

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

**IN RE: HAIR RELAXER MARKETING
SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION**

Case No. 23 C 818

MDL No. 3060

Judge Mary M. Rowland

**CASE MANAGEMENT ORDER NO. 6
(Initial Scheduling Order)**

I. SCOPE AND APPLICABILITY

This Initial Scheduling Order is intended to conserve judicial and party resources, eliminate duplicative discovery, serve the convenience of the parties and witnesses, and promote the just and efficient conduct of this litigation. The following protocols and limitations in this Case Management Order (“CMO”) shall apply in all cases in MDL 3060.

II. RULE 26 INITIAL DISCLOSURES

In accordance with the Joint Status Report dated June 30, 2023, [ECF 125], Automatic Disclosures pursuant to F.R.C.P. 26(f) for all Defendants shall be due August 7, 2023. Any Defendant first responding to the Master Long Form Complaint after August 7, 2023 shall serve Automatic Disclosures pursuant to F.R.C.P. 26(f) within 30 days after their deadline to respond, unless otherwise agreed to by the parties and the Court. Automatic Disclosures pursuant to F.R.C.P. 26(f) shall be due for all plaintiffs with a filed case as of June 30, 2023, on August 7, 2023.

III. CASE SPECIFIC DISCOVERY

The Parties shall meet and confer regarding the manner and method of case specific discovery, including, but not limited to, the scope, content and timing of a Plaintiff Profile Form

and Defense Profile Form, and be prepared to report to the Court on the state of same at the August 23, 2023 Case Management Conference.

IV. GENERAL FACT DISCOVERY ON DEFENDANTS (BY PLAINTIFFS)

A. There shall be no general discovery served or propounded on the defendants in this MDL except that which is from the appointed co-lead counsel or their designees and/or the liaison counsel of this MDL, absent further Order of the Court.

B. Responses to Discovery Requests propounded on Defendants shall be responded to within the time frames set forth in the Federal Rules of Civil Procedure, absent an agreement of the parties or an Order of this Court.

C. By agreement of the Parties, responses of Defendants that have appeared in the action to discovery served prior to the entry of this Order that has not previously been responded to shall be due on or before August 21, 2023 or on the date required by the Federal Rules of Civil Procedure, whichever is later.

D. In advance of the July 6, 2023 status conference, the PSC propounded Rule 30(b)(6) deposition notices on the following topics upon the following Defendant Groups: the L'Oréal Defendants (L'Oréal USA, Inc.; L'Oréal USA Products, Inc.; and Softsheen-Carson LLC); the Strength of Nature Defendants (Strength of Nature, LLC and Godrej Son Holdings, Inc.); the House of Cheatham Defendants (House of Cheatham, LLC and Beauty Bell Enterprises LLC f/k/a House of Cheatham, Inc.); Namaste Laboratories, LLC; and Avlon Industries:

1. Corporate Organization;
2. ESI; and
3. Product and Brand Identification.

The PLC has agreed that the dates for all such notices are withdrawn subject to a meet and confer with each Defendant on the date and location for such depositions. The parties will continue to meet and confer over the responses and/or testimony necessary for the categories of information sought in these Rule 30(b)(6) depositions. Responsive documents will be produced or an agreed to schedule set forth and/or agreed to depositions dates of any 30(b)(6) witness(es) for deposition in advance of the Case Management Conference on August 23, 2023 (note the responsive documents need not be produced and depositions need not be completed by August 23, 2023, just that *the depositions be scheduled before this date*).

E. CMO No. 4 (ECF No. 109) shall govern the manner and method for producing custodial files requested by the Plaintiffs through the course of discovery.

F. The Parties are ordered to meet and confer regarding scheduling and make best efforts to schedule depositions within forty-five (45) days of a notice or request for such deposition, or as expeditiously as possible.

G. The parties will engage in any supplemental written and/or deposition discovery as is necessary and permitted under F.R.C.P. 26(e).

V. ADDITIONAL SCHEDULING FOR THESE PROCEEDINGS

A. Science Day: The parties shall meet and confer regarding Science Day and will address Science Day with the Court at the November 17, 2023 Case Management Conference.

B. Fact Discovery: Fact discovery by Plaintiffs and Defendants, including general discovery and case specific discovery for the cases selected as part of the Bellwether Pool pursuant to Section V.B. shall be completed by January 17, 2025.

C. Bellwether Process: The parties shall meet and confer regarding a plan for moving cases towards trial, including a plan to select representative cases to serve as bellwether cases to

undergo additional discovery (beyond the PPF and DPF). This plan shall also include a timeline by which this limited discovery will occur, as well as a plan and timeline for how these bellwether cases will be narrowed down to a smaller set of trial cases, that will then undergo preparation for trial, which should include additional trial discovery, including but not limited to disclosure of expert witnesses, expert discovery and ultimately dispositive and trial-related motion practice. The parties will submit this proposed plan via a proposed Case Management Order to the Court on or before November 10, 2023, unless otherwise agreed to by the parties and approved by the Court.

E N T E R:

Dated: July 27, 2023

A handwritten signature in cursive script, reading "Mary M. Rowland". The signature is written in black ink and is positioned above a horizontal line.

MARY M. ROWLAND
United States District Judge