

EXHIBIT 5

Added text underlined;
Deleted text in [brackets].

NYSE American LLC Company Guide

Sec. 1009. CONTINUED LISTING EVALUATION AND FOLLOW-UP

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(a) The following procedures shall be applied by the Exchange staff to companies identified as being below the Exchange's continued listing policies and standards. Notwithstanding such procedures, when necessary or appropriate:

- (i) the Exchange staff may issue a Warning Letter to a company with respect to a minor violation of the Exchange's corporate governance or shareholder protection requirements (other than violations of the requirements pursuant to Rule 10A-3 under the Securities Exchange Act of 1934); or
- (ii) for the protection of investors, the Exchange may immediately suspend trading in any security, and make application to the SEC to delist the security and/or the Exchange staff may truncate the procedures specified in this Section.

This Section 1009 is not applicable to events of non-compliance with Sections 1003(h) ("Noncompliance with Section 811 (Erroneously Awarded Compensation)") or 1007 (SEC Annual and Quarterly Report Timely Filing Criteria").

(b) Once the Exchange staff identifies, through internal reviews or notice (a press release, news story, company communication, etc.), a company as being below the continued listing criteria set forth in §§ 1001 through 1006 (and not able to otherwise qualify under an initial listing standard), the Exchange staff will notify the company by letter (a "Deficiency Letter") of its status within 10 business days. The Deficiency Letter will also provide the company with an opportunity to provide the Exchange staff with a plan (the "Plan") advising the Exchange staff of action the company has taken, or will take, that would bring it into compliance with the continued listing standards within 18 months of receipt of the Deficiency Letter. However, the Exchange staff may establish a time period of less than 18 months for a company to regain compliance with some or all of the continued listing standards if it determines that the nature and circumstances of the company's particular continued listing status warrant such shorter period of time (see Commentary .01). The Deficiency Letter must disclose the amount of all unpaid listing and annual fees owed by the company to the Exchange as of the date of such letter. Within four business days after receipt of the Deficiency Letter, the company must contact the Exchange staff to confirm receipt of the notification, discuss any possible financial data of which the Exchange staff may be unaware, and indicate whether or not it plans to present a Plan; otherwise,

suspension and delisting proceedings will commence promptly in accordance with Sections 1010 and 1202.

(c) The company has 30 days from the receipt of the Deficiency Letter to submit its Plan to the Exchange staff for review. However, the Exchange staff may require submission of a company's Plan within less than 30 days (but in no event less than seven days) if the Exchange staff has established a time period of 90 days or less for the company to regain compliance with some or all of the continued listing standards pursuant to paragraph (b) of this Section. If it does not submit a Plan within the specified time period (the "Plan Deadline"), suspension and delisting procedures will commence promptly in accordance with Sections 1010 and 1202.

No Plan will be reviewed by the Exchange unless the issuer has previously paid in full any listing or annual fees due to the Exchange as of the date of the Deficiency Letter and as disclosed by the Exchange in the Deficiency Letter. If a company fails to pay in full all outstanding listing or annual fees disclosed in the Deficiency Letter by the Plan Deadline, suspension and delisting procedures will commence promptly in accordance with Sections 1010 and 1202.

The Plan must include specific milestones, quarterly financial projections, and details related to any strategic initiatives the company plans to complete. Exchange staff will evaluate the Plan, including any additional documentation that supports the Plan, and make a determination as to whether the company has made reasonable demonstration in the Plan of an ability to regain compliance with the continued listing standards within the time period described in paragraph (b) of this Section. The Exchange staff will make such determination within 45 days of receipt of the proposed Plan (or such shorter period of time as is consistent with the time period established by the Exchange staff for the company to regain compliance pursuant to paragraph (b) of this Section), and will promptly notify the company of its determination in writing.

(d) If the Exchange staff does not accept the Plan, the Exchange staff will promptly initiate delisting proceedings. The company may appeal the Exchange staff's determination not to accept the Plan, and request a review thereof, in accordance with §1010 and Part 12.

(e) If the Exchange staff accepts the Plan, the company must make a public announcement through the news media, within four business days from receipt of the notification thereof, disclosing that the Exchange has accepted the Plan, that the company's listing is being continued pursuant to an exception, and the term of the extension (the "Plan Period"). The Exchange staff will review the company on a quarterly basis for compliance with the Plan.

At the beginning of each calendar year fiscal quarter during the Plan Period, the Exchange will disclose to the company in writing the amount of all unpaid listing and annual fees owed by the company to the Exchange as of the end of the just-completed quarter (the "Quarterly Fee Disclosure"). If the company does not pay in full all of the outstanding fees disclosed in the Quarterly Fee Disclosure within 45 days of the date of receipt of such Quarterly Fee Disclosure, suspension and delisting procedures will commence promptly in accordance with Sections 1010 and 1202. A company will also not be deemed back into compliance prior to the completion of its Plan Period unless it has paid in full all of the outstanding fees disclosed in the most recent Quarterly Fee Disclosure and suspension and delisting procedures will commence promptly in

accordance with Sections 1010 and 1202 if it has not paid in full all of the outstanding fees disclosed in the most recent Quarterly Fee Disclosure as of the end of the Plan Period.

If the company does not show progress consistent with the Plan, the Exchange staff will review the circumstances and variance, and determine whether such variance warrants the commencement of delisting procedures. Should the Exchange staff determine to proceed with delisting proceedings, it may do so regardless of the company's continued listing status at that time.

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