

Additions: Underscored
Deleted: [Bracketed]

Rules of NYSE Arca, Inc.

Rule 14.2. Liability of Exchange

(a) Except as otherwise expressly provided in these rules, neither the Exchange nor its Directors, officers, committee members, employees or agents shall be liable to the ETP Holders, OTP Holders and OTP Firms of the Exchange, or successors, representatives or customers thereof, or to persons associated therewith for any loss, expense, damages or claims that arise out of the use or enjoyment of the facilities or services afforded by the Exchange, any interruption in or failure or unavailability of any such facilities or services, or any action taken or omitted to be taken in respect to the business of the Exchange except to the extent such loss, expense, damages or claims are attributable to the willful misconduct, gross negligence, bad faith or fraudulent or criminal acts of the Exchange or its officers, employees or agents acting within the scope of their authority. The limitation of liability set forth in this paragraph shall not apply to violations of federal securities laws.

(b) Whenever custody of an unexecuted order is transmitted by an ETP Holder, OTP Holder or OTP Firm to or through the Exchange's order routing systems, electronic book or automatic executions systems or to any other automated facility of the Exchange, excluding the Options Linkage system, whereby the Exchange assumes responsibility for the transmission or execution of the order, provided that the Exchange has [acknowledged receipt of]received such order, the Exchange's liability for the negligent acts or omissions of its employees or for the failure of its systems or facilities shall not exceed the limits provided in this paragraph, (b), and no assets of the Exchange shall be applied or shall be subject to such liability in excess of the following limits:

- (1) [As to any one or more claims made by a single ETP Holder, OTP Holder or OTP Firm growing out of the use or employment of the facilities afforded by the Exchange on a single trading day, the Exchange shall not be liable in excess of the larger of \$100,000, or the amount of any recovery obtained by the Exchange under any applicable insurance maintained by the Exchange;
- (2) As to the aggregate of all claims made by all ETP Holders, OTP Holders and OTP Firms growing out of the use or employment of the facilities afforded by the Exchange on a single trading day, the Exchange shall not be liable in excess of the larger of \$250,000 or the amount of the recovery obtained by the Exchange under any applicable insurance maintained by the Exchange;

(3)]As to the aggregate of all claims made by all ETP Holders, OTP Holders and OTP Firms growing out of the use or enjoyment of the facilities afforded by the Exchange during a single calendar month, the Exchange shall not be liable in excess of the larger of \$500,000, or the amount of the recovery obtained by the Exchange under any applicable insurance maintained by the Exchange.

(c) If all of the claims arising out of the use or enjoyment of the facilities afforded by the Exchange cannot be fully satisfied because in the aggregate they exceed the applicable maximum amount of liability provided for in paragraph (b) above, then such maximum amount shall be allocated among all such claims arising [on a single trading day or]during a single calendar month[, as applicable, written notice of which has been given to the Exchange no later than the opening of trading on the next business day following the day on which the use or enjoyment of Exchange facilities giving rise to the claim occurred,] based on the proportion that each such claim bears to the sum of all such claims.

(d) All claims for compensation pursuant to paragraph (b) of this rule shall be in writing. Written notice of such claims must be submitted no later than noon Eastern Time on the next business day following the day on which the use or enjoyment of the Exchange's facilities gave rise to such claims.
