

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

BLUE FLAME MEDICAL LLC,

Plaintiff,

v.

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

Defendants.

Civil Action No. 1:20-cv-00658

CHAIN BRIDGE BANK, N.A.,

Third-Party Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Third-Party Defendant.

**MEMORANDUM IN SUPPORT OF THIRD-PARTY PLAINTIFF CHAIN BRIDGE
BANK, N.A.'S MOTION TO FILE UNDER PROVISIONAL SEAL**

Pursuant to Local Civil Rule 5 and the Amended Stipulated Confidentiality Agreement and Protective Order (ECF No. 68) (“Protective Order”), Third-Party Plaintiff Chain Bridge Bank, N.A. (“Chain Bridge”) respectfully moves to file a redacted version of Exhibit 104 to the Declaration of Donald Burke in Support of Defendants’/Third-Party Plaintiff’s Memoranda in Opposition to Blue Flame Medical LLC and JPMorgan Chase Bank, N.A.’s Motions for Summary Judgment.

The Protective Order requires that “any document or thing containing or embodying Confidential or Highly Confidential Discovery Material” filed with the Court to be “filed under seal in accordance with Local Civil Rule 5.” (Dkt. 68 ¶ 7). Exhibit 104 is the Expert Report of

Teresa A. Pesce, served by Third-Party Defendant JPMorgan Chase Bank, N.A. (“JPMC”) on February 12, 2021. JPMC has designated this document as “Confidential,” and portions of it as “Highly Confidential,” under the terms of the Protective Order.

On May 20, 2021, Third-Party Plaintiff Chain Bridge will file its memorandum in opposition to Third-Party Defendant JPMorgan Chase Bank, N.A.’s (“JPMC”) motion for summary judgment, which includes Ms. Pesce’s expert report as an exhibit. The parties have conferred in advance of this filing, and JPMC has informed Chain Bridge that JPMC requires two portions of the report to be redacted in any public filing, and the unredacted report to be filed under seal. Chain Bridge accordingly seeks leave to file a redacted version of this exhibit, and a sealed, unredacted version of it, pursuant to the Protective Order.

Chain Bridge takes no position on JPMC’s confidentiality designation concerning the redacted text. Pursuant to the Scheduling Order in this case, “[w]here a party moves to file material under seal because the opposing party has designated that material as confidential, the opposing party must file a response to the motion and a proposed order that meet the requirements of Local Civil Rule 5.” ECF No. 37 ¶ 10(a).

Chain Bridge has provided public notice of its request to seal by filing the accompanying Notice of Motion to File Under Provisional Seal. For the foregoing reasons, Third-Party Plaintiff respectfully submits that the Motion to File Under Provisional Seal should be granted.

Date: May 20, 2021

Respectfully submitted,

/s/ Donald Burke

Donald Burke (VA Bar No. 76550)

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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2021, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

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