

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Steve A. Buchwalter Law Offices of Steve A. Buchwalter, P.C. 16133 Ventura Blvd., Suite 1220 Encino, California 91436 TELEPHONE NO.: 818-501-8987 FAX NO. (Optional): 818-501-0980 E-MAIL ADDRESS (Optional): sab@securitieslaw-attorney.com ATTORNEY FOR (Name): Michael Margiotta	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk	CASE NUMBER: <div style="font-size: 1.2em; font-weight: bold;">22STCP01100</div>
PETITIONER: Michael Margiotta RESPONDENT: UBS Financial Services, Inc.	
<div style="text-align: center;"> PETITION TO <input type="checkbox"/> CONFIRM <input type="checkbox"/> CORRECT <input checked="" type="checkbox"/> VACATE CONTRACTUAL ARBITRATION AWARD </div>	
Jurisdiction (check all that apply): <input type="checkbox"/> Action is a limited civil case Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> Action is an unlimited civil case (exceeds \$25,000)	
NOTICE: You may use this form to request that the court confirm, correct, or vacate an award in an arbitration conducted pursuant to an agreement between the parties that is subject to Code of Civil Procedure section 1285 et seq. and that does not involve an attorney-client fee dispute. If you are requesting court action after an attorney-client fee arbitration award, please read Alternative Dispute Resolution form ADR-105, Information Regarding Rights After Attorney-Client Fee Arbitration.	

1. **Petitioner and respondent.** Petitioner (name each):

Michael Margiotta

alleges and requests relief against respondent (name each):

UBS Financial Services, Inc.

2. **Contractual arbitration.** This petition requests the court to confirm, correct, or vacate an award in an arbitration conducted according to an agreement between the parties that is subject to Code of Civil Procedure section 1285 et seq.

3. **Pending or new action.**

- a. ☐ A court case is already pending, and this is a petition filed in that action. (If so, proceed to item 4.)
 b. ☒ This petition commences a new action. (If so, complete items 3b(1) through 3b(4).)

(1) **Petitioner's capacity.** Each petitioner named in item 1 is an individual,

☐ except petitioner (state name and complete one or more of the following):

- (a) ☐ is a corporation qualified to do business in California.
 (b) ☐ is an unincorporated entity (specify):
 (c) ☐ is a representative (specify):
 (d) ☐ is (specify other capacity):

(2) **Respondent's capacity.** Each respondent named in item 1 is an individual,

☒ except respondent (state name and complete one or more of the following): UBS Financial Services, Inc.

- (a) ☐ is a business organization, form unknown.
 (b) ☒ is a corporation.
 (c) ☐ is an unincorporated entity (specify):
 (d) ☐ is a representative (specify):
 (e) ☐ is (specify other capacity):

PETITIONER: Michael Margiotta	CASE NUMBER:
RESPONDENT: UBS Financial Services, Inc.	

3. b. (3) **Amount or property in dispute.** This petition involves a dispute over *(check and complete all that apply)*:
- (a) ☒ the following amount of money *(specify amount)*: \$ 945,964.78
- (b) ☐ property *(if the dispute involves property, complete both of the following)*:
- (i) consisting of *(identify property in dispute)*:
- (ii) having a value of *(specify value of property in dispute)*: \$
- (4) ☒ **Venue.** This court is the proper court because *(check (a) or (b))*:
- (a) ☒ this is the court in the county in which the arbitration was held.
- (b) ☐ the arbitration was not held exclusively in any county of California, or was held outside of California, **and** *(check one or more of the following)*:
- (i) ☐ this is the court in the county where the agreement was made.
- (ii) ☐ this is the court in the county where the agreement is to be performed.
- (iii) ☐ the agreement does not specify a county where it is to be performed and was not made in any county in California, and the following party resides or has a place of business in this county *(name of party)*:
- (iv) ☐ the agreement does not specify a county where it is to be performed and was not made in any county in California, and no party to this action resides or has a place of business in California.
4. **Agreement to arbitrate.**
- a. **Date.** Petitioner and respondent entered into a written agreement on or about *(date)*: 9/18/17 and 1/8/18
- b. ☒ **Attachment.** A copy of the agreement is submitted as Attachment 4(b) and incorporated herein by this reference.
- c. **Arbitration provision.** Paragraph 1 of the agreement provides for arbitration of disputes arising out of the agreement as follows *(either copy the arbitration provision in full or summarize the provision)*:
- The undersigned parties ("parties") hereby submit the present matter in controversy . . . in accordance with the FINRA By-Laws, Rules, and Code of Arbitration Procedure.
5. **Dispute subject to arbitration.** A dispute arose between petitioner and respondent concerning the following matter covered by the agreement to arbitrate *(summarize the dispute)*:
- Respondent sued petitioner to enforce payment of a promissory note. Petitioner counter-claimed for fraud in connection with the sale of securities, and violations of the Labor Code.
6. **Arbitrator.** The following person was duly selected or appointed as arbitrator *(name of each arbitrator)*:
- George H. Frisch, Paula K. Konikoff, Jonathan Gartner
7. **Arbitration hearing.** The arbitration hearing was conducted as follows *(complete both of the following)*:
- a. **Date** *(each date of arbitration)*: 1/10/22, 1/11/22, 1/12/22, 1/13/22
- b. **Location** *(city and state where arbitration was conducted)*:
- Los Angeles, California (via Zoom)
8. **Arbitration award.**
- a. **Date of award.** The arbitration award was made on *(date)*: January 27, 2022
- b. **Terms of award.** The arbitration award *(check one or more of the following)*:
- (1) ☐ requires ☐ petitioner ☐ respondent to pay the other party this amount: \$ 945,964.78
- (2) ☐ requires neither party to pay the other anything.
- (3) ☐ is different as to different petitioners and respondents.
- (4) ☒ provides *(specify other terms or check item 8(c) and attach a copy of the award)*:
- That Petitioner pay Respondent \$763,609.03 in principal and interest, \$182,355.75 in attorneys fees, and \$6,500 in hearing session [forum] fees. The forum fees were payable to the forum.
- c. ☒ **Attachment of Award.** A copy of the award is submitted as Attachment 8(c).
9. **Service of award.**
- a. The signed award or an accompanying document indicates that the award was served on petitioner on *(date)*: 1/31/22
- b. ☐ Petitioner alleges that a signed copy of the award was actually served on *(date)*:

PETITIONER: Michael Margiotta	CASE NUMBER:
RESPONDENT: UBS Financial Services, Inc.	

10. Petitioner requests that the court (check all that apply):

- a. ☐ Confirm the award, and enter judgment according to it.
b. ☐ Correct the award and enter judgment according to the corrected award, as follows:

(1) The award should be corrected because (check all that apply):

- (a) ☐ the amount of the award was not calculated correctly, or a person, thing, or property was not described correctly.
(b) ☐ the arbitrator exceeded his or her authority.
(c) ☐ the award is imperfect as a matter of form.

(2) The facts supporting the grounds for correcting the award alleged in item 10b(1) are as follows (if additional space is required, check here ☐ and submit facts on an attachment labeled 10b(2)):

(3) The award should be corrected as follows (if additional space is required, check here ☐ and describe requested correction on an attachment labeled 10b(3)):

c. ☒ Vacate (cancel) the award.

(1) The award should be vacated because (check all that apply):

- (a) ☐ the award was obtained by corruption, fraud, or other unfair means.
(b) ☐ an arbitrator was corrupt.
(c) ☐ the misconduct of a neutral arbitrator substantially prejudiced petitioner's rights.
(d) ☒ the arbitrator exceeded his or her authority, and the award cannot be fairly corrected.
(e) ☐ the arbitrator unfairly refused to postpone the hearing or to hear evidence useful to settle the dispute.
(f) ☐ an arbitrator failed to disclose within the time for disclosure a ground for disqualification of which the arbitrator was then aware.
(g) ☐ an arbitrator should have disqualified himself or herself after petitioner made a demand to do so.

(2) The facts supporting the grounds for vacating the award alleged in item 10c(1) are as follows (if additional space is required, check here ☒ and submit facts on an attachment labeled 10c(2)):

see attachment

(3) Petitioner ☒ does ☐ does not request a new arbitration hearing.

d. ☐ Award petitioner interest from (date):

- (1) ☐ at the statutory rate.
(2) ☐ at rate of ____ % per year.

e. ☐ Award petitioner costs of suit:

- (1) ☐ in the amount of: \$
(2) ☐ according to proof.

f. ☐ Award petitioner attorney fees incurred in this action (check only if attorney fees are recoverable in this action according to statute or the parties' agreement):

- (1) ☐ in the amount of: \$
(2) ☐ according to proof.

g. ☒ Award petitioner the following other relief (describe relief requested; if additional space is required, check here ☐ and describe relief on an attachment labeled 10g):

A new arbitration.

11. Pages and attachments. Number of pages attached: 13 for a total of 16 pgs

Date: January 25, 2022

Steve Buchwalter

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER OR ATTORNEY)