

**STIPULATED AWARD**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Names of Claimants

Gloria J. Field and William C. Field

v.

Case Number: 03-05645

Hearing Location: Chicago, Illinois

Names of Respondents

Citigroup Global Markets, Inc. and  
Wayne Ballinger

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**NATURE OF DISPUTE**

Customers v. Member Firm and Associated Person

**REPRESENTATION OF PARTIES**

Gloria J. Field and William C. Field ("**Claimants**") were represented by Paul J. Sussman, Esq., Chicago, Illinois.

Citigroup Global Markets ("**Citigroup**") and Wayne Ballinger ("**Ballinger**"), hereinafter collectively referred to as "**Respondents**," were represented by Stephen S. Berkeley, Esq., Neal, Gerber & Eisenberg LLP, Chicago, Illinois.

**CASE INFORMATION**

The Statement of Claim was filed on or about August 1, 2003. Claimants signed Uniform Submission Agreement on or about July 28, 2003.

The Statement of Answer filed jointly by Respondents, Citigroup and Wayne Ballinger, on or about September 25, 2003. Respondent, Citigroup, signed the Submission Agreement on or about September 25, 2003.

**CASE SUMMARY**

Claimants asserted the following causes of action: unsuitability, fraud, misrepresentations and omissions, negligence, failure to supervise, breach of contract and breach of fiduciary duty. The causes of action related to the recommendation and purchase of various unspecified securities.

Unless specifically admitted in their Answer, Respondents denied the allegations of wrongdoing set forth in the Statement of Claim.

### **RELIEF REQUESTED**

Claimants requested an award in the amount of:

Actual/Compensatory Damages	\$382,872.00
Punitive Damages	\$400,000.00
Interest	Unspecified
Attorneys' Fees	Unspecified
Other Monetary Relief	Unspecified
Other Costs	Unspecified

Respondents requested dismissal of the Statement of Claim in its entirety, including reasonable attorneys' fees and costs. Respondent, Wayne Ballinger, has requested the expungement of all references to this arbitration from the registration records maintained by the NASD Central Registration Depository.

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

Respondent Ballinger did not file with the NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to Rule 10301 of the NASD Code of Arbitration Procedure (the "Code") and having answered the claim, appeared and testified at the hearing is bound by the determination of the arbitration panel on all issues submitted.

On or about October 14, 2005, NASD received notification that Claimants have settled their claims against Respondents.

On October 18, 2005, the parties presented the Panel with their request for an expungement for Respondent Ballinger.

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. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with NASD Dispute Resolution ("NASD").

### **AWARD**

After considering the parties' submissions and representations, but without making any findings of fact or conclusions of law, the undersigned arbitrators orders as follows:

1. Any and all claims asserted in this matter against Respondent, Wayne Ballinger, have been withdrawn by Claimants and are hereby dismissed with prejudice;
2. All claims against Respondent, Citigroup Global Markets, Inc., are hereby dismissed with prejudice pursuant to a settlement reached between the parties;
3. The Panel recommends the expungement of all reference to the above-captioned arbitration from Respondent, Wayne Ballinger's, record maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent, Wayne Ballinger, must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;
4. Other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter; and
5. Any relief not specifically enumerated, including punitive damages and Attorneys' fees, is hereby denied with prejudice.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution, Inc. will retain the non-refundable filing fee for each claim:

Initial claim filing fee	= \$ 375.00
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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. In this matter, the member firm is Citigroup Global Markets, Inc.

Member Surcharge	= \$ 2,250.00
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Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$ 4,000.00</u>
Total Member Fees	= \$ 7,000.00

### **Adjournment Fees**

Adjournments granted during these proceedings:

January 26-28, 2005, adjournment requested by Citigroup  
(fee waived by the Panel) = \$ 1,200.00

### **Three-Day Cancellation Fees**

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

October 18-19, 2005, settled by the parties = \$ 300.00

### **Forum Fees and Assessments**

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing 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:

One (1) Pre-hearing session with Panel x \$1200.00	= \$1,200.00
Pre-hearing conference: April 12, 2004 1 session	
One (1) Hearing session with Panel x \$1200.00	= \$1,200.00
<u>Hearing Date: October 18, 2005 1 session</u>	
Total Forum Fees	= \$2,400.00

The Arbitration Panel has assessed \$1,200.00 of the forum fees jointly and severally to Claimants, Gloria J. Field and William C. Field.

The Arbitration Panel has assessed \$1,200.00 of the forum fees jointly and severally to Respondents, Citigroup Global Markets, Inc. and Wayne Ballinger.

**Fee Summary**

1. Claimants, Gloria J. Field and William C. Field, are jointly and severally liable for:

Initial Filing Fee	= \$ 375.00
Three-Day Cancellation Fee	= \$ 150.00
<u>Forum Fees</u>	<u>= \$ 1,200.00</u>
Total Fees	= \$ 1,650.00
<u>Less payments</u>	<u>= \$ 1,575.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 150.00

2. Respondent, Citigroup Global Markets, Inc., is liable for:

<u>Member Fees</u>	<u>= \$ 7,000.00</u>
<u>Less payments</u>	<u>= \$ 7,000.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

3. Respondents, Citigroup Global Markets, Inc. and Wayne Ballinger, are jointly and severally liable for:

Three-Day Cancellation Fee	= \$ 150.00
<u>Forum Fees</u>	<u>= \$ 1,200.00</u>
Less Payments	= \$ 1,350.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 1,350.00

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

**ARBITRATION PANEL**

Larry Carlson, Esq. - Public Arbitrator, Presiding Chair  
David J. Dilerson - Public Arbitrator  
Robert Biondi - Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

/s/ Larry Carlson, Esq.  
Larry Carlson, Esq.  
Public Arbitrator, Presiding Chair

December 26, 2005  
Signature Date

/s/ David J. Dilerson  
David J. Dilerson  
Public Arbitrator

December 23, 2005  
Signature Date

/s/ Robert Biondi  
Robert Biondi  
Non-Public Arbitrator


December 27, 2005  
Signature Date

December 28, 2005  
Date of Service (For NASD office use only)

**ARBITRATION PANEL**

Larry Carlson, Esq. - Public Arbitrator, Presiding Chair  
David J. Dilerson - Public Arbitrator  
Robert Biondi - Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

  
Larry Carlson, Esq.  
Public Arbitrator, Presiding Chair

26 DEC 05  
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Signature Date

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David J. Dilerson  
Public Arbitrator

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

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Robert Biondi  
Non-Public Arbitrator

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


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Larry Carlson, Esq.  
Public Arbitrator, Presiding Chair

  
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David J. Dilerson  
Public Arbitrator

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

DECEMBER 23, 2005  
\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Robert Biondi  
Non-Public Arbitrator

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

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David J. Dilerson - Public Arbitrator  
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Public Arbitrator, Presiding Chair

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Signature Date

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David J. Dilerson  
Public Arbitrator

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

  
\_\_\_\_\_  
Robert Biondi  
Non-Public Arbitrator

12-27-05  
\_\_\_\_\_  
Signature Date

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Date of Service (For NASD office use only)