

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

c

ANDRAE D. AARON,
Plaintiff

CIVIL ACTION NO. 1:13-CV-02867;
SEC. P

VERSUS

CHIEF JUDGE DRELL

TIM KEITH, ET AL.,
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Before the Court is Defendants' Motion to Strike. (Docs. 60, 63). Defendants move the Court to strike the Baton Rouge Advocate article entitled "Reporter Exposes Flaws of Prison" ("Advocate article") (Docs. 57-2; 61-1) and any and all references to it from Plaintiff's Objections to Defendants' Motion for Summary Judgment (Docs. 57-1; 61). Plaintiff relies on the article to support his opposition to Defendants' Motion for Summary Judgment.

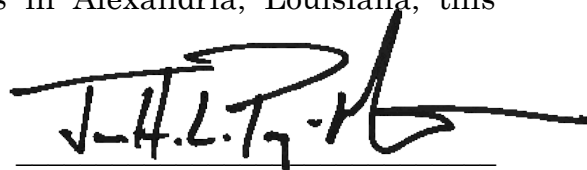
Defendants' argue that the Advocate article constitutes inadmissible hearsay and therefore should be excluded from consideration by the Court. Plaintiff acknowledges it as hearsay but states that his "intent in presenting the exhibit shows that the defendant's [sic] had knowledge of bad practices at their facility and they ignored them." (Doc. 66, pp. 1-2).

Newspaper articles do not constitute competent summary judgment evidence to prove the truth of the facts that they report because they are inadmissible hearsay. Cano v. Bexar County, Texas, 280 Fed. Appx. 404, 406 (5th Cir. 2008) (citing Roberts v. City of Shreveport, 397 F.3d 287, 295 (5th Cir. 2005)); see also James v. Texas

Collin County, 535 F.3d 365, 374 (5th Cir. 2008). Authors of newspaper articles typically convey information collected from other sources and rarely have personal knowledge of the facts reported. Anderson v. Dallas County, Texas, Civ. No. 3:05-CV-1248-G, 2007 WL 1148994, at *5 (N.D. Tex. April 18, 2007). Plaintiff is attempting to introduce the Advocate article to prove the truth of the facts that it reports. The Court cannot identify a hearsay exception that would apply to the Advocate article, and Plaintiff does not argue that a hearsay exception applies. Therefore, the Court will not consider the Advocate article as it is not competent summary judgment evidence.

Accordingly, IT IS ORDERED that Defendants' Motion to Strike (Docs. 60, 63) is hereby GRANTED. The Baton Rouge Advocate article entitled "Reporter Exposes Flaws of Prison" ("Advocate article") (Docs. 57-2; 61-1) and any and all references to it from Plaintiff's Objections to Defendants' Motion for Summary Judgment (Docs. 57-1; 61) are hereby STRICKEN from the record.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this
29th day of December, 2016.

A handwritten signature in black ink, appearing to read "J.H.L.P.M.", written over a horizontal line.

Joseph H.L. Perez-Montes
United States Magistrate Judge