

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

MICHAEL MORGAN,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	3:12cv816-MHT
)	(WO)
SAEHAESUNG ALABAMA, INC.,)	
)	
Defendant.)	

OPINION AND ORDER

Both parties have filed motions to strike affidavit and deposition testimony which the other party offered with regard to defendant Saehaesung Alabama, Inc.'s 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." The motions to "strike" evidence in a motion for summary judgement or response to that motion are not a request to strike material from a pleading. Norman v. Southern Guar. Ins.

Co., 191 F. Supp. 2d 1321, 1327-28 (M.D. Ala. 2002) (Thompson, J). Nevertheless, in resolving Saehaesung's summary-judgment motion, the court has implicitly considered the motions to strike as, instead, objections to the evidence offered. 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.

Accordingly, it is ORDERED that plaintiff Michael Morgan's motion to strike (Doc. No. 24) and defendant Saehaesung Alabama, Inc.'s motion to strike (Doc. No. 28) are denied.

DONE, this the 18th day of March, 2014.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE