

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

**AS&E's
MOTION TO EXTEND DISCOVERY DEADLINES
OR FOR TEMPORARY STAY OF DISCOVERY**

The declaratory judgment plaintiff, L-3, has moved to extend its discovery deadlines, particularly its deadline to submit expert reports. But L-3 wants the extension to be unilateral such that AS&E does not get the same extension. AS&E does not oppose L-3's request for an extension of discovery deadlines, including the deadlines for expert reports, so long as AS&E gets equal treatment. AS&E therefore cross-moves for an extension of all discovery deadlines in this case and, alternatively, to stay discovery until after resolution of its pending summary judgment motion [Court Docket # 31]. A universal extension or temporary stay will permit this Court to consider the summary judgment motion, which could significantly narrow the issues here and reduce the time and expense needed for future discovery and trial.

ACCORDINGLY, for the reasons stated in AS&E's accompanying memorandum, AS&E respectfully requests that this Court grant AS&E's motion to extend discovery by three months and, alternatively, to stay all discovery pending resolution of the summary judgment motion.

CERTIFICATION UNDER LOCAL RULE 7.1

The undersigned certifies that, on January 25, 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 25, 2005

AMERICAN SCIENCE AND
ENGINEERING, INC.

By its attorneys,

/s/ Erik P. Belt

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