

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	21-2218, Blue Flame Medical LLC v. John Brough
Originating No. & Caption	1:20-cv-00658, Blue Flame Med. LLC v. Chain Bridge Bank
Originating Court/Agency	U.S. District Court Eastern District of Virginia

Jurisdiction (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. §1291	
Time allowed for filing in Court of Appeals	30 days	
Date of entry of order or judgment appealed	09/23/2021	
Date notice of appeal or petition for review filed	10/21/2021	
If cross appeal, date first appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final judgment or order?	☒ Yes	☐ No
If appeal is not from final judgment, why is order appealable?		

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-731-9099.)		
Is settlement being discussed?	☐ Yes	☒ No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	☒ Yes	☐ No
Has transcript been filed in district court?	☒ Yes	☐ No
Is transcript order attached?	☐ Yes	☒ No

Case Handling Requirements (answer any that apply)		
Case number of any prior appeal in same case	N/A	
Case number of any pending appeal in same case	21-2219 (consolidated)	
Identification of any case pending in this Court or Supreme Court raising similar issue	No known cases	
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	☐ Yes	☒ No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	☒ Yes	☐ No
Does case involve question of first impression?	☒ Yes	☐ No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	☐ Yes	☒ No
	If yes, notice re: challenge to constitutionality of law must be filed.	

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)
This suit involves claims arising out of federal regulations, as well as pendent state-law claims. Defendants Chain Bridge Bank, N.A., John Brough, and David Evinger unlawfully removed money from plaintiff-appellant Blue Flame Medical LLC's account at Chain Bridge Bank, and/or never gave Blue Flame control of money that was rightfully its own, a wire transfer of funds into an account at Chain Bridge Bank owned by Blue Flame. Defendants violated Federal Reserve Board regulations, UCC §§4A-204(a) and 4A-404(a), codified at 12 C.F.R. Pt. 210, Subpt. B, App. B, §§4A-204(a), 4A-404(a), and/or committed common-law conversion under Virginia law. District court found conversion claim preempted and dismissed it orally, along with a number of other state-law claims, on defendants' motion to dismiss. District court granted defendants' motion for summary judgment on the UCC claims, holding (a) that UCC §4A-204(a) prohibits only to third-party fraud, and (b) that although Blue Flame had established defendants' liability under UCC §4A-404(a), it had failed to raise a genuine issue of fact as to its damages.

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

Whether the district court erred in holding that Blue Flame's conversion claim was preempted.
 Whether the district court erred in holding that UCC §4A-204(a) addresses only third-party frauds not detected by banks in making wire transfers.
 Whether the district court erred in holding Blue Flame had failed to raise a genuine issue of fact as to its damages resulting from defendants' violation of UCC §4A-404(a).

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Please see attached

 Attorney:
 Address:

E-mail:

Phone:

Adverse Party:

 Attorney:
 Address:

E-mail:

Phone:

Adverse Parties (continued)

Adverse Party:

 Attorney:
 Address:

E-mail:

Phone:

Adverse Party:

 Attorney:
 Address:

E-mail:

Phone:

Appellant (Attach additional page if necessary.)	
Name: Please see attached Attorney: Address: E-mail: Phone:	Name: Attorney: Address: E-mail: Phone:
Appellant (continued)	
Name: Attorney: Address: E-mail: Phone:	Name: Attorney: Address: E-mail: Phone:
Signature: <u>/s/Eric F. Citron</u> Date: <u>11.22.2021</u>	
Counsel for: <u>Blue Flame Medical LLC</u>	
Certificate of Service (required for parties served outside CM/ECF): I certify that this document was served on _____ by ☐ personal delivery; ☐ mail; ☐ third-party commercial carrier; or ☐ email (with written consent) on the following persons at the addresses or email addresses shown:	
Signature:	Date:

ADVERSE PARTIES

JOHN J. BROUGH

Defendant - Appellee

Donald Burke

Direct: 202-775-4500

Email: dburke@robbinsrussell.com

[COR NTC Retained]

ROBBINS, RUSSELL, ENGLERT, ORSECK
& UNTEREINER LLP

4th Floor

2000 K Street, NW

Washington, DC 20006

Matthew Michael Madden

Direct: 202-775-4500

Email: mmadden@robbinsrussell.com

[COR NTC Retained]

ROBBINS, RUSSELL, ENGLERT, ORSECK
& UNTEREINER LLP

4th Floor

2000 K Street, NW

Washington, DC 20006

Gary Andrew Orseck

Direct: 202-775-4500

Email: gorseck@robbinsrussell.com

[COR NTC Retained]

ROBBINS, RUSSELL, ENGLERT, ORSECK
& UNTEREINER LLP

4th Floor

2000 K Street, NW

Washington, DC 20006

DAVID M. EVINGER

Defendant - Appellee

Donald Burke

Direct: 202-775-4500

[COR NTC Retained]

(see above)

Matthew Michael Madden

Direct: 202-775-4500

[COR NTC Retained]

(see above)

Gary Andrew Orseck

Direct: 202-775-4500

[COR NTC Retained]

(see above)

CHAIN BRIDGE BANK, N.A.
Defendant and 3rd-
Party Plaintiff - Appellee

Donald Burke
Direct: 202-775-4500
[COR NTC Retained]
(see above)

Matthew Michael Madden
Direct: 202-775-4500
[COR NTC Retained]
(see above)

Gary Andrew Orseck
Direct: 202-775-4500
[COR NTC Retained]
(see above)

APPELLANT

BLUE FLAME MEDICAL LLC
Plaintiff - Appellant

Eric Franklin Citron
Direct: 202-362-0636
Email: ecitron@goldsteinrussell.com
[COR NTC Retained]
GOLDSTEIN & RUSSELL, PC
Suite 850
7475 Wisconsin Avenue
Bethesda, MD 20814

Kathleen Foley
Direct: 202-362-0636
Email: kfoley@goldsteinrussell.com
[COR NTC Retained]
GOLDSTEIN & RUSSELL, PC
Suite 850
7475 Wisconsin Avenue
Bethesda, MD 20814