

**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,	)	
<i>Defendants.</i>	)	CONSENT MOTION
	)	
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 AN EXTENSION OF TIME
TO COMPLETE DISCOVERY AND TO RESCHEDULE AND CONVERT THE FINAL
PRETRIAL CONFERENCE TO A STATUS CONFERENCE**

Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Civil Rule 7, and Rule 7(G) of this Court's Local Civil Rules, Plaintiff Blue Flame Medical LLC ("Blue Flame"), Defendant/Third-Party Plaintiff Chain Bridge Bank, N.A., Defendants John J. Brough, and David M. Evinger ("Defendants"), and Third-Party Defendant JPMorgan Chase Bank, N.A. ("Third-Party Defendant", and collectively, with Blue Flame and Defendants, the "Parties"), by and through their undersigned counsel, respectfully submit this consent motion for a 30-day extension of time to complete discovery from March 31, 2021 to April 30, 2021 and to reschedule and

convert to a status conference the Final Pre-Trial Conference currently scheduled for April 8, 2021 to May 6, 2021, or any other date after the close of discovery that the Court deems appropriate. A proposed order reflecting the requested relief is attached hereto as Exhibit A. In support of this Motion, the Parties respectfully state as follows:

1. In its Scheduling Order of September 9, 2020, the Court set January 15, 2021 as the date for completion of discovery in this matter and set a Final Pre-Trial Conference for January 21, 2021, to coincide with the completion of discovery. *See* Dkt. 33.

2. On December 3, 2020, the Court entered an order extending the deadline for completing discovery to and including March 31, 2021. *See* Dkt. 71.

3. On January 8, 2021, the Court entered an order re-scheduling the Final Pre-Trial Conference to April 8, 2021 (collectively, with the December 3, 2020 order extending discovery, the "Consent Order").

4. The parties have been diligently engaged in discovery, and have continuously met and conferred regarding the scheduling of depositions, including as recently as March 19, 2021. Due to the demands of other cases, scheduling conflicts, and the limited availability of expert witnesses and fact witnesses to be deposed, the Parties believe it will be difficult to complete the anticipated depositions in this action in an orderly fashion under the schedule set forth in the Consent Order, but believe that a brief extension of the deadline to complete discovery by 30 days and continuance of the Final Pre-Trial Conference will allow sufficient time for the remaining expert depositions to occur.

5. The Parties understand that the requested extension will not result in any trial delay, based on the Court's March 18, 2021 General Order providing that civil jury trials will not resume until May 3, 2021, the limitations required by the use of retrofitted courtrooms for such

trials as stated in that General Order, and the Court's statement during the November 17, 2020 hearing that it is realistic to expect that the trial date for this action will be delayed as a consequence of the COVID-19 public health emergency. On March 26, 2021, the Parties, through counsel, consented to the requested relief.

6. Blue Flame and Defendants have previously requested an extension of discovery. The Parties have agreed to this extension and no Party would suffer any prejudice by the Court granting the Parties requested extension of time and re-scheduling of the Final Pre-Trial Conference.

7. In light of the requested relief seeking an extension of the discovery period by 30 days to April 30, 2021, and the parties' anticipated summary judgment briefing, the Parties respectfully request that the Final Pre-Trial Conference be rescheduled for May 6, 2021 (the [Thursday of the week following the close of discovery in this case), or any other date after the close of discovery that the Court deems appropriate, and converted to a status conference.

8. The Parties waive any hearing on this Consent Motion.

9. A proposed order is attached as Exhibit A.

* * * * *

WHEREFORE, the Parties move that the Court enter an order, substantially in the form attached hereto as Exhibit A, extending the discovery deadlines from March 31, 2021 to April 30, 2021 and rescheduling the Final Pre-Trial Conference from April 8, 2021 to May 6, 2021, or any other date after the close of discovery that the Court deems appropriate, and converting the Final Pre-Trial Conference to a status conference.

Dated : March 27, 2021

Respectfully submitted,

/s/ Peter H. White

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