

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Victoria Moran (Claimant) v. Citibank, N.A. (Respondent)

Case Number: 04-03908

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Non-Member.

REPRESENTATION OF PARTIES

Claimant Victoria Moran ("Moran") hereinafter referred to as "Claimant" appeared *pro se*.

Respondent Citibank, N.A. ("Citibank") hereinafter referred to as "Respondent": Nancy L. Sommer, Esq., Citibank, N.A., New York, NY and Ira G. Rosenstein, Esq., Orrick, Herrington & Sutcliffe, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: May 26, 2004.

Response to Respondent's Motion to Dismiss filed by Claimant on or about: January 5, 2005.

Claimant signed the Uniform Submission Agreement: May 26, 2004.

Statement of Answer filed by Respondent on or about: August 3, 2004.

Memorandum of Law in Support of Respondent's Motion to Dismiss Claimant's Statement of Claim filed by Respondent on or about: December 22, 2004.

Respondent signed the Uniform Submission Agreement: August 2, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract; and failure to pay compensation owed.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$38,069.59; interest; attorneys' fees; and such other and further relief as is just, proper, and equitable.

Respondent requested that the claim be dismissed in all respects; costs, including but not limited to, arbitration costs and attorneys' fees; and such other and further relief as is just, proper, and equitable.

OTHER ISSUES CONSIDERED AND DECIDED

On or about December 22, 2004, Respondent made a motion to dismiss. After due consideration, the Arbitrator determined to deny the motion.

AWARD

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

1. The claims of Claimant are denied in their entirety.
2. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:
Initial claim filing fee = \$175.00

Forum Fees and Assessments

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

One (1) Pre-hearing session with the sole arbitrator @ \$450.00 = \$450.00
Pre-hearing conference: October 19, 2004 1 session

One (1) Hearing session @ \$450.00 = \$450.00

Hearing Date: January 25, 2005 1 session

Total Forum Fees = \$900.00

1. The Arbitrator has assessed \$450.00 of the forum fees against Claimant.
2. The Arbitrator has assessed \$450.00 of the forum fees against Respondent.

Fee Summary

1. Claimant is solely liable for:
Initial Filing Fee = \$ 175.00

<u>Forum Fees</u>	= \$ 450.00
<u>Total Fees</u>	= \$ 625.00
<u>Less payments</u>	= \$1,450.00
<u>Refund Due Claimant</u>	= \$ 825.00

2. Respondent is solely liable for:

<u>Forum Fees</u>	= \$ 450.00
<u>Total Fees</u>	= \$ 450.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 450.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

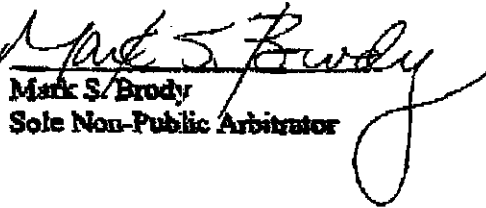
ARBITRATOR

Mark S. Brody

Sole Non-Public Arbitrator

Arbitrator's Signature

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.


Mark S. Brody
Sole Non-Public Arbitrator

2/1/05
Signature Date

February 4, 2005

Date of Service: (For NASD Dispute Resolution use only)