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## For Immediate Release

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Center for Asbestos Related Disease

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### **CARD Clinic forced to file for Chapter 11 bankruptcy to keep doors open**

In order to continue its vital work for the Libby community and those affected by Libby amphibole asbestos, the Center for Asbestos Related Disease (CARD) filed for bankruptcy (Ch. 11) on Monday, August 7, 2023. CARD had to do so to prevent BNSF Railway Co. (BNSF) from seizing CARD's assets pending the outcome of CARD's appeal of a judgment entered in BNSF's favor.

CARD is appealing the judgment entered in BNSF's lawsuit against CARD wherein BNSF alleged CARD had submitted over 2,000 false claims. BNSF, who has been found strictly liable for its handling of asbestos in Libby, has been concurrently litigating numerous civil lawsuits brought against it by people diagnosed with an asbestos related disease, many of whom have been diagnosed by CARD. While the Missoula federal court jury rejected many of BNSF's over 2,000 allegations against CARD, it did find that CARD had submitted 337 false claims of the over 8,400 people it has screened. It appears those 337 false claims were related to patients receiving Medicare benefits under the Libby provisions of the Affordable Care Act based on abnormal radiology reads but without a separate clinical diagnosis of asbestos related disease. Although CARD did not diagnose those people, CARD filled out a form for those people to be eligible for Medicare based on its understanding of the Libby provisions of the ACA. In completing those forms, CARD followed the procedures that have been in place since the ACA was passed in 2010. Those procedures had never been questioned or rejected by the U.S. government. CARD understands that the government does not intend to change anyone's Medicare or Pilot Program benefits based on the verdict.

On appeal will be key legal rulings interpreting the meaning of the Libby provisions of the ACA and key evidentiary rulings that prevented CARD from presenting a full defense, including the testimony of former U.S. Senator Max Baucus, who was the primary author of the ACA's Libby provisions and would have testified the intent of the ACA was to include those 337 people. Nevertheless, BNSF's ability to seize CARD's assets pending the appeal has placed CARD at risk of closing its doors.

CARD's first priority is and has always been the service to and care of its patients. CARD is a non-profit clinic primarily funded by a federal grant through the Centers for Disease Control. By filing for bankruptcy while pursuing the appeal, CARD will be able to continue serving the Libby community and those affected by Libby amphibole asbestos. CARD remains dedicated to its mission, and it continues to accept new patients and offer services as usual.

For more information, interested parties can visit CARD's website at [www.libbyasbestos.org](http://www.libbyasbestos.org) or call toll-free at (855) 891-CARD.

