

EXHIBIT 106

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 (Alexandria Division)

4 - - - - - X

5 BLUE FLAME MEDICAL LLC, : Civil Action No.

6 Plaintiff, : 1:20-CV-00658

7 vs. :

8 CHAIN BRIDGE BANK, N.A., :

9 JOHN J. BROUGH, and :

10 DAVID M. EVINGER, :

11 Defendants. :

12 - - - - - X

13 CHAIN BRIDGE BANK, N.A., :

14 Third-Party Plaintiff, :

15 vs. :

16 JPMORGAN CHASE BANK, N.A., :

17 Third-Party Defendant. :

18 - - - - - X

19 CONFIDENTIAL

20 Remote Videotaped Deposition Of ETHAN BEARMAN

21 Thursday, January 21, 2021

22 9:34 a.m. (EST)

Reported by: Dana C. Ryan, RPR, CRR

Page 2 1 2 3 January 21, 2021 4 9:34 a.m. (EST) 5 6 7 8 Remote Videotaped Deposition of ETHAN 9 BEARMAN, held via Zoom video teleconference, 10 before Dana C. Ryan, Registered Professional 11 Reporter, Certified Realtime Reporter and Notary 12 Public in and for the State of Alabama. 13 14 15 16 17 18 Job No. 98495 19 Pages: 1 - 326 20 Reported by: Dana C. Ryan, RPR, CRR 21 22	Page 4 1 APPEARANCES CONTINUED 2 3 ON BEHALF OF THE DEFENDANT/THIRD-PARTY 4 PLAINTIFF CHAIN BRIDGE BANK, N.A.: 5 MATTHEW M. MADDEN, Esquire 6 LESLIE ESBROOK, Esquire 7 GARY A. ORSECK, Esquire 8 Robbins, Russell, Englert, Orseck, 9 Untereiner & Sauber 10 2000 K Street, Northwest 11 4th Floor 12 Washington, D.C. 20006 13 Telephone: (202) 775-4500 14 Email: mmadden@robbinsrussell.com 15 Email: LEsbrook@robbinsrussell.com 16 Email: gorseck@robbinsrussell.com 17 18 19 20 21 22
Page 3 1 APPEARANCES 2 3 ON BEHALF OF THE PLAINTIFF 4 BLUE FLAME MEDICAL LLC AND THE WITNESS: 5 WILLIAM GUSSMAN, Esquire 6 JASON M. MITCHELL, Esquire 7 PETER H. WHITE, Esquire 8 GREG KETCHAM-COLWILL, Esquire 9 KENI UKABIALA, Esquire 10 Schulte Roth & Zabel LLP 11 901 Fifteenth Street, Northwest 12 Suite 800 13 Washington, D.C. 20005 14 Telephone: (202) 729-7470 15 Email: bill.gussman@srz.com 16 Email: jason.mitchell@srz.com 17 Email: pete.white@srz.com 18 Email: gregory.ketcham-colwill@srz.com 19 Email: ekenedilichukwu.ukabiala@srz.com 20 21 22	Page 5 1 APPEARANCES CONTINUED 2 3 ON BEHALF OF THE THIRD-PARTY DEFENDANT 4 JPMORGAN CHASE BANK, N.A. 5 ALBINAS PRIZGINTAS, Esquire 6 MARGARITA BOTERO, Esquire 7 Wilmer Cutler Pickering Hale & Door LLP 8 1875 Pennsylvania Avenue, Northwest 9 Washington, D.C. 20006 10 Telephone: (202) 663-6900 11 Email: albinas.prizgintas@wilmerhale.com 12 Email: margarita.botero@wilmerhale.com 13 14 15 Also present: 16 Jason Aqui, Videographer 17 18 19 20 21 22

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1 specificity in that ten-minute window of time ten
2 months ago.

3 Q In the chart that's attached to the
4 email in Exhibit 23, you see the line for Suuchi
5 now has an arrival date filled in?

6 A I do see that.

7 Q What, if anything, had you learned in
8 the ten minutes since sending Exhibit 22 that
9 caused you to be able to fill in that arrival
10 date?

11 MR. GUSSMAN: Objection to form.

12 THE WITNESS: I don't recall
13 specifically.

14 BY MR. MADDEN:

15 Q Do you recall generally?

16 A I don't.

17 Q What was the basis for the April 6th
18 arrival date that you put into this version of the
19 spreadsheet in Exhibit 23?

20 A I -- I don't recall.

21 Q Okay. The version of the spreadsheet
22 that's attached to Exhibit 22 has arrival dates

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1 through April 30th, whereas the version of the
2 spreadsheet attached to Exhibit 23 has arrival
3 dates through April 24.

4 Do you see that?

5 A I do see that.

6 Q What was the basis on which you made
7 that change?

8 A Looks like it's arithmetic -- it's
9 math. We had to deliver 100 million masks, so
10 once we hit 100 million, there was no need to
11 continue delivering beyond that.

12 Q Well, you were putting in the numbers
13 of masks; right? Those were coming from you?

14 MR. GUSSMAN: Object --

15 THE WITNESS: (Indiscernible.)

16 MR. GUSSMAN: -- to the form.

17 THE WITNESS: Sorry.

18 THE COURT REPORTER: I'm sorry. I need
19 the answer. I didn't hear an answer.

20 THE WITNESS: We all talked over each
21 other. Sorry.

22 Would you mind asking the question

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1 again, Counsel?

2 BY MR. MADDEN:

3 Q I can try.

4 You put the numbers of masks into the
5 rows of the spreadsheet that's in Exhibit 23;
6 correct?

7 MR. GUSSMAN: Objection to form.

8 THE WITNESS: Based on outside
9 information, yes.

10 BY MR. MADDEN:

11 Q Right.

12 So what I'm trying to figure out is why
13 that -- I believe you called it arithmetic
14 calculation, or something like that. Why did that
15 stop on April 24th in this version of the
16 spreadsheet instead of April 30th in the prior
17 version?

18 MR. GUSSMAN: Objection: asked and
19 answered.

20 THE WITNESS: Yeah, I mean, once we had
21 100 million masks delivered -- you know, for
22 delivery, there's no point in continuing beyond

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1 that.

2 MR. MADDEN: So you plugged in numbers
3 into the spreadsheet by day until you had
4 100 million; correct?

5 MR. GUSSMAN: Objection to form.

6 THE WITNESS: Again, we were having the
7 conversations, as I was being told, the production
8 capabilities, the delivery capabilities, I plugged
9 in those numbers. Once we hit 100 million, no
10 need to continue.

11 BY MR. MADDEN:

12 Q Did anyone you were speaking with at
13 the time you were working on these spreadsheets
14 say to you, in words or substance, we should make
15 sure this delivery schedule ends within a month
16 and not longer than that?

17 A I believe that I was told that Blue
18 Flame had until the end of April, which is, I
19 think, why in the first version it went -- the
20 delivery dates went until April 30th.

21 Q Okay. Did anyone tell you after
22 receiving that first version, however, that for

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1 purposes of providing a delivery schedule to
2 California officials, it will be better if that
3 delivery schedule ended within a month and not
4 longer than that?
5 A No, I don't recall that.
6 Q Okay.
7 MR. MADDEN: Leslie, can we mark tab
8 83, mark -- oh, I guess it's previously marked.
9 Excuse me. It's Exhibit 84.
10 MS. ESBROOK: Yes. You mean 24?
11 MR. MADDEN: Yes, please.
12 MS. ESBROOK: I've placed it in the
13 chat.
14 MR. MADDEN: While everyone is pulling
15 up the document, the document previously marked as
16 Exhibit 24 is an email Bates numbered BFM116497
17 and its attachment, 498.
18 THE WITNESS: I have it, Counsel.
19 MR. GUSSMAN: I have it.
20 MR. MADDEN: Okay.
21 BY MR. MADDEN:
22 Q All right. Mr. Bearman, Exhibit 24 is

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1 an email from you to Mr. Thomas at 10:59 p.m.
2 Pacific on March 25th, and it has another version
3 of the same spreadsheet.
4 Do you see that?
5 A I do.
6 Q Okay. And the subject line of your
7 email is, Another Version of the Spreadsheet for
8 Dan Kim.
9 Do you see that line?
10 A I do.
11 Q And you understood that the
12 information -- some or all of the information you
13 were providing in this spreadsheet was intended
14 for delivery to Dan Kim at the State of
15 California?
16 MR. GUSSMAN: Objection to form.
17 THE WITNESS: That sounds correct.
18 BY MR. MADDEN:
19 Q Okay. You mentioned earlier having a
20 conversation with Mr. Kim at some point in time.
21 Do you recall that testimony? A phone call.
22 A Yes.

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1 Q Right.
2 And that phone call came, though, after
3 the wire transfer; correct?
4 A Yes.
5 Q Okay. Did you understand from --
6 strike that.
7 How did you come to know that some
8 version of this spreadsheet was intended for
9 Mr. Kim?
10 A I believe it was communicated to me by
11 Mr. Thomas.
12 Q And did he tell you anything else about
13 that?
14 A When you say "that," what are you --
15 what are you referring to?
16 Q Yeah, fair enough.
17 Did Mr. Thomas tell you anything else
18 about his communications with Mr. Kim that caused
19 him to want to send Mr. Kim the information
20 reflected in these spreadsheets?
21 MR. GUSSMAN: Objection to form.
22 THE WITNESS: I recall that Mr. Thomas

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1 told me that Mr. Kim had requested something like
2 this.
3 BY MR. MADDEN:
4 Q And when you say "something like this,"
5 was Mr. Thomas any more specific than that about
6 what Mr. Kim had requested?
7 A Fair. That he had requested an
8 estimated delivery schedule.
9 Q Okay. The version of the spreadsheet
10 that's the attachment in Exhibit 24, is that the
11 final version of this document?
12 MR. GUSSMAN: Objection to form.
13 THE WITNESS: (Reviews document.)
14 So, to the best of my recollection,
15 yes.
16 BY MR. MADDEN:
17 Q Okay. And you see now that they -- the
18 number of masks per day in this version changes
19 somewhat when compared to the version that's in
20 Exhibit 23.
21 Do you see that?
22 A Yes.