

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Luhuaana A. Herrin, Claimant v. Citigroup Global Markets, Inc., Respondent

Case Number: 03-04277

Hearing Site: Salt Lake City, Utah

Nature of the Dispute: Customer v. Member

REPRESENTATION OF PARTIES

For Claimant:

Randall R. Heiner, Esq.
Law Offices of Randall R. Heiner
Salt Lake City, Utah

For Respondent:

Milo Steven Marsden, Esq.
Dorsey & Whitney LLP
Salt Lake City, Utah

William A. Hohausser, Esq.
Citigroup Global Markets, Inc.
New York, New York

CASE INFORMATION

Statement of Claim filed: June 4, 2003

Claimant's Uniform Submission Agreement signed: May 07, 2003

Statement of Answer filed by Respondent: November 10, 2003

Respondent Citigroup Global Markets, Inc.'s Uniform Submission Agreement signed: November 10, 2003

CASE SUMMARY

Claimant alleged breach of contract, breach of fiduciary duty, unsuitability, unauthorized trading, fraud, misrepresentation, non-disclosure, negligence, violation of state laws, negligent supervision and respondeat superior. Claimant's allegations involved several of Respondent's proprietary

funds, included but not limited to UTS Uncommon Values, UTS Aggressive Growth, UTS Government Securities Income, Smith Barney High Income Fund, Salomon Brothers High Yield Bond Fund, and other unspecified securities.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested \$119,228.00 in compensatory damages, treble damages, unspecified punitive damages, pre-judgment interest at 12% per annum trebled, post-judgment interest in the amount of 10% per annum until the award is paid, and costs, including attorney's fees.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety, and costs, including attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

On November 21, 2004, Claimant filed a Motion to Exclude Respondent's Response to Claimant's Pre-Hearing Brief. Respondent's Opposition and Claimant's Reply were both filed on November 23, 2004. After due deliberation, the Panel granted the motion.

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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimant's claims are denied in their entirety.
- 2) Respondent is liable and shall reimburse Claimant \$300.00 in filing fees.
- 3) The parties shall bear their respective costs, including attorney's fees.
- 4) All other relief requested and not expressly granted 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	= \$ 300.00
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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 that 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	= \$1,700.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

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 Chair or the parties and the Panel. The following fees are assessed:

One (1) Pre-hearing conference session with the Panel @ \$1,125.00/session	= \$1,125.00
Pre-hearing conference: January 12, 2004 1 session	

Six (6) Hearing sessions @ \$1,125.00/session	= \$6,750.00
Hearings: November 30, 2004 2 sessions	
December 1, 2004 2 sessions	
December 2, 2004 2 sessions	

Total Forum Fees	= \$7,875.00
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The Panel assessed the entire balance of the forum fees, in the amount of \$7,875.00, to Respondent

Fee Summary

1. Claimant Luhuaana A. Herrin is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
<u>Less payments</u>	<u>= \$ (1,425.00)</u>
Refund Due from NASD Dispute Resolution	= \$ (1,125.00)

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

Member Fees	= \$ 5,200.00
<u>Forum Fees</u>	<u>= \$ 7,875.00</u>
Total Fees	= \$13,075.00
<u>Less payments</u>	<u>= \$ (5,200.00)</u>
Balance Due NASD Dispute Resolution	= \$ 7,875.00

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

John G. Manley, Esq.

Kathy A. F. Davis

George John Potter

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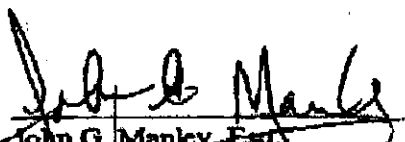
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Public Arbitrator, Presiding Chair

Public Arbitrator

Non-Public Arbitrator

Concurring Arbitrators' Signatures


John G. Manley, Esq.
Chair, Public Arbitrator

12-10-2004
Signature Date

Kathy A. F. Davis
Public Arbitrator

Signature Date

George John Potter
Non-Public Arbitrator

Signature Date

12/13/04
Date of Service

ARBITRATION PANEL

<i>John G. Manley, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>Kathy A. F. Davis</i>	-	<i>Public Arbitrator</i>
<i>George John Potter</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signature:

John G. Manley, Esq.
Chair, Public Arbitrator

Signature Date

Kathy A. F. Davis
Public Arbitrator

Signature Date

George John Potter

George John Potter
Non-Public Arbitrator

12-13-04

Signature Date

12/13/04

Date of Service

ARBITRATION PANEL

John G. Manley, Esq.

Kathy A. F. Davis

George John Potter

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Public Arbitrator, Presiding Chair


Public Arbitrator

Non-Public Arbitrator

Concurring Arbitrators' Signatures

John G. Manley, Esq.
Chair, Public Arbitrator

Signature Date



Kathy A. F. Davis
Public Arbitrator

12/15/04
Signature Date

George John Potter
Non-Public Arbitrator

Signature Date

Date of Service