

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: HAIR RELAXER)	MDL No. 3060
MARKETING SALES PRACTICES)	
AND PRODUCTS LIABILITY)	No. 23-cv-00818
LITIGATION)	
)	District Judge Mary M. Rowland
)	
)	Magistrate Judge Beth W. Jantz

ORDER

The Court held a status hearing on fact discovery on 11/14/24. As an initial matter, the Court notes that the joint status report due in advance of the 1/9/25 status hearing, shall be filed by 1/6/25 (instead of 1/2/25). At the status hearing, the Court discussed the issues raised by the parties in the joint status report filed on 11/7/24 (Dkt. 933) and summarizes the status hearing below, including various due dates for the parties as set by the Court. Also, future discovery JSRs should combine sections I (discovery status) with sections III (discovery issues), but still broken out by each Defendant, so as to aid ease of review.

I. Avlon Industries, Inc.

Avlon indicated that it will be unable to complete the rolling production of ESI materials by its target date of 11/27/24, and will need an additional two weeks to complete production. As discussed in open court, the parties are ordered to meet and

confer by the close of business on 12/2/24 regarding the alleged deficiencies in Avlon's interrogatories and any other outstanding issues. Any issues requiring court attention may be raised in the 12/5/24 joint status report, with each party's respective position on the issue concisely presented in the report. Avlon further reports that they have met and conferred with Plaintiffs and agreed that Avlon will provide an updated letter regarding its objections to Plaintiffs' requests for production by 11/20/24, with a formal amendment to the written responses provided by 12/20/24.

II. Beauty Bell Enterprises and House of Cheatem, LLC

Defendant House of Cheatem stated that it was not be able to provide its amended interrogatory responses by its target date of 11/15/24, but will get the information necessary to amend its interrogatories from the client by 11/18/24. The Court orders House of Cheatem to synthesize that information into amended interrogatory responses and serve them on Plaintiffs on or before 11/22/24. House of Cheatem also is to complete its rolling ESI productions by 11/30/24.

Additionally, these parties are ordered to meet and confer with Plaintiffs by the close of business on 12/2/24 to determine whether Defendants have the responsive information regarding components/ingredients/formularies for the relevant products that Plaintiffs seek, or whether Defendants will certify that they do not have any further information. Any issues requiring court attention may be raised in the

12/5/24 joint status report, with each party's respective position on the issue concisely presented in the report.

III. L'Oreal USA

Defendant L'Oreal USA will be supplementing its responses to the interrogatories identified in the 11/7/24 joint status report by 11/15/24, as discussed in open court. An issue related to L'Oreal USA's willingness and/or ability to verify the completion of its document searching and production arose during the status hearing. The relevant issue relates to L'Oreal USA's production of components/ingredients/formularies for 88 products that were acquired in the past by L'Oreal USA. That issue is referred to Special Master Grossman for resolution of this and any related issues. The parties should contact Special Master Grossman as soon as possible to attempt to resolve such issues prior to the Court's next status hearing, if/as Special Master Grossman's schedule allows.

Additionally, L'Oreal USA and the Plaintiffs have agreed to schedule a meeting by 11/21/24 with a technical expert regarding the ESKO database, as discussed in the 11/7/24 joint status report.

IV. Luster Products, Inc.

No pending issues were raised between Plaintiffs and Defendant Luster. The parties have a scheduled meet and confer on/by 11/20/24 regarding "ESI issues related to hard copy productions." Any issues requiring court attention may be raised

in the 12/5/24 joint status report, with each party's respective position on the issue concisely presented in the report.

V. McBride Research Labs, Inc.

No pending issues were raised between Plaintiffs and Defendant McBride. The parties are ordered to schedule a meet and confer on or before 11/27/24 regarding ESI search terms and document production. Any issues requiring court attention may be raised in the 12/5/24 joint status report, with each party's respective position on the issue concisely presented in the report.

VI. Namasté Laboratories, LLC

Namasté and Plaintiffs report that Special Master Grossman has ruled on the pending motion for a protective order [849] and they are working with her to memorialize the ruling.

The Court also orders Namasté to formally amend its response to Plaintiffs' Third Set of Interrogatories, Question 6, by no later than 11/21/24, particularly given previous agreed-to due dates. After review (and a good faith meet and confer), any issues requiring court attention may be raised in the 12/5/24 joint status report, with each party's respective position on the issue concisely presented in the report.

VII. Revlon and related companies

Defendants are ordered to complete interrogatory supplementation by 11/21/24, as discussed in open court. After review (and a good faith meet and confer), any

issues requiring court attention may be raised in the 12/5/24 joint status report, with each party's respective position on the issue concisely presented in the report.

The Court is also referring two issues related to these parties to Special Master Grossman for resolution. The parties should contact Special Master Grossman as soon as possible to attempt to resolve these issues prior to the Court's next status hearing, if/as Special Master Grossman's schedule allows. The first issue concerns a possible gap in production due to a change in SAP systems, and whether third-party discovery from the vendor is appropriate, identified on Page 10 of the 11/7/24 joint status report (paragraph 2). The second issue concerns the ESI status and search terms protocol raised on Page 10 of the 11/7/24 joint status report (paragraphs 4 and 5). The latter issue may include as necessary the parties understanding of and/or objections to certain terms as used in Plaintiffs' discovery requests (see page 15 of the JSR). All of these issues are referred to Special Master Grossman.

VIII. Sally Beauty Supply LLC

No pending issues were raised between Plaintiffs and Defendant Sally Beauty. Any issues requiring court attention may be raised in the 12/5/24 joint status report, with each party's respective position on the issue concisely presented in the report.

IX. Strength of Nature LLC

No pending issues were raised between Plaintiffs and Defendant Strength of Nature. Strength of Nature is to continue to make rolling productions every 3 weeks,

and is to respond to Plaintiffs' 10/7/24 letter on or before 11/29/24. (Dkt. 933 at 13.) The parties must meet and confer about the latter in advance of the next JSR due date of 12/5/24. Any issues requiring court attention may be raised in the 12/5/24 joint status report, with each party's respective position on the issue concisely presented in the report.

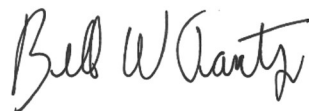
X. General Issues

On the issue of Defendants providing Plaintiffs with rolling document production metrics, as raised in the JSR at pages 17-19, the Court will not order Defendants to provide that information at this time, for all of the reasons explained on the record. While the Court understands Plaintiffs' concerns regarding a "data dump" near the written discovery deadline, the Court does not believe that requiring this information is likely to solve that problem at this juncture and may indeed distract the parties from completing timely productions. Plaintiffs certainly may continue to raise Defendant-specific production issues, as they have been doing.

Finally, the parties are to continue to meet and confer on the issue of redactions in individual Plaintiffs' medical records by 12/2/24, and provide an update on this issue for the Court in the 12/5/24 joint status report.

ENTER:

Dated: 11/19/24

A handwritten signature in black ink, appearing to read "Beth W. Jantz". The signature is written in a cursive style with a large initial "B".

BETH W. JANTZ
United States Magistrate Judge