

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Raymond J. Masek (Claimant) v. Citigroup Global Markets, Inc., Holly Becker, Sallie Krawcheck and Ted Marroulis

Case Number: 04-06081

Hearing Site: Cleveland, Ohio

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Nature of the Dispute: Customer v. Member and Associated Persons

**REPRESENTATION OF PARTIES**

Claimant Raymond J. Masek, hereinafter referred to as "Claimant," appeared *pro se*.

Respondents Citigroup Global Markets, Inc., ("Citigroup"), Holly Becker ("Becker"), Sallie Krawcheck ("Krawcheck") and Ted Marroulis ("Marroulis"), hereinafter collectively referred to as "Respondents": Robert Rapp, Esq., Calfee, Halter, & Griswold, LLP, Cleveland, OH.

**CASE INFORMATION**

Statement of Claim filed on or about: August 24, 2004.

Claimant signed the Uniform Submission Agreement: August 19, 2004.

Joint Statement of Answer filed by Respondents on or about: October 19, 2004.

Respondent Becker signed the Uniform Submission Agreement: September 30, 2004.

Respondent Krawcheck signed the Uniform Submission Agreement: October 18, 2004.

Respondent Marroulis signed the Uniform Submission Agreement: October 18, 2004.

Respondent Citigroup signed the Uniform Submission Agreement: October 19, 2004.

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of fiduciary duty and account related fraud. The causes of action relate to common stock of E-Toys Inc.

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

### **RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$108,040.56; punitive damages in the amount of \$100,000.00; reimbursement of the \$1,425.00 filing fee and hearing session deposit; witness and production costs and any other relief that the Panel may award.

Respondents requested that the claim be dismissed, that all costs be assessed against the Claimant, and the expungement of this matter from the CRD's of all named Respondents.

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

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

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

1. The Claimant's claims 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	= \$ 300.00
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#### **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 persons at the time of the events giving rise to the dispute. Accordingly, Citigroup Global Market, Inc., is a party.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$ 2,750.00</u>
Total Member Fees	= \$ 5,200.00

#### **Forum Fees and Assessments**

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

One (1) Pre-hearing session with a single arbitrator @ \$450.00 per session = \$ 450.00  
Pre-hearing conference: August 2, 2005 1 session

Two (2) Pre-hearing sessions with Panel @ \$1,125.00 per session = \$ 2,250.00  
Pre-hearing conferences: January 18, 2005 1 session  
March 24, 2005 1 session

Two (2) Hearing sessions @ \$1,125.00 per session = \$ 2,250.00  
Hearing Dates: September 20, 2005 2 sessions

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Total Forum Fees = \$ 4,950.00

1. The Panel has assessed \$2,475.00 of the forum fees against the Claimant.
2. The Panel has assessed \$2,475.00 of the forum fees jointly and severally against the Respondents.

#### Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 2,475.00
Total Fees	= \$ 2,775.00
Less payments	= \$ 1,350.00
Balance Due NASD Dispute Resolution	= \$ 1,350.00
2. Respondent Citigroup is solely liable for:

Member Fees	= \$ 5,200.00
Total Fees	= \$ 5,200.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00
3. Respondents are jointly and severally liable for:

Forum Fees	= \$ 2,475.00
Total Fees	= \$ 2,475.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 2,475.00

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

**ARBITRATION PANEL**

James Patrick Graven, J.D.	-	Public Arbitrator, Presiding Chairperson
Andrew G. Young	-	Public Arbitrator
John P. McGinty	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

James Patrick Graven  
James Patrick Graven, J.D.  
Public Arbitrator, Presiding Chairperson

10-2-05  
Signature Date

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Andrew G. Young  
Public Arbitrator

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

\_\_\_\_\_  
John P. McGinty  
Non-Public Arbitrator

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

October 3, 2005  
Date of Service (For NASD Dispute Resolution use only)

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Andrew G. Young	-	Public Arbitrator
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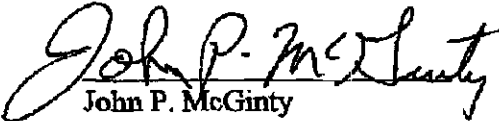
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