

HEALTH EQUITY NEWSLETTER

January 2024
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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



IN CELEBRATION AND HONOR OF DR. MARTIN LUTHER KING JR.

The Rev. Dr. Martin Luther King Jr. has inspired countless millions of people, across generations. Every January when we recognize his birthday, it reminds us to answer the call of his life and legacy. Accordingly, members of our Hair Relaxer Cases legal team share below how they celebrate and honor Dr. King:



**Mona Tawatao,
Legal Director,
Equal Justice
Society:**

I celebrate Dr. King's life and legacy through my church as a member of the choir. It moves me deeply when we sing Keep the Dream Alive and the Black National Anthem Lift Every Voice and Sing on

the Sunday before MLK Day. Dr. King called the freedom songs the "soul of the movement." I am grateful to have music for MLK Day and throughout the year as a spiritual connector to the movements for Black freedom and liberation, past and present. It makes me all the more grateful for leaders like Dr. King whose brilliance and sacrifice gave birth to the broader movement for racial and social justice and whose legacy sustains us through today's arduous struggles.

Letter from Birmingham Jail (April 16, 1963) is the writing I come back to every MLK Day. Dr. King wrote it while in solitary confinement after being arrested for engaging in anti-segregation protest in defiance of a court injunction prohibiting the protests. The letter is an impassioned scholarly rebuke to white clergy who criticized the anti-segregation protests and direct actions in favor of following the court order—they urged leaders and activists to "wait" out the process. Dr. King countered that civil disobedience is not only permitted, but a moral imperative in the face of unjust laws. This has inspired me to embrace, support, and defend direct action and other means outside of the courtroom as integral to the legal and organizing strategies to fight racist disciplinary policies in schools. His words "Injustice anywhere is a threat to justice everywhere," remain potent against the "outside agitator" idea put forth by people in power to try discredit and blame activists who join local groups and leaders to demand the end of racist practices, as we saw in 1963 Birmingham and 2015 Ferguson. There

is much in the Letter that inspires me to be as brave and push as hard as the people, families, and community leaders we work with and represent. Some choice examples:

"We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed."

"[For Black people,] The 'Wait' has almost always meant 'Never.'"

"We will have to repent in this generation not merely for the hateful words and actions of the bad people but for the appalling silence of the good people."

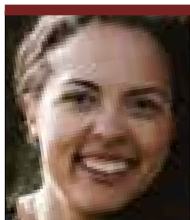
The ongoing assault on Black voting rights and erosion of fair, truthful, and equitable public education make Dr. King's challenges to action as relevant and urgent now just as they were in 1963."



**Kelly Dermody,
SF Managing
Partner, Lieff
Cabraser:**

One of my most cherished MLK quotes is this one: "Change does not roll in on the wheels of inevitability, but comes through continuous struggle." It reminds me that achieving racial equity is not a one-time event but a continuous commitment to action every day. Dr. King understood so clearly that progress is not linear, there will be setbacks,

and each new achievement must be defended and protected from backlash. His words are as true today as when he spoke them. But his words also remind us that with relentless persistence and faith in struggle, seismic change can happen.”



**Tiseme Zegeye,
Partner,
Lief Cabraser:**

“ I celebrate Dr. King’s life with my two young children. At ages four and two they are a little young for his writings and speeches, but luckily there are now so many beautifully illustrated and moving children’s books that introduce Dr. King’s work to our youngest members of society and honor his true legacy. As [Rebekah Gienapp](#) explains, “Too often, kids learn an incomplete, and even inaccurate version of King from educators and caregivers, which is why it’s so important for them to learn about his teachings fully, and early on.”

The Undeclared, a poem by Kwame Alexander and illustrated by Kadir Nelson, includes the following verse on Dr. King:

This if for the unlimited,
unstoppable ones.
The dreamers
and doers
who swim
across *The Big Sea*
of our imagination
and show us
the majestic shores
of the promised land

Despite being a children’s book, *The Undeclared* does not conceal or whitewash our history. It reads, “This is for the unspeakable” with an illustration of smashed photo frames of Addie Mae Collins, Cynthia Wesley, Carole Robertson, and Carol Denise McNair, the young girls who were killed in the racist 16th Street Baptist Church bombings in Birmingham in 1963. Dr. King spoke at the funeral of three of the girls. *The Undeclared* is not an easy book to read with children but it encourages important conversations on our past and present.”



**Jlé Tarpeh,
Senior
Paralegal,
Lief Cabraser:**



I’m moved by Dr. King because he guided the truth in his words and deeds.

What Is Your Life’s Blueprint?

(October 26, 1967): “And when you discover what you will be in your life, set out to do it as if God Almighty called you at this particular moment in history to do it. Don’t just set out to do a good job. Set out to do such a good job that the living, the dead or the unborn couldn’t do it any better.” ”



**Kenede Pratt-McCloud,
Case Clerk,
Lief Cabraser:**



Black is a Rainbow Color by Angela Joy was a book I knew I wanted my nephew to have in his library when my sister told me she was pregnant. I was

excited to share this book with him because I wanted to gift him things that promoted a love of his identity. My sister was one of the first people who taught me about Blackness and Black History. I remember sitting in her kitchen as she taught me the history of the Black Panther Party, Malcolm X, and Martin Luther King Jr while we cooked dinner for the night. She believed I had the capacity to understand such intricacies despite being a decade or so younger than her. In order to honor the history of our relationship and pass those teachings forward, I knew this book would be the perfect gift for my nephew. It was important for me to share this message to my nephew so he grows up feeling pride and joy when he thinks of his Blackness.

There is a painting and reference to Dr. King’s “*I Have A Dream*” speech in *Black is a Rainbow Color*. While the book is geared towards children, it is vibrant and rich. The colorful visuals and the lyrical text create a wonderful reading experience that introduces children to important historical moments in African American history such as the Civil Rights and Black Lives Matter movements. I would have loved to read this book when I was a young, Black girl, learning to appreciate my skin, my culture, and my history when growing up around individuals that did not always reflect my lived experience. Not only does it teach children about important historical events, it also teaches them to appreciate the different manifestations of African American culture and to love their Black identity. It inspires me to appreciate each unique facet of my Blackness and I hope it teaches my nephew the same when he is old enough to understand and appreciate the words on the page.”



**Linsley Pszyk,
Legal Nurse
Consultant,
Lief Cabraser:**

I feel that I honor Dr. King's legacy by educating myself on parts of American history that were left out of my upbringing and by advocating for people of color whenever I can. I work to be aware of my own prejudices and to increase awareness in my friends and family on race, ethics, and equality for all people regardless of race or social standing.

I have read and heard the "I Have a Dream" speech often and it gives me goosebumps every time. The ideas that Dr. King had are timeless and bear repeating often due to their simplicity and depth. Treat others with respect. See color and look past it. Stand up for injustice, be kind, and work to change the world around you one action at a time to ensure freedom for all. We all have the ability to move mountains... one rock at a time."



**Avery Halfon,
Partner, Lief
Cabraser:**

On Martin Luther King Jr. Day, I [read](#) or [listen](#) to Dr. King's remarkable speech "The Other America," delivered at Stanford on April 14, 1967. It is as directly relevant today as it was 60 years ago, which only proves Dr. King was right in that speech to say we cannot "wait," "slow up and just be nice and patient" assuming racism and inequality "will work itself out." "Social progress never rolls in on the wheels of inevitability." In "The Other

America," Dr. King argued that even after the successes of the 1964 Civil Rights Act and the 1965 Voting Rights Act made significant strides against formal discrimination, the nation now had to pursue the "much more difficult" task of "genuine equality." Dr. King decried the economic conditions of Black Americans, explained how they stemmed from Black Americans' unique history and continued stigma and deprivation, and called for "massive action programs" including "a guaranteed minimum income for all people and families of our country." In only 45 minutes, "The Other America" provides gems of wisdom on the nature of racism, the limits of white allyship, white backlash to equality, how conditions of economic despair engender riots, how our nation's future depends on shared political power, how militarism abroad diverts attention and funds from equality at home, and more. The speech is fearless, direct, insightful, and ultimately, hopeful. I hope we will all learn from it."



**Fabrice Vincent,
Partner, Lief
Cabraser:**

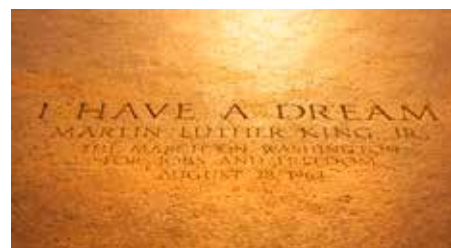
As the child of a father who survived imprisonment in a Nazi camp in Germany, I am so appreciative of the example and vital teachings of Martin Luther King, Jr. After escaping a Nazi camp, my father fled to America for the freedom and justice our nation provides, an imperfect vision that still requires so much more work before we begin to approach the equality that all persons deserve. I am inspired in particular by Dr. King's 1963 speech, "*I Have a Dream*" and his vision of equality of all people. As Dr. King said, "Now

is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quick sands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children." The same is true today, now is the time to continue to march for brotherhood and equality for all."



**Jahi Liburd,
Associate,
Lief Cabraser:**

On April 14, 1967, Dr. Martin Luther King Jr. gave a speech at Stanford University. One of the themes running through his speech was "genuine equality." One line that stood out to me was, "It is much easier to integrate a public park, than it is to make genuine, quality, integrated education a reality." It is amazing how true and applicable that statement still is today. Though there have been many firsts for black people over the past few decades (e.g., the first black President), the schools in our inner cities that educate large numbers of black children are underperforming and are continuing to fall behind. In the spirit of Dr. King, I urge us to push for "genuine equality," so we can create a world where all persons have a chance at fulfilling their dreams.



CALIFORNIA'S NEW "EBONY ALERT" LAW

By Frank White, Attorney,
Lieff Cabraser



FRANK WHITE, JR.
Lieff Cabraser
Attorney

On January 1, 2024, California's "Ebony Alert" law took effect. California is the first state in the nation with an emergency alert notification system dedicated to addressing

the crisis of missing Black children and young Black women between the ages of 12 and 25. Under the law, law enforcement agencies may request that the Department of the California Highway Patrol activate an "Ebony

Alert" for young Black women and girls who are missing under unexplained or suspicious circumstances, at risk, developmentally disabled, cognitively impaired, or abducted.

In 2022, the [FBI's National Crime Information Center](#) reported that more than 140,000 Black children age 17 and younger went missing—more than half of whom were girls. While the Black population only accounts for [12.4%](#) of all people living in the United States, Black children account for around [39%](#) of missing children in the United States. According to the Black and Missing Foundation, a non-profit whose mission is to bring greater awareness to missing persons of color, the media disproportionately

covers white missing persons compared to their minority counterparts. The [Black and Missing Foundation](#) reports that missing minority children are initially classified as runaways and do not receive the Amber Alert; missing minority adults are labeled as associated with criminality and drugs; and, the public is desensitized to missing minorities due to stereotypes that they live in impoverished conditions with widespread crime.

[Senator Steven Bradford](#), the law's author, said, "The Ebony Alert will ensure that vital resources and attention are given so we can bring home missing Black children and women in the same way we search for any missing child and missing person."

HEALTH AND FITNESS MOTIVATION FOR THE NEW YEAR

Jlé Tarpeh, in addition to being our legal team's senior paralegal, is also a certified group fitness instructor and personal trainer. She shares some fitness motivation for the New Year, including a link to a video with exercises we can do anywhere, including at home or in the office!

By Jlé Tarpeh, Senior Paralegal,
Lieff Cabraser



JLÉ TARPEH
Lieff Cabraser
Senior Paralegal

"I think I can, I think I can ..." is a line from an American folktale, *The Little Engine That Could* by Watty Piper (1930), used to teach children bravery and the value of optimism,

among other things. In the story, the little blue engine accepts a seemingly impossible task of pulling a train over a steep mountain after it breaks

down – when larger engines built for such work were asked and for various reasons they refused. As the little blue engine is pulling the train over the steep mountain, she repeats, "I-think-I-can." As the little blue engine neared the top of the mountain, running into problems of all sorts, and now moving even more slowly, however, she still kept saying, "I—think—I—can, I—think—I—can," -- and she did.

Psychologist Albert Bandura (1986) calls this the concept of self-efficacy: if persons believe they can perform well in changing and challenging situations – they will be more likely to view a challenging task as something to be mastered rather than to be avoided.

Self-efficacy is not a personality characteristic. An individual's level of self-efficacy will vary depending largely on the specific situation and task which confronts them.

The Lesson: believing in yourself matters especially when confronted with unimaginable, unexpected, and unexplainable situations.

"I think I can," is one of the unceasing themes of my life and a theme I try to foster in people in the area of health and fitness - that they have it within themselves to do this.

Recognizing that exercising/physical activity as well as healthy eating are disciplines that are difficult to maintain on a daily basis especially with other life obligations and responsibilities. However, they are important responsibilities that as you embrace them, will help increase your productivity and overall sense of well-being.

Benefits of Exercising/Physical Activity: Regular physical activity (engagement in any form of moderate-intensity physical activity such as walking, housework, climbing the stairs, running or biking for at least 30 minutes on any given day) carries substantial health benefits to all people and of all ages. It is said to help the body cope with stress coupled with other benefits to parts of the body – the heart, skeletal muscles, bones, blood (i.e. cholesterol levels). Moreover, regular physical activity

helps to relieve some of the discomforts and illnesses that come with aging.

Yet, physical activity is not only beneficial for physical health outcomes, but also improved mental outcomes. To approach an active and healthy lifestyle (and stay with it), you will need the right mindset. You don't need to be an "athlete", "good at sports", or

even devoted to working out. Just 10 minutes of walking a few times a day will help your mood, balance, and sense of worth.

I left out what the little blue engine did when she finally reached the top of the mountain: she congratulated herself and said, "I thought I could, I thought I could" - and you can too.

Are you READY?

Click on the below link to watch my 2-minute exercise video.



Health, love, and peace,

Glé

CIVIL RIGHTS DOCKET UPDATE



HAIR RELAXER LITIGATION

The Hon. Mary Rowland continues to preside over the hair relaxer multi-district litigation ("MDL") in federal court in Chicago. Over 7,900 women have filed cases in the MDL that allege they suffered gynecologic cancers caused by hair relaxers. The litigation remains in the "discovery" phase, where parties exchange information about witnesses and evidence relevant to the case.

Plaintiffs asked the Court to require defendants to produce foreign materials

related to hair relaxer products sold outside the United States and materials held by the foreign parent of L'Oreal USA. At a status hearing on November 17, 2023, the Court heard argument on Plaintiffs' request for production of foreign affiliates' materials and requested briefing on the subject. 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 Director materials should be produced.

On December 27, 2023, Judge Rowland ruled largely in Plaintiffs' favor and ordered that "[a]ll Defendants must produce (1) foreign regulatory materials; (2) product labels and usage instructions; (3) scientific studies; and (4) articles in scientific journals

related to hair relaxer products sold outside the United States." The Court also ordered L'Oréal U.S.A. to produce responsive documents held by its foreign parent, except for organizational charts and certain Board of Director materials. All Defendants must complete their productions relating to the first round of written discovery by February 29, 2024.

We are encouraged that defendants will have to turn over these important documents that we believe will 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.

Please stay up to date by visiting hairrelaxercase.org.



CAMP LEJEUNE

Many people of color spent time at Marine Corps Base Camp Lejeune in North Carolina between August 1953 and December 1987. Lawsuits alleging veterans and their families were poisoned by contaminated water at Camp Lejeune are progressing quickly in North Carolina federal court, with Elizabeth

Cabraser of Lieff Cabraser serving as one of the court-appointed Co-Lead Counsel for Plaintiffs. Certain claimants with "Track 1" illnesses—bladder cancer, kidney cancer, leukemia, non-Hodgkin's lymphoma, and Parkinson's disease—are beginning depositions this month. Plaintiffs' counsel hope that trials for these representative

“bellwether” claimants will begin in the next few months, such that juries determine appropriate awards that can inform settlement negotiations for the many thousands of other claimants with those same illnesses.

Anyone who thinks exposure at Camp Lejeune might have caused an illness can file an administrative claim with the Navy. If the Navy does not respond for six months, they can file a claim in court using a simplified Short Form

Complaint. More information can be found [here](#).



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. The defendants have appealed both these orders in favor of plaintiffs. A third proposed class action has been filed in Michigan state court against the private engineering companies and City defendants. The City defendants have filed a motion arguing plaintiffs’ claims are untimely and plaintiffs will oppose this motion.

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**. Also in November 2023, U.S. Senators Cory Booker (D-NJ) and Tammy Duckworth (D-IL) founded the [Senate Lead Task Force](#) to “create long-term visibility around the public health crisis of lead and to oversee the state and federal implementation of the lead pipe removal and replacement funding.”

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



SOCIAL MEDIA HARMS TO CHILDREN AND TEENS

In 2023, both the Surgeon General and the American Psychological Association put out health advisories on the harmful impact social media use can have on our youth. These harms

include anxiety and depression, eating disorders, self-harm, and suicidal behavior. Social media use, however, may differ by race, ethnicity, and gender. As recently reported by the [New York Times](#), a new study by Pew found “Black and Hispanic teenagers ages 13 to 17 spend far more time on most social media apps than their white peers. One-third of Hispanic teenagers, for example, say they are ‘almost constantly’ on TikTok, compared with one-fifth of Black teenagers and one-tenth of white teenagers. Higher percentages of Hispanic (27 percent) and Black teenagers (23 percent) are almost constantly on YouTube

compared with white teenagers (9 percent); the same trend is true for Instagram.” Social media thus can disproportionality impact the mental well-being of Black and Hispanic teenagers. If you are concerned about the impact of social media on your child’s self-esteem and mental health, please consult the Surgeon General’s advisory at <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>. For more information about lawsuits against the social media companies for harms caused to youth, please click [here](#).



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. LCHB represents families whose children suffered by using this product.

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. Formula companies have historically targeted women of color and systemic and structural barriers, including racism, have resulted in Black and Hispanic families using formula (rather than breastfeeding) at higher rates than white families.

To learn more, please click [here](#).



TALCUM POWDER LITIGATION

Johnson & Johnson marketed talcum powder to women and girls, especially 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. LCHB represents women who suffered ovarian cancer after use of this product. For more information, please [click here](#).

MEET OUR LEGAL TEAM



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