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

THE SOUTH CAROLINA STATE CONFERENCE OF THE NAACP, et al.,

Plaintiffs,

v.

THOMAS C. ALEXANDER, et al.,

Defendants.

Case No. 3:21-cv-03302-MGL-TJH-RMG

SENATE DEFENDANTS' & HOUSE DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF PLAINTIFFS' PUTATIVE EXPERT BAODONG LIU

The Senate Defendants and the House Defendants[1] respectfully move to exclude the testimony of Plaintiffs' putative expert Baodong Liu on the ground that it fails to meet the demanding standards established by Federal Rule of Evidence 702 and Daubert v. Merrell Dow Pharmaceuticals., Inc., 509 U.S. 579 (1993). Dr. Liu lacks a "reliable foundation" for his proposed testimony regarding the Congressional Plan that Plaintiffs challenge in this action. Daubert, 509 U.S. at 597. Indeed, Dr. Liu committed the same fundamental error as the putative expert that this Court rejected ten years ago in Backus v. South Carolina: by his own admission, he "failed to consider all the traditional race-neutral principles that guide redistricting in South Carolina." Backus v. South Carolina, 857 F. Supp. 2d 553, 563 (D.S.C.), aff'd, 568 U.S. 801 (2012). Thus, his proposed testimony and evidence are "problematic," "incomplete," and "unconvincing," and he is "unable to provide the Court a reliable opinion that the General Assembly subordinated

[1] The Senate Defendants are Thomas C. Alexander, in his official capacity as President of the Senate, and Luke A. Rankin, in his official capacity as Chairman of the Senate Judiciary Committee. The House Defendants are James H. Lucas, in his official capacity as Speaker of the House of Representatives, Chris Murphy, in his official capacity as Chairman of the House of Representatives Judiciary Committee, and Wallace H. Jordan, in his official capacity as Chairman of the House of Representatives Elections Law Subcommittee. On May 12, 2022, James H. Lucas stepped down as Speaker of the South Carolina House of Representatives. The current Speaker of the House is Representative G. Murrell Smith, Jr.

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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