

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between)	
Phyllis Goldman)	
)	AMENDED AWARD
Claimant)	TO CORRECT
)	MINISTERIAL ERROR
vs.)	
)	NASD NO. 90-00062
PaineWebber, Inc.)	
)	
Respondent)	
)	
vs.)	
)	
Alan Goldman)	
)	
Third Party Respondent)	

SUMMARY OF ISSUES

This case was filed with the National Association of Securities Dealers, Inc. ("NASD") on January 2, 1990. Claimant alleged the unauthorized and unqualified sale of S. Taylor Companies, Inc. securities.

Respondent generally and specifically denied each and every allegation in the claim and asserted the following affirmative defenses: 1) waiver and estoppel; 2) ratification; 3) contributory negligence; 4) failure to mitigate damages; 5) assumption of risk; 6) in pari delicto; 7) good faith effort to establish and enforce adequate supervisory and compliance procedure; 8) bar of the statute of limitations; and 9) the transactions were made pursuant to an unsolicited order.

Respondent also asserted a Third-Party Claim against Alan Goldman for indemnity. Alan Goldman denied the claim, alleging that he acted only as an agent of PaineWebber, Inc.

DAMAGES AND RELIEF REQUESTED

Claimant requested:

1. Compensatory damages of \$12,317.53;

2. Interest on the above-amount; and
3. Attorneys' fees.

Respondent requested, from Third Party Respondent Alan Goldman:

1. Indemnity.

DAMAGES AND RELIEF AWARDED

On October 11, 1990, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on December 18, 1989. Respondent PaineWebber, Inc. (PaineWebber) did not file a Submission agreement but filed an Answer and appeared at the hearing and is subject to NASD jurisdiction in accordance with Section 12 of the NASD Code of Arbitration Procedure. Third-party Respondent Alan Goldman signed his submission agreement on February 13, 1990. The hearing was conducted in Los Angeles and lasted two sessions. 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 PaineWebber is liable for and shall pay to claimant \$12,317.53 in compensatory damages.

2. Respondent PaineWebber is liable for and shall pay to claimant interest at the legal rate on the sum of \$11,070.31 from October 12, 1987 to the date the award is paid, and interest at the legal rate on the sum of \$1,247.22 from November 2, 1987 to the date the award is paid.

3. The Third-Party claim against Alan Goldman is dismissed.

4. The parties shall each bear their respective costs including attorneys' fees.

5. In accordance with Section 43 of the NASD Code of Arbitration Procedure, the NASD shall retain the \$400.00 filing fee previously deposited by the Claimant as an assessment of forum fees by the arbitrators. In addition, Respondent PaineWebber is also assessed fees of \$400.00, representing charges for forum fees payable to the NASD, Inc.

OTHER ISSUES

Claimant's motion to amend the claim at hearing was granted.

ARBITRATOR

DATE SERVED: 01/22/91


Stephen E. Haberfield