

Additions: Underlined  
 Deletions: [Bracketed]

## Rules of NYSE MKT LLC

### Rule 95 - Equities. Discretionary Transactions

(a) No member while on the Floor shall execute or cause to be executed on the Exchange, or on any other market center pursuant to Regulation NMS any transaction for the purchase or sale of any stock with respect to which transaction such member is vested with discretion as to (1) the choice of security to be bought or sold, (2) the total amount of any security to be bought or sold, or (3) whether any such transaction shall be one of purchase or sale. The member must receive all material terms of an order, as referenced in (1), (2), and (3), from the member's customer off the Floor, and may not simply rely on a general understanding of the customer's intentions and thereby create an order or a material term of an order on the Floor. For example, a member who has purchased stock pursuant to a customer's off-Floor order may not simply rely on an understanding of the customer's strategy to sell the stock if it becomes profitable to do so, but must first obtain a new order to sell entered by the customer from off the Floor. See also Rule 90 - Equities and the supplementary material thereto.

(b) The provisions of paragraph (a) of this Rule shall not apply to any transaction permitted by Rule 93 - Equities for any account in which the member executing such transaction is directly or indirectly interested.

[(c) If a Floor broker acquires a position for an account during a particular trading session while representing at the same time, on behalf of that account, market or limit orders at the minimum variation on both sides of the market, the broker may liquidate or cover the position established during that trading session only pursuant to a new order (a liquidating order) which must be time-recorded upstairs and upon receipt on the trading Floor. All liquidating orders as described above must be marked on the Floor as `BC' in the case of an order covering a short position, or `SLQ' in the case of the sell order liquidating a long position.

(d) For the purposes of this rule, an account shall be deemed any account in which the same person or persons is directly or indirectly interested. A Floor broker representing an order to liquidate or cover a position, which was established during the same trading session at a time when the broker represented orders at the minimum variation on both sides of the market for the same account, must execute that liquidating or covering order before any other order on the same side of the market for that account.]

••• *Supplementary Material:* -----

**.10** The provisions of this rule shall not apply to (i) any order to liquidate a position carried over from a previous trading session; (ii) any order liquidating any part of a position assumed as part of a strategy relating to bona fide arbitrage; and (iii) any order liquidating any part of a block position assumed in reliance on the exemption for block positioners contained in Section 11(a)(1)(A) of the Securities Exchange Act.

**.20 Reserved** [The following examples illustrate the operation of paragraphs (c) and (d) above. All examples assume that orders are for the same account, and are market buy-minus/sell-plus orders, or limit orders at the minimum variation.

B	= buy order	SL	= sell long order
BC	= buy to cover short order <sup>*</sup>	SS	= sell short order
T	= acquiring trade	SLQ	= sell long to liquidate order <sup>*</sup>
*			

<sup>\*</sup>-Designation not used for system orders

## I. No Carry-Over Position

### A. Crowd

B 5000, SS 5000

T: buy 2000

#### Steps

1. obtain SLQ 2000 order to liquidate that day
2. SS 5000 order cannot be executed while contra side position exists

### B. Crowd

B 5000, SS 5000

T: sell short 2000

#### Steps

1. obtain BC 2000 order to liquidate that day
2. B 5000 order cannot be executed while contra side position exists

## II. Carry-Over Position (2000 shares long)

### A. Crowd

B 5000, SL 2000

T: buy 3000

### Steps

1. obtain SLQ 3000 order to liquidate new position that day
2. SL 2000 order should be executed first (representing the carry-over position)

## III. Carry-Over Position (2000 shares short)

### A. Crowd

B 5000, SS 5000

T: sell short 3000

### Steps

1. obtain BC 3000 order to liquidate new position that day
2. 2000 shares of B 5000 order may be executed to cover 2000 share carry-over position
3. BC 3000 order must be executed before balance of B 5000 order may be executed.]

**.30 Reserved** [The following examples indicate the types of buy and sell orders that a member may and may not represent for the same customer at the same time.

### Permitted

- Buy 10,000 at 25                      and    Sell short, or sell long 10,000 at 25 plus minimum trading variation
- Buy 10,000 at-the-market "buy minus"                      and    Sell 10,000 at-the-market "sell plus" (if "long")
- Buy 10,000 at-the-market                      and    Sell 10,000 at-the-market, contingent upon the *entire* buy order being completed first

**Not Permitted**

- Buy 10,000 at-the-market and Sell 10,000 at-the-market
- Buy 10,000 at-the-market and Sell 10,000 at a limit discretion at that limit and higher]