

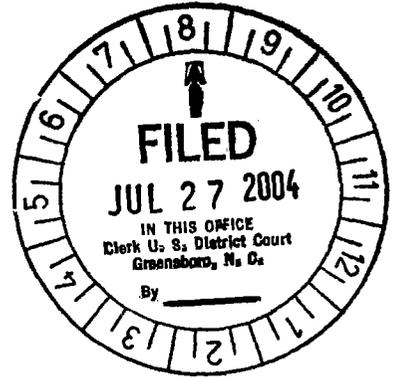
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D/S

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROBERT N. HALL,)
)
Plaintiff,)
)
v.)
)
TYCO INTERNATIONAL LTD.,)
TYCO ELECTRONICS, and AMP, INC.,)
)
Defendants.)

1:02CV00839



ORDER

BEATY, District Judge.

For the reasons stated in the Memorandum Opinion filed contemporaneously herewith,
IT IS HEREBY ORDERED that Tyco International Ltd.'s Motion to Dismiss Pursuant to
Fed. R. Civ. P. 12(b)(2) and (3) [Document #10] is DENIED.

IT IS FURTHER ORDERED that Tyco Electronics Corporation's Motion to Dismiss
pursuant to Rule 12(b)(6) [Document #8] and Tyco International Ltd.'s Motion to Dismiss pursuant
to Rule 12(b)(6) [Document #12] are GRANTED in part and DENIED in part. Specifically,
Defendants' Motions to Dismiss are GRANTED with respect to Plaintiff's first, third, fourth, fifth,
and parts of his seventh claims, and these claims are DISMISSED with prejudice. Defendants'
Motions to Dismiss are also GRANTED with respect to Plaintiff's second and sixth claims to the
extent that either or both of these claims seek extracontractual compensatory or punitive damages,
a jury trial, or relief pursuant to ERISA subsection 502(a)(2), and to that extent these claims are
therefore DISMISSED with prejudice. A portion of Plaintiff's seventh claim is DISMISSED with
instructions for Plaintiff to provide a more definite statement of this claim pursuant to Rule 12(e).
Finally, Plaintiff's eighth claim is DISMISSED with leave for Plaintiff to amend this claim.

IT IS FURTHER ORDERED that Defendants' Motions for Judgment on the Pleadings [Documents #8, #12] are DENIED as moot.

IT IS FURTHER ORDERED that Plaintiff's Motion for Sanctions [Document #35] is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion to Amend Complaint [Document #17] is DENIED as moot. Plaintiff's Second Motion to Amend Complaint [Document #28] is GRANTED in part and DENIED in part as explained in Section VI of the accompanying Memorandum Opinion.

IT IS FURTHER ORDERED that Defendants' request for oral argument is DENIED.

The Clerk of Court is DIRECTED to Amend the Certificates of Service attached to Defendants' Response to Plaintiff's Second Motion to Amend Complaint [Document #32] and Defendants' Brief in Opposition to Plaintiff's Second Motion to Amend Complaint [Document #33] to reflect the true date of service of March 24, 2003.

Plaintiff is therefore HEREBY ORDERED to file an Amended Complaint within thirty (30) days of the entry of the Court's Order. The Amended Complaint must comply with the Court's instructions in Section VI of the accompanying Memorandum Opinion. Plaintiff is therefore ORDERED to make the following modifications to his Complaint:

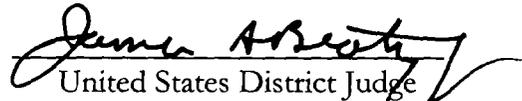
1. Delete his current first, third, fourth, and fifth claims from his Amended Complaint because the Court has dismissed these claims in their entirety.
2. Add, if he so desires, consistent with the ruling stated in the accompanying Memorandum Opinion, the proposed amendments to paragraphs 1, 2, 3, 4, 7, 23, 47, 54, and a) of the Complaint.
3. Provide, consistent with this Court's discussion in Section IV.B.5.b.(3) of the Court's Memorandum Opinion, a more definite statement of what is currently designated as Plaintiff's seventh claim. Plaintiff is therefore directed to state

additional facts to clarify his claim that Tyco Electronics, Tyco US, and/or Tyco International “denied continuation of plaintiff’s medical, dental, and vision insurance for eighteen (18) months.” Accordingly, Plaintiff is ordered to make sufficient allegations to put Defendants and this Court on notice of the nature of this claim and the relief Plaintiff seeks. Other than providing a more definite statement of this particular aspect of his seventh claim, Plaintiff is further ordered to delete the remaining portions of Plaintiff’s seventh claim because the Court has dismissed those portions with prejudice.

4. Amend, consistent with the Court’s instructions in Section IV.B.2 and Section VI of the Court’s Memorandum Opinion, what is currently designated as Plaintiff’s eighth claim to state a claim in conformity with the requirements of the PSLRA. In addition, Plaintiff is permitted to add Tyco US and the Retirement Committee as parties to Plaintiff’s eighth claim.

The Court also reminds Plaintiff that he must serve the Amended Complaint on all defendants in accordance with the nationwide-service-of-process provisions of the Securities Exchange Act and ERISA, as well as the provisions of Federal Rule of Civil Procedure 4.

This, the 2nd day of July, 2004.


United States District Judge