

**Amended Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Names of the Claimants

John and Wanda dePiccolellis

Case Number: 03-04652

Names of the Respondents

Russell S. Sherred, III and
Salomon Smith Barney n/k/a
Citigroup Global Markets, Inc.

Hearing Site: Pittsburgh, PA

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

REPRESENTATION OF PARTIES

Claimants, John and Wanda dePiccolellis, hereinafter collectively referred to as "Claimants", were represented by Robert M. Kramer, Esq., Pittsburgh, Pennsylvania.

Respondents, Russell S. Sherred, III ("Sherred") and Salomon Smith Barney n/k/a Citigroup Global Markets, Inc. ("Citigroup"), hereinafter collectively referred to as "Respondents", were represented by Raul Sanchez, Esq., Citigroup, New York, New York.

CASE INFORMATION

Statement of Claim filed on June 26, 2003.

Claimants signed the Uniform Submission Agreement on June 17, 2003.

Joint Statement of Answer filed by Respondents on September 12, 2003.

Joint Amended Statement of Answer filed by Respondents on October 24, 2003.

A representative of Respondent Citigroup signed the Uniform Submission Agreement on September 12, 2003.

Respondent Sherred signed the Uniform Submission Agreement on January 26, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: violations of the Securities Act of 1933, USC section 77a; violations of the Securities Exchange Act of 1934 section 10b; violation of the Pennsylvania Securities Act of 1972; violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Act; common law fraud; negligence; common law of agency and breach of fiduciary duty; and, breach of contract. The causes of action relate to the purchase and sale of common stock, preferred stock, money market funds and equity mutual funds.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses among others: failure to state a claim upon which relief may be granted; laches, waiver, estoppel and ratification; failure to mitigate; contributory negligence and assumption of the risk; and Claimants' claims are time-barred.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$58,520.00; interest at the statutory rate of 6%, not compounded, in the amount of \$587 plus \$9.62 per day from January 1, 2003 until the award is paid in full; attorney's fees equal to 33% of compensatory damages awarded; and forum fees.

Respondents requested that the Statement of Claim be dismissed, attorneys' fees and expenses including forum fees, and expungement of Sherred's Central Registration Depository ("CRD") record.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing the Arbitration Panel (the "Panel") has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants' claims are denied in their entirety;
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Sherred's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Sherred must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;
3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and,
4. 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	= \$225.00
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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 is a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), 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: July 20, 2004 1 session	
One (1) Pre-hearing session with Panel @ \$750.00	= \$ 750.00
Pre-hearing conferences: January 23, 2004 1 session	
Four (4) Hearing sessions @ \$750.00	= \$3,000.00
Hearing Dates: August 11, 2004 2 sessions	
August 12, 2004 2 sessions	
Total Forum Fees	= \$4,200.00

1. The Panel has assessed \$2,100.00 of the forum fees to Claimants.
2. The Panel has assessed \$1,050.00 of the forum fees to Respondent Citigroup.
3. The Panel has assessed \$1,050.00 of the forum fees to Respondent Sherred.

Fee Summary

1. Claimants are assessed and shall pay:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$2,100.00
Total Fees	= \$2,325.00
Less payments	= \$ 975.00
Balance Due NASD Dispute Resolution	= \$1,350.00

2. Respondent Citigroup is assessed and shall pay:

Member Fees	= \$3,550.00
Forum Fees	= \$1,050.00
Total Fees	= \$4,600.00
Less payments	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$1,050.00

3. Respondent Sherred is assessed and shall pay:

<u>Forum Fees</u>	= \$ 1,050.00
Total Fees	= \$ 1,050.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 1,050.00

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

ARBITRATION PANEL

Marc A. Winters	-	Public Arbitrator, Presiding Chairperson
James J. Puhala, Esq.	-	Public Arbitrator, Panelist
David A. Rodriguez	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Marc A. Winters
Public Arbitrator, Presiding Chairperson

9/20/04
Signature Date

James J. Puhala, Esq.
Public Arbitrator, Panelist

Signature Date

David A. Rodriguez
Non-Public Arbitrator, Panelist

Signature Date

Sept 7, 2004

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

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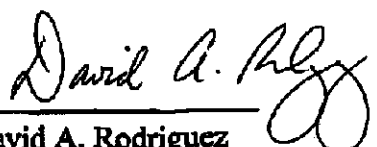
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9/21/04

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