

Alexandria Division

Third-Party Defendant.

The Honorable Leonie Brinkema

**AFFIRMATION OF PETER H. WHITE IN SUPPORT OF PLAINTIFF BLUE FLAME
MEDICAL LLC’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Virginia, affirms the following to be true under penalty of perjury:

2. I respectfully submit this affirmation in support of Plaintiff's Motion for Partial Summary Judgment.

3. Annexed hereto as **Exhibit 1** is a true and correct copy of excerpts of the transcript of the January 12, 2021 deposition of Mike Gula.

4. Annexed hereto as **Exhibit 2** is a true and correct copy of excerpts of the transcript of the January 11, 2021 deposition of John Thomas.

5. Annexed hereto as **Exhibit 3** is a true and correct copy of excerpts of the transcript of the January 21, 2021 deposition of Ethan Bearman.

6. Annexed hereto as **Exhibit 4** is a true and correct copy of text messages between John Thomas and Betty Yee (BFM000200119-33).

7. Annexed hereto as **Exhibit 5** is a true and correct copy of text messages between John Thomas and Michael Wong (BFM000200135-44).

8. Annexed hereto as **Exhibit 6** is a true and correct copy of excerpts of the transcript of the March 29, 2021 deposition of Daniel Kim.

9. Annexed hereto as **Exhibit 7** is a true and correct copy of a March 23, 2020 email from John Thomas to Michael Wong et al. re: Medical Supplies Sheet (BFM000066185-86).

10. Annexed hereto as **Exhibit 8** is a true and correct copy of a March 24, 2020 email from John Thomas to Michael Wong et al. re: Medical Supplies Sheet (BFM000116042-100).

11. Annexed hereto as **Exhibit 9** is a true and correct copy of a March 24, 2020 email from John Thomas to Michael Wong re: Medical Supplies Sheet (BFM000116128-34).

12. Annexed hereto as **Exhibit 10** is a true and correct copy of a March 24, 2020 email from Jennifer McNary to Michael Wong et al. re: Medical Supplies Sheet (DGS5563-67).

13. Annexed hereto as **Exhibit 11** is a true and correct copy of a March 24, 2020 email from John Thomas to Michael Wong re: Medical Supplies Sheet (BFM000110967-79).

14. Annexed hereto as **Exhibit 12** is a true and correct copy of a March 25, 2020 email from John Thomas to Michael Wong re: Invoice (BFM000111121-22).

15. Annexed hereto as **Exhibit 13** is a true and correct copy of a March 25, 2020 email from Fee Chang to Monica Cuellar et al. re: Email Chain Restored w/ All Who Need to Know (DGS0212-26).

16. Annexed hereto as **Exhibit 14** is a true and correct copy of a March 25, 2020 email from John Thomas to Michael Wong re: Invoice (BFM000111148-50).

17. Annexed hereto as **Exhibit 15** is a true and correct copy of text messages between John Thomas and Mike Gula and Henry Huang (BFM000212703-33).

18. Annexed hereto as **Exhibit 16** is a true and correct copy of text messages between John Thomas and Michael Wong and Daniel Kim (BFM000129957-60).

19. Annexed hereto as **Exhibit 17** is a true and correct copy of a March 25, 2020 State of California – General Services Procurement Division – Purchasing Authority Purchase Order (DGS2491-95).

20. Annexed hereto as **Exhibit 18** is a true and correct copy of excerpts of the transcript of the January 19, 2021 deposition of Michael Wong.

21. Annexed hereto as **Exhibit 19** is a true and correct copy of a March 25, 2020 Purchase Order from Blue Flame Medical LLC to Suuchi Inc. (BFM000116424-25).

22. Annexed hereto as **Exhibit 20** is a true and correct copy of a March 26, 2020 email from Henry Huang to Mike Gula re: Attachment Order 002 Revise (BFM000013610-11).

23. Annexed hereto as **Exhibit 21** is a true and correct copy of a March 24, 2020 Product Reseller Agreement between Blue Flame Medical LLC and Great Health Companion Group Ltd. (BFM000072920-31).

24. Annexed hereto as **Exhibit 22** is a true and correct copy of a March 25, 2020 Product Reseller Agreement between Blue Flame Medical LLC and Suuchi, Inc. (BFM000001541-51).

25. Annexed hereto as **Exhibit 23** is a true and correct copy of a March 25, 2020 Blue Flame Medical Account Agreement (CBB00000555-56). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

26. Annexed hereto as **Exhibit 24** is a true and correct copy of a March 25, 2020 email from Maria Cole to Mike Gula re: Wire (CBB00001781-84). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

27. Annexed hereto as **Exhibit 25** is a true and correct copy of a March 25, 2020 email from Mike Gula to Maria Cole re: NEW Business Account Needed (CBB00001514-17).

28. Annexed hereto as **Exhibit 26** is a true and correct copy of excerpts of the transcript of the January 22, 2021 deposition of Heather Schoeppe.

29. Annexed hereto as **Exhibit 27** is a true and correct copy of a March 25, 2020 email from Maria Cole to Mike Gula re: Wire (CBB00003573-74).

30. Annexed hereto as **Exhibit 28** is a placeholder for a true and correct copy of a recording of a March 25, 2020 telephonic conversation between Mike Gula and Heather Schoeppe (CBB00002795), which will be provided pursuant to the Court's May 5, 2021 Order Granting Consent Motion for Leave to File Audio Files (ECF No. 111).

31. Annexed hereto as **Exhibit 29** is a true and correct copy of a March 25, 2020 email from Heather Schoeppe to Mike Richardson re: Blue Flame Medical Incoming Wire 450 Million (CBB00000853-56).

32. Annexed hereto as **Exhibit 30** is a placeholder for a true and correct copy of a recording of a March 25, 2020 telephonic conversation between Heather Schoeppe and Joanna Williamson (CBB00002797), which will be provided pursuant to the Court’s May 5, 2021 Order Granting Consent Motion for Leave to File Audio Files (ECF No. 111), and which will be filed under seal due to its designation as “confidential” by the producing party pursuant to the Amended Stipulated Confidentiality Agreement and Protective Order filed in this action on November 17, 2020 (ECF No. 68).

33. Annexed hereto as **Exhibit 31** is a true and correct copy of excerpts of the transcript of the April 11, 2021 deposition of Joanna Williamson.

34. Annexed hereto as **Exhibit 32** is a placeholder for a true and correct copy of a recording of a March 25, 2020 telephonic conversation between John Brough, David Evinger, and Heather Schoeppe (CBB00002798), which will be provided pursuant to the Court’s May 5, 2021 Order Granting Consent Motion for Leave to File Audio Files (ECF No. 111).

35. Annexed hereto as **Exhibit 33** is a true and correct copy of excerpts of the transcript of the January 29, 2021 deposition of David Evinger.

36. Annexed hereto as **Exhibit 34** is a true and correct copy of March 25, 2020 handwritten notes produced by Chain Bridge Bank (CBB00004445).

37. Annexed hereto as **Exhibit 35** is a true and correct copy of excerpts of the transcript of the February 2, 2021 deposition of John Brough

38. Annexed hereto as **Exhibit 36** is a true and correct copy of March 25, 2020 handwritten notes produced by Chain Bridge Bank (CBB00004442-44).

39. Annexed hereto as **Exhibit 37** is a true and correct copy of a March 25, 2020 email from Mike Gula to John Brough et al re: Contact Info (BFM000013445-48). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

40. Annexed hereto as **Exhibit 38** is a true and correct copy of a March 25, 2020 email from Mike Gula to David Evinger et al. re: Screenshot 2020-03-25 at 6.26.08 PM (CBB00002699-700).

41. Annexed hereto as **Exhibit 39** is a true and correct copy of a March 25, 2020 email from Heather Schoeppe to John Brough et al. re: Blue Flame Medical Incoming Wire 450 Million (CBB00000761-63).

42. Annexed hereto as **Exhibit 40** is a placeholder for a true and correct copy of a recording of a March 26, 2020 telephonic conversation between John Thomas and Maria Cole (CBB00002786), which will be provided pursuant to the Court's May 5, 2021 Order Granting Consent Motion for Leave to File Audio Files (ECF No. 111).

43. Annexed hereto as **Exhibit 41** is a true and correct copy of a March 26, 2020 email from Ana Prieto to Natalie Gonzales et al. re: 03/26/20 Large Outgoing Wire (JPMC-0000027-28).

44. Annexed hereto as **Exhibit 42** is a true and correct copy of excerpts of the transcript of the January 28, 2021 deposition of Natalie Gonzales.

45. Annexed hereto as **Exhibit 43** is a true and correct copy of a March 26, 2020 email from Jenifer Robinson to Rakesh Korpall re: Expedite Review/Approval Held Payment >= \$50MM USD Client (JPMC-00000084-88). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

46. Annexed hereto as **Exhibit 44** is a true and correct copy of excerpts of the transcript of the February 9, 2021 deposition of Rakesh Korpai, corporate representative of Third-Party Defendant JPMorgan Chase Bank, N.A.

47. Annexed hereto as **Exhibit 45** is a true and correct copy of a March 26, 2020 Fedwire Funds Processor Message (CBB00002779). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

48. Annexed hereto as **Exhibit 46** is a true and correct copy of a document titled Wire Transfers – Display 03/26/2020 10:41AM (CBB00002649). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

49. Annexed hereto as **Exhibit 47** is a true and correct copy of excerpts of the transcript of the January 26, 2021 deposition of Claudia Mojica-Guadron.

50. Annexed hereto as **Exhibit 48** is a true and correct copy of a March 26, 2020 email from Heather Schoeppe to John Brough et al. re: Contact Info (CBB00002673-77). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

51. Annexed hereto as **Exhibit 49** is a true and correct copy of the Rebuttal Expert Report of Sean O'Malley on Behalf of Plaintiff Blue Flame Medical LLC, dated March 12, 2021.

52. Annexed hereto as **Exhibit 50** is a true and correct copy of a March 26, 2020 email from Chain Bridge Bank N.A. Wire Department to Mike Gula re: Incoming Wire Confirmation [Send Secure] (CBB00001938-39).

53. Annexed hereto as **Exhibit 51** is a placeholder for a true and correct copy of a recording of a March 26, 2020 telephonic conversation between David Evinger and Fee Chang (CBB00002543), which will be provided pursuant to the Court's May 5, 2021 Order Granting Consent Motion for Leave to File Audio Files (ECF No. 111).

54. Annexed hereto as **Exhibit 52** is a placeholder for a true and correct copy of a recording of a March 26, 2020 telephonic conversation between John Thomas and Maria Cole (CBB00002788), which will be provided pursuant to the Court's May 5, 2021 Order Granting Consent Motion for Leave to File Audio Files (ECF No. 111).

55. Annexed hereto as **Exhibit 53** is a true and correct copy of a March 26, 2020 call log between Maria Cole and John Thomas (CBB00004437).

56. Annexed hereto as **Exhibit 54** is a true and correct copy of a March 26, 2020 email from Maria Cole to John Thomas et al. re: Wire Request Form (CBB00001725-26).

57. Annexed hereto as **Exhibit 55** is a true and correct copy of a March 26, 2020 email from Maria Cole to Mike Richardson et al. re: Blue Flame Medical Incoming Wire 450 Million (CBB00000971-80).

58. Annexed hereto as **Exhibit 56** is a true and correct copy of a March 26, 2020 email from Ethan Bearman to Maria Cole et al. re: Blue Flame Medical LLC – Wire Transfer (CBB00001385). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

59. Annexed hereto as **Exhibit 57** is a true and correct copy of a March 26, 2020 email from John Thomas to Ethan Bearman et al. re: Blue Flame Medical LLC - Wire Transfer (BFM000116678-79). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

60. Annexed hereto as **Exhibit 58** is a true and correct copy of a March 26, 2020 email from John Brough to Peter Fitzgerald re: \$450 Million Wire Came In (CBB00002731-34).

61. Annexed hereto as **Exhibit 59** is a true and correct copy of a March 26, 2020 email from John Brough to Maria Cole et al. re: Blue Flame Medical Incoming Wire 450 Million (CBB00000661-71).

62. Annexed hereto as **Exhibit 60** is a true and correct copy of a SilverLake Maintenance History for Blue Flame Medical Account (CBB00004468). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

63. Annexed hereto as **Exhibit 61** is a true and correct copy of a March 26, 2020 email from John Brough to Jennifer Lincoln et al. re: Incoming Large Wire (CBB00000748). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

64. Annexed hereto as **Exhibit 62** is a true and correct copy of a March 26, 2020 Chain Bridge Bank Call Log (CBB00004323-62).

65. Annexed hereto as **Exhibit 63** is a true and correct copy of excerpts of the transcript of the February 11, 2021 deposition of Timothy Coffey.

66. Annexed hereto as **Exhibit 64** is a placeholder for a true and correct copy of a recording of a March 26, 2020 telephonic conversation between Rakesh Korpai, John Brough, and David Evinger (CBB00002541), which will be provided pursuant to the Court's May 5, 2021 Order Granting Consent Motion for Leave to File Audio Files (ECF No. 111).

67. Annexed hereto as **Exhibit 65** is a placeholder for a true and correct copy of a recording of a March 26, 2020 voicemail from Fee Chang to David Evinger (CBB00000707), which will be provided pursuant to the Court's May 5, 2021 Order Granting Consent Motion for Leave to File Audio Files (ECF No. 111).

68. Annexed hereto as **Exhibit 66** is a true and correct copy of a March 26, 2020 email from Natalie Gonzales to Fee Chang et al. re: Urgent - Request Call From CEO/President of Chain Bridge Bank (DGS4006-30).

69. Annexed hereto as **Exhibit 67** is a true and correct copy of a March 25, 2020-March 26, 2020 Timeline (CBB00004463-67).

70. Annexed hereto as **Exhibit 68** is a placeholder for a true and correct copy of a recording of a March 26, 2020 telephonic conversation between Rakesh Korpai, John Brough, and David Evinger (CBB00002544), which will be provided pursuant to the Court's May 5, 2021 Order Granting Consent Motion for Leave to File Audio Files (ECF No. 111).

71. Annexed hereto as **Exhibit 69** is a placeholder for a true and correct copy of a recording of a March 26, 2020 telephonic conversation between David Evinger, John Brough, Claudia Mojica-Guadron, and Thais Ribeiro (CBB00002789), which will be provided pursuant to the Court's May 5, 2021 Order Granting Consent Motion for Leave to File Audio Files (ECF No. 111).

72. Annexed hereto as **Exhibit 70** is a true and correct copy of a document titled Wire Transfers – Open – Display 03/26/2020 1:45 PM (CBB00002651-52).

73. Annexed hereto as **Exhibit 71** is a true and correct copy of a March 26, 2020 email from Mike Gula to John Thomas et al. re: FW: Contact Info (BFM000074101-06).

74. Annexed hereto as **Exhibit 72** is a true and correct copy of a March 26, 2020 email from Suuchi Ramesh to Mike Gula et al. re: Part number verification of N95 (BFM000116661-2).

75. Annexed hereto as **Exhibit 73** is a true and correct copy of a March 26, 2020 email from Heather Schoeppe to Thais Ribeiro re: Please Close BlueFlame Accounts (CBB00000815-17).

76. Annexed hereto as **Exhibit 74** is a true and correct copy of a March 26, 2020 Fedwire Funds Processor Message (CBB00002781). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

77. Annexed hereto as **Exhibit 75** is a true and correct copy of a document titled Wire Transfers – Display 03/26/2020 02:59PM (CBB00002653-54). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

78. Annexed hereto as **Exhibit 76** is a true and correct copy of a March 26, 2020 email from Andrew Sturmfels to Karen Greene Ross et al. re: Email Chain Restored w/ All Who Need to Know (SCO0221-45).

79. Annexed hereto as **Exhibit 77** is a true and correct copy of a March 26, 2020 email from Andrew Sturmfels to Karen Greene Ross et al. re: Email Chain Restored w/ All Who Need to Know (SCO0131-56).

80. Annexed hereto as **Exhibit 78** is a true and correct copy of a Chain Bridge Bank GL History Print (CBB00002529-36). This exhibit has been redacted pursuant to Fed. R. Civ. P. 5.2.

81. Annexed hereto as **Exhibit 79** is a true and correct copy of a March 26, 2020 email from David Evinger to John Brough et al re: Message from JPMorgan Chase – Large Incoming Wire (CBB00000791-94).

82. Annexed hereto as **Exhibit 80** is a true and correct copy of excerpts of the transcript of the April 9, 2021 deposition of Charles Grice.

83. Annexed hereto as **Exhibit 81** is a true and correct copy of a document titled Terms and Conditions of Your Account from Chain Bridge Bank (CBB00002765-78).

84. Annexed hereto as **Exhibit 82** is a true and correct copy of excerpts of the transcript of the April 5, 2021 deposition of Teresa Pesce.

85. Annexed hereto as **Exhibit 83** is a true and correct copy of excerpts of the transcript of the April 6, 2021 deposition of Sean O'Malley.

86. Annexed hereto as **Exhibit 84** is a true and correct copy of a May 9, 2020 email from Mike Gula to Brielle Appelbaum re: My memory of the call with Chain Bridge Bank (BFM000137279-80).

Dated : Washington, D.C.
May 6, 2021

Respectfully submitted,

/s/ Peter H. White
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2021, I caused the foregoing document to be filed and served electronically using the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: May 6, 2021

/s/ Peter H. White

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