

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

BLUE FLAME MEDICAL LLC	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Civil Action No. 1:20-cv-00658
	)	
CHAIN BRIDGE BANK, N.A.,	)	The Honorable Leonie Brinkema
JOHN J. BROUGH, and	)	
DAVID M. EVINGER,	)	
	)	CONSENT MOTION
<i>Defendants.</i>	)	
	)	
CHAIN BRIDGE BANK, N.A.	)	
	)	
<i>Third-Party Plaintiff,</i>	)	
	)	
v.	)	
	)	
JPMORGAN CHASE BANK, N.A.	)	
	)	
<i>Third-Party Defendant.</i>	)	
	)	

**PLAINTIFF’S CONSENT MOTION FOR EXTENSION OF TIME
TO COMPLETE DISCOVERY**

Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Civil Rule 7, Plaintiff Blue Flame Medical LLC (“Blue Flame”) submits this consent motion for a 12-day extension of time to complete discovery and modification of deadlines concerning the service of expert reports (the “Consent Motion”), and states as follows:

1. On September 24, 2020, the Court issued a Rule 16(b) Scheduling Order (ECF No. 37) setting forth a January 15, 2021 deadline for all discovery. At that time, this case was a bilateral dispute between Blue Flame and Defendants Chain Bridge Bank, N.A. (“Chain Bridge”), John J. Brough, and David M. Evinger (collectively, “Defendants”).

2. On October 13, 2020, Chain Bridge filed a Third Party Complaint against JPMorgan Chase Bank, N.A. (“JPMC”). Because the Court’s Rule 16(b) Scheduling Order then in place allowed less than two months to complete fact and expert discovery, on October 28, 2020, JPMC filed a consent motion, with the consent of counsel for Blue Flame and Defendants, requesting that the Court extend (1) the deadline to serve opening expert reports from November 23, 2020 to January 22, 2021; (2) the deadline to serve rebuttal expert reports from December 23, 2020 to February 23, 2021; and (3) the deadline for discovery in the action from January 15, 2021 to March 19, 2021 (ECF No. 54).

3. On October 29, 2020, the Court issued a Consent Order granting the relief requested in JPMC’s consent motion (the “Consent Order”) (ECF No. 56).

4. The parties have been diligently engaged in discovery, and met and conferred on November 30, 2020 to discuss the scheduling of depositions. Due to the demands of other cases, scheduling conflicts, and the upcoming holidays, the parties believe it will be difficult to complete the anticipated depositions in this action in an orderly fashion sufficiently in advance of the preparation of expert reports under the schedule set forth in the Consent Order, but believe that a brief extension of the deadline to complete discovery by 12 days and modification of the deadlines to serve expert reports will allow sufficient time for those processes to occur. Further, the parties understand that the requested extension will not result in any trial delay, based on the Court’s November 16, 2020 Standing Order suspending all criminal jury trials until January 19, 2021 and Judge Brinkema’s statement during the November 17, 2020 hearing that it is realistic to expect that the trial date for this action will be delayed until at least May 2021 as a consequence of that Standing Order and the COVID-19 public health emergency. Accordingly, Blue Flame respectfully requests that the Court extend the following: (1) deadline to serve opening expert

reports from January 22, 2021 to February 12, 2021; (2) deadline to serve rebuttal expert reports from February 23, 2021 to March 12, 2021; and (3) deadline to complete discovery from March 19, 2021 to March 31, 2021.

5. Blue Flame, through its counsel, consulted with counsel for Defendants and counsel for JPMC regarding the requested extension on November 30 and December 1, 2020. On December 1, 2020, Defendants, through counsel, consented to the requested relief. On December 2, 2020, JPMC, through counsel, consented to the requested relief.

6. Blue Flame has not previously requested any extension of discovery. Defendants and JPMC have agreed to this extension and would not suffer any prejudice by the Court granting Blue Flame's requested extension of time. A hearing is waived on this Consent Motion.

7. A proposed order is attached as Exhibit A.

In consideration of the foregoing, Blue Flame respectfully moves this Court to extend the discovery deadlines as set forth in paragraph 4 of this Consent Motion.

Dated : December 2, 2020

Respectfully submitted,

/s/ Peter H. White

Peter H. White (VA Bar No. 32310)

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