

EXHIBIT 5

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)

BLUE FLAME MEDICAL LLC) Civil Action No.
Plaintiff) 1:20-cv-00658 (LMB/IDD)

vs.)

CHAIN BRIDGE BANK, N.A.,)
JOHN J. BROUGH and)
DAVID M. EVINGER)
Defendants)

CHAIN BRIDGE BANK, N.A.)
Third-Party Plaintiffs)

vs.)

JPMORGAN CHASE BANK, N.A.)
Third-Party Defendant)

- CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER -
Remote Videotaped Deposition of John Brough
February 2, 2021
9:35 a.m.

Reported by: Bonnie L. Russo
Job No. 4398587

1 Remote Videotaped Deposition of John Brough
2 held through:
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4
5

6 Veritext Legal Solutions
7 1250 I Street, N.W.
8 Washington, D.C.
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18 Pursuant to Notice, when were present on behalf
19 of the respective parties:
20
21
22

1 APPEARANCES:

2
3 On behalf of the Plaintiff:

4 PETER WHITE, ESQ.

JASON T. MITCHELL, ESQ.

5 EKENEDILICHUKWU E. UKABIALA, ESQ.

GREGORY KETCHAM-COLWILL, ESQ.

6 SCHULTE ROTH & ZABEL, LLP

901 Fifteenth Street, N.W.

7 Washington, D.C. 20005

pete.white@srz.com

8 jason.mitchell@srz.com

ekenedilichukwu.ukabiala@srz.com

9 gregory.ketchum-colwill@srz.com

10
11 On behalf of the Defendants/Third-Party
12 Plaintiffs:

GARY ORSECK, ESQ.

13 LESLIE ESBROOK, ESQ.

CAROLYN FORSTEIN, ESQ.

14 ROBBINS RUSSELL ENGLERT ORSECK & UNTEREINER

2000 K Street, N.W., Fourth Floor

15 Washington, D.C. 20006

gorseck@robbinsrussell.com

16 lesbrook@robbinsrussell.com

cforstein@robbinsrussell.com

1 APPEARANCES (CONTINUED) :

2 On behalf of Third-Party Defendant:

3 ALAN SCHOENFELD, ESQ.

WILMERHALE, LLP

4 7 World Trade Center

250 Greenwich Street

5 New York, New York 10007

alan.schoenfeld@wilmerhale.com

6 -and-

ALBINAS PRIZGINTAS, ESQ.

7 WILMERHALE, LLP

1875 Pennsylvania Avenue, N.W.

8 Washington, D.C. 20006

albinas.prizgintas@wilmerhale.com

9 -and-

MARGARITA BOTERO, ESQ.

10 WILMERHALE, LLP

1225 17th Street, Suite 1660

11 Denver, Colorado 80202

margarita.botero@wilmerhale.com

12 Also Present:

14 Beth Sharon, Chain Bridge Bank

David Evinger

15 Ethan Bearman, Blue Flame Medical, LLC

Bill Gussman

16 Geoff Bassett, Videographer

1 MR. WHITE: Mr. Brough, we've had a
2 bit of a long stretch here.

3 Do you need a -- do you need a
4 break?

5 THE WITNESS: Sure. We can take a
6 15-minute break here. Sure.

7 MR. WHITE: Okay.

8 THE WITNESS: Or -- yeah. Whatever
9 -- whatever you think is good.

10 MR. WHITE: I'd appreciate that.
11 Why don't we go off the record.

12 THE VIDEOGRAPHER: The time is now
13 4:38 p.m.

14 We're going off the record.

15 (A short recess was taken.)

16 THE VIDEOGRAPHER: The time now is
17 4:57 p.m.

18 We're going back on the record.

19 BY MR. WHITE:

20 Q. Mr. Brough, I'd like to play for you
21 another audio recording of a March 26th phone
22 call. This one is with you, Mr. Evinger and

1 Mr. Coffey.

2 (Whereupon, the tape was played.)

3 BY MR. WHITE:

4 Q. Mr. Brough, the -- the phone call
5 continues for a moment there, but my question
6 is only about this first part.

7 Is it you that says, "We'd like
8 official communication from JPMorgan to us to
9 recall the funds"?

10 A. No. That's David Evinger.

11 Q. And then are -- are you the person
12 who first said, "But if you could send it over
13 the FedLine platform"?

14 Is that you?

15 A. Yes. That's me.

16 Q. And why did you suggest sending it
17 over the FedLine platform?

18 A. I think it's neater and tidier if
19 all the communication is done through the
20 FedLine platform.

21 Q. And why did -- if you know, why did
22 Mr. Evinger say that you "would like official