

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

IN RE TYCO INTERNATIONAL, LTD.)
SECURITIES, DERIVATIVE AND)
"ERISA" LITIGATION)

MDL Docket No. 02-1335-B (PJB)

This Document Relates To:)

EQUITEC-SCHWARTZ, LLC)

Plaintiff,)

-v-)

TYCO INTERNATIONAL LTD., *et al.*,)

Defendants)

**AGREED ORDER AND FINAL JUDGMENT OF DISMISSAL
AGAINST DEFENDANT, L. DENNIS KOZLOWSKI AND BAR ORDER**

Plaintiff and Defendant L. Dennis Kozlowski having represented to the Court that they have entered into a settlement agreement that resolves all issues between and among them in the Complaint, and for good cause shown, the Court ORDERS:

1. Pursuant to Section 21D-4(f)(7)(A) of the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(f)(7)(A): (*i*) Defendants Mark H. Swartz and Frank E. Walsh, Jr. are hereby permanently barred, enjoined and restrained from commencing, prosecuting or asserting any claim or otherwise seeking contribution against Kozlowski based upon, relating to, or arising out of the subject matter, allegations, transactions, facts, matters, occurrences, representations or omissions alleged, involved, set forth or referred to in the Complaint in this suit; and (*ii*) Kozlowski is hereby permanently barred, enjoined and restrained from commencing, prosecuting or asserting any claim or otherwise seeking contribution for any amount paid in connection

with this action against any other person based upon, relating to, or arising out of the subject matter, allegations, transactions, facts, matters, occurrences, representations or omissions alleged, involved, set forth or referred to in the Complaint in this suit.

2. Because there is no just reason for delaying the entry of a final judgment with respect to the claims asserted by Plaintiff against Kozlowski, all claims asserted by Plaintiff against Kozlowski are DISMISSED WITH PREJUDICE pursuant to Fed. R. Civ. P. 54(b). This action is not dismissed with respect to any claims against Swartz or Walsh.

3. The Clerk is directed to enter this Agreed Order and Final Judgment of Dismissal Against Defendant L. Dennis Kozlowski and Bar Order as a final judgment and send a copy of same to all counsel of record.

SO ORDERED, this 20 day of May 2010

/s/ Paul Barbadoro
Paul J. Barbadoro
United States District Judge

cc: Counsel of Record