

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Jose de Guevara and Hannalore de Guevara (Claimants) v. Salomon Smith Barney, Inc.
n/k/a Citigroup Global Markets, Inc. and Selim S. Beyda (Respondents)

Case Number: 01-01420

Hearing Site: New York, New York

Nature of the Dispute: Customers vs. Member and Associated Person.

REPRESENTATION OF PARTIES

Claimants Jose de Guevara ("J. de Guevara") and Hannalore de Guevara ("H. de Guevara") hereinafter collectively referred to as "Claimants" appeared *pro se*. Previously represented by: Bandali Dahdah, Alexicole, Inc. Securities Arbitration, Burlington, MA. Previously represented by: Michael L. Ferch, Esq., George P. Birnbaum, Attorney and Counsellor at Law, New York, NY.

Respondents Salomon Smith Barney, Inc. n/k/a Citigroup Global Markets, Inc. ("SSB") and Selim S. Beyda ("Beyda") hereinafter collectively referred to as "Respondents": William A. Hohauser, Esq., Citigroup Global Markets, Inc., New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: March 21, 2001.

Amended Statement of Claim filed on or about: April 2, 2002.

Claimants signed the Uniform Submission Agreement: March 13, 2001.

Statement of Answer filed by SSB on or about: June 12, 2001.

Joint Statement of Answer to Claimants' Amended Statement of Claim filed by Respondents on or about: October 30, 2002.

SSB signed the Uniform Submission Agreement: June 12, 2001.

Beyda did not sign the Uniform Submission Agreement.

CASE SUMMARY

Claimants asserted the following causes of action: unauthorized trading. In their Amended Statement of Claim, Claimants alleged the following causes of action: violation of the antifraud provisions of the 1933 and 1934 Acts, SEC Rule 10b-5, common law fraud, violation of applicable Blue Sky laws; negligence, breach of contract, breach of fiduciary duty, and control person liability. Claimants' claims involved I2 Technologies stock.

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

RELIEF REQUESTED

In their Statement of Claim, Claimants requested compensatory damages in the amount of \$282,094.96, plus costs and attorneys' fees. In their Amended Statement of Claim, Claimants requested compensatory damages in the amount of \$282,095.00 with applicable interest thereon, together with additional award for reasonable advisor fees, attorneys' fees, hearing costs and filing fees, and all of the foregoing as against the Respondents, jointly and severally.

In its Answer, SSB requested that the Statement of Claim be dismissed in its entirety and the costs and disbursements associated with this matter be assessed against Claimants. In their Answer to the Amended Statement of Claim, Respondents repeated their request that the Statement of Claim be denied in its entirety and that Respondents be awarded their costs.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Beyda did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, and appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

At the conclusion of Claimants' case, Respondents made a motion to dismiss. After due consideration, the Panel denied said motion.

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, and 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. Claimants' claims are hereby denied in their entirety.
2. Any and all relief not specifically addressed herein is denied.

3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Selim S. Beyda's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Selim S. Beyda must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.

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

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 person at the time of the events giving rise to the dispute. Accordingly, Salomon Smith Barney, Inc. n/k/a Citigroup Global Markets, Inc. is a party.

Member surcharge = \$1,500.00
Pre-hearing process fee = \$ 600.00
Hearing process fee = \$2,500.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

February 25, 26, and 27, 2003, adjournment by Claimants = Waived

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 = \$ 450.00
Pre-hearing conference: February 3, 2003 1 session

Two (2) Pre-hearing sessions with Panel @ \$1,125.00 = \$2,250.00
Pre-hearing conferences: March 18, 2002 1 session
October 3, 2002 1 session

Three (3) Hearing sessions @ \$1,125.00 = \$3,375.00
Hearing Dates: February 19, 2004 2 sessions

February 20, 2004 1 session

Total Forum Fees = \$6,075.00

1. The Panel has assessed \$3,037.50 of the forum fees jointly and severally against Claimants.
2. The Panel has assessed \$3,037.50 of the forum fees jointly and severally against Respondents.

Fee Summary

1. Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$3,037.50
Total Fees	= \$3,337.50
Less payments	= \$1,425.00
Balance Due NASD Dispute Resolution	= \$1,912.50

2. SSB is solely liable for:

Member Fees	= \$4,600.00
Total Fees	= \$4,600.00
Less payments	= \$4,600.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are jointly and severally liable for:

Forum Fees	= \$3,037.50
Total Fees	= \$3,037.50
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$3,037.50

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

ARBITRATION PANEL

Donald Ferguson, Esq.	-	Public Arbitrator, Presiding Chair
Mark Mendley	-	Public Arbitrator
John J. Phelan, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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.

Donald Ferguson, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Mark Mendley
Public Arbitrator

Signature Date



John J. Phelan, Esq.
Non-Public Arbitrator

3/3/04

Signature Date

March 11, 2004

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Donald Ferguson, Esq.	-	Public Arbitrator, Presiding Chair
Mark Mendley	-	Public Arbitrator
John J. Phelan, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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.

Donald Ferguson
Donald Ferguson, Esq.
Public Arbitrator, Presiding Chairperson

February 24, 2004
Signature Date

Mark Mendley
Public Arbitrator

Signature Date

John J. Phelan, Esq.
Non-Public Arbitrator

Signature Date

March 11, 2004
Date of Service (For NASD Dispute Resolution use only)