

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

IN RE: HAIR RELAXER MARKETING SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION	MDL No. 3060 Case No. 23 C 818 Judge Mary M. Rowland This document relates to: All Cases
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**JOINT STATUS REPORT FOR THE
MAY 21, 2026 STATUS CONFERENCE BEFORE
THE HONORABLE MARY M. ROWLAND**

Co-Lead Counsel for Plaintiffs and counsel for Defendants provide this joint status report in advance of the status conference scheduled for May 21, 2026.

I. Update on Bellwether Cases

a. Status of Bellwether Depositions and Discovery Served by Defendants in Individual Bellwether Cases

Defendants' Position:

Given that fact discovery for the remaining ten (10) bellwether cases is set to close on June 10, 2026, the Defendants provide the below status of the progress of fact discovery on each of the individual bellwether plaintiffs, including actual or potential deficiencies that are being addressed. Defendants had hoped to resolve all or a majority of the disputes prior to the Case Management Conference, but Plaintiffs' responses below make it clear that disputes will remain to be addressed with the Court.

Defendants served interrogatories and requests for production of documents as part of the first phase of Bellwether discovery on each of the 32 individual Bellwether Plaintiffs on or about May 21, 2025, nearly a full year ago. (Dkt. 1270 at 4). On June 14, 2025, the PSC sent Defendants a letter detailing global objections to the discovery served on each Bellwether Plaintiff. (*Id.*) Plaintiffs also requested a 30-day extension to respond to the discovery requests from the date those responses were due. Defendants agreed to this extension. That extension was made on the understanding—consistent with Judge Rowland's comments during the May 29, 2025 case management conference—that Plaintiffs would provide substantive responses to the discovery. Through meaningful meet and confer efforts, as well as through Plaintiffs raising the issue of alleged “overly broad” written discovery requests in status reports before this Court multiple times, Plaintiffs did not respond to written discovery for months.

Moreover, the initial Bellwether fact discovery period for the 32 cases was scheduled to close on February 16, 2026 (CMO 5), with the expectation that the process to narrow down the 32 bellwether cases to ten (10) cases for further discovery would take place between February 17 and March 18, 2026. (CMO 5). Instead, initial bellwether fact discovery was extended for approximately one month, and closed on March 18, 2026. On April 2nd, the Court selected all ten bellwether cases to move to the next phase of the Bellwether discovery process, which is the final phase for fact discovery in these cases prior to trial.

At that point, Defendants needed to take a fresh look at the fact discovery that was both completed and not completed in each of the ten remaining Bellwether cases, including a review of the medical records, productions from Plaintiffs, deposition transcripts, and the status of open discovery issues for the next phase. With that in mind, Defendants sifted through, in a targeted and strategic manner, the deposition transcripts from the ten remaining Bellwether Plaintiffs and approximately 30 non-party depositions taken, as well as the dozens of depositions that were noticed or considered but not taken in the first phase from the initial bellwether fact discovery process, to determine what additional fact discovery is necessary to complete discovery and prepare one or more cases for trial. The volume of discovery produced during initial bellwether fact discovery across all 32 cases was substantial, and Defendants have been strategic in identifying precisely what additional discovery is needed to narrow the remaining ten cases down further, likely to five, for potential trial selection.

This final phase of fact discovery prior to trial selection could not be more important to Defendants. Defendants' supplemental requests are narrow and targeted to specific issues identified through that review process. They relate back to the original requests served last year in May 2025. They are not new requests. They do not require new formal responses. They request production of outstanding photos and medical records, missing information, and depositions of certain witnesses not deposed in the first phase.

Defendants were surprised to learn, the day before this JSR was due, that Plaintiffs are treating Defendants' deficiency requests as new supplemental discovery, which they claim carry a 30-day response deadline, and that they will not respond until the end of that 30-day period which would run nearly until the end of the discovery period in June. This characterization is inaccurate. As set forth above, Defendants' initial discovery was served in May 2025 on all 32 bellwether plaintiffs, and these deficiencies are in follow up to the responses to those requests. CMO 15, dated March 5, 2025, expressly establishes a two-part bellwether discovery process, providing that "[f]ollowing the final selection of the Bellwether Trial Cases, further discovery may be conducted in each of the cases as needed to completely prepare the cases for trial." (CMO 15 at 4) (emphasis added). The current requests are squarely within the scope of that second phase—they are supplemental in nature

and directed at curing specific deficiencies identified after the Court's selection of the ten trial bellwether cases on April 2, 2026.

Plaintiffs' Position:

Plaintiffs reject Defendants "status of the progress of fact discovery on each of the individual bellwether plaintiffs"—inserted on the afternoon this JSR was to be filed¹—as both inaccurate and unnecessary. Plaintiffs do not disagree that the bellwether discovery process has been extensive and required a lot of work by everyone involved. But as Defendants acknowledge, that discovery has been taken over the course of the last year. Defendants act like these documents, discovery responses, and deposition transcripts have only recently been made available to them. Not so. Defendants' claim that they needed to "take a fresh look" after the Court selected Bellwether Trial Cases makes no sense—because Defendants had (presumably) just reviewed the materials in order to make their own bellwether case selections. Moreover, it has been over a month since the Court's selection of these trial cases and Plaintiffs are only recently hearing about these deficiencies.

Plaintiffs simply respond to this rhetoric that they have laid out their positions to the very recently and "well-timed" deficiency letters served by Defendants just days before the JSR was due.

i. Bridget Boatwright, Case No. 23-cv-06876

Defendants' Position:

During the initial phase of bellwether discovery, Defendants took three depositions, in addition to Plaintiff. Defendants withdrew a request to depose one of Plaintiff's daughters at the time but re-noticed that deposition now that the matter is moving forward in the next phase of fact discovery in order to select appropriate cases for potential trial. Additionally, certain discovery deficiencies, which Defendants tabled pursuing in the first phase until knowing if this matter was moving forward, must now be addressed promptly.

On May 8, 2026, Defendants sent Plaintiff a letter addressing multiple discovery deficiencies that remained from the initial requests in 2025. Among other things, Defendants asked for production of additional photographs reflecting Plaintiffs' hair in its natural, unrelaxed state and relaxed state, because many of the photographs Plaintiff produced are blurry, undated and/or do not cover the entirety of the time period she alleges she used hair relaxer products. These photos are particularly important in this case because Plaintiff testified she started and stopped

¹ Plaintiffs received the Defendants' positions on each of the Bellwether Plaintiffs during the course of the Parties' exchange of the Joint Status Report ("JSR") and provided their own positions and responses as discussed in more detail below. Defendants then added their two-page introduction after 2pm the day the JSR was due.

using hair relaxer products for extended periods of time over a period of decades. Dated photographs will help establish the time period of Plaintiff's product usage which is directly relevant to Defendants' ability to defend against Plaintiff's claims. The photographs may impact decisions about whether this case is appropriate for trial as one of the cases to move forward, and are very relevant to any trial narrative for both sides

Plaintiff's insinuation that Defendants request for additional photos beyond the small universe produced is a "new" request is simply inaccurate. Defendants' discovery requests for photos were served a year ago (May 21, 2025) and sought *all* photos – not a subset of blurry, undated "representative" photos selected by Plaintiff's counsel. It defies logic that a plaintiff (particularly one who is a self-described model) would not have more than 24 photos of herself in total for decades of time. Indeed, if Plaintiff insists that she has conducted a reasonable search effort, required by the Federal Rules, then she should provide an executed verification of this to Defendants that Defendants can use at trial if needed. The Parties met and conferred on May 14, 2026. Plaintiffs agreed to further meet and confer on May 22, 2026, after they speak with their client.

Additionally, Defendants have thus far noticed two depositions: 1) Dr. Ami Shah (Plaintiff's gynecologist); and 2) Dwanna Boatwright (Plaintiff's daughter). The dates for these depositions have not yet been confirmed.

Plaintiffs' Position:

Despite the Bellwether Trial Cases having been selected by the Court on April 2, 2026, over six weeks ago, and the Bellwether Plaintiffs serving their own supplemental discovery requests, Defendants only just served their additional requests for discovery under the guise of deficiency notices on May 8, 2026. Given the timing of these notices in all of the Bellwether Trial Cases and Defendants' delay in raising the issues in a timely fashion, Plaintiff's counsel have had almost no opportunity to review and meet with their clients prior to responding to incredibly short unilateral deadlines imposed by Defendants.

While the Counsel for Plaintiff Boatwright is still reviewing the alleged deficiencies and will be addressing with Defendants, Plaintiffs alert the Court that Defendants are in fact issuing what is tantamount to another Request for Production, but on their own unilateral, accelerated schedule under the guise of "discovery deficiencies." Despite requesting and receiving photographs with the Plaintiff Fact Sheet, in response to Requests for Production of Documents, and at Plaintiff's deposition in response to the document requests issued with the Notice for Plaintiff's

Deposition, Defendants are now requesting for the first time all of the following:

- (1) at least one photograph for each of the seven (7) years prior to her use of hair relaxers,
- (2) at least one photograph per year for each year Plaintiff claimed to have used hair relaxer,
- (3) at least one photo per year from each year after Plaintiff initiated the instant lawsuit, and
- (4) one photograph from each year Plaintiff claims to have braided, extended, and/or used weaves in her hair.

Put simply, Defendants have asked for photographs from each year from 1964 to the present – photos spanning 62 years.

For each of these requests, Defendants further request that Plaintiff identifies the date each photograph was taken and whether Plaintiff contends her hair was in a relaxed or natural state. If Plaintiff is unable to provide a photograph from each year requested, Defendants request a signed verification that no other photographs depicting Plaintiff's hair exist for each year in the time period requested. These are new requests and Plaintiffs will respond within 30 days of the date of issuance the same time afforded to Defendants in answering Plaintiffs supplemental discovery demands. However, Plaintiffs believe that the requests are overly broad and untimely, among other things.

Defendants have already received representative photographs in response to each of their previous requests and Plaintiff Boatwright was also questioned extensively about the produced photographs during her deposition (including her best recollection as to dates and/or hair style depicted in each photograph), and was questioned as to whether other photographs existed (*see* Boatwright Dep. Tr. 12:24-21:23; 61:18-24; 152:25-153:22; 167:1-177:7). Plaintiff Boatwright should not be required to provide a signed verification for each of the last 62 years, and she will assess these new discovery requests and respond within 30 days as mandated by the Federal Rules.

ii. Carrie Chattman, Case No. 1:23-cv-10579

Defendants' Position:

During the initial phase of bellwether discovery, Defendants deposed three of Plaintiff's many treating physicians and the Plaintiff. Now that the Parties and the Court have selected this case as a potential lead trial candidate, additional depositions and focused discovery are essential to the fair and complete development of the record.

The Defendants have done just that by seeking narrow, targeted additional discovery. Defendants have noticed five (5) additional depositions – including individuals whom Plaintiff identified as witnesses in her PFS and discussed in her deposition: 1) Dr. Mohammed Moosa (Plaintiff's primary care physician); 2) Keon Chattman (Plaintiff's son); 3) Moses Chattman III (Plaintiff's son); 4) Willie Ceal Cleveland (Plaintiff's sister) and 5) Plinnie Thompson (Plaintiff's hair stylist). Although Plaintiffs' counsel has not yet confirmed dates for these depositions, counsel has agreed to assist in coordinating the family member depositions. Dr. Moosa has advised that he is not available for a deposition until after the June 10, 2026 discovery deadline. Plaintiff's counsel has confirmed that Plaintiff does not object to Dr. Moosa's deposition occurring after the deadline, likely on June 24, 2026. There are no current disputes regarding additional depositions to be taken.

However, there are disputes regarding written discovery. During the initial bellwether discovery phase in September 2025, Plaintiffs served deficient responses to both document requests and interrogatories. At that stage, follow up was not imperative unless the case was selected to proceed to the next phase in the bellwether process. That has now occurred, as this matter is moving forward. As a result, Defendants have undertaken a careful analysis of the case-specific issues and asked Plaintiff to cure those deficiencies. On May 4, 2026, Defendants identified Plaintiff's outstanding discovery deficiencies and asked for those deficiencies to be cured. The parties met and conferred on these issues on May 13, 2026. During that conference, Plaintiff's counsel claimed Plaintiff did not have any position on the requested follow up and advised that a position would not be provided until the following week.

Defendants received Plaintiff's JSR insert shortly thereafter, which set forth more than three pages of Plaintiffs' position on the discovery disputes identified in this case. The parties are scheduled to further confer on these issues on May 19, 2026, prior to the Case Management Conference. To date, the Parties resolved two issues: (1) Plaintiff will provide medical records authorizations that she previously withheld for her primary care physician (which records now need to be collected) and (2) the Defendants will take the remaining fact depositions they requested.

Three major issues remain, blocking Defendants' fact-gathering efforts.

1. Social Media and Metadata

Plaintiff refuses to produce responsive social media, despite its existence. It also appears that Plaintiff refuses to produce social media in the reasonably usable format ordered by the Court.

Social media is often among the most contemporaneous and probative record regarding how someone wore their hair, alleged injuries and claimed impact on daily life. Court's routinely require parties to produce responsive social media. Indeed, the ESI Protocol in this case expressly contemplates the production of social media and specifies the manner in which such materials must be produced, including the metadata that must be included in the production:

"X. SOCIAL MEDIA

Any party producing information collected from social media should, if reasonable and proportionate, include document level OCR text files to accompany TIFF or other image format production and include (but not be limited to) the following metadata information: SOCIAL MEDIA PLATFORM, SOCIAL MEDIA USERNAME, and SOCIAL MEDIA CUSTODIAN(S)."

ESI Protocol (Case Management Order No. 4 Dkt. No. 109 dated 5/18/23)

Appendix B to the ESI Protocol lists the metadata fields for "Non-Email ESI," which would include (among other things) photographs and social media. *Id.*

Plaintiffs can and must produce their social media as set forth in the ESI Protocol via MDL Centrality as plaintiffs in other litigations have done. Contrary to Plaintiff's counsel's assertions, MDL Centrality does accept metadata load files, and plaintiffs regularly do so in coordinated proceedings. Courts overseeing litigation that use MDL Centrality regularly require plaintiffs to produce photographs and social media with the associated metadata. *See, e.g., Holley v. Gilead Scis., Inc.*, No. 4:18-cv-06972-JST at 14:7-16:16 (N.D. Cal. Oct. 15, 2020) (ECF 413) (ordering plaintiffs to produce photographs, social media, and the like with associated metadata); *McLaughlin v. Bayer Essure Inc.*, No. 2:14-cv-07315-JP, 2019 WL 3483177, at *2 (E.D. Pa. July 24, 2019) (ordering plaintiffs to produce social media in compliance with the ESI protocol, which required the production of metadata), *approved and adopted*, No. 2:14-cv-07315-JP, 2019 WL 3811907, at *1 (E.D. Pa. Aug. 13, 2019).

In addition to violating the ESI Protocol ordered by the Court, the production of electronic documents without associated metadata fails to comply with Rule 34 that ESI be produced as ordinarily maintained or in a reasonably usable form. Courts routinely reject productions consisting solely of documents, including images, that are stripped of metadata and instead require parties to reproduce the ESI with the associated metadata. *See, e.g., Haywood v. Wexford Health Sources, Inc.*, No. 16 CV 3566, 2021 WL 2254968, at *7-8 (N.D. Ill. June 3, 2021) (production of spreadsheets as PDFs violated Rule 34); *see also, e.g., Marisco, Ltd. v. M/V Hercules*, No. 23-00239 JAO-WRP, 2025 WL 3554265, at *3 (D. Haw. July 11, 2025) (“The Court agrees that a single PDF lacking metadata . . . is not a ‘reasonably usable form.’”); *Johnson v. Italian Shoemakers, Inc.*, No. 3:17-cv-00740, 2018 WL 5266853, at *1–*3 (W.D.N.C. Oct. 23, 2018) (imposing costs and fees because plaintiffs’ production of e-mail messages as PDFs violated Rule 34, and ordering plaintiffs to produce e-mail messages, with attachments, in a reasonably usable form, with metadata); *Luma Pictures Inc. v. Betuel*, No. 16-2625-GW (PLAx), 2016 WL 11519332, at *8 (C.D. Cal. Dec. 21, 2016) (requiring defendant to produce the metadata associated with e-mail messages that defendant had previously produced as PDFs); *Themis Bar Review, LLC v. Kaplan, Inc.*, No. 14CV208–L (BLM), 2015 WL 3397877, at *6 (S.D. Cal. May 26, 2015) (requiring plaintiff to produce e-mail messages with the associated metadata in searchable format where plaintiff had previously produced the documents as PDFs without the metadata); *Wilson v. Conair Corp.*, No. 1:14-cv-00894–WBS–SAB, 2015 WL 1994270, at *4 (E.D. Cal. Apr. 30, 2015) (requiring defendant to produce the associated metadata for PDFs defendant had previously produced without metadata load files); *Venture Corp. Ltd. v. Barrett*, No. 5:13-cv-03384–PSG, 2014 WL 5305575, at *3 (N.D. Cal. Oct. 16, 2014) (holding that plaintiff’s production of ESI without extracted text and metadata did not comply with Rule 34’s requirement to produce “in a reasonably usable form” and thus ordering plaintiff to produce metadata and extracted-text load files where plaintiff had originally produced just “a grab-bag of PDF and native files”); *Mitsui O.S.K. Lines, Ltd. v. SeamMaster Logistics, Inc.*, No. 11-cv-2861 SC (JSC), 2012 WL 6096403, at *2 (N.D. Cal. Dec. 7, 2012) (ordering plaintiff to reproduce screenshots in a searchable format because they failed to satisfy Rule 34(b)(2)(E)(ii)’s requirement that ESI be produced as it is “ordinarily maintained or in a reasonably usable format”); *Indep. Mktg. Grp., Inc. v. Keen*, No. 3:11-cv-447, 2012 WL 207032, at *2 (M.D. Fla. Jan. 24, 2012) (printing documents and scanning them into digital form to produce as PDFs does not comply with Rule 34(b)(2)(E)); *Bray & Gillespie Mgmt. LLC v. Lexington Ins. Co.*, 259 F.R.D. 568, 585–86 (M.D. Fla. 2009) (same).

Finally, to the extent Plaintiff contends that she does not know how to download and produce her social-media content with the required metadata, she is represented by experienced counsel, in a leadership position in this MDL, who are fully capable of assisting her in complying with her discovery obligations and the Court's ESI Protocol.

2. Photographic Evidence

There is no dispute that Plaintiff is required to conduct a reasonable search for and produce responsive photographs and other ESI in compliance with the Court's ESI Protocol and Appendix B. Federal Rule of Civil Procedure 26(g) likewise requires parties and counsel to undertake a reasonable inquiry and search for responsive documents and ESI. Plaintiff has failed to satisfy those obligations here.

Despite alleging decades-long use of hair-relaxer products, Plaintiff has produced only *a single photograph* depicting herself with relaxed hair. Given the nature of Plaintiff's allegations, it is simply not credible that a reasonable search of Plaintiff's photographs, devices, cloud storage, text messages, email accounts, and social-media accounts yielded only one responsive photograph (not to mention, searching for example, her attic, basement, photo albums, and asking friends and family). In a case centered on alleged injuries arising from hair-relaxer use, contemporaneous photographs reflecting how Plaintiff wore her hair (e.g., relaxed or unrelaxed) through the years, and documenting alleged product use, are important evidence.

Courts overseeing comparable product-liability litigations routinely require plaintiffs to search for and produce precisely this type of evidence, including photographs, social media, and related ESI with preserved metadata. *See* Pretrial Order No. 71A, *In re Taxotere (Docetaxel) Prods. Liab. Litig.*, No. 2:16-md-02740-KDE-MBN, at 1–3 (E.D. La. Jan. 26, 2018) (ECF 1531) (noting that plaintiffs were required to search for ESI such as photographs, social media, and the like and to “produce all responsive ESI in a manner that preserves any metadata”).

As with social media, to the extent Plaintiff contends that she does not know how to collect or produce responsive ESI in compliance with the ESI Protocol and Appendix B, she is represented by experienced counsel who are fully capable of assisting her in meeting those obligations.

3. Unauthorized Plaintiff Fact Sheets

Plaintiff must produce the handwritten fact sheet she originally prepared identifying the products she recalls using. Plaintiff testified that she completed the fact sheet by hand because she does not own a computer, and further testified that she believed only one PFS had been submitted on her behalf. *See* Plaintiff's Dep. Tr. at 99:9-10, 100:20-101:1, 101:15-24, 104:22-105. In reality, however, the originally submitted PFS was amended multiple times, with the products identified changing each time. The original handwritten fact sheet is therefore highly relevant to Plaintiff's claims regarding product usage and the evolution of her allegations.

Any claims of privilege is improper, or at a minimum, are waived. Courts addressing this precise issue in other MDLs have ordered the production of handwritten fact sheets. *See Labarre v. Bristol-Myers Squibb Co.*, 2012 WL 13034009 (D.N.J. 2012) (holding "the Court concludes that production of the original, handwritten Fact Sheets is appropriate. The Fact Sheets were prepared in response to a discovery request. It is reasonable to assume that the individual plaintiffs would receive advice and input from counsel before finalizing a response to an interrogatory which could be used against him or her at trial. Therefore, the Plaintiffs in this case had no reasonable expectation of privacy regarding their handwritten versions which they signed."); *see also Hudson v. Preckwinkle*, 2014 WL 2598814 at *3 (N.D. Ill. 2014) ("This court finds that attorney-client privilege does not protect the questionnaire responses from disclosure."); *In re: 3M Combat Arms Earplug Products Liability Litig.*, 2021 WL 952315 at *6 (N.D. Fl. 2021) (finding that information submitted to counsel was not privileged because the plaintiff had no expectation it would be confidential).

Plaintiffs' Position:

Despite the Bellwether Trial Cases having been selected by the Court on April 2, 2026, over six weeks ago, and the Bellwether Plaintiffs serving their own supplemental discovery requests, Defendants only just served their additional requests for discovery under the guise of deficiency notices on May 4, 2026. Given the timing of these notices in all of the Bellwether Trial Cases and Defendants' delay in raising the issues in a timely fashion Plaintiff's counsel have had almost no opportunity to review and meet with their clients prior to responding to incredibly short unilateral deadlines imposed by Defendants.

Additionally, as noted by Defendants above, Defendants seek production of Ms. Chattman's hand-written, draft PFS, a logging of all communications between her and her attorneys about that PFS, and

metadata for social media and photographs produced through MDL Centrality. Ex. A, Defs.’ 5/4/26 Letter.

1. Social Media, Photographs, and Metadata

Defendants’ demand for production of metadata and native format photographs is contrary to their previous agreement to the production of ESI, social media, and photographs through MDL Centrality—which Defendants have long known does not permit the preservation of the metadata it seems that they now demand.

To be clear, Plaintiffs do not object to the production of social media or photographs of the Plaintiff. Plaintiff simply believes there is a disconnect about what type of metadata can be uploaded through MDL Centrality and seek to hold Defendants to their agreement that whatever metadata is retained when documents are uploaded to MDL Centrality satisfies Plaintiffs’ obligations. *See* [Dkt. No. 1355 at 43:23-45: (Plaintiffs’ counsel explaining to the Court that MDL Centrality limits metadata production: “We can go ahead and do that through MDL Centrality, and they can -- we can figure it out on that end. I -- I had assumed that they wanted actual metadata in a better format for the social media productions based on how they handled it in other litigations given the defendants who are involved. But we will go ahead and handle productions.”)]. Indeed, discussions of metadata production (or lack thereof) due to the long-agreed-upon production of information and photographs through MDL Centrality go back to contract negotiations between the parties in 2023.

While Plaintiffs understand that some metadata is retained when PDFs and JPEGs are uploaded to MDL Centrality, the platform does not provide a mechanism to upload the metadata in a forensic format. If Defendants are content with PDFs of social media and JPEGs, then Plaintiffs can provide them—which is what was done in *McLaughlin v. Bayer Essure Inc.*, No. 2:14-cv-07315-JP, 2019 WL 3483177, at *2 (E.D. Pa. July 24, 2019), cited by Defendants.

2. Ms. Chattman’s Handwritten, Draft PFS is Privileged

Defendants are not entitled to the initial handwritten draft version of Ms. Chattman’s PFS. Based solely on the fact that Ms. Chatham “testified at her deposition that she completed her PFS on paper, that she does not own a computer, and that she was not aware of there being more than one version of her PFS” (*i.e.* that she exchanged written drafts of her PFS with her counsel), Defendants seek the production of clearly privileged draft discovery responses and conversations between Ms. Chattman and her attorneys. *Id.* at 2. Specifically, Defendants demand

“the paper version of the original PFS” that Plaintiff exchanged and discussed with her attorneys on the grounds that it “constitutes prior responsive discovery.” That request is absurd. The document requested is not “prior responsive discovery”—it was an initial handwritten draft of a discovery response (PFS) exchanged and then discussed between Ms. Chattman and her counsel. Draft versions of discovery responses and related conversations with counsel such as these are the hallmark of protected and privileged material. *Bartlett v. State Farm Mut. Auto. Ins. Co.*, 206 F.R.D. 623, 629 n.2 (S.D. Ind. 2002) (draft interrogatory responses “are classic opinion work product because they contain the attorney’s mental impressions and legal strategies.”); *see also*, *MAGNAVOX Co. v. BALLY MIDWAY MFG. Co.*, No. 83 C 2357, 1984 U.S. Dist. LEXIS 22206, at *4 (N.D. Ill. Nov. 5, 1984) (draft interrogatories were work product if drafted by an attorney and within attorney-client privilege if drafted by the client); *Haynes Int’l, Inc. v. Special Metals Corp.*, No. 2:04cv1046, 2005 LX 98085, at *8 (W.D. Pa. Dec. 15, 2005) (finding draft interrogatory responses protected by the work product doctrine).

Indeed, the procedures governing PFS submissions in MDL Centrality confirm that draft and unsigned PFS materials are treated as privileged attorney-client communications and attorney work product. Even where a plaintiff has signed a PFS within MDL Centrality, the document is not produced to Defendants unless and until it is submitted by Plaintiffs’ counsel. Plaintiffs are afforded unlimited opportunities to prepare, revise, supplement, and amend responses within the platform before counsel determines the PFS is complete and suitable for production. During that process, Plaintiffs and counsel necessarily communicate regarding factual development and clarification of responses. Those communications and revisions are privileged and protected from disclosure, including if a plaintiff elects to prepare her draft answers on paper rather than through MDL Centrality.

The case law Defendants cite for their claim that Plaintiffs’ assertion of privilege is “improper” are inapposite. In *Hudson v. Preckwinkle*, No. 13 CV 8752, 2014 U.S. Dist. LEXIS 78995, at *3 (N.D. Ill. June 10, 2014), “attorneys for the putative class sent letters to Cook County Jail detainees seeking information about jail conditions ‘as a precursor to potential litigation.’” The court merely held that “offers to provide legal assistance be more explicit before [attorney-client] privilege will attach.” And *In re: 3M Combat Arms Earplug Products Liability Litig.*, 2021 WL 952315 at *6 (N.D. Fl. 2021), similarly dealt with whether information submitted to an attorney prior to retaining them—and where there was no reasonable expectation of privacy—is covered by the attorney-client privilege. Here, Ms. Chattman’s initial handwritten PFS is a post-complaint, draft response to Defendants’ discovery—the

attorney-client relationship was well-established at the time. Finally, *Labarre v. Bristol-Myers Squibb Co.*, 2012 WL 13034009 (D.N.J. 2012), is not instructive because, in *Labarre*, Plaintiffs’ counsel had served an “unauthorized” version of plaintiff’s fact sheet. Specifically, the plaintiff in *LaBarre* had completed and signed the original handwritten version and fully expected that it would be served on defendants in its handwritten form. As such, there was no reasonable expectation of privacy under those specific circumstances.

Ms. Chattman’s handwritten PFS is no different than communications between defense counsel and their clients concerning written discovery responses, which Defendants would undoubtedly contend are privileged and immune from production. Defendants’ one-sided attempt to compel production of handwritten PFS responses is merely an improper end-run around the agreed-upon MDL Centrality procedures. If accepted, Defendants’ position would destroy the purpose of the protected review process by subjecting every draft, correction, clarification, and revision to scrutiny and satellite litigation over immaterial changes between iterations. Such a result would improperly expose counsel’s mental impressions, litigation strategy, and legal advice, all of which are protected work product. Plaintiffs must be permitted to confer freely with counsel and revise responses without fear that every preliminary draft or communication will later be weaponized by Defendants. Defendants’ request must be denied.

Moreover, Defendant’s request for “a log of all communications between [Ms. Chattman] and her counsel that occurred regarding completion of the original handwritten PFS” and any additional PFSs submitted by Ms. Chattman is equally unjustified. Ex. A, Defs.’ 5/4/26 Letter at 2. In CMO 5, this Court recognized that post-litigation communications between *Defendants* and their attorneys need not be logged. CMO 5 at ¶14. To afford Defendants that privilege but now require a log of all emails and phone calls between *Plaintiff*, Ms. Chattman, and her attorneys about her PFS—communications that are undeniably privileged—would be inequitable. Moreover, given the privileged nature of these communications, logging them would be of no utility. *See Rayome v. ABT Elecs.*, 2024 U.S. Dist. LEXIS 61262 at *12-14 (N.D. Ill., April 3, 2024); *Walston v. Nat’l Retail Sols., Inc.*, 2025 U.S. Dist. LEXIS 31272 at *17-18 (N.D. Ill., Feb. 21, 2025).

Defendants are incorrect in asserting that CMO 5 contemplates production or logging of *every communication* between a party and its counsel relating to the completion or amendment of discovery responses. During the May 18, 2023, hearing relating to L’Oreal’s privilege log deficiencies, Plaintiffs’ counsel agreed with Defendants that a party’s communications with outside counsel are protected and

need not be logged. [Dkt. 111 at 115:7-14]. Additionally, after the Court recognized that communications from attorneys to their clients need not be logged, (*id.* at 10:25-11:5 (“THE COURT: Now, obviously, if it's authored -- you know, if it's by outside counsel...that's work product...and that doesn't have to be logged.”); *see also, id.* at 12:7-8 (“But no communications between in-house counsel and outside counsel need to be logged.”). Defendants also argued that communications between *themselves* and outside counsel about collecting information for discovery purposes should also not have to be logged. *Id.* at 13:9-12 (“And so our concern is that we have someone in-house at one of our companies that is assisting us with discovery based on an e-mail to somebody attempting to collect information. This -- the way that the plaintiffs have their position is that the response to that e-mail would have to be logged.”). And at Defendants’ suggestion, the Court held that communications regarding the “administration of discovery” including the “forwarding of draft interrogatory responses or documents responsive to a particular request” need not be logged. *Id.* at 35:15-24.

The Court has made clear its lack of desire to get involved with ruling on privilege issues relating to the client’s collection of information or documents—*because these documents are clearly “covered by the privilege.”* *Id.* at 19:18-20:2. (“And I certainly don't want to be reviewing things in camera to see, well, did -- you know, did the [attorneys] actually ask for this. I mean, I don't want to be getting involved in that. I don't think anyone wants me to be spending my time doing that, and I don't think plaintiffs' counsel would want me to be doing that. I hear your concern. I mean, you don't really care if the in-house counsel is looking for documents, et cetera, to respond to your discovery. You understand that that's covered by the privilege.”); *see also, id.* at 28:2-5 (Defense: “no one's disputing the fact that work product created by outside counsel need not be logged. THE COURT: That's a given...that's understood.”).

While the discussion before the Court on May 18, 2023, had to do with communications between Defendants and their outside counsel, there is no legitimate justification for the Court’s rulings to not apply equally to communication about discovery responses between Ms. Chattman and her own counsel.² Indeed, as cited above, the case law in this District clearly renders those communications about draft discovery responses privileged. And as the Court previously concluded: “I don't want you wasting time logging. I want to get to the merits.” *Id.* at 27:1-2.

² Tellingly, Defendants seek to unwind the Court’s rulings (and contradict their own arguments) only as it pertains to Plaintiffs’ communications with counsel—and not communications between Defendants and their own counsel about discovery responses.

Finally, should the Court be inclined to grant either request, the Plaintiffs request that Defendants file a formal motion to compel such that it can be fully briefed with an ample record beyond simply a Joint Status Report. And of course, the Plaintiffs lodge its continued objection to the misuse by Defendants of the Joint Status Report process.

iii. Charlene Annette Fennell, Case No. 23-cv-06154

Defendants' Position:

Defendants have completed the depositions of Plaintiff, Plaintiff's daughter, and two of Plaintiff's treating health care providers. Defendants are considering additional depositions to take in this phase, including additional family members.

On May 11, 2026, Defendants sent a deficiency letter to Plaintiff's counsel addressing multiple deficiencies in Plaintiff's discovery responses, which Defendants tabled pursuing until knowing if this matter was moving forward, must now be addressed promptly. For example, Plaintiff testified that she reviewed a list of products when identifying the products she used, and Defendants requested a copy of that list. Another example is Plaintiff objecting to producing certain documents due to privilege but not producing a privilege log. Defendants are attempting to meet and confer with Plaintiff's counsel to resolve these issues without court intervention, while reserving all rights to seek appropriate relief if the deficiencies are not cured.

Plaintiffs' Position:

Despite the Bellwether Trial Cases having been selected by the Court on April 2, 2026, over six weeks ago, and the Bellwether Plaintiffs serving their own supplemental discovery requests, Defendants only just served their additional requests for discovery under the guise of deficiency notices on May 11, 2026. Given the timing of these notices in all of the Bellwether Trial Cases and Defendants' delay in raising the issues in a timely fashion, Plaintiff's Counsel have had almost no opportunity to review and meet with their clients prior to responding to incredibly short unilateral deadlines imposed by Defendants.

While the Counsel for Plaintiff Fennell is still reviewing the alleged deficiencies and will be addressing with Defendants. However, like in Ms. Chattman's case, Defendants are also seeking the handwritten version of Ms. Fennell's PFS, the metadata confirming Ms. Fennell approved all of the PFSs submitted on her behalf and a log of communications between Plaintiff and her counsel. For the same

reasons as discussed above for Ms. Chattman, Plaintiff Charlene Fennell objects to providing this information to Defendants.

iv. Gloria Ford, Case No. 23-cv-10740

Defendants' Position:

Defendants have completed the depositions of Plaintiff, Plaintiff's husband, and two of Plaintiff's treating providers. Defendants have also noticed the deposition of Plaintiff's son and are coordinating with Plaintiff's counsel to schedule it.

On May 8, 2026, Defendants sent a letter to Plaintiff's counsel addressing an outstanding authorization request and multiple deficiencies in Plaintiff's discovery responses, which Defendants are pursuing now that this case moved forward to the next phase. These deficiencies concern Mrs. Ford's production of photographs, social media materials, and documents referenced in Plaintiffs' computation of damages. Defendants intend to meet and confer with Plaintiff's counsel to resolve these issues without court intervention, while reserving all rights to seek appropriate relief if the deficiencies are not cured.

Plaintiffs' Position:

Despite the Bellwether Trial Cases having been selected by the Court on April 2, 2026, over six weeks ago, and the Bellwether Plaintiffs serving their own supplemental discovery requests, Defendants only just served their additional requests for discovery under the guise of deficiency notices on May 8, 2026. Given the timing of these notices in all of the Bellwether Trial Cases and Defendants' delay in raising the issues in a timely fashion, Plaintiff's Counsel have had almost no opportunity to review and meet with their clients prior to responding to incredibly short unilateral deadlines imposed by Defendants Counsel for Plaintiff Gloria Ford is still reviewing the alleged deficiencies and will be addressing with Defendants.

v. Areecia Denise Jackson, Case No. 23-cv-10379

Defendants' Position:

Defendants took 2 depositions in the first phase of discovery, including of the Plaintiff. In this next phase, Defendants have identified additional witnesses for deposition, including Dr. Emily Lovaasen, Plaintiff's primary care and OB/GYN provider from 2013 to 2020. On March 10, 2026, Defendants served a deposition subpoena on Dr. Lovaasen. Dr. Lovaasen initially confirmed availability for May 7, 2026, but later

advised that she was no longer available on that date. Defendants are working to secure an alternative deposition date.

On May 8, 2026, Defendants raised several outstanding discovery deficiencies with Plaintiff, now that this case moved into the next phase of discovery, including deficiencies relating to Defendants' requests for production of damages documents (RFP No. 20), photographs depicting Plaintiff's hair before, during, and after her alleged hair relaxer use (RFP Nos. 14, 15, and 16), social media materials (RFP No. 30), and written and electronic communications (RFP No. 32). On May 12, 2026, Plaintiffs responded that she believed the identified deficiencies had been resolved.

Unfortunately, Plaintiff's photograph production remains deficient because she has not identified approximate dates for the photographs produced. Although Plaintiff testified that she used social media platforms such as TikTok, she did not identify those platforms in her interrogatory responses or produce responsive social media materials. On May 14, 2026, Plaintiff stated that she would supplement her responses regarding Request for Production No. 30 and produce additional responsive materials, but no supplemental response or production has been provided. While Defendants have largely resolved most of the outstanding medical records requests, a few requests relating to Mutual Hospital Services in Indianapolis, Indiana remain on hold pending identification of the underlying treating facility. Defendants are awaiting further guidance from MRC regarding those requests. In addition, a request for medical records to Dr. Karen Fields, Inc. is also pending.

Plaintiffs' Position:

Despite the Bellwether Trial Cases having been selected by the Court on April 2, 2026, over six weeks ago, and the Bellwether Plaintiffs serving their own supplemental discovery requests, Defendants only just served their additional requests for discovery under the guise of deficiency notices on May 8, 2026. Given the timing of these notices in all of the Bellwether Trial Cases and Defendants' delay in raising the issues in a timely fashion, Plaintiff's Counsel have had almost no opportunity to review and meet with their clients prior to responding to incredibly short unilateral deadlines imposed by Defendants. However, despite these time constraints, Counsel for Plaintiff Jackson provided a response to Defendants regarding these alleged deficiencies on May 12, 2026 and May 14, 2026. The Parties will continue to meet and confer to resolve these issues.

vi. Joanne Jones, Case No. 23-cv-07074

Defendants' Position:

Defendants have completed the depositions of Plaintiff, and her caregiving daughter, Ebony Jones. Defendants have scheduled the deposition of plaintiff's treating oncologist, Dr. Dwight Im, which is scheduled for Saturday May 23rd. However, Defendants served subpoenas on her other treating doctors including, Dr. Ledakis, Dr. Besser (PCP) and Dr. Audlin. Defendants also served a subpoena on her previous primary care doctor, Dr. Timothy Doyle, but Defendants have not been in contact with this doctor to date. All the other physicians are within the Mercy Health Medical system and are represented by counsel. Counsel for the doctors at Mercy has been involved in scheduling the depositions. Defendants have had no issues with using this method of securing dates based on doctors' availability.

On May 8, 2026, Defendants sent a deficiency letter to Plaintiff's counsel addressing deficiencies in Plaintiff's discovery responses (damages calculations (other than medical bills) and pictures from before plaintiff's used relaxer, the years she used relaxer, and the years following her use of relaxer), since this case moved forward in discovery. Defendants intend to meet and confer with Plaintiff's counsel to resolve these issues without court intervention, while reserving all rights to seek appropriate relief if the deficiencies are not cured.

Plaintiffs' Position:

Despite the Bellwether Trial Cases having been selected by the Court on April 2, 2026, over six weeks ago, and the Bellwether Plaintiffs serving their own supplemental discovery requests, Defendants only just served their additional requests for discovery under the guise of deficiency notices on May 8, 2026. Given the timing of these notices in all of the Bellwether Trial Cases and Defendants' delay in raising the issues in a timely fashion, Plaintiff's Counsel have had almost no opportunity to review and meet with their clients prior to responding to incredibly short unilateral deadlines imposed by Defendants.

While Counsel for Plaintiff Jones is still reviewing the alleged deficiencies and will be addressing with Defendants, Plaintiffs alert the Court that Defendants are in fact issuing what is tantamount to another Request for Production, but on their own unilateral, accelerated schedule under the guise of "discovery deficiencies." Despite requesting and receiving photographs with the Plaintiff Fact Sheet, in response to Requests for Production of Documents, and at Plaintiff's deposition in response to the document requests issued with the Notice of for Plaintiff's Deposition, Defendants are now requesting for the first time all of the following:

- (1) at least one photograph per year for each of the seven (7) years prior to 1973 (i.e. 1966-1973) that depict Plaintiff's hair in its natural state,
- (2) at least one photograph per year for each year Plaintiff claimed to have used hair relaxer (i.e. 1973-2019), and
- (3) at least one photograph per year from each year after plaintiff discontinued use of hair relaxer products (i.e., 2020-2026).

Put simply, Defendants have asked for photographs from each year from 1966 to the present – photos spanning 60 years.

For each of these requests, Defendants further request that Plaintiff identifies the date each photograph was taken and whether Plaintiff contends her hair was in a relaxed or natural state. If Plaintiff is unable to provide a photograph from each year requested, Defendants request a signed verification that no other photographs depicting Plaintiff's hair exist for each year in the time period requested. These are new requests and Plaintiffs will respond within 30 days of the date of issuance the same time afforded to Defendants in answering Plaintiffs supplemental discovery demands. However, Plaintiffs believe that the requests are overly broad and untimely, among other things.

Defendants have already received representative photographs in response to each of their previous requests, Plaintiff Smith was also questioned extensively about the produced photographs during her deposition, (including her best recollection as to dates and/or hair style depicted in each photograph) and was questioned as to whether other photographs existed (*see* Jones Dep. Tr.42:6-43:12; 178:15-186:7; 326:14-328:15; 440:9-442:14). Plaintiff Jones has complied with all previous discovery requests and should not be required to provide a signed verification for each of the last 60 years, and she will assess these new discovery requests and respond within thirty (30) days as mandated by the Federal Rules.

vii. Sara Robinson, Case No. 23-cv-10698

Defendants' Position:

Defendants took 3 depositions in the first phase including the Plaintiff. Defendants are continuing to review Plaintiff's medical chronology, produced medical records, Plaintiff Fact Sheets, and deposition testimony to identify additional witnesses and evaluate remaining discovery needs before the close of fact discovery. Currently, Defendants are assessing what additional depositions to take since this case was recently substituted in to the next phase of bellwether cases, including providers who have been associated with Plaintiff's

gynecologic treatment, primary care management, oncology consultations, and related care.

On May 8, 2026, Defendants raised several outstanding discovery deficiencies with Plaintiff, including deficiencies relating to Defendants' requests for production of damages documents (RFP No. 20), photographs depicting Plaintiff's hair before, during, and after her alleged hair relaxer use (RFP Nos. 14, 15, and 16), social media materials (RFP No. 30), and written and electronic communications (RFP No. 32). Defendants proposed a May 12 meet and confer to discuss the issues prior to the JSR deadline. Plaintiff indicated she is preparing a response and is available to meet and confer on May 15 or May 18.

Defendants have largely resolved most of the outstanding medical record requests, with only three requests pending. Two requests for medical and billing records are directed to Dr. Ernest Abramson, DMD, of Natural Bridge Dental in Saint Louis, Missouri. Dr. Abramson recently retired and MRC has been unable to determine where his records are currently maintained. Defendants are awaiting further guidance from MRC regarding those requests. A third request for pathology records directed to SSM IM Richmond Heights, to be fulfilled through Quest Diagnostics Midwest, also remains pending.

Plaintiffs' Position:

Despite the Bellwether Trial Cases having been selected by the Court on April 2, 2026, over six weeks ago, and the Bellwether Plaintiffs serving their own supplemental discovery requests, Defendants only just served their additional requests for discovery under the guise of deficiency notices on May 8, 2026. Given the timing of these notices in all of the Bellwether Trial Cases and Defendants' delay in raising the issues in a timely fashion Plaintiff's Counsel have had almost no opportunity to review and meet with their clients prior to responding to incredibly short unilateral deadlines imposed by Defendants Counsel for Plaintiff Sara Robinson is still reviewing the alleged deficiencies and will be addressing with Defendants.

viii. Karla Smith, Case No. 23-cv-10645

Defendants' Position:

Defendants have completed the depositions of Plaintiff, and two of Plaintiff's treating physicians, Dr. Blair Smith and Dr. Rebecca Ward. For this next phase of discovery, Defendants noticed the depositions of Dr. Traci Johnson, Marceline Smith and Ella Ashley. Defendants have since withdrawn the deposition notice for Dr. Johnson and Marceline Smith and reserve our right to depose Dr. Johnson and Marceline Smith

if Plaintiff at a later date identifies them as potential trial witnesses. Defendants are coordinating with Plaintiff's counsel to schedule the deposition of Ella Ashley.

On May 8, 2026, Defendants sent a letter to Plaintiff's counsel addressing deficiencies in Plaintiff's discovery responses, including issues concerning Ms. Smith's production of photographs, social media posts, documents related to hair relaxer products currently in Plaintiff's possession, and documents related to Plaintiff's computation of damages. After receiving no response, Defendants followed up on May 13, 2026, and requested a meet and confer prior to submission of the Joint Status Report. Plaintiff's counsel advised they were unavailable to meet until Friday, May 15, 2026. Defendants intend to meet and confer on May 15, 2026 to attempt to resolve these issues without court intervention, while expressly reserving all rights to seek appropriate relief if the identified deficiencies are not cured.

Plaintiffs' Position:

Despite the Bellwether Trial Cases having been selected by the Court on April 2, 2026, over six weeks ago, and the Bellwether Plaintiffs serving their own supplemental discovery requests, Defendants only just served their additional requests for discovery under the guise of deficiency notices on May 8, 2026. Given the timing of these notices in all of the Bellwether Trial Cases and Defendants' delay in raising the issues in a timely fashion Plaintiff's Counsel almost no opportunity to review and meet with their clients prior to responding to incredibly short unilateral deadlines imposed by Defendants.

While the Counsel for Plaintiff Karla Smith is still reviewing the alleged deficiencies and will be addressing with Defendants., However, like in with Ms. Chattman's case, Defendants are seeking the handwritten version of Ms. Smith's PFS, the metadata confirming Ms. Smith approved all of the PFSs submitted on her behalf and a log of communications between Plaintiff and her counsel. For the same reasons as discussed above for Ms. Chattman, Plaintiff Karla Smith objects to providing this information to Defendants.

Additionally, although Counsel for Plaintiff Smith is still reviewing the alleged deficiencies and will be addressing with Defendants, Plaintiffs alert the Court that Defendants are in fact issuing what is tantamount to another Request for Production, but on their own unilateral, accelerated schedule under the guise of "discovery deficiencies." Despite requesting and receiving photographs with the Plaintiff Fact Sheet, in response to Requests for Production of Documents, and at Plaintiff's deposition in response to the document requests issued with the Notice of for

Plaintiff's Deposition, Defendants are now requesting for the first time all of the following:

- (1) at least one photograph for each of the seven (7) years prior to her use of hair relaxers (i.e. 1974-1980), and
- (2) at least one photograph per year for each year Plaintiff claimed to have used hair relaxer (i.e. 1981-2026).

Put simply, Defendants have asked for photographs from each year from 1974 to the present – photos spanning 52 years.

For each of these requests, Defendants further request that Plaintiff identifies the date each photograph was taken and whether Plaintiff contends her hair was in a relaxed or natural state. If Plaintiff is unable to provide a photograph from each year requested, Defendants request a signed verification that no other photographs depicting Plaintiff's hair exist for each year in the time period requested. These are new requests and Plaintiffs will respond within 30 days of the date of issuance the same time afforded to Defendants in answering Plaintiffs supplemental discovery demands. However, Plaintiffs believe that the requests are overly broad and untimely, among other things.

Defendants have already received representative photographs in response to each of their previous requests. Plaintiff Smith was also questioned extensively about the produced photographs during her deposition (including her best recollection as to dates and/or hair style depicted in each photograph) and was questioned as to whether other photographs existed (*see* Smith Dep. Tr. 19:14:24; 72:4-90:14). Plaintiff Smith has complied with all previous discovery requests and should not be required to provide a signed verification for each of the last 52 years, and she will assess these new discovery requests and respond within thirty (30) days as mandated by the Federal Rules.

ix. Roxanne Wade, Case No. 23-cv-07360

Defendants' Position:

Defendants have completed the depositions of Plaintiff, Plaintiff's two adult daughters, and Plaintiff's treating oncologist. Defendants have also requested the depositions of two of Plaintiff's "best friends" identified on her PFS. One such deposition has now been scheduled on May 19, 2026. Plaintiff claims she has no contact information for the second witness, so Defendants intend to confer with Plaintiff's counsel regarding a do not call agreement. We reserve the right to depose this individual if Plaintiff later identifies them as potential trial witnesses consistent with the Court's Order.

On May 10, 2026, Defendants sent a deficiency letter to Plaintiff's counsel addressing multiple deficiencies in Plaintiff's discovery responses, as well as MRC issues including Plaintiff's objections to the collection of several record sets and outstanding authorizations, now that this case moved into the next phase of discovery. The parties have a meet and confer on these issues scheduled for Friday, May 15, 2026, to resolve these issues without court intervention. However, Plaintiff's counsel sent several materials purportedly remedying some of these deficiencies. Defendants are examining these materials now to determine the completeness of the response and outstanding deficiencies.

Plaintiffs' Position:

Despite the Bellwether Trial Cases having been selected by the Court on April 2, 2026, over six weeks ago, and the Bellwether Plaintiffs serving their own discovery requests, Defendants only just served their additional requests for discovery under the guise of via deficiency notices on May 10, 2026. Given the timing of these notices in all of the Bellwether Trial Cases and Defendants delay in raising the issues in a timely fashion, Plaintiff's Counsel have had almost no opportunity to review and meet with their clients prior to responding to incredibly short unilateral deadlines imposed by Defendants. Counsel for Plaintiff Roxanna Wade is still reviewing the alleged deficiencies and will be addressing with Defendants.

x. Janette Wallace, Case No. 23-cv-10632

Defendants' Position:

Defendants have completed depositions of Plaintiff (Lisa Thomas), two family witnesses (CJ Mills and Constance Wright), and treating oncologist Dr. Bogdan Eftimie. Defendants have issued subpoenas for and are attempting to serve six treating physicians (Drs. Isabel Lazo, Lauren Chan, Samir Vora, Namita Singh, Dimitry Lerner, and Thomas Ewing) but have been able to locate and serve only two to date. Several facilities and counsel offices have declined to accept service for individual physicians, and personal service attempts at offices and residences are ongoing. Defendants will promptly notice and schedule these depositions upon successful service and/or receipt of records.

On May 7, 2026, Defendants sent a deficiency letter requesting: (1) a complete damages computation with supporting invoices/balances; (2) supplementation and dating of photographs showing Decedent's hair (pre-use, during use, and post-use) or a verification that none exist; and (3) receipts or confirmation regarding product purchases in the 24 months pre-filing (or confirmation that non exist). Plaintiff has produced limited invoices but no damages calculation or verified

supplementation. A meet and confer was held on May 12, 2026; Defendants asked for responses by May 15, 2026 and they currently remain outstanding. Defendants have also subpoenaed Moods and Attitude and MoBetta salons for product and attendance records, and requested that Plaintiff execute an employment authorization to obtain Decedent's earnings records relevant to alternative causation theories.

Plaintiffs' Position:

Despite the Bellwether Trial Cases having been selected by the Court on April 2, 2026, over six weeks ago, and the Bellwether Plaintiffs serving their own supplemental discovery requests, Defendants only just served their additional requests for discovery under the guise of deficiency notices on May 7, 2026. Given the timing of these notices in all of the Bellwether Trial Cases and Defendants' delay in raising the issues in a timely fashion, Plaintiff's Counsel have had almost no opportunity to review and meet with their clients prior to responding to incredibly short unilateral deadlines imposed by Defendants.

Defendants are in fact issuing what is tantamount to another Request for Production, but on their own unilateral, accelerated schedule under the guise of "discovery deficiencies." Despite requesting and receiving photographs with the Plaintiff Fact Sheet, in response to Requests for Production of Documents, and at Plaintiff's deposition in response to the document requests made in the Notice of Deposition, Defendants are now requesting for the first time all of the following:

- (1) at least one photograph for each of the seven (7) years prior to her use of hair relaxers (i.e. 1963-1969),
- (2) at least one photograph per year for each year Plaintiff claimed to have used hair relaxer (i.e. 1970-2020), and
- (3) at least one photo per year from each year between Decedent's discontinuation of hair relaxer use and her death (i.e. 2021-2022)

Put simply, Defendants have asked for photographs from each year from 1964 to the present – photos spanning 59 years.

For each of these requests, Defendants further request that Plaintiff identifies the date each photograph was taken and whether Plaintiff contends her hair was in a relaxed or natural state. If Plaintiff is unable to provide a photograph from each year requested, Defendants request a signed verification that no other photographs depicting Plaintiff's hair exist for each year in the time period requested. These are new requests and Plaintiffs will respond within 30 days of the date of issuance the same time afforded to Defendants in answering Plaintiffs supplemental discovery demands. However, Plaintiffs believe that the requests are overly broad and untimely, among other things.

Defendants have already received representative photographs in response to each of their previous requests. Plaintiff Thomas was also questioned extensively about the produced photographs during her deposition (including her best recollection as to dates and hairstyle depicted in each photograph) and was questioned as to whether other photographs existed (*see* Thomas Dep. Tr.22:14-23:9; 60:20-62:17; 220:18-231:6). Plaintiff Thomas has complied with all previous discovery requests and should not be required to provide a signed verification for each of the 59 years prior to Ms. Wallace's death, and she will assess these new discovery requests and respond within thirty (30) days as mandated by the Federal Rules.

b. Discovery served by Bellwether Plaintiffs

Plaintiffs' Position:

On April 28, 2026, the Bellwether Plaintiffs served a second set of interrogatories on each Defendant related to Defendants' Affirmative Defenses³. The responses are due May 28, 2026, which will allow these to be received before the close of bellwether discovery on June 10, 2026. The discovery requests seek the factual basis for certain of the Defendants' affirmative defenses in this litigation. Plaintiffs' requests are intended to gather the factual bases for certain affirmative defenses that may be addressed in each Plaintiff's case specific expert reports and/or may be necessary in order to meaningfully choose trial cases from the existing pool. Notably, discovery against Bellwether plaintiffs by Defendants is not in its infancy and Defendants have had time to meaningfully investigate the facts attendant to each Plaintiffs' claim.

Defendants' Position:

Plaintiffs served contention interrogatories on Defendants in the bellwether cases seeking underlying factual information regarding each of Defendants' affirmative defenses in their Answers to Complaints. Given that these are more trial-focused questions, Defendants reached out to Plaintiffs' Leadership Counsel to negotiate an agreement whereby Defendants would agree to respond to the remaining five (5) bellwether cases, once they are selected out of the ten. Many of these affirmative defenses depend on the completion of fact discovery to answer, and even some after expert discovery is closed, and others are legal issues. Moreover, it is more efficient and appropriate to respond to trial-related issues once the cases go from ten to five. Plaintiffs claim they need answers to certain affirmative defenses before fact discovery closes and Defendants offered a fair compromise of having Plaintiffs select one or two affirmative

³ The second set of interrogatories were served on Defendants AFAM and Luster on behalf of Plaintiff Roxanna Wade on May 7, 2026. The responses for these two sets of interrogatories are due June 7, 2026, which will also allow these to be received before the close of bellwether discovery.

defenses for Defendants to consider agreeing to respond to now, and the others by a future deadline. No response to this offer has been received to date.

c. Status of Stipulations in Lieu of 30(b)(6) Notices Issued to Defendants in the Bellwether Cases

Plaintiffs have agreed to a stipulation in lieu of the 30(b)(6) notices issued to Defendants regarding nationwide marketing, promotion, advertising, branding, labels and/or instructions with Defendants L'Oreal, Luster and Namaste. The agreed stipulation with these three defendants were sent as a proposal to the remaining named Bellwether Defendants: Revlon, McBride and Beauty Bell/House of Cheatham for consideration.

Plaintiffs and Defendant AFAM have agreed to postpone discussions on these topics until AFAM has completed document production on June 15, 2026.

On May 8, 2026, Plaintiffs served an amended Notice of Deposition pursuant to Rule 30(b)(6) on Strength of Nature regarding labels and/or instructions and are continuing to meet and confer.

d. Subject Matter Jurisdiction

Defendants' Position:

Plaintiff Carrie Chattman filed her case under diversity jurisdiction (Section 28 USC 1332). She is a Florida resident. One of the named Defendants, Beauty Bell, is an LLC which has individual members who reside in Florida [D.E. 1688], such that no diversity exists between the parties. At the time of the original filing, Revlon was a named defendant, which provided the Court with jurisdiction through the Revlon bankruptcy under 28 U.S.C. §§ 157 and 1334. However, Revlon was dismissed by the Plaintiff, and there is no other basis for the Court to have subject matter jurisdiction of the case while Beauty Bell remains a party.

Following the selection of the ten (10) bellwether cases to move forward in discovery, including the *Chattman* case which was selected by the Plaintiffs' Leadership Committee and agreed to by Defendants, Defendants informed Plaintiffs' Leadership Counsel regarding the lack of subject matter jurisdiction with respect to Beauty Bell on May 7, 2026, and specified that the issue was limited to the *Chattman* case on May 9, 2026. Defendants did so in an effort to address the issue now to avoid future issues if this case is selected to progress toward trial. Defendants proposed the option to Plaintiffs of dismissing Beauty Bell without prejudice from Ms. Chattman's MDL case, which would restore diversity and resolve the issue, but, to date, Plaintiffs have not engaged with Defendants on the issue. Defendants note that six (6) Defendants would remain in the case (AFAM, House of Cheatham, L'Oreal USA, Luster, Namaste and Strength of Nature).

For full transparency to the Court, a similar potential issue exists with respect to three of the other bellwether 10 cases (*Boatwright, Jackson and Wallace*), each of which names non-diverse defendants. However, Revlon is still a named Defendant in each of those cases. As Revlon can only be sued in this MDL by Order of the Bankruptcy Court and consistent with 28 U.S.C. §§ 157 and 1334 (*In re Revlon, Inc., et al.*, Case No. 22-10760 (DSJ) (Bankr. S.D.N.Y.), Dkt. Nos. 1746 (confirmation order), 1860 (Third Amended Joint Plan of Reorganization)), this Court maintains subject matter jurisdiction, as long as Revlon remains in the cases. This similar potential issue also exists in the Rosa Robinson case, which Plaintiffs again seek to reinstate.

The specifics of these three additional cases are as follows.

- Boatwright, Bridget – Ms. Boatwright is a citizen of New York. Defendants L'Oréal USA and Revlon are citizens of New York.
- Jackson, Areecia Denise – Ms. Jackson is a citizen of Illinois. Defendants AFAM and Luster are citizens of Illinois.
- Wallace, Janette – Ms. Wallace (decedent) and plaintiff are citizens of California. Beauty Bell has a member who lives in California. [D.E. 1688]

Plaintiffs' Position:

On Saturday, May 9, 2026, counsel for Beauty Bell Enterprises, LLC advised the PSC about the above-referenced alleged lack of subject matter jurisdiction in the Carrie Chattman case. While Defendants suggest that they informed the PSC on May 7, 2026, the PSC was only advised that one or more bellwether cases might have a jurisdiction issue, but that defense counsel would not or could not identify the case or the defendant that claimed jurisdiction was lacking. The first notice of the bellwether plaintiff and the defendant at issue occurred on May 9th.

Defendants' late raised argument will disrupt the bellwether process – a troubling trend in this litigation. The issue of a lack of jurisdiction is not new. Revlon was dismissed from the Chattman case on June 10, 2024 (*see* 1:23-cv-10579, Dkt. 4) – nearly two years ago. Defendants have not raised this issue in the ensuing two years, including when Ms. Chattman's case was selected as a Bellwether Case in April 2025. In fact, the parties appeared before the Court just three weeks ago and the defense urged that a different bellwether case be removed as one of the 10 selected Bellwether Trial Cases because only two defendants were named. They neglected to inform the Court, or Plaintiff's counsel, of the potential jurisdictional issue in Ms. Chattman's case until just days before this JSR was due.

Plaintiffs are concerned that Defendants' efforts to remove this case, or cast doubt on the appropriateness of its inclusion, will likely continue with other

bellwether cases and do not believe that this delay tactic (and likely inevitable future ones) should be countenanced by the Court.

Plaintiffs will be prepared to discuss options at the Case Management Conference, including placing Rosa Robinson back into the pool as well as other tools at the Court's disposal that the Parties can discuss at the Case Management Conference.⁴

It is worth nothing that Bell Beauty Enterprises, LLC only made their corporate disclosure on January 26, 2026 (*see* Dkt. 1688). This underscores the importance of discovery on Defendants in all bellwether cases, including the very necessary affirmative defense discovery the bellwether plaintiffs have sought.

II. Rule 702 Motions– General Causation

On May 5, 2026, Defendants filed their combined Motion to Exclude Plaintiffs' General Causation Experts Stanely T. Atwood, Dr. Clarence W. Brown, Jr., Dr. R. Jeffrey Chang, Dr. Michelle Cote, Dr. Michael M. Crowley, Dr. Dipak Panigraphy, Dr. Silvina Puglisese, Dr. Dario Roque, Dr. Sameer Sharma, and Dr. Thomas Zoeller (*See* Dkt. 1828) and Plaintiffs filed their combined Motion to Exclude Certain Defendants' General Causation Experts Dr. Lucille Adams Campbell, Dr. Christy Barlow, Dr. Cheryl Burgess, Dr. John Farley, Dr. Julie Goodman, and Dr. Lee Shulman (*See* Dkt. 1832).

In accordance with the Court's April 1, 2026 Minute Entry (*see* Dkt. 1778), the Parties' oppositions are due on June 2, 2026, and reply briefs in support of the motions are due on June 16, 2026.

Defendants' Position:

Defendants wish to discuss with the Court the scheduling of oral argument for these motions.

Plaintiffs' Position:

Plaintiffs do not believe oral arguments following submission of Rule 702 briefing are necessary, but of course the decision is the Court's.

⁴ There would be very little prejudice if the Court reinstated Rosa Robinson's case as a Trial Case since the Defendants belatedly served deficiencies in the other Bellwether Trial Cases only beginning last week. Moreover, if the Rosa Robinson case required an additional 10-14 days of discovery, this could be accomplished without disrupting the expert discovery schedule.

III. Class Action Update

In accordance with the Court's March 5, 2026 Minute Entry, Plaintiffs filed their Motion for Class Certification on March 26, 2026 (Dkts. 1767-70). On May 5, 2026, the parties to the putative class action submitted a stipulation to this Court seeking to continue the deadlines for Defendants' oppositions to Plaintiffs' class certification motion and any replies in support of the same. (Dkt. No. 1826.) On May 6, 2026, this Court granted the parties' stipulation and modified the class certification briefing schedule such that Defendants' oppositions to Plaintiffs' motion for class certification and supporting expert reports are now due to be filed by June 2, 2026, and Plaintiffs' replies in support of their motion and any rebuttal expert reports are due to be filed by August 3, 2026. (Dkt. 1834.)

IV. PSC Re-Appointment CMO

In accordance with the Court's March 2, 2023 Order Granting Petition of a Plaintiffs' Leadership Committee (*see* Dkt. 28) and the Court's April 6, 2023 Order Appointing Plaintiffs' Leadership Development Committee (*see* Dkt. 62), which sets each appointment term at one year, Plaintiffs' Leadership has submitted a proposed Order seeking re-appointment of the Plaintiffs' Co-Lead Counsel, Executive Committee, Steering Committee, and Leadership Development Committee.

V. Case Management

a. Duplicately Filed Cases

Defendants request that the Court order the Plaintiffs identified in the table below to dismiss one of their duplicately filed cases with prejudice by June 4, 2026.

On April 16, 2026, Defendants identified to Plaintiffs' Leadership Counsel a total of 7 plaintiffs with active cases and/or MDLC profiles who appeared to have duplicately filed cases and/or be "dual represented" by different counsel. Defendants requested that counsel for these Duplicate Plaintiffs work together to resolve the duplication by dismissing with prejudice—per the Court's guidance [ECF 649]—the duplicately filed action and/or deactivating profiles in MDLC, as needed (for example, where one is unfiled and one is filed). As of May 14, 2026, there remain two of these duplicately filed Plaintiffs with active cases pending in this MDL.

The existence of duplicately filed claims in an MDL presents a host of difficulties, including the potential for confusion among Plaintiffs and their counsel and wasted party and Court resources. In accordance with the Court's prior orders in similar instances (*see, e.g.,* 1:24-cv-12347, ECF 5, ordering duplicately filed plaintiff to dismiss one of her pending cases with prejudice by a date certain following a Case Management Conference), Defendants request that the Court order the following two duplicately filed Plaintiffs to dismiss one of their pending cases with prejudice by June 4, 2026.

Duplicate Sets	Plaintiff First Name	Plaintiff Middle Name	Plaintiff Last Name	Law Firm Name	MDLC Pltf ID	Case No.	Case Filing Date
1	GILDA	RENEE	RALEY	DiCello Levitt LLP	17905	1:25-cv-14419	11/25/2025
1	GILDA	RENEE	RALEY	Ashcraft & Gerel LLP	18602	1:26-cv-02300	03/02/2026
2	ALECIA	BRIANA	NUNN	Ashcraft & Gerel LLP	18287	1:26-cv-01093	01/30/2026
2	ALECIA	BRIANA	NUNN	Motley Rice, LLC	18704	1:26-cv-03278	03/25/2026

VI. State Court Update

a. Illinois

Cook County: Trial is set to begin in Cook County on November 2, 2026 in the first cohort trial. The first cohort trial will consist of four plaintiffs being tried simultaneously against multiple defendants. For this first cohort trial, fact discovery is ongoing, and expert discovery is scheduled to begin June 28, 2026 with Plaintiffs' expert disclosures and Defendants' expert disclosures to follow August 28, 2026.

Two other cohort trials, consisting of five plaintiffs each, are currently set as well. Those trials are set to commence January 26, 2027 and April 5, 2027. The trial judge will be the Honorable Daniel A. Trevino.

St. Clair County: There are three cases pending in St. Clair County. The parties have agreed to consolidate the three cases for purposes of pre-trial and discovery, and each case will be tried separately. The first trial will be for the case filed by Plaintiff Myra Williams, which is scheduled to begin on September 28, 2026. Plaintiff disclosed experts on April 30, 2026. Defendants are scheduled to disclose experts on May 28, 2026. The court has not yet scheduled the other two consolidated cases for trial, and multiple motions to dismiss filed by various defendants remain pending in those matters.

b. Georgia

On May 8, 2026, the Court entered Case Management Order No. 4 in the DeKalb proceedings, modifying the existing expert discovery and bellwether selection schedule. This followed Plaintiffs' April 30, 2026 general causation expert disclosures, which comprised of 16 experts, including a new slate of experts not disclosed in the MDL (8 total) designated by certain "non-MDL" participating Plaintiffs' counsel. After the parties were unable to reach agreement regarding a proposed extension of the schedule, Defendants

requested additional time to evaluate the newly disclosed experts and complete expert discovery. The Court agreed, extending Defendants' general expert disclosure deadline to July 17, 2026, the expert discovery cutoff to September 8, 2026, and the deadlines for expert challenges and bellwether selections to October 8, 2026.

c. Pennsylvania

There are 25 cases pending in the Pennsylvania Court of Common Pleas, Philadelphia County, coordinated before the Hon. Joshua Roberts. These cases are in discovery – written discovery is ongoing and plaintiff's depositions have not yet occurred. There is no formal process for trial selection to date, and no trials have been scheduled.

Dated: May 14, 2026

FOR PLAINTIFFS:

Respectfully Submitted,

/s/Edward A. Wallace

Edward A. Wallace

WALLACE MILLER

200 W. Madison Street, Suite 3400

Chicago, Illinois 60606

T: (312) 261-6193

Email: eaw@wallacemiller.com

Plaintiffs' Liaison Counsel

Diandra "Fu" Debrosse

DICELLO LEVITT LLC

485 Lexington Ave. Suite 1001

New York, New York 10017

T: (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

T: (401) 457-7700

FOR DEFENDANTS:

Respectfully Submitted,

/s/ Heidi Levine

Heidi Levine

SIDLEY AUSTIN LLP

787 Seventh Avenue

New York, New York 10019

T: (212) 839-5300

hlevine@sidley.com

*Defense Liaison Counsel and Counsel for Defendant
Namasté Laboratories, LLC*

Daniel A. Spira

SIDLEY AUSTIN LLP

One South Dearborn

Chicago, Illinois 60603

T: (312) 853-7274

dspira@sidley.com

Amanda M. Blau

SIDLEY AUSTIN LLP

787 Seventh Avenue

New York, New York 10019

T: (212) 839-5441

ablau@sidley.com

Email: ffitzpatrick@motleyrice.com

Plaintiffs' Co-Lead Counsel

Michael A. London
DOUGLAS & LONDON, P.C.
One State Street, 35th Floor
New York, New York 10004
T: (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
T: (850) 224-2020
Email: ben@bencrump.com

Plaintiffs' Co-Lead Counsel

Caitlin P. Strauss
SAUL EWING LLP
1735 Market Street
Suite 3400
Philadelphia, PA 19103-7504
T: (215) 972-7153
caitlin.strauss@saul.com

Michael A. Jacobson
SAUL EWING LLP
161 North Clark Street
Suite 4200
Chicago, IL 60601
T: (312) 876-7121
michael.jacobson@saul.com

Counsel for Defendant Namasté Laboratories, LLC

Dennis S. Ellis
Katherine F. Murray
Serli Polatoglu
ELLIS GEORGE LLP
2121 Avenue of the Stars
Suite 3000, 30th Floor
Los Angeles, CA 90067
T: (310) 274-7100
F: (310) 275-5967
dellis@egcfirm.com
kmurray@egcfirm.com
spolatoglu@egcfirm.com

Jonathan Blakley
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
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

Counsel for Defendants L'Oréal USA, Inc., L'Oréal USA Products, Inc. and SoftSheen-Carson LLC

Lori B. Leskin
E. Dean Harris Porter
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
Dean.Porter@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
Rhonda.trotter@arnoldporter.com

*Counsel for Defendants Strength of Nature LLC;
Strength of Nature Global LLC; and Godrej SON Holdings*

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

Mack H. Shultz
MCGUIREWOODS LLP
Safeco Plaza
1001 Fourth Ave.
Suite 4368
Seattle, WA 98154-1123
T: (206) 336 5181
F: (206) 336 5791
mshultz@mcguirewoods.com

Counsel for Defendant House of Cheatham LLC

Joseph P. Sullivan
Kevin A. Titus
Bryan E. Curry
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 Defendant Beauty Bell Enterprises, LLC
f/k/a House of Cheatham, Inc.*

Richard J. Leamy, Jr.
Kristen A. Schank
Anna Morrison Ricordati
WIEDNER & MCAULIFFE, LTD.
1 N. Franklin St., Suite 1900
Chicago, Illinois 60606
T: (312) 855-1105
rjleamy@wmlaw.com
kaschank@wmlaw.com
amricordati@wmlaw.com

Counsel for Defendant Avlon Industries, Inc.

Melissa Fallah
Robert W. Petti
Alyssa P. Fleischman
MARON MARVEL
191 N. Wacker Drive, Suite 2950
Chicago, Illinois 60606
T: (312) 579-2018
mfallah@maronmarvel.com
rpetti@maronmarvel.com
afleischman@maronmarvel.com

Counsel for Defendant Luster Products, Inc.

Robert A. Atkins
Daniel H. Levi
Shimeng (Simona) Xu
**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

1285 Avenue of the Americas
New York, NY 10019
T: (212) 373-3000
ratkins@paulweiss.com
dlevi@paulweiss.com
sxu@paulweiss.com

Randy S. Luskey
**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**
535 Mission Street, 24th Floor
San Francisco, CA 94105
T: (628) 432-5112
rluskey@paulweiss.com

David E. Cole
**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**
2001 K Street, NW
Washington, DC 20006
T: (202) 223-7348
dcole@paulweiss.com

Edward P. Abbot
ECKERT SEAMANS CHERIN & MELLOTT, LLC
275 Madison Avenue, 10th Floor
New York, NY 10016
T: (646) 513-2358
eabbot@eckertseamans.com

*Counsel for Defendants Revlon, Inc., Revlon
Consumer Products Corporation, and Revlon Group
Holdings LLC*

Heidi Levine
SIDLEY AUSTIN LLP
787 7th Ave
New York, NY 10019
T: (212) 839-5300
hlevine@sidley.com

Lisa M. Gilford
SIDLEY AUSTIN LLP
555 W 5th St.
Los Angeles, CA 90013
T: (213) 896-6000

lgilford@sidley.com

Colleen M. Kenney
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
T: (312) 853-2666
ckenney@sidley.com

Yvette Ostolaza
Amanda Crawford-Steger
SIDLEY AUSTIN LLP
2021 McKinney Ave., Ste. 2000
Dallas, TX 75201
T: (214)981-3496
yostolaza@sidley.com
asteger@sidley.com

Counsel for Defendant Sally Beauty Supply LLC

Joseph J. Welter
Ryan M. Frierott
GOLDBERG SEGALLA
665 Main Street
Buffalo, NY 14203
T: (716) 566-5457
jwelter@goldbergsegalla.com
rfrierott@goldbergsegalla.com

Counsel for AFAM Concept, Inc.

Seth V. Alhadeff
Ravika Rameshwar
Matthew C. Wasserman
DINSMORE & SHOHL LLP
Southeast Financial Center
200 S. Biscayne Blvd.
Miami, FL 33131
T: (786) 957-1157
Seth.Alhadeff@dinsmore.com
Ravika.Rameshwar@dinsmore.com
Matthew.Wasserman@dinsmore.com

Matthew C. Wasserman
DINSMORE & SHOHL LLP
222 W. Adams Street

Suite 3400
Chicago, IL 60606
T: (312) 837-4316
Matthew.Wasserman@dinsmore.com

Ashley C. Webber
Emily D. Robinson
MARSH ATKINSON & BRANTLEY, LLC
271 17th Street NW, Suite 1600
Atlanta, GA 30363
T: (404) 282-5050
ashley.webber@mablawfirm.com
emily.robinson@mablawfirm.com

*Counsel for Defendant, Dudley Beauty Corp,
LLC*

Daniel L. Stanner
Ashley Crettol Insalaco
Megan E. Ryan
TABET DIVITO & ROTHSTEIN LLC
209 S. LaSalle Street, 7th floor
Chicago, IL 60604
T: (312) 762-9450
dstanner@tdrlaw.com
ainsalaco@tdrlaw.com
mryan@tdrlaw.com

Counsel for Defendant RNA Corporation

Nancy L. Patterson
MORGAN, LEWIS & BOCKIUS LLP
1000 Louisiana Street
Suite 4000
Houston, TX 77002
T: (713) 890-5000
F: (713) 890-5001
nancy.patterson@morganlewis.com

Mark A. Fiore
MORGAN, LEWIS & BOCKIUS LLP
502 Carnegie Center
Princeton, NJ 08540-6241
T: (609) 919-6600
F: (877) 432-9652
mark.fiore@morganlewis.com

*Counsel for Defendant John Paul Mitchell
Systems, Inc.*

Leslie A. Federer, ARDC #6325614
**MARON MARVEL BRADLEY
ANDERSON & TARDY LLC**
191 N. Wacker Drive, Suite 2950
Chicago, Illinois 60606
T: (312) 767-1314
lfederer@maronmarvel.com

Robert E. Dille (pro hac vice)
**MARON MARVEL BRADLEY
ANDERSON & TARDY LLC**
201 St. Charles Ave., Suite 2411
New Orleans, Louisiana 70170
T: (504) 321-9331
rdille@maronmarvel.com

*Counsel for Defendant Murray's Worldwide,
Inc.*