

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



HONORABLE JOSEPH F. ANDERSON, JR.,  
UNITED STATES DISTRICT JUDGE

TRIAL ROSTER MEETING NOTICE  
&  
PRETRIAL INSTRUCTIONS

**2020 TERM OF COURT**

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Please take notice that Judge Joseph F. Anderson, Jr. has scheduled a **ROSTER MEETING** at **p.m. on** **2020**, in Courtroom No. IV of the United States District Courthouse, 901 Richland Street, Columbia, South Carolina. The purpose of the meeting is to finalize a roster of cases for trial during this term of court.

The term begins with **Jury Selection at 9:30 a.m. on** **, 2020.**

By direction of the Court,

ROBIN L. BLUME, CLERK

Mary L. Floyd, Deputy Clerk  
803.765.5353

For forms referenced herein, see <https://www.scd.uscourts.gov/go/jfaorders>

# CIVIL CASES FOR TRIAL

**2019 TERM OF COURT**

Case No.	Case Name	Counsel

# JUDGE ANDERSON'S PRETRIAL INSTRUCTIONS

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## ATTENDANCE

At least one attorney of record and all unrepresented parties with cases listed herein must attend the roster meeting.

## TRIAL DATES

Beginning the day after jury selection, cases will be tried in order of the date they were filed. As noted in each case's scheduling order, the cases will go to trial during this term of court. This is not a "subject to being called on or after" date—this is a firm trial term date. Counsel, parties, and witnesses should plan their schedules and vacations accordingly.

## SETTLEMENTS

If any cases are settled, please immediately notify the court and all parties via email at [janderson\\_ecf@scd.uscourts.gov](mailto:janderson_ecf@scd.uscourts.gov) and call chambers at 803.765.5136.

Normally, the court will enter a conditional order of dismissal or "Rubin Order" which allows the parties an additional 60 days to effect the agreed-to settlement. If the Rubin Order is not acceptable to the parties, counsel is responsible for prompt submission of dismissal papers.

## PRETRIAL CONFERENCES

The court will conduct pretrial conferences in all cases going to trial and will attempt to schedule each pretrial conference in the week immediately preceding the trial date. The exact dates and times for the pretrial conferences will be announced at the roster meeting.

## CONSENT TO TRIAL BY MAGISTRATE JUDGE (Local Rule 73.02)

United States Magistrate Judges of the district court, may conduct any or all proceedings in a civil case, including jury or nonjury trials, upon consent of all parties and with the approval of the district judge. 28 U.S.C. § 636(c). Magistrate Judges are normally able to provide a date certain for trial. For any parties who wish to have their case tried before a Magistrate Judge, a Consent form is available on the court's website.

## JUDGE ANDERSON'S PRETRIAL INSTRUCTIONS

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### PRETRIAL DISCLOSURES (Local Rule 26.04)

All attorneys and unrepresented parties are reminded of their pretrial obligations under the Federal Rules of Civil Procedure and Local Civil Rules of this District. Counsel must ensure that all attorneys and support staff involved in the pretrial or trial process have reviewed these materials and instructions.

### TRIAL EXHIBITS — “MEET, MARK & EXCHANGE MEETING” (Local Rule 26.07)

The date for counsel to meet, mark, and exchange all trial exhibits is no later than 2 weeks before jury selection. The meet, mark, and exchange meeting serves as a useful purpose at trial is not optional with counsel. Do not renumber exhibits after the exhibits have been exchanged. Also, do not use subsections when numbering the exhibits (i.e., 1A, 2B, 1.4)—use only whole numbers (1, 2, 3, 4). If exhibits are deleted after the meeting, simply strike through or mark “withdrawn.” All exhibits must be numerically marked with proper exhibit stickers such as:



After exhibits have been exchanged and numbered, each party must submit one physical color copy of its own numbered exhibits in a binder to chambers, contemporaneously with the electronic submission of the party's pretrial briefs as described above.

### PRETRIAL BRIEFS (Local Rule 26.05)

Pretrial briefs are to be submitted via email to [janderson\\_ecf@scd.uscourts.gov](mailto:janderson_ecf@scd.uscourts.gov) in a PDF document (13 pt. double spaced). Pretrial briefs are not filed or served on the opposing side. However, witness and exhibit lists must be filed with the Clerk's Office (and thereby served on the opposing side) at the same time the pretrial briefs are emailed to chambers.

The deadline for pretrial briefs is 5:00 p.m. exactly one week prior to jury selection. Submissions that must accompany the pretrial brief include special voir dire requests (if any), the exhibits which have been premarked and exchanged, and the witness list.

# JUDGE ANDERSON'S PRETRIAL INSTRUCTIONS

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## PRETRIAL DESIGNATIONS OF EXHIBIT OBJECTIONS (Local Rule 26.07(A))

Local Rule 26.07(A), which requires that the pretrial designation of objections to the other side's exhibits, has proven to be counterproductive in practice. It is difficult for the court to rule upon such objections in advance of trial. Moreover, the local rule does not provide enough time to receive opposition argument from the party offering the exhibit. For these reasons, the court will suspend compliance with Local Rule 26.07(A) and require attorneys to make their objections at trial as the exhibit is offered. Of course, if there are specific exhibits which may be critical to the case, or which may require extensive research, counsel may file a pretrial motion in limine, seeking a ruling on the admission or exclusion of the exhibit.

## VIDEO DEPOSITION DESIGNATIONS

Because video depositions must be prepared in advance of trial so as to minimize delays associated with in-trial editing, the following procedures apply:

At the meet, mark, and exchange meeting, each party shall provide the other party with a Video Deposition Designation Sheet (by page and line number) of all video deposition excerpts that party intends to use at trial. Example:

Plaintiff's Designation	Defendant's Objection (explain basis of)	Plaintiff's Counter-Designation	Defendant's Objection to Counter-Designation (or withdrawal)
Page 5, Lines 3-12		Page 5, Lines 4-9	

Within 4 days thereafter, the opposing party shall serve a Video Deposition Counter-Designation Sheet of the same witness the opposing party wishes to have played for the jury. No later than 7 days after the meet, mark, and exchange meeting, the parties are to confer and attempt to resolve any objections to any video deposition excerpts that have been indicated for use at trial. Any objections the parties are unable to resolve should be filed 4 days prior to the pretrial conference.

The party offering the video deposition will have the video appropriately edited to delete portions that the parties do not desire to use, and that the parties have agreed are objectionable. For any objections that are not resolved prior to trial, the party offering the video deposition shall have a videographer present at trial who is able to quickly edit the video in accordance with the court's rulings.

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### WRITTEN DEPOSITION DESIGNATIONS

At the meet, mark, and exchange meeting, each party is to provide the other party with a Written Deposition Designation Sheet (by page and line number) of all written portions of deposition transcripts that party intends to read to the jury during trial. See the example on the preceding page regarding video deposition designations.

Within 4 days thereafter, the opposing side shall serve a Written Deposition Counter-Designation Sheet, identifying any additional portions that party desires to be read to the jury.

As with trial exhibits, the court will not rule upon objections to deposition exhibits before trial, but will instead rule on them at trial as the depositions are offered.

### MOTIONS IN LIMINE

All motions in limine are due no later than 4 days prior to the pretrial conference.

### JUROR LIST & QUESTIONNAIRES (Local Rule 47)

A copy of the jury list will be available from the Clerk's Office 7 days before jury selection.

The Clerk's Office will solicit information from potential jurors by way of a questionnaire completed by jurors prior to jury selection day. Only attorneys and parties with cases on the trial roster are allowed access to the questionnaires. A Juror Questionnaire Request Form must be submitted to the Clerk's Office for approval to purchase or review the questionnaires. Once approved, copies of the questionnaires will be available for purchase from the contract printer beginning 7 days before jury selection. The originals of the responses are available for review at the Clerk's Office during the same period.

The information contained in the juror questionnaires and jury list is confidential and is to be used solely for the purpose of evaluating potential jurors for a case and may not be used or disseminated for any other purpose. If you have any questions concerning this procedure, please contact the Jury Administrator at 803.253.3634.

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### REQUESTS TO STRIKE JURORS FOR CAUSE

Requests to strike any juror for cause based on responses to the juror questionnaire must be submitted to chambers on a Request to Strike Jurors for Cause Form no later than 2 business days before the date set for jury selection.

### STANDARD VOIR DIRE OF JURORS

When the members of the jury panel arrive at the jury assembly room, they will be shown an orientation video wherein the court explains the role of the jury generally, and the jury selection process that will be followed. A transcript of the orientation video is available on the court's website.

In addition to the written juror questionnaires, the court will ask potential jurors during jury selection if they know or have any connection with any of the attorneys, parties, or witnesses listed by either party in their pretrial briefs. The court will also summarize the allegations and defenses and ask if any juror is familiar with the dispute or has preconceived views which may impair their ability to be impartial.

### SPECIAL VOIR DIRE OF JURORS (Local Rule 47.04)

Requests for special voir dire of prospective jurors shall be submitted with the pretrial brief. Any questions that are on the juror questionnaires or that relate to standard information covered in the preceding paragraph must not be repeated.

### JURY INSTRUCTION REQUESTS (Local Rule 26.09)

The court's Preliminary and Boilerplate Jury Instructions are located on the court's website, along with the court's requirements regarding proposed jury instructions. If proposed jury instructions are submitted, the submissions must be in compliance with the court's requirements. All requests for jury instructions must be submitted for the court's review 7 days prior to the beginning of trial.

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## TIME LINE FOR PRETRIAL PROCEEDINGS

### ROSTER MEETING

- Usually 2 to 3 weeks before the upcoming 2-month term of court.

### JURY SELECTION

- Usually the first week of that term of court (exact date in Roster Meeting Notice).

### 14 DAYS PRIOR TO JURY SELECTION

- Meet, Mark, and Exchange Meeting
- Video Deposition Designations
- Written Deposition Designations

### 10 DAYS PRIOR TO JURY SELECTION

- Video Deposition Counter-Designations
- Written Deposition Counter-Designations

### 7 DAYS PRIOR TO JURY SELECTION

- Submit pretrial brief to chambers.
- Submit a witness list to chambers and file a copy with the Clerk's Office.
- Submit an exhibit list to chambers and file a copy with the Clerk's Office.
- Submit a color copy of all premarked and exchanged exhibits in a binder to chambers.
- Submit any requested special voir dire for jury selection to chambers and file a copy with the Clerk's Office.
- Jury lists and copies of Juror Questionnaires may be obtained from Clerk's Office.



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## TIME LINE FOR PRETRIAL PROCEEDINGS

### 2 BUSINESS DAYS PRIOR TO JURY SELECTION

- Submit requests to strike jurors for cause form to chambers.

### DAY OF JURY SELECTION

- Date is provided in the Roster Meeting Notice.

### 4 DAYS PRIOR TO THE PRETRIAL CONFERENCE

- File all motions in limine.

### 7 DAYS PRIOR TO TRIAL

- Submit copies of proposed jury instructions to chambers and serve on opposing counsel.

### PRETRIAL CONFERENCE (WEEK PRIOR TO TRIAL)

- Be prepared to argue all pending motions, including any motions in limine.
- Be prepared to discuss all matters of timing and witness sequestration.
- Be prepared to discuss any other outstanding matters that may delay the start of trial.

### TRIAL

- Opening statements will begin promptly at 9:30 a.m. and all attorneys shall be in the courtroom at 9:00 a.m. on the first day of trial.