

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 05-05430

Grant E. Swinehart, (Claimant) vs. David N. Brown, James P. O'Connell and Citigroup Global Markets, Inc., (Respondents)

ATTORNEYS:

Claimant appeared *pro se*, Naperville, FL.

For Respondents appeared in-house counsel, Lydia R. Zaidman, Esq., New York, NY.

NATURE OF DISPUTE: Customer v. Member and Associated Persons

DATE FILED: October 19, 2005

CASE SUMMARY: Claimant alleged that Respondents misrepresented facts regarding his investments. Claimant further alleged failure to supervise and excessive trading. Claimant maintained that due to Respondents' actions, he suffered a financial loss. Claimant's claim involved various common stock.

Claim Data

Claim: \$20,000.00
Punitive: \$5,000.00
Filing Fees: \$425.00
Other: Unspecified

Award Data

Award: \$.00
Punitive: \$.00
Filing Fees: \$212.50
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of the Claimant are dismissed in their entirety. 2) All requests for punitive damages are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 5) Respondents are jointly and severally liable and shall pay Claimant \$212.50 as reimbursement of one half of the filing fee. 6) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent David N. Brown's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent David N. Brown 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 arbitration panel has made the following affirmative findings of fact: The claim, allegation, or information is false. 7) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent James P. O'Connell's registration records maintained by the Central

Page Two
Award 05-05430

Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent James P. O'Connell 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 arbitration panel has made the following affirmative findings of fact: The claim, allegation, or information is false.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Citigroup Global Markets, Inc., has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.


Page Three
Award 05-05430

Mitchell V. Gregory

Sole Public Arbitrator

AFFIRMATION

I, Mitchell V. Gregory, 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.



Mitchell V. Gregory



(Signature Date)

April 17, 2006
Date of Service (For NASD-DR office use only)