

HEALTH EQUITY NEWSLETTER

JUNE 2023
V. 1, No. 1

Welcome to the inaugural issue of 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



SPOTLIGHT ON BLACK MATERNAL HEALTH

The United States has the highest maternal mortality rate of any high-income country and significant racial disparities in maternal outcomes. Sadly, this crisis is worsening. [New data](#) from the Centers for Disease Control (CDC) shows

maternal mortality rates in the United States rose 89% from 2018 to 2021, and the rate for Black women is 2.6 times the rate for White women.

These racial disparities in maternal outcomes cannot be explained by socioeconomic factors alone. Instead, racism and implicit bias both in the provision of health care and society at large play a role. A recent [study](#) looking at ten years of birth data in California found that the maternal mortality rate for Black mothers in the highest income distribution is similar to that of White mothers in the lowest income distribution.

While these statistics are staggering, the [CDC has determined](#) that

84% of pregnancy related deaths are preventable.

President Biden's Budget includes [\\$471 million to reduce maternal mortality and morbidity rates](#), and Harris County, Texas secured \$1.4 million in federal funds from the American Rescue Plan Act to combat its Black maternal mortality rate that is 3.5 times higher than for White women, even higher than the national rate.

For many women in the United States, pregnancy and childbirth are the most dangerous time in their lives. But it does not have to be this way.

In honor of Mother's Day, the [Black Maternal Health Momnibus Act of 2023](#) (H.R. 3305/S. 1606) was re-introduced in both the Senate and House of Representatives by U.S. Senator Cory Booker (D-N.J.) and U.S. Representatives Lauren

HAIR RELAXER LITIGATION UPDATE

NIH Study Links Relaxers to Gynecological Cancer

On October 17, 2022, a [study](#) led by the National Institutes of Health (NIH) reported that women who used chemical hair relaxer products were more than twice as likely to develop uterine cancer as women who did not use such products. Many women filed lawsuits shortly thereafter, alleging that hair relaxer products caused or increased the risk of uterine and ovarian cancers and other injuries. The hair relaxers and manufacturers at issue in these lawsuits include, but are not limited to:

Dark & Lovely	Dr. Miracle's
Optimum	African Pride
Mizani	ORS Olive Oil
Crème of Nature	Hawaiian Silky
Revlon Realistic	Cantu
Motions	Design Essentials
Just for Me	Affirm
Soft & Beautiful	Africa's Best
TCB	Pink Conditioning
TCB Naturals	No-Lye Relaxer
Protectiv Mega Growth	Smooth Touch
African Pride	No-Lye Relaxer
Dream Kids	Silk Elements

Underwood (IL-14) and Alma Adams (NC-12) on May 15, 2023. The Omnibus Act includes 13 individual bills that target drivers of maternal mortality, morbidity, and racial disparities in the United States, including extending WIC eligibility in the postpartum and breastfeeding periods and investing in maternal healthcare for veterans and incarcerated mothers, and funding maternal mental healthcare.

Lawsuits Consolidated Plaintiffs' Leadership Team Appointed

On February 26, 2023, a group of judges, called the United States Panel on Multidistrict Litigation, consolidated numerous hair relaxer lawsuits filed in federal courts throughout the U.S. and placed all of the cases before Judge Mary M. Rowland in the United States District Court for the Northern District of Illinois in Chicago.

This allows the Court and the parties to more efficiently manage the lawsuits.

On March 2, 2023, Judge Rowland created a Plaintiff's Leadership Committee. While each individual Plaintiff maintains their own chosen attorneys, the Plaintiff's Leadership Committee consists of attorneys the Court has appointed to manage the litigation, including developing the facts before most individual trials begin, representing the plaintiffs at pretrial hearings, and communicating with the defendants' attorneys. Judge Rowland appointed Kelly Dermody, from Lieff Cabraser to serve on the Plaintiff's Executive Committee, based on her experience and leadership in complex litigation.

On May 15, 2023, the Plaintiff's Leadership Committee filed short-form and long-form versions of the complaint, the document that states the Plaintiffs' collective allegations in the lawsuit.

The short-form complaint, once approved by Judge Rowland, will expedite the process for future plaintiffs to file lawsuits by allowing them to fill-in their identifying information and check the boxes that apply. The parties have also agreed to terms of a protective order that will protect the privacy of the parties during the discovery process.

Next Steps in the Litigation

The next steps include the creation of a discovery plan. Discovery is the process where parties to a lawsuit gather information in support of their claims or defenses. The Defendants will likely also file motions to dismiss the litigation, which the Plaintiffs will oppose and the Court will decide. Complex litigation like this can take years, though Plaintiffs' counsel will be striving to move the litigation toward resolution as quickly as possible.

We will continue to report on the status of this important ongoing litigation.



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