



in Response, (D) the CHRO's draft findings, (E) Mullen's Letter in Response and newspaper articles, and (F) the CHRO's final determinations. *Id.*

In reviewing the parties' briefing, the Court notes that while Defendant filed CHRO material indicating Plaintiff was intoxicated, suffers from alcoholism, and may have suffered a seizure as a result, and the decision not to hire Plaintiff was based on knowledge of these facts, such material is not admissible evidence. See [Dkt. 36-4 at 40-42]. The CHRO documents merely constitute evidence that the CHRO made a determination of "no reasonable cause" for the reasons set forth in the Findings of Fact. See *id.* The CHRO's findings are not admissible to demonstrate a legitimate, non-discriminatory reason why Plaintiff was not rehired, because it is not direct evidence and Plaintiff is entitled to this Court's own review of the parties' admissible evidence. See generally *Abrams v. Dep't of Public Safety*, 764 F.3d 244 (2d Cir. 2014) (discussing plaintiff's performance reports, depositions, and other direct evidence in evaluating plaintiff's § 1983 claim); *Patterson v. Cty. of Oneida, N.Y.*, 375 F.3d 206, 213-14 (2004) (evaluating affidavits from each individual defendant "denying that the discriminatory and/or harassing conduct attributed to him by Patterson had in fact occurred").

Defendants have not presented the Court with any evidence of admissible business or public records, such as Plaintiff's employment file, that address the rehiring decision made in November 2011. Defendants similarly have not submitted affidavits from people with *personal knowledge* about the decision not to rehire Plaintiff. The Court also has not been presented with any investigatory reports about Plaintiff's incident in 2001. Accordingly, the Court hereby ORDERS

