

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ROSEMARIE STUMPF

v.

NEIL R. GARVEY, et al.

(IN RE TYCOM LTD. SECURITIES
LITIGATION)

)
)
) Hon. Garrett E. Brown, Jr.
) Chief U.S.D.J.
) Docket No. 03-CV-03540
) (GEB)(DEA)
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)
)
)

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION, MOTION
FOR ATTORNEYS' FEES AND SETTLEMENT FAIRNESS HEARING

IF YOU PURCHASED OR ACQUIRED TYCOM LTD. ("TYCOM") COMMON STOCK BETWEEN JULY 26, 2000 AND
DECEMBER 17, 2001, YOU COULD RECEIVE A PAYMENT FROM A CLASS ACTION SETTLEMENT.

A federal court authorized this Notice. This is not a solicitation from a lawyer.

Your legal rights are affected whether you act, or don't act.
Read this Notice carefully.

Security and Time Period: TyCom common stock (cusip G9144B106) purchased or acquired between July 26, 2000 and December 17, 2001. During the Class Period, TyCom's stock symbol on the New York and Bermuda Stock Exchanges was "TCM". All purchasers of TyCom common stock were given notice of the pendency of this class action pursuant to Court Order dated May 19, 2009, and are Members of the Class certified in this Class Action, other than those purchasers who timely filed requests for exclusion from the Class by October 1, 2009 and who do not file a Proof of Claim pursuant to this Notice.

Settlement Fund: \$79,000,000 in cash. Your recovery will depend on the number of shares of TyCom common stock you, and other Class Members who file claims, purchased and sold and the prices at which you, and the other Class Members who file claims, purchased and sold those shares. The estimated average recovery per share of common stock for Class Members who purchased their shares on the IPO and held those shares throughout the Class Period, based on the 70.3 million TyCom shares sold on the July 26, 2000 initial public offering of TyCom common stock, and were available to be traded during the Class Period, will be approximately \$1.12 per share before deduction of Court-approved fees and expenses and costs of notice and claims administration. The number of shares claimed in the Settlement is likely to be different than 70.3 million shares because some Class Members may not file claims on shares they purchased during the Class Period, and certain shares may have traded more than once during the Class Period and more than one Class Member may file claims on those shares. Accordingly, the actual recovery per common share purchased during the Class Period may be less, and may be materially less, than \$1.12 per share.

Reasons for Settlement: This lawsuit (the "Action") arises from TyCom's \$2.2 billion initial public offering ("IPO") of 70.3 million newly issued shares at \$32 per share. Lead Plaintiff alleged that TyCom made materially false and misleading statements and omissions in its July 26, 2000 Registration Statement and Prospectus for the IPO and on the open market thereafter through December 17, 2001, regarding the business operations of TyCom, the prospects for TyCom's new global network of undersea cable (the "TGN") that TyCom planned to build, the demand for undersea bandwidth and the oversupply of such undersea bandwidth that existed for the foreseeable future. The case has been litigated since July 2003, for almost 7 years, and notice of the pendency of the Action, together with an opportunity to request exclusion from the Class by no later than October 1, 2009, was given on or about July 3, 2009. Dispositive pre-trial summary judgment motions are currently pending. The Lead Plaintiff and Lead Plaintiff's Counsel believe that the Settlement provides the Class with a benefit now instead of years of further uncertain litigation, including disposition of the summary judgment motions, a contested trial and likely appeals, with the possibility of no recovery at all.

The Settling Defendants have denied and continue to deny each and all of the claims and contentions alleged in the Consolidated Amended Class Action Complaint and believe that they have meritorious defenses to those claims and contentions. The Settlement shall in no event be construed as, or deemed to be evidence of, an admission or concession by any of Settling Defendants with respect to any claim of any fault or liability or wrongdoing or damage to the Class Members in this Action.

Nevertheless, Defendants who are participating in the Settlement have concluded that further defense of the Action would be protracted and expensive, and also have taken into account the uncertainty, risks and distractions inherent in any litigation.

If the Case Had Not Settled: The Settlement must be compared to the risk of no recovery after contested dispositive motions, trial and likely appeals. A trial is a risky proposition and Lead Plaintiff may not prevail. The claims in the Action involve numerous complex legal and factual issues, many of which would require expert testimony. Among the many key issues about which Lead Plaintiff and the Defendants do not agree are: (1) whether any of the Defendants violated the securities laws or otherwise engaged in any wrongdoing; (2) whether the misrepresentations and omissions alleged by the Lead Plaintiff were material, false, misleading or otherwise actionable under the securities laws; (3) the extent (if any) that the alleged misrepresentations and omissions influenced the trading prices of TyCom common stock during the relevant period; and (4) the method for determining whether, and the extent to which, purchasers of TyCom stock suffered injury and damages that could be recovered at trial.

Non-Settling Defendants: There are two defendants who have not settled: L. Dennis Kozlowski and Mark H. Swartz. The case will continue as to those Non-Settling Defendants. Only those Class Members who file Proofs of Claim in this Settlement shall be entitled to share in any subsequent recovery against the Non-Settling Defendants. There will be no further opportunity to file a Proof of Claim with respect to a future settlement with those Non-Settling Defendants.

The Court shall determine at a future date whether any additional notice to Class Members will be required in the event of a settlement or judgment of the outstanding claims against the Non-Settling Defendants, whether notice will only be required to be given to those Class Members who file Proofs of Claim in this Settlement, or whether any such notice may be by publication or form of notice other than personal mailed notice.

Attorneys' Fees and Expenses: Lead Counsel have not received any payment for their work or expenses incurred in investigating the facts, conducting this litigation and negotiating the settlement on behalf of the Lead Plaintiff and the Class. Lead Counsel will ask the Court for attorneys' fees of up to one-third of the Settlement Fund and expenses not to exceed \$2.4 million to be paid from the Settlement Fund. Lead Plaintiff will also request reimbursement of his actual costs and expenses (including lost wages) directly related to his representation of the Class, not to exceed \$5,000.

If the above amounts are requested and approved by the Court, the average cost per share of common stock (based on the 70.3 million TyCom shares sold in the July 26, 2000 IPO) will be approximately \$0.40 per share, making the estimated recovery per share after fees and expenses approximately \$0.72.

Dismissal and Releases: If the proposed Settlement is approved, the Court will enter a Final Judgment and Order of Dismissal with Prejudice (the "Judgment"). The Judgment will dismiss the Released Claims with prejudice as to the Released Persons, which include the Settling Defendants and their Related Parties (including, but not limited to, their parents, subsidiaries and affiliates, and all of their employees, directors and officers). The Judgment will provide that all Class Members shall be deemed to have released and forever discharged all Released Claims (to the extent Members of the Settlement Class have such claims) against all Released Persons. The terms of the releases, including the meaning of the term "Released Claims," are set forth in the Proof of Claim and Release form that is enclosed.

Deadlines:

Submit Claim: October 1, 2010
 File Objection: July 28, 2010

Court Hearing on Fairness of Settlement: August 25, 2010

More Information: www.tycomsecuritieslitigation.com

Claims Administrator:

TyCom Securities Litigation
 Claims Administrator
 c/o The Garden City Group, Inc.
 P.O. Box 9406
 Dublin, OH 43017-4506
 1-888-265-0241

Lead Counsel:

Robert C. Finkel, Esq.
 Wolf Popper LLP
 845 Third Avenue
 New York, NY 10022
 irrep@wolfpopper.com
 1-877-370-7703

Gregory E. Keller, Esq.
 Chitwood Harley Harnes LLP
 2300 Promenade II
 1230 Peachtree Street, N.E.
 Atlanta, GA 30309
 gkeller@chitwoodlaw.com
 1-888-873-3999

| YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT: | |
|--|---|
| SUBMIT A CLAIM | The only way to receive a payment. |
| OBJECT | You may write to the Court if you do not like this settlement. |
| GO TO A HEARING | You may ask to speak in Court about the fairness of the settlement. |
| DO NOTHING | Receive no payment. |

- Unless you have previously requested exclusion from the Class, or unless the Court rejects the proposed Settlement, you are bound by the Settlement Agreement and its Release, whether or not you submit a claim.
- These rights and options — **and the deadlines to exercise them** — are explained in this Notice.
- The Court presiding over this case must decide whether to approve the Settlement. Payments will be made only if the Court approves the Settlement and, if there are any appeals, after appeals are resolved. Please be patient.

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BASIC INFORMATION

1. Why Did I Receive This Notice Package?

You or someone in your family may have purchased or acquired TyCom common stock between July 26, 2000 and December 17, 2001.

This Notice was sent because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves the Settlement and after any objections or appeals are resolved, the Claims Administrator appointed by the Court will make the payments to those persons who timely submit claims in the manner described below.

This package explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the United States District Court for the District of New Jersey, and the case is known as *Rosemarie Stumpf et al. v. Neil R. Garvey, et al. (In re TyCom Ltd. Securities Litigation)*, Civil Action No. 03-CV-03540. Mark Newby, who brought this action, is called Lead Plaintiff, and the companies and the individuals he sued, TyCom Ltd. ("TyCom"), and Tyco International Ltd. ("Tyco"); the Individual Defendants, consisting of L. Dennis Kozlowski ("Kozlowski"), Mark H. Swartz ("Swartz"), and Neil R. Garvey ("Garvey"); and the Underwriter Defendants, consisting of Goldman, Sachs & Co. ("Goldman"), Merrill Lynch & Co. ("Merrill") and Salomon Smith Barney Inc. ("Salomon") (n/k/a Citigroup Global Markets ("Citigroup")), are collectively called the Defendants. Each of the Defendants, other than Kozlowski and Swartz (who are not parties to this Settlement), are called the Settling Defendants. The Settling Parties include Lead Plaintiff and the Settling Defendants.

2. What Is This Lawsuit About?

This lawsuit alleges that TyCom made materially false and misleading statements and omissions regarding the business operations of TyCom and the prospects of TyCom's new global network of undersea cable (the "TGN"), in particular concerning the demand for undersea bandwidth and the oversupply of undersea bandwidth that existed for the foreseeable future. Lead Plaintiff alleges that these false statements and omissions artificially inflated the price of TyCom stock at its IPO on July 26, 2000 and on the open market thereafter.

Defendants deny the allegations and assert that their public statements concerning TyCom and the projected demand for and supply of undersea bandwidth were accurate at the time made and were not intended to mislead investors.

3. Why Is This a Class Action?

In a class action, one or more people or entities called class representatives (in this case the Court-appointed Lead Plaintiff, Mark Newby) sue on behalf of people who have similar claims. Here, all these people are called a Class or Class Members. One Court resolves the issues for all Class Members, except for those who timely and validly excluded themselves from the Class. United States District Judge, Honorable Garrett E. Brown, Jr., is in charge of this class action.

The Action was certified as a class action on behalf of all purchasers of common stock, other than Defendants and certain persons affiliated with them, pursuant to an Order dated June 12, 2007. A Notice of Pendency of Class Action was issued pursuant to an Order dated May 19, 2009. A copy of that notice is available on the website of the Claims Administrator, www.tycomsecuritieslitigation.com. All purchasers of TyCom common stock are Members of the Class, except those persons who timely filed a request for exclusion by October 1, 2009. All persons who were not timely excluded from the Class will be bound by the proposed Settlement and its accompanying Release.

4. Why Is There a Settlement?

The Court did not decide in favor of Plaintiffs or Defendants. Instead, both sides agreed to a settlement. This permits them to avoid the cost and uncertainty of a trial, and permits eligible Class Members who submit valid claims to receive compensation. The Lead Plaintiff and his attorneys believe the Settlement is best for all Class Members. The Settling Defendants have concluded that further defense of the Action would be protracted and expensive, and also have taken into account the uncertainty, risks and distractions inherent in any litigation, especially in a complex case such as the Action.

WHO IS IN THE SETTLEMENT

To see if you will receive money from this Settlement, you first have to determine if you are a Class Member.

5. How Do I Know if I Am Part of the Settlement?

The Class includes all persons or entities who purchased or otherwise acquired shares of TyCom Ltd. during the period July 26, 2000 through December 17, 2001.

6. What Are the Exceptions to Being Included?

You are not a Class Member if you are a Defendant, an officer or director of Tyco, TyCom, or the Underwriter Defendants, a member of the immediate family of one of the Individual Defendants, or a majority-owned affiliate of a corporate defendant.

Class Members were given notice and an opportunity to exclude themselves from the Class through a separate Notice of Pendency of Class Action. You are a Member of the Class if you acquired TyCom stock during the period July 26, 2000 through December 17, 2001, and did not file a timely request for exclusion from the Class by the October 1, 2009 deadline defined in the Notice of Pendency of Class Action. If you did file a timely exclusion request, you will not be bound by the release in, or receive any benefit from, the proposed Settlement. However, you can withdraw your request for exclusion from the Settlement if you file a valid and timely Proof of Claim pursuant to this Notice.

7. I'm Still Not Sure if I Am Included.

If you are still not sure whether you are included, you can ask for free help. You can call Robert C. Finkel of Wolf Popper LLP at 1-877-370-7703 or Gregory E. Keller of Chitwood Harley Harnes LLP at 1-888-873-3999 for more information. Or you can fill out and return the claim form described in question 10, to see if you qualify.

THE SETTLEMENT BENEFITS — WHAT YOU GET

8. What Does the Settlement Provide?

Defendant TyCom has agreed to pay \$79 million in cash. The balance of this fund after payment of Court-approved attorneys' fees and expenses and the costs of claims administration, including the costs of printing and mailing this Notice and the cost of publishing the newspaper notice (the "Net Settlement Fund") will be divided among all eligible Class Members who send in valid claim forms.

9. How Much Will My Payment Be?

Your share of the Net Settlement Fund will depend on the number of valid claim forms that Class Members send in, the number of TyCom shares you purchased during the relevant period, and the timing of your purchases and sales.

You can calculate your Recognized Claim in accordance with the formula shown below in the Plan of Allocation. After all Class Members have sent in their Proof of Claim and Release forms, the payment you receive will reflect your Recognized Claim in relation to the Recognized Claims of all persons submitting Claim Forms. The Recognized Claim is not the amount of the payment that you can expect, but is used to determine how the Net Settlement Fund is allocated among all persons submitting claims.

HOW YOU OBTAIN A PAYMENT — SUBMITTING A CLAIM FORM

10. How Will I Obtain a Payment?

To qualify for payment, you must be an eligible Class Member, send in a valid Proof of Claim and Release form, and properly document your claim as requested in the Claim Form. A Proof of Claim and Release form is enclosed with this Notice. You may also get a Proof of Claim and Release form on the internet at www.tycomsecuritieslitigation.com. Read the instructions carefully, fill out the Proof of Claim and Release form, include the documents the form asks for, sign it, and mail it postmarked no later than October 1, 2010.

11. When Will I Receive My Payment?

The Court will hold a hearing on August 25, 2010, to decide whether to approve the Settlement. If Judge Brown approves the Settlement, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Even if no appeals are filed, it will take several months for the Claims Administrator to process all of the Proof of Claim and Release forms and determine the ultimate distribution amounts.

12. What Am I Giving Up to Receive a Payment?

As a Class Member, you will not be giving up any rights that you currently have by submitting a Proof of Claim and Release form to receive a payment. Unless you timely excluded yourself from the Class by the October 1, 2009 deadline defined in the Notice of Pendency of Class Action, you are a member of the Class and will be bound by the release of claims against the Settling Defendants. That means that you cannot sue, continue to sue, or be part of any other lawsuit against the Settling Defendants about the Released Claims in this case. It also means that all of the Court's Orders will apply to you and legally bind you and you will release your claims in this case against the Settling Defendants. The terms of the release are included in the claim form that is enclosed.

THE LAWYERS REPRESENTING YOU

13. Do I Have a Lawyer in This Case?

The Court appointed the law firms of Wolf Popper LLP and Chitwood Harley Harnes LLP to represent you and other Class Members. These lawyers are called Lead Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

14. How Will the Lawyers Be Paid?

Lead Counsel will ask the Court for attorneys' fees up to one-third of the Settlement Fund and for expenses up to \$2.4 million, which were advanced in connection with the litigation. Lead Plaintiff will also request reimbursement of his actual costs and expenses (including lost wages) directly related to his representation of the Class, not to exceed \$5,000. Such sums as may be approved by the Court will be paid from the Settlement Fund. Class Members are not personally liable for any such fees or expenses.

The attorneys' fees and expenses requested will be the only payment to Lead Counsel for their efforts in achieving this Settlement and for their risk in undertaking this representation on a wholly contingent basis. Since the case began in 2003,

Lead Counsel have conducted all of the investigation, document review, and depositions necessary to prepare the case for trial, employed experts to testify on behalf of the Class, and briefed dispositive summary judgment motions. To date, Lead Counsel have not been paid for their services in conducting this litigation on behalf of the Lead Plaintiff and the Class, nor for their substantial expenses. Lead Counsel have expended to date more than 45,000 hours of attorney and paralegal time in prosecuting the Class's claims and have incurred in excess of \$2.3 million in expenses in prosecuting the Action. The fee requested will compensate Lead Counsel for their work in achieving the Settlement Fund.

Lead Counsel shall file a formal motion with the District Court for approval of the Settlement, the Plan of Allocation, and the request for attorneys' fees and reimbursement of expenses on July 14, 2010. That motion will argue that Lead Counsel's requested fees are well within the range of fees awarded to class counsel under similar circumstances in other cases of this type. The Court determines what counsel should receive from the Settlement Fund for fees and expenses, and may award less than this amount.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the settlement or some part of it.

15. How Do I Tell the Court that I Do Not Like the Settlement?

If you are a Class Member, you can object to the Settlement if you do not like any part of it, including the Plan of Allocation and the request for attorneys' fees. You can state the reasons why you think the Court should not approve it, and the Court will consider your views. To object, you must send a letter saying that you object to the Settlement in *Rosemarie Stumpf et al. v. Neil R. Garvey, et al. (In re TyCom Ltd. Securities Litigation)*, Civil Action No. 03-CV-03540. Be sure to include your name, address, telephone number, your signature, the number of shares of TyCom common stock purchased and/or acquired between July 26, 2000 and December 17, 2001, and the reasons you object. Any objection must be mailed or delivered such that it is received by **each** of the following no later than July 28, 2010:

| <i>Court:</i> | <i>Lead Counsel Designee:</i> | <i>Settling Defendants' Counsel Designee:</i> |
|---|---|---|
| Clerk of the Court UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY Clarkson S. Fisher Building & U.S. Courthouse 402 East State Street Room 2020 Trenton, NJ 08608 | Robert C. Finkel, Esq. Wolf Popper LLP 845 Third Avenue New York, NY 10022 | Karen A. Confoy, Esq. Sterns & Weinroth, PC One State Street Square Office Building 50 West State Street, Suite 1400 Trenton, New Jersey 08607-1298 |

THE COURT'S SETTLEMENT HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to.

16. When and Where Will the Court Decide Whether to Approve the Settlement?

The Court will hold a settlement hearing at 1:00 p.m., on August 25, 2010, at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Room 4E, Trenton, New Jersey. At this hearing the Court will consider whether the settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. The Court will also consider how much to pay to Lead Counsel and whether the Plan of Allocation is fair, reasonable and adequate. The Court may decide these issues at the hearing or take them under consideration for a later decision.

17. Do I Have to Come to the Hearing?

No. Lead Counsel will answer questions Judge Brown may have. But, you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

18. May I Speak at the Hearing?

You may ask the Court for permission to speak at the settlement hearing. To do so, you must send a letter saying that it is your intention to appear in *Rosemarie Stumpf et al. v. Neil R. Garvey, et al. (In re TyCom Ltd. Securities Litigation)*, Civil Action No. 03-CV-03540. Be sure to include your name, address, telephone number, your signature, and the number of shares of TyCom common stock purchased or acquired between July 26, 2000 and December 17, 2001. Your notice of intention to appear must be received no later than July 28, 2010, by the Clerk of the Court, Lead Counsel Designee and Settling Defendants' Counsel Designee, at the three addresses listed in question 15.

IF YOU DO NOTHING

19. What Happens if I Do Nothing at All?

If you do nothing, all of your claims against the Settling Defendants will be released, but you will not receive any money from this Settlement because it is necessary to submit a Proof of Claim and Release form.

GETTING MORE INFORMATION

20. Are There More Details About the Settlement?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement dated as of March 26, 2010. You can obtain a copy of the Settlement Agreement or more information about the Settlement by contacting Lead Counsel:

Robert C. Finkel, Esq.
Wolf Popper LLP
845 Third Avenue
New York, NY 10022
irrep@wolffpopper.com
1-877-370-7703

OR

Gregory E. Keller, Esq.
Chitwood Harley Harnes LLP
2300 Promenade II
1230 Peachtree Street, N.E.
Atlanta, GA 30309
gkeller@chitwoodlaw.com
1-888-873-3999

or the Claims Administrator:

TyCom Securities Litigation
Claims Administrator
c/o The Garden City Group, Inc.
P.O. Box 9406
Dublin, OH 43017-4506
1-888-265-0241

or by visiting www.tycomsecuritieslitigation.com.

You can also obtain a copy from the Clerk's office during regular business hours:

Clerk of the Court
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Room 2020
Trenton, NJ 08608

UNDERSTANDING YOUR PAYMENT

21. The Plan of Allocation

The Net Settlement Fund shall be distributed to Class Members who submit acceptable Proofs of Claim ("Authorized Claimants") in the following manner:

a. The Claims Administrator shall determine each Authorized Claimant's share of the Net Settlement Fund based upon the recognized loss formula (the "Recognized Loss") described below. The Recognized Loss formula is intended to equitably apportion the Net Settlement Fund among Class Members. The Recognized Loss formula is not an estimate of what a Class Member would have recovered after trial; nor is it the amount that the Authorized Claimant will be paid pursuant to the Settlement.

b. A Class Member's actual share of the Net Settlement Fund will be determined by the ratio of the Class Member's Recognized Loss divided by the aggregate of the Recognized Loss of all Class Members.

c. This Plan of Allocation is based on the following principles applicable to Class Members if the action had gone to trial:

i. Lead Plaintiff asserted claims pursuant to Section 11 of the Securities Act of 1933 ("Section 11"). The measure of damages under Section 11 is generally the difference between (i) the amount paid for the shares (not to exceed the \$32.00 per share offering price), minus (ii) (a) the proceeds from sales of the shares prior to the end of the Class Period (not to exceed the offering price), plus (b) the value of any remaining unsold shares as of December 17, 2001, the date Tyco reacquired all outstanding shares of TyCom shares for .3133 shares of Tyco shares having a value at that time of \$17.48 per TyCom share.

ii. Lead Plaintiff also asserted claims pursuant to Section 10(b) of the Securities Exchange Act of 1934 ("Section 10(b)"). Damages under Section 10(b) are calculated, among other things, by determining the stock price drop caused by the disclosure of information correcting prior materially false and misleading statements. Lead Plaintiff contended in the Action, in opposing summary judgment, among other things, that the first corrective disclosure of materially false and misleading statements in the Prospectus occurred on January 17-18, 2001 when TyCom shares was already trading below its \$32.00 per share initial offering price.

iii. Although TyCom shares traded above the \$32.00 offering price at various times during the Class Period, Class Members are not entitled to recover as damages, under Section 11 or Section 10(b), as described above, the amount of their purchase price above \$32.00 per share.

- iv. Notwithstanding that damages cannot be based on purchases above \$32.00 a share, Lead Plaintiff determined that the most equitable allocation of the Net Settlement Fund is to include any gains class members obtained by selling TyCom shares above \$32.00 per share, and to offset those gains against any losses in calculating the Class Member's Recognized Loss.
- d. Accordingly, a Class Member's Recognized Loss shall be the lesser of:
 - i. The difference between (i) the amount paid for the shares (not to exceed \$32.00 per share), minus (ii) (a) the proceeds from sales of the shares prior to the end of the Class Period (not to exceed \$32.00 per share), plus (b) the value of any remaining unsold shares as of December 17, 2001; or
 - ii. The difference between (i) the actual amount paid for the shares minus (ii) (a) the actual proceeds from sales of the shares prior to the end of the Class Period, plus (b) the value of any remaining unsold shares as of December 17, 2001.
- e. A purchase or sale of TyCom shares shall be deemed to have occurred on the "contract" or "trade" date as opposed to the "settlement" or "payment" date.
- f. The receipt or grant by gift, devise or operation of law of TyCom shares during the Class Period shall not be deemed a purchase or sale of TyCom shares for the calculation of an Authorized Claimant's Recognized Loss nor shall it be deemed an assignment of any claim relating to the purchase of such securities. The grantor of the gift or devise, who purchased TyCom shares during the Class Period, shall retain the right to file a claim in this action unless that right to file a claim was specifically transferred in the instrument of gift or assignment.
- g. The receipt of TyCom shares during the Class Period in exchange for securities of any other corporation or entity shall not be deemed a purchase or sale of TyCom shares.
- h. Any gains on sales of TyCom shares shall be offset against losses in calculating the Recognized Loss. To the extent a Claimant had an overall gain from transactions in TyCom shares during the Class Period, the value of the Recognized Loss will be zero.
- i. No Authorized Claimant whose proportionate share of the Net Settlement Fund is less than \$20.00 shall receive a distribution from the Net Settlement Fund. Rather, that Claimant's proportionate share of the Net Settlement Fund shall be redistributed among all remaining Authorized Claimants.
- j. Class members who did not previously submit a request for exclusion by October 1, 2009 and do not submit an acceptable Proof of Claim by the deadline for submitting claims, will not share in the recovery, but nevertheless will be bound by the Settlement and the Order and Final Judgment of the Court dismissing this Action.
- k. Distributions will be made to Authorized Claimants after all claims have been processed and after the Court has finally approved the Settlement.

DO NOT TELEPHONE THE COURT REGARDING THIS NOTICE

SPECIAL NOTICE TO NOMINEES

The Court has ordered that if you held any TyCom common stock purchased or acquired between July 26, 2000 and December 17, 2001 as nominee for a beneficial owner, then, within twenty (20) days after you receive this Notice, you must either: (1) send a copy of this Notice by first class mail to all such Persons; or (2) provide a list of the names and addresses of such Persons to the Claims Administrator:

TyCom Securities Litigation
Claims Administrator
c/o The Garden City Group, Inc.
P.O. Box 9406
Dublin, OH 43017-4506
1-888-265-0241

If you choose to mail the Notice and Proof of Claim and Release yourself, you may obtain from the Claims Administrator (without cost to you) as many additional copies of these documents as you will need to complete the mailing.

Regardless of whether you choose to complete the mailing yourself or elect to have the mailing performed for you, you may obtain reimbursement for reasonable administrative costs actually incurred in connection with forwarding the Notice and which would not have been incurred but for the obligation to forward the Notice, upon submission of appropriate documentation to the Claims Administrator.

DATED: JUNE 3, 2010

BY ORDER OF THE COURT
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY