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## Lawsuit Against Cedars-Sinai Alleges Racial Discrimination in Treatment of Black Mother

Kathleen Doheny  
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The widower of a Black woman who died hours after a cesarean delivery has filed a civil rights lawsuit against Cedars-Sinai Medical Center in Los Angeles, alleging that his wife received inferior care because of the color of her skin.

The lawsuit, dated May 1, is the second in 5 years filed by Charles Johnson over the death of his wife, Kira Johnson, who was 39 when she died in 2016 of massive internal bleeding after giving birth to the couple's second child.

The new suit asks for damages, penalties, and the potential for additional penalties, as provided under California's Unruh Civil Rights Act, which prohibits unlawful discriminatory actions in the provision of healthcare.

In the earlier, ongoing lawsuit, filed in 2017 against Cedars-Sinai Medical Center and its staff, Johnson alleged wrongful death and negligent infliction of emotional distress.

Cedars-Sinai did not immediately respond to a request for comment. However, NPR reported that hospital officials have said that the facility is "working to eradicate unconscious bias in health care and advance equity in health care more broadly." It rejected "any mischaracterization of our culture and values."

## "Reckless" Care

Kira Johnson's cesarean surgery began April 12, 2016, at 2:31 PM and ended within 17 minutes, a period the lawsuit calls "reckless." Johnson said that over the next 12 hours, he became increasingly concerned with his wife's condition as he remained by her bedside. He claims he asked doctors to step in as he pointed out blood-tinged urine in his wife's catheter and expressed concern about excessive bleeding.

The lawsuit alleges it was not until 12:30 AM the following day that Kira was transported to surgery. By that time, 3 L of blood had pooled in her abdomen. She did not survive the bleeding and died at 2:22 AM, about 12 hours after the surgery, according to the lawsuit. Johnson's attorneys did not respond to a request for comment on the cases.

The suits highlight the sobering rate of maternal deaths in the United States. Among 11 industrialized countries, the nation ranks last in maternal mortality. For Black women, the statistics are particularly startling. The maternal mortality rate for Black women in the United States in 2020 was 55.3 per 100,000, nearly triple that for non-Hispanic White women, according to the Centers for Disease Control and Prevention.

The Johnson case is part of a relatively recent trend of medical malpractice cases that rely on civil rights arguments. The problem, experts said, is proving such violations occurred.

"The key issue becomes whether or not Ms Johnson was indeed treated differently" because of her race, said David Chooljian, MD, JD, a pulmonary and critical care medicine physician, attorney, and clinical ethicist in Loma Linda, California.

Chooljian said he has reviewed both of Johnson's lawsuits but is not involved in either case. He cited a video in which a Black surgical technologist at Cedars-Sinai who was present during Kira Johnson's stay wondered whether race played a role in the delay: "Is this because she is a woman of color?"

"She does raise concerns," Chooljian told *Medscape Medical News*. However, the challenge for Johnson and his attorneys will be to show that the hospital had a "systematic approach" to treating patients differently because of their race, Chooljian said. Doing so will not be easy, he said, "and it is a significant allegation."

The prosecution will have to show not only that Ms Johnson was part of a protected class of people, he said, but also that she was treated differently as part of that protected class.

In a wrongful death case, Chooljian said, the questions are, Was the standard of care violated? Were the actions the medical staff at Cedars-Sinai took within the range of possibilities that other clinicians would have taken? The key factor, he said, is the delay and whether the timeline of events was within the standard of care.

**Mark Polin, MD, JD, special counsel at Kline & Specter, a law firm in Philadelphia and other locations that specializes in personal injury, spent 19 years as a practicing obstetrician/gynecologist. "It's not uncommon for women to have hemorrhage or some postpartum bleeding, externally or internally" after the procedure, said Polin, who is not involved in the Johnson suits.**

However, obstetricians and hospital staff are well trained to detect and manage such patients, he said. "It's not typical for a patient to [hemorrhage and] get to the point where they die. In this day and age, it should not happen," Polin said. When detected early, he said, the bleeding can usually be stopped and the patient successfully undergo transfusion.

Was 17 Minutes Too Fast?

In the original lawsuit, Johnson took issue with the speed of his wife's surgery, which required only 17 minutes. According to Polin, while "17 minutes for a c-section is extraordinarily fast, it doesn't mean it was done poorly." The procedure generally takes about 45 minutes, although emergency cesarean deliveries can be much quicker.

Rachel Villanueva, MD, president of the National Medical Association, an organization of Black American physicians, said, "The Johnson family should have been celebrating their newborn — not planning a funeral. Being pregnant or giving birth shouldn't be a death sentence — but here in the United States, particularly for Black women, it increasingly is."

The American Academy of Family Physicians and the American College of Obstetricians and Gynecologists declined to comment on the pending cases.