

Nasdaq Suspends Minimum Listing Requirements

October 27, 2008

Given the current market conditions, NASDAQ announced that effective October 16, 2008, it has suspended through January 16, 2009, the enforcement of its rules requiring that NASDAQ-listed companies maintain a minimum bid price and market value of their public float (*i.e.*, shares held by non-affiliates). Under the current rules, NASDAQ-listed companies would have been subject to delisting for failure to maintain either (a) a minimum closing bid price of \$1.00 for 30 consecutive business days or (b) the minimum market value requirements for publicly held shares for 30 consecutive business days.

During the suspension period, companies will not be penalized for any new violations for failing to comply with the minimum bid price and market value of publicly held shares. Companies presently in a delisting process for failure to comply with either of these rules will have that process suspended and will receive the benefit of any remaining grace period starting with the reinstatement of the rules, currently scheduled for January 19, 2009. Future failures to satisfy the minimum bid price or market value rules will be determined using data starting on January 19, 2009. Companies remain subject to delisting for failure to comply with other listing requirements, and those companies currently in a delisting process with respect to other listing requirements will remain in process.

United States and world financial markets have faced unprecedented turmoil recently with the number of NASDAQ-listed companies trading below \$1.00 per share increasing from 64 on September 30, 2007, to 334 on October 9, 2008. NASDAQ believes this temporary suspension will help restore investor confidence and allow companies to focus on running their businesses, rather than satisfying market-based requirements that are largely beyond their control in the current environment.

For Further Information

If you have any questions regarding the suspended minimum listing requirements, including how they may affect your company, please contact one of the [members](#) of the [Securities Law Practice Group](#) or the lawyer in the firm with whom you are regularly in contact.