

NO. _____

**In The Supreme Court Of Texas
Austin, Texas**

***IN RE CITIGROUP GLOBAL MARKETS, INC. (f/k/a SALOMON
SMITH BARNEY, INC.), CITIGROUP INC., and STACY OELSEN***

REQUEST FOR TEMPORARY RELIEF

I.

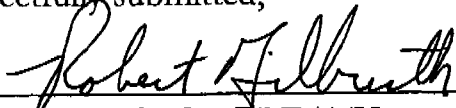
Kelators request that the Court stay all trial court proceedings during the pendency of this original proceeding in which Relators seek mandamus relief from the trial court's order denying their motion to compel arbitration. See Tex. R. App. P. 52.10(b). After a hearing on September 15, 2006, the trial court refused to stay the case during the pendency of the appeal/mandamus proceedings. Furthermore, the Real Parties in Interest are currently pursuing pre-trial discovery. (See Tab A).

II.

A stay is necessary to ensure that Citigroup is not deprived of the benefits of its arbitration agreement. A party forced to litigate in court despite the existence of an enforceable arbitration clause is "deprived of the benefits of the arbitration clause it

contracted for, and the purpose providing a rapid, inexpensive alternative to traditional Litigation [is] defeated." *See Jack B. Anglin Co v. Tipps*, 842 S.W.2d 266, 272-73 (Tex. 1992).

Respectfully submitted,

By: 

ROBERT B. GILBREATH

State Bar No. 07904620

CHARLES A. GALL

State Bar No. 07281500

JAMES W. BOWEN

State Bar No. 02723305

JENKENS & GILCHRIST,

a *Professional Corporation*

1445 Ross Avenue, Suite 3700

Dallas, Texas 75202

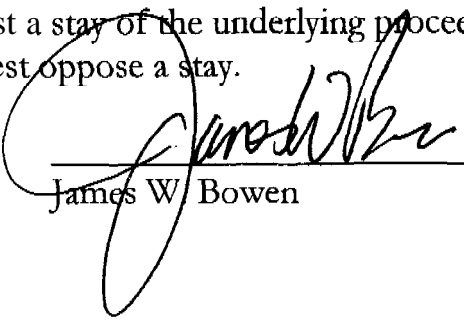
(214) 855-4500

(214) 855-4300 (fax)

ATTORNEYS FOR RELATORS

CERTIFICATE OF CONFERENCE

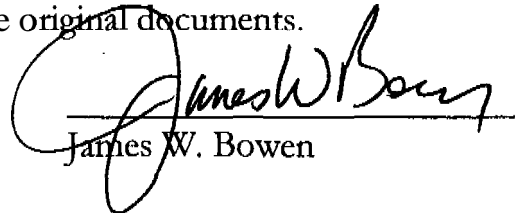
I hereby certify that I contacted counsel for Real Parties in Interest, Will Snyder, regarding Relators' intent to request a stay of the underlying proceedings. Mr. Snyder stated that the Real Parties in Interest oppose a stay.


James W. Bowen

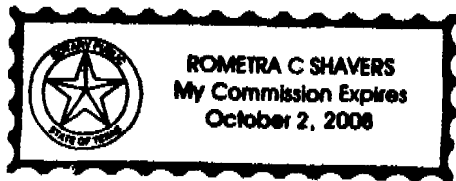
VERIFICATION

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

Before me, the undersigned authority, on this day personally appeared James W. Bowen, known to me to be the person whose name is subscribed below and who, upon his oath and based upon personal knowledge, stated that (1) he is one of the attorneys of record for Relators in this original proceeding and in the underlying case; (2) the factual statements in this motion are true and correct; and (3) the items attached hereto are true and correct copies of the original documents.


James W. Bowen


_____ SUBSCRIBED AND SWORN TO BEFORE ME by James W. Bowen on this _____ day of October, 2006, to certify which, witness my hand and seal of office.




Rometra C. Shavers
Notary Public, State of Texas

CERTIFICATE OF COMPLIANCE WITH TEX. R. APP. P. 52.10

The undersigned certifies that it has made a diligent effort to notify all parties by expedited means that a motion for temporary relief has been or will be filed as required by Texas Rule of Appellate Procedure 52.10. Specifically, this Motion was hand-delivered to counsel for the Real Parties in Interest on October 10, 2006.


Robert B. Gilbreath

CERTIFICATE OF SERVICE

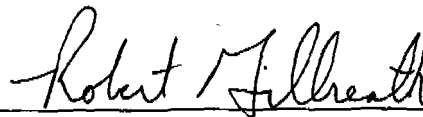
This is to certify that on the 10th day of October 2006, a true and correct copy of this Motion was forwarded to those identified below by hand delivery.

Counsel for Real Parties in Interest

Richard A. Sayles
Will S. Snyder
SAYLES LIDJI & WERBNER
4400 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270

Respondent:

The Honorable Sally Montgomery,
County Court at Law No. 3
Dallas County Records Bldg.
500 Main Street, Sixth Floor
Dallas County, Texas 75202



Robert B. Gilbreath

CAUSE NO. CC-04-04729-C

**ROBERT A. NICKELL and
NATALIE BERT NICKELL,**

Plaintiffs,

vs.

**CITIGROUP GLOBAL MARKETS,
INC. (f/k/a SALOMON SMITH
BARNEY, INC.), CITIGROUP,
INC., and STACY OELSEN.**

Defendants.

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IN THE COUNTY COURT

AT LAW NO. 3

DALLAS COUNTY, TEXAS

**PLAINTIFFS' SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO
CITIGROUP GLOBAL MARKETS, INC. f/k/a SALOMON SMITH BARNEY, INC.**

TO: Defendant Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc., by and through its attorneys of record, James Bowen, Jenkins & Gilchrist, 1445 Ross Avenue, Suite 3200, Dallas, Texas 75202.

Plaintiff hereby submit their Second Request for Production to Defendant Citigroup Global Markets, Inc., f/k/a Salomon Smith Barney, Inc., and state as follows:

1. REQUEST FOR PRODUCTION

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, you are hereby directed to produce for inspection and copying the documents and tangible things requested herein. You shall serve a written response to the document requests thirty (30) days after service of these requests which shall state, with respect to each item or category of items requested, that inspection and copying will be permitted as requested, unless the request is objected to, in which event the reasons for the objection shall be stated. If objection is made to part of an item or category, that part shall be specified. You shall produce the documents requested for inspection and copying at the offices of

Sayles | Werbner, P.C., 4400 Renaissance Tower, 1201 Elm Street, Dallas, Texas 75270. or at such other location as the parties shall mutually agree in writing, thirty (30) days after service hereof.

DEFINITIONS

1. The terms "you," "your" and "CGM" shall mean Defendant Citigroup Global Markets, Inc., f/k/a Salomon Smith Barney, Inc. ("SSB") (formerly, Salomon Brothers ("Salomon")), and, where applicable, shall include CGM, SSB, and/or Salomon and any of its present or former partners, officers, employees, agents, representatives or attorneys and any other persons under its control or acting on its/their behalf, including, but not limited to, Jack Grubman ("Grubman"), Eduardo Mestre ("Mestre"), Kevin McCaffrey ("McCaffrey"), Jeff Waters ("Waters"), Thomas King ("King"), Michael Carpenter ("Carpenter"), James Zisson ("Zisson"), John Hoffman (Hoffman"), David Trautenberg ("Trautenberg"), and Jay Mandelbaum ("Mandelbaum"). This definition shall also include any business owned, in whole or part and in any form, by such person(s) individually or by any business entity owned (in whole or in part) by such person(s) individually (whether or not a sham entity). This definition also encompasses any relevant affiliates such as (but not limited to) Salomon Smith Barney Holdings, Inc., as well as any of your foreign sectors.

2. The term "Plaintiffs" shall mean Plaintiffs Robert A. Nickell and/or Natalie Bert Nickell, and any of their present or former agents, representatives, or attorneys, and any other persons under their control or acting on their behalf.

3. The term "Robert Nickell" shall mean Plaintiff Robert A. Nickell and any of his present or former agents, representatives, or attorneys, and any other persons under his control or acting on his behalf.

4. The term "Natalie Nickel" shall mean Plaintiff Natalie Bert Nickel, and any of her present or former agents, representatives, or attorneys, and any other persons under her control or acting on her behalf.

5. "WorldCom" shall mean the company formerly known as WorldCom, Inc. (now, MCI, Inc.), and shall include any of its former partners, officers, employees, agents, representatives or attorneys and any other persons under its control or acting on its/their behalf (whether or not in their employment or individual capacity) (including, but not limited to, Bernard J. Ebbers, David F. Myers, Walter Scott, James Crowe, Donald Sturm, and/or Scott D. Sullivan), as well as any related affiliates. This definition shall also include any business owned, in whole or part and in any form, by such person(s) individually or by any business entity owned (in whole or in part) by such person(s) individually (whether or not a sham entity).

6. "Citigroup" shall mean Defendant Citigroup, Inc., and, where applicable, shall include any of its present or former partners, officers, employees, agents, representatives or attorneys and any other persons under its control or acting on its/their behalf, as well as any relevant affiliates.

7. "Oelsen" shall mean Defendant Stacey Oelsen and any of his present or former agents, representatives, or attorneys, and any other persons under his control or acting on his behalf.

9. The terms "document" and "documents" shall mean every writing of every type or description, and every other thing constituting any medium by which, through which, or on which any type of communication, information, or knowledge has been transmitted, recorded, or preserved. The term "document" or "documents" shall also mean every copy of a document where such copy is not an identical duplicate of the original. The term "document" and "documents" include, without limitation, papers; books; letters; correspondence; telegrams; cables; telex messages; e-mails, memoranda; notes; notations; work papers; transcripts; minutes; reports; recordings of telephone or

other conversations or of interviews or conferences or meetings; affidavits; statements; summaries; opinions; studies; analyses; evaluations; contracts, agreements; journals; logs; statistical records; desk calendars; appointment books; electronic calendars, diaries; tax returns; charts; lists; tabulations; sound recordings; computer printouts; data processing input and output; microfilms; photographs; checks; invoices; bills; bookkeeping and accounting records and financial reports and information. Any documents bearing on any part thereof any marks, including, by way of illustration only, initials, stamped indicia, comments, or notations of any character which are not part of the original document or any reproduction thereof is to be considered a separate document.

10. The terms "pertain," "pertaining," "regard," "regarding," "refer," "involving" or "referring" shall mean consist of, pertain to, reflect, evidence, constitute, relate, or be in any way logically or factually connected with the matter discussed.

11. The term "person" shall mean any natural person, groups of natural persons acting as individuals, groups of natural persons acting in a collective capacity (e.g., as a committee, board of directors, etc.), corporations, partnerships, joint ventures, companies, associations, firms and any other incorporated or unincorporated business, professional, governmental or social entity.

12. The term "communication" shall mean every manner or means of statement, utterance, notation, disclaimer, transfer or exchange of information of any nature whatsoever, by or to whomever, whether oral or written, whether face-to-face, by telephone, e-mails, fax, mail, personal delivery or otherwise, including, but not limited to, correspondence, conversations, dialogue, discussions, meetings, interviews, consultations, agreements and other understandings.

13. Terms in the singular include the plural; terms in the plural include the singular.

14. The term "or," as used herein, is inclusive, referring to any one or more of the disjoined words or phrases: "and," "any," "all," and "each and every."

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INSTRUCTIONS

1. This request shall be deemed to include any and all relevant documents in your (as defined herein) possession, custody or control.
2. Unless indicated otherwise, the relevant time period for this request for production of documents January 1, 1996, to the present.
3. Plaintiffs hereby request the production of data or information that exists in electronic or magnetic form pursuant to Texas Rule of Civil Procedure 196.4. Plaintiffs request that such data or information be produced on compact disks, together with an identification of any software program necessary to retrieve such data or information.

SPECIFIC REQUESTS FOR PRODUCTION

1. All documents reflecting and/or constituting Oelsan's evaluations and/or opinions of Grubman.

Response:

2. All documents pertaining to any consideration given or determination made to remove WorldCom from your recommended stocks, including, but not limited to, Grubman's "Top 10 List."

Response:

3. All documents reflecting your criteria and/or standards for recommending stocks, including, but not limited to, documents reflecting my change in such standards and the reasons therefor.

Response:

4. All documents pertaining to communications between Tim Tucker and Grubman regarding WorldCom.

Response:

5. All documents pertaining to WorldCom's bankruptcy, including, but not limited to (a) any debtor-in-possession file opened and/or maintained by you and/or (b) documents reflecting the date on which you first became aware that WorldCom was considering filing for bankruptcy protection.

Response:

6. All documents pertaining to any communications between Grubman and Mestre referring and/or relating to any financial assistance and/or benefits for WorldCom, Ebberts, and/or any other WorldCom executive or employee (whether or not such assistance or benefit was ever provided).

Response:

7. All charts, graphs, and any other materials used by any expert witness in any arbitration involving any claim made by a purchaser of WorldCom stock relating to analyst reports and/or recommendations regarding WorldCom that were drafted and/or issued by you.

Response:

8. All transcripts of any testimony (including, but not limited to, expert witness testimony and affidavit testimony) given by you and/or WorldCom in any arbitration involving any claim made by a purchaser of WorldCom stock relating to analyst reports and/or recommendations regarding WorldCom that were drafted and/or issued by you.

Response:

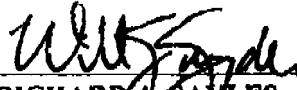
9. All expert witness reports developed in connection with the litigation and/or arbitration of any claim made by a purchaser of WorldCom stock relating to analyst reports and/or recommendations regarding WorldCom that were drafted and/or issued by you.

Response:

10. All exhibit lists filed in connection with the litigation and/or arbitration of any claim made by a purchaser of WorldCom stock relating to analyst reports and/or recommendations regarding WorldCom that were drafted and/or issued by you.

Response:

Respectfully submitted,



RICHARD A. SAYLES

State Bar No. 17697500

WILL S. SNYDER

State Bar No. 00786250

STACY D. SIMON

State Bar No. 00788413

SAYLES | WERNER, P.C.

4400 Renaissance Tower

1201 Elm Street

Dallas, Texas 75270

(214) 939-8700 (Telephone)

(214) 939-8787 (Facsimile)

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF ICE

I hereby certify that on this 2nd day of October, 2006, pursuant to Rule 21a, Texas Rules of Civil Procedure, a true and correct copy of the foregoing document was served on all counsel of record.

