

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-01009

The Ganek Family Revocable Trust, Lawrence Ganek, Trustee, Claimant v. Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc., Respondent

ATTORNEYS:

For Claimant The Ganek Family Revocable Trust ("Claimant") appeared James M. McGuire, Esq., of the firm Roshka Heyman & DeWulf, PLC, Phoenix, AZ.

For Respondent Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. ("Respondent") appeared Ann Parry, Esq., in-house counsel, Citigroup Global Markets, Inc., New York, NY.

NATURE OF DISPUTE: Customer vs. Member.

DATE FILED: February 11, 2003.

CASE SUMMARY: Claimant alleged that Respondent was negligent and failed to execute Claimant's instructions with regard to the transfer of shares of Santa Fe Natural Tobacco Company, Inc. Claimant further alleged that Respondent breached its fiduciary duty, breached its contract, and violated NASD Conduct Rules.

Claim Data

Claim: \$24,999.00
Attorney Fees: Unspecified
Interest: \$.00

Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$24,999.00
Attorney Fees: \$.00
Interest: Post-Award at the rate of
10% per annum from 10/7/04 –
Date of payment of the award
Filing Fees: \$425.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the Claimant \$24,999.00. 2) Respondent is liable and shall pay to the Claimant post-award interest at the rate of 10% per annum from October 7, 2004 through the date of payment of the award. 3) All requests for attorney fees are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay Claimant \$425.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced. In addition, Respondent is

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liable and shall pay NASD Dispute Resolution forum fees in the amount of \$450.00 for the telephonic pre-hearing conference held on July 8, 2004.

OTHER ISSUES: A telephonic pre-hearing conference was held on July 8, 2004. The parties and the Arbitrator participated.

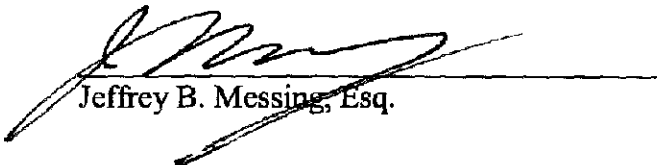
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Jeffrey B. Messing, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Jeffrey B. Messing, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.


Jeffrey B. Messing, Esq.

10/29/04
Signature Date

November 5, 2004
Date of Service (For NASD-DR office use only)