

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: HAIR RELAXER MARKETING SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION
--

Case No. 23 C 818

MDL No. 3060

Judge Mary M. Rowland

**JOINT STATUS REPORT
FROM THE MARCH 2, 2023, CASE MANAGEMENT CONFERENCE**

The Court's March 3, 2023, Minute Entry directed counsel to file this joint report regarding the status of the parties' discussions, agreements, and disagreements on the proposed deadlines for meeting and conferring on various topics. The parties report that they have had two meet and confers by zoom, in addition to several email exchanges, already in connection with these matters. As a result of those efforts, the parties submit the following status report and suggest certain deadlines as follows:

1. *Pleadings/Amending Complaints:* The parties will meet and confer concerning the filing of a consolidated complaint, form complaint, or other form that a unified and efficient complaint can take in this litigation, as well as consolidated responses including motions to dismiss, Answers and Affirmative Defenses on the following schedule:

- a. Plaintiffs' Leadership ("PLC") will provide a proposal to Defendants on or before March 20, 2023 regarding these concepts.
- b. No later than March 30, 2023, the parties will begin to meet and confer regarding that proposal.
- c. The parties will submit an agreed-to proposed order or, if there is no agreement, the parties will submit their respective proposals, to the Court by April 14, 2023, in the form most helpful to the Court.

2. **Probate Matters:** The parties will meet and confer on a proposed process for addressing probate matters that may arise during the course of this litigation on the following schedule:
 - a. The PLC will provide a proposal to Defendants on or before March 20, 2023 regarding the addressing of probate matters.
 - b. No later than March 30, 2023, the parties will begin to meet and confer regarding that proposal.
 - c. The parties will submit an agreed-to proposed order or, if there is no agreement, the parties will submit their respective proposals, to the Court by April 14, 2023, in the form most helpful to the Court.
3. **Direct Filing Order:** The PLC will provide a draft Direct Filing Order to Defendants before close of business on March 13, 2023. The parties will meet and confer and will submit an agreed-to proposed order or, if there is no agreement, the parties will submit their respective proposals, to the Court on or before March 31, 2023, in the form most helpful to the Court.
4. **General Causation:**
 - a. **PLC position:** It is evident that the parties disagree about many aspects of the issue of bifurcation, which is based not only on the two most meet and confers but also based on the Defendants' omnibus submission on this issue. ECF No. 12 In short, the PLC opposes the concept of bifurcation and conducting general causation first. The PLC is prepared to meet and confer to see whether any agreement is possible. However, the PLC does not see how the format of pleadings and/or any amended, consolidated, or master complaint will alter the PLC's position on this issue, since there is no scenario where advancing general causation in early stages is a prudent use of the parties or Court's resources. Thus, the PLC submits that briefing on that issue now is prudent if

the Defendants stand on their submission to the Court. There are numerous arguments against engaging in such a process, as well as significant case law where similar MDL courts have rejected this approach.

- b. **Defendants' position:** As set forth in its Request for Inclusion on the March 2 Agenda (ECF No.12) and as discussed with the Court at the initial conference on March 2, Defendants believe that the most efficient way to proceed with this litigation is for an early assessment of the reliability and admissibility of plaintiffs' experts' opinions on general causation. However, at this time, Defendants do not have sufficient information to make a concrete proposal to Plaintiffs or the Court regarding this issue. Defendants request that the Parties meet and confer and submit briefing relating to this issue after basic issues related to the pleadings (including the Plaintiff-specific information that will be provided), have been resolved. As addressed in No. 1 above, the parties propose that they will either reach agreement or submit competing proposals to the Court on these fundamental pleading issues no later than April 14. Defendants thus request that the Parties meet and confer on the issue of a schedule for addressing general causation by May 1, and submit briefing to the Court by May 15.
5. ***Federal and State Court Coordination:*** No later than March 30, the parties will meet and confer regarding the cooperation of these MDL proceedings with state court proceedings in an effort to proceed in a manner most efficient for the parties and this Court. The parties shall submit a joint status update on this issue no later than April 14, 2023.
6. ***Preservation Order:*** The parties will meet and confer on a proposed Preservation Order, including whether one is required, and will submit an agreed-to proposed order or, if there is

no agreement, the parties will submit their respective proposals, to the Court by April 14, 2023, in the form most helpful to the Court..

7. ***Electronically Stored Information (“ESI”) Protocol***: The parties will meet and confer on a proposed ESI Order, and will submit an agreed-to proposed order or, if there is no agreement, the parties will submit their respective proposals, to the Court by April 14, 2023, in the form most helpful to the Court.
8. ***Protective Order (“PO”)***: The parties will meet and confer on a proposed PO, and will submit an agreed-to proposed PO or, if there is no agreement, the parties will submit their respective proposals, to the Court by April 14, 2023, in the form most helpful to the Court.
9. ***Leadership Development Committee (“LDC”)***: The PLC will submit a proposed LDC Case Management Order to the Court on or before March 31, 2023, that sets forth the details as well as parameters duties, responsibilities, and membership for this Committee.

Dated: March 10, 2023

Respectfully submitted,

/s/ Edward A. Wallace

Edward A. Wallace

WALLACE MILLER

150 N. Wacker Dr., Suite 1100

Chicago, Illinois 60606

Tel.: 312-261-6193

Email: eaw@wallacemiller.com

Plaintiffs’ Liaison Counsel

Diandra “Fu” Debrosse Zimmermann

DICELLO LEVITT LLC

505 20th Street North - Suite 1500

Birmingham, Alabama 35203

Tel.: 312-214-7900

Email: fu@dicellolevitt.com

Plaintiffs’ Co-Lead Counsel

Fidelma L. Fitzpatrick
MOTLEY RICE LLC
40 Westminster Street, Fifth Floor
Providence, Rhode Island 02903
Tel.: 401-457-7700
Email: ffitzpatrick@motleyrice.com

Plaintiffs' Co-Lead Counsel

Michael A. London
DOUGLAS & LONDON, P.C.
59 Maiden Lane, Sixth Floor
New York, New York 10038
Tel.: 212-566-7500
Email: mlondon@douglasandlondon.com

Plaintiffs' Co-Lead Counsel

Benjamin L. Crump
BEN CRUMP LAW FIRM
122 South Calhoun Street
Tallahassee, Florida 32301
Tel.: 850-224-2020
Email: ben@bencrump.com

Plaintiffs' Co-Lead Counsel

Dennis S. Ellis
Katherine F. Murray
Nicholas J. Begakis
Ellis George Cipollone O'Brien Annaguey LLP
2121 Avenue of the Stars, Suite 3000
Los Angeles, CA 90067
T: (310) 274-7100
F: (310) 275-5697
dellis@egcfirm.com
kmurray@egcfirm.com
nbegakis@egcfirm.com

Jonathan Blakley (6308603)
Gordon Rees Scully Mansukhani LLP
1 N. Franklin St., Suite 800
Chicago, IL 60606
T: (312) 565-1400
F: (312) 565-6511
jblakley@grsm.com
Peter Siachos (68465)

Gordon Rees Scully Mansukhani LLP
18 Columbia Turnpike, Suite 220
Florham Park, NJ 07932
T: (973) 549-2500
F: (973) 377-1911
psiachos@grsm.com

*Attorneys for Defendants L'Oréal USA, Inc.,
L'Oréal USA Products, Inc., SoftSheen-Carson LLC
and SoftSheen-Carson (W.I.), Inc.*

Donna M. Welch
Michael F. LeFevour
Kirkland & Ellis, LLP
300 N. LaSalle
Chicago, IL 60654
T: (312) 862-2425
dwelch@kirkland.com
Michael.lefevour@kirkland.com

*Attorneys for Defendant Namaste Laboratories,
LLC*

Lori B. Leskin
Arnold & Porter Kaye Scholer, LLP
250 West 55th Street
New York, NY 10019
T: (212) 836-8641
F: (212) 836-8689
Lori.leskin@arnoldporter.com

Rhonda R. Trotter
Arnold & Porter Kaye Scholer, LLP
777 South Figueroa Street, 44th Floor
Los Angeles, CA 90017
T: (213) 243-4000
F: (213) 243-4199

*Attorneys for Defendants Strength of Nature LLC;
Strength of Nature Global LLC; Godrej SON
Holdings Inc.*

R. Trent Taylor (admitted *pro hac vice*)
McGuireWoods LLP
Gateway Plaza
800 East Canal Street

Richmond, VA 23219-3916
T: (804) 775-1182/F: (804) 225-5409
rtaylor@mcguirewoods.com

Patrick P. Clyder
Royce B. DuBiner
McGuireWoods LLP
77 West Wacker Drive
Suite 4100
Chicago, IL 60601-1818
T: (312) 849-8100/F: (312) 849-3690
pclyder@mcguirewoods.com
rdubiner@mcguirewoods.com

Counsel for Defendant House of Cheatham LLC

Joseph P. Sullivan (6206202)
Kevin A. Titus (6217520)
Bryan E. Curry (6255803)
Litchfield Cavo LLP
303 W. Madison, Suite 300
Chicago, IL 60606
T: 312-781-6677
F: 312-781-6630
sullivanj@litchfieldcavo.com
titus@litchfieldcavo.com
curry@litchfieldcavo.com

*Counsel for Beauty Bell Enterprises, LLC
f/k/a House of Cheatham, Inc.*

Richard J. Leamy, Jr.
Kristen A. Schank
Wiedner & McAuliffe, Ltd.
1 N. Franklin St., Suite 1900
Chicago, Illinois 60606
312.855.1105
rjleamy@wmlaw.com
kaschank@wmlaw.com

Counsel for Defendant Avlon Industries, Inc.