



Sheriff's Office  
Lincoln County Montana

*Sheriff Darren Short*  
*Undersheriff John Hyslop*

512 California Avenue  
Libby MT 59923  
406.293.4112  
Fax 406.293.3171

**NEWS RELEASE / UPDATE**

June 30, 2025

RE: BNSF Railway Company vs. The Center for Asbestos Related Disease

The Lincoln County Sheriff's Office has advertised and posted a Notice of Sale pursuant to the Writ of Execution filed February 12, 2025, that was served on May 7, 2025. The sale has been postponed based on the following.

On June 27, 2025, the Lincoln County Sheriff's Office received an ORDER from The United States District Court for the District of Montana, Missoula Division, stating "IT IS FURTHER ORDERED that the scheduled auction of CARD's assets seized pursuant to the Writ of Execution is STAYED until the Parties have completed a debtor's exam pursuant to Mont. Code Ann. 25-14-101, and the Court lifts the stay."

Updates will be provided based on future court proceedings.

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May 7, 2025

RE: BNSF Railway Company vs. The Center for Asbestos Related Disease

On February 12, 2025, a Writ of Execution was filed in the Nineteenth Judicial District Court of Montana in Lincoln County for BNSF Railway Company, on behalf of The United States of America, plaintiff vs. The Center for Asbestos Related Disease, Inc., defendant. (Civil Action No.: DV-27-2025-0000003-FJ) The writ of execution was received by the Lincoln County Sheriff's Office on March 5, 2025.

The writ stated "**NOW, YOU, THE SAID LEVYING OFFICER**, are hereby required to make the said sums due on the said Judgement, with interest as aforesaid, and costs and accruing

costs, to satisfy the said Judgement, in the amount of **\$3,120,742.55** out of the personal property of said Debtor and more fully identified in the attached Addendum, or if sufficient personal property of said Debtor cannot be found, then out of the real property in your County belonging to Debtor on the day when said Judgement was entered, or at any time thereafter; and make return of this writ within 120 days after your receipt hereof, with what you have endorsed hereon." (Addendum Attached

Montana Code Annotated states: **25-13-402. How writ executed.** (1) (a) The sheriff or levying officer shall, subject to subsections (6) and (7), execute the writ against the property of the judgment debtor not later than 120 days after receipt of the writ by:

- (i) levying on a sufficient amount of property if there is sufficient property;
- (ii) collecting or selling the things in action; and
- (iii) selling the other property and paying to the judgment creditor or the judgment creditor's attorney as much of the proceeds as will satisfy the judgment.

### **History:**

A civil action was filed in The United States District Court for the District of Montana, Missoula Division, for BNSF Railway Company, on behalf of The United States of America, plaintiff vs. The Center for Asbestos Related Disease, Inc., defendant. On June 28, 2023, the jury in this case rendered a verdict of 337 violations of the False Claims Act. On July 18, 2023, an Order was filed amending judgement. On January 9, 2025, a Request for Filing of Foreign Judgement was filed in The Nineteenth Judicial Court of Montana, Lincoln County resulting in the Writ of Execution mentioned above. On May 7, 2025, The Lincoln County Sheriff's Office served the Writ of Execution on The Center for Asbestos Related Disease, Inc..

Sincerely,  
Darren Short, Sheriff  
Lincoln County Sheriff's Office

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