

**Award**  
**FINRA Dispute Resolution Services**

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In the Matter of the Arbitration Between:

Claimants

Robert Shinbrot  
Marcia Shinbrot  
Nicholas Trentalange  
Brigit Trentalange

Case Number: 19-00721

vs.

Respondent

UBS Financial Services, Inc.

Hearing Site: Boca Raton, Florida

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Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

Nature of the Dispute: Customers vs. Member

This case was decided by an all-public panel.

The evidentiary hearing was conducted by videoconference.

**REPRESENTATION OF PARTIES**

For Claimants Robert Shinbrot and Marcia Shinbrot (collectively “Shinbrot Claimants”) and Nicholas Trentalange and Brigit Trentalange (collectively “Trentalange Claimants”) (Shinbrot Claimants and Trentalange Claimants are collectively referred to herein as “Claimants”): Jeffrey B. Kaplan, Esq. and Simon Lassel, Esq., Dimond Kaplan & Rothstein, P.A., Miami, Florida.

For Respondent UBS Financial Services, Inc. (“UBS”): Joseph Serino, Jr., Esq. and Kuan Huang, Esq., Latham & Watkins LLP, New York, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: March 13, 2019.

Robert Shinbrot signed the Submission Agreement: March 13, 2019.

Marcia Shinbrot signed the Submission Agreement: March 13, 2019.

Nicholas Trentalange signed the Submission Agreement: March 13, 2019.

Brigit Trentalange signed the Submission Agreement: March 13, 2019.

Statement of Answer filed by Respondent on or about: June 3, 2019.

UBS Financial Services, Inc. signed the Submission Agreement: March 20, 2019.

### **CASE SUMMARY**

In the Statement of Claim, Claimants asserted the following causes of action: negligence and breach of fiduciary duty; breach of contract; and negligent supervision. The causes of action relate to Claimants' investments in the Yield Enhancement Strategy ("YES") options program.

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

### **RELIEF REQUESTED**

In the Statement of Claim, Claimants requested: damages based on fairness and equity; compensatory damages of \$269,337.09 for the Shinbrot Claimants and \$421,868.58 for the Trentalange Claimants; prejudgment interest at the statutory rate; punitive damages in an amount sufficient to punish a corporation with the net worth of Respondent; and such other and further relief deemed just and proper by the Panel.

In the Statement of Answer, Respondent requested: that any and all claims referenced in Claimants' Statement of Claim or at any other point in this arbitration action be denied in their entirety; an award in favor of Respondent; costs; and such other and further relief deemed appropriate by the Panel.

On August 10, 2021, Respondent filed a Pre-Hearing Memorandum in which it requested expungement, on behalf of unnamed parties Tim Croak (CRD Number 840899) and Gabriel Cooperman (CRD Number 5542753), of all references to this matter from their Central Registration Depository ("CRD") registration records.

### **OTHER ISSUES CONSIDERED AND DECIDED**

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

On July 6, 2021, the parties filed a joint notice that the final hearing would be conducted virtually via Zoom, to which the Panel agreed in an Order, dated July 27, 2021.

The Award in this matter may be executed in counterpart copies.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, and any 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 the Shinbrot Claimants the sum of \$269,337.09 in compensatory damages.
2. Respondent is liable for and shall pay to the Trentalange Claimants \$421,868.58 in compensatory damages.

3. Respondent is liable for and shall pay to the Shinbrot Claimants prejudgment interest accrued at the Florida statutory rate from January 4, 2019 through September 3, 2021 in the total amount of \$45,009.80.
4. Respondent is liable for and shall pay to the Trentalange Claimants prejudgment interest accrued at the Florida statutory rate from January 4, 2019 through September 3, 2021 in the total amount of \$70,499.93.
5. Respondent is liable for and shall pay to Claimants expert witness fees in the amount of \$40,980.00.
6. Respondent is liable for and shall pay to Claimants the sum of \$425.00 representing reimbursement of the non-refundable portion of the claim filing fee previously paid by Claimant to FINRA Dispute Resolution Services.
7. Respondent's request for expungement on behalf of unnamed parties Tim Croak (CRD Number 840899) and Gabriel Cooperman (CRD Number 5542753) is denied.
8. Any and all claims for relief not specifically addressed herein, including Claimants' request for punitive damages, are denied.

### **FEES**

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

#### **Filing Fees**

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

Initial Claim Filing Fee =\$ 1,725.00

*\*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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party Respondent UBS is assessed the following:

Member Surcharge =\$ 2,475.00  
Member Process Fee =\$ 5,075.00

#### **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 Arbitrator(s), including a pre-hearing conference with the Arbitrator(s), which lasts four (4) hours or less. Fees associated with these proceedings are:

Three (3) pre-hearing sessions with the Panel @ \$1,300.00/session	=\$ 3,900.00
Pre-Hearing Conferences: July 17, 2019	1 session
February 14, 2020	1 session
May 13, 2020	1 session

Ten (10) hearing sessions @ \$1,300.00/session		= \$ 13,000.00
Hearings:		
	August 30, 2021	2 sessions
	August 31, 2021	2 sessions
	September 1, 2021	2 sessions
	September 2, 2021	2 sessions
	September 3, 2021	2 sessions

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Total Hearing Session Fees	= \$ 16,900.00
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The Panel has assessed \$15,600.00 of the hearing session fees to Respondent.

The Panel has waived \$1,300.00 of the hearing session fees for the February 14, 2020 pre-hearing conference.

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

**ARBITRATION PANEL**

Jason Allen Rosner	-	Public Arbitrator, Presiding Chairperson
Andrea R. Jacobs	-	Public Arbitrator
Lan Trinh	-	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.

**Concurring Arbitrators' Signatures**

***Jason Allen Rosner***

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Jason Allen Rosner  
Public Arbitrator, Presiding Chairperson

**09/17/2021**

\_\_\_\_\_  
Signature Date

***Andrea R. Jacobs***

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Andrea R. Jacobs  
Public Arbitrator

**09/17/2021**

\_\_\_\_\_  
Signature Date

***Lan Trinh***

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Lan Trinh  
Public Arbitrator

**09/17/2021**

\_\_\_\_\_  
Signature Date

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September 17, 2021

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