

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Yvonne Muller (Claimant) v. Citigroup Global Markets, Inc. and Victoria Pierce (Respondents)

Case Number: 04-02856

Hearing Site: New York, New York

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

REPRESENTATION OF PARTIES

Claimant Yvonne Muller hereinafter referred to as "Claimant": Steven M. Kaplan, Esq., Rosenfeld & Kaplan, LLP, New York, NY.

Respondents Citigroup Global Markets, Inc ("Citigroup") and Victoria Pierce ("Pierce") hereinafter collectively referred to as "Respondents": Jonathan C. Thau, Esq., Luboja & Thau, New York, NY. Previously represented by Ellen Slipp, Citigroup Global Markets, Inc. New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: April 16, 2004.

Claimant signed the Uniform Submission Agreement: March 31, 2004.

Joint Statement of Answer filed by Respondents on or about: June 21, 2004.

Respondent Citigroup did not sign a Uniform Submission Agreement.

Respondent Pierce did not sign a Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: failure to supervise, breach of fiduciary duty and suitability. The causes of action relate to margin accounts, high-risk technology and telecommunications securities.

Unless specifically admitted in their Answer, Respondents Citigroup and Pierce denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$ 1,750,000.00, plus interest, forum fees, costs and disbursements, including reasonable attorney fees, and awarding such other and further relief as is just and proper.

Respondents requested that Claimant's claims be denied in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Citigroup and Pierce did not file with NASD Dispute Resolution properly executed Uniform Submission Agreements but are required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, are 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, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents are jointly and severally liable for and shall pay to Claimant compensatory damages in the amount of \$34,000.00.
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	= \$ 500.00
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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	= \$ 2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 5,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

June 14-16, 2005 adjournment requested by Respondents	= \$ 1,200.00
June 30, 2005 adjournment requested by Respondents	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:

One (1) Pre-hearing session with Panel @ \$1,200.00	= \$ 1,200.00
Pre-hearing conference: September 29, 2004	1 session
Eight (8) Hearing sessions @ \$1,200.00	= \$ 9,600.00
Hearing Dates: June 23, 2005	2 sessions
June 24, 2005	2 sessions
July 15, 2005	2 sessions
August 30, 2005	2 sessions
Total Forum Fees	= \$10,800.00

1. The Panel has assessed \$5,400.00 of the forum fees to Claimant.
2. The Panel has assessed \$5,400.00 of the forum fees to Respondent, Citigroup.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 500.00
<u>Forum Fees</u>	= \$ 5,400.00
Total Fees	= \$ 5,900.00
<u>Less payments</u>	= \$ 1,700.00
Balance Due NASD Dispute Resolution	= \$ 4,200.00

2. Respondent Citigroup is solely liable for:

Member Fees	= \$ 8,550.00
<u>Forum Fees</u>	= \$ 5,400.00
Total Fees	= \$ 13,950.00
<u>Less payments</u>	= \$ 8,550.00
Balance Due NASD Dispute Resolution	= \$ 5,400.00

3. Respondents Citigroup and Pierce are jointly and severally liable for:

<u>Adjournment Fees</u>	= \$ 1,200.00
Total Fees	= \$ 1,200.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 1,200.00

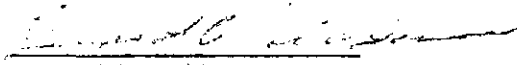
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Bernard A. Freidman, Esq.	-	Public Arbitrator, Presiding Chairperson
Howard S. Quinn	-	Public Arbitrator
Larry A. Kimmel	-	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, which is my award.



Bernard A. Freidman, Esq.
Public Arbitrator, Presiding Chairperson

9/6/05
Signature Date

Howard S. Quinn
Public Arbitrator

Signature Date

Larry A. Kimmel
Non-Public Arbitrator

Signature Date

SEPTEMBER 7, 2005
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

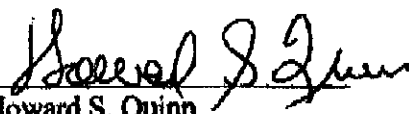
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Public Arbitrator, Presiding Chairperson

Signature Date



Howard S. Quinn
Public Arbitrator



Signature Date

Larry A. Kimmel
Non-Public Arbitrator

Signature Date



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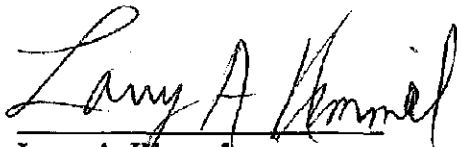
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Bernard A. Freidman, Esq.
Public Arbitrator, Presiding Chairperson

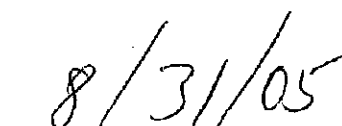
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