

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

L-3 COMMUNICATIONS SECURITY
AND DETECTION SYSTEMS
CORPORATION DELAWARE

Plaintiff,

v.

AMERICAN SCIENCE &
ENGINEERING, INC.

Defendant

Civil Action No. 04-10339-RWZ

**AMERICAN SCIENCE & ENGINEERING'S MOTION TO STRIKE L-3'S
REPLY IN SUPPORT OF RULE 37 MOTION FOR SANCTIONS**

On December 28, 2004, L-3 submitted a reply brief and supporting declaration in support of its Rule 37 Motion for Sanctions. Pursuant to Local Rule 7.1(B)(3), a party who wishes to file a reply brief must seek the Court's leave. Before a party moves for the Court's leave, it must confer with opposing counsel pursuant to Local Rule 7.1(A)(2). L-3 did not fulfill this obligation. It failed to confer with counsel for AS&E before submitting its reply memoranda. As argued in the accompanying memorandum, L-3 has repeatedly flouted the Local Rules. This latest omission is symptomatic of L-3's pattern of disregarding the rules.

ACCORDINGLY, pursuant to Local Rules 7.1(A)(2) and 7.1(B)(3), this Court should strike, with prejudice, L-3's Reply in Support of Rule 37 Motion For Sanctions.

CONCLUSION

For all of the foregoing reasons, AS&E respectfully requests that this Court strike, with prejudice, L-3's Reply in Support of its Rule 37 Motion for Sanctions.

CERTIFICATION UNDER LOCAL RULE 7.1

The undersigned certifies that, on January 4, 2005, counsel for the parties conferred by telephone in a good faith attempt to resolve or narrow the issue but were unable to do so.

Dated: January 4, 2005

AMERICAN SCIENCE AND
ENGINEERING, INC.

By its attorneys,

/s/ Erik P. Belt
Erik Paul Belt, BBO # 558620
John F. Ward, BBO # 646689
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, Massachusetts 02110
Tel: (617) 443-9292
Facsimile: (617) 443-0004
ebelt@bromsun.com
jward@bromsun.com