

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

David Riedel (Claimant) v. Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. (Respondent)

Case Number: 03-00512

Hearing Site: New York, New York

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Nature of the Dispute: Associated Person v. Member.

**REPRESENTATION OF PARTIES**

Claimant David Riedel hereinafter referred to as "Claimant": Laura B. Hoguet, Esq., Hoguet Newman & Regal, LLP, New York, NY.

Respondent Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. hereinafter referred to as "Respondent": Ira G. Rosenstein, Esq., Orrick, Herrington & Sutcliffe, LLP, New York, NY.

**CASE INFORMATION**

Statement of Claim filed on or about: January 21, 2003.

Claimant signed the Uniform Submission Agreement: January 21, 2003.

Statement of Answer filed by Respondent on or about: May 6, 2003.

Respondent did not sign the Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of contract; quantum meruit; unjust enrichment; and promissory estoppel.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$500,000.00; interest; attorneys' fees and costs; administrative costs and fees; and any other relief as the arbitrators may deem necessary, just, or appropriate.

Respondent requested an award dismissing Claimant's claim and directing Claimant to

pay Respondent the reasonable costs and disbursements incurred in defending this proceeding.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Respondent 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.

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, and post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety
2. Any and all relief not specifically addressed herein is denied.

### **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
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#### **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, Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

**Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

December 8-10, 2003, adjournment requested jointly by all parties  
Respondent's share = \$1,125.00

February 11-12, 2004, adjournment by Respondent = 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:

Two (2) Pre-hearing sessions with Panel @ \$1,125.00 = \$2,250.00

Pre-hearing conferences: July 7, 2003 1 session  
December 8, 2003 1 session

Two (2) Hearing sessions @ \$1,125.00 = \$2,250.00

Hearing Date: May 26, 2004 2 sessions

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Total Forum Fees = \$5,500.00

1. The Panel has assessed \$2,250.00 of the forum fees against Claimant
2. The Panel has assessed \$2,250.00 of the forum fees against Respondent.

**Fee Summary**

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$2,250.00
Total Fees	= \$2,550.00
Less payments	= \$1,425.00
Balance Due NASD Dispute Resolution	= \$1,125.00
2. Respondent is solely liable for:

Member Fees	= \$5,200.00
Adjournment Fee	= \$1,125.00
Forum Fees	= \$2,250.00
Total Fees	= \$8,575.00
Less payments	= \$5,762.50
Balance Due NASD Dispute Resolution	= \$2,812.50

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

G. Robert Abrams, Esq.	-	Non-Public Arbitrator, Presiding Chair
Karen M. Cullen, Esq.	-	Non-Public Arbitrator
Matthew Loguercio	-	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 is which is my award.



G. Robert Abrams, Esq.  
Non-Public Arbitrator, Presiding Chairperson

June 28, 2004  
Signature Date

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Karen M. Cullen, Esq.  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Matthew Loguercio  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

June 28, 2004  
Date of Service (For NASD Dispute Resolution use only)

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Karen M. Cullen, Esq.  
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6-25-04  
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Signature Date

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Non-Public Arbitrator

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