**FOR IMMEDIATE RELEASE**

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**NEW INDY LAWSUIT UPDATE: PLAINTIFFS FILE CONSOLIDATED AMENDED COMPLAINT AND MOTION TO APPOINT INTERIM CLASS COUNSEL**

**ROCK HILL, SC**—A motion filed today in the New Indy emissions litigation requests that the court appoint lawyers [T. David Hoyle](https://www.motleyrice.com/attorneys/t-david-hoyle) of Motley Rice LLC; [Richard A. Harpootlian](https://www.harpootlianlaw.com/attorney/richard-a-harpootlian/) of Harpootlian Attorneys at Law; [Philip C. Federico](https://sfspa.com/attorney/philip-c-federico/) of Schochor, Federico and Staton, P.A.; and [Chase T. Brockstedt](https://bmbde.com/chase-t-brockstedt/) of Baird Mandalas Brockstedt, LLC as Interim Co-Lead Counsel to represent and protect the interests of area residents who have been exposed to the harmful pollution from the paper mill located in Catawba, S.C. The motion, which also seeks to consolidate cases and requests leave to file an amended complaint, was filed before Judge Sherri A. Lydon in federal court in the District of South Carolina, Rock Hill Division.

The class action seeks monetary damages for area residents who allege they have been impacted by the pollution, as well as an order that forces New Indy to shut down operations and cease all toxic emissions until it can fix the problem and comply with all local, state and federal environmental laws. As stated in the filing, “The consolidation of these cases will allow the Court to hear all motions in conjunction, expediting their resolution, will not prejudice any party, will ensure efficiency during all stages of this litigation, and will help foster consistency in the findings and the conclusions of the Court.”

New Indy purchased the Mill in December 2018 and shut down production between September 2020 and November 2020 to convert its manufacturing operations from producing white paper to producing containerboard grade paper. Following the conversion, the Mill ceased sending foul condensate to a steam stripper and incinerator, which were used to control hazardous air emissions, and instead sent all foul condensate to open-air lagoons, allowing hydrogen sulfide and other dangerous air pollutants to evaporate into the air.

On Jan. 19, 2021, the South Carolina Department of Health and Environmental Control (“DHEC”) began receiving odor complaints from citizens in York and Lancaster counties described as paper mill, rotten egg, chemical, and sewage odors. On May 7, 2021, DHEC determined “the odor is injurious to the welfare and quality of life and is interfering with use and enjoyment of property” and ordered New Indy to take actions to remedy the unlawful air pollution released from the Mill. On May 13, 2021, the U.S. Environmental Protection Agency (“EPA”) issued an emergency order under the Clean Air Act, stating that an emergency order was needed because New Indy’s actions were so harmful to public health and welfare.

“There are laws in place that are designed to limit the impact plants like New Indy have on surrounding communities and the overall health and wellbeing of the general public. When companies violate those laws, innocent men, women and children are the ones who suffer the most,” said Motley Rice environmental attorney [T. David Hoyle](https://www.motleyrice.com/attorneys/t-david-hoyle). “This litigation seeks a speedy solution for people who, because of New Indy, are no longer comfortable or safe in their own homes.” Hoyle has experience as an environmental litigator, including representing governments and businesses affected by the Deepwater Horizon oil spill. He now represents water providers from eight states and a putative class action in Michigan of individuals affected by per and polyfluoroalkyl substances (PFAS).

“We would be honored to lead this effort and help the community obtain justice from New Indy – a big company that thought it could cut corners and put people’s health and well-being at risk,” said Chase T. Brockstedt, founding partner of Delaware-based Baird Mandalas Brockstedt, LLC. “We need to make New Indy care about the community and not just their bottom line.”

“The orders by DHEC and EPA do not compensate people for the harm – past, present and future – caused by New-Indy’s wrongful actions,” said Philip C. Federico, founding partner of Maryland-based Schochor, Federico and Staton, P.A. “They also fail to require New Indy to take immediate steps to eliminate its pollution of the air and to stop discharging inadequately treated wastewater to the Catawba River. We will work to hold New Indy accountable for the problems that tens of thousands of area families are experiencing.”

Brockstedt and Federico recently reached a landmark $205 million settlement on behalf of Delaware residents whose drinking water had been poisoned for more than two decades by Mountaire Farms, one of the country’s largest chicken processing companies, which had been releasing inadequately treated wastewater into the area.

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