

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

CAROLYN RAWLS,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:11cv59-MHT
)	(WO)
ALABAMA DEPARTMENT OF)	
HUMAN RESOURCES,)	
)	
Defendant.)	

OPINION AND ORDER

It is ORDERED that plaintiff Carolyn Rawls's motion to alter or amend the judgment (Doc. No. 63) is denied and that defendant Alabama Human Resources Department's motion to strike (Doc. No. 66) is granted.

* * *

As to the motion to strike, plaintiff Carolyn Rawls gives no persuasive reason why the affidavit of Tom Sellers was not obtained during discovery other than difficulty in finding correct contact information for Sellers. For that reason alone, the court would grant

the motion to strike and not consider the evidence. See Mays v. United States Postal Service, 122 F.3d 43, 46 (11th Cir. 1997) (per curiam) (noting that when "a party attempts to introduce previously unsubmitted evidence on a motion to reconsider, the court should not grant the motion absent some showing that the evidence was not available during the pendency of the motion"). The court further notes that Sellers stopped working for defendant Alabama Department of Human Resources sometime in 2007, whereas the events relating to Rawls's termination culminated in late 2008 and early 2009. Sellers's lack of contemporaneous knowledge diminishes the utility of his affidavit. Moreover, Rawls submits the Sellers affidavit in an attempt to bolster her argument that a white comparator was not punished, but the court grounded its decision at the third-stage of the McDonnell Douglas inquiry: Rawls failed to establish pretext.

As to the remainder of the arguments presented in the motion to reconsider, the court finds that Rawls has merely rehashed previously rejected contentions.

DONE, this the 31st day of May, 2012.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE