

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-20893-CIV-LENARD/O'SULLIVAN

BAYPOINT OFFICE TOWER, INC.,

Plaintiff,

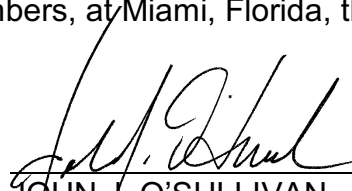
v.

CHUBB CUSTOM INSURANCE
COMPANY,Defendant.
_____ /**ORDER**

THIS MATTER is before the Court on the Plaintiff's Motion to Strike Affidavit of Mario Munoz in Opposition to Plaintiff's Motion for Remand (DE # 19, 4/12/12). The plaintiff argues that "Federal Rule of Civil Procedure 56(c)(4) of the Federal Rules of Civil Procedure provides that '[a]n affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.' Fed.R.C.P. 56(c)(4)." Plaintiff's Motion to Strike Affidavit of Mario Munoz in Opposition to Plaintiff's Motion for Remand, at p. 1. The affiant relied on non hearsay information provided by the plaintiff to the defendant in estimating the loss in this matter. Accordingly, it is

ORDERED AND ADJUDGED that the Plaintiff's Motion to Strike Affidavit of Mario Munoz in Opposition to Plaintiff's Motion for Remand (DE # 19, 4/12/12) is DENIED.

DONE AND ORDERED, in Chambers, at Miami, Florida, this 13th day of June, 2012.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
United States District Judge Lenard
All Counsel of Record