

**BEFORE THE UNITED STATES PANEL
ON MULTIDISTRICT LITIGATION**

***In Re: Hair Relaxer Marketing, Sales Practices,
and Products Liability Litigation***

MDL: No. 3060

**Interested Parties Response of Plaintiffs Carrie Jones and Deborah Benton
to Plaintiffs' Motion for Transfer of Actions for Coordinated
or Consolidated Pretrial Proceedings**

Pursuant to 28 U.S.C. § 1407 and Rule 6.2(e) of the Rules of Procedure of the United State Judicial Panel on Multidistrict Litigation, Interested Parties Carrie Jones and Debora Benton (“Plaintiffs”) respectfully submit this Interested Parties Response in further support of the Motion for Transfer of Actions for Coordinated Pretrial Proceedings

Consolidation is appropriate when common questions of fact and law abound, transfer will further the convenience of the parties and witnesses, promote just and efficient conduct of the litigation while serving the goal of judicial economy. Plaintiff agrees with the Initial Movant that if consolidation is found to be appropriate, the United States Court for the Northern District of Illinois is best situated to oversee pretrial matters in this litigation.

BACKGROUND

Ms. Jones is the plaintiff in *Jones v. L’Oreal USA Inc., et al*, N.D. Illinois, 1:23-cv-00283. Ms. Benton is the plaintiff in *Benton v. L’Oreal USA Inc., et al*, N.D. Illinois, 1:23-cv-00305. Both plaintiffs developed uterine cancer after decades of using the Defendants’ hair relaxer products, which have been scientifically shown to cause uterine cancer and other diseases. Both plaintiffs seek damages for personal injuries related to Defendants’ wrongful conduct in the design, development, testing, labeling, marketing, promoting, distribution, and selling of certain hair relaxer products.

Plaintiffs' actions are currently pending in the Northern District of Illinois, along with multiple similar actions. Further, dozens of similar actions relating to the Defendants' conduct are pending in other federal districts with many more cases to be filed.

ARGUMENT

Plaintiffs agree that transfer is useful, necessary, and supported by numerous questions of fact and law in the pending actions, as argued by the movants and other interested-party plaintiffs.(Docs. 1, 1-1, 28, 38, 48, 56, 61, 68, 77, 79, 84 and 92). 28 U.S.C. § 1407(a) authorizes the transfer of civil actions pending in different federal district courts to a single federal district court for coordinated or consolidated pretrial proceedings, if this Panel determines the cases involve common questions of fact, and the transfer will serve the convenience of the parties while promoting the just and efficient conduct of the litigation.

I. Transfer and Consolidation is Appropriate and will Further the Goals of 28 U.S.C. § 1407.

Consolidation is appropriate given the forty plus similar actions already pending, and the likelihood that additional case filings will continue to accumulate in the coming months and years. Consolidation now will avoid widespread waste of party and judicial resources that would best be used in proceedings before a single judge. Duplicative discovery will be eliminated and there will be no risk of inconsistent judicial rulings. *See In re Actos Products Liability Litigation*, 840 F.Supp.2d 1365 (J.P.M.L. 2011).

Common questions of fact exist between the filed lawsuits, which may be presumed where multiple complaints allege comparable allegations against similar defendants. *See In Re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales, Practices, and Products Liab. Litig.*, 704 F.Supp. 2d 1379, 1381 (J.P.M.L. 2010). Here, the plaintiffs all assert common

questions of fact regarding Defendants' wrongful conduct in the design, manufacture, distribution, marketing, and sale of their respective hair relaxer products.

Plaintiffs, similar to most plaintiffs in these cases, used multiple hair-relaxer products during their lifetimes. Thus, like most pending actions, Plaintiffs' suits involve multiple defendants. Mixed-used cases are appropriate for consolidation. *See In re Testosterone Replacement Prods. Liab. Litig.*, MDL 2545 (J.P.M.L. 2014). Consolidating these cases in a single forum will streamline the discovery process for defendants and allow plaintiffs' counsel to work cooperatively to advance the litigation. *See In re Baldwin-United Corp. Litig.*, 581 F. Supp. 739, 741 (J.P.M.L. 1984).

II. The Northern District of Illinois is the most appropriate forum.

The JPML has articulated factors to guide the selection of the most appropriate forum when consolidation is deemed appropriate. These include: (1) the location of the parties, witnesses, and documents; (2) the accessibility of the proposed transferee district to parties and witnesses; and (3) the respective caseloads of the proposed transferee district courts. *See In re Corn Derivatives Antitrust Litig.*, 486 F.Supp. 929, 931-32 (J.P.M.L. 1980); *see also* MANUAL FOR COMPLEX LITIGATION (Fourth), § 20.131, pp. 220-21. These factors all support the transfer of these actions to the North District of Illinois for pretrial consolidated proceedings.

For the first factor, the scope of this litigation currently spans nationwide, and defendants are dispersed throughout the United States and indeed the world. However, as of the date of this filing, the Northern District of Illinois hosts the largest number of Hair Relaxer Marketing, Sales Practices, and Products Liability cases. Therefore, it is a ripe selection for centralization, particularly when considering factors two and three.

As to factor two, the Northern District of Illinois is one of the most easily accessible federal districts for parties and witnesses given the location of the federal courthouse for the Eastern District in Chicago. This federal district is centrally located in the Midwest United States which makes travel convenient for all parties without imposing excessive distance on any potential party, attorney, or witness. Chicago is serviced by multiple major airlines which offer numerous daily direct flights from most major metropolitan areas. Likewise, hotel availability is bountiful in Chicago.

For the third factor, this District is experienced with MDL proceedings having efficiently handled many MDL consolidations to completion. *See, e.g., In Re Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545; and *In Re Zimmer NexGen Knee Implant Products Liability Litigation*, MDL No. 2272. At present, the Northern District of Illinois' docket demonstrates the capacity to handle this litigation. Lastly, the Northern District of Illinois has capable judges experienced with complex MDL proceedings. Plaintiff supports Initial Movant's request to have this MDL assigned to Judge Rowland in the Northern District of Illinois. Alternatively, plaintiff supports consolidation before Judge Kennelly in the Northern District of Illinois.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Honorable Panel enter an Order pursuant to 28 U.S.C. § 1407 to consolidate and transfer all pending actions, as well as all tag-along actions, to the Northern District of Illinois.

Dated: January 19, 2023.

Respectfully submitted,

ENVIROMENTAL LITIGATION GROUP, P.C.

/s/ Kevin B. McKie

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PROOF OF SERVICE

Per Rule 4.1(a) of the Rules of Procedure for the Judicial Panel on Multidistrict Litigation, the undersigned certifies that on January 19, 2023, the foregoing was electronically filed with the Clerk of Court using the JPML CM/ECF filing system, which provides electronic service upon all counsel of record. In addition, service of these documents is made in conjunction with service of the complaint to the following:

Carrie Jones v. L'Oreal USA, Inc., et al., No. 1:23-cv-00283 (N.D. Ill.)

Served via First Class Mail (counsel has not yet appeared):

L'Oreal USA, Inc.
c/o Registered Agent
Corporation Service Company
80 State Street
Albany, NY 12207

L'Oreal USA Products, Inc.
c/o Registered Agent
Corporation Service Company
80 State Street
Albany, NY 12207

Softsheen-Carson, LLC
c/o Registered Agent
Corporation Service Company
80 State Street
Albany, NY 12207

Namaste Laboratories, LLC
c/o Registered Agent
Illinois Corporation Service Company
801 Adlai Stevenson Drive
Springfield, IL 62703

Strength of Nature, LLC
c/o Registered Agent
Karen Sood
6355 Peachtree Dunwoody Road
Atlanta, GA 30328

Godrej SON Holdings, Inc.
c/o Registered Agent
Corporation Service Company
2 Sun Court, Suite 400
Peachtree Corners, GA 30092

Dabur International Ltd.
5 Independence Way, Suite 300
Princeton, New Jersey 08540

Dabur International USA Ltd.
5 Independence Way, Suite 300
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Debora Benton v. L'Oreal USA, Inc., et al., No. 1:23-cv-00305 (N.D. Ill.)

Served via First Class Mail (counsel has not yet appeared):

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Dated: January 19, 2023

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