

**U.S. District Court**  
**District of New Hampshire (Concord)**  
CIVIL DOCKET FOR CASE #: 1:03-cv-01337-PB

Treasury Dept NJ, et al v. Tyco International, et al

Assigned to: Judge Paul J. Barbadoro

Demand: \$0

Lead case: [1:02-md-01335-PB](#)

Member cases:

[1:05-cv-01338-PB](#)

[1:05-cv-01337-PB](#)

[1:06-cv-00062-PB](#)

[1:02-cv-00266-PB](#)

[1:02-cv-00352-PB](#)

[1:02-cv-01357-PB](#)

[1:03-cv-01339-PB](#)

[1:03-cv-01341-PB](#)

[1:03-cv-01343-PB](#)

[1:03-cv-01350-PB](#)

[1:03-cv-01342-PB](#)

[1:03-cv-01340-PB](#)

[1:03-cv-01336-PB](#)

[1:04-cv-01336-PB](#)

[1:03-cv-01351-PB](#)

[1:03-cv-01355-PB](#)

[1:04-cv-01338-PB](#)

[1:04-cv-01337-PB](#)

[1:03-cv-01337-PB](#)

[1:03-cv-01352-PB](#)

[1:05-cv-01336-PB](#)

[1:07-cv-01336-PB](#)

[1:02-cv-01368-PB](#)

Date Filed: 02/27/2003

Jury Demand: Plaintiff

Nature of Suit: 850

Securities/Commodities

Jurisdiction: Federal Question

Case in other court: USDC-NJ, Newark, 02-CV-5701

Cause: 15:78m(a) Securities Exchange Act

**Plaintiff**

**State of New Jersey, Department of  
Treasury, Division of Investments**

represented by **Gerald Anthony Liloia**  
Riker Danzig Scherer Hyland & Perretti  
One Speedwell Ave  
Morristown, NJ 07960

973 538-0800  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**R. Matthew Cairns**  
Ransmeier & Spellman  
PO Box 600  
Concord, NH 03302-0600  
603 228-0477  
Fax: 603 224-2780  
Email: matt@ranspell.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**John E. McCormac**  
*Treasurer*

represented by **Gerald Anthony Liloia**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**R. Matthew Cairns**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Common Pension Fund A**

represented by **Gerald Anthony Liloia**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**R. Matthew Cairns**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**DCP Equity Fund**

represented by **Gerald Anthony Liloia**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**R. Matthew Cairns**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**DCP Small Cap Equity Fund**

represented by **Gerald Anthony Liloia**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**R. Matthew Cairns**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Supplemental Annuity Collective Trust  
Fund**

represented by **Gerald Anthony Liloia**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**R. Matthew Cairns**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Annuity Collective Trust Fund**

represented by **Gerald Anthony Liloia**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**R. Matthew Cairns**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**NJ Best Pooled Equity Fund**

represented by **Gerald Anthony Liloia**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**R. Matthew Cairns**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Tyco International, Ltd.**

**Defendant**

**L. Dennis Kozlowski**

represented by **Richard B. McNamara**  
Wiggin & Nourie, P.A.  
670 North Commercial Street; Suite 305  
P.O. Box 808  
Manchester, NH 03105-0808  
603 669-2211  
Email: [rmcnamara@wiggin-nourie.com](mailto:rmcnamara@wiggin-nourie.com)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Mark H. Swartz**

**Defendant**

**Mark A. Belnick**

**Defendant**

**PricewaterhouseCoopers, LLP**

**Defendant**

**PricewaterhouseCoopers**

**Defendant**

**Frank E. Walsh, Jr.**

**Defendant**

**Richard S. Bodman**

**Defendant**

**John F. Fort, III**

**Defendant**

**James S. Pasman, Jr.**

**Defendant**

**Wendy E. Lane**

Date Filed	#	Docket Text
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02/27/2003	1	Original file and certified copy of docket # 02-CV-5701 received from USDC NJ at Newark. Assigned NH case # C.03-1337-B. (jeb) (Entered: 02/27/2003)
02/27/2003		**Set MDL flag. (jeb) (Entered: 02/27/2003)
03/26/2003	2	Partially assented to MOTION by Treasury Dept NJ in 1:03-cv-01337 for an order setting initial scheduling mattes with attachment served on: 3/24/03. Objection to Motion Deadline 4/10/03 (mm) (Entered: 03/26/2003)
03/26/2003	<a href="#">3</a>	AMENDED COMPLAINT by Treasury Dept NJ in 1:03-cv-01337, John E. McCormac in 1:03-cv-01337 amending claims (mm). Additional attachment(s) added on 12/18/2003 are for informational purposes only; the official court document is on file in paper form in the clerk's office (Lynch, Daniel). (Entered: 03/26/2003)
04/11/2003	4	MOTION by Treasury Dept NJ in 1:03-cv-01337 for coordinaed with rather then consolidated into the Securities Action or for a new fourth category with memorandum served on: 4/11/03. Objection to Motion Deadline 4/30/03 (mm) (Entered: 04/11/2003)
04/14/2003		ENDORSED ORDER denying [2-1] motion for an order setting initial scheduling matter. This action shall be treated as a Securities action and subject to all Practice and Procedural Orders ( signed by Chief Judge Paul J. Barbadoro ) (mm) (Entered: 04/14/2003)
04/30/2003	5	OBJECTION with memorandum by Tyco International in 1:03-cv-01337 to [4-1] motion for coordinated with rather then consolidated into the Securities Action or for a new fourth category . (mm) (Entered: 05/01/2003)
04/30/2003	6	OBJECTION by L. Dennis Kozlowski in 1:03-cv-01337, Mark H. Swartz in 1:03-cv-01337, Mark A. Belnick in 1:03-cv-01337, Frank E. Walsh Jr. in 1:03-cv-01337 to [4-1] motion for coordinated with rather then consolidated into the Securities Action or for a new fourth category . (mm) (Entered: 05/01/2003)
04/30/2003	7	Addendum by defendant PricewaterhouseC LLP in 1:03-cv-01337 joining in [5-1] Tyco's objection, to [4-1] motion for coordinated with rather then consolidated into the Securities Action or for a new fourth category (mm) (Entered: 05/01/2003)
05/02/2003	8	MOTION by Treasury Dept NJ in 1:03-cv-01337 for Leave to File reply memo on 5/9/03 with assent. (mm) (Entered: 05/05/2003)
05/09/2003	9	REPLY by Treasury Dept NJ in 1:03-cv-01337 to objection to [4-1] motion for coordinaed with rather then consolidated into the Securities Action or for a new fourth category (mm) (Entered: 05/12/2003)
05/22/2003		Telephone conference regarding motion for new category set for 4:00 6/11/03 before Judge Barbadoro. (mm) (Entered: 05/22/2003)
06/11/2003		Telephone conference regarding categorizing with 2-266-B held on 4:00 6/11/03 before Judge Barbadoro. The Court will initiate the call. (mm) (Entered: 06/13/2003)
06/13/2003	10	TRANSCRIPT for Telephone conference held on 6/11/03 with Judge Barbadoro; Court Reporter: C. Quimby (mm) (Entered: 06/13/2003)

08/11/2003		MDL PRACTICE AND PROCEDURE ORDER NUMBER 8; re: setting teleconference for 8/20/03 at 1:30 to discuss Tyco's pending motion to compel defendant Kozlowski to answer the complaint in C. 03-1343-B; the status of Kozlowski's answer in C. 03-1339-B; and the parties should be prepared to discuss whether creating a fourth case management category is warranted for the actions in which Tyco has brought suit against ex-officers. See C. 03-1343-B, C. 03-1339-B and C. 03-1341-B. set Telephone Conference for 1:30 8/20/03 (signed by Chief Judge Paul J. Barbadoro ). (jar) (Entered: 08/13/2003)
08/12/2003		MDL PRACTICE AND PROCEDURE ORDER NUMBER 9; re: C. 03-1337-B ("New Jersey Action") shall be coordinated with the Securities Action, under MDL-02-1335, pursuant to the terms of this practice and procedure order (signed by Chief Judge Paul J. Barbadoro ). (jar) (Entered: 08/13/2003)
10/25/2004	11	NOTICE of Intent to seek leave to file amended complaint by State of New Jersey, Department of Treasury, Division of Investments. <b>NOTE: Original document is located in case no. 02md1335.</b> Associated Cases: 1:02-md-01335-PB, 1:03-cv-01337-PB,(mm, ) (Entered: 10/25/2004)
12/14/2004	<a href="#">12</a>	<b>PRACTICE AND PROCEDURAL ORDER No. 11 Dispositive Motion Filing Deadline 4/15/2005 re: 1933 Act, objections due 5/16/05, replies due 6/6/05.... Motions due by 1/14/2005 re: Class Certification, Objections to motions due 5/31/05, replies due 6/30/05.... Summary Judgment Motions due by 2/15/2007, objections due 3/31/07, replies due 4/30/07. Signed by Judge Paul Barbadoro. NOTE: Original document is located in case no. 02md1335. Associated Cases: All cases,(mm, ) (Entered: 12/15/2004)</b>
02/08/2005	13	Assented to MOTION for an order establishing deadlines for service of amended complaint and filing of motions to dismiss filed by Outside Director Defendants. <b>NOTE: Original document is located in case no. 02md1335.</b> Associated Cases: 1:02-md-01335-PB, 1:03-cv-01337-PB,(mm, ) (Entered: 02/10/2005)
02/14/2005	<a href="#">14</a>	AMENDED COMPLAINT against PricewaterhouseCoopers, LLP, Bodman and Lane, Tyco International, Ltd., Fort and Pasman, PricewaterhouseCoopers LLP (Bermuda), Frank E. Walsh, Jr, Mark A. Belnick, Mark H. Swartz, Dennis Kozlowski filed by State of New Jersey, Department of Treasury, Division of Investments. Answer due by 2/25/2005. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit G, # <a href="#">3</a> Exhibit H)Associated Cases: 1:02-md-01335-PB, 1:03-cv-01337-PB,(mm, ) (Entered: 02/16/2005)
02/22/2005		<b>ENDORSED ORDER granting [365] Motion for to establish deadlines re: second amended complaint. Text of Order: Motion granted Signed by Judge Paul Barbadoro.</b> Associated Cases: 1:02-md-01335-PB, 1:03-cv-01337-PB,(mm, ) (Entered: 02/23/2005)
03/11/2005	<a href="#">15</a>	<b>STIPULATED PROTECTIVE ORDER Signed by Judge Paul Barbadoro. NOTE: Original document is located in case no. 02md1335. As to all cases(mm, ) (Entered: 03/11/2005)</b>
04/30/2005	<a href="#">16</a>	<b>ORDER re: Electronic Case filing Signed by Judge Paul Barbadoro. NOTE: Original document is located in case no. 02md1335. (mm, ) (Entered: 05/02/2005)</b>

05/06/2005	<a href="#">17</a>	<b>ORDER granting [411] Motion to Extend Time discover re: traceability. Signed by Judge Paul Barbadoro. Follow up on Objection on 10/1/2005 Follow up on Reply on 10/17/2005. Summary Judgment Motions due by 9/1/2005.(mm, ) (Entered: 05/06/2005)</b>
05/06/2005	18	Assented to MOTION to Extend Time (to modify the briefing schedule) re: Motions to Dismiss or other responsive pleadings filed by Tyco International, Ltd.. <b>NOTE: Original document is located in case no. 02md1335.</b> Associated Cases: 1:02-md-01335-PB, 1:02-cv-00266-PB, 1:03-cv-01337-PB,(mm, ) (Entered: 05/09/2005)
05/09/2005	<a href="#">19</a>	<b>ORDER Miscellaneous Deadline set for 5/15/2005 for proposed re: coordination of discovery. Signed by Judge Paul Barbadoro. NOTE: Original document is located in case no. 02md1335. (mm, ) (Entered: 05/09/2005)</b>
05/09/2005		<b>ENDORSED ORDER granting [435] Motion to Extend Time responses re: second amended complaint. Text of Order: Motion granted Signed by Judge Paul Barbadoro. Follow up on Objection on 9/9/2005 Motions due by 6/10/2005. Follow up on Reply on 11/11/2005 for tyco; other deadlines for other parties.</b> Associated Cases: 1:02-md-01335-PB, 1:02-cv-00266-PB, 1:03-cv-01337-PB,(mm, ) (Entered: 05/09/2005)
06/01/2005		NOTICE as of June 1, 2005 the TYCO multidistrict litigation case has been designated for Electronic Case Filing. All further submissions shall be made to the main case (02-md-1335) only. (cm, ) (Entered: 06/01/2005)
07/01/2005	<a href="#">20</a>	MOTION to Dismiss / <i>Defendant Frank E. Walsh, Jr.'s Motion To Dismiss The Securities Complaint Against Him</i> filed by Frank E. Walsh, Jr. Follow up on Objection on 7/21/2005 (Greenwald, Laurence) (Entered: 07/01/2005)
07/01/2005	<a href="#">21</a>	MEMORANDUM in Support re <a href="#">20</a> MOTION to Dismiss / <i>Defendant Frank E. Walsh, Jr.'s Motion To Dismiss The Securities Complaint Against Him / Memorandum Of Law In Support Of Defendant Frank E. Walsh, Jr.'s Motion To Dismiss In Part The Second Amended Complaint</i> filed by Frank E. Walsh, Jr. (Greenwald, Laurence) (Entered: 07/01/2005)
07/01/2005	<a href="#">22</a>	CERTIFICATE OF SERVICE by Frank E. Walsh, Jr re: <a href="#">20</a> MOTION to Dismiss / <i>Defendant Frank E. Walsh, Jr.'s Motion To Dismiss The Securities Complaint Against Him</i> , <a href="#">21</a> Memorandum in Support of Motion, / <i>Certificate Of Service</i> (Greenwald, Laurence) (Entered: 07/01/2005)
07/01/2005	<a href="#">23</a>	MOTION to Dismiss filed by L. Dennis Kozlowski. Follow up on Objection on 7/21/2005 (Attachments:, # <a href="#">1</a> Memorandum of Law)(McNamara, Richard) (Entered: 07/01/2005)
07/01/2005	<a href="#">24</a>	MOTION to Dismiss <i>Second Amended Complaint</i> filed by Mark A. Belnick. Follow up on Objection on 7/21/2005 (Attachments:, # <a href="#">1</a> Memorandum of Law)(Vicinanzo, David) (Entered: 07/01/2005)
08/09/2005	<a href="#">25</a>	FILED IN ERROR - Assented to MOTION to Extend Time to and modify the briefing schedule for Defendants' motions to dismiss or other responsive pleadings to Plaintiffs' Second Amended Complaint filed by State of New Jersey, Department of Treasury, Division of Investments, John E. McCormac, Common Pension Fund

		A, DCP Equity Fund, DCP Small Cap Equity Fund, Supplemental Annuity Collective Trust Fund, Annuity Collective Trust Fund, NJ Best Pooled Equity Fund. (Cairns, R.) Modified on 8/10/2005; pleading has been refiled in 02-md-1335 see document #502 (jar, ). (Entered: 08/09/2005)
08/10/2005		Motions terminated: <a href="#">25</a> Assented to MOTION to Extend Time to and modify the briefing schedule for Defendants' motions to dismiss or other responsive pleadings to Plaintiffs' Second Amended Complaint filed by State of New Jersey, Department of Treasury, Division of Investments,, John E. McCormac,, Common Pension Fund A., DCP Equity Fund,, DCP Small Cap Equity Fund,, Supplemental Annuity Collective Trust Fund,, Annuity Collective Trust Fund,, NJ Best Pooled Equity Fund,. Pleading has been refiled in 02-md-1335, see document #502 (jar, ) (Entered: 08/10/2005)
06/25/2007	<a href="#">26</a>	Assented to MOTION to Extend Time to Answer to July 27, 2007 filed by L. Dennis Kozlowski, Mark H. Swartz. (McNamara, Richard) (Entered: 06/25/2007)
06/26/2007		Motions terminated: <a href="#">26</a> Assented to MOTION to Extend Time to Answer to July 27, 2007 filed by Mark H. Swartz, L. Dennis Kozlowski. Filed in the wrong case, refiled in 02md1335 (mxm) (Entered: 06/26/2007)

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