

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 04-05249

Essa M. Bateh, Claimant v. Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. and Jack B. Grubman, Respondents

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**ATTORNEYS:**

For Claimant Essa M. Bateh ("Claimant") appeared Richard Lantenberg, Esq., of the firm Cooper Ridge & Lantenberg, Jacksonville, FL, Eddie E. Farah, Esq., of the firm Farah, Farah & Abbott, P.A., Jacksonville, FL, and Wm. Jemison Mims, Jr., Esq., of the firm Levin, Papantonio, Thomas, Mitchell, Echsner & Proctor, P.A., Pensacola, FL.

For Respondents Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. and Jack B. Grubman (collectively "Respondents") appeared Mark L. Parmelee, Esq. and Steven L. Saxl, Esq., of the firm Greenberg Traurig, LLP, New York, NY.

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**NATURE OF DISPUTE:** Customer v. Member and Associated Person.

**DATE FILED:** July 19, 2004.

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**CASE SUMMARY:** Claimant alleged that Respondents issued misleading research reports, failed to disclose material conflicts of interest, and omitted material facts in connection with the offer and sale of WorldCom stock and Williams Communications Group, Inc. stock. Claimant further alleged that Respondents violated Section 17(a) of the Securities Act of 1933, and NASD Rule 2210(d)(1), that Respondents breached their fiduciary duty, and that Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. is liable under the doctrine of respondeat superior. Claimant maintained that due to Respondents' actions, his account suffered losses. Claimant's claim involved shares of WorldCom stock and Williams Communications Group, Inc. stock.

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**Claim Data**

Claim: \$10,233.49  
Punitive: \$10,000.00  
Interest: Unspecified  
Attorney Fees: Unspecified  
Filing Fees: Unspecified  
Other: Unspecified

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**Award Data**

Award: \$.00  
Punitive: \$.00  
Interest: \$.00  
Attorney Fees: \$.00  
Filing Fees: \$212.50  
Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimant are dismissed in their entirety. 2) All requests for punitive damages are denied. 3) All requests for interest are denied. 4) All requests for attorney fees are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited

Page Two  
Award 04-05249

previously. 7) Respondent Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. is liable and shall pay Claimant \$106.25 as reimbursement of 25% of the filing fee. 8) Respondent Jack B. Grubman is liable and shall pay Claimant \$106.25 as reimbursement of 25% of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

Page Three  
Award 04-05249

ARBITRATOR

Ernesto V. Luzzatto - Sole Public Arbitrator

AFFIRMATION

I, Ernesto V. Luzzatto, 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.

  
Ernesto V. Luzzatto

January 18, 2005  
Signature Date

January 21, 2005  
Date of Service (For NASD-DR office use only)