

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

<b>IN RE: HAIR RELAXER MARKETING SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION</b>	<b>MDL No. 3060 Case No. 23 C 818 Judge Mary M. Rowland</b>  <b>This document relates to: All Cases</b>
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**CASE MANAGEMENT ORDER NO. 17  
(Appointment of Special Master)**

With the parties' consent and pursuant to Federal Rule of Civil Procedure 53, Ellen K. Reisman, partner at Reisman Karron Greene, LLP in Washington, DC, is appointed as a special master to assist the Court in coordinating settlement negotiations and discussions in these proceedings with the goal of facilitating settlements by and between the parties.<sup>1</sup> She has filed the affidavit required by Rule 53(b)(3)(A), stating that there are no grounds for disqualification under 28 U.S.C. § 455. *See* ECF No. 1165. The special master must proceed with all reasonable diligence in fulfilling the duties assigned her by the Court.

A. Special Master Duties and Authority. Pursuant to Rule 53(b)(2)(A), the special master will assist the Court with settlement matters only. She may take all appropriate measures to fairly and efficiently perform her duties. She must not, however, act as an advocate, representative, fiduciary, or counsel for any party and has no formal coercive authority to compel the making of any agreement or the granting of any concession. As relates to settlement, the special

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<sup>1</sup> This Order is entered as a matter of routine practice for the undersigned in presiding over complex litigation matters. It should not be misinterpreted as a signal of the likelihood or timing of any settlement. *See* Manual for Complex Litigation (4th ed. 2004) § 22.91

master will have the full authority provided in Rule 53(c). The special master may, without limitation:

1. Order the parties to meet face-to-face (in-person and/or virtually) and engage in serious and meaningful negotiations;
2. Construct an efficient procedure to engage the parties in settlement negotiations, including:
  - a. Establishing a list of information needed from each party in order to facilitate settlement discussions and settlement;
  - b. Creating a form and a timetable for the exchange of such information;
  - c. Ordering production of all necessary information; and
  - d. Conducting in-person and/or virtual settlement negotiations with the parties and their counsel in all cases;
3. Order the appearance of any person(s) necessary to settle any claims completely;
4. Make recommendations to the Court concerning any issues that may require resolution in order to facilitate settlement or to efficiently manage the litigation; and
5. Direct, supervise, monitor, and report on implementation and compliance with the Court's orders, and make findings and recommendations on remedial action, if required.

B. Proceedings. In performing her duties, the special master has the authority to schedule and hold conferences, and to regulate all proceedings before her. The special master may require the parties to appear in person, via video conference, or telephonically. These meetings may be at the special master's discretion, except that the Court can require that the special master meet with the parties each individually or collectively at the Court's discretion.

C. Ex Parte Communications. Pursuant to Rule 53(b)(2)(B), the special master may communicate *ex parte* with the Court at any time. She also may communicate *ex parte* with a party or their counsel to the extent required in the exercise of her judgment to carry out her duties pursuant to this Order. Such *ex parte* communications shall not be deemed to have waived any attorney-client work product privileges.

D. Preservation and Filing of Materials. Pursuant to Rule 53(b)(2)(C), the special master must maintain orderly files consisting of all documents submitted to her by the parties, and any of her written orders, findings, and/or recommendations. She must preserve these files until such time that the Court grants permission for their destruction. Neither the special master nor the parties are required to file on the record materials submitted to the special master in confidence to aid in her mediation of the proceedings. But, pursuant to Rules 53(b)(2)(D) and 53(d), any order, findings, and/or recommendations issued by the special master must be filed by her with the Court via the Court's electronic case filing system. Such filing will fulfill the special master's duty to serve her orders on the parties.

E. Actions on the Special Master's Filings. Pursuant to Rules 53(b)(2)(D) and 53(f), any party wishing to file objections or motions related to the special master's filings must do so within five business days of the filing. A parties' response is due within five days of the filing of an objection or motion, and any reply is due within five days thereafter. The Court will review all objections under the standards provided in Rule 53(f).

F. Compensation. In appointing the special master, the Court has considered the fairness of imposing the expenses on the parties and has taken steps to protect against unreasonable expenses or delay as required by Rule 53(a)(3). Pursuant to Rule 53(b)(2)(E) and Rule 53(g), the special master must maintain normal billing records of time spent on this matter with reasonably

detailed descriptions of her activity. If requested by the Court, the special master must submit a formal report in writing for electronic filing on the case docket. She may incur only such fees and expenses as may be reasonably necessary to fulfill her duties under this Order or other such orders as the Court may issue. Fees and expenses for the special master will be shared proportionately between the parties as determined and billed by the Special Master.

G. Confidentiality of Documents Provided to the Special Master. The special master shall comply with the terms of the Protective Order entered in this litigation, and must protect documents that are marked as confidential and highly confidential, to the extent the parties share such documents or information with the special master.

Ordered this 22<sup>nd</sup> day of April 2025.

A handwritten signature in black ink, reading "Mary M. Rowland". The signature is fluid and cursive, with a large, stylized "M" and "R".

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Mary M. Rowland  
United States District Judge