

**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

RULE 26(f) REPORT AND JOINT DISCOVERY PLAN

Pursuant to Federal Rule of Civil Procedure 26(f), the parties respectfully submit this report and Joint Discovery Plan:

1. Rule 26(f) Conference: Plaintiff Blue Flame Medical LLC (Blue Flame) and Defendants Chain Bridge Bank, N.A., John J. Brough, and David M. Evinger (Defendants) held an initial Rule 26(f) conference by telephone on September 21, 2020. The parties addressed their claims and defenses and the prospect of settlement, and discussed discovery as described below.

2. Subjects and Sequence of Discovery: All discovery shall be completed by January 15, 2021 and shall be subject to the limitations set forth in the Scheduling Order (Dkt. No. 33), the Federal Rules of Civil Procedure, and the Local Rules of this Court, subject to the agreed terms herein and any party's right to seek to propound additional discovery by agreement of the parties or with authorization of the Court pursuant to the applicable rules. The parties agree that discovery should not be conducted in phases or limited in advance to particular issues but shall be subject to the right of any party to object to particular discovery requests in accordance with the applicable rules.

3. Initial Disclosures: The parties shall exchange initial disclosures as required by Federal Rule of Civil Procedure 26(a)(1) on or before October 7, 2020.

4. Protective Order: The parties will work together to submit a stipulated protective order for the Court's consideration by October 5, 2020. Until a protective order is entered, all documents and information shall be produced and received on a confidential, attorney's eyes only basis.

5. Expert Disclosures: The disclosures required by Federal Rule of Civil Procedure 26(a)(2) shall be made as follows:

- a. November 23, 2020: Opening expert reports; and
- b. December 23, 2020: Rebuttal expert reports (to respond to the opening expert reports).

6. Production of Electronically Stored Information and Other Materials: The parties shall confer to attempt to resolve any issues that may arise regarding the production of documents and electronically stored information, including any issues relating to the format in which these materials shall be produced. The parties agree that they will provide reciprocal forms of production.

7. Method of Service: The parties shall serve all pleadings and court filings in this case using the Court's electronic filing system, and documents will be deemed served per the Court's rules regarding timing. The parties shall serve discovery and discovery responses by email. Service of such discovery papers will be effective on the day of email transmission, except that service by email transmitted on a Saturday, Sunday, or federal holiday shall be effective as service on the next day that is not a Saturday, Sunday, or federal holiday.

8. Preservation: The parties affirm that they are taking reasonable steps necessary to preserve potentially discoverable material.

9. Privilege Assertions: Federal Rule of Civil Procedure 26(b)(5) shall govern assertions of privilege and protection for trial-preparation materials, as well as “clawback” of inadvertently produced materials subject to a claim of privilege or of protection as trial-preparation material.

10. Settlement: The parties have discussed the possibility of settlement and agree to remain open to offers for settlement. The parties do not believe mediation will be productive at this time. The parties will advise the Court if there are further developments regarding settlement or if they require the Court’s assistance.

11. Trial by Magistrate Judge: The parties do not consent to trial before a magistrate judge.

12. Waiver of Rule 16(b) Conference Appearance: The parties consent to the Court ruling on these matters on this submission and agree to waive appearances at the pretrial conference if this Court deems it appropriate.

Date: September 23, 2020

Respectfully submitted,

/s/ Peter H. White

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CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

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