
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Linda E. Wyatt
Linda E. Wyatt IRA

Case Number: 04-03498

Names of the Respondents

Citigroup Global Markets, Inc.
Hilary Zimmerman

Hearing Site: Memphis, TN

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

REPRESENTATION OF PARTIES

For Linda E. Wyatt ("Wyatt") and Linda E. Wyatt IRA ("LEW IRA"), hereinafter collectively referred to as "Claimants": Rabun Jones, Esq., Dyer, Dyer, Jones & Daniels, Greeneville, MS.

For Citigroup Global Markets, Inc. ("CGMI") and Hilary Zimmerman ("Zimmerman"), hereinafter collectively referred to as "Respondents": Sara W. Higgins, Esq., Kennedy Covington, P.A., Charlotte, NC.

CASE INFORMATION

Statement of Claim filed on or about: May 4, 2004.

Claimants signed the Uniform Submission Agreement: May 5, 2004.

Statement of Answer filed by Respondents on or about: July 22, 2004.

Respondent Zimmerman signed the Uniform Submission Agreement: July 16, 2004.

Respondent CGMI signed the Uniform Submission Agreement: July 22, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: 1) breach of fiduciary duty; 2) negligence; 3) unsuitability; 4) fraud; and 5) failure to supervise. The causes of action relate to the purchase and sale of the following shares of stock: Global Crossing, Juniper, JDS Uniphase, TYCO, Enron, AOL Time Warner, Health South, Nortel, Open Wave Systems, Mirant, World Com, Imclone. In addition, the causes of action relate to the purchase of the following mutual funds: Investment Company of America, Putnam US Government and Putnam New Opportunities.

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

RELIEF REQUESTED

Claimant requested compensatory damages in excess of \$74,000.00, plus eight percent interest, punitive damages, attorney's fees, the costs, expenses and fees incurred as a result of this proceeding and such other relief as is deemed just and proper.

Respondents requested that all claims against them be dismissed, that all costs be assessed against Claimants and that all references to this matter be expunged from the NASD Central Registration Depository ("CRD") record of Respondent Zimmerman.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, (and the post-hearing submissions) the undersigned arbitrators (the "Panel") have decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent CGMI is liable and shall pay to Claimants the sum of \$72,479.52 in compensatory damages, plus interest at the rate of 8% per annum from October 1, 2000 until the date of payment of the Award.
2. Respondent CGMI is liable and shall pay to Claimants the sum of \$225.00 representing reimbursement of the claim filing fee previously paid by Claimants to NASD Dispute Resolution.
3. Any and all claims for relief not specifically addressed herein, including Claimants' requests for punitive damages and attorney's fees, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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

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, Respondent CGMI is a member firm and a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$1,700.00</u>
Total Member Fees	= \$3,550.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred during these proceedings.

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.

No three-day cancellation fees were incurred during these proceedings.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

No injunctive relief fees were incurred during these proceedings.

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 a single arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: March 21, 2005	1 session

One (1) Pre-hearing session with the Panel @ \$750.00	= \$ 750.00
Pre-hearing conference: October 25, 2004	1 session

Four (4) Hearing sessions with the Panel @ \$750.00	= \$3,000.00
Hearing Dates: April 12, 2005	2 sessions
April 13, 2005	2 sessions

Total Forum Fees	= \$4,200.00
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The Panel has assessed the total forum fees of \$4,200.00 to Respondent CGMI.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 225.00
Total Fees	= \$ 225.00
<u>Less payments</u>	= \$ 225.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent CGMI is solely liable for:

Member Fees	= \$3,550.00
<u>Forum Fees</u>	= \$4,200.00
Total Fees	= \$7,750.00
<u>Less payments</u>	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$4,200.00

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

ARBITRATION PANEL

Michael Richards, Esq.	-	Public Arbitrator, Presiding Chairperson
Prince C. Chambliss, Jr., JD	-	Public Arbitrator
Richard L. Oates	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

_____/s/
Michael Richards, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

_____/s/
Prince C. Chambliss, Jr., JD
Public Arbitrator

Signature Date

_____/s/
Richard L. Oates
Non-Public Arbitrator

Signature Date

April 20, 2005

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

APR 19, 2005 11:23AM NASD
 NASD Dispute Resolution
 Arbitration No. 04-03498
 Award Page 4

No. 7437 P. 6/6

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 225.00
Total Fees	= \$ 225.00
Less payments	= \$ 225.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent CGMI is solely liable for:

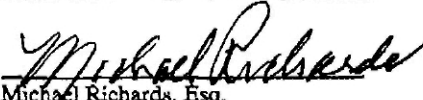
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Concurring Arbitrators' Signatures


 Michael Richards, Esq.
 Public Arbitrator, Presiding Chairperson

4/19/05
 Signature Date

 Prince C. Chambliss, Jr., JD
 Public Arbitrator

 Signature Date

 Richard L. Oates
 Non-Public Arbitrator

 Signature Date

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

Apr. 19. 2005 11:28AM NASD
 NASD Dispute Resolution
 Arbitration No. 04-03498
 Award Page 4

No. 7436 P. 6/6

Fee Summary

Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 225.00
<u>Total Fees</u>	= \$ 225.00
<u>Less payments</u>	= \$ 225.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 0.00

Respondent CGMI is solely liable for:

<u>Member Fees</u>	= \$3,550.00
<u>Forum Fees</u>	= \$4,200.00
<u>Total Fees</u>	= \$7,750.00
<u>Less payments</u>	= \$3,550.00
<u>Balance Due NASD Dispute Resolution</u>	= \$4,200.00

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Concurring Arbitrators' Signatures

 Michael Richards, Esq.
 Public Arbitrator, Presiding Chairperson

 Signature Date


 Prince C. Chambliss, Jr., JD
 Public Arbitrator

4/19/05
 Signature Date

 Richard L. Oates
 Non-Public Arbitrator

 Signature Date

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

APR 19 2005 11:20AM NASD

No. 1435 P. 6

NASD Dispute Resolution

Arbitration No. 04-03498

Award Page 4Fee Summary

Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 225.00
<u>Total Fees</u>	= \$ 225.00
<u>Less payments</u>	= \$ 225.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent CGMI is solely liable for:

<u>Member Fees</u>	= \$3,550.00
<u>Forum Fees</u>	= \$4,200.00
<u>Total Fees</u>	= \$7,750.00
<u>Less payments</u>	= \$3,550.00
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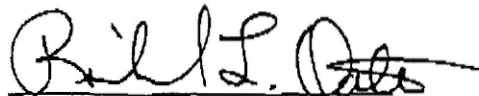
Concurring Arbitrators' Signatures

Michael Richards, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Prince C. Chambliss, Jr., JD
Public Arbitrator

Signature Date



Richard L. Oates
Non-Public Arbitrator

4/19/05

Signature Date

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