

**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-CV-818

MDL No. 3060

Judge Mary M. Rowland  
Magistrate Judge Beth W. Jantz



**CASE MANAGEMENT ORDER NO. 15  
(Bellwether Selection Schedule and Procedure)**

**I. SCOPE OF THE ORDER**

This order applies to: (a) all actions transferred to *In Re Hair Relaxer Marketing Sales Practices and Products Liability Litigation* by the Judicial Panel on Multidistrict Litigation (“JPML”) pursuant to its order of February 6, 2023; (b) all related actions originally filed in or removed to this Court; and (c) any “tag-along” actions transferred to this Court by the JPML pursuant to Rules 6.2 and 7.1 of the Rules of Procedure of the JPML subsequent to the filing of the final transfer order by the Clerk of this Court.

**II. ELIGIBLE CASES**

1. **Filing Status.** Cases in which a Short Form Complaint (“SFC”) have been filed and served on or before February 1, 2024 will be presumptively eligible to be included in the bellwether trial pool, subject to the qualifications as set forth below (“Eligible Cases”).

2. **PFS Status.** Only a plaintiff with a PFS submitted in MDL Centrality by February 28, 2025 will be eligible to be included in the bellwether trial pool.

3. **Designated Injuries.** Only a plaintiff alleging the following primary injuries (the “Designated Injuries”) in the SFC and/or PFS shall be eligible for selection as an initial bellwether

case for discovery (“Initial Bellwether Discovery Case”): (a) uterine cancer; (b) endometrial cancer; (c) ovarian cancer.

### **III. SELECTION OF INITIAL BELLWETHER DISCOVERY CASES**

1. On **April 30, 2025**, Plaintiffs and Defendants shall each designate and exchange 20 cases to comprise the proposed Initial Bellwether Discovery Cases selected from the pool of Eligible cases with Designated Injuries and submitted PFSs.

2. Plaintiffs and Defendants shall each identify a list of 4 cases to be stricken from the other side’s 20 cases. The remaining 32 cases shall comprise the Initial Bellwether Discovery Cases. The parties shall file a joint status report on **May 9, 2025** identifying the 32 Initial Bellwether Discovery Cases.

### **IV. FACT DISCOVERY SCHEDULE**

1. Pursuant to Case Management Order No. 8 (Service of and Responses to SFCs), by **June 9, 2025**, each Defendant shall serve its Answer and Affirmative Defenses to each of the Initial Bellwether Discovery Cases in which it is named.

2. MDL-wide oral fact discovery shall be concluded by **September 30, 2025**.

3. Fact discovery for the 32 Initial Bellwether Discovery Cases shall be concluded by **February 16, 2026**. Each bellwether case will be limited to a total of 4 fact depositions per side for this phase of the bellwether process unless a good cause showing is made that more depositions are warranted.

4. If, prior to **February 16, 2026**, any of the designated Initial Bellwether Discovery Cases are voluntarily dismissed by Plaintiff, Defendants shall be permitted to designate a replacement case. If, prior to **February 16, 2026**, any of the designated Initial Bellwether Discovery Cases are resolved via settlement, Plaintiffs shall be permitted to designate a

replacement case. The Parties shall work in good faith to complete fact discovery for any replacement cases prior to the selection deadline of the Bellwether Trial Cases.

**V. GENERAL CAUSATION EXPERT DISCOVERY SCHEDULE**

1. By **October 31, 2025**, Plaintiffs shall disclose general causation expert opinions relating to the Designated Injuries. Plaintiffs will be permitted to submit expert opinions regarding matters other than general causation (*e.g.*, proximate causation and damages) at a later time.

2. Defendants shall disclose general causation expert opinions for each of the Designated Injuries by **December 1, 2025**.

3. Plaintiffs shall disclose general causation rebuttal expert opinions, if any, for each of the Designated Injuries by **December 15, 2025**.

4. General causation expert discovery for the 32 Initial Bellwether Discovery Cases shall be concluded by **March 2, 2026**.

5. The parties shall file any Rule 702 (*Daubert*) motions challenging the admissibility of any of the designated general causation opinions by **April 1, 2026**.

6. Oppositions to any filed Rule 702 (*Daubert*) motions shall be filed by **May 1, 2026**.

7. Reply briefs in support of any filed Rule 702 (*Daubert*) motions shall be filed by **May 15, 2026**.

8. The limitations on expert discovery set forth in Rule 26 of the Federal Rules of Civil Procedure, including the provision of Rule 26(b)(4)(A)-(D) limiting discovery with respect to draft reports, communications with experts and depositions of consulting experts, shall apply to all expert discovery—not just general causation expert discovery—in all cases in this MDL.

## **VI. BELLWETHER TRIAL CASE SELECTION**

1. By **February 17, 2026**, the parties shall file simultaneous position papers with the Court identifying 12 cases that shall be selected for additional discovery and trial (“Bellwether Trial Cases”). Submissions limited to 2 pages double-spaced per case.

2. By **February 23, 2026**, the Court will select the first 3 of the Bellwether Trial Cases. By **February 27, 2026**, the Plaintiffs will select 1 case, and by **March 5, 2026**, the Defendants will select 1 case. By **March 10, 2026**, the Court will select the next 3 of the Bellwether Trial Cases. By **March 13, 2026**, the Plaintiffs will select 1 case, and by **March 18, 2026**, the Defendants will select 1 case. These will comprise the 10 possible Bellwether Trial Cases.

3. The parties have agreed to waive *Lexecon* for the first 5 cases tried to verdict. ([1087] 2/13/25 Tr. at 36:13–25; 45:10–17). Each party must file a written *Lexecon* waiver with the Court by a date to be set by the Court. The waiver shall provide that the Plaintiff and specified Defendant waives their rights under *Lexecon* as to the first five trials to be tried to verdict.

4. Following the final selection of the Bellwether Trial Cases, further discovery may be conducted in each of the cases as needed to completely prepare the cases for trial. Such discovery will commence as soon as the cases are selected and shall be completed by **May 1, 2026**.

## **VII. ALL OTHER EXPERT DISCOVERY SCHEDULE AND DISPOSITIVE MOTIONS**

9. By **June 30, 2026**, Plaintiffs shall disclose case-specific and all other expert opinions (*i.e.*, non-general causation expert reports) relating to the Bellwether Trial Cases.

10. Defendants shall disclose case-specific and all other expert opinions (*i.e.*, non-general causation expert reports) relating to the Bellwether Trial Cases by **August 3, 2026**.

11. Plaintiffs shall disclose case-specific and all other rebuttal expert opinions (*i.e.*, non-general causation expert reports) relating to the Bellwether Trial Cases by **August 17, 2026**.

12. Case-specific and all other expert discovery (*i.e.*, non-general causation expert discovery) for the Bellwether Trial Cases shall be concluded by **October 16, 2026**.

13. The parties shall file any summary judgment and Rule 702 (*Daubert*) motions challenging the admissibility of any of the non-general causation expert opinions by **November 16, 2026**.

14. Oppositions to any filed summary judgment and non-general causation Rule 702 (*Daubert*) motions shall be filed by **December 16, 2026**.

15. Reply briefs in support of any filed summary judgment and non-general causation Rule 702 (*Daubert*) motions shall be filed by **January 6, 2027**.

#### **VIII. DUTY TO SUPPLEMENT**

Nothing herein relieves a party of its duty to supplement its disclosures, PFSs, and any other discovery as provided under the Federal Rules of Civil Procedure, orders entered in this MDL, or other applicable law and rules.

#### **IX. AMENDMENT**

This Order may be modified or amended for good cause shown, after appropriate notice and opportunity to be heard is provided to the affected parties, when the Court believes the interest of justice requires modification.

E N T E R:

Dated: March 5, 2025



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MARY M. ROWLAND  
United States District Judge