

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-06280

Citigroup Global Markets, Inc., Elena Cuoco, and Lawrence Kastin, Claimants v. Ernest Giacomelli, Respondent

ATTORNEYS:

For Claimants Citigroup Global Markets, Inc., Elena Cuoco, and Lawrence Kastin (collectively "Claimants") appeared Erika Schneider Downes, Esq., of the firm Bressler, Amery & Ross, P.C., Morristown, NJ.

For Respondent Ernest Giacomelli ("Respondent") appeared Timothy J. Dennin, Esq., of the firm Timothy J. Dennin, P.C., New York, NY.

NATURE OF DISPUTE: Member and Associated Persons v. Customer.

DATE FILED: September 2, 2004.

CASE SUMMARY: Claimants, in this case, are requesting expungement of a previously filed NASD Dispute Resolution Arbitration No. 02-00484 from the registration records of Claimants Elena Cuoco and Lawrence Kastin in accordance with a confidential settlement agreement.

Claim Data

Award Data

Claim: Expungement
Claim: Dismissal with prejudice
of claims assoc. w/ 02-00484

Award: Granted
Award: Granted

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Claimants' Elena Cuoco's and Lawrence Kastin's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Claimants Elena Cuoco and Lawrence Kastin must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents. Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the Arbitrator has made the following affirmative findings of fact: The claim, allegation, or information is factually impossible or clearly erroneous. 2) Claimants' request for a dismissal with prejudice of all claims associated with 02-00484 is granted. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$1,500.00 filing fee that the Claimants deposited previously.

OTHER FEES: Pursuant to Rule 10333 of the Code, Citigroup Global Markets, Inc. has paid to NASD Dispute Resolution the \$1,500.00 Member Surcharge previously invoiced.


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Award 04-06280

Charles L. Measter, JD

Sole Public Arbitrator

AFFIRMATION

I, Charles L. Measter, JD, 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.



Charles L. Measter, JD

12-4-04
Signature Date

December 16, 2004
Date of Service (For NASD-DR office use only)