

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

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

MDL No. 3060
No. 23-cv-00818

Hon. Beth W. Jantz

This document relates to: All Cases

ORDER

The Court held a status hearing on April 24, 2025 to discuss the status of discovery and address the various issues raised by the parties in their April 17, 2025 Joint Status Report (JSR) (Dkt. 1180). This Order memorializes the salient aspects of those proceedings. The parties shall submit a Joint Status Report on the status of discovery, including the scheduling of depositions, and any other discovery topics that they would like to raise, by May 22, 2025. The parties shall appear for a status hearing on May 29, 2025 at 10:00 AM (Central) in Courtroom 1812. (A reminder: the June status hearing on discovery on June 26, 2025 will be held via remote means as opposed to in-person.)

I. Avlon Industries, Inc.

A. Avlon's Collection and Production of Documents from its "Alternative Sources"

Defendant Avlon Industries, Inc., reported that it expects to provide Plaintiffs with an update on its collection and production of documents from its Alternative Sources, *see* Dkt. 1180 at 2, by April 25, 2025. Plaintiffs reported that timeline was acceptable. The parties are ordered to report on the progress of this production in the May 22, 2025 JSR.

B. Collection and Production of Documents from Current and Former Avlon Employees' Personal Email Accounts

Plaintiffs and Avlon reported a dispute over the production of emails from current or former Avlon employees' personal email accounts. *See* Dkt. 1180 at 2–5. Four of the potential custodians are current Avlon employees. Plaintiffs point to certain emails from Dr. Ali Syed (whose personal emails Avlon has produced) as evidence that Avlon employees “routine[ly]” used their personal email accounts to conduct Avlon business. Avlon reports that it has produced, and will continue to produce, Dr. Syed's personal emails, and it seeks more information as to why Plaintiffs seek these four employees' personal emails, considering the costs of collection, storage, review, and potential production. Avlon also reported it has collected and is running search terms over the personal emails of Dr. Syed, Hasan Syed, Karyla Klimkiewicz, and Maliha Syed. If Plaintiffs discover upon reviewing those productions that there are numerous instances of entirely private email exchanges (*i.e.*, an Avlon business email is not also copied), the parties shall meet and confer to discuss whether Avlon should expand the scope of its document collection to include the custodians' personal emails. The parties are to report on the progress of this issue in the May 22, 2025 JSR, if it is still in dispute.

C. Unitization

The parties reported in the JSR a potential dispute as to the unitization of previously produced hard copy documents. *See* Dkt. 1180 at 6. At the hearing, the parties reported that Avlon agreed to provide Plaintiffs with the requested information by April 30, 2025.

D. Supplemental Discovery Responses

The parties reported in the JSR a potential dispute regarding Avlon's supplemental discovery responses. *See* Dkt. 1180 at 6–7. Avlon reported it intends to provide updated labels and an updated chart to Plaintiffs by May 1, 2025.

II. Beauty Bell Enterprises and House of Cheatham, LLC

The parties updated the Court on the inspection of paper documents located at an Iron Mountain facility. Dkt. 1180 at 8. The documents are being scanned, and House of Cheatham has asked for the opportunity to review the documents for privilege before Plaintiffs are permitted to access them. House of Cheatham shall complete its review by no later than seven (7) days from the date the last box is uploaded to its review platform.

III. L'Oreal USA

A. Production of Custodial Files

Plaintiffs and Defendant L'Oreal USA reported a dispute as to whether Plaintiffs may request productions from additional custodians from L'Oreal. *See* Dkt. 1180 at 8. This issue shall be raised with Special Master Grossman.

B. Production of Regulatory Files Outside the United States

Plaintiffs contend that L'Oreal offered a deficient response to Plaintiff's request(s) for production seeking foreign regulatory materials submitted to all non-United States regulatory bodies (including African regulatory bodies), not just documents and files submitted to European regulatory bodies. *See* Dkt. 1180 at 8–9. L'Oreal reported that it had a different understanding of Plaintiffs' position, and the parties agreed to meet and confer. The parties are to report on the progress of these efforts in the May 22, 2025 JSR, if there is still a dispute.

C. L'Oreal's Interrogatory Responses

Plaintiffs contend that certain of L'Oreal's interrogatory responses are deficient. *See* Dkt. 1180 at 9–10. L'Oreal reported it was in the process of creating a chart with the guidance of Special Master Grossman, which L'Oreal believes will address Plaintiffs' concerns, and is to be produced by April 30, 2025. Plaintiffs believe the chart may not resolve all their concerns, but they agreed to allow L'Oreal to complete the chart before pressing their deficiency contentions as to any

remaining interrogatories. The Court also noted that any dispute related to the chart or related interrogatory deficiencies must be raised in the first instance with Special Master Grossman. If Plaintiffs believe that deficiencies remain, the parties shall meet and confer and contact Special Master Grossman within seven (7) days of L'Oreal producing the chart.

D. L'Oreal's February 28, 2025 Production

Plaintiffs and L'Oreal raised a dispute as to L'Oreal's production of raw material safety data sheets, which Plaintiffs contend should have been produced before written discovery closed in late February. *See* Dkt. 1180 at 10–11. L'Oreal reported it has agreed to produce these documents and is in the process of reviewing them within the next several weeks. L'Oreal shall produce the requested data sheets by May 8, 2025.

IV. Luster Products, Inc.

Plaintiffs reported that they had recently conducted a Rule 30(b)(6) deposition of Defendant Luster Products, Inc., which (Plaintiffs contend) revealed that Luster has engaged in or permitted potential spoliation of evidence. Plaintiffs also reported that Luster's Rule 30(b)(6) deponent stated that he was unprepared to testify as to several noticed deposition topics. Plaintiffs and Luster report that they anticipate larger issues may arise from the deposition, and they have begun to meet and confer about it, which they should conclude by May 8, 2025. Plaintiffs and Luster shall update the Court on the results of their meet-and-confer efforts in the May 22, 2025 Joint Status Report.

V. McBride Research Laboratories, Inc.

Plaintiffs and Defendant McBride Research Laboratories, Inc., reported no current disputes.

VI. Namasté Laboratories, LLC

Namasté agreed it will provide supplemental interrogatory responses by May 14, 2025.

VII. Revlon

A. Production of Custodial Files

Plaintiffs flagged a potential dispute as to Defendant Revlon's production of custodial files, including whether Revlon must search hard-copy or other non-electronic custodial sources. *See* Dkt. 1180 at 13–15. Revlon advised that it searched for responsive information where it believed it was stored. The Court advised that, unless Plaintiffs specified that requested custodial files include only ESI, Revlon's searches for such files must include both electronically-stored and hard-copy materials. The parties should continue to meet and confer about this as necessary.

B. Rule 30(b)(6) Deposition

The Court previously ordered Plaintiffs and Revlon to set a date in the first half of May 2025 for Plaintiffs' previously discussed Rule 30(b)(6) deposition of Revlon, through Revlon's identified deponent, Bryan Shelley. *See* Tr. of March 7, 2025 Hrg. at 113–15 (Dkt. 1155); Order at 6 (Dkt. 1169). Revlon advised it can produce Mr. Shelley for a deposition on June 5, 2025, and requested an extension of the deposition deadline in order to do so. The request is granted. The Rule 30(b)(6) deposition of Revlon, with Mr. Shelley as Revlon's witness, shall occur on June 5, 2025. That date is firm, barring any true emergencies.

C. Revlon's Document Productions

The parties provided an update as to Revlon's document productions. *See* Dkt. 1180 at 16–17. Plaintiffs received a report on April 9, 2025 that will assist them in choosing 50 documents for which they may seek multiple hit families. Plaintiffs shall respond to that report by May 8, 2025. The parties are to report on the progress of these efforts in the May 22, 2025 JSR.

D. Naming Conventions

Plaintiffs and Revlon have been meeting and conferring regarding Revlon's naming conventions. *See* Dkt. 1180 at 17. Revlon is to respond to Plaintiffs' most recent communication on

this issue by April 30, 2025. The parties are to report on the progress of this issue in the May 22, 2025 JSR, if it is still in dispute.

VIII. Sally Beauty Supply LLC

Plaintiffs and Defendant Sally Beauty Supply LLC reported no current disputes.

IX. Strength of Nature LLC

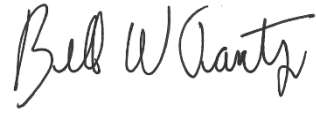
Plaintiffs and Defendant Strength of Nature LLC reported no current disputes. Strength of Nature noted that it intended to produce two items relating to interrogatories and personal emails to Plaintiffs by April 25, 2025. The parties also reported that there will be a complete production as to three custodians by May 7, 2025. The parties are to report on the progress of these productions in the May 22, 2025 JSR.

X. Status of Class Discovery

Defendants raised several disputes as to Plaintiffs' responses to Defendants' interrogatories in class discovery. *See* Dkt. 1180 at 19–26. The Court reviewed with the parties several of those disputed interrogatory responses and provided its guidance on them. As stated at the hearing, Plaintiffs shall consider whether they intend to amend their responses in light of the Court's guidance. The parties shall update the Court in their May 22, 2025 status report regarding the status of any remaining disputes, following a fresh meet and confer effort by the parties. The Court explicitly declined to rule on whether or not some of the interrogatories were "contention interrogatories." *See* Tr. of April 24, 2025 Hrg. at 113 (Dkt. 1211).

SO ENTERED AND ORDERED.

DATED: May 14, 2025

A handwritten signature in black ink, appearing to read "Beth W. Jantz". The signature is fluid and cursive, with the first name "Beth" being more prominent.

HON. BETH W. JANTZ
United States Magistrate Judge