

**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 JUNE 18, 2026
DISCOVERY STATUS CONFERENCE**

Co-Lead Counsel for Plaintiffs and counsel for Defendants provide this Joint Status Report in advance of the discovery status conference scheduled for June 18, 2026 before the Honorable Magistrate Judge Beth W. Jantz.

I. Defendant Specific Discovery Status

Avlon Industries, Inc.:

a. Net worth

Plaintiffs' Position:

On December 20, 2024, in Dkt. Entry 1095, Magistrate Jantz addressed discovery of Defendants' Net worth. The order states: "The Court rules that all Defendants must produce the relevant discovery for the years 2022 and 2023, by 2/28/25. The Court understands that net worth and other financial records for 2024 may not be available by 2/28/25 but orders the Defendants to produce that information as soon as it is available, and to supplement this discovery for every year through trial, again as it is available."

Plaintiffs have requested that Avlon supplement Interrogatory responses consistent with this order. Avlon has stated it will supplement its interrogatory response by June 18, 2026, with the currently available final net worth information for 2024 and 2025, if complete.

Avlon's Position:

Avlon has notified Plaintiff that it is gathering the information to supplement its response to Interrogatory No. 2 of Interrogatory Set 8 regarding Avlon's Net Worth for

2024 and 2025 and will provide the final net worth calculations available on June 18, 2026.

Sally Beauty:

a. Joint Update re Special Master Grossman

Joint Statement:

The parties participated in a conference with Special Master Grossman on May 12, 2026, to discuss the discontinuation of Sally Beauty hair relaxer products and the parties' dispute regarding Sally Beauty's search for responsive documents. During the conference, the parties agreed to proceed with an informal process. On May 20, 2026, Sally Beauty provided Special Master Grossman with an ex parte written submission regarding the steps it took to comply with the Court's prior order requiring Sally Beauty to search for post-May 4, 2023 documents responsive to Plaintiffs' Third Set of Requests for Production, Request No. 4. After reviewing that submission, Special Master Grossman directed Sally Beauty to conduct supplemental, targeted searches, which are currently underway.

AFAM:

a. Joint ESI Protocol Update

Joint Statement:

AFAM began its ESI collection and production through use of the search terms used in state court. The parties have exchanged proposed additional search terms to be run against the AFAM document database. After de-duplicating the terms from those already searched on the database, the parties agreed to run all terms except a few outliers which they continue to negotiate. AFAM requested from its vendor and, on June 4, 2026, provided hit reports from all terms searched on the AFAM document database.

b. Joint Discovery Update

Joint Statement:

AFAM has continued to make weekly productions every Monday as required by the Court's Order. As of date, AFAM has exchanged 7 document productions and produced a total of 14,354 documents (63,348 pages). AFAM has also provided supplemental responses to its written discovery as new information is gathered. The parties have continued to meet and confer every Friday to discuss the prior weeks' document production and any outstanding issues between the parties.

During the meet and confers since the last JSR, the parties have discussed AFAM revenue data and sales data that was requested in the written discovery. AFAM is in process of gathering this information and will produce it as soon as it is available. Plaintiffs requested AFAM provide the names of custodial files that AFAM had gathered within its document database. AFAM provided that list on May 29, 2026. Plaintiff requested information regarding the positions the custodians hold/held within AFAM, which AFAM has agreed to provide and is currently working on collecting this information for plaintiffs. After review of AFAM's list of custodians, Plaintiffs requested that AFAM include some additional custodians in its ESI search. AFAM is evaluating those custodians at this time.

In discovery responses, AFAM produced an "Exhibit A" which is intended to reveal the products at issue and the relevant dates on the market for those products. AFAM has continued to update Exhibit A as it learns more information about its own products. Plaintiffs have noted that certain products and information still appear to be missing and have requested that AFAM further supplement this chart to provide these foundational details. AFAM counsel is willing to continue such supplementations.

There were some problems with AFAM's production numbers 4-6, where families of documents and/or attachments were not properly linked. The parties have discussed this issue. AFAM was informed by its vendor, Nextpoint, that this is a platform issue dealing with the creation of the production load files, and that Nextpoint can correct the platform load file issue for past productions and that the platform load file issue will not persist with future productions.

The parties have also started discussions of schedules for upcoming depositions for AFAM fact witnesses and corporate designee witnesses. The parties are working together well throughout this process. Plaintiffs do have some concern, however, that there are probably tens of thousands of documents still to be produced and they want to ensure sufficient time to review and evaluate these documents in time to begin taking depositions. The parties will be in a better position to discuss this issue with the Court at the June 18, 2026 hearing.

c. Initial Disclosures and Insurance Information

Joint Statement:

On June 3, 2026, Plaintiffs requested AFAM supplement its Rule 26 Disclosures to provide insurance information. AFAM is in the process of compiling this information. On June 5, 2026, AFAM's counsel provided Plaintiffs with a letter containing some insurance information but stated that additional information is still being compiled. AFAM plans to supplement its Initial Disclosures with more fulsome information by June 15, 2026.

RNA:

a. Status of Discovery

Joint Statement:

i. RNA ESI Collection and Review

The Court entered the Parties stipulated EAIDA Protocol on April 22, 2026. (Dkt. 1811). As part of the EAIDA training process, RNA produced 385 documents from the LLM-Coded Set pursuant to Paragraph 14 of the Protocol on May 22, 2026. The Parties conferred on June 1, 2026 regarding document categories RNA designated as nonresponsive. RNA is collecting data from its identified structured data sources. RNA will produce responsive documents from the seed set by June 26, 2026.

ii. ESI Interrogatories and ESI Rule 30(b)(6) Deposition

Pursuant to the Court's May 18, 2026 Order (Dkt. 1850), the Parties met and conferred on May 22, 2026, regarding the sufficiency of RNA's responses to Plaintiffs' Second Set of Interrogatories, which addressed ESI-related topics. Those discussions are ongoing. Based on the Parties' discussion, RNA is providing additional information, and the Parties continue to work cooperatively toward resolution. As such, the Parties did not refer the matter to Special Master Grossman. Plaintiffs reserve the right to seek an ESI 30(b)(6) deposition should further questions arise regarding the scope or completeness of RNA's ESI collection or the sufficiency of its supplemental responses.

b. Parties' Positions on the Discovery Schedule

Plaintiffs' Position:

Plaintiffs propose the following discovery schedule:

- September 1, 2026: Substantial Completion of Document Production
- November 1, 2026: Close of General Discovery

Plaintiffs received RNA's JSR draft and maintain that it is appropriate and necessary to set a discovery schedule at this stage. Several defendants have asserted the affirmative defense of Failure to Name a Necessary Party. The Court has required substantive responses to interrogatories on that defense by June 30, after the close of case-specific fact discovery. At that time, Plaintiffs anticipate that certain defendants may assert that RNA is a necessary party in specific bellwether cases. Plaintiffs will require discovery into RNA to evaluate that defense and frame the relevant legal and factual issues. A schedule is necessary to ensure that the parties can meet the deadlines governing the currently scheduled bellwether cases.

RNA's own representations support the feasibility of Plaintiffs' proposed schedule. RNA estimates that model training and validation will require up to 60 to 90 days following its June 26 seed set production, placing EAIDA validation no earlier than late September 2026, leaving approximately five weeks before Plaintiffs' proposed November 1 close of discovery. RNA has provided no hit volume estimate, no linear review projection, and no basis for concluding that five weeks is insufficient. At the June 10 meet and confer, RNA counsel further confirmed that the approximately one million documents falling outside the EAIDA Protocol, including non-text files, would be easy to review manually, and raised no issues suggesting that workstream would be infeasible within Plaintiffs' proposed schedule.

RNA's compliance with interim deadlines does not resolve the question before the Court. The issue is not past performance but whether, absent a firm schedule, discovery will be completed in time to serve the bellwether cases. RNA has not addressed that question.

RNA's proposal to defer scheduling until after validation is open-ended deferral, not a counterproposal. RNA has identified no concrete obstacle to Plaintiffs' proposed dates and has not demonstrated that the schedule is infeasible, only that some uncertainty remains. The existence of uncertainty is not a basis for indefinite deferral.

RNA's Position:

Deadlines for substantial completion of document production and close of general discovery are neither necessary nor feasible at this time. Since the discovery stay as to RNA was lifted on March 5, 2026, RNA has consistently met every interim deadline and will continue to do so. Imposing an arbitrary end date is unnecessary; the Court should continue setting agreed interim deadlines to ensure progress continues.

Plaintiffs frame the issue as "whether, absent a firm schedule, discovery will be completed in time to serve the bellwether cases." But ***RNA is not a defendant in any bellwether case.*** RNA is a second wave defendant. Plaintiffs could have named RNA in time to be a first wave defendant or dismissed RNA from individual cases in early 2024 and pursued it as a subpoena recipient, but Plaintiffs did neither.¹ Instead, Plaintiffs have pursued extraordinarily broad discovery against RNA—the kind that took first wave defendants ***three years*** to complete. The answer is simple: unless Plaintiffs substantially reduce their discovery demands, RNA cannot meet a schedule tied to the first wave bellwethers. The Court has recognized as much, which is why Judge Rowland made clear prior to bellwether selection that second wave defendants would not be included in the first wave bellwethers. Plaintiffs' speculation that "certain defendants ***may*** assert that RNA is a necessary party" does not alter ***RNA's*** posture as a second wave defendant or the enormous discovery burden it still faces.

¹ In fact, the PLC issued a subpoena for records to RNA on March 14, 2024, which they later withdrew when they chose to pursue RNA as a second wave defendant.

Plaintiffs' proposed deadlines are unattainable given the volume of material that Plaintiffs demanded RNA collect (including millions of electronic files, over 250,000 paper batch records, and additional data still being collected) and the multi-step process required by the court-ordered EAIDA Protocol (Dkt. 1811). Any production deadline would be complete guesswork until RNA is further along in that process, as each step depends on the success of the prior one.² Below is an explanation of the steps required under the EAIDA Protocol and the numerous variables affecting RNA's production timeline of that document set alone. In addition to those documents, RNA is also reviewing batch records, paper documents, and approximately 1 million electronic documents unsuitable for the EAIDA model.³

RNA completed the first step of the EAIDA process by producing responsive documents from the LLM-Coded Set by May 22, 2026. RNA has agreed that it will complete the next step of the EAIDA process and produce responsive documents from the Seed Set by June 26, 2026. Once that has been completed, the example documents will be ingested into the EAIDA model and then RNA will need to evaluate the initial results and conduct further training through additional document review. Until RNA has those initial results, it has no way of knowing for sure how long the training process will take, but it estimates it could be up to 60-90 days after the Seed Set production before the model is fully trained and ready for validation. The parties will need to meet and confer regarding the scope of the training documents and, if the parties reach a resolution on that meet and confer, RNA will then need to conduct the validation process; if no resolution is reached, the parties will need to submit any remaining disputes to Special Master Grossman. Even after successful validation, the EAIDA Protocol requires RNA to run search terms through the unproduced documents and linearly review all hits to determine if there are additional responsive documents to be produced. The scope of this additional review remains entirely unknown until RNA reaches this step of the EAIDA Protocol. Plaintiffs criticize RNA for providing "no hit volume estimate, no linear review projection, and no basis for concluding that five weeks is insufficient," but that is precisely the point: RNA *cannot* provide such estimates until validation is complete and the universe of unproduced documents is determined. Five weeks may be sufficient or may be only a fraction of the time required to complete all steps required by the EAIDA Protocol. RNA has no way of estimating either outcome at this time.

II. Class Action Discovery Update

a. Discovery Update

² Plaintiffs' position even acknowledges that EAIDA validation will likely occur "*no earlier than* late September 2026," making Plaintiffs' proposed deadline for substantial completion of document production by September 1, 2026 impossible.

³ RNA's counsel stated that review of this document population is straightforward and in progress, but Plaintiffs misconstrue that as implying that linear review of over one million documents can be completed in a matter of weeks while RNA simultaneously completes its other discovery obligations. This review will take several months, as RNA is concurrently working through the EAIDA process, paper documents, and supplementing its responses to Plaintiffs' second set of interrogatories with requested ESI information.

Joint Statement:

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 6, 2026, this Court modified the class certification briefing schedule (Dkt. 1834). Under the revised schedule, Defendants filed their oppositions to Plaintiffs' motion for class certification and supporting expert reports on June 2, 2026 (Dkts. 1894 and 1901). Plaintiffs' replies in support of their motion, and any rebuttal expert reports are due to be filed by August 3, 2026.

b. New Expert Reports in Opposition to Class Certification

Joint Statement:

On June 2, 2026, Defendants also filed a *Daubert* motion to exclude the Plaintiffs' medical monitoring experts, Dr. Atul Shinagare and Dr. Amer Karam. (Dkt. 1899). Plaintiffs' response to Defendants' motion is also due to be filed by August 3, 2026 (Dkt. 1908). Further, Defendants submitted two new expert reports from Dr. Lee Shulman and Dr. Julie Diebol in support of their opposition to class certification. Plaintiffs intend to seek document production and depositions from each newly disclosed expert and will consider further dispositive motions relating to those experts at that time.

Plaintiffs reached out to Defendants on June 9, 2026 asking for Drs. Shulman and Diebol's availability for deposition. Defendants have reached out to these experts regarding their availability and will work with Plaintiffs to get these depositions scheduled.

Dated: June 11, 2026.

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