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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GINGER DIXON, *et al.*,

**Case No. 1:20-cv-01234-GHW**

Plaintiffs,

v.

DEVA CONCEPTS, LLC, d/b/a DEVACURL,

Defendant.

ROBIN CICCIA, *et. al.*,

**Case No. 1:20-cv-01520-GHW**

Plaintiffs,

v.

DEVA CONCEPTS, LLC, d/b/a DEVACURL,

Defendant.

JENNIFER SCHWARTZ, *et al.*,

**Case No. 1:20-cv-01657-GHW**

Plaintiffs,

v.

DEVA CONCEPTS, LLC, d/b/a DEVACURL,

Defendant.

KELLIANN BOLASH, *et. al.*,

**Case No. 1:20-cv-02045-GHW**

Plaintiffs,

v.

DEVA CONCEPTS, LLC, d/b/a DEVACURL,

Defendant.

ISMAHA ABDULAH, *et al.*,

Plaintiffs,

v.

DEVA CONCEPTS, LLC, d/b/a DEVACURL,

Defendant.

**Case No. 1:20-cv-02047-GHW**

MARY REILLY, *et al.*,

Plaintiffs,

v.

DEVA CONCEPTS, LLC, d/b/a DEVACURL,

Defendant.

**Case No. 1:20-cv-02156-GHW**

ASHLEY ORNER, *et al.*,

Plaintiffs,

v.

DEVA CONCEPTS, LLC, d/b/a DEVACURL,

Defendant.

**Case No. 1:20-cv-022662-GHW**

CYNTHIA SOUZA, *et al.*,

Plaintiffs,

v.

DEVA CONCEPTS, LLC, d/b/a DEVACURL,

Defendant.

**Case No. 1:20-cv-02930-GHW**

**STIPULATION TO CONSOLIDATE ACTIONS AND SET SCHEDULING DEADLINES**

Pursuant to Rule 42 of the Federal Rules of Civil Procedure and Rule 13 of the Rules for the Division of Business Among District Judges (Southern District) of the Local Rules of the District Courts for the Southern and Eastern Districts of New York (“Local Rule 13”), the below referenced Parties stipulate and represent as follows:

WHEREAS, there are eight (8) related proposed class actions pending in the United States District Court for the Southern District of New York against Deva Concepts, LLC d/b/a DevaCurl (“Defendant” or “Deva Concepts”): *Dixon v. Deva Concepts, LLC*, No. 1:20-cv-01234-GHW (“*Dixon*”), filed February 12, 2020 and pending before the Honorable Gregory H. Woods; *Ciccia v. Deva Concepts, LLC*, No. 1:20-cv-02047-GHW (“*Ciccia*”), filed February 20, 2020 and pending before the Honorable Gregory H. Woods; *Schwartz v. Deva Concepts, LLC*, No. 1:20-cv-01234-GHW (“*Schwartz*”), filed February 25, 2020 and pending before the Honorable Gregory H. Woods; *Bolash v. Deva Concepts, LLC*, No. 1:20-cv-02047-GHW (“*Bolash*”), filed March 6, 2020 and pending before the Honorable Gregory H. Woods; *Abdulahi v. Deva Concepts, LLC*, No. 1:20-cv-02047-GHW (“*Abdulahi*”), filed March 6, 2020 and pending before the Honorable Gregory H. Woods; *Reilly v. Deva Concepts, LLC*, No. 1:20-cv-02156-GHW (“*Reilly*”), filed March 10, 2020 and pending before the Honorable Gregory H. Woods; *Orner v. Deva Concepts, LLC*, Case No. 1:20-cv-02662-GHW (“*Orner*”) filed March 30, 2020 and pending before the Honorable Gregory H. Woods; and *Souza v. Deva Concepts, LLC*, No. 1:20-cv-02930-GHW (“*Souza*”) filed April 9, 2020 and pending before the Honorable Gregory H. Woods (together, the “Related Actions”);

WHEREAS, Plaintiffs in the Related Actions (“Plaintiffs”) allege that Plaintiffs and the members of the putative class they seek to represent purchased Defendant’s hair care products based upon false representations and alleged failure to disclose that these products cause scalp

irritation, excessive shedding, hair loss, thinning, breakage, and/or balding during normal use and Deva Concepts denies such allegations;

WHEREAS, Plaintiffs agree that consolidation is appropriate under Federal Rule of Civil Procedure 42(a) because the Related Actions involve common questions of law or fact, specifically, the cases name the same defendant, arise from the same events and assert overlapping claims and putative classes;

WHEREAS, Plaintiffs agree that Deva Concepts' lack of objection to procedural consolidation of the Related Actions in this Court is without prejudice to Deva Concepts' rights, remedies, defenses, objections, and legal arguments;

WHEREAS, Plaintiffs in the Related Actions agree not to argue that by entering into this stipulation or acting in conformance with its terms, Deva Concepts has waived or acted in any way inconsistent with any right, remedy or defense;

WHEREAS, subject to the provisions described above, Deva Concepts does not oppose procedural consolidation of the Related Actions under Fed. R. Civ. Proc. 42(a) and Local Rule 13, while expressly reserving all of its rights, remedies, defenses, objections, and legal arguments;

WHEREAS, the Parties propose, subject to Court approval, that this action proceed on the following schedule:

- Plaintiffs shall file a consolidated complaint no later than forty-five (45) days following entry of an order approving this stipulation;
- Deva Concepts shall not be required to respond to the respective complaints in the Related Actions pending approval of this stipulation;
- Deva Concepts shall have sixty (60) days from the filing of the consolidated complaint in which to respond thereto;

- In the event the Court declines to consolidate the Related Actions, Deva Concepts shall have sixty (60) days from the date of any order denying consolidation in which to respond to the respective complaints filed in the Related Actions.

NOW THEREFORE, the Parties through their respective counsel and subject to the Court's approval hereby stipulate that:

1. The *Dixon, Ciccia, Schwartz, Bolash, Abdulahi, Reilly, Orner* and *Souza* actions currently pending in this District shall be consolidated for pre-trial purposes pursuant to Fed. R. Civ. P. 42(a) before the Honorable Gregory H. Woods (hereafter the "Consolidated Action").
2. All papers filed in the Consolidated Action shall be filed under Case No. 1:20-cv-01234-GHW, the number assigned to the first-filed case, and shall bear the following caption:

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

*IN RE: DEVA CONCEPTS PRODUCTS  
LIABILITY LITIGATION*

Master File No. 1:20-cv-01234-GHW

This Document Relates To:

3. The case file for the Consolidated Action will be maintained under Master File No.: 1:20-cv-01234-GHW. When a pleading is intended to apply to all actions to which this Order applies, the words “All Actions” shall appear immediately after the words “This Document Relates To:” in the caption described above. When a pleading is not intended to apply to all actions, the docket number for each individual action to which the paper is intended to apply and the last name of the first-named plaintiff in said action shall appear immediately after the words “This Document Relates To:” in the caption identified above, *e.g.*, “1:20-cv-02047-GHW (Abdulahi).”
4. The parties shall file a Notice of Related Action pursuant to Local Rule 13 whenever a case, that is subject to consolidation because it arises out of the same or similar operative facts as the Consolidated Action, is filed in, removed to, or transferred to, this District (a “Subsequent Action”).
5. Any Subsequent Action may, in the event that the parties to the Subsequent Action do not stipulate to consolidation with the Consolidated Action, be subject to a motion to consolidate with the Consolidated Action pursuant to Fed. R. Civ. P. 42(a), to which any party of the Subsequent Action will have the opportunity to respond.
6. Any Subsequent Action that arises out of the same or similar operative facts as the Consolidated Action and is the subject of either (a) a stipulation for consolidation, or (b) a successful motion to consolidate, shall be consolidated with the Consolidated Action for pre-trial purposes.

7. If the Court endorses a stipulation for consolidation in the Subsequent Action or grants a motion to consolidate in the Subsequent Action, the clerk shall:
  - a. Place a copy of this Order and any Order specifically consolidating the Subsequent Action with the Consolidated Action in the separate file for such action;
  - b. Serve on Plaintiffs' counsel in the Subsequent Action a copy of this Order;
  - c. Direct that this Order be served upon defendants in the new case; and
  - d. Make appropriate entry in the Master Docket.
  
8. If the Court approves this Stipulation, the parties shall do the following:
  - a. Plaintiffs shall file a Consolidated Complaint no later than forty-five (45) days following entry of an order approving this stipulation; and
  - b. Defendant shall file a responsive pleading no later than sixty (60) days following the filing of the Consolidated Complaint.

**IT IS SO STIPULATED.**

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Dated: April 17, 2020

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Counsel for Plaintiff in *Souza v. Deva Concepts, LLC*, No. 1:20-cv-02930-GHW

**IT IS SO ORDERED:**

**DATED:** April 21, 2020

  
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**UNITED STATES DISTRICT JUDGE**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of April, 2020, I caused a true and correct copy of the foregoing **STIPULATION TO CONSOLIDATE ACTIONS AND SET SCHEDULING DEADLINES** with the Clerk of the Court for the Southern District of New York via the Court's CM/ECF system, which will send notification of such filing to the counsel of record in the above-captioned matters.

Date: April 17, 2020

*/s/ Gary M. Klinger*

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Gary M. Klinger

**MASON LIETZ & KLINGER LLP**