

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

ARTUHUR ROBERTS, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:13cv335-MHT
	)	(WO)
STATE OF ALABAMA	)	
DEPARTMENT OF YOUTH	)	
SERVICES and GEORGE	)	
McCREE, in his individual	)	
capacity,	)	
	)	
Defendants.	)	

ORDER

Because the plaintiff has amended his response to defendants' motion for summary judgment to correct the noted deficiencies, and because the plaintiff has produced on-the-record, non-hearsay testimony from Frankie Knight about the substance of his statements to the EEOC, demonstrating that the evidence has been and can be reduced to admissible form at trial, it is ORDERED that the defendants' motion to strike (doc. no. 44) is denied. See Jones v. UPS Ground Freight, 683 F.3d 1283, 1293-94 (11th Cir. 2012) ("[A] district

court may consider a hearsay statement in passing on a motion for summary judgment if the statement could be reduced to admissible evidence at trial or reduced to admissible form. The most obvious way that hearsay testimony can be reduced to admissible form is to have the hearsay declarant testify directly to the matter at trial.") (internal citations omitted).

DONE, this the 11th day of February, 2015.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE