



The Maryland State Medical Society

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**MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY,
FILES AMICUS BRIEF ON COVID DENIAL CASE**

BALTIMORE, July 25, 2022 – MedChi, The Maryland State Medical Society, has filed an amicus brief to fight for the principle that science matters. While MedChi does not have a position on the question before the court which is a dispute between Factory Mutual Insurance Company, the *Appellee*, of a lawsuit originally filed by Tapestry Inc., the Appellant, regarding an insurance coverage issue we do think sound science is a requirement of any consideration.

This case concerns the COVID-19 pandemic. The issue before the Court centers on whether properties operated by Tapestry Inc., which were closed in the face of the presence of the SARS-CoV-2 virus that causes the deadly communicable disease COVID-19, suffered “physical loss or damage”. Factory Mutual (the “involved Insurer”) has filed a motion to dismiss the lawsuit based on scientifically inaccurate information that could cause our patients to deny the seriousness of COVID-19, ignore the medical advice of our physician members, and fail to protect themselves against this deadly virus.

The brief for dismissal by the involved Insurer is falsely proclaiming SARS-CoV-2 can be easily removed by surface cleaning or dissipation. The involved Insurer argues that the presence of the SARS-CoV-2 does not render a structure uninhabitable.

The statements put forth by the Insurer are not grounded in science and ignore the actual scientific understanding of SARS-CoV-2 and COVID-19, the virus’s presence in the air surrounding infected persons, and the inability to completely remove SARS-CoV-2 from a property with routine surface cleaning. These statements are, at best, scientifically inaccurate, and are more accurately described as “junk science.”

The amicus brief filed by MedChi argues that these scientifically unsupported statements issued by the involved Insurer effectively minimize the seriousness of COVID-19 and strike at the heart of MedChi’s mission.

The MedChi brief warns that a finding by the Court embracing the ideas that buildings were safe with SARS-CoV-2 circulating at levels that could (and did) kill people, or that the cleaning of surfaces can meaningfully reduce that risk (i.e., make buildings safe), or that building owners should have ignored the recommendations of medical authorities because hindsight showed those recommendations to be not efficacious, would threaten the public health in Maryland. Accordingly, MedChi has a strong interest in this case.

About MedChi

MedChi, The Maryland State Medical Society is a non-profit membership association of Maryland physicians. It is the largest physician organization in Maryland. The mission of MedChi is to serve as Maryland's foremost advocate and resource for physicians, their patients and the public health of Maryland. For more information, please visit www.medchi.org.