

EXHIBIT 120

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

(Alexandria Division)

----- X

BLUE FLAME MEDICAL LLC, :

Plaintiff, :

v. : Civil Action No.

CHAIN BRIDGE BANK, N.A., JOHN : 1:20-cv-00658

J. BROUGH and DAVID M. :

EVINGER, : CONFIDENTIAL

Defendants. :

----- :

CHAIN BRIDGE BANK, N.A., :

Third-Party Plaintiff, :

v. :

JPMORGAN CHASE BANK, N.A., :

Third-Party Defendant. :

----- X

Remote Deposition

Tuesday, January 19, 2021

Videotaped Deposition via Zoom of MICHAEL

WONG, a witness herein, called for examination by

Page 2 1 counsel for Defendant/Third-Party Plaintiff in the 2 above-entitled matter, pursuant to notice, the 3 witness being duly sworn by MARY GRACE CASTLEBERRY, a 4 Notary Public in and for the District of Columbia, 5 taken at 1:01 p.m. EST, Tuesday, January 19, 2021, 6 and the proceedings being taken down by Stenotype by 7 MARY GRACE CASTLEBERRY, RPR, and transcribed under 8 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 the Plaintiff Blue Flame Medical 4 LLC: 5 ETHAN BEARMAN, ESQ. 6 The Bearman Firm 7 10250 Constellation Boulevard, Suite 100 8 Los Angeles, California 90067 9 (747) 344-1004 10 11 On behalf of the Defendant/Third-Party Plaintiff 12 Chain Bridge Bank, N.A.: 13 MATTHEW M. MADDEN, ESQ. 14 ZACHARY N. FERGUSON, ESQ. 15 Robbins Russell Englert Orseck 16 Untereiner & Sauber 17 2000 K Street, N.W., 4th Floor 18 Washington, D.C. 20006 19 (202) 775-4500 20 mmadden@robbinsrussell.com 21 znferguson@robbinsrussell.com 22
Page 3 1 APPEARANCES: 2 3 On behalf of the Plaintiff Blue Flame Medical 4 LLC: 5 PETER H. WHITE, ESQ. 6 GREG KETCHAM-COLWILL, ESQ. 7 BILL GUSSMAN, ESQ. 8 JASON MITCHELL, ESQ. 9 KENI UKABIALA, ESQ. 10 Schulte Roth & Zabel 11 901 15th Street, N.W., Suite 800 12 Washington, D.C. 20005 13 (202) 729-7476 14 pete.white@srz.com 15 gregory.ketcham-colwill@srz.com 16 bill.gussman@srz.com 17 jason.mitchell@srz.com 18 ekenedilichukwu@ukabiala@srz.com 19 20 21 22	Page 5 1 APPEARANCES (Continued): 2 3 On behalf of the Third-Party Defendant JPMorgan 4 Chase Bank: 5 ALAN SCHOENFELD, ESQ. 6 ALBINAS PRIZGINTAS, ESQ. 7 MARGARITA BOTERO, ESQ. 8 Wilmer Cutler Pickering Hale & Dorr LLP 9 1875 Pennsylvania Avenue, N.W. 10 Washington, D.C. 20006 11 (212) 663-6981 12 alan.schoenfeld@silmerhale.com 13 albinas.prizgintas@wilmerhale.com 14 margarita.botero@wilmerhale.com 15 16 17 18 19 20 21 22

Page 6 1 APPEARANCES (Continued): 2 3 On behalf of the Deponent: 4 CARA PORTER, ESQ. 5 SARAH FABIAN, ESQ. 6 Office of the Attorney General 7 California Department of Justice 8 455 Golden Gate Avenue, Suite 11000 9 San Francisco, California 94102-7020 10 (415) 254-3934 11 cara.porter@doj.ca.gov 12 Sarah.fabian@doj.ca.gov 13 14 ALSO PRESENT: 15 JASON AQUI, Videographer 16 17 18 19 20 21 22	Page 8 1 E X H I B I T S 2 DEFENDANT'S EXHIBIT NO. PAGE 3 66 - March 25, 2020 email from John Thomas 4 to Michael Wong 113 5 67 - April 3, 2020 email from Mathew Littman 6 to Michael Wong 126 7 68 - April 15, 2020 email from John Thomas 8 to Michael Wong 139 9 10 PLAINTIFF'S EXHIBIT NO. PAGE 11 1 - March 24, 2020 email from John Thomas 12 to Michael Wong 163 13 2 - March 25, 2020 email from Andrew Sturmfels 14 to Michael Wong 185 15 3 - March 25, 2020 email from Angela Shell 16 to Andrew Sturmfels 188 17 4 - March 25, 2020 email from Michael Wong 18 to John Catching 208 19 5 - March 25, 2020 email from Andrew Sturmfels 20 to Kim Daniel 217 21 6 - March 26, 2020 email from Natalie Gonzales 22 to Andrew Sturmfels 221
Page 7 1 C O N T E N T S 2 WITNESS EXAMINATION 3 MICHAEL WONG 4 BY MR. MADDEN 12 5 BY MR. MITCHELL 153 6 BY MR. PORTER 254 7 BY MR. MITCHELL 263 8 BY MS. PORTER 269 9 10 Afternoon Session - Page 116 11 12 E X H I B I T S 13 DEFENDANT'S EXHIBIT NO. PAGE 14 61 - Screenshots of text messages 22 15 62 - March 22, 2020 - April 9, 2020 text 16 messages 22 17 63 - March 24, 2020 email from John Thomas 18 to Michael Wong 51 19 64 - March 24, 2020 email from Ethan Bearman 20 to Michael Wong and John Thomas 92 21 65 - March 25, 2020 email from John Thomas 22 to Michael Wong 111	Page 9 1 E X H I B I T S (Continued): 2 PLAINTIFF'S EXHIBIT NO. PAGE 3 7 - March 26, 2020 email from Kim Daniel 4 to Andrew Sturmfels 224 5 8 - March 25, 2020 email from Fee Chang 6 to Andrew Sturmfels 227 7 9 - Text message between Mr. Wong, Mr. Thomas 8 and Daniel Kim 233 9 10 - March 26, 2020 email from Andrew Sturmfels 10 CC Michael Wong 237 11 - - - 12 13 14 15 16 17 18 19 20 21 22

Page 54 1 manufacturer had ever delivered any masks to Blue 2 Flame Medical before? 3 A. Not that I remember. 4 Q. Did Mr. Thomas tell you whether this 5 products catalog attached to the -- excuse me. 6 Strike that. 7 Did Mr. Thomas tell you whether the 8 inventory list attached to this email came from the 9 manufacturer from which Blue Flame Medical intended 10 to source the bulk of any masks California ordered? 11 A. He did not -- to the best of my memory, he 12 did not identify a link between specific 13 manufacturers and the bulk of the order. 14 Q. Okay. If you flip to the inventory list 15 itself which ends in Bates number 134. just tell me 16 when you're there. 17 A. Yes. I see it. 18 Q. And at the very top of the page, it says, 19 "XXXX," five Xs, "Products Catalog." 20 Do you see that? 21 A. Yes, sir. 22 Q. Did Mr. Thomas ever explain to you why	Page 56 1 A. Yes. 2 Q. All right. Could we return to -- I 3 apologize for the flipping around -- but if we could 4 return to Exhibit 62, please. So the text messages. 5 A. Okay. I have Exhibit 62 up. 6 Q. Okay. And we're now back to page that 7 ends in 138. It's the fourth page of the PDF. 8 A. Okay. 9 Q. Okay. And if you look at the fourth entry 10 down, it's from March 24th at 3:01 p.m. Do you see 11 that one? 12 A. Yes, sir. 13 Q. And you asked Mr. Thomas, "Quick question. 14 Is prepayment made to your company or overseas?" 15 Do you see that? 16 MR. MITCHELL: Objection. Misstates the 17 document. 18 BY MR. MADDEN: 19 Q. Okay. I'll try again. At 3:01 p.m. on 20 March 24th, you write to Mr. Thomas, "Quick question. 21 Is payment made to your company or overseas?" 22 Do you see that?
Page 55 1 this products catalog had a series of Xs instead of a 2 manufacturer name on it? 3 A. No, he did not. 4 Q. And if you flip back to the email, please. 5 MS. PORTER: Mr. Madden, which email are 6 you referencing? 7 MR. MADDEN: Oh, I'm sorry, the cover 8 email that's Exhibit 63. 9 MS. PORTER: Very good. Thank you. 10 MR. MADDEN: Thank you. 11 BY MR. MADDEN: 12 Q. Are you there? 13 A. Yes, sir. 14 Q. Okay. Great. And at the very end of the 15 first paragraph, Mr. Thomas writes, "Of course you 16 can inspect/reject and we'll refund payment." 17 Do you see that? 18 A. Yes, sir. 19 Q. And once again, you understood that to be 20 conveying to you that the state of California would 21 have the ability to reject any masks it received that 22 it wasn't happy with; is that correct?	Page 57 1 A. Yes, sir. 2 Q. And what prompted you to ask that 3 question? 4 A. Typically, if it was payment made to a 5 foreign bank or a foreign company, we would not do a 6 prepayment. 7 Q. And why is that? 8 A. The exact reason of that, I do not know. 9 That was the guidance that I was given. 10 Q. Is there a concern in the department -- 11 strike that. 12 Is there a concern that you're aware of at 13 the Department of General Services with prepaying 14 money that would end up overseas before the products 15 had arrived? 16 MS. PORTER: Objection. Calls for 17 deliberative process. You can't answer that one, 18 Michael. 19 THE WITNESS: Do you want me to answer 20 that? 21 MS. PORTER: No, please do not answer the 22 question.

Page 58 1 BY MR. MADDEN: 2 Q. Okay. Mr. Thomas replies to you, "My 3 company cages the dollar sign." And you understood 4 that to mean money? 5 A. Yes, sir. 6 Q. What did you understand Mr. Thomas to mean 7 by "cages the money"? 8 A. My understanding is that they were holding 9 the money and then that was to be used to pay to the 10 manufacturers. 11 Q. Did Mr. Thomas tell you now or at any time 12 before this message that Blue Flame Medical didn't 13 have a bank account? 14 A. No, that was never brought up to me. 15 Q. Would that have been important to you in 16 considering whether Blue Flame Medical could handle 17 payment made to a company and to be sent to 18 manufacturers? 19 MS. PORTER: Objection. Calls for 20 speculation. You can answer the question. 21 THE WITNESS: Would that be important? 22 Yes.	Page 60 1 that Blue Flame Medical had caged money before? That 2 that's something they had done? 3 A. Yes, I would assume that they held money. 4 Q. And did Mr. Thomas tell you on or about 5 March 24th that in fact Blue Flame Medical had never 6 held money for a customer as of this time? 7 A. No, they never told me that. 8 Q. Okay. Further down the text chain, still 9 on March 24th, now at 3:03 p.m., Mr. Thomas writes, 10 "Also if it helps, my preferred manufacturer for this 11 state is a Chinese American citizen. He lives in 12 Pasadena, too, and I've known him for years." 13 Do you see that? 14 A. Yes, sir. 15 Q. And Mr. Thomas then continues in the next 16 message, "Henry is stuck in China because they have 17 everyone locked down, but he really wants to bring 18 his supplies here." 19 Do you see that? 20 A. Yes, sir. 21 Q. As of this time, had Mr. Thomas told you 22 who Henry was?
Page 59 1 BY MR. MADDEN: 2 Q. Did Mr. Thomas tell you at this time or 3 any other time that as of March 24th, Blue Flame 4 Medical had never caged any money for anyone? 5 A. I'm sorry, can you repeat the question? 6 Q. Sure. Did Mr. Thomas tell you on March 7 24th or any other time that Blue Flame Medical had 8 never caged any money for anyone? 9 MS. PORTER: Objection. Ambiguous. 10 There's a double negative in there that's a little 11 confusing. 12 BY MR. MADDEN: 13 Q. Okay. I'll try again, at least one more 14 time. Mr. Wong, you see that Mr. Thomas writes, "My 15 company cages the money." 16 Do you see that? 17 A. Yes, sir. 18 Q. Do you understand that to mean that's 19 something Blue Flame Medical had done before? 20 A. I'm a little confused by that question. 21 Q. Sure. When Mr. Thomas wrote, "My company 22 cages the money," did you understand that to mean	Page 61 1 A. No, I do not know who Henry was. 2 Q. Did you come to understand that Blue Flame 3 Medical was working with someone named Henry Huang, 4 H-u-a-n-g? 5 A. To the best of my knowledge of that, that 6 name doesn't ring a bell. 7 Q. How about the name Great Health Companion. 8 Did Mr. Thomas tell you at this time or any other 9 time you recall that Blue Flame Medical was working 10 with a company called Great Health Companion? 11 A. At that time, he, to the best of my 12 knowledge, did not identify who his partners or 13 manufacturers or other suppliers were. 14 Q. Did you have an understanding as to where 15 Blue Flame Medical's manufacturers were located? 16 A. I believe he told me that most of the 17 manufacturers were overseas. 18 Q. Was Mr. Thomas any more specific than 19 that? 20 A. To the best of my knowledge, I believe he 21 said most of them were in Asia. 22 Q. Mr. Thomas' text message here refers to a

Page 62

1 preferred manufacturer. Do you see that? I'm sorry,
2 at 3:03 p.m.
3 A. Yes, sir.
4 Q. Did Mr. Thomas ever tell you -- strike
5 that.
6 Did Mr. Thomas or anyone else affiliated
7 with Blue Flame Medical ever tell you that Blue Flame
8 Medical's preferred manufacturer was owned by a
9 state-owned enterprise of the Chinese government?
10 A. No.
11 Q. Would that information have been important
12 to you as a procurement officer?
13 A. We would have taken that into
14 consideration.
15 MS. PORTER: I'm sorry. Objection. Calls
16 for speculation.
17 BY MR. MADDEN:
18 Q. Down at the bottom of page 138, you send a
19 message at 3:05 p.m. Do you see that one?
20 A. Yes, sir.
21 Q. And you ask, "What volume of" -- and then
22 you list four model numbers -- "masks can you ship

Page 63

1 immediately?"
2 Do you see that?
3 A. Yes, sir.
4 Q. And where did those four model numbers
5 come from?
6 A. I believe those model numbers were taken
7 directly from one of the inventory sheets or sales
8 sheets that was sent to me by Mr. Thomas.
9 Q. And why were you asking specifically about
10 those four model numbers?
11 A. From what I recall, those model numbers
12 were already approved by the Department of Public
13 Health and so that would have made the vetting
14 process a little bit quicker.
15 Q. And why is that? Why would it have made
16 the vetting process quicker?
17 A. If they're a known model number of a
18 specific type of N95 respirator, they would just need
19 to verify the spec sheets that are with the product.
20 Q. And again, for masks to be ordered and
21 received by the state of California, it had to be an
22 approved model from the Department of Public Health.

Page 64

1 Do I have that right?
2 A. Yes, sir.
3 Q. You ask -- you list the four model numbers
4 and ask what volume Blue Flame Medical can ship
5 immediately; is that right?
6 A. Yes, sir.
7 Q. Why are you asking about immediate
8 shipment?
9 A. We wanted to know how many of those masks
10 we could purchase and how soon we would get them.
11 Q. And why was it important to you as a
12 procurement officer how soon the state of California
13 could get the N95 masks?
14 A. Particularly because if delivery was
15 months and months out, that wouldn't be a viable
16 procurement for us.
17 Q. And that's because you were dealing with
18 the pandemic, right?
19 A. That's correct.
20 Q. Is it fair to say time was of the essence
21 on these sorts of procurements?
22 A. Yes, sir.

Page 65

1 Q. Were you, in the emergency procurements of
2 PPE during the pandemic, counting on suppliers to
3 meet their delivery schedules?
4 A. Yes, absolutely.
5 Q. And why is that?
6 A. Well, we have an agreement with a supplier
7 to supply the goods in an agreed upon time frame.
8 Q. And if a supplier could only get you masks
9 months and months later, that would be much less
10 helpful to the state of California; isn't that
11 correct?
12 A. Yes, that's correct.
13 Q. In the next text message, now on to the
14 next page, at 3:08 p.m., Mr. Thomas writes to you in
15 part, "Henry can get you 2 million out the door and
16 to you within 8 days."
17 Do you see that?
18 A. Yes, sir.
19 Q. Did you understand here who Henry was?
20 A. I assumed that was manufacturer based on
21 the previous text that I received from Mr. Thomas.
22 Q. And what did you understand Mr. Thomas to

Page 82 1 California had to prepay 75 percent of the shipping 2 costs? 3 A. No, that was never explained. 4 Q. Okay. We're going to flip back again to 5 Exhibit 62, which are the text messages, if you 6 would. 7 A. Sure. 8 Q. Just give me a minute to find my own 9 place. Okay. We're at page Bates number ending 139 10 and specifically I was going to start with the text 11 message from Mr. Thomas at 7:59 a.m. 12 A. Okay. 13 Q. Are you there? 14 A. Yes, sir. 15 Q. You're faster than I am. Okay. 16 Mr. Thomas writes to you, "Morning, 17 Michael, looking forward to closing this first 18 transaction this morning." 19 Do you see that? 20 A. Yes, sir. 21 Q. He asks you about next steps and thanks 22 you for your help. Did you -- do you recall speaking	Page 84 1 Counsel, am I speaking over you? I'm sorry. 2 MS. PORTER: No. I'm sorry. No, 3 Mr. Madden, you were not. 4 BY MR. MADDEN: 5 Q. Okay. The message at 10:35 a.m., do you 6 see that one? 7 A. Yes, sir. 8 Q. He writes, "Michael, sorry to be annoying, 9 but I've got everything ready on my side and the 10 inventory set aside." 11 What did you understand Mr. Thomas to mean 12 by he had the inventory set aside? 13 A. I believe that meant all of the masks that 14 we had previously discussed. 15 Q. The masks you had previously discussed 16 meaning -- meaning what? 17 A. The total 100 million quantity that we 18 were looking at. 19 Q. And then Mr. Thomas had those 100 million 20 masks set aside for the state of California as of 21 10:35 a.m. on March 25th. 22 Was that your understanding?
Page 83 1 to Mr. Thomas around this time, the morning of March 2 25th? 3 A. I don't remember. 4 Q. I've asked you about a number of specific 5 phone calls, but I think you've said you recalled 6 generally speaking with Mr. Thomas by phone more than 7 once, correct? 8 A. I believe so. 9 Q. What, if anything, do you remember about 10 those telephone conversations? 11 A. To the best of my knowledge, it was just 12 reiterating what was conveyed either in the text 13 messages or in the emails. 14 Q. Am I right that you don't recall 15 Mr. Thomas conveying to you any additional 16 information other than what's also conveyed in 17 writing? 18 A. That's correct. 19 Q. Oh, there it is. The next message down at 20 10:30 -- 21 MS. PORTER: Excuse me. 22 MR. MADDEN: I'm sorry. I'm sorry,	Page 85 1 A. Yes. 2 Q. Did you understand, based on this and your 3 other discussions with Mr. Thomas, that Blue Flame 4 Medical had purchase orders in place from suppliers 5 for those 100 million masks? 6 MS. PORTER: Objection. Ambiguous. 7 Purchase orders as to who? 8 MR. MADDEN: Yeah, I'll try it again. 9 BY MR. MADDEN: 10 Q. When Mr. Thomas told you that Blue Flame 11 Medical had inventory set aside for California's 12 purchase, did you understand that to mean that Blue 13 Flame Medical had purchased 100 million masks from 14 manufacturers for California? 15 A. I assume that meant that he had 100 16 million available to deliver to California. 17 Q. You -- just a second. Okay. And he 18 writes at the end of that message, "Anything I can do 19 to help speed things up on your side?" 20 Do you see that? 21 A. Yes, sir. 22 Q. And that you understood to convey a

Page 86 1 message that it was still important to move very 2 quickly on this transaction? 3 A. Yes, sir. 4 Q. You write back, "Working with finance." 5 Do you see that? 6 A. Yes, sir. 7 Q. And who or what is finance in that 8 message? 9 A. That would mean the, I think, controller's 10 office. 11 Q. And with whom specifically were you 12 working on this transaction in the state controller's 13 office? 14 A. I personally did not have anybody directly 15 at the controller's office. 16 Q. Was someone else in your office working 17 with the state controller's office? 18 MS. PORTER: Objection to form. 19 Speculation. 20 BY MR. MADDEN: 21 Q. Sorry. Let me just try again. Maybe I 22 misunderstood. You wrote to Mr. Thomas, "Working	Page 88 1 least electronically, Mr. Thomas sends you a text 2 message at 11:22 p.m. Do you see that one? 3 A. 11:22 p.m.? Which page? 4 Q. I'm sorry, I might have misspoken. 11:22 5 a.m., excuse me. It's the second one on the page, on 6 page 140. 7 A. Which date? 8 Q. Yeah. I'll try -- I'll start over. 9 On the page that ends in Bates number 140, 10 there's a message from Mr. Thomas on March 25th at 11 11:22 a.m. Do you see that one? 12 A. Yes, sir. 13 Q. And Mr. Thomas in the first sentence 14 writes, "Also my principal place of business is in 15 Glendale, California." 16 Do you see that? 17 A. Yes, sir. 18 Q. And did you understand Mr. Thomas to mean 19 that Blue Flame Medical's principal place of business 20 was in Glendale, California? 21 A. That's what I assumed, yes. 22 Q. Was it reassuring to you to know the state
Page 87 1 with finance." Do you see that? 2 A. Yes, sir. 3 Q. And then you identified finance to be the 4 state controller's office. Were you personally 5 working with the state controller's office? 6 A. No. 7 Q. Did you have an understanding as to 8 whether someone else in the Department of General 9 Services was working with the state controller's 10 office? 11 A. Yes, sir. 12 Q. And who was the person, to your 13 understanding, in your office that was working with 14 the state controller's office? 15 A. I was relaying the information to Angela 16 Shell, my boss, who was then -- how it got 17 coordinated, I don't know. 18 Q. And am I right that you don't know who 19 Ms. Shell was working with in the state controller's 20 office? 21 A. I do not know. 22 Q. Okay. If you flip to the next page, at	Page 89 1 of California was working with a California company? 2 A. Yes, sir. 3 Q. Did Mr. Thomas or anyone else affiliated 4 with Blue Flame Medical ever tell you that in fact 5 Blue Flame's principal place of business was in 6 Washington, D.C.? 7 A. No, that was never told to me. 8 Q. Did Mr. Thomas or anyone else affiliated 9 with Blue Flame Medical ever tell you that Blue Flame 10 Medical's principal executive office was at his 11 business partner's political consulting firm on 12 Capitol Hill in Washington, D.C.? 13 A. No. 14 Q. Did Mr. Thomas or anyone else affiliated 15 with Blue Flame Medical ever tell you that at this 16 time, Blue Flame Medical was not registered to do 17 business in the state of California? 18 A. No. 19 Q. And did Mr. Thomas or anyone else 20 associated with Blue Flame Medical ever tell you that 21 at this time, Blue Flame Medical had no fixed office 22 within the state of California?