

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Scott A. Baden, M.D., individually and as trustee of the Baden Family Trust, and Arlene Baden, individually and as trustee of the Baden Family Trust, Claimants v. Citigroup Global Markets Inc. f/k/a Salomon Smith Barney Inc., Joseph J. Schirripa, and Madeleine A. Antekelian, Respondents

Case Number: 03-00396

Hearing Site: Los Angeles, California

Nature of the Dispute: Customers v. Member and Associated Persons

REPRESENTATION OF PARTIES

For Claimants:

William W. Bloch, Esq.
Excelus Law Group, Inc.
Beverly Hills, California

For Respondents Citigroup Global Markets Inc.
f/k/a Salomon Smith Barney Inc. and
Madeleine A. Antekelian:

H. Nicholas Berberian, Esq.
Tina L. Winer, Esq.
Michael P. Manly, Esq.
Neil, Gerber & Eisenberg
Chicago, Illinois

For Respondent Joseph J. Schirripa:

Armand Salese, Esq.
Law Offices of Armand Salese, PLLC
Tucson, Arizona

CASE INFORMATION

Statement of Claim filed: January 15, 2003

Claimants' Joint Uniform Submission Agreement signed: undated

Respondents' Joint Statement of Answer filed: June 2, 2003

Respondent Citigroup Global Markets Inc. f/k/a Salomon Smith Barney Inc. ("Citigroup Global Markets Inc.")'s Uniform Submission Agreement signed: September 4, 2003

Respondent Joseph J. Schirripa's Uniform Submission Agreement signed: May 30, 2003

Respondent Madeleine A. Antekelian's Uniform Submission Agreement signed: May 30, 2003

CASE SUMMARY

Claimants alleged fraud, negligence, negligent misrepresentation, breach of fiduciary duty, breach of contract, unsuitability, unauthorized trading, and failure to supervise, involving unspecified securities.

Unless specifically admitted in their Answer, Respondents denied the allegations of wrongdoing set forth in the Claimants' Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimants requested \$750,000.00 in compensatory damages, \$500,000.00 in punitive damages, pre-judgment interest, and costs, including attorneys' fees.

Respondents requested dismissal of the Claimants' Statement of Claim in its entirety, and costs.

OTHER ISSUES CONSIDERED AND DECIDED

On June 20, 2003, Claimants and Claimants' counsel signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

Pursuant to the Code of Arbitration Procedure IM-10100, the waiver of the Claimants shall constitute and operate as a waiver for all member firms and associated persons (including terminated or otherwise inactive member firms or associated persons) against whom the Claim has been filed.

On June 2, 2003, Respondent Joseph J. Schirripa filed a motion to dismiss. On October 8, 2003, Claimants filed an opposition to Respondent's motion to dismiss. On October 24, 2003, Respondent filed a reply memorandum in support of his motion to dismiss. On October 31, 2003, Claimants filed supplemental evidence in support of their opposition to Respondent's motion to dismiss. On November 3, 2003, the Panel and parties held a telephonic pre-hearing conference to hear oral argument on the motion to dismiss. On November 3, 2003, the Panel denied Respondent Joseph J. Schirripa's motion to dismiss.

On August 10, 2004, Respondent Joseph J. Schirripa filed a Motion to Amend Response to Statement of Claim to Add Counterclaim for Declaratory Relief/Judgment. On August 13, 2004, Claimants filed an opposition to Respondent's motion. On August 20, 2004, Respondent Joseph J. Schirripa filed a reply in support of his motion. On August 31, 2004, the Panel and parties held a telephonic pre-hearing to hear oral argument on Respondent's motion. On August 31, 2004, the Panel denied Respondent Joseph J. Schirripa's Motion to Amend Response to Statement of Claim to Add Counterclaim for Declaratory Relief/Judgment.

On September 15, 2004, Claimants notified NASD that this matter had settled at mediation, but requested that the case remain open for forty-five days to ensure that payment was made. On February 17, 2005, Respondents Citigroup Global Markets Inc. and Madeleine A. Antekelian filed a request for a Stipulated Award to be signed by the Panel. Respondents Citigroup Global Markets Inc., Madeleine A. Antekelian, and Joseph J. Schirripa signed the Stipulated Award drafted by NASD. Claimants did not sign the Stipulated Award. On July 5, 2005, Respondents Citigroup Global Markets Inc. and Madeleine A. Antekelian filed a Motion for Enforcement of Settlement Agreement and Entry of Award for Expungement. Claimants did not file a response to the motion. On August 29, 2005, the Panel held a telephonic pre-hearing conference to hear oral argument on the motion. Claimants did not make an appearance at the pre-hearing conference.

The parties 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, the Panel decided in full and final resolution of the issues submitted for determination as follows:

1. The parties have reached a confidential settlement agreement and Claimants' claims are dismissed with prejudice.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Joseph J. Schirripa's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09 and 99-54, Respondent Joseph J. Schirripa must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Madeleine A. Antekelian's registration records maintained by the CRD, with the understanding that pursuant to NASD Notice to Members 99-09 and 99-54, Respondent Madeleine A. Antekelian must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

4. Any and all relief not specifically addressed is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 500.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Citigroup Global Markets Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 2,800.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$ 5,000.00</u>
Total Member Fees	= \$ 8,550.00

Adjournment Fees

The following adjournment fees are assessed:

September 20-24, 2004 hearing adjournment requested by all parties	= \$ 1,200.00
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The Panel waived \$1,200.00 of the adjournment fees.

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

4 Pre-hearing conference sessions with the Panel @ \$1,200.00/session	= \$ 4,800.00
Pre-hearing conferences:	
September 30, 2003	1 session
November 3, 2003	1 session
August 31, 2004	1 session
August 29, 2005	1 session

Total Forum Fees	= \$ 4,800.00
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1. The Panel assessed \$1,200.00 of the forum fees jointly and severally to Claimants.
2. The Panel assessed \$2,400.00 of the forum fees jointly and severally to Respondents.
3. The Panel assessed \$1,200.00 of the forum fees to Respondent Joseph J. Schirripa.

Fee Summary

1. Claimants are charged jointly and severally with the following fees and costs:

Initial Filing Fee	= \$ 500.00
<u>Forum Fees</u>	= \$ 1,200.00
Total Fees	= \$ 1,700.00
<u>Less payments</u>	= \$(1,700.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

2. Respondent Citigroup Global Markets Inc. is charged with the following fees and costs:

Member Fees	= \$ 8,550.00
<u>Less payments</u>	= \$ (8,550.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondent Joseph J. Schirripa is charged with the following fees and costs:

Forum Fees	= \$ 1,200.00
<u>Less payments</u>	= \$ (0.00)
Balance Due NASD Dispute Resolution	= \$ 1,200.00

4. Respondents Citigroup Global Markets Inc., Joseph J. Schirripa and Madeleine A. Antekelian are charged jointly and severally with the following fees and costs:


Forum Fees	= \$ 2,400.00
<u>Less payments</u>	= \$ (0.00)
Balance Due NASD Dispute Resolution	= \$ 2,400.00

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

ARBITRATION PANEL

Carlton R. Robinson Sr.	-	Public Arbitrator, Presiding Chair
Martin Periberger	-	Public Arbitrator
Robert D. Sussin	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Carlton R. Robinson Sr.
Chair, Public Arbitrator

8/31/05

Signature Date

Robert D. Sussin
Non-Public Arbitrator

Signature Date

Dissenting Arbitrator's Signature

This arbitrator dissents from the recommendation of expungement for Respondents Joseph J. Schirripa and Madeleine A. Antekelian because of insufficient testimony, documents, or evidence for the claims of expungement.

Martin Periberger
Public Arbitrator

Signature Date

9/2/05

Date of Service

ARBITRATION PANEL

Carlton R. Robinson Sr.	-	Public Arbitrator, Presiding Chair
Martin Perlberger	-	Public Arbitrator
Robert D. Sussin	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Carlton R. Robinson Sr.
Chair, Public Arbitrator

Signature Date



Robert D. Sussin
Non-Public Arbitrator

8/30/05

Signature Date

Dissenting Arbitrator's Signature

This arbitrator dissents from the recommendation of expungement for Respondents Joseph J. Schirripa and Madeleine A. Antekelian because of insufficient testimony, documents, or evidence for the claim of expungement.

Martin Perlberger
Public Arbitrator

Signature Date

9/2/05

Date of Service

ARBITRATION PANEL

Carlton R. Robinson Sr.	-	Public Arbitrator, Presiding Chair
Martin Perlberger	-	Public Arbitrator
Robert D. Sussin	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Carlton R. Robinson Sr.
Chair, Public Arbitrator

Signature Date

Robert D. Sussin
Non-Public Arbitrator


Signature Date

Dissenting Arbitrator's Signature

This arbitrator dissents from the recommendation of expungement for Respondents Joseph J. Schirripa and Madeleine A. Antekelian because of insufficient testimony, documents, or evidence for the claim of expungement.



Martin Perlberger
Public Arbitrator

 30 August 2005

Signature Date

9/2/05

Date of Service