

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

FLOYD HOGAN, JR., et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	2:10cv390-MHT
)	(WO)
ALLSTATE BEVERAGE)	
COMPANY, INC., d/b/a)	
Gulf Distributing,)	
)	
Defendant.)	

OPINION AND ORDER

Defendant Allstate Beverage Company, Inc. has filed two motions to strike portions of affidavits submitted by plaintiff Floyd Hogan, Jr.

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." Allstate's motions to "strike" affidavits submitted in connection with Hogan's motion for conditional class certification, etc. 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 Hogan's motion, the court implicitly considered the motions to strike as, instead, objections to the evidence offered by Hogan. The court was capable of sifting through the evidence, as required by the class-certification process, without resort to an exclusionary process.

Accordingly, it is ORDERED that defendant Allstate Beverage Company, Inc.'s motions to strike (Doc. Nos. 70 and 77) are denied.

DONE, this the 4th day of December, 2012.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE