

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>	)	
_____	)	
CHAIN BRIDGE BANK, N.A.	)	
	)	
<i>Third-Party Plaintiff,</i>	)	
	)	
v.	)	
	)	
JPMORGAN CHASE BANK, N.A.	)	
	)	
<i>Third-Party Defendant.</i>	)	
_____	)	

MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION
FOR LEAVE TO SUBMIT A VIDEO FILE

Plaintiff Blue Flame Medical LLC (“Plaintiff”) submits this Memorandum in Support of its Unopposed Motion for Leave to Submit a Video File (the “Unopposed Motion”).

I. BACKGROUND

During the course of discovery, Plaintiff produced a video file (the “Video”) that had been provided to one of Plaintiff’s principals, John Thomas.

The parties intend to file opposition briefs to competing summary judgment motions on May 20, 2021. As part of Plaintiff’s opposition brief, Plaintiff intends to include the Video as an exhibit. In accordance with the Eastern District of Virginia Clerk’s Office General Filing Tips,

Alexandria Division, Plaintiff seeks leave of Court to file the Video on a computer disc or by any other method the Court deems appropriate. Counsel for Plaintiff has met and conferred with counsel for Defendants Chain Bridge Bank, N.A., John J. Brough, and David M. Evinger (“Defendants”) and counsel for Third-Party Defendant JPMorgan Chase Bank, N.A. (“JPMC”), and they do not oppose the granting of the Unopposed Motion. The parties agree that the Video to be filed is a true and correct copy of a video exchanged in discovery, bearing bates number BFM000206162. The parties have also agreed to waive any hearing on the Unopposed Motion.

II. ARGUMENT

The Eastern District of Virginia, Alexandria Division requires that counsel request leave prior to filing any material on computer discs with the Court. *See* Clerk’s Office General Filing Tips, Alexandria Division ¶18, *available at* <https://www.vaed.uscourts.gov/clerks-office-general-filing-tips-alexandria-division>. As previously stated, the parties are preparing their opposition to each other’s motions for summary judgment, in advance of this Court’s May 20, 2021 deadline. *See* ECF No. 97.

Plaintiff asserts the Video is relevant to certain representations identified in Defendants’ Memorandum of Law in Support of Their Motion for Summary Judgment; it therefore may bear on the parties’ summary judgment briefing and this Court’s subsequent rulings thereto. Accordingly, Plaintiff respectfully requests this Court grant its Unopposed Motion and permit it to file the Video with the Court on a compact disc or by any other method the Court prefers.¹

¹ For the avoidance of doubt, Defendants and JPMC do not oppose the filing of the Video on the terms proposed herein. Defendants and JPMC otherwise reserve all rights in connection with the Video, including, but not limited to, the right to argue that the Video is not relevant to the disposition of one or more of the parties’ summary judgment motions.

Dated : Washington, D.C.
May 20, 2021

Respectfully submitted,

/s/ Peter H. White

Peter H. White (VA Bar No. 32310)

Jason T. Mitchell (*pro hac vice*)

Gregory Ketcham-Colwill (*pro hac vice*)

SCHULTE ROTH & ZABEL LLP

901 Fifteenth Street, NW, Suite 800

Washington, DC 20005

Tel.: (202) 729-7476

Fax: (202) 730-4520

pete.white@srz.com

jason.mitchell@srz.com

gregory.ketcham-colwill@srz.com

William H. Gussman, Jr. (*pro hac vice*)

Steven R. Fisher (*pro hac vice*)

SCHULTE ROTH & ZABEL LLP

919 Third Avenue

New York, New York 10022

Tel.: (212) 756-2044

Fax: (212) 593-5955

bill.gussman@srz.com

steven.fisher@srz.com

Counsel for Plaintiff Blue Flame Medical LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 20th 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 20, 2021

/s/ Peter H. White

Peter H. White, Esq. (VSB# 32310)
SCHULTE ROTH & ZABEL LLP
901 Fifteenth Street, NW, Suite 800
Washington, DC 20005
Tel: 202-729-7476
Fax: 202-730-4520
peter.white@srz.com

Counsel for Blue Flame Medical LLC