

The Honorable Sherri A. Lydon

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

**New Indy Emissions Case**

**0:21-cv-01480-SAL**

**0:21-cv-01704-SAL**

**AMENDED NOTICE REGARDING JURY SELECTION  
AND TRIAL**

To provide for an orderly and expeditious disposition of the cases on the trial calendar, the following provisions and deadlines must be complied with:

- |                       |   |
|-----------------------|---|
| <b>April 05, 2024</b> | <b>Motions in Limine</b> shall be filed.  |
| <b>April 19, 2024</b> | <b>Written responses to Motions in Limine.</b>  |
| <b>April 26, 2024</b> | <b>Written replies to responses to Motions in Limine.</b>   |
| <b>May 03, 2024</b>   | <b>Rule 26(a)(3) Pretrial Disclosures</b> shall be filed and exchanged unless a previously filed scheduling order provides for an earlier date.   |
| <b>May 24, 2024</b>   | <b>Pretrial Briefs</b> are due unless a previously filed scheduling order provides for an earlier date. Pretrial Briefs are expected to be e-mailed in <b>MS WORD format</b> to <a href="mailto:lydon_ecf@scd.uscourts.gov">lydon_ecf@scd.uscourts.gov</a> in accordance with Local Civil Rule 26.05 (D.S.C).   |
| <b>May 24, 2024</b>   | <b>Marked Exhibit Copies</b> are due to chambers. Attorneys must submit two bound and tabbed paper copies and one electronic copy of all marked exhibits to chambers. The electronic copy may be provided via USB flash drive or emailed to <a href="mailto:lydon_ecf@scd.uscourts.gov">lydon_ecf@scd.uscourts.gov</a> . The electronic version should not include one PDF with all exhibits. Rather, each exhibit must appear as a separate file, labeled with its corresponding exhibit number. |
|                       | <b>REMINDER:</b> As required by Local Civil Rule 26.07 (D.S.C), attorneys must meet <b>in person</b> at least seven (7) days prior to the deadline for submission of pretrial briefs for the purpose of exchanging and marking all exhibits, and, where possible, agree on the admissibility of all trial exhibits. In the event there is an objection to any exhibit, the attorneys must notify the court of such objection in the Pretrial Brief as required by Local Civil Rule 26.05(N)       |

(D.S.C.). Otherwise, such objection will be deemed waived. Additionally, the exhibit list shall be furnished by each side to the Courtroom Clerk on the day of trial. All exhibits listed shall be deemed admitted for all purposes unless the court denies admission based on objections submitted to the court as set out above.

**May 24, 2024**

All **Requests to Charge, Requests for Voir Dire, and Proposed Verdict Forms** shall be submitted **JOINTLY** to the Court by email to [lydon\\_ecf@scd.uscourts.gov](mailto:lydon_ecf@scd.uscourts.gov) in **MS WORD format**. Joint Requests for Voir Dire must include a **joint** list of witnesses along with their addresses as well as the occupation of each witness. **These documents shall not be filed.**

**May 28, 2024**

The list of jurors will be available in the CM/ECF. The Court will submit written interrogatories to the jury venire. **THESE INTERROGATORIES WILL NOT BE REPEATED AT JURY SELECTION.**

**May 28, 2024**

Copies of the responses to the written interrogatories submitted to the jury venire will be available for review in CM/ECF. Attorneys and parties are advised that they must file a “Juror Questionnaire & List Request” form in the appropriate case via CM/ECF using the Certification -Juror Questionnaire and List Request event, found under Other Filings -Trial Documents to obtain access to the questionnaires. You may obtain the form from the Jury Administrator at the Clerk’s Office or from the Court’s Internet site at <https://www.scd.uscourts.gov>.

Additionally, the juror questionnaires and lists and the information obtained therefrom are privileged and shall be kept confidential and shall not be shared. This information shall be used solely for evaluating potential jurors for jury service for this case and shall not be used for any other purpose. Further, the requesting party must certify, before access will be granted, that immediately after trial, he or she will destroy all copies, whether paper or electronic, of completed juror questionnaires. Failure to adhere to the above requirements would be in violation of 28 USC §1867(f) and the District of South Carolina’s Amended Jury Selection Plan Order. If there are any questions about this procedure, please call the Jury Administrator at (803)253-3382.

**May 31, 2024**

All **Strikes for Cause** must be submitted **JOINTLY** by email to chambers at [lydon\\_ecf@scd.uscourts.gov](mailto:lydon_ecf@scd.uscourts.gov) and are to be filed with the Court in CM/ECF **no later than 12:00 pm** on the due date. To file Strikes for Cause, select Category, “Trial Documents,” and then select Event Code,

“Request to Strike for Cause.” Judge Lydon's Joint Strikes for Cause form is located on the Court’s website under Forms—Jury. Please list all joint strikes as well as a list of strikes not agreed upon.

**June 04, 2024**  
**9:30 a.m.**  
**Matthew J. Perry, Jr.**  
**U.S. Courthouse**  
**901 Richland Street**  
**Columbia, SC 29201**  
**Courtroom 3**

**Jury Selection** and follow up **Pretrial Conference**

**June 20, 2024 – July 8, 2024**  
**9:00 am.**  
**Matthew J. Perry, Jr.**  
**U.S. Courthouse**  
**901 Richland Street**  
**Columbia, SC 29201**  
**Courtroom 3**

**Trial**

**COUNSEL ARE REQUIRED TO USE THE ELECTRONIC COURTROOM PRESENTATION SYSTEM IN TRIAL.** It is **YOUR** responsibility to contact the court clerk for information regarding use of the electronic courtroom **PRIOR TO TRIAL.**

**THE COURT MAY NOT CONSIDER ANY REQUESTS FOR CHARGE, REQUESTS FOR VOIR DIRE, OR ANY EXHIBITS FOR ADMISSION DURING TRIAL SUBMITTED AFTER THE ABOVE DATE.**

When a civil action scheduled for jury trial is settled or otherwise disposed of in advance of the actual trial, then, except for good cause shown, all juror’s costs, including marshal’s fees, mileage, and per diem, may be assessed equally against the parties and their counsel or otherwise assessed as directed by the Court, unless the Clerk’s Office is notified **at least one full business day prior to the date on which the action is scheduled for trial.** Notification to the Clerk’s Office is necessary in order to notify jurors that their presence will not be required.

In accordance with the provisions of 28 U.S.C. § 636(c), you are hereby notified that the United States Magistrate Judges of the District Court, in addition to their other duties, may, upon consent of all parties in a civil case, and with the approval of the District Judge, conduct any or all proceedings, including a Jury or Non-Jury trial, and order the entry of a final judgment.

BY DIRECTION OF THE COURT

ROBIN BLUME, CLERK