

AWARD
FINRA DISPUTE RESOLUTION

CASE: 09-01811

Sarah Carter (Claimant) vs. Citigroup Global Markets, Inc. (Respondent)

REPRESENTATION OF PARTIES:

For Claimant appeared W. Scott Greco, Esq., Greco & Greco, P.C., McLean, VA.

For Respondent appeared Harper Fertig, Esq., Morgan Stanley Smith Barney. New York, NY.

NATURE OF DISPUTE: Customer v. Member

DATE FILED: April 1, 2009

CASE SUMMARY: Claimant asserted the following causes of action: negligence; breach of fiduciary duty; securities fraud and common law fraud; securities recommended and purchased were unsuitable under Virginia Law, Federal Law, and the NASD/FINRA and NYSE Conduct Rules; breach of contract; and liability.

The causes of action relates to various mutual funds, including Legg Mason Partners Aggressive Growth FD CL C.

ARBITRATOR'S REPORT: Compensatory Damages were awarded to Claimant based on Count 1 – Negligence, Count 2 – Breach of Fiduciary Duty, and Count 4 – Securities Recommended and Purchased were Unsuitable as Respondent failed to recommend suitable investments based on her request, age, needs, income status, and need for security. There was no finding of fraud or deceptive scheme as enumerated in Count 3.

Claim Data

Claim: \$21,781.32
Interest: at the rate of 6% per annum
from March, 2008 to payment

Costs: Unspecified
Other: Unspecified

Award Data

Award: \$21,781.32
Interest: at the rate of 6% per
annum from March 1, 2008 until
payment
Costs: \$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 for and shall pay to Claimant the sum of \$21,781.32. 2) Respondent is liable for and shall pay to Claimant interest at the rate of 6% per annum from March 1, 2008 until payment. 3) All other relief requests are denied. 4) FINRA Dispute Resolution shall retain the \$425.00 filing fee that Claimant previously deposited. 5) Respondent is liable for and shall pay to Claimant \$425.00 to reimburse Claimant for the filing fee previously paid to FINRA Dispute Resolution.

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OTHER FEES: Respondent has paid to FINRA Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

The Arbitrator acknowledges that she has read the pleadings and other materials filed by the parties.

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June White Dillard

Sole Public Arbitrator

AFFIRMATION

I, June White Dillard, the undersigned arbitrator, 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.


June White Dillard


(Signature Date)

September 30, 2009
Date of Service (For FINRA-DR office use only)