

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

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| <b>IN RE: HAIR RELAXER MARKETING<br/>SALES PRACTICES AND PRODUCTS<br/>LIABILITY LITIGATION</b> |
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Case No. 23 C 818

MDL No. 3060

Judge Mary M. Rowland

**JOINT STATUS REPORT FOR  
APRIL 18, 2023 CASE MANAGEMENT CONFERENCE**

Co-Lead Counsel for Plaintiffs and counsel for Defendants provide this joint status report in advance of the status conference scheduled for April 18, 2023 in response to the parties' Joint Status Report dated March 10, 2023 [ECF No. 39] and the Court's Minute Order dated March 13, 2023 [ECF No. 40].

1. **Pleadings/Amending Complaints:** Plaintiffs' Leadership provided a draft proposal to Defendants on March 24, 2023. Defendants provided their proposed revisions to the draft to Plaintiffs' Leadership on April 5, 2023. The parties then met and conferred on April 6, 2023 and April 12, 2023. Plaintiffs' Leadership committed to providing a return redlined proposal to Defendants by the end of the day of April 17, 2023. The parties continue to meet and confer and request an extension until May 15, 2023 to submit an agreed-to proposed order or, if there is no agreement, their respective proposals, to the Court.
2. **Probate Matters:** Plaintiffs' Leadership has decided that proceeding with a streamlined probate process will likely infringe on state court and other local laws and statutes, and, if necessary and warranted, would be better served at a later time, and under different circumstances.
3. **Direct Filing Order:** The parties met and conferred on multiple occasions regarding a proposed Direct Filing Order. The proposed Order was agreed upon and submitted to the Court on March 29, 2023, and entered by the Court as Case Management Order No. 2 on March 30, 2023. (*See* ECF No. 56).
4. **General Causation:** On April 13, 2023, Defendants provided Plaintiffs with a proposal to consider general causation first. Plaintiffs oppose any proposal to address general causation first and in a bifurcated manner. In good faith, the parties will meet and confer, and if those discussions do not result in agreement, the parties propose the following briefing schedule: Simultaneous submission of briefs for or against conducting General Causation first to be filed within 21 days of the April 18, 2023 Court conference; responsive briefs within 14 days thereafter.

5. **Federal and State Coordination:** The parties continue to meet and confer regarding the MDL proceedings and cooperation with state court proceedings in an effort to proceed in a manner most efficient for the parties and this Court. However, no definitive proposal has been agreed upon by the parties.
6. **Preservation Order:** The parties met and conferred on a proposed Preservation Order, including whether an independent and separate order is specifically required, and the parties have included specific additional preservation duties beyond what is required in the Federal and Local Rules as subparts in the proposed Electronically Stored Information Protocol.
7. **Electronically Stored Information (“ESI”) Protocol:** The parties met and conferred on a proposed ESI Order on April 6, 2023 and on April 11, 2023, and have exchanged several drafts of the proposed ESI protocol. The parties are continuing to meet and confer and are hopeful that an agreement on any outstanding issues will be resolved by the in-person status conference on April 18, or the parties will be ready to address any of the issues with the Court at hearing.
8. **Qualified Protective Order (“PO”):** The parties met and conferred on a proposed PO and have reached an agreement on a proposed Order which was submitted to the Court for final approval on April 14, 2023.
9. **Leadership Development Committee (“LDC”):** Plaintiffs’ Leadership set forth a process for selecting members of the proposed LDC including written applications and interviews of candidates. A proposed LDC Case Management Order was submitted to the Court on April 3, 2023 setting forth the details as well as parameters, duties, responsibilities, and membership for this Committee. This Order was entered by the Court on April 6, 2023. (See ECF No. 62).
10. **Other Matters:**
  - a. **Initial Disclosures:** Notwithstanding the stay of discovery and responsive pleading obligations, the Plaintiff Leadership would respectfully request that each Defendant provide one set of Initial Disclosures. The Plaintiff Leadership understands that there is no need to have initial disclosures served in every case and is prepared to waive this requirement. Nonetheless, Plaintiff submit that a master set should be served by each Defendant, notwithstanding the other stays that are still in place. Defendants believe that initial disclosures are premature as the parties have not yet agreed upon the procedures for filing long form pleadings or the format for short-form pleadings. Defendants would prefer to meet and confer on the format and need, if any, for initial disclosures once the pleadings have been filed.
  - b. **Future Case Management Conferences:** The parties jointly and respectfully request that Court set out the dates and times for the case management conferences for the remainder of the 2023 calendar year.

- c. ***Update on Revlon Bankruptcy:*** The Bar Date for claims against Revlon (The Debtor) was originally set for October 24, 2022, just a week after the publication of the NIH study linking hair-relaxer products such as Revlon's to cancer. On March 7, 2023 the Bankruptcy Court extended the Bar Date to April 11, 2023 for hair-relaxer claimants to submit their claims. On April 3, 2023 the Revlon Plan was confirmed by the Bankruptcy Court and it is anticipated that the Plan will become effective on or about April 28, 2023. At that time "New Revlon" will emerge from bankruptcy and the automatic stay will be lifted. The negotiated Bankruptcy Plan includes the identification of at least two significant insurance policies arguably available to hair-relaxer claimants harmed by the use of Revlon products. It is anticipated that New Revlon will be sued by hair-relaxer claimants, and pending direction from the JPML, those claims will be directed to MDL 3060 since the confirmed Plan specifically contemplates that cases can be filed in the MDL Court pursuant to a Direct Filing Order.
- d. ***Privilege Log Order:*** The parties met and conferred on a proposed Privilege Log Order and anticipate reaching an agreement on a proposed Order. The parties are continuing to meet and confer, and any outstanding issues will be resolved by the in-person status conference on April 18 or the parties will be ready to address any the issues with the Court at the hearing.
- e. ***Confidentiality Order:*** The parties met and conferred on a proposed Confidentiality Order and anticipate reaching an agreement on a proposed Order. The parties are aware of your Honor's standing orders regarding Confidentiality Orders and will be following your guidelines. The parties are continuing to meet and confer, and any outstanding issues will be resolved prior to the in-person status conference on April 18 or the parties will be ready to address any the issues with the Court at the hearing.
- f. ***502(d) Claw-back Order:*** The parties met and conferred on a 502(d) Claw-back Order and have reached an agreement on a proposed Order, which will be submitted to the Court shortly.

Dated: April 14, 2023

Respectfully submitted,

/s/ Edward A. Wallace

Edward A. Wallace

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