

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

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| <b>IN RE: HAIR RELAXER MARKETING<br/>SALES PRACTICES AND PRODUCTS<br/>LIABILITY LITIGATION</b> | <b>MDL No. 3060</b><br>Case No. 23 C 818<br>Judge Mary M. Rowland<br><br><b>This document relates to:</b><br>All Cases |
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**JOINT STATUS REPORT FOR THE AUGUST 20, 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 August 20, 2026 before the Honorable Magistrate Judge Beth W. Jantz.

**I. Defendant Specific Discovery Status**

**Global:**

**a. Production of state court documents and depositions in the MDL**

**Plaintiffs' Position:**

Plaintiffs respectfully request that the Court require Defendants to produce all documents and depositions that Defendants have produced in parallel state court Hair Relaxer litigations that have not already been produced here.<sup>1</sup>

Defendants have produced documents and participated in depositions in state court cases that have not been produced in this MDL, despite the overlap in the products, allegations, witnesses, custodians, issues, and discovery at issue. There is no practical or equitable reason for relevant discovery concerning the same products and alleged conduct to be available to litigations in parallel state court proceedings but withheld from Plaintiffs in this MDL.

Under Rule 26(e) the Defendants have a continuing duty to supplement their discovery production when they are aware of additional information that is responsive to Plaintiffs' discovery requests. While it is certainly reasonable and appropriate for a court to set a deadline or cut-off after which a party need not run additional searches for documents, a party should still be required to supplement its production where, such as here, it *has already* searched, reviewed, and determined the relevance of previously undisclosed documents. To be clear, Plaintiffs are not requesting that Defendants undertake new searches, collections, or

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<sup>1</sup> This request excludes state court case specific discovery as it is not relevant to the Plaintiffs in the MDL.

depositions. The documents at issue have already been identified, reviewed, and produced by Defendants and the depositions of Defendant's current and former employees, corporate representatives, experts, and other witnesses concerning relevant issues to this Hair Relaxer litigation have been conducted. Requiring the existing discovery to be made available in the MDL imposes little, if any, burden on Defendants. Judge Jantz's March 13, 2025 Order further supports Plaintiffs' request. In depositions between this MDL and related state court proceedings, the Court determined that allowing cross-noticing of depositions was not akin to sharing substantive legal work but instead was for the benefit of coordination.

The relief Plaintiffs request is neither novel nor burdensome and in fact, this Court has already required precisely this type of cross production in this MDL. On June 26, 2026, following a status hearing concerning discovery from Defendant AFAM Concept, Inc., the Court ordered that "AFAM shall produce the Cook County documents and the supplemental set of about 6,000 additional documents by July 2, 2026." Dkt. No. 1956. Thus, where a Defendant had already produced relevant Hair Relaxer discovery in the parallel Cook County litigation, this Court required that Defendant to make that discovery available in the MDL.

Defendants' response rests on a fundamental mischaracterization of Plaintiffs' request. Plaintiffs do not seek to reopen general fact discovery, require Defendants to conduct new searches, add custodians, rerun search terms, or otherwise recreate the discovery process that has concluded in this MDL. Instead, Plaintiffs seek documents that Defendants have already collected, reviewed, and produced in parallel litigation as well as transcripts of depositions that have already occurred. Requiring Defendants to provide a copy of discovery already produced elsewhere does not "reopen" discovery; it ensures that the MDL does not have a less complete factual record than parallel state court proceedings.

Defendants argue that the MDL Plaintiffs should be denied access to and use of the post-2022 documents already produced in state court because this Court has "determined the temporal scope of MDL discovery." Not so. The Court previously ruled that Defendants did not have an obligation to search for and collect documents post October 2022. Dkt. No. 1169 at 4. As Defendants acknowledge, however, that ruling was based in part on Defendants' argument that the related search for and collection of documents—on an on-going basis—would be unduly burdensome. Those burdens simply do not exist with respect to documents Defendants have subsequently searched for, reviewed, and produced in Cook County or will produce going forward in state court litigations across the country. Whatever burden might once have supported denying a similar collection has now been incurred pursuant to the state court's orders.

Defendants' reliance on Dkt. No. 644 as establishing a categorical prohibition against post-October 2022 discovery is misplaced. Judge Finnigan's May 7, 2024 Order did no such thing. Rather, Judge Finnigan memorialized the parties' agreement concerning the presumptive end date for Defendant specific collections while expressly preserving

the ability to obtain additional discovery. There was no firm fact discovery cut-off. Specifically, the Court stated that, although Plaintiffs and certain Defendants agreed that “the ending collection date is the date the defendant was first sued in this litigation,” the Order stated that “for certain narrow categories, Plaintiffs may request that collections extend after this date and the parties will then meet and confer and determinations as to the ending date will be made on a category-by-category basis.” Here, Plaintiffs do not even request that Defendants perform additional searches—we just ask that they produce documents already identified, collected, and produced in other litigations. There is thus no legitimate burden argument.

Moreover, it is contrary to principles of fairness and justice that a state court plaintiff or her expert should be permitted to rely upon and use factual evidence where MDL Plaintiffs are denied access to that same information. Indeed, from a practical perspective, how would an expert who is designated in both state and federal court possibly ignore documents reviewed in connection with one litigation when rendering opinions and providing testimony in another? It is non-sensical and unfair to prejudice MDL Plaintiffs by denying them access to information disclosed in state court—especially where MDL discovery is being produced in each of the state court litigations. It is even more illogical where Plaintiffs’ counsel with cases in both the state court and MDL already have access to the newly produced documents; it is simply that they cannot use them in the MDL under Defendants’ scheme. There should be an equal playing field.

Furthermore, under Defendants’ scheme, a jury in 2027 in the MDL will only hear evidence of Defendants’ misconduct through 2022 – five years before the actual trial of this matter. They will, however, hear evidence of scientific developments and information available in the public domain during that time period. A deadline for a document search should not deprive a jury from hearing, and considering, evidence that is available and can be produced with no burden. It certainly raises questions about why the Defendants are trying to keep this information away from a jury.

**Defendants’ Position:**

Plaintiffs’ request is far broader than the state-court discovery on which it is premised and, as to the discovery actually in dispute, amounts to an effort to obtain through parallel litigation, documents that this Court declined to require. (*See, e.g.*, Dkt. 644.) Plaintiffs suggest that Defendants possess a separate body of substantive discovery that has been produced in state court, but withheld in this MDL. Not so. Except for case-specific discovery, expressly excluded from Plaintiffs’ request, Defendants’ document productions in parallel state court cases mirror their MDL productions. The exception is discrete post-October 2022 discovery that a Cook County court recently ordered certain Defendants to produce, but only after narrowing the state-court Plaintiffs’ requests to certain categories of documents not at issue in the MDL. Those are the documents Plaintiffs now seek.

This Court repeatedly considered the temporal scope of MDL discovery, established Defendant-specific collection end dates, and rejected Plaintiffs’ subsequent efforts to

expand general fact discovery to obtain post-October 2022 documents. Plaintiffs should not be permitted to circumvent those rulings simply because certain Defendants were later ordered to produce discrete categories of additional documents in a different case, under a different discovery schedule and record. Nor should those state-court orders become the basis for a new, one-sided avenue for requiring Defendants to supplement the closed MDL discovery record with discovery produced in parallel state-court proceedings, including discovery that may be produced in those proceedings in the future.

Plaintiffs' request for state-court deposition transcripts suffers from the same fundamental problem. The parties negotiated the witnesses and subjects appropriate for general fact discovery in this MDL, Plaintiffs took more than 150 depositions, and that phase of discovery is closed. Plaintiffs should not now be permitted to enlarge the MDL fact-discovery record through depositions taken in other proceedings after the applicable deadlines.

**MDL Discovery:**

On May 7, 2024, Magistrate Judge Sheila M. Finnegan entered an order memorializing the parties' agreement that the temporal endpoint for document collection would be the date on which a defendant was first sued. (*See* Dkt. No. 644.)<sup>2</sup> On December 30, 2024, this Court issued an order denying Plaintiffs' request for documents post-dating the date on which Avlon was first sued, harkening back to Judge Finnegan's order, which "understood that requiring production of the entire universe of documents after litigation began may create significant issues regarding privilege and therefore hamper review." (Dkt. No. 1000 at 4-5.)<sup>3</sup> After months of meet-and-confer discussions, negotiations centering on search terms and custodians, and the like, general written fact discovery in the MDL finally closed on February 28, 2025. After the close of written discovery, Plaintiffs began demanding post-2022 documents from certain Defendants. In particular, during the discovery hearing held on March 27, 2025, the parties discussed Plaintiffs' belated demand for post-2022 documents from certain House of Cheatham custodians. Following discussions with the parties, the Court indicated that it would review prior rulings on this issue to ensure that it was not "taking things in a different direction than has already been decided, which isn't fair. I want to be consistent about it." (Dkt. No. 1155 at 81:2-8.) At that same hearing, other Defendants, particularly Namaste, noted that, given that the end collection date is based on the date each Defendant was first sued and that Plaintiffs were instructed to meet and confer with those Defendants for whom they sought documents beyond those dates, this issue should be taken up Defendant by Defendant, to which the Court responded, "Okay, that's fair." (*Id.* at 79:20-80:16.) Counsel for Strength of Nature also reminded the Court of its December 30, 2024 ruling regarding the ending date for collections. (*Id.*

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<sup>2</sup> While the Order also provided that, "for certain narrow categories, Plaintiffs may request that collections extend after [October 2022] and the parties will then meet and confer and determinations as to the ending date will be made on a category-by-category basis," Plaintiffs never made a timely request for post-2022 documents from any Defendant during the pendency of general fact discovery. (Dkt. No. 644.)

<sup>3</sup> The Court reiterated that any request for post-2022 documents "must be targeted and specific," and the parties must first meet and confer before raising the issue with the Court. (*Id.*)

at 83:4-7.) On April 11, 2025, the Court issued an order denying Plaintiffs' request, reasoning that "requiring Defendants to make such an extended search for seven custodians at this late date in written discovery would be unduly burdensome." (Dkt. No. 1169 at 4.)

In May 2025, Plaintiffs attempted to relitigate the scope of Defendants' document production, again seeking post-2022 documents. This Court denied the request yet again, reasoning that it was both disproportionate, as it would require searches "to be rerun on most everything," and "far too late." (Dkt. No. 1252 at 92:9-94:6. *See also* Dkt. No. 1261 ("declin[ing] to order L'Oréal [USA] to produce those documents generated after the October 2022 filing of the complaint, on both proportionality and timeliness grounds").)

**State Court Discovery:**

Earlier this year, counsel for plaintiffs in parallel litigation pending in Cook County, Illinois, requested post-2022 documents from certain Defendants. Until that request, those Defendants had, save for "case specific discovery," produced in Cook County the same documents as produced in the MDL. Plaintiffs' request was granted, in part, over Defendants' objection, but was limited to discrete categories of documents. The resulting production included documents from custodians that were not approved in the MDL.<sup>4</sup>

Plaintiffs in this case now seek to make an end-run around this Court's December 2024 and May 2025 Orders via their request for Defendants' state court litigation productions. Such gamesmanship should not be permitted. General document discovery has been closed in this case for a year and a half. The parties are well into bellwether expert discovery, and that is where their focus should remain.<sup>5</sup> By contrast, in some state court litigation, discovery is still in its nascent stages; requiring Defendants to produce all documents produced in all other state court litigation (including litigation that has yet to be filed) would thus impose a never-ending obligation to produce documents in the MDL. Indeed, because discovery in parallel state-court proceedings remains ongoing, Plaintiffs' request would effectively require Defendants to continue supplementing a closed MDL discovery record based on discovery occurring under different schedules and discovery rulings in other courts.

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<sup>4</sup> For example, with respect to L'Oréal USA, the MDL Plaintiffs demanded and received documents from over 20 custodians during the discovery period. On February 25, 2025, just three days before the close of written discovery, the MDL Plaintiffs demanded that L'Oréal USA search the files of 37 additional custodians. The matter was referred to Special Master Grossman, and following discussions with Professor Grossman, the list of additional custodians was narrowed to eleven. Plaintiffs' new request would now implicate the production of documents from additional custodians that were never identified by the MDL Plaintiffs and which go well beyond the limits set by Special Master Grossman.

<sup>5</sup> Fact discovery has long since closed, so Plaintiffs cannot now demand depositions of new custodians or seek to re-depose MDL custodians on these documents. Nor should the production of documents from parallel state-court proceedings provide a basis to reopen those avenues of fact discovery.

Plaintiffs' contention that AFAM was ordered to produce Cook County discovery in the MDL is misleading. AFAM is differently situated from the remainder of the first-wave Defendants in the MDL because it had not yet commenced its document production in the MDL when it made its Cook County production. It has since produced the same documents in the MDL that it produced in Cook County, and is producing additional documents in the MDL on top of that.

Plaintiffs' request for deposition transcripts fares no better. Plaintiffs started deposing fact witnesses in September 2024. They took over 150 depositions. To the extent any witness is deposed in state court litigation that was not deposed in this case, or was deposed on a different subject matter, Plaintiffs should not be entitled to such transcripts.<sup>6</sup> Just as Defendants were not permitted to depose each of the bellwether Plaintiffs' treating physicians, Plaintiffs should not be permitted to obtain deposition transcripts from other cases pertaining to general fact discovery that has long since closed here. (*See* Dkt. No. 1944 (Judge Rowland permitting only the deposition of six treating physicians, and ordering these depositions be completed within two weeks, "as this phase of discovery is closed").) Deadlines must be respected in order for this litigation to move forward.

For these reasons, Plaintiffs should not be permitted to use discrete state-court discovery orders to reopen general fact discovery in the MDL or to create an ongoing, one-sided obligation for certain or all Defendants to supplement the closed MDL discovery record with discovery produced in parallel state-court proceedings. To the extent this Court is not inclined to deny Plaintiffs' request outright, Defendants respectfully request that this issue be argued before Judge Rowland, as Plaintiffs are essentially seeking to re-open general fact discovery, which will undermine the Court's established case schedule.

**Avlon Industries, Inc.:**

**a. Supplemental Discovery Responses**

**Plaintiffs' Position:**

In June 2026, Avlon served Supplemental Responses to Interrogatory Sets 1 and 6, which resulted in certain revisions affecting the various formula exhibits used in depositions and/or stipulated by the parties. Plaintiffs' counsel informed Avlon that the Supplemental Responses have altered the accuracy of exhibits and this needs to be reconciled through a new stipulation. Avlon's counsel does not believe further action is required. Plaintiffs request the Court require the parties to meet and confer to determine what stipulations are necessary in an effort to avoid reopening discovery for this extremely narrow purpose.

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<sup>6</sup> Just as the parties heavily negotiated which custodians' files Defendants would produce in the MDL, they heavily negotiated which fact witnesses would be produced for deposition during general fact discovery. Plaintiffs should not be permitted to expand the number of deponents through a request for state court depositions now.

**Avlon's Position:**

Avlon supplemented its product chart, which is an exhibit to several of its interrogatory responses, to correspond to the testimony at depositions that corrected typos and draft formula references. Avlon met its duty to supplement discovery, including changes to a document plaintiffs demanded Avlon create for this litigation. There is no need for Court notice and involvement when a party meets its discovery obligations under the rules of civil procedure.

**AFAM:**

**a. Document Production Update**

**Joint Statement:**

Since April 29, 2026, AFAM has produced a little over 600,000 documents. Due to some production issues (missing metadata, documents not produced in families etc.), Plaintiffs could not begin adequately reviewing the 400,000 documents served on July 2nd until July 23, 2026. AFAM, after Plaintiffs raised those issues, worked with its vendor to address them.

On July 27, 2026, AFAM advised Plaintiffs it had identified 207 boxes of older potentially responsive hard-copy records not previously collected for review. AFAM estimates the boxes may contain approximately 600,000 documents, although the records include materials relating to other aspects of its business, such as accounts-payable and payroll records and may be duplicative of electronically stored materials already reviewed and produced; yielding a substantially smaller number of responsive documents. AFAM is scanning, uploading, and reviewing the hard-copy records to determine whether they contain responsive documents not previously produced.

On August 7, 2026, AFAM advised Plaintiffs that it expected to begin producing responsive documents from the hard-copy collection on a rolling basis during the week of August 10 but cannot provide a completion date at this time. AFAM also advised Plaintiffs its vendor had identified approximately 1,000 documents that were part of prior productions but had not been produced.

AFAM asserts that the more than 600,000 documents produced to date constitute the relevant documents concerning its hair-relaxer products and production is substantially complete, subject to completion of its review of the hard-copy records and any additional responsive materials.

**b. WhatsApp**

**Joint Position:**

Plaintiffs identified information suggesting AFAM employees used WhatsApp to communicate about business-related matters. On June 11, 2026, Plaintiffs asked AFAM to describe its process for collecting and producing WhatsApp communications and provided examples of documents referring to WhatsApp use.

AFAM agreed to collect WhatsApp communications, and the parties have since conferred regarding the scope and mechanics of that collection. Plaintiffs have requested clarification concerning the organization and production format of WhatsApp chat data, including the fields that will be provided. AFAM has indicated its production is expected to include date and time stamps.

AFAM initially advised it had contacted three current employees concerning their use of WhatsApp for business communications. Plaintiffs raised concerns that this inquiry was not sufficiently comprehensive. Following further discussions, the parties agreed AFAM would expand its inquiry to all currently employed custodians to determine whether they used WhatsApp to communicate regarding AFAM's hair-relaxer products. AFAM represented to Plaintiffs that it has gathered the requested WhatsApp data for the three custodians and expects to produce responsive documents this week.

### **c. Privilege Log**

#### **Plaintiffs' Position:**

As set forth in CMO No. 5, "a privilege log should be produced on a rolling basis, within 60 days after each production," with a final log due within thirty days of production (Dkt. No. 112 at 14). AFAM's privilege logs are currently overdue for several productions. The overdue productions are as follows: AFAM-Volume 1 (produced 5/6/26, log due 7/5/26); AFAM-Volume 2 (produced 5/7/26, log due 7/6/26); AFAM-Volume 3 (produced 5/11/26, log due 7/10/26); AFAM-Volume 4 (produced 5/18/26, log due 7/17/26); AFAM-Volume 5 (produced 5/29/26, log due 7/28/26); AFAM-Volume 6 (produced 6/1/26, log due 7/31/26); and AFAM-Volume 7 (produced 6/8/26, log due 8/7/26).

Plaintiffs sent an email to AFAM on July 16, 2026, inquiring about the overdue privilege logs. On July 17, 2026, AFAM represented that it would serve a privilege log by the week ending July 31, 2026. Plaintiffs followed up with AFAM regarding the status of the logs but AFAM did not produce a log by that date. During the parties' August 7, 2026 meet and confer, AFAM represented that it will serve a privilege log covering up to AFAM-Volume 10 by around August 17, 2026. Accordingly, Plaintiffs request that AFAM serve all overdue privilege logs by August 19, 2026. Plaintiffs will continue to monitor compliance and reserve the right to seek Court intervention if the logs are not timely produced.

#### **AFAM's Position:**

AFAM is working on the privilege log and anticipates finalizing and serving it within the next couple weeks. Plaintiffs' assertion that AFAM represented it would serve a log by the week ending July 31, 2026, is erroneous and AFAM has advised plaintiffs of their misstatement.

### **d. Finished Products – Complete List, Basic information, and Formulas**

**Plaintiffs' Position:**

AFAM still has not produced a final and complete list of the names and basic details for AFAM's finished products at issue in this litigation, nor has it confirmed the final master formulas over time for those products. This information is foundational and is responsive to, among other things, Interrogatory Nos. 2 and 8 and Request for Production No. 1. Plaintiffs repeatedly have requested this information since the outset of discovery with AFAM and have been attempting to assemble the information themselves. The information remains incomplete as of the time of the drafting of this JSR.

On July 20, 2026, given the limited time remaining in discovery, Plaintiffs proposed that the parties meet in person in Chicago for a multi-day working session to work together to analyze and define AFAM's list of finished products and an agreed set of master formulas over time for each products. Among other things, Plaintiffs explained "While we believe the onus is on AFAM to provide this information, we also recognize that time is very limited and that all parties simply need to obtain this information in a useable format so that we can begin depositions." Plaintiffs ultimately offered a 17-day window, July 24 through August 9, 2026, including weekends, for such meetings. AFAM did not provide a substantive response or accept any dates within that window.

On August 4, the parties met and conferred, at which time AFAM expressed an interest in trying to work through this information via email. Ultimately, Plaintiffs began sending AFAM proposed groupings of exhibits, setting forth what Plaintiffs believe are representative master formulas for the various products, based on Plaintiffs review of thousands of batch sheets produced by AFAM. By the end of the week, the parties had worked out a routine, whereas AFAM counsel reviewed the exhibits for accuracy and provided feedback, subject to review and comments by the Person Most Knowledgeable ("PMK") at AFAM. Final confirmation of the complete list of formulas and associated dates for each product (as listed in the batch sheets and/or similar documents) is anticipated to be provided by August 17, 2026.

However, even once AFAM confirms a final set of Master Formulas for each product identified by batch sheet, that only completes half of the foundational task necessary to move forward on substantive issues. It appears that the names of products used by the R&D/Manufacturing Department and placed on batch sheets do not correspond to the names under which the products were marketed and sold to the public. And, some of the dates during which formulas were in effect remain unclear.

In order to proceed with depositions, Plaintiffs must know the full list of product names and which formulas, based on the stipulated master formulas, were used to fill the products as named when they were sold to clients and the women in this litigation.

Thus, it appears that while AFAM has assisted in analyzing some formulas for some products, AFAM has not yet even identified all relaxers and/or associated products it manufactured and/or sold and has not produced formulas for all such products.

**AFAM's Position:**

With respect to the formulations, AFAM does not have any master list of formulas. The formulations for its hair relaxer products had to be discerned from individual batch sheets over a period of 26 years based on available documents, which were produced to plaintiffs months ago. AFAM had been working on identifying formulation changes/timelines and recognize that plaintiffs started the same process back in May 2026. Plaintiffs' counsel graciously suggested that the parties collaborate given the compressed timeline for discovery. On August 7, 2026, AFAM had a meet and confer with plaintiffs' counsel. As an alternative to an in-person meeting in Chicago, we suggested that plaintiffs' counsel provide the information they were going to bring to the in-person meeting (they offered to show us the proposed exhibits and timelines) virtually to expedite this collaborative effort. We anticipate finalizing formulations and timelines to supplement AFAM's interrogatory answers by August 17. AFAM has also confirmed August 25, 2026, for a 30(b)(6) deposition on this topic.

Plaintiffs raise a question about references in the batch sheets versus the packaging. We will continue to meet and confer with plaintiffs.

**e. Depositions**

**Plaintiffs' Position:**

The delay in providing these foundational pieces of information, specifically, the names of products and their formulas (and associated dates such formulas were manufactured), have impeded the ability to move forward with depositions. Such information is relevant to almost every topic to be discussed in depositions. Nonetheless, on August 7, 2026, while still awaiting a final list of product names, dates manufactured, and formulas used, Plaintiffs sent AFAM a proposed deposition schedule. In order to meet the Court's deadline, the parties will have to proceed with numerous depositions every week, potentially with some days where two depositions are taking place simultaneously in different conference rooms.

As described above, since around the time of the August 7 meet-in-confer during which AFAM expressed that it was ready to work collaboratively to evaluate the universe of AFAM products as well as the associated formulas and dates of use of those formulas, Plaintiffs have been dedicating the vast amount of their efforts to this process. It is Plaintiffs' hope that through this process, the parties can agree on a stipulated set of exhibits such that Plaintiffs may be able to pull down several of the August 30(b)6 depositions.

**AFAM's Position:**

AFAM respectfully disagrees with plaintiffs' suggestion that they were impeded with moving forward with depositions. Our recollection is that plaintiffs' counsel represented to this Court that they did not anticipate beginning depositions until September because they needed time to review the documents. Plaintiffs' counsel also suggested they may conduct only some of those depositions in August. The parties are right on track with the timeline plaintiffs' counsel told this Court would be their plan.

We also note that plaintiffs could have proceeded with some depositions months ago. By way of example, plaintiffs took AFAM's 30(b)(6) deposition on April 22, 2026, but did not notice any other depositions until August 3, 2026, when they sent out a 30(b)(6) notice for a general deposition on corporate structure with a date to be agreed upon. This is a deposition that easily could have been noticed sooner.

By email dated August 6, 2026, AFAM suggested that the parties start to get dates on the calendar: "It would be helpful to know what other depositions you want to conduct so we can start to get dates on the calendar." AFAM's request resulted in plaintiffs' counsel proposing a deposition schedule, although AFAM has not received any 30(b)(6) notices with topics to allow it to identify the most knowledgeable person. The parties are continuing to meet and confer on these issues. However, the proposed schedule anticipates completing these depositions by the September 30, 2026, deadline.

#### **f. Secondary Review**

##### **Plaintiffs' Position:**

The parties met with Professor Grossman. Because AFAM is still in the process of producing documents, Professor Grossman suggested the parties wait until productions are complete before they revisit the issue of whether documents appear to have been withheld pursuant to a Secondary Review. Plaintiffs disagree with Defendant's characterization of the outcome of the hearing with Professor Grossman. In accordance with her ruling, Plaintiffs will follow-up with her once document production is complete, if needed.

##### **AFAM's Position:**

Plaintiffs' position substantially misstates Professor Grossman's ruling. AFAM produced over 400,000 documents to plaintiffs by July 2, 2026, based on search terms agreed to by AFAM and plaintiffs' counsel. Prior to production, AFAM reviewed the search term results to identify documents that were responsive to plaintiffs' discovery demands or are otherwise relevant to the litigation. AFAM's position is that its responsiveness review is consistent with what other defendants have done. Plaintiffs brought this matter before Professor Grossman claiming AFAM had no right to conduct a responsiveness review and inaccurately mischaracterized AFAM first-pass review as a secondary review. Professor Grossman ruled that what AFAM did was "perfectly" and "absolutely" normal and denied all forms of relief to plaintiffs.

#### **g. Initial Disclosures and Insurance Info**

##### **Plaintiffs' Position:**

AFAM has not provided any formal representation that all insurance information provided is complete. Instead AFAM has only represented it has produced all insurance disclosures "they have been able to obtain." Since AFAM has not provided substantial assurances, it has produced all relevant insurance policies, Plaintiffs do not know whether AFAM has formally disclosed all insurance policies under FRCP 26(A)(1). Specifically, pursuant to Rule 26(a)(1)(E), a "party is not excused from making its

disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.” Turubchuk, 2017 WL 413137, at 3. Plaintiffs and AFAM met and conferred on August 13, 2026, regarding this issue. AFAM agrees to meet and confer Tuesday August 18, 2026, more substantively. Accordingly, Plaintiffs request AFAM supplement its initial disclosures and produce all responsive insurance agreements, and/or certify all relevant insurance policies to this claim have been produced.

**AFAM’s Position:**

Per plaintiffs’ request, AFAM amended its Rule 26(a)(1)(D) disclosures with respect to insurance agreements on July 2, 2026. Nothing further was required. Plaintiffs have asserted that AFAM should provide a formal amendment to its Initial Disclosure on other issues, but has not pointed to any obligation under the federal rules to do so.

**h. Third Party Discovery**

**Joint Statement:**

Plaintiffs asked AFAM whether it objected to the issuance of third-party subpoenas related to AFAM only. AFAM initially objected but on August 11, 2026, AFAM withdrew the objection.

Plaintiffs are in the process of drafting subpoenas and will send them to AFAM for review before issuance. The parties are meeting and conferring on scope, logistics and other details.

**RNA:**

**a. Discovery Regarding Bellwether Defendants**

**Joint Position:**

RNA manufactured certain hair relaxer products at certain times for Wave 1 Bellwether Defendants Namaste, McBride, and Strength of Nature/Godrej SON Holdings. Pursuant to the Court's July 10, 2026 Order (Dkt. No. 1976), RNA is working to produce its contracts and targeted correspondence (and attachments) with those Defendants if they relate to RNA's status as and nature of a contract manufacturer of hair relaxer products for that Defendant. To promote efficiency in RNA's document review and productions, RNA has also agreed to produce all correspondence and contracts for those Defendants responsive to the Plaintiffs' discovery requests generally, pursuant to RNA's objections and responses, by September 1, 2026.

To meet that deadline, RNA is conducting a linear review of all emails that involve the domains for McBride, Namaste, and Strength of Nature, as well as a number of personal emails for employees associated with those entities that plaintiffs identified and requested be searched.

**Dated:** August 13, 2026

**FOR PLAINTIFFS:**

Respectfully Submitted,

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