

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

IN RE:)	
)	MDL Docket No. 02-1335-B (PJB)
)	
TYCO INTERNATIONAL, LTD.,)	This document relates to:
SECURITIES LITIGATION)	Securities Action
)	Civil Action No. 02-266-PB
)	
)	Individual Actions
)	(Tyco v. Kozlowski; Tyco v. Kozlowski
)	and Swartz)
)	

**TYCO'S MOTION FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY INJUNCTION AND OTHER RELIEF**

Pursuant to Fed. R. Civ. P. 65(a) and (b) and Local Rule 65.1, Plaintiffs Tyco International Ltd. and Tyco International (U.S.) Inc. (collectively, "Tyco") respectfully move for a temporary restraining order and preliminary injunction against Defendant L. Dennis Kozlowski that prevents him from dissipating his assets in advance of judgment in this matter. Tyco also respectfully moves for expedited discovery concerning Kozlowski's assets.

The reasons for this Motion are set out in the accompanying Memorandum of Law, the related Declaration of Matthew Heiman, and the exhibits thereto, Tyco's Amended Complaint dated April 1, 2003 in the individual action, *Tyco v. Kozlowski*, and Tyco's Amended Complaint in *Tyco v. Kozlowski and Swartz*, dated May 14, 2004. Also accompanying this Motion are two Proposed Orders.

Through counsel, Tyco has sought Kozlowski's concurrence in the relief sought, but as of the time of this filing has not received a response.

WHEREFORE, Tyco respectfully requests the following relief:

- A. An Order granting this Motion. *See* the accompanying Proposed Orders.
- B. An Order scheduling a hearing on this Motion at the earliest practicable date.
- C. An Order granting such other relief as is just.

Respectfully submitted,

TYCO INTERNATIONAL LTD. and TYCO
INTERNATIONAL (US) INC.,
By their attorneys,
SHEEHAN PHINNEY BASS & GREEN, P.A.

Dated: October 3, 2008

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CERTIFICATE OF SERVICE

I certify that copies of the foregoing and of the accompanying papers were served this date on the attached Service List through ECF or by mail for those on the list who do not have an ECF Registration.

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