

OMB APPROVAL

OMB Number: 3235-0045
Expires: June 30, 2007
Estimated average burden
hours per response.....38

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SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549
Form 19b-4

File No. SR - 2004 - 011
Amendment No. 6

Proposed Rule Change by National Association of Securities Dealers
Pursuant to Rule 19b-4 under the Securities Exchange Act of 1934

Initial ☐	Amendment ☒	Withdrawal ☐	Section 19(b)(2) ☒	Section 19(b)(3)(A) ☐	Section 19(b)(3)(B) ☐
			Rule		
Pilot ☐	Extension of Time Period for Commission Action ☐	Date Expires 	☐ 19b-4(f)(1) ☐ 19b-4(f)(2) ☐ 19b-4(f)(3)	☐ 19b-4(f)(4) ☐ 19b-4(f)(5) ☐ 19b-4(f)(6)	

Exhibit 2 Sent As Paper Document
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Exhibit 3 Sent As Paper Document
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Description

Provide a brief description of the proposed rule change (limit 250 characters).

Contact Information

Provide the name, telephone number and e-mail address of the person on the staff of the self-regulatory organization prepared to respond to questions and comments on the proposed rule change.

First Name Last Name
Title
E-mail
Telephone Fax

Signature

Pursuant to the requirements of the Securities Exchange Act of 1934,

has duly caused this filing to be signed on its behalf by the undersigned thereunto duly authorized.

Date

By
(Name)

Vice President and Chief Counsel,
NASD Dispute Resolution

(Title)

NOTE: Clicking the button at right will digitally sign and lock
this form. A digital signature is as legally binding as a physical
signature, and once signed, this form cannot be changed.

Jean Feeney, jean.feeney@nasd.com

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

For complete Form 19b-4 instructions please refer to the EDFS website.

Form 19b-4 Information

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The self-regulatory organization must provide all required information, presented in a clear and comprehensible manner, to enable the public to provide meaningful comment on the proposal and for the Commission to determine whether the proposal is consistent with the Act and applicable rules and regulations under the Act.

Exhibit 1 - Notice of Proposed Rule Change

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The Notice section of this Form 19b-4 must comply with the guidelines for publication in the Federal Register as well as any requirements for electronic filing as published by the Commission (if applicable). The Office of the Federal Register (OFR) offers guidance on Federal Register publication requirements in the Federal Register Document Drafting Handbook, October 1998 Revision. For example, all references to the federal securities laws must include the corresponding cite to the United States Code in a footnote. All references to SEC rules must include the corresponding cite to the Code of Federal Regulations in a footnote. All references to Securities Exchange Act Releases must include the release number, release date, Federal Register cite, Federal Register date, and corresponding file number (e.g., SR-[SRO]-xx-xx). A material failure to comply with these guidelines will result in the proposed rule change being deemed not properly filed. See also Rule 0-3 under the Act (17 CFR 240.0-3)

Exhibit 2 - Notices, Written Comments, Transcripts, Other Communications

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Exhibit Sent As Paper Document

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Copies of notices, written comments, transcripts, other communications. If such documents cannot be filed electronically in accordance with Instruction F, they shall be filed in accordance with Instruction G.

Exhibit 3 - Form, Report, or Questionnaire

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Exhibit Sent As Paper Document

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Copies of any form, report, or questionnaire that the self-regulatory organization proposes to use to help implement or operate the proposed rule change, or that is referred to by the proposed rule change.

Exhibit 4 - Marked Copies

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The full text shall be marked, in any convenient manner, to indicate additions to and deletions from the immediately preceding filing. The purpose of Exhibit 4 is to permit the staff to identify immediately the changes made from the text of the rule with which it has been working.

Exhibit 5 - Proposed Rule Text

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The self-regulatory organization may choose to attach as Exhibit 5 proposed changes to rule text in place of providing it in Item I and which may otherwise be more easily readable if provided separately from Form 19b-4. Exhibit 5 shall be considered part of the proposed rule change.

Partial Amendment

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If the self-regulatory organization is amending only part of the text of a lengthy proposed rule change, it may, with the Commission's permission, file only those portions of the text of the proposed rule change in which changes are being made if the filing (i.e. partial amendment) is clearly understandable on its face. Such partial amendment shall be clearly identified and marked to show deletions and additions.

On January 16, 2004, NASD filed SR-NASD-2004-011 to reorganize the industry portion of the NASD Code of Arbitration Procedure (Industry Code), simplify the language, codify current practices, and implement several substantive changes. NASD filed Amendment No. 1 to the proposed rule change on February 26, 2004.

Amendment No. 2 was filed on January 3, 2005, and Amendment No. 3 was filed on April 8, 2005. Amendment No. 4, which replaced the rule filing in its entirety, was filed on June 10, 2005. NASD filed partial Amendment No. 5 on May 4, 2006.

NASD is filing this partial Amendment No. 6 to withdraw Rule 13504, Motions to Decide Claims Before a Hearing on the Merits, from the Industry Code. In order to withdraw Rule 13504, NASD proposes to make the following changes:

1. Please delete the section titled “Dispositive Motions (Proposed Rule 13504)” from the Purpose section of Amendment No. 4 on pages 26 and 27.

2. Please delete the phrase “Motions to Decide Claims Before a Hearing on the Merits” from Rule 13504 in the Table of Contents section of Exhibit 5 on page 264 and reserve Rule 13504 for future use. Please make the corresponding changes to page 10 of Exhibit 4a.

3. Please delete the phrase “Except as provided in Rule 13504” from Rule 13502(a), which is found on page 296 in Exhibit 5. Please make the corresponding changes to pages 42 and 172 of Exhibits 4a and 4b, respectively.

4. Please delete the phrase “Except as provided by Rule 13504” from Rule 13503(a)(3), which is found on page 296 in Exhibit 5. Please make the corresponding changes to pages 42 and 174 of Exhibits 4a and 4b, respectively.

5. Please delete the phrase “Except as provided by Rule 13504” from Rule 13503(b), which is found on page 297 in Exhibit 5. Please make the corresponding changes to pages 43 and 175 of Exhibits 4a and 4b, respectively.

6. Please delete the phrase “or to decide a claim or arbitration before a hearing under Rule 13504” from Rule 13503(c)(5), which is found on page 297 in Exhibit 5. Please make the corresponding changes to pages 43 and 176 of Exhibits 4a and 4b, respectively.

7. Please delete the text of Rule 13504 on page 297 of Exhibit 5, and reserve Rule 13504 for future use. Please make the corresponding changes to page 43 of Exhibit 4a and to all sections of Exhibit 4b on pages 176 through 178.

8. Please delete the cross-reference to Rule 13504 from Rule 13700(b), which is found on page 306 of Exhibit 5. Please make the corresponding changes to page 52 of Exhibit 4a and to the “Proposed Rule” and “Comment” sections of Exhibit 4b on page 202.

9. Please delete item 2 on pages 325 and 326 of Amendment No. 5, which addresses dispositive motions.