

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

BLUE FLAME MEDICAL LLC,

Plaintiff,

v.

CHAIN BRIDGE BANK, N.A.,
JOHN J. BROUGH, and
DAVID M. EVINGER,

Defendants.

Civil Action No. 1:20-cv-00658

CHAIN BRIDGE BANK, N.A.,

Third-Party Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Third-Party Defendant.

**MEMORANDUM IN SUPPORT OF
CONSENT MOTION FOR LEAVE TO SUBMIT AUDIO FILES**

The parties submit this Memorandum in Support of their Consent Motion for Leave to Submit Audio Files.

I. BACKGROUND

During the course of discovery, Defendant/Third-Party Plaintiff Chain Bridge Bank, N.A. and Defendants John Brough and David Evinger (“Chain Bridge”) produced various call recordings from March 25 through March 27, 2020 related to the \$456,888,600 wire transfer at issue in this case. Specifically, Chain Bridge produced recordings of internal conversations between Chain Bridge employees; a voicemail from a California representative to Chain Bridge

representatives; and conversations between Chain Bridge representatives, on the one hand, and JPMorgan Chase Bank, N.A. (“JPMC”) representatives, California representatives, or Blue Flame Medical LLC (“Blue Flame”) representatives, on the other.

The parties intend to file competing summary judgment motions on May 6, 2021. As part of their motions for summary judgment, the parties intend to include certain of these recordings as exhibits. In accordance with local rules, the parties therefore seek leave of court to file the audio recordings identified below on a computer disc or by any other method the Court deems appropriate.¹ The parties agree that the audio recordings to be filed are true and correct copies of audio recordings exchanged in discovery. The parties have also agreed to waive any hearing on this motion.

II. ARGUMENT

The Eastern District of Virginia, Alexandria Division requires that counsel request leave of court before filing any material on computer discs with the Court. *See* Clerk’s Office General Filing Tips, Alexandria Division ¶ 18, available at <https://www.vaed.uscourts.gov/clerks-office-general-filing-tips-alexandria-division>. As previously stated, the parties are preparing their motions for summary judgment, in advance of this Court’s May 6, 2021 deadline. *See* Dkt. 97. In support of their motions, the parties may cite the following fourteen call recordings that Chain Bridge produced:

- Recording of call between Mike Gula (Blue Flame) and Heather Schoeppe (Chain Bridge) ending on March 25, 2020 at 3:26:46 p.m. EDT; produced at CBB00002794.
- Recording of call between Heather Schoeppe (Chain Bridge) and Joanna Williamson (Chain Bridge) ending on March 25, 2020 at 4:30 p.m. EDT; produced at CBB00002797.

¹ If the Court wishes, the parties can also send the files electronically to chambers via file transfer.

- Recording of call between Heather Schoeppe (Chain Bridge), David Evinger (Chain Bridge), and John Brough (Chain Bridge) ending on March 25, 2020 at 4:46 p.m. EDT; produced at CBB00002798.
- Recording of call between Heather Schoeppe (Chain Bridge) and Mike Gula (Blue Flame) ending on March 25, 2020 at 6:17 p.m. EDT; produced at CBB00002795.
- Recording of call between John Thomas (Blue Flame) and Maria Cole (Chain Bridge) ending on March 26, 2020 at 11:08 a.m. EDT; produced at CBB00002786.
- Recording of call between John Thomas (Blue Flame) and Maria Cole (Chain Bridge) ending on March 26, 2020 at 11:52 a.m. EDT; produced at CBB00002787.
- Recording of call between John Thomas (Blue Flame) and Maria Cole (Chain Bridge) ending on March 26, 2020 at 12:00 p.m. EDT; produced at CBB00002788.
- Recording of call between Tim Coffey (JPMC) and Mariano Castagnello (Chain Bridge) ending on March 26, 2020 at 12:33 p.m. EDT; produced at CBB00002784.
- Partial recording of call between John Brough (Chain Bridge), David Evinger (Chain Bridge), and Rakesh Korpai (JPMC) beginning on March 26, 2020 at 12:44 p.m. EDT; produced at CBB00002541.
- Voicemail from Fee Chang (California) delivered to David Evinger (Chain Bridge) on March 26, 2020 at 12:51 p.m. EDT; produced at CBB00000707.
- Partial recording of call between John Brough (Chain Bridge), David Evinger (Chain Bridge), and Fee Chang (California) beginning on March 26, 2020 at 12:55 p.m. EDT; produced at CBB00002543.
- Partial recording of call between John Brough (Chain Bridge), David Evinger (Chain Bridge), and Rakesh Korpai (JPMC) beginning on March 26, 2020 at 1:34 p.m. EDT; produced at CBB00002544.
- Recording of call between John Brough (Chain Bridge), David Evinger (Chain Bridge), and Tim Coffey (JPMC) beginning on March 26, 2020 at 1:37 p.m. EDT; produced at CBB00002545.
- Recording of call between John Brough (Chain Bridge), David Evinger (Chain Bridge), Claudia Mojica-Guadron (Chain Bridge), and Thais Ribeiro (Chain Bridge) ending on March 26, 2020 at 1:43 p.m. EDT; produced at CBB00002789.

The audio recordings directly concern the \$456,888,600 wire transfer and contain contemporaneous discussions of the transaction; they therefore may bear on the parties' summary judgment briefing and this Court's subsequent rulings thereto. Accordingly, the Court

should grant this consent motion for leave to file the recordings with the Court on a compact disc or by any other method the Court prefers.²

Dated: May 5, 2021

Respectfully submitted,

**WILMER CUTLER PICKERING
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² For the avoidance of doubt, the parties agree and consent to the filing of the identified audio recordings on the terms proposed herein. The parties otherwise reserve all rights in connection with the identified audio recordings, including but not limited to the right to argue that any such audio recording is not relevant to the disposition of one or more of the parties' anticipated summary judgment motions.

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