



Notice, Pursuant to Exchange By-law 18-2, of Disciplinary Action Against Timber Hill, LLC, Member Organization

To: Members, Member Organizations, Participants and Participant Organizations
From: John C. Pickford, Enforcement Counsel, NASDAQ OMX PHLXSM
DATE: April 28, 2010

NASDAQ OMX PHLX No. 10-12 Enforcement No. 2010-01

On April 26, 2010, the Business Conduct Committee (the "Committee") issued a disciplinary decision against Timber Hill, LLC ("Timber Hill"), a member organization of the Exchange. In response to a Statement of Charges issued in this action, Timber Hill submitted an Offer of Settlement, Stipulation of Facts and Consent to Sanctions ("Offer"). Solely to settle this proceeding, and without admitting or denying the charges, Timber Hill consented to findings that it violated Exchange Rule 1082 by: (i) failing to execute incoming orders for various option series at the disseminated price in an amount up to the disseminated size. Timber Hill's Offer was accepted by the Committee and was the basis of its Decision.

The Committee found that Timber Hill violated Exchange Rule 1082, concurred in the sanctions consented to by it, and ordered the imposition of the following sanctions: (i) a censure and (ii) a fine of \$25,000.

For more information, contact:

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