

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

KATHRYN BIELSKI,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	1:12cv1049-MHT
	)	(WO)
ALFRED SALIBA CORPORATION,	)	
	)	
Defendant.	)	

OPINION AND ORDER

Defendant Alfred Saliba Corporation has filed a motion to strike portions of an affidavit which plaintiff Kathryn Bielski offered in response to the motion for summary judgment.

Federal Rule of Civil Procedure 12(f) applies only to pleadings: "The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Defendant's motion to "strike" evidence in a response to a motion for summary judgement is not a request to strike material from a pleading. Mann v. Darden, 2009 WL 2019588 (M.D. Ala. July

6, 2009). Nevertheless, in resolving the defendant's summary-judgment motion, the court has implicitly considered the motion to strike as, instead, an objection to the evidence offered by plaintiff. See Fed. R. Civ. P. 56(c)(2) ("A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence."). The court is capable of sifting through the evidence, as required by the summary-judgment process, without resort to an exclusionary process.

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Accordingly, it is ORDERED that defendant Alfred Saliba Corporation's motion to strike (Doc. No. 50) is denied.

DONE, this the 15th day of October.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE