

AWARD
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of Claimants

Leonard Thigpen and Rhoda Thigpen

vs.

Case Number: 04-03612
Hearing Site: Chicago, Illinois

Names of Respondents

Citigroup Global Markets, Inc. f/k/a Salomon
Smith Barney, Inc., and Wade Lewis

NATURE OF THE DISPUTE

Customers vs. Member and Associated Person

REPRESENTATION OF PARTIES

Leonard Thigpen and Rhoda Thigpen ("**Claimants**") were represented by Erwin Cohn, Esq., Cohn & Cohn, Chicago, Illinois until August 2, 2006. After that date Claimants were represented by Alan F. Block, Esq., Block & Landsman, Chicago, Illinois.

Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. ("**Citigroup**") and Wade Lewis ("**Lewis**"), hereinafter collectively referred to as "**Respondents**," were represented by Patrick G. King, Esq., Stephen P. Berkeley, Esq., and Tiffany C. Woodie, Esq., Neal, Gerber & Eisenberg, LLP, Chicago, Illinois.

CASE INFORMATION

The Statement of Claim was filed on or about May 20, 2004. The Submission Agreement of Claimants was signed on or about May 6, 2004. Claimants filed an Amended Statement of Claim on or about April 10, 2006.

Respondents did not file an Answer to the Statement of Claim. On or about June 12, 2006, Respondents advised NASD that they had no objection to Claimants filing the Amended Statement of Claim without leave of the Panel. The Statement of Answer to the Amended Statement of Claim was filed jointly by Respondents on or about July 17, 2006.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty; consumer fraud; negligence; and failure to supervise. The causes of action related to Claimants' allegation that Respondents traded on margin without Claimants' approval, and heavily concentrated Claimants' IRA portfolio in various technology and internet stocks including Akamai Technologies, AOL, Amgen, Cisco, Doubleclick, Hewlett Packard, Intel, Microsoft and Sun Microsystems. Claimants further alleged the investments made on their behalf did not meet Claimants' financial objectives.

Unless specifically admitted in their Answer, Respondents, Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc., and Wade Lewis, denied the allegations made in the Amended Statement of Claim and asserted affirmative defenses including the following: the Amended Statement of Claim failed to state a claim upon which relief may be granted; Claimants' alleged damages are speculative and not legally cognizable; Claimants' claims are barred by the applicable statute of limitations; and Claimants failed to take any steps to mitigate or avoid the damages alleged.

RELIEF REQUESTED

Claimants requested an award in the amount of:

Actual/Compensatory Damages	\$100,000.00
Exemplary/Punitive	\$100,000.00
Attorneys' Fees	\$ unspecified
Other Costs	\$ unspecified
Other Monetary/Non-Monetary Relief, if any	\$ unspecified

Respondents requested that the claims asserted against them be denied in their entirety and that they be awarded their costs and attorneys' fees.

OTHER ISSUES CONSIDERED & DECIDED

Respondents, Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc., and Wade Lewis did not file with the 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 the evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

- 1.) Claimants' claims, each and all, are hereby denied and dismissed with prejudice;
- 2.) Other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter; and
- 3.) 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 will retain or collect the non-refundable filing fee for each claim:

Initial Claim filing fee	= \$ 300.00
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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. f/k/a Salomon Smith Barney, Inc.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,750.00

Adjournment Fees

Adjournments granted during these proceedings:

August 8 – 12, 2005, adjournment requested by Claimants	= \$ 1,125.00
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Forum Fees and Assessments

The Panel has assessed forum fees for each hearing 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:

Three (3) Pre-hearing sessions with Panel x \$1,125.00	= \$	3,375.00
Pre-hearing conferences: October 11, 2004	1 session	
October 31, 2005	1 session	
December 6, 2005	1 session	
Six (6) Hearing sessions x \$1,125.00	= \$	6,750.00
Hearing Dates: August 28, 2006	2 sessions	
August 29, 2006	2 sessions	
August 30, 2006	2 sessions	
Total Forum Fees	= \$	10,125.00

The Arbitration Panel has assessed \$5,062.50 of the forum fees jointly and severally to Leonard Thigpen and Rhoda Thigpen.

The Arbitration Panel has assessed \$5,062.50 of the forum fees jointly and severally to Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc., and Wade Lewis.

FEE SUMMARY

Claimants, Leonard Thigpen and Rhoda Thigpen, are jointly and severally liable for:

Initial Filing Fee	= \$	300.00
Adjournment Fee	= \$	1,125.00
Forum Fees	= \$	5,062.50
Total Fees	= \$	6,487.50
Less payments	= \$	1,425.00
Balance Due NASD Dispute Resolution	= \$	5,062.50

Respondent, Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc., is liable for:

Member Fees	= \$	5,200.00
Total Fees	= \$	5,200.00
Less payments	= \$	5,200.00
Balance Due NASD Dispute Resolution	= \$	0.00

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Respondents, Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc., and Wade Lewis, are jointly and severally liable for:

Forum Fees	= \$ 5,062.50
Total Fees	= \$ 5,062.50
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 5,062.50

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

ARBITRATION PANEL

Beryl A. Birndorf, Esq. – Public Arbitrator, Presiding Chair
 Elliot Leitner - Public Arbitrator
 Susan K. Franz - Non-Public Arbitrator

Concurring Arbitrators' Signatures:

/s/ Beryl A. Birndorf, Esq.
 Beryl A. Birndorf, Esq.
 Public Arbitrator, Presiding Chair

September 11, 2006
 Signature Date

/s/ Elliot Leitner
 Elliot Leitner
 Public Arbitrator

September 8, 2006
 Signature Date

/s/ Susan K. Franz
 Susan K. Franz
 Non-Public Arbitrator

September 11, 2006
 Signature Date

September 12, 2006
 Date of Service (For NASD office use only)

NASD Dispute Resolution
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Beryl A. Birndorf, Esq. – Public Arbitrator, Presiding Chair
 Elliot Leitner - Public Arbitrator
 Susan K. Franz - Non-Public Arbitrator

Concurring Arbitrators' Signatures:


 Beryl A. Birndorf, Esq.
 Public Arbitrator, Presiding Chair

4/11/06
 Signature Date

 Elliot Leitner
 Public Arbitrator

 Signature Date

 Susan K. Franz
 Non-Public Arbitrator

 Signature Date

 Date of Service (For NASD office use only)

NASD Dispute Resolution
 Arbitration No. 04-03612
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ARBITRATION PANEL

Beryl A. Bimdorf, Esq. - Public Arbitrator, Presiding Chair
 Elliot Leitner - Public Arbitrator
 Susan K. Franz - Non-Public Arbitrator

Concurring Arbitrators' Signatures:

Beryl A. Bimdorf, Esq.
 Public Arbitrator, Presiding Chair


 Elliot Leitner
 Public Arbitrator

Signature Date

09.08.2006
 Signature Date

Susan K. Franz
 Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

NASD Dispute Resolution
 Arbitration No. 04-03612
 Award Page 5 of 5

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 Elliot Leitner - Public Arbitrator
 Susan K. Franz - Non-Public Arbitrator

Concurring Arbitrators' Signatures:

 Beryl A. Birndorf, Esq.
 Public Arbitrator, Presiding Chair

 Signature Date

 Elliot Leitner
 Public Arbitrator

 Signature Date


 Susan K. Franz
 Non-Public Arbitrator

09-11-2006
 Signature Date

 Date of Service (For NASD office use only)