

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

THOMAS L. MOFFETT II, et al

Plaintiffs,

vs.

Civil No: PMJ 05CV1547

COMPUTER SCIENCES CORP., et al.

Defendants.

**EXHIBIT B
AFFIDAVIT OF MARTIN H. FREEMAN**

I, Martin H. Freeman, being over the age of eighteen and competent to testify to the matters contained herein, do hereby declare and affirm:

I am counsel of record for all Plaintiffs in this matter.

2. That the various Defendants in certain groupings have filed Motions to Dismiss this case pursuant to Rule 12(b)(6).

3 That the Defendants in the CSC Group have attached an evidentiary document to their Motion to Dismiss.

4. That, to the extent not excluded by the Court, the matters presented outside of the pleadings may convert this Motion to Dismiss into a Motion for Summary Judgment, which is subject to the provisions of F.R.C.P. 56.

5. That no Defendant has filed an answer to Plaintiffs' First Amended Complaint.

6. That the Court has not yet issued a scheduling order for discovery in this case.

7. That Rule 104.4 of the local rules prohibits the commencement of discovery

without entry of a scheduling order.

8. That, therefore, the parties have not engaged in any discovery.

9. That, given the lack of discovery, Plaintiffs are at this point in the litigation unable to address Defendants' attached documents through their own affidavits, depositions and/or answers to interrogatories to establish a genuine issue of fact in a manner to which they are entitled.

10. In particular, Plaintiffs expect that discovery will confirm that the Defendants in the CSC Group were acting outside the scope of the authority granted to them in the document attached to their motion.

That, in the event the Court treats the motion filed by the CSC Group of Defendants as a motion for summary judgment, the Plaintiffs require and hereby request, pursuant to Rule 56(f), a continuance of that motion until discovery has been completed pursuant to the discovery schedule to be issued by the Court in due course.

have personal knowledge of the facts stated herein. I affirm, under the penalties of perjury, that the foregoing representations are true.



Martin H. Freeman

Date

2/8/06