

**Award  
NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

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

Case Number: 05-03301

Hearing Site: New York, New York

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Nature of the Dispute: Associated Person v. Member

**REPRESENTATION OF PARTIES**

Claimant John Chen hereinafter referred to as "Claimant": Julian R. Birnbaum, Esq.,  
Vladeck, Waldman, Elias & Engelhard, P.C., New York, NY.

Respondent Citigroup Global Markets, Inc. hereinafter referred to as "Respondent":  
Rachel M. Manne, Esq. and Kevin B. Leblang, Esq., Kramer, Levin, Naftalis & Frankel,  
LLP, New York, NY.

**CASE INFORMATION**

Statement of Claim filed on or about: May 17, 2005.

Claimant signed the Uniform Submission Agreement: June 28, 2005.

Statement of Answer filed by Respondent on or about: August 26, 2005.

Respondent signed the Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following causes of action: race and national origin  
discrimination and retaliation.

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

**RELIEF REQUESTED**

Claimant requested compensatory damages in an amount exceeding \$50,000.00,  
unspecified damages for emotional distress, punitive damages, a declaration from the  
Panel that the acts and practices complained of in the Statement of Claim are in  
violation of 42 U.S.C. Section 1981 ("Title VII"), the New York State Human Rights Law,  
N.Y. Executive Law Section 290 ("HRL"), and the New York City Human Rights Law,

N.Y. City Administrative Code Sections 8-10 ("City HRL"), to enjoin the acts and practices that are in violation of Title VII, the HRL, and the City HRL, costs, attorneys' fees, interest, and such other and further relief as is necessary and proper.

Respondent requested dismissal of the Statement of Claim in its entirety.

### **OTHER ISSUES CONSIDERED AND DECIDED**

During the hearing Respondent moved to dismiss Claimant's claims. The Panel denied Respondent's motion.

During the hearing Claimant requested expungement of this matter from his CRD record. The Panel denied Claimant's request for expungement.

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 denied in their entirety.
2. Any and all relief not specifically addressed herein, including punitive damages, 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	= \$ 175.00
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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 Global Markets, Inc. is a party.

Member surcharge	= \$ 875.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 1,000.00

**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 single arbitrator @ \$450.00 = \$ 450.00  
Pre-hearing conference: March 29, 2006 1 session

One (1) Pre-hearing session with the Panel @ \$600.00 = \$ 600.00  
Pre-hearing conference: November 21, 2005 1 session

Ten (10) Hearing sessions with the Panel @ \$600.00 = \$ 6,000.00  
Hearing dates: May 2, 2006 2 sessions  
May 3, 2006 2 sessions  
May 4, 2006 2 sessions  
May 9, 2006 2 sessions  
May 10, 2006 2 sessions

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Total Forum Fees = \$ 7,050.00

1. The Panel has assessed \$3,525.00 of the forum fees to Claimant.
2. The Panel has assessed \$3,525.00 of the forum fees to Respondent.

**Fee Summary**

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 175.00
Forum Fees	= \$ 3,525.00
Total Fees	= \$ 3,700.00
Less payments	= \$ 1,500.00
Balance Due NASD Dispute Resolution	= \$ 2,200.00

2. Respondent is solely liable for:

Member Fees	= \$ 2,625.00
Forum Fees	= \$ 3,525.00
Total Fees	= \$ 6,150.00
Less payments	= \$ 1,750.00
Balance Due NASD Dispute Resolution	= \$ 4,400.00

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

Julian F. Santos - Public Arbitrator, Presiding Chairperson  
Pamela H. Roderick - Public Arbitrator  
William J. Crowe, Jr., Esq. - 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.



Julian F. Santos  
Public Arbitrator, Presiding Chairperson

May 23, 2006  
Signature Date

\_\_\_\_\_  
Pamela H. Roderick  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
William J. Crowe, Jr., Esq.  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

**May 24, 2006**

\_\_\_\_\_  
Date of Service (For NASD Dispute Resolution use only)

NASD REGULATION

NASD Dispute Resolution  
Arbitration No. 05-03301  
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**ARBITRATION PANEL**

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Public Arbitrator, Presiding Chairperson

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Signature Date

  
Pamela H. Roderick  
Public Arbitrator

  
Signature Date

**May 24, 2006**

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William J. Crowe, Jr., Esq.  
Non-Public Arbitrator

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Signature Date

NASD REGULATION

NASD Dispute Resolution  
Arbitration No. 05-03301  
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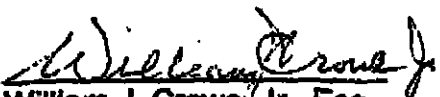
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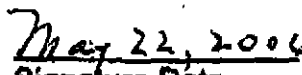
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