

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

John Day (Claimant) v. Citigroup Global Markets, Inc. (Respondent)

Case Number: 04-04952

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

Claimant John Day hereinafter referred to as "Claimant": David Dretzin, Esq., New York, NY.

Respondent Citigroup Global Markets, Inc. hereinafter referred to as "Respondent": Ira G. Rosenstein, Esq., Orrick, Herington & Sutcliffe, New York, NY. Previously represented by Lisa K. Borgeson, Citigroup Global Markets, Inc. New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: July 8, 2004.

Claimant signed the Uniform Submission Agreement: July 15, 2004.

Statement of Answer filed by Respondent on or about: October 29, 2004.

Respondent signed the Uniform Submission Agreement: October 28, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: compensation and age discrimination.

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

RELIEF REQUESTED

Claimant requested that Respondent provide him with data regarding his bonus and that of other directors. Alternatively, Claimant requested unspecified compensatory damages; interest, attorneys' fees, and costs.

Respondent requested that the Statement of Claim be in all respects dismissed.

OTHER ISSUES CONSIDERED AND DECIDED

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. Claimant's claims are dismissed in their entirety.
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	= \$ 250.00
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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	= \$ 1,500.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

May 3-4, 2005, adjournment requested by Claimant	= Waived
May 11 and 24, 2005, adjournment requested by Claimant	= 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 a single arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: April 26, 2005 1 session	

Two (2) Pre-hearing sessions with Panel @ \$1,000.00		= \$ 2,000.00
Pre-hearing conferences:	January 12, 2005	1 session
	June 2, 2005	1 session

Three (3) Hearing sessions @ \$1,000.00		= \$ 3,000.00
Hearing Dates:	June 14, 2005	1 session
	June 16, 2005	1 session
	June 22, 2005	1 session

Total Forum Fees		= \$ 5,450.00
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1. The Panel has assessed \$2,725.00 of the forum fees to Day.
2. The Panel has assessed \$2,725.00 of the forum fees to Citigroup.

Fee Summary

1. Claimant Day is solely liable for:

Initial Filing Fee	= \$ 250.00
<u>Forum Fees</u>	= \$ 2,725.00
Total Fees	= \$ 2,975.00
<u>Less payments</u>	= \$ 1,250.00
Balance Due NASD Dispute Resolution	= \$ 1,725.00

2. Respondent Citigroup is solely liable for:

Member Fees	= \$ 4,450.00
<u>Forum Fees</u>	= \$ 2,725.00
Total Fees	= \$ 7,175.00
<u>Less payments</u>	= \$ 6,650.00
Balance Due NASD Dispute Resolution	= \$ 525.00

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

ARBITRATION PANEL

Eugene F. Farabaugh	-	Public Arbitrator, Presiding Chairperson
Hilary B. Miller	-	Public Arbitrator
Paul John Wiegartner	-	Public Arbitrator

Concurring Arbitrators' Signatures

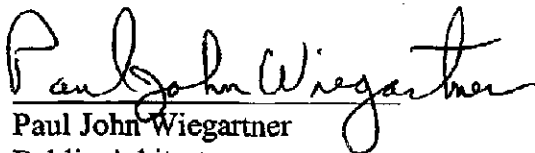
I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

Eugene F. Farabaugh
Public Arbitrator, Presiding Chairperson

Signature Date

Hilary B. Miller
Public Arbitrator

Signature Date



Paul John Wiegartner
Public Arbitrator

August 4, 2005

Signature Date

August 10, 2005

Date of Service (For NASD Dispute Resolution use only)

AUG 8 - 2005

ARBITRATION PANEL

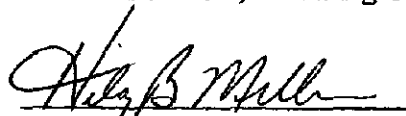
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Paul John Wiegartner	-	Public Arbitrator

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Eugene F. Farabaugh
Public Arbitrator, Presiding Chairperson

Signature Date



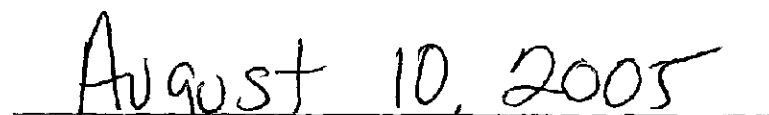
Hilary B. Miller
Public Arbitrator



Signature Date

Paul John Wiegartner
Public Arbitrator

Signature Date



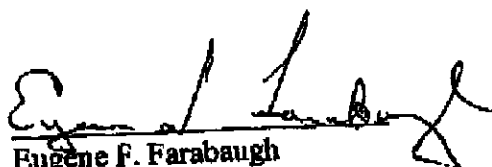
Date of Service (For NASD Dispute Resolution use only)

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Hilary B. Miller	-	Public Arbitrator
Paul John Wiegartner	-	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.


Eugene F. Farabaugh
Public Arbitrator, Presiding Chairperson

Aug. 9, 2005
Signature Date

Hilary B. Miller
Public Arbitrator

Signature Date

Paul John Wiegartner
Public Arbitrator

Signature Date

August 10, 2005
Date of Service (For NASD Dispute Resolution use only)