

Stipulated Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Louise E. Pliego, Claimant v. PaineWebber, Incorporated and David Van Acker, Respondents

Case Number: 99-04456

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

Jonathan W. Evans, Esq.
Law Offices of Jonathan W.
Evans & Associates
Los Angeles, CA 90071

For Respondents:

Gregory E. Copeland, Esq.
PaineWebber Incorporated
Los Angeles, CA 90017

CASE INFORMATION

Statement of Claim filed: September 26, 1999

Claimant's Uniform Submission Agreement signed: September 25, 1999

Joint Statement of Answer filed by Respondents PaineWebber Incorporated and David Van Acker: December 9, 1999

Respondent Paine Webber Incorporated's Uniform Submission Agreement signed:
March 6, 2000

Respondent David Van Acker's Uniform Submission Agreement signed: March 26, 2000

CASE SUMMARY

Claimant alleged (1) that Respondents David Van Acker and PaineWebber Incorporated failed to follow Claimant's oral instructions to liquidate her PaineWebber accounts in August 1998; (2) that Respondents purchased securities in Claimant's accounts without her prior approval; and (3) that Respondents purchased unsuitable securities for her accounts. Claimant asserted causes of action for negligence, suitability, misrepresentation and fraud, failure to supervise, loss of

investment opportunity, breach of contract, breach of fiduciary duties, and violation of the NASD Rules of Fair Practice.

Respondents denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested \$30,000.00 compensatory damages, \$187,000.00 in lost opportunity damages or for a reasonable rate of return on the sums invested, punitive damages, pre-judgment interest at 10% from August 1998 to the date of this Award, costs of arbitration, and reasonable attorney's fees.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety and costs of arbitration.

OTHER ISSUES CONSIDERED AND DECIDED

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

1. The claims in this action have been resolved in their entirety by agreement of the parties.
2. The parties have stipulated that this matter should be expunged from Respondent David Van Acker's registration records maintained by the NASD Central Registration Depository.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent David Van Acker's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent David Van Acker must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee = \$ 300.00

Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm PaineWebber Incorporated is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$ 2,500.00
Total Member Fees	= \$ 4,600.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

1 Pre-hearing conference session with the Panel @ \$1,125.00/session	= \$ 1,125.00
Pre-hearing conference: October 30, 2000 1 session	
Total Forum Fees	= \$ 1,125.00

1. The Panel assessed \$562.50 of the forum fees to Claimant Louise E. Pliego.
2. The Panel assessed \$562.50 of the forum fees jointly and severally to Respondents PaineWebber Incorporated and David Van Acker.

Fee Summary

1. Claimant Louise E. Pliego is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 562.50
Total Fees	= \$ 862.50
Less payments	= \$ (1,425.00)
Refund Due Claimant	= \$ (562.50)

2. Respondent PaineWebber Incorporated is charged with the following fees and costs:

Member Fees	= \$ 4,600.00
Less payments	= \$ (4,600.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ - 0 -

3. Respondents PaineWebber Incorporated and David Van Acker are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 562.50
Balance Due NASD Dispute Resolution, Inc.	= \$ 562.50

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

Parties' Signatures

Carl Liotta (power of attorney for
Louise Pliego
Claimant
Louise Pliego Trust)

August 14, 2001
Signature Date

PaineWebber Incorporated
Respondent

Signature Date

David Van Acker
Respondent

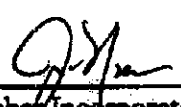
Signature Date

David Van Acker
Respondent

Parties' Signatures

Louise Pliego
Claimant

Signature Date



PaineWebber Incorporated
Respondent

10/18/01

Signature Date



David Van Acker
Respondent

10/18/01

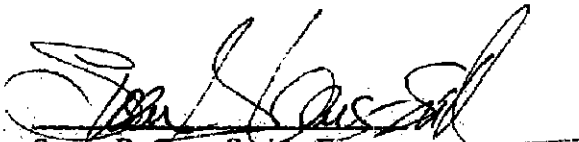
Signature Date

David Van Acker
Respondent

ARBITRATION PANEL

Susan B. Gans-Smith, Esq.	-	Public, Presiding Chair
Robert J. Duthil	-	Public Arbitrator
Noel J. McDonald	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Susan B. Gans-Smith, Esq.
Chair, Public Arbitrator

8-8-01

Signature Date Susan B. Gans-Smith, Esq.
Chair, Public Arbitrator

Robert J. Duthil
Public Arbitrator

Signature Date Robert J. Duthil
Public Arbitrator

Noel J. McDonald
Non-Public Arbitrator

Signature Date

11/23/01

Date of Service

ARBITRATION PANEL

Susan B. Gans-Smith, Esq.	-	Public, Presiding Chair
Robert J. Duthil	-	Public Arbitrator
Noel J. McDonald	-	Non-Public Arbitrator

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Chair, Public Arbitrator

Signature Date Susan B. Gans-Smith, Esq.
Chair, Public Arbitrator

Robert J. Duthil
Robert J. Duthil DUTHIL
Public Arbitrator

7/26/01 Robert J. Duthil
Signature Date Robert J. Duthil
Public Arbitrator

Noel J. McDonald
Non-Public Arbitrator

Signature Date

11/23/01
Date of Service

ARBITRATION PANEL

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Robert J. Duthil	-	Public Arbitrator
Noel J. McDonald	-	Non-Public Arbitrator

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Chair, Public Arbitrator

Signature Date Susan B. Gans-Smith, Esq.
Chair, Public Arbitrator

Robert J. Duthil
Public Arbitrator

Signature Date Robert J. Duthil
Public Arbitrator



Noel J. McDonald
Non-Public Arbitrator

8-06-2002

Signature Date

11/23/01

Date of Service