

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

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

ORDER

A hearing was held on 1/27/25 to discuss the issues raised in the parties' 1/21/25 Joint Status Report [1027] regarding their draft deposition protocol. Any outstanding issues should be included in the global discovery JSR due on 2/6/25, so that the Court can address them further at the 2/13/25 status hearing.

The Court believes that Issue #1 (deposition attendance and copies) and Issue #3 (cross-noticing depositions) are inter-related and require additional briefing, as requested by the parties. The Court sets the following schedule: Plaintiffs' brief (not to exceed 15 pages) is due by 2/3/25; Defendants' brief (not to exceed 15 pages) is due by 2/10/25; Plaintiffs' reply brief (not to exceed 10 pages) is due by 2/13/25. In addition to any other issues they wish to raise, the parties should focus on the issues discussed during the hearing, and include as an exhibit a compact overview of the volume of state court cases and their status.

Regarding Issue #2 (costs of remote attendance) and Issue #4 (agreeing to use a single vendor), the Court encourages the parties to continue to work cooperatively to resolve those issues as they negotiate vendor agreement(s). If the parties are unable to work out an agreement, the Court notes that its inclination is to require each party to bear the incremental cost of their choice regarding deposition attendance. The Court will not reach Issue #4 (agreeing to use a single vendor) because it does not believe that it is appropriate for the Court to weigh in on vendor choices or pricing, and for this reason, the parties should not include that in their deposition protocol.

As discussed during the hearing, the parties are to meet and confer in advance of the 2/6/25 JSR due date on Issue #5 (timing of deponent document requests), Issue #7 (lead time for scheduling 30(b)(6) depositions and agreeing upon topics), and Issue #10 (remote display of exhibits).

On Issue #6 (providing exhibits before depositions), the Court will not require the parties to exchange or provide exhibits before depositions.

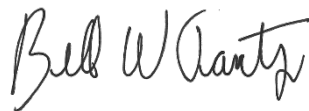
For Issue #8 (duplicative questioning), for the reasons stated on the record, the Court agrees with Plaintiffs that the last sentence of Paragraph II.F should be deleted, and the remainder of that paragraph is acceptable and sufficient as drafted.

Regarding Issue #9 (admissibility objections regarding exhibits during depositions), this Court rules that all objections regarding the admissibility of documents must be noted on the record at the time of the deposition, consistent with the requirements of Fed. R. Civ. P. 30(c)(2) (“*Objections*. An objection at the time of the examination—whether to evidence, to a party's conduct, to the officer's qualifications, to the manner of taking the deposition, or to any other aspect of the deposition—must be noted on the record, but the examination still proceeds; the testimony is taken subject to any objection.”) This ruling only applies to objections regarding the admissibility of documents and exhibits, which must be noted on the record. The Court, notes, however, that this ruling does not bind District Judge Rowland from later accepting or not certain objections at trial; that will be in her sole purview. *See also* FRCP 32(b) (“*Objections to Admissibility*. Subject to Rules 28(b) and 32(d)(3), an objection may be made at a hearing or trial to the admission of any deposition testimony that would be inadmissible if the witness were present and testifying.”) Nevertheless, Defendants should not rely on this exception writ large and should endeavor to follow this Court’s ruling as much as possible. The Court notes that the parties represent that they have agreed that certain other types of objections may be preserved until trial or other use of the deposition, and those agreement(s) should be memorialized in the protocol.

Finally, on Issue #11 (weekly depositions limits), the Court will not limit depositions to a certain number per week at this point, subject to later re-visiting if/as any problems arise.

E N T E R:

Dated: 1/31/25



BETH W. JANTZ
United States Magistrate Judge