

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

VAUGHAN SCOTT,

Movant,

Civil Action No. 15-cv-3:15-cv-681-GNS

VS.

UBS FINANCIAL SERVICES, INC.

Serve: CSC-Lawyers Incorporating
Service Company
421 West Main Street
Frankfort, Kentucky 40601

and

FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.

Serve: CSC-Lawyers Incorporating
Service Company
421 West Main Street
Frankfort, Kentucky 40601

Respondents.

MOTION FOR ORDER CONFIRMING ARBITRATION AWARD

The Movant, Vaughan Scott, by counsel, moves this Court for an order and judgment confirming an arbitration award in its entirety pursuant to 9 U.S.C. § 9. The Respondents are UBS Financial Services, Inc. and Financial Industry Regulatory Authority, Inc.

A. Jurisdiction and Venue.

This court has subject matter jurisdiction of this proceeding to confirm an arbitration award pursuant to 9 U.S.C. § 9. Venue properly is established in this judicial district pursuant to 9 U.S.C. § 9 because the arbitration hearing which resulted in the Award was held and the Award was made in Louisville, Jefferson County, Kentucky.

B. Statement of the Case.

The parties agreed, in written agreements evidencing transactions involving commerce, to settle by arbitration an existing controversy or any controversy thereafter arising out of such contract or transactions between the parties, under such agreements. They submitted the controversies between them to arbitration administered by the Financial Industry Regulatory Authority ("FINRA"). The arbitrator conducted a hearing in Louisville, Jefferson County, Kentucky, and issued an award (the "Award") on August 4, 2015. A copy of the Award is attached as Exhibit A. The parties have agreed and applicable law provides that a judgment may be entered upon the Award made pursuant to the arbitration proceeding.

C. Argument.

The Movant has a statutory right to an order confirming the Award in its entirety. The applicable statute, 9 U.S.C. § 9, states:

If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in sections 10 and 11 of this title. If no court is specified in the agreement of the parties, then such application may be made to the United States court in and for the district within which such award was made. Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be

a nonresident, then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.

The Award was made on August 4, 2015, following an in-person hearing that was held in Louisville, Jefferson County, Kentucky.

D. Relief Requested.

For the foregoing reasons, the Movant is entitled to the following relief: an order confirming the Award; entry of a judgment or decree which may be enforced as any other judgment or decree, their costs of this application and of all proceedings subsequent thereto, and disbursements; their costs, attorney fees, and interest thereon, as stated above; and such other relief as to which the Movant may appear to be entitled.

Respectfully submitted,

/s/ William W. Allen

William W. Allen
GESS MATTINGLY & ATCHISON, P.S.C.
201 West Short Street
Lexington, Kentucky 40507-1269
Telephone: (859) 252-9000
Facsimile: (859) 233-4269
E-Mail: wallen@gmalaw.com
Counsel for Movant

Dated: August 19, 2015.

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
VAUGHAN SCOTT

DEFENDANTS
UBS FINANCIAL SERVICES, INC.
FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.

(b) County of Residence of First Listed Plaintiff Jefferson
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)
William W. Allen, Gess Mattingly & Atchison, PSC,
201 West Short Street, Lexington, Kentucky 40507
859-252-9000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question *(U.S. Government Not a Party)*
- 2 U.S. Government Defendant
- 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input checked="" type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

9 USC §9

Brief description of cause:

Petition to confirm arbitration award

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD

08/19/2015 /s/ William W. Allen

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.

EXHIBIT A

Award
FINRA Dispute Resolution

In the Matter of the Arbitration Between:

Claimant
Vaughan Scott

Case Number: 14-03544

vs.

Respondent
UBS Financial Services, Inc.

Hearing Site: Louisville, Kentucky

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant Vaughan Scott (“Scott” or “Claimant”): William W. Allen, Esq., Gess Mattingly & Atchison, P.S.C., Lexington, Kentucky.

For Respondent UBS Financial Services, Inc. (“UBS” or “Respondent”): David I. Hantman, Esq., Bressler, Amery & Ross, P.C., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: November 18, 2014.
Vaughan Scott signed the Submission Agreement: October 6, 2014.

Statement of Answer filed by UBS Financial Services Inc. on or about: December 10, 2014.
UBS Financial Services, Inc. signed the Submission Agreement: December 9, 2014.

CASE SUMMARY

Claimant asserted the following cause of action: expungement. The cause of action related to an underlying complaint against Respondent filed by a customer (“Customer”). The underlying complaint alleged that Scott made unauthorized trades in the Customer’s account and requested the return of commissions.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement, \$1.00 in nominal damages, and an appropriate allocation of forum fees and expenses.

In its Answer, Respondent did not oppose the request for expungement and did not make any request for relief.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges that he has read the pleadings and other materials filed by the parties.

The Arbitrator conducted a recorded in-person hearing on July 27, 2015, so Claimant could present oral argument and evidence on his request for expungement.

In its Answer, Respondent declared that it was not opposing Claimant's request for expungement and that it would not participate further in the proceedings.

Claimant's counsel supplied evidence demonstrating notification of these proceedings to the Customer, and introduced a voicemail from the Customer stating that she did not wish to participate or object to these proceedings and, furthermore, that she did not oppose expungement.

The Arbitrator reviewed Claimant's BrokerCheck® Report. The Arbitrator also considered witness testimony and Claimant's exhibits presented at the hearing.

There was no settlement in this arbitration or in the underlying complaint, and therefore the Arbitrator did not review any settlement documents.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, the Arbitrator has decided in full and final resolution of the sole issue of expungement submitted for determination as follows:

1. The Arbitrator recommends the expungement of all references to the underlying complaint dated May 7, 2001, from the registration records maintained by the Central Registration Depository ("CRD") for Claimant Vaughan Scott, with the understanding that pursuant to Notice to Members 04-16, Claimant Vaughan Scott must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 12805/13805 of the Code, the Arbitrator has made the following Rule 2080 affirmative finding of fact:

The claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 finding based on the following reasons:

Beginning in late 2000, pursuant to a contractual agreement, Scott and Associated Person Jay Nussbaum (“Nussbaum”) transitioned business to themselves from Associated Person Howard Linker (“Linker”), who was exiting the industry. Linker was Nussbaum’s partner and Scott was a newer person, brought in to replace Linker.

In January 2001, during this latter part of the transition, Scott and Nussbaum called the Customer simultaneously (as Nussbaum was introducing Scott to clients of Nussbaum and Linker) and placed a mutual fund trade with the Customer’s knowledge and consent. This was Scott’s only interaction with the Customer.

In May 2001, the Customer wrote a letter to Respondent (which was itself transitioning from PaineWebber to UBS), which stated the trade was unauthorized. In the letter, the Customer did not ask for the reversal of the trade. Instead, she asked for a refund of the commission. Scott and Nussbaum testified that they believed Linker told the Customer to request that the commission be waived.

The Customer received confirmations, statements, and a prospectus from Respondent in connection with the purchase, but waited until four months after the transaction to write her complaint letter. In addition, due to this trade, the Customer avoided unrealized losses of \$45,000.00 as of June 2001. For these reasons, Respondent denied her request for compensation. The Customer did not seek further remedy and did not file an arbitration claim.

As a result of the above, the Arbitrator finds that the allegation of an unauthorized trade is false under FINRA Rule 2080. Therefore, expungement relief is granted; and

2. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

Filing Fees

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

Initial Claim Filing Fee = \$ 50.00

**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 = \$ 150.00

FINRA Dispute Resolution
Arbitration No. 14-03544
Award Page 4 of 4

Hearing Session Fees and Assessments

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Hearing session on expungement request @ \$1,000.00/session			
Hearing Date: _____ July 27, 2015	1 session	= \$	50.00
Total Hearing Session Fees		= \$	50.00

The Arbitrator has assessed \$50.00 of the hearing session fees to Vaughan Scott.

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

ARBITRATOR

Tim V. Young - Sole Non-Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument, which is my award.

Arbitrator's Signature

/s/ Tim V. Young
Tim V. Young
Sole Public Arbitrator

08/04/15
Signature Date

08/04/15
Date of Service (For FINRA Dispute Resolution office use only)

FINRA Dispute Resolution
Arbitration No. 14-03544
Award Page 4 of 4

Hearing Session Fees and Assessments

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Hearing session on expungement request @ \$1,000.00/session			
Hearing Date:	July 27, 2015	1 session	= \$ 50.00
Total Hearing Session Fees			= \$ 50.00

The Arbitrator has assessed \$50.00 of the hearing session fees to Vaughan Scott.

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

ARBITRATOR

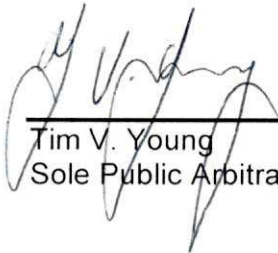
Tim V. Young

-

Sole Non-Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument, which is my award.

Arbitrator's Signature



Tim V. Young
Sole Public Arbitrator

8/4/15

Signature Date

Date of Service (For FINRA Dispute Resolution office use only)

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

VAUGHAN SCOTT

Plaintiff(s)

v.

UBS FINANCIAL SERVICES, INC.
FINANCIAL INDUSTRY REGULATORY
AUTHORITY, INC.

Defendant(s)

Civil Action No. 3 : 15 - cv - 681 - GNS

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) UBS FINANCIAL SERVICES, INC.
C/O CSC-Lawyers Incorporating Service Company
421 West Main Street
Frankfort, Kentucky 40601

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

William W. Allen
Gess Mattingly & Atchison, PSC
201 West Short Street
Lexington, Kentucky 40507
(859) 252-9000
wallen@gmalaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 3 : 15 - cv - 681 - GNS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Kentucky

VAUGHAN SCOTT

Plaintiff(s)

v.

UBS FINANCIAL SERVICES, INC.
FINANCIAL INDUSTRY REGULATORY
AUTHORITY, INC.

Defendant(s)

Civil Action No. 3 : 15 - cv - 681 - GNS

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.
C/O CSC-Lawyers Incorporating Service Company
421 West Main Street
Frankfort, Kentucky 40601

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

William W. Allen
Gess Mattingly & Atchison, PSC
201 West Short Street
Lexington, Kentucky 40507
(859) 252-9000
wallen@gmalaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 3 : 15 - CV - 681 - GNS

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

VAUGHAN SCOTT,

Movant,

Civil Action No. 15-cv- 3:15-cv-681-GNS

VS.

UBS FINANCIAL SERVICES, INC.,

and

FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC.,

Respondents.

ORDER AND JUDGMENT
CONFIRMING AN ARBITRATION AWARD

This matter is before the Court on the motion of the movant, Vaughan Scott, for an order and judgment confirming an arbitration award in its entirety pursuant to the applicable provisions of 9 U.S.C. § 9.

The movant and respondents are parties to various contracts evidencing transactions involving commerce to settle by arbitration a controversy thereunder arising out of such contract or transaction within the meaning of 9 U.S.C. § 2. In 2014 the movant initiated an arbitration proceeding against the respondents by filing a statement of claim with the Financial Industry Regulatory Authority ("FINRA"), the successor to the National Association of Securities Dealers, Inc. The arbitrator conducted an in-person hearing and issued an award (the "Award") on August 4, 2015. A copy of the Award is attached hereto as Exhibit A.

Accordingly, the Court having reviewed the record and being duly and sufficiently advised, it is ORDERED, ADJUDGED and DECREED

that:

1. This court has subject matter jurisdiction of this action to confirm an arbitration award pursuant to 9 U.S.C. § 9.

2. This court has jurisdiction over the persons of the respondents because they have been duly served with process in accordance with 9 U.S.C. § 9.

3. Venue properly is established in this Court pursuant to 9 U.S.C. § 9 because the arbitration hearing which resulted in the subject award was held and the award was made in Louisville, Jefferson County, Kentucky.

4. The parties agreed, in written agreements evidencing transactions involving commerce, to settle by arbitration an existing controversy or any controversy thereafter arising out of such contract or transactions between the parties, under such agreements.

5. The arbitrator conducted an in-person hearing and made an Award in Louisville, Jefferson County, Kentucky. A copy of the Award, which was made on August 4, 2015, is attached as Exhibit A and is incorporated herein in its entirety by reference.

6. The parties have agreed and applicable law provides that a judgment may be entered upon the Award made pursuant to the arbitration proceeding.

7. The movants' application for an order and judgment confirming the Award is GRANTED. The Award, the terms and conditions of which are incorporated herein in their entirety by reference, is confirmed as the judgment of this Court and, pursuant to 9 U.S.C. § 9 and KRS 417.180, may be enforced as any other

judgment or decree.

8. Pursuant to numerical paragraph 1 of the Award, respondents shall expunge from the movant, Vaughan Scott's registration records (CRD #3178836) all references to the customer complaint dated May 7, 2001.

It is so ordered.

EXHIBIT A

Award
FINRA Dispute Resolution

In the Matter of the Arbitration Between:

Claimant
Vaughan Scott

Case Number: 14-03544

vs.

Respondent
UBS Financial Services, Inc.

Hearing Site: Louisville, Kentucky

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant Vaughan Scott (“Scott” or “Claimant”): William W. Allen, Esq., Gess Mattingly & Atchison, P.S.C., Lexington, Kentucky.

For Respondent UBS Financial Services, Inc. (“UBS” or “Respondent”): David I. Hantman, Esq., Bressler, Amery & Ross, P.C., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: November 18, 2014.
Vaughan Scott signed the Submission Agreement: October 6, 2014.

Statement of Answer filed by UBS Financial Services Inc. on or about: December 10, 2014.
UBS Financial Services, Inc. signed the Submission Agreement: December 9, 2014.

CASE SUMMARY

Claimant asserted the following cause of action: expungement. The cause of action related to an underlying complaint against Respondent filed by a customer (“Customer”). The underlying complaint alleged that Scott made unauthorized trades in the Customer’s account and requested the return of commissions.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement, \$1.00 in nominal damages, and an appropriate allocation of forum fees and expenses.

In its Answer, Respondent did not oppose the request for expungement and did not make any request for relief.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges that he has read the pleadings and other materials filed by the parties.

The Arbitrator conducted a recorded in-person hearing on July 27, 2015, so Claimant could present oral argument and evidence on his request for expungement.

In its Answer, Respondent declared that it was not opposing Claimant's request for expungement and that it would not participate further in the proceedings.

Claimant's counsel supplied evidence demonstrating notification of these proceedings to the Customer, and introduced a voicemail from the Customer stating that she did not wish to participate or object to these proceedings and, furthermore, that she did not oppose expungement.

The Arbitrator reviewed Claimant's BrokerCheck® Report. The Arbitrator also considered witness testimony and Claimant's exhibits presented at the hearing.

There was no settlement in this arbitration or in the underlying complaint, and therefore the Arbitrator did not review any settlement documents.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, the Arbitrator has decided in full and final resolution of the sole issue of expungement submitted for determination as follows:

1. The Arbitrator recommends the expungement of all references to the underlying complaint dated May 7, 2001, from the registration records maintained by the Central Registration Depository ("CRD") for Claimant Vaughan Scott, with the understanding that pursuant to Notice to Members 04-16, Claimant Vaughan Scott must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 12805/13805 of the Code, the Arbitrator has made the following Rule 2080 affirmative finding of fact:

The claim, allegation, or information is false.

The Arbitrator has made the above Rule 2080 finding based on the following reasons:

Beginning in late 2000, pursuant to a contractual agreement, Scott and Associated Person Jay Nussbaum (“Nussbaum”) transitioned business to themselves from Associated Person Howard Linker (“Linker”), who was exiting the industry. Linker was Nussbaum’s partner and Scott was a newer person, brought in to replace Linker.

In January 2001, during this latter part of the transition, Scott and Nussbaum called the Customer simultaneously (as Nussbaum was introducing Scott to clients of Nussbaum and Linker) and placed a mutual fund trade with the Customer’s knowledge and consent. This was Scott’s only interaction with the Customer.

In May 2001, the Customer wrote a letter to Respondent (which was itself transitioning from PaineWebber to UBS), which stated the trade was unauthorized. In the letter, the Customer did not ask for the reversal of the trade. Instead, she asked for a refund of the commission. Scott and Nussbaum testified that they believed Linker told the Customer to request that the commission be waived.

The Customer received confirmations, statements, and a prospectus from Respondent in connection with the purchase, but waited until four months after the transaction to write her complaint letter. In addition, due to this trade, the Customer avoided unrealized losses of \$45,000.00 as of June 2001. For these reasons, Respondent denied her request for compensation. The Customer did not seek further remedy and did not file an arbitration claim.

As a result of the above, the Arbitrator finds that the allegation of an unauthorized trade is false under FINRA Rule 2080. Therefore, expungement relief is granted; and

2. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

Filing Fees

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

Initial Claim Filing Fee = \$ 50.00

**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 = \$ 150.00

FINRA Dispute Resolution
Arbitration No. 14-03544
Award Page 4 of 4

Hearing Session Fees and Assessments

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Hearing session on expungement request @ \$1,000.00/session			
Hearing Date: _____ July 27, 2015	1 session	= \$	50.00
Total Hearing Session Fees		= \$	50.00

The Arbitrator has assessed \$50.00 of the hearing session fees to Vaughan Scott.

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

ARBITRATOR

Tim V. Young

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Sole Non-Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument, which is my award.

Arbitrator's Signature

/s/ Tim V. Young
Tim V. Young
Sole Public Arbitrator

08/04/15
Signature Date

08/04/15
Date of Service (For FINRA Dispute Resolution office use only)

FINRA Dispute Resolution
Arbitration No. 14-03544
Award Page 4 of 4

Hearing Session Fees and Assessments

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Hearing session on expungement request @ \$1,000.00/session			
Hearing Date:	July 27, 2015	1 session	= \$ 50.00
Total Hearing Session Fees			= \$ 50.00

The Arbitrator has assessed \$50.00 of the hearing session fees to Vaughan Scott.

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

ARBITRATOR

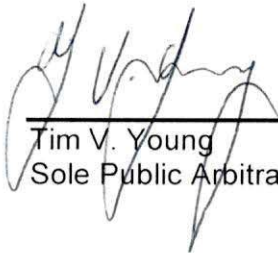
Tim V. Young

-

Sole Non-Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument, which is my award.

Arbitrator's Signature



Tim V. Young
Sole Public Arbitrator

8/4/15

Signature Date

Date of Service (For FINRA Dispute Resolution office use only)