

# Decisions of The NASDAQ Listing and Hearing Review Council: Master Index: July 2002 – October 2009

Note: This document is a master index of the Appellate Decisions of the NASDAQ Listing and Hearing Review Council summaries, which are available on the [Appellate Decisions](#) homepage. To view a specific summary, you must access the applicable yearly pdf. Each pdf has its own Table of Contents by topic, from which you will be able to quickly click to the desired summary.

In 2009, NASDAQ restructured and renumbered its listing rules. No substantive changes were made to the rules by this restructuring. A table that maps the location of the old rules to where they now reside is available. To view the table, please click [here](#). The new rules became operational on April 13, 2009 and can be found in the 5000 Series of the NASDAQ OMX Manual. To view the current Listing Rules, please click [here](#).

These decisions provide guidance based on the rules, policies and procedures in effect at the time of issuance. Companies and their representatives are strongly encouraged to contact Listing Qualifications at + 1 301.978.8008 if they have questions regarding the applicability of NASDAQ rules.

## Contents by Rule Description

### Annual Meeting and Proxy Solicitation

*Affected Listing Rules: 5620(a) and (b)*

*Formerly Marketplace Rules: 4350(e) and 4350(g)*

- Decision 2007-14
- Decision 2007-11
- Decision 2007-9
- Decision 2004-10
- Decision 2004-9
- Decision 2003-15
- Decision 2002-2

### Bankruptcy

*Affected Listing Rule: 5110(b)*

*Formerly Marketplace Rule: 4450(f)*

- Decision 2003-2

### Bid Price

*Affected Listing Rules: 5450(a)(1) and 5555(a)(1)*

*Formerly Marketplace Rules: 4310(c)(4) and 4450(b)(4)*

- Decision 2006-11
- Decision 2006-5
- Decision 2004-8
- Decision 2003-15
- Decision 2003-4
- Decision 2003-3
- Decision 2003-1
- Decision 2002-9
- Decision 2002-8
- Decision 2002-7
- Decision 2002-6
- Decision 2002-5
- Decision 2002-3

### **Business Combination with Non-NASDAQ-Entity (Formerly Reverse Merger)**

*Affected Listing Rule: 5110(a) and IM-5100-2*

*Formerly Marketplace Rule: 4340 and IM-4300-2*

*Formerly Marketplace Rule 4330(f)]*

- Decision 2008-3
- Decision 2002-9

### **Failure to Provide Information**

*Affected Listing Rule: 5250(a)*

*Formerly Marketplace Rule: 4330(c)*

- Decision 2004-4
- Decision 2004-3

### **Fees**

*Affected Listing Rules: 5210(d)*

*Formerly Marketplace Rule: 4310(c)(13)*

- Decision 2003-1

### **Filing**

*Affected Listing Rule: 5250(c)(1)*

*Formerly Marketplace Rule: 4310(c)(14)*

- Decision 2008-5
- Decision 2008-1
- Decision 2007-15
- Decision 2007-13
- Decision 2007-5
- Decision 2007-4
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- Decision 2002-4

### **Filing - Stock Option Related Issues**

*Affected Listing Rule: 5250(c)(1)*

*Formerly Marketplace Rule: 4310(c)(14)*

- Decision 2009-1
- Decision 2007-14
- Decision 2007-12
- Decision 2007-11
- Decision 2007-9
- Decision 2007-8
- Decision 2007-7
- Decision 2007-3
- Decision 2007-2
- Decision 2007-1

### **Independent Directors and Audit Committee Composition**

*Affected Listing Rules: 5605(a) and 5605(c)(2)*

*Formerly Marketplace Rules: 4350(c) and 4350(d)*

- Decision 2005-3
- Decision 2003-14
- Decision 2002-7
- Decision 2002-2

### **Listing of Additional Shares**

*Affected Listing Rule: 5250(e)(2)*

*Formerly Marketplace Rule: 4310(c)(17)*

- Decision 2005-2

### **Market Value of Publicly Held Shares**

*Affected Listing Rule: 5450(b)*

*Formerly Marketplace Rules: 4450(a)(2) and 4450(b)(3)*

- Decision 2008-4
- Decision 2003-15
- Decision 2003-3
- Decision 2002-7
- Decision 2002-6

### **Public Interest**

*Affected Listing Rule: 5100 and IM-5100-1*

*Formerly Marketplace Rules: 4300 and IM-4300*

*Formerly Marketplace Rule 4330(a)*

- Decision 2006-1
- Decision 2005-5
- Decision 2005-1
- Decision 2004-9
- Decision 2003-8
- Decision 2002-10
- Decision 2002-5

### **Publicly Held Shares**

*Affected Listing Rule: 5550(a)(5)*

*Formerly Marketplace Rule: 4310(c)(7)*

- Decision 2002-2

**Related Party Transactions**

*Affected Listing Rule: 5630*

*Formerly Marketplace Rule: 4350(h)*

- Decision 2002-2

**Shareholder Approval**

*Affected Listing Rule: 5635*

*Formerly Marketplace Rule 4350(i)*

- Decision 2008-2
- Decision 2007-10
- Decision 2006-11
- Decision 2005-2
- Decision 2004-10
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**Stockholders' Equity**

*Affected Listing Rules: 5450(b)(1)(A) and, 5550(b)(1)*

*Formerly Marketplace Rule 4310(c)(2)(B), 4450(a)(3) and 4450(b)(1)*

- Decision 2009-2
- Decision 2008-5
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**Voting Rights**

*Affected Listing Rule: 5640 and IM-5640*

*Formerly Marketplace Rule: 4351 and IM-4351*

- Decision 2002-2