

EXHIBIT 107

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

BLUE FLAME MEDICAL, LLC,)
)
Plaintiff,) Civil Action No.
)
vs.) 1:20-cv-00658
)
CHAIN BRIDGE BANK, N.A.,) (LMB/IDD)
JOHN J. BROUGH, and DAVID)
M. EVINGER,)
)
Defendant.)
)

CHAIN BRIDGE BANK, N.A.,)
)
Third-Party Plaintiff,)
)
vs.)
)
JPMORGAN CHASE BANK, N.A.,)
)
Third-Party Defendant.)

REMOTE VIDEOCONFERENCE
VIDEO-RECORDED DEPOSITION OF DAVID EVINGER
Friday, January 29, 2021, 9:32 a.m.
Oak Hill, Virginia

Reported By: Marjorie Peters, FAPR, RMR, CRR, RSA
Job Number: 4398572

Page 2 1 REMOTE VIDEOCONFERENCE 2 VIDEO-RECORDED DEPOSITION OF DAVID EVINGER, 3 a witness herein, called by the Plaintiff Blue Flame 4 Medical, LLC, for examination, taken pursuant to the 5 Notice, and by Stipulated Agreement Regarding Remote 6 Depositions, by and before Marjorie Peters, a 7 Registered Merit Reporter, Certified Realtime 8 Reporter and Notary Public in and for the 9 Commonwealth of Virginia, at Oak Hill, Virginia, on 10 Friday, January 29, 2021, at 9:32 a.m. 11 12 13 14 15 16 17 18 19 20 21 22	Page 4 1 A P P E A R A N C E S 2 ALSO PRESENT: 3 Scott Forman, legal videographer 4 Betsey Sharon, Chain Bridge Bank 5 Ethan Bearman, Blue Flame Medical 6 John Brough, Blue Flame Medical 7 Gabriel Torres 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22
Page 3 1 A P P E A R A N C E S 2 For the Plaintiff Blue Flame Medical 3 Peter H White, Esquire Jason T Mitchell, Esquire 4 Gregory Ketcham-Colwill, Esquire Keni E Ukabiala, Esquire 5 SCHULTE ROTH & ZABEL LLP 901 Fifteenth Street, NW, Suite 800 6 Washington, DC 20005 pete.white@srz.com 7 +1 202 729 7467 8 For the Defendant Chain Bridge Bank: 9 Gary Orseck, Esquire 10 Leslie C Esbrook, Esquire ROBBINS, RUSSELL, ENGLERT, ORSECK, UNTEREINER & 11 SAUBER LLP 2000 K Street, NW 12 Washington, DC 20006 gorseck@robbinsrussell.com 13 lesbrook@robbinsrussell.com 202 471 3996 14 202 775 4504 15 For the Third-Party Defendant, JPMorgan Chase 16 Alan Schoenfeld, Esquire Albinas Prizgintas, Esquire 17 Margarita Botero, Esquire WILMERHALE 18 1875 Pennsylvania Avenue, NW Washington, DC 20006 19 alan.schoenfeld@wilmerhale.com +1 212 937 7294 20 21 22	Page 5 1 I N D E X 2 EXAMINATION PAGE 3 DAVID EVINGER 4 By Mr. White 9 5 Acknowledgment of Deponent 311 6 Certificate of Reporter 312 7 Errata Sheet 313 8 I N D E X O F E X H I B I T S 9 PLAINTIFF EXHIBIT PAGE 10 Exhibit 64 e-mail 3.25.2020, 152 11 CBB00000779 12 Exhibit 65 e-mail 3.25.2020, 221 13 CBB00002699-2700 14 Exhibit 66 e-mail 3.26.2020, 228 15 CBB00002686 16 Exhibit 67 audio recording, 247 17 CBB00000707 18 Exhibit 68 audio recording, 248 19 CBB00002543 20 Exhibit 69 audio recording, 264 21 CBB00002545 22

Page 190 1 circumstances certainly warranted it, along with the 2 very large size of the money that was coming in. 3 Q. The records we have seen, Mr. Evinger, 4 indicate that this conversation lasted about 19 5 minutes. 6 Does that accord with your 7 recollection of the length of the conversation that 8 you and Mr. Brough had with Mr. Gula and Mr. Case? 9 A. Yes, that does. 10 Q. Did Mr. Gula tell you about Blue Flame 11 Medical during that conversation? 12 A. He provided us with a brief overview of 13 Blue Flame Medical, and its intended new business. 14 Q. I take it he told you as well about the 15 contract to supply 100 million N95 masks to the 16 State of California; correct? 17 A. He reviewed the contract with the State 18 of California with us, and gave us an overview. 19 Q. I take it he also told you or confirmed, 20 because you had already heard it, that Blue Flame 21 was expecting a wire for over \$450 million either 22 that day or the following day from the State of	Page 192 1 manufacturers was a Chinese company called Great 2 Health Companion? 3 Do you recall that coming up during 4 the call? 5 A. He spoke about a company. I believe 6 that was correct. Great Health Greater Health. 7 I believe he referenced that. 8 Q. And that they were going to be 9 manufacturing the masks in China; is that correct? 10 A. Yes. The masks would be manufactured in 11 China. 12 Q. Did he also tell you the name of the 13 company that was that was the owner of 14 Great Health Companion, Hakim Unique I am sorry, 15 Hakim Unique Internet Company? 16 Did he tell you that? 17 A. I seem to recall that, yes. And it was 18 hard to understand what it what the name was on 19 the call or to spell it, but that sounds like 20 something yes, that sounds as if that was said. 21 Q. And he told you that Blue Flame was 22 going to use the funds wired by California to pay
Page 191 1 California; is that right? 2 MR. ORSECK: Object to form. 3 A. Mr. Gula was asking us on the call 4 several times whether the wire had arrived yet or 5 not. He had -- he has wanted to know if it had hit 6 our wire room on our call, and asked if we could 7 check. 8 Q. Did you all check during the call? 9 A. I do recall checking, and I e-mailed him 10 back. Whether it was during the call or shortly 11 thereafter -- I know we did it after. But I'm not 12 sure if we did it during the call because we were 13 talking to him, but he wanted us to verify whether 14 the wire had already arrived or not. 15 Q. He disclosed to you the amount of the 16 wire that he was expecting; is that correct? 17 A. Yes. He told us it was going to be for 18 \$450 million, approximately, and it was a down 19 payment towards a larger amount -- contract that 20 they had with the state. 21 Q. Do you recall him telling you that the 22 manufacturer of the masks -- one of the	Page 193 1 the suppliers of the masks for California's order; 2 isn't that right? 3 A. He gave us rough -- rough details. He 4 was not specific with amounts or -- or dates or 5 times. It was general -- generalizations were 6 provided. 7 Q. Did he confirm, as you had heard before, 8 that Blue Flame would not be wiring all of the funds 9 that were wired to it out of the account at 10 Chain Bridge Bank? 11 Do you recall him saying that? 12 A. I don't -- I don't -- I don't remember 13 exactly it said that way, but it came across is that 14 there would be money moving out within several days 15 or sooner, for purchases of personal protective 16 equipment. 17 He was not able to provide us with 18 exact information of that or the timing or the 19 dollar amounts of those outgoing at that point of 20 the call. 21 So I don't know how much would be 22 remaining in the account, if you will.

Page 194 1 So I think the conversation probably 2 had many components to it, and it had elements of 3 what -- what would be money remaining in the bank. 4 But it was a very high-level overview versus a very 5 granular discussion. 6 Q. Do you recall Mr. Gula offering to 7 answer any questions or provide any documentation 8 that you might request regarding the transaction 9 during this phone call? 10 A. He offered to provide documentations. 11 We requested documentation to support this large 12 amount, this contract, for a new company. 13 Q. I take it, it is not your role as 14 bankers for your customer to do diligence for the 15 State of California on their contracting 16 counterparties, is it? 17 Do you view that as part of your 18 role? 19 MR. ORSECK: Object to form. 20 A. So our job is to know our customer and 21 to know their business with respect to new accounts, 22 onboarding of those accounts, any unusual	Page 196 1 supplier for masks that they could deliver. 2 Q. Tell me about other -- tell me about 3 other instances where you've investigated a customer 4 of yours to that extent, to determine whether they 5 were able to perform in that capacity. 6 Has that ever happened? 7 A. We have -- we have done other due 8 diligence on clients who have large movements of 9 funds and have business activities that could be 10 outside of the United States or flow into the United 11 States. Absolutely. 12 Q. Now, Mr. Gula told you that no money was 13 going to be transferred out of the United States 14 from your account. Do you remember that? 15 A. He sent us an e-mail with the wiring 16 instructions, and he referenced that he would be 17 sending it inside the United States, but purportedly 18 earlier on this call with Heather, or Heather 19 conveyed to us that he would be sending money to 20 China. And I believe his e-mail alerted us to that 21 that could happen. 22 I don't know that it would happen,
Page 195 1 circumstances, any red flags that might present 2 themselves, and -- so that's part of our reason for 3 the call was to obtain additional information, to 4 gather information to make an assessment of how 5 Blue Flame was able to obtain such an award. 6 So we're -- and more importantly, 7 were they actually able to, you know, transact on 8 this as they have the ability to handle this. 9 Q. Why is that your responsibility, that 10 last part? 11 A. Well, I think it would be most 12 unfortunate if there weren't an end product or if 13 somebody was part of a larger issue that occurred. 14 We wouldn't want our client to be involved in any 15 activities that weren't proper, so we -- we had 16 no -- we had no information or documentation on how 17 this contract was arrived, or was it actually a 18 contract with the State of California as reported to 19 be. 20 So the documentation was important 21 for us to show they do, in fact, have a contract, 22 that they had a supplier -- that, in fact, had a	Page 197 1 but certainly, we hadn't concluded that -- where he 2 would be sending money at this point. 3 Q. All of the wiring instructions he gave 4 you were for domestic transfers; correct? 5 A. Mr. White, I was provided with one 6 domestic transfer from Mike Gula. 7 Q. Were you provided with any foreign 8 transfers? 9 A. I was not provided with any foreign 10 transfers. The transfer that was given to me was 11 for the bank account, I believe, in California, for 12 Winguard Industries -- Winguard Industrial or 13 Winguard Industries. I'm not sure of the exact 14 name. 15 Q. Why didn't you or Mr. Brough record this 16 call with Mr. Gula? 17 A. I initiated this call from my -- my 18 phone, which I alluded to earlier does not have a 19 recording function. 20 Q. There were other calls from your phone 21 that were recorded; correct? 22 MR. ORSECK: Object to form.

Page 198 1 Q. You can answer. 2 A. Those weren't done using -- using my 3 phone. 4 Q. Whose phone was used for those? 5 A. Mr. Brough's cell phone. 6 Q. Were the calls placed on Mr. Brough's 7 cell phone? 8 A. Which call -- which call specifically 9 are you referring to, Mr. White? 10 Q. You mentioned three recorded calls that 11 were recorded on Mr. Brough's cell phone. What I 12 want to know is whose phone was used to make those 13 calls? 14 MR. ORSECK: Object to form. 15 A. I -- I made outbound calls from my desk 16 phone. 17 Q. Just like -- I'm sorry. Go ahead. 18 A. His call -- the call in question with 19 Mr. Gula was made outbound from my desk. 20 Q. The other calls that were -- 21 A. Mr. Brough -- 22 Q. Go ahead. Sorry.	Page 200 1 A. I was in my office -- I'm not in my 2 current office right now, just for clarity, and for 3 the record. I'm in a different office that has -- a 4 little quieter, but calls that were made were all 5 made from -- from my office phone out. 6 Q. Was your concern here for your customer, 7 Mr. Gula, to make sure that he was not the victim of 8 something untoward? 9 A. That was certainly a concern, and it 10 needed to be vetted. 11 Q. But as a matter of fact, you found out 12 from vetting it that the State of California did -- 13 had, in fact, vetted Blue Flame Medical. It did, in 14 fact, intend to send them over \$450 million; 15 correct? 16 MR. ORSECK: Object to form. 17 Foundation. 18 A. Mr. White, I think where the concern 19 came in is that Mr. Gula didn't have a lot of 20 specifics on how this contract were procured. He 21 mentioned his business partner, Mr. Thomas. But he 22 really couldn't offer much detail on how the
Page 199 1 A. Can I finish? 2 Q. Sorry. 3 A. Mr. Brough was on his -- I dialed him on 4 his cell phone. 5 Q. Finished? 6 A. Yes. 7 Q. So there was -- there were calls made 8 from your office phone, as this one was, that were 9 recorded, in relation to this transaction; isn't 10 that right? 11 A. Those recordings were not done using my 12 phone, but there were recordings made of calls from 13 my office. 14 Q. The calls that were recorded were from 15 the same phone you used to make this call with 16 Mr. Gula; correct? 17 A. Yes. And the same -- I called from my 18 office, my desk phone. 19 Q. But that device that's probably to your 20 left right now was used for those calls and this 21 call with Mr. Gula; correct? 22 MR. ORSECK: Object to form.	Page 201 1 contract came about and/or how the 2 vendor/manufacturing process was going to work with 3 respect to delivery. 4 So with that, we still had more 5 unanswered questions in terms of -- you know, we 6 actually asked him, I think, are you -- are you 7 sure, or conversation around are you, you know -- 8 how well do you know these people? 9 He made reference to, what he 10 knew -- I think it was Mr. Wong -- Henry Huang. I'm 11 sorry if I pronounced the name wrong. But that's a 12 name that kind of came up, I believe, in the call. 13 And that they knew him, and they 14 trusted him, and we kind of probed, but he was 15 unable to really fulfill and provide any -- any 16 pertinent details on his vendor, his supplier. 17 Q. Well, it turned out, Mr. Evinger, that 18 the State of California was satisfied enough with 19 their diligence as to Blue Flame Medical because 20 they sent \$456 million to your bank for that 21 account, the very next day; isn't that right? 22 MR. ORSECK: Objection to the

Page 202 1 testimony by counsel, and foundation. 2 Q. You can answer. 3 A. I don't know what process was conducted 4 at the State of California. I only know we had more 5 work to do, more unanswered questions. We needed to 6 get documentation for us to support this. 7 At this point, we haven't received 8 any. We were verbally requesting it. There was a 9 acceptance from Mr. Gula to provide documentation. 10 Q. What was it that you verbally requested? 11 A. We asked to see the copies of these 12 contracts, and that would be reference to the State 13 of California, and also his manufacturer. 14 Q. I know you followed up with Mr. Gula 15 about some other documentation by e mail. 16 Did you follow one about this 17 document that you supposedly requested during that 18 non recorded call by e mail as well? 19 MR. ORSECK: Object to form. 20 Q. You can answer. 21 A. The e mail that was a follow up to our 22 conversation, and it just reminded him to send us	Page 204 1 MR. WHITE: I think you have to hit 2 the refresh button to get the new one to show up. 3 MR. ORSECK: Right. Thank you. 4 A. Mr. White, I'm going to go ahead and 5 read it and refresh my memory on this. 6 Q. Sure. That's fine, Mr. Evinger. For 7 reference, everything after the top two-thirds of 8 the first page is something we've already looked at, 9 but you're welcome to refresh your recollection. 10 A. Okay. 11 Q. Have you reviewed it, Mr. Evinger? 12 A. Yes, I have. 13 Q. The second e-mail down is from 14 Mr. Brough indicating that you and he had spoken to 15 Mike Gula; do you see where I am? 16 A. Yes, I do. 17 Q. Mr. Brough writes, "We called Peter to 18 bring him up to speed. Peter also thinks it's a 19 scam." 20 Is that Peter Fitzgerald? 21 A. That is Peter Fitzgerald. 22 Q. What scam did Peter Fitzgerald think it
Page 203 1 the contracts for us. So we did follow up with that 2 request. That was shortly after we got off the 3 phone with him. 4 MR. WHITE: Can you go to Tab 3, 5 please. This is March 25 e-mail, BFM13445. 6 I'm sorry, Greg. That's -- in the 7 interest of time, let's skip that and go to what is 8 our Tab 4, March 25 e-mail from Ms. Schoeppe to 9 Mr. Brough with Mr. Evinger copied. 10 I think it's already Plaintiff's 11 Exhibit 17. 12 MR. COLWILL: Yes. 13 (Previously marked Plaintiff Exhibit 17, e-mail 14 3.25.2020, CBB00000761-63, was presented.) 15 BY MR. WHITE: 16 Q. Mr. Evinger, you should be able to see 17 that now. 18 A. I'm in the folder. I see it. It's 19 Exhibit 17? 20 Q. Correct. 21 MR. ORSECK: Sorry. Mine's still 22 just showing the same Exhibit 46.	Page 205 1 was? 2 MR. ORSECK: Objection. Foundation. 3 A. Mr. White, I don't know what Peter was 4 thinking about that. I would surmise that, you 5 know, we all sort of had unanswered questions. 6 MR. ORSECK: No, no, no, no. Don't 7 surmise. The question is do you know. So you need 8 to testify to your own knowledge. 9 A. Pardon me. 10 MR. WHITE: Allow him to finish his 11 answer. 12 Q. Go ahead, Mr. Evinger. Go ahead. 13 Finish your -- 14 A. I don't know what Peter Fitzgerald meant 15 by it was a scam. 16 Q. You were part of the conversation with 17 Mr. Fitzgerald; correct? 18 A. I was on the phone with him, yes. 19 Q. Did he -- is Mr. Brough correct here, 20 that Mr. Fitzgerald said he thought it was a scam? 21 A. I think there were -- all of us had 22 unanswered questions, and I think all of us were