

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK-----x  
AWAD JOHNSON,

Plaintiff,

- v -

**MEMORANDUM ORDER**THE NEW YORK CITY DEPARTMENT OF  
EDUCATION, et al.,

Defendants.

-----x  
CV-10-2604 (WFK)(VP)

The plaintiff has requested a briefing schedule for a proposed motion addressing certain evidentiary issues he wants the court to consider in deciding the defendants' summary judgment motion which is now being briefed. The motion would seek a determination by the court that certain documents are inadmissible hearsay and therefore would not be considered by the court in determining the motion. As the arguments could have been made in the plaintiff's papers in opposition to the summary judgment motion, which were served more than a month ago, the plaintiff's application is essentially a motion to supplement his papers on the motion. At a conference today, the parties agreed that instead of making a separate motion, the letter submitted by the plaintiff [DE 44] and the letter submitted by the defendants in response [DE 45] shall be considered part of the record on summary judgment such that the arguments made in the letters will be deemed to be before the court and considered by the court in rendering its decision.

**SO ORDERED:***Viktor V. Pohorelsky*VIKTOR V. POHORELSKY  
United States Magistrate JudgeDated: Brooklyn, New York  
April 5, 2013