

**Award
FINRA Dispute Resolution**

In the Matter of the Arbitration Between:

Jeffrey Kane Bischoff (Claimant) vs. UBS Financial Services, Inc. (Respondent)

Case Number: 09-04107

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Member.

REPRESENTATION OF PARTIES

Claimant Jeffrey Kane Bischoff, hereinafter referred to as "Claimant"; Matthew W. Woodruff, Esq., Rich & Intelisano, LLP, New York, NY.

Respondent UBS Financial Services, Inc., hereinafter referred to as "Respondent"; Jennifer M. Horowitz, Esq., and Kenneth J. Kelly, Esq., Epstein, Becker & Green, P.C., New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: July 9, 2009.
Claimant signed the Submission Agreement: July 7, 2009.

Statement of Answer filed by Respondent on or about: September 23, 2009.
Respondent signed the Submission Agreement: September 21, 2009.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract and quantum meruit.

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

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

- A. Damages arising from and related to Respondent's breach of contract in an amount of no less than \$1,900,000.00;
- B. Damages arising from and related to Respondent's unjust receipt and retention of the value of Claimant's services in an amount to be determined by the Panel as a matter of justice and equity under the principle of quantum meruit;
- C. Damages for all incidental and consequential injuries, interest, costs and expenses including reasonable attorney's fees; and
- D. Together with such other and further relief as the Panel may appear just and equitable.

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Respondent requested that the Statement of Claim be dismissed, that the costs of this arbitration be taxed to Claimant, and that the Panel enter such other and further relief as may be just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by 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 testimony and evidence presented at the hearing, and the post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay to Claimant compensatory damages in the amount of \$2,796,168.00 plus interest at a rate of 9% per annum from January 1, 2011 until payment of the Award.
2. Respondent is liable for and shall pay to Claimant costs in the amount of \$600.00 for the arbitration filing fees.
3. Respondent is liable for and shall pay all costs related to the court reporter in this matter.
4. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

FINRA Dispute Resolution assessed a filing fee* for each claim:

Initial claim filing fee = \$1,800.00

**The filing fee is made up of a non-refundable and a refundable portion.*

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 event giving rise to the dispute. Accordingly, as a party, UBS Financial Services, Inc., is assessed the following:

Member surcharge	= \$2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,000.00

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Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

June 29 – 30 and July 14 – 15, 2010 adjournment by Claimant and Respondent	= \$ 1,200.00
Claimant's share	= \$ 600.00
Respondent's share	= \$ 600.00

Discovery-Related Motion Fees

Fees apply for each decision rendered on a discovery-related motion.

One (1) Decision on discovery-related motion on the papers with three (3) arbitrator(s) @ \$200.00	= \$600.00
Claimant submitted one (1) discovery-related motion	
Total Discovery-Related Motion Fees	= \$600.00

1. The Panel has assessed \$300.00 of the discovery-related motion fees to Claimant.
2. The Panel has assessed \$300.00 of the discovery-related motion fees to Respondent.

Hearing Session Fees and Assessments

The Panel has assessed hearing session 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 last four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with Panel @ \$1,200.00/session	= \$ 2,400.00
Pre-hearing conferences: December 14, 2009	1 session
June 29, 2010	1 session
Fifteen (15) Hearing sessions @ \$1,200.00/session	= \$18,000.00
Hearing Dates: October 12, 2010	2 sessions
October 13, 2010	2 sessions
October 14, 2010	2 sessions
October 26, 2010	2 sessions
October 27, 2010	2 sessions
October 28, 2010	1 session
November 17, 2010	2 sessions
November 18, 2010	2 sessions
Total Hearing Session Fees	= \$20,400.00

The Panel has assessed \$20,400.00 of the hearing session fees to Respondent.

All balances are payable to FINRA Dispute Resolution and are due upon receipt.

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ARBITRATION PANEL

Zuhayr A. Moghrabi	-	Public Arbitrator, Presiding Chairperson
Royce Russell	-	Public Arbitrator
Gary Leonard Leventhal	-	Non-Public Arbitrator

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.

Concurring Arbitrators' Signatures

Zuhayr A. Moghrabi

Zuhayr A. Moghrabi
Public Arbitrator, Presiding Chairperson

12-27-2010

Signature Date

Royce Russell
Public Arbitrator

Signature Date

Gary Leonard Leventhal
Non-Public Arbitrator

Signature Date

December 29, 2010

Date of Service (For FINRA Dispute Resolution use only)

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ARBITRATION PANEL


Zuhayr A. Moghrabi	-	Public Arbitrator, Presiding Chairperson
Royce Russell	-	Public Arbitrator
Gary Leonard Leventhal	-	Non-Public Arbitrator

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.

Concurring Arbitrators' Signatures

Zuhayr A. Moghrabi
Public Arbitrator, Presiding Chairperson

Signature Date


Royce Russell
Public Arbitrator

12-23-10
Signature Date

Gary Leonard Leventhal
Non-Public Arbitrator

Signature Date

December 29, 2010
Date of Service (For FINRA Dispute Resolution use only)