

# HEALTH EQUITY NEWSLETTER

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Welcome to Health Equity, a monthly newsletter advocating for racial health equity and environmental justice in the United States, brought to you by Equal Justice Society and Lieff Cabraser Heimann & Bernstein LLP

## HEALTH EQUITY FOR VETERANS OF COLOR



To honor Veterans Day, we recognize that many veterans of color have served and risked their lives for this country despite the United States' fraught history of valuing the contributions of Black, Indigenous, and Hispanic/Latinx communities. Black Americans have fought for the United States in every war since the country's founding. Yet not only were Black veterans denied basic rights and dignity at home, the [Equal Justice Initiative](#) documents how "for generations, African Americans returning home from service were more likely to face discrimination, disrespect, violence, and even death." The Equal Justice Initiative's report, [Lynching in America: Targeting Black Veterans](#), documents the racial terrorism that Black veterans have faced and the failure of this country to grapple with this shameful history.

Today, veterans of color face disparities and racial bias and discrimination in healthcare. For example, [wait time racial disparities](#) increased during the COVID-19 periods for both Black and Hispanic veterans.<sup>1</sup>

Disparities in access to treatment can have devastating consequences, including mental health problems. Researchers from UC San Francisco and the San Francisco Veterans Affairs Health Care System compared rates of dementia in two million veterans. The 2022 [study](#) found that dementia rates were significantly higher for Hispanic and Black veterans than they were for white veterans.

### **Results from the National Health and Resilience in Veterans Study found:**

- ▶ **Hispanic and Black veterans were more likely than white veterans to screen positive for lifetime posttraumatic stress disorder (PTSD; 17.8% and 16.7% vs. 11.1%, respectively);**
- ▶ **Hispanic veterans were more likely than white veterans to screen positive for lifetime major depressive disorder (22.0% vs. 16.0%);**
- ▶ **Black veterans were more likely than white veterans to screen positive for current PTSD (10.1% vs. 5.9%) and drug use disorder (12.9% vs. 8.7%).<sup>3</sup>**

### **Veterans of color are also more likely to be denied care to treat these conditions:**

- ▶ **Black veterans are denied mental health benefits more often than white veterans;**

- ▶ **Despite having higher rates of PTSD, Black veterans were more often denied benefits for PTSD than white veterans.<sup>2</sup>**

### **Resources:**

- ▶ **Recognizing these disparities, in June of this year the VA established the [Agency Equity Team](#), known as the I\*DEA (inclusion, diversity, equity, and access) Council. It will be "responsible for helping VA improve outcomes for historically underserved Veterans, identifying and eliminating any disparities in VA health care and benefits, creating and implementing a VA Equity Action Plan, listening to and learning from historically underserved Veteran communities, and more."**
- ▶ **Veterans Crisis Line: Call 988 (Press 1); Text to 838255**
- ▶ **The VA provides [Mental Health Resources for Black Veterans and Families](#), including a PTSD Sleep Therapy Manual and a Veteran Wellness Guide**
- ▶ **NAMI (National Alliance on Mental Illness) [Compartiendo Esperanza](#) is an initiative created by Hispanic/Latin American communities for Hispanic/Latin American communities and provides "free, accessible mental health support, generational wisdom and communal healing."**

1 Gurewich D, Beilstein-Wedel E, Shwartz M, Davila H, Rosen AK. Disparities in Wait Times for Care Among US Veterans by Race and Ethnicity. *JAMA Netw Open*. 2023;6(1):e2252061. doi:10.1001/jamanetworkopen.2022.52061

2 Kornblith E, Bahorik A, Boscardin WJ, Xia F, Barnes DE, Yaffe K. Association of Race and Ethnicity With Incidence of Dementia Among Older Adults. *JAMA*. 2022;327(15):1488–1495. doi:10.1001/jama.2022.3550

3 Merians AN, Gross G, Spont MR, Bellamy CD, Harpaz-Rotem I, Pietrzak RH. Racial and ethnic mental health disparities in U.S. Military Veterans: Results from the National Health and Resilience in Veterans Study. *J Psychiatr Res*. 2023 May;161:71–76. doi: 10.1016/j.jpsychires.2023.03.005. Epub 2023 Mar 4. PMID: 36905842.

## A HARVEST FESTIVAL MESSAGE

We give thanks for our civil rights and social justice clients' bravery in coming forward to seek justice and hold companies and authorities accountable for the harms they have caused to our clients and their communities. We recognize that not everyone in the United States celebrates Thanksgiving and that what is often portrayed about the "First Thanksgiving" features an [incomplete historical narrative](#) and

ignores a brutal history of colonization. Many other holidays are celebrated during this season including Sukkot, a Jewish harvest festival based on a biblical pilgrimage, and Diwali, a Hindu festival of light which celebrates the triumph of light over darkness, knowledge over ignorance, and good over evil. Whatever you may celebrate this fall, we wish you a peaceful holiday season.

Many Thanksgiving recipes are made with Indigenous foods. Kenede Pratt-McCloud, a case clerk on our hair relaxer team, shares a few family recipes:



KENEDE PRATT-MCLOUD  
CASE CLERK, LIEFF CABRASER

## LAKESHA'S CHEESY MAC AND CHEESE

Cook Time: Approximately 40 Minutes

### Ingredients:

- 64 oz of large elbow pasta
- Pepper
- Salt
- Garlic Salt
- 2 cans of Evaporated milk (24 oz)
- 2 eggs
- 16 oz of cream cheese
- 4 oz of butter
- 2 16 oz Blocks of Cheese (so 32 oz in total)
  - 1 Sharp Cheddar
  - 1 Mild Cheddar
  - I would not recommended pre-shredded cheese, as it does not melt as well as shredding your own blocks of cheese. It can also alter the consistency and texture of your mac and cheese.

### Recommended Cook Tools:

- 1 Large Tin Pan (410 mm x 299 mm x 66 mm)
- Cheese Grater
- Foil

### Instructions:

- Grate your two blocks of cheese and set them aside for later in the fridge
- Boil 2 bags or boxes of large elbow pasta in a large pot filled with salt water until al dente
- After the noodles are cooked, drain the noodles and place in a large bowl
- After placing the noodles in the bowl, add the evaporated milk, eggs, butter and cream cheese
- The hot pasta should melt the butter and cream cheese into a softer and smoother consistency!

- Season the mac and cheese mixture to taste with pepper and garlic salt.
- Add most of the grated cheese into the bowl and mix everything together
- You want to have some cheese left over to place on top of the mixture that is going into the large pan.
- After everything is smoothly mixed, place the contents of the bowl into a large pan
- Top with more cheese
- Cover the pan with foil and place in the oven at 350 ° for 20-25 minutes
- Remove the foil and bake for an additional 15 minutes
- VOILA! You have LaKesha's Creamy Mac and Cheese!



# MIKEYA'S CROCKPOT TURKEY WINGS

Cook time: 4 Hours on High or 7 Hours on Low

## Ingredients:

- 4-6 Turkey Wings
- 1 Box of Chicken or Vegetable Broth
- 2 or 3 10.5 oz cans Cream of Mushroom
- 1 Sliced Red Bell Pepper
- 1 Sliced Green Bell Pepper
- 1 Sliced Sweet Onion
- 1 tablespoon of Garlic Salt
- 1 tablespoon of Onion Powder
- 1 tablespoon of Black Pepper
- ½ tablespoon of Paprika

### OPTIONAL:

- Add water to alter the sauce's consistency
- 3 Cloves of Garlic
- 1 teaspoon of Cajun seasoning
- Celery
- Carrots

## Instructions:

- Season the turkey wings with garlic salt, onion powder, black pepper, and paprika. If to your taste, also season with Cajun seasoning
- Place the turkey wings in the crockpot with the broth of your choosing, the cans of Cream of Mushroom, the sliced red bell pepper, the sliced green bell pepper and the sliced sweet onion. If to your taste, add celery and carrots to the mixture.
- Let cook in your crock pot for 4 hours on high or 7 hours on low.

the departed. We like to add colorful elements that give a pop of color and energy to the ofrendas, such as sugar skulls and papel picado (decorative paper). In the United States, especially in areas with significant Hispanic populations, communities embrace Dia de los Muertos with parades, festivals, and community gatherings. San Francisco celebrates Dia de los Muertos by celebrating every November 2nd with the [Marigold Project](#). The Marigold Project produces the Dia de Los Muertos, Festival of Altars, and the Ritual Poetry Circle in Potrero Del Sol Park, located at 25th Street and San Bruno Avenue. Latin American countries, including Mexico, also partake in this celebration, each adding its unique regional touch. The festivities are not somber; rather, they are a lively remembrance, fostering a connection between the living and the deceased while celebrating the cycle of life and death.

As a daughter of Mexican immigrants, we try to keep this tradition alive. We engage in heartfelt prayers and make regular visits to the cemetery to honor our departed loved ones. For us, these visits are not marked by a sense of loss; instead, they are celebrations of life.

When we step into the cemetery, it is with the intention of commemorating and cherishing the stories of those who have passed. For me, Dia de los Muertos is not confined to a few designated days; it is a yearlong celebration, a continuous journey of remembering and celebrating the lives and legacies of those who are no longer with us.

## CELEBRATING DIA DE LOS MUERTOS

BY JENNIFER MUNGUIA, CASE CLERK, LIEFF CABRASER



JENNIFER MUNGUIA  
CASE CLERK, LIEFF  
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Dia de los Muertos, or Day of the Dead, is a vibrant and richly symbolic Mexican tradition that honors deceased loved ones. Celebrated annually from

October 31 to November 2, the holiday blends indigenous Aztec rituals with Catholicism. Families create ofrendas (offerings), or altars, adorned with marigolds, candles, photographs, and the favorite foods and belongings of



# CIVIL RIGHTS DOCKET UPDATE

## Hair Relaxer Litigation

Over 7,800 women have filed lawsuits alleging gynecologic cancers were caused by hair relaxers and the cases continue to advance in the multi-district litigation (“MDL”) before federal judge Hon. Mary Rowland, in Chicago, Illinois. On November 13, Judge Rowland issued her order on defendants’ (hair relaxer companies) motion to dismiss plaintiffs’ claims, largely ruling in plaintiffs’ favor. First, Judge Rowland rejected defendants’ argument that certain claims of plaintiffs are preempted (displaced) by the federal law, the Food, Drug, and Cosmetic Act. Next, she ordered that of the fifteen claims in the plaintiffs’ long-form complaint, the following twelve claims can move forward:

1. negligence and/or gross negligence;
2. negligence per se;
3. strict liability: design defect;
4. strict liability: failure to warn;
5. breach of implied warranty of merchantability/fitness for particular use;
6. breach of express warranty under state law and the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301;
7. U.S. state and territory statutory consumer protection and unfair or deceptive trade practices claims based on unfairness;
8. unjust enrichment;
9. wrongful death;
10. survival action;
11. loss of consortium; and
12. punitive damages.

Judge Rowland only dismissed three fraud-based claims: negligent

misrepresentation, fraud/fraudulent misrepresentation, fraudulent concealment, and the deceptive practices acts claims based on fraud.

The plaintiffs’ lead counsel have been asking the defendant manufacturers to share documents about their products’ ingredients, safety, and more, including documents concerning hair relaxer products sold outside of the United States, such as safety studies and regulatory communications. These documents are important to establish what defendants knew or should have known about the safety of their products and the formulation of their products, the availability of alternative designs, different warning labels, and alternate instructions for use. The Court has helped the parties resolve differences and has requested additional briefing on documents regarding products outside the U.S. The case is moving quickly now.

We will continue to update on this important litigation. For more information, please see: [hairrelaxercase.org](https://www.hairrelaxercase.org).



## Camp Lejeune

Many Black, Hispanic/Latino/a/x, Indigenous, and AAPI soldiers, servicemembers, staff, and their families spent time at Marine Corps Base Camp Lejeune in North Carolina between August 1953 and December 1987. Unfortunately, the water at that base was contaminated with toxic



chemicals that may have caused or may still cause cancers or other illnesses.

Lawsuits alleging veterans and their families were poisoned by contaminated water at Camp Lejeune are progressing quickly in North Carolina federal court. In late October, the US Government (Department of Navy) made its first early settlement payments (in exchange for the early dismissal of claims) to three claimants. Jury trials could begin as early as March 2024.

The court has approved a Short Form Complaint, which allows each plaintiff to easily file a court case. Plaintiffs must first file an administrative claim with the Navy and give the Navy six months to respond before filing a Short Form Complaint. More case information can be found here: <https://www.lieffcabraser.com/injury/camp-lejeune>. To date, over 1,309 cases have been filed and 117,000 administrative claims have been filed with the Navy.

## Jackson, Mississippi and Benton Harbor, Michigan Lead Water Crisis Cases

Lead is a toxic metal that causes severe health consequences, especially in children. There is [no safe level of exposure to lead](#).



Proposed class actions have been filed on behalf of residents of Jackson, Mississippi and Benton Harbor, Michigan alleging residents have consumed lead-contaminated water in their public water supply through the actions and failures of their elected officials and private companies. The plaintiffs are currently opposing motions from the defendants to dismiss the complaints and seeking documents and expert testimony to prove their claims. To learn more, please visit: Jackson: <https://www.lieffcabraser.com/environment/jackson-mississippi/>, and Benton Harbor: <https://www.lieffcabraser.com/environment/benton-harbor-water-poisoning/>.

## Necrotizing Enterocolitis (NEC) in Babies Fed Cow-Milk Infant Formula

[NEC](#) is the most common, serious gastrointestinal disease affecting newborn infants. Preterm and low birth weight babies have a higher risk of NEC.



The potentially lethal disease NEC in preterm and low-weight infants has been [linked](#) to the use of cow-milk based formula, including Similac and Enfamil. Despite the strong medical evidence establishing the extreme dangers that cow-based products pose for premature infants, manufacturers have marketed and continue to market their cow-based products as an equally safe alternative to breast milk, and indeed have promoted their products as necessary for additional nutrition and growth. To learn more, please visit: <https://www.lieffcabraser.com/tag/infant-formula/>

## Talcum Powder Litigation

Johnson & Johnson marketed talcum powder to women and girls, including women and girls of color, for decades for personal hygiene use and as a method of absorbing moisture. Tens of thousands of lawsuits have been filed by women alleging Johnson & Johnson's baby powder and Shower to Shower products caused their epithelial ovarian cancer. As alleged in the lawsuits, the **ovarian cancer** risks were concealed from consumers, a "failure to warn" that has led to injuries and deaths from talc exposure. For more information, please visit: <https://www.lieffcabraser.com/injury/drugs/talcum-powder-ovarian-cancer/>



## MEET OUR LEGAL TEAM



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