

EXHIBIT 112

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 (Alexandria Division)
4 - - - - - X
5 BLUE FLAME MEDICAL LLC, :
6 Plaintiff, :
7 v. : Civil Action No.
8 CHAIN BRIDGE BANK, N.A., : 1:20-cv-00658
9 JOHN J. BROUGH and DAVID M. :
10 EVINGER, :
11 Defendants. :

12 _____ :
13 CHAIN BRIDGE BANK, N.A., :
14 Third-Party Plaintiff, :
15 v. :
16 JPMORGAN CHASE BANK, N.A., :
17 Third-Party Defendant. :
18 - - - - - X

19 Remote Deposition
20 Monday, March 29, 2021
21 Deposition via Zoom of DANIEL KIM, a
22 witness herein, called for examination by counsel for

Page 2 1 Defendants/Third-Party Plaintiff Chain Bridge Bank, 2 N.A., in the above-entitled matter, pursuant to 3 notice, the witness being duly sworn by MARY GRACE 4 CASTLEBERRY, a Notary Public in and for the State of 5 Maryland, taken at 9:02 a.m. PST, Monday, March 29, 6 2021, and the proceedings being taken down by 7 Stenotype by MARY GRACE CASTLEBERRY, RPR, and 8 transcribed under her direction. 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Page 4 1 APPEARANCES (Continued): 2 3 On behalf of Defendant/Third-Party Plaintiff 4 Chain Bridge Bank, N.A.: 5 CAROLYN FORSTEIN, ESQ. 6 DONALD BURKE, ESQ. 7 Robbins Russell Englert, Orseck, 8 Untereiner & Sauber 9 2000 K Street, N.W., 4th Floor 10 Washington, D.C. 20006 11 (202) 775-4500 12 cforstein@robbinsrussell.com 13 dburke@robbinsrussell.com 14 znferguson@robbinsrussell.com 15 16 17 18 19 20 21 22
Page 3 1 APPEARANCES: 2 3 On behalf of the Plaintiff Blue Flame Medical 4 LLC: 5 GREG KETCHAM-COLWILL, ESQ. 6 JASON MITCHELL, ESQ. 7 KENI UKABIALA, ESQ. 8 Schulte Roth & Zabel 9 901 15th Street, N.W., Suite 800 10 Washington, D.C. 20005 11 (202) 729-7476 12 gregory.ketcham-colwill@srz.com 13 jason.mitchell@srz.com 14 ekenedilichukwu@ukabiala@srz.com 15 and 16 ETHAN BEARMAN, ESQ. 17 The Bearman Firm 18 10250 Constellation Boulevard, Suite 100 19 Los Angeles, California 90067 20 (747) 344-1004 21 22	Page 5 1 APPEARANCES (Continued): 2 3 On behalf of Third-Party Defendant JPMorgan 4 Chase Bank: 5 ALBINAS PRIZGINTAS, ESQ. 6 Wilmer Cutler Pickering Hale & Dorr LLP 7 1875 Pennsylvania Avenue, N.W. 8 Washington, D.C. 20006 9 (212) 663-6981 10 albinas.prizgintas@wilmerhale.com 11 12 On behalf of the deponent: 13 CARA PORTER, ESQ. 14 SARAH FABIAN, ESQ. 15 Office of the Attorney General 16 California Department of Justice 17 455 Golden Gate Avenue, Suite 11000 18 San Francisco, California 94102-7020 19 (415) 254-3934 20 cara.porter@doj.ca.gov 21 sarah.fabian@doj.ca.gov 22

Page 6 1 APPEARANCES (Continued): 2 3 ALSO PRESENT: 4 JASON AQUI, Videographer 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Page 8 1 E X H I B I T S (Continued): 2 DEFENDANTS' EXHIBIT NO. PAGE 3 114 - March 26, 2020 email from Karen Green 4 Ross to Daniel Kim 105 5 115 - March 26, 2020 email from Daniel Kim 6 to Monica Cuellar 149 7 8 9 PLAINTIFF'S EXHIBIT NO. PAGE 10 9 - Text message exchange between John 11 Thomas and Daniel Kim 88 12 114 - Chronology, BFM CA DGS4966 150 13 --- 14 15 16 17 18 19 20 21 22
Page 7 1 C O N T E N T S 2 WITNESS EXAMINATION BY COUNSEL FOR 3 DANIEL KIM PLAINTIFF DEFENDANTS 4 BY MS. FORSTEIN 10 5 BY MR. KETCHAM-COLWILL 150 6 BY MS. FORSTEIN 165 7 8 9 E X H I B I T S 10 DEFENDANTS' EXHIBIT NO. PAGE 11 43 - March 25, 2020 Purchasing Authority 12 Purchase Order 45 13 108 - 10/26/2020 notes of Daniel Kim 30 14 109 - Payee Data Record 47 15 110 - March 25, 2020 email from Andrew 16 Sturfels to Karen Green Ross 50 17 111 - March 25, 2020 email 70 18 112 - Text message exchange between John 19 Thomas and Daniel Kim 86 20 113 - Text message exchange between John 21 Thomas and Daniel Kim reproduced in a 22 unified text format 86	Page 9 1 P R O C E E D I N G S 2 THE VIDEOGRAPHER: We are now on the 3 record in the matter of Blue Flame Medical LLC versus 4 Chain Bridge Bank, NA. Today's date is March 29th, 5 2021. The time on the video monitor is 9:02 a.m. 6 Pacific Standard Time. This is the video recorded 7 deposition of Daniel Kim being taken virtually. 8 I'm the camera operator. My name is Jason 9 AQUI in association with Trustpoint/Alderson 10 Reporting. The court reporter is Mary Grace 11 Castleberry, also in association with 12 Trustpoint/Alderson Reporting. 13 Will all attorneys please identify 14 themselves and the parties they're representing 15 beginning with the party noticing this proceeding. 16 MS. FORSTEIN: Good morning. This is 17 Carolyn Forstein from Robbins Russell in Washington, 18 D.C. I'm here with my colleague, Donald Burke, and 19 we represent the defendants in this matter, Chain 20 Bridge Bank, NA, John Brough and David Evinger. 21 MR. KETCHAM-COLWILL: Can you guys hear 22 me? Okay. For the plaintiff, joining me on the

Page 134

1 Mr. Thomas ever tell you that a shipment of masks
2 would arrive on April 2nd?
3 A. I don't believe I had contact with
4 Mr. Thomas after the phone call that I had with him
5 and Mr. Bearman. He may have texted me. I don't
6 know. But it would have been in this chain, right?
7 So I don't know.
8 Q. Do you recall if, after the conversation
9 you had with Mr. Thomas and Mr. Bearman, anyone told
10 you that a shipment of Blue Flame Medical masks would
11 arrive on April 2nd?
12 A. No.
13 Q. Do you recall if Mr. Thomas ever told you
14 that Blue Flame Medical could provide a list of other
15 states and organizations that had contracted with
16 Blue Flame Medical?
17 A. No.
18 Q. Did Mr. Thomas ever tell you that Governor
19 DeSantis of Florida would be happy to speak with you
20 about working with Blue Flame Medical?
21 A. I don't recall.
22 Q. Did you ever speak with anyone in the

Page 135

1 government of Florida about Blue Flame Medical?
2 A. No.
3 Q. After March 26, did you have any further
4 contact with Mike Gula?
5 MS. PORTER: Objection. Assumes facts not
6 in evidence.
7 THE WITNESS: I don't believe I had any
8 contact with Mike Gula, period.
9 BY MS. FORSTEIN:
10 Q. And after the call that you had with
11 Mr. Thomas and Mr. Bearman on March 26th, did you
12 have any further contact with Mr. Bearman?
13 A. No.
14 Q. And after March 26th, just to round this
15 out, did you have any further contacts with anyone
16 else at Blue Flame Medical?
17 A. No. The last contact I had was that
18 conversation I had with Mr. Bearman and Mr. Thomas
19 and the texts that I sent saying that I didn't --
20 that thumbs-up was not for him.
21 Q. Did you ever speak with the FBI about Blue
22 Flame Medical?

Page 136

1 A. Yes.
2 Q. When did you speak with the FBI?
3 A. Shortly -- it was after I spoke to the
4 CHP.
5 Q. Do you recall --
6 A. I don't recall, but I'm referring back to
7 the notes that you shared with me. So it looks like
8 I did on the 27th. But that's based on what this
9 email says.
10 Q. And do these notes memorialize your
11 conversation with the FBI?
12 MS. PORTER: Objection. I just want to
13 raise again this investigative privilege. FBI is not
14 present to assert such a privilege and they are not
15 represented in this action. So to the extent that
16 anything is calling for such information, you know,
17 I'm uncomfortable with testimony without the FBI
18 having the opportunity to weigh in.
19 MS. FORSTEIN: Sure. I'm really just
20 referring to the information that's in the notes that
21 have been produced in this matter that we're looking
22 at right now and the content that's contained within

Page 137

1 them and asking Mr. Kim for his recollection and
2 understanding of this content.
3 MS. PORTER: To the extent your question
4 exceeds the scope of the notes, I object.
5 BY MS. FORSTEIN:
6 Q. Mr. Kim, do your notes memorialize your
7 conversation with the FBI?
8 MS. PORTER: Same objection.
9 THE WITNESS: I'm not clear what you mean
10 by "memorialize." These notes were things I quickly
11 jotted down, so to the -- at that time, they were my
12 recollection of what happened.
13 BY MS. FORSTEIN:
14 Q. So your notes say that you spoke -- that
15 "On 3/27 at 11:15 a.m., I received an urgent call
16 from my assistant that the FBI wanted to talk to me.
17 I immediately called back."
18 When you learned that the FBI was
19 investigating Blue Flame Medical, did this concern
20 you?
21 A. Yes.
22 Q. And looking at that same paragraph, a few

Page 138 1 lines further down, it says, "I also provided the 2 larger context that we in the state have a very 3 thorough procurement process with competitive RFPs 4 and strict terms and conditions, but given the 5 circumstances, we've had to take those aside." 6 Would you agree that the state of 7 California's procurement process is usually very 8 thorough? 9 A. Yes. 10 Q. And due to COVID-19, as you explained 11 here, California's vetting was limited? 12 A. Yes. 13 Q. If you look down at the next paragraph, it 14 says, "Todd Carter asked if I was aware that the 15 vendor just formed his company a week ago and that 16 the bank account was established two days ago. I 17 told him I was not aware at the time, but I am now 18 aware." 19 When did you become aware of this? 20 A. I believe I'm referencing -- when I said 21 I'm now aware, I believe it's in reference to his 22 statement. I was being a bit sarcastic. But I don't	Page 140 1 Carter or Bill Murdoch then alluded to the fact that 2 the Chinese company was already under investigation." 3 Do you recall learning anything else about 4 the investigation of this company? 5 A. No. 6 Q. Was it concerning to you that the Chinese 7 company was already under investigation? 8 A. It was a concern. 9 Q. Would you have let DGS conduct business 10 with a vendor that you believed to be purchasing 11 product from a Chinese company under FBI 12 investigation? 13 MS. PORTER: Objection. Lack of 14 foundation. 15 THE WITNESS: Can you repeat that? Would 16 I be concerned? 17 BY MS. FORSTEIN: 18 Q. Would you have let DGS conduct business 19 with a vendor that you believed to be purchasing 20 product from a Chinese company under FBI 21 investigation? 22 MS. PORTER: Same objection.
Page 139 1 recall if I knew before then. 2 Q. Understood. And I apologize for 3 interrupting. So to the best of your recollection, 4 you learned this information in your conversation 5 with the FBI on March 27th? 6 A. That's the best of my recollection. I'm 7 not sure. 8 Q. If you look at the next sentence, it says, 9 "I told them that what made us more comfortable was 10 that the bank was a U.S. bank." 11 Why did the bank being a U.S. bank make 12 you more comfortable? 13 A. Because it was an American bank and it was 14 regulated by American authorities as opposed to a 15 bank in China or abroad that wouldn't be so 16 regulated. 17 Q. And why did it make you more comfortable 18 that the bank would be regulated by U.S. authorities? 19 A. Because the authorities could take action 20 if the bank was doing something circumspect. 21 Q. And if I could direct you to the top of 22 the third page of your notes where you say, "Todd	Page 141 1 THE WITNESS: As I mentioned, we had a 2 very limited vetting process, so we were trying our 3 best to vet. Now, this is conjecture, but I would 4 assume that, in the event that I was told that there 5 was a company that was under investigation by the 6 FBI, that would give me pause. 7 BY MS. FORSTEIN: 8 Q. If you look down at the third paragraph on 9 the third page where you say, "I asked what I should 10 do now that the vendor still has a contract with us, 11 and he keeps calling me about payment mechanisms. 12 Todd Carter said that would be up to us." 13 California still had a contract with Blue 14 Flame Medical at this point, correct? 15 A. Yes. 16 Q. At this point in time, did you think that 17 California should continue to pursue a deal with Blue 18 Flame Medical? 19 A. That's irrelevant whether I thought we 20 should pursue it or not. The question was whether we 21 would pursue it or not, and we weren't going to 22 pursue anything until we had this investigated