

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. 2
Direct Filing and Service of Process**

I. Direct Filing of Cases in MDL 3060

A. Direct Filing. To eliminate delays associated with transfer of cases filed in or removed from other federal district courts to this Court, and to promote judicial efficiency, any plaintiff whose case would be subject to transfer to MDL No. 3060 may file his or her case directly in MDL No. 3060 in the United States District Court for the Northern District of Illinois in accordance with the procedures set forth herein

B. Filing Fees. All plaintiffs directly filing in the MDL are required to pay the standard New Action Filing Fee to initiate the case.

C. Designation in Complaint. For cases directly filed in the MDL pursuant to this Order, the complaint must utilize the caption set forth in Section (I) below and include (1) a statement indicating that it is being filed in accordance with Case Management Order No. 2 and (2) a designation of venue (“Original Venue”), which will be the presumptive place of remand absent a showing by plaintiffs or defendant(s) that the place of remand should be elsewhere based upon some good cause pursuant to Section (F) below.

D. Pretrial Proceedings Only; No *Lexecon* Waiver. Each case filed directly in MDL No. 3060 will be filed in MDL No. 3060 for pretrial proceedings only, consistent with the Judicial

Panel on Multidistrict Litigation's February 6, 2023 Transfer Order. Plaintiffs and Defendants' agreement to this Order does not constitute a waiver under *Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998) by any party of that party's right to challenge jurisdiction, choice of law, statutes of limitation, forum non conveniens, the location of any trials to be held, or any other legal rights and remedies. However, nothing in this Order shall preclude the parties from agreeing to such waivers in the future.

E. No Concession as to Jurisdiction or Proper Venue. The inclusion of any action in MDL No. 3060 pursuant to this Order shall not constitute a determination by this Court that jurisdiction or venue is proper in this District.

F. Transfer for Trial to Federal District Court of Proper Venue. Upon completion of all pretrial proceedings applicable to a case filed directly before this Court in MDL 3060 pursuant to this Order, this Court, pursuant to 28 U.S.C. § 1404(a), will transfer that case to the identified Original Venue, absent an objection by one or more Defendants. Objections or a change regarding a plaintiff's designated Original Venue (as defined in Section (C)) may be raised by motion, or other means permitted by the Court, no later than the conclusion of bellwether discovery or such other time as permitted by the Court or by agreement of the parties. The parties may agree to a place of remand different than the Original Venue designated in the complaint. Nothing contained in this Order shall preclude the parties from agreeing, at a future date, to try cases filed pursuant to this Order in the Northern District of Illinois.

G. Choice of Law. Filing a case directly in MDL No. 3060 pursuant to this Order will not determine the choice of law, including the choice of law for any of the claims in the action and for statute of limitations purposes. The parties' agreement to this Order shall not constitute a waiver of or agreement to the application of any choice of law principles or substantive choice of

law to a particular Plaintiff’s action. The fact that an action was filed in the MDL as a member case pursuant to this Order will have no impact on choice of law. Choice of law issues are reserved and shall be briefed, as appropriate, at a later date.

H. No Waiver as to Service or Personal Jurisdiction. The direct filing of a case in the MDL shall not constitute an appearance by or for any Defendant not properly served, nor a waiver of personal jurisdiction or service by any named Defendant.

I. Caption. The caption for any complaint that is directly filed in MDL No. 3060 before this Court shall bear the following caption:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: HAIR RELAXER MARKETING SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION	MDL No. 3060 Master Docket Case No. 1:23-cv-00818 Honorable Mary M. Rowland
JANE DOE, <p style="text-align: center;">Plaintiff,</p> vs. XYZ CORPORATION and ABC COMPANY, <p style="text-align: center;">Defendants.</p>	COMPLAINT AND JURY DEMAND Civil Action No.: _____

J. Filing Under this Order. When utilizing and invoking this Order to file a case directly in this MDL, plaintiff shall assert the following lead paragraph in their complaint:

Plaintiff(s) file this Complaint pursuant to CMO No. 2, and are to be bound by the rights, protections and privileges, and obligations of that CMO and other Orders of the Court. Further, in accordance with CMO No. 2, Plaintiff(s) hereby designate the United States District Court for the _____ as plaintiff's designated venue ("Original Venue"). Plaintiff makes this selection based upon one (or more) of the following factors (check the appropriate box(es))

Plaintiff currently resides in _____ (City/State);

Plaintiff purchased and used Defendant(s)' products in _____ (City/State);

The Original Venue is a judicial district in which Defendant _____ resides, and all defendants are residents of the State in which the district is located (28 USC 1391(b)(1)).

The Original Venue is a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, specifically (28 USC 1391(b)(2)): _____

There is no district in which an action may otherwise be brought under 28 USC 1391, and the Original Venue is a judicial district in which Defendant _____ is subject to the Court's personal jurisdiction with respect to this action (28 USC 1391(b)(3)).

Other reason (please explain): _____

K. Attorney Admission. In accordance with the Minute Order dated March 2, 2023, any attorney admitted to practice and in good standing in any United States District Court is admitted *pro hac vice* in this litigation and association of co-counsel for purposes of filing and or litigation, including direct filing, is not required.

L. Electronic Filing. Prior to any plaintiff's attorney filing a complaint in the United States District Court for the Northern District of Illinois or directly in the MDL Proceedings

pursuant to this Order, that attorney must register for and/or have a Northern District of Illinois CM/ECF log in name and password.

M. Response to Complaint. Defendants need not move, plead, or otherwise respond to any Complaint directly filed in this District as a member case of the MDL unless and until so ordered by the Court or by agreement of the parties as they begin to negotiate the format of master or other streamlined pleadings that can preserve the parties and Court's resources.

E N T E R:

Dated: March 30, 2023



MARY M. ROWLAND
United States District Judge