

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Case Number: 02-05484

Jen Maltzman

Names of the Respondents

Hearing Site: Boca Raton, Florida

Salomon Smith Barney, Inc.
and Nicole Oden

Nature of Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

For Jen Maltzman, hereinafter referred to as "Claimant": Dan Brecher, Esq., Law Offices of Dan Brecher, New York, New York.

For Salomon Smith Barney, Inc. ("SSB") and Nicole Oden ("Oden"), hereinafter collectively referred to as "Respondents": Joseph C. Coates, III, Esq. and Neil B. Solomon, Esq., Greenberg Traurig, LLP, West Palm Beach, Florida.

CASE INFORMATION

Statement of Claim filed on or about: September 13, 2002.

Claimant signed the Uniform Submission Agreement: July 25, 2002.

Statement of Answer filed by Respondents on or about: December 5, 2002.

Respondent Oden signed the Uniform Submission Agreement: January 6, 2003.

Respondent SSB did not file an executed Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: negligence; common law fraud; statutory fraud; fraudulent misrepresentation; breach of fiduciary duty; churning; breach of supervisory duties and responsibilities; breach of contract; and, unsuitability. The causes of action relate to the purchase and sale of shares of various stocks in Claimant's accounts including, but not limited to: Xcelera.com; i2 Tech; Alliance Gaming; Anchor Gaming; Echelon; International Game Technology; Shuffle Master; Speedus.com; Broadvision; Biogen; Biolase Tech; Boston Life Sciences; Tyco; and, Quidel.

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 \$584,316.00, plus the return of

commissions, fees and other costs which Claimant paid in the amount of \$235,000.00, interest, punitive damages, costs, attorney's fees, forum fees and any other relief deemed just and proper.

Respondents requested that the Statement of Claim be dismissed, plus any other relief deemed just and proper, including an award of costs and expenses.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent SSB did not file with NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and having answered the claim, is bound by the determinations of the Panel on all issues submitted.

On or about October 6, 2003, Claimant advised NASD Dispute Resolution that this matter had been settled.

On or about November 24, 2003, the parties submitted a Stipulation for Award of Expungement with a request that the Panel enter a Stipulated Award expunging all references to the above-captioned arbitration from Respondent Oden's registration records maintained by the NASD Central Registration Depository ("CRD"). On or about December 10, 2003, the Panel granted the parties' request for entry of a Stipulated Award for expungement.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, the Stipulation for Award of Expungement and the record in this matter, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel recommends the expungement of all references to the above captioned arbitration from Respondent Oden's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Oden must obtain confirmation from a court of competent jurisdiction before the NASD 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	= \$ 375.00
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Assessed against Respondent SSB pursuant to the parties' agreement.

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. In this matter, the member firm is a party.

Member surcharge	= \$ 2,250.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 4,000.00

Adjournment Fees

No requests for adjournments were filed in this matter.

Injunctive Relief Fees

No injunctive relief fees were incurred in this matter.

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:

Two (2) Pre-hearing sessions with the Panel @ \$1,200.00	= \$ 2,400.00
Pre-hearing conferences: April 21, 2003	1 session
July 30, 2003	1 session

Total Forum Fees	= \$ 2,400.00
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Pursuant to the agreement of the parties, the Panel has assessed the total forum fees of \$2,400.00 to Respondent SSB.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to: additional copies of arbitrator awards; copies of audio transcripts; retrieval of documents from archives; interpreters; and, security.

No administrative costs were incurred in this matter.

FEE SUMMARY

Respondent SSB is solely liable for:

Filing Fee	= \$ 375.00
Member Fees	= \$ 7,000.00
Forum Fees	= \$ 2,400.00

Retained Hearing Session Deposit Rule 10332(f) of the Code = \$ 1,200.00

Total Fees = \$10,975.00

Less payments = \$10,975.00

Balance Due NASD Dispute Resolution = \$ 0.00

ARBITRATION PANEL

Patricia J. Murphy, J.D.	-	Public Arbitrator, Presiding Chair
Larry Trent Stinson	-	Public Arbitrator
Jeffrey C. Thompson	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

12/17/03

Patricia J. Murphy, J.D.
Public Arbitrator, Presiding Chair

Signature Date

/s/

12/15/03

Larry Trent Stinson
Public Arbitrator

Signature Date

/s/

12/16/03

Jeffrey C. Thompson
Non-Public Arbitrator

Signature Date

12/18/03

Date of Service (For NASD Dispute Resolution office use only)

Retained Hearing Session Deposit Rule 10332(f) of the Code = \$ 1,200.00

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Less payments = \$10,975.00

Balance Due NASD Dispute Resolution = \$ 0.00

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Concurring Arbitrators' Signatures

Patricia J. Murphy, J.D.
Public Arbitrator, Presiding Chair

Signature Date



Larry Trent Stinson
Public Arbitrator

12-15-83

Signature Date

Jeffrey C. Thompson
Non-Public Arbitrator

Signature Date


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12/17/03
Signature Date

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Public Arbitrator

Signature Date

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Non-Public Arbitrator

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Public Arbitrator, Presiding Chair

Signature Date

Larry Trent Stinson
Public Arbitrator

Signature Date


Jeffrey C. Thompson
Non-Public Arbitrator

12/16/03
Signature Date

Date of Service (For NASD Dispute Resolution office use only)