

# HEALTH EQUITY NEWSLETTER

December 2023

Vol. 1, No. 7

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

## A HOLIDAY MESSAGE

We wish our clients and readers a peaceful and restorative holiday season with friends and family, related or chosen. We recognize that the holidays are a happy and special time for many, but can also be especially difficult for those facing health challenges, economic uncertainty, or estrangement from loved ones. This year may also be particularly painful due to the rise of intolerance and hate in our communities and the ongoing conflicts and violence around the world. It can be a lot to balance, much less thrive in.

One of the most important aspects of wellbeing, and the theme of this edition of the newsletter, is mental health, an often-overlooked aspect of health equity. Psychiatrist Dr. Ardis Martin offers advice on when and how to seek help and Lieff Cabraser attorney Frank White discusses some exciting breakthroughs in mental health treatment. We hope 2024 brings more peace and justice here in the United States and abroad.

## GUEST FEATURE:

### MENTAL WELLNESS THROUGH THE HOLIDAYS: 'TIS THE SEASON TO EXPLORE HOLIDAY BLUES, WINTER BLUES, AND DEPRESSION

By Dr. Ardis C. Martin, M.D.



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'TIS THE SEASON when gratitude, celebrations, and cherished moments with loved ones take center stage. However, for some, the holiday season and the transition to Fall and Winter usher in a sense of melancholy rather than celebration. In understanding this reality, we must recognize that the significance of mental health extends beyond specific seasons—it's a year-round consideration that demands our continual attention.

If you find yourself feeling sad or grappling with challenges during this holiday season, it becomes paramount to recognize these emotions and discern between normal feelings of sadness and potential indicators of Major Depression or Seasonal Affective Disorder—the "Winter Blues." Recognizing this distinction empowers you to seek assistance when necessary.

Sadness is a natural emotion that can arise during stressful or challenging situations. Typically, it is short-lived and can be alleviated through support from others, open discussions about our frustrations, or resolving the underlying issues. However, the concern arises when these feelings persist, negatively impacting our ability to function in our daily lives. At this point, it becomes vitally important to reflect on the following questions:



- ▶ Have you been experiencing feelings of sadness, depression, or a complete loss of interest in activities that usually bring you pleasure for two weeks or more?
- ▶ Have you observed changes in your sleep patterns, appetite, concentration, or energy levels?
- ▶ Are you grappling with feelings of helplessness, hopelessness, worthlessness, or unexplained guilt?
- ▶ Are thoughts of self-harm or suicide present?

If you find yourself answering affirmatively to these questions, you might be undergoing an episode of Major Depression, a condition affecting 5% of adults globally. In 2023 alone, approximately 18% of Americans report currently grappling with depression.



**Now, let's explore further.**

- ▶ Are these symptoms confined to specific times of the year?
- ▶ Have you noticed a recurring pattern where your mood tends to decline during the Fall and Winter only to improve in the Spring and Summer?

If this seasonal ebb and flow mirrors your experience, it suggests you may be contending with Seasonal Affective Disorder (SAD), often referred to as the “Winter Blues.” This disorder affects 5% of adults in the US and can persist for up to 40% of the year.

Seasonal Affective Disorder (SAD) manifests as a type of depression that occurs seasonally and is believed to be triggered by the onset of shorter days, reduced sunlight, and hormonal changes in the brain. Individuals with Seasonal Affective Disorder may exhibit symptoms similar to Major Depression, alongside features such as hypersomnia, carbohydrate craving, and social isolation.

If you're experiencing symptoms associated with either Major Depression or Seasonal Affective Disorder, it's crucial to seek an evaluation from a healthcare professional. Initiating this process can begin with your primary care provider, who can conduct an initial assessment and provide referrals to specialists such as psychiatrists or therapists.

You can also locate nearby psychologists and psychiatrists via resources like [Psychology Today](#). Additionally, the American Psychological Association and American Psychiatric Association offer directories of practitioners, along with comprehensive information on mental health and well-being. Visit <https://www.apa.org/> and <https://www.psychiatry.org/>, respectively, for more details.

Remember, you're not alone; help is available if needed. If you're having thoughts of self-harm or suicide, please call the suicide hotline at **1-800-273-8255 or 988** (help is available in English and Spanish).



## HOPEFUL ADVANCES IN MENTAL HEALTH TREATMENTS

**By Frank White, Attorney, Lief Cabraser**



**Frank White, Attorney,  
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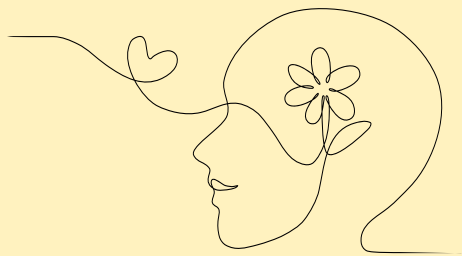
While the holidays are a time for celebration, joy, and connecting with friends and loved ones, the holidays can also bring increased stress, sadness, and loneliness<sup>1</sup>—and it can be particularly tough for people living with mental illness. A survey from the National Alliance on Mental Illness reported that 64% of people living with mental illness reported that the holidays make their conditions worse.<sup>2</sup> One in five American adults experience mental illness in any given year, and one in 20 adults live with a serious mental health condition such as

schizophrenia, bipolar disorder, or long-term recurring major depression.<sup>3</sup>

Mental illness can be debilitating, but medical research and innovative treatments provide hope that medicine can reduce and/or eliminate symptoms of mental illness. Below we highlight medical breakthroughs that offer new treatments for people living with mental illness. If any of these conditions apply to you or a loved one, you may want to ask your treating physician about the viability of such treatments or the existence of clinical trials.

►► **The FDA approved the first oral medication to treat postpartum depression (“PPD”) in adults. PPD is a serious and potentially life-threatening condition in which women experience a major depressive episode often between the last trimester of pregnancy or within six weeks of delivery.**

Around one in seven women experience PPD during this time. Symptoms can include cognitive impairment, feelings of sadness or inadequacy, inability to experience pleasure (anhedonia), loss of energy, feelings of worthlessness or guilt, and/or suicidal ideation. Prior to this innovation, treatment for PPD was



only available as an IV injection given by a health care provider at a limited number of health care facilities.<sup>4</sup>

►► **The Center for Precision Psychiatry & Mental Health at Columbia University has successfully treated patients diagnosed with lupus and schizophrenia with immunotherapy that reduced or resolved their psychiatric symptoms.**

Lupus is a chronic autoimmune disease in which the body’s immune system attacks healthy cells and tissues, including organs like the skin, kidneys, heart, and brain<sup>5</sup>; and, neuropsychiatric lupus refers to neurological and psychiatric symptoms directly related to lupus.<sup>6</sup> According to the NIH, autoimmune disorders like lupus disproportionately affect women<sup>7</sup> and people of color<sup>8</sup> with more severity. The group’s research and treatment suggest that a subgroup of patients diagnosed with schizophrenia or other psychotic disorders actually suffer from treatable lupus that may eliminate their psychiatric symptoms.

►► **Walter Reed National Military Medical Center is conducting an important medical study that compares Prolonged Exposure therapy (“PE”), the prevailing post-traumatic stress disorder (“PTSD”) therapy, to the novel Reconsolidation of Traumatic Memories therapy (“RTM”).<sup>9</sup> The American Psychiatric Association defines PTSD as a psychiatric disorder that develops when people experience a traumatic event or series of circumstances that harm or threaten their emotional and/or physical well-being.<sup>10</sup> Symptoms of PTSD may include difficulty concentrating, difficulty sleeping, flashbacks, distressing thoughts, isolation, and severe changes in mood.<sup>11</sup> The study’s investigators hypothesized that RTM will be competitive with PE—and they are cautiously optimistic about the effectiveness of RTM. Thus far, the investigators have found a 58% resolution of PTSD for those who complete the study, while PE studies have generally shown less than a 50% resolution. The study’s participants include 9/11 survivors and service-members who served in Iraq and Afghanistan. This RTM research is scheduled to be completed in March 2024, and may support other studies that have reported on the effectiveness of RTM for treating PTSD.**

1 <https://www.samhsa.gov/newsroom/observances/support-during-holidays>

2 <https://www.nami.org/Press-Media/Press-Releases/2014/Mental-health-and-the-holiday-blues>

3 <https://www.samhsa.gov/data/sites/default/files/reports/rpt35325/NSDUHFPRPDFWHTMLFiles2020/2020NSDUHFPR1PDFW102121.pdf>

4 <https://www.fda.gov/news-events/press-announcements/fda-approves-first-oral-treatment-postpartum-depression>

5 <https://www.columbiadoctors.org/treatments-conditions/lupus>

6 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4791452/>

7 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7292717/>

8 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6791519/>

9 <https://walterreed.tricare.mil/News-Gallery/Articles/Article/3477203/walter-reeds-brain-trust-transforms-therapeutic-care-in-treating-ptsd>

10 <https://www.psychiatry.org/patients-families/ptsd/what-is-ptsd>

11 [https://www.nimh.nih.gov/health/topics/post-traumatic-stress-disorder-ptsd#part\\_2239](https://www.nimh.nih.gov/health/topics/post-traumatic-stress-disorder-ptsd#part_2239)





## CIVIL RIGHTS DOCKET UPDATE

### HAIR RELAXER LITIGATION

The national multi-district litigation (“MDL”) continues at a fast pace in federal court in Chicago. Over 7,900 women have now filed cases in the MDL, and the cases allege that the women suffered gynecologic cancers caused by hair relaxers. As discussed in the [November newsletter](#), the cases are presided over by federal judge Hon. Mary Rowland. On November 13, 2023, Judge Rowland issued her order on defendants’ (hair relaxer companies) motion to dismiss plaintiffs’ claims, largely ruling in plaintiffs’ favor and allowing twelve of plaintiffs’ fifteen claims to move forward.

The litigation is currently in the “discovery” phase, where parties exchange information about witnesses and evidence pertinent to the case. Plaintiffs and defendants are attempting to resolve a dispute about which documents related to defendants’ foreign hair relaxer products should be produced. On December 6, 2023, plaintiffs and defendants submitted briefs to Judge

Rowland, explaining their positions on whether foreign regulatory materials, product labels and usage instructions, scientific studies, articles in scientific journals, organizational

charts, and Board of Directors materials are relevant to this U.S.-based litigation. We believe 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, and the availability of alternative designs, different warning labels, and alternate instructions for use. The parties await Judge Rowland’s decision.

Stay informed by clicking [here](#).

### 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. The court appointed a Plaintiffs’ Leadership Group, with Elizabeth Cabraser of Lieff Cabraser appointed as Co-

Lead Counsel. 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 parties have selected certain plaintiffs with “Track 1” illnesses to be “Discovery Plaintiffs.” Fact discovery can now begin in these cases. The Track 1 illnesses are bladder cancer, kidney cancer, leukemia, Non-Hodgkin’s lymphoma, and Parkinson’s disease. By directing the parties to select plaintiffs with these illnesses, the court is hoping to promote early resolution for victims with these common illnesses.

The Plaintiffs’ Leadership Group learned that the Agency for Toxic Substances and Disease Registry (ATSDR) completed a Cancer Incidence Study related to Camp Lejeune in April 2023. Although the government has asserted privilege over this study, the Plaintiffs’ Leadership Group has moved to compel the government to produce this important document immediately.

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](#).

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.

In Benton Harbor, Michigan, plaintiffs successfully defeated the State of Michigan's motion to dismiss the case in the Court of Claims. In federal court, the claims are moving forward against the City of Benton Harbor. A third proposed class action has been filed in Michigan state court against the private engineering companies and City defendants.

On November 30, 2023, the Biden-Harris Administration and the Environmental Protection Agency (EPA) announced a [proposal](#) to strengthen the EPA's Lead and Copper Rule that would require **100% replacement of lead service lines within 10 years**.

To learn more, please visit: [Jackson](#) and [Benton Harbor](#).

## NECROTIZING ENTERCOLITIS (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 click [here](#).

## 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 click [here](#).

## MEET OUR LEGAL TEAM



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