shall pay to claimant the sum of \$11,700.00.
2. Respondent Keating, only, is liable for and shall pay to claimant the sum of \$2,550.00.
3. Each and every other claim is dismissed.
4. The claim for punitive damages is dismissed.
5. The parties shall each bear their respective costs including attorneys' fees.
6. In accordance with Section 43 of the National Association of Securities Dealers, Inc (NASD) Code of Arbitration Procedure, the NASD shall retain the \$500.00 filing fee previously deposited by the Claimant as an assessment of forum fees by the arbitrators.

ARBITRATORS CONCURRING

DATE SERVED: 02/27/90


David F. Morgan