

**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.

DECLARATION OF DONALD BURKE

I, Donald Burke, state as follows:

1. I am over twenty-one years of age, and I am competent to give this declaration. I have personal knowledge of the facts set forth in this declaration.

2. I am one of the attorneys representing Defendant/Third-Party Plaintiff Chain Bridge Bank, N.A., and Defendants John J. Brough and David M. Evinger in the above-captioned matter.

3. I submit this declaration in support of Defendants'/Third-Party Plaintiff's reply in support of their motions for summary judgment against Blue Flame Medical LLC and JPMorgan

Chase Bank, N.A., in order to place before the Court true and correct copies of certain documents that are relevant to this matter.

4. Attached hereto as Exhibit 113 is a true and correct copy of a document exchanged in discovery bearing the Bates label CBB00002609.

5. Attached hereto as Exhibit 114 is a true and correct copy of an email chain among Defendants' counsel, Henry Huang, and Henry Huang's counsel, with emails exchanged between December 16, 2020 and March 25, 2021.

6. Attached hereto as Exhibit 115 are excerpts from a true and correct copy of the transcript of the January 12, 2021 deposition of Mike Gula in this action.

7. Attached hereto as Exhibit 116 are excerpts from a true and correct copy of a document exchanged in discovery bearing the Bates label VLX-007876 showing text communications between Mike Gula and Michael Jensen.

8. Attached hereto as Exhibit 117 are excerpts from a true and correct copy of the transcript of the February 2, 2021 deposition of John Brough in this action.

9. Attached hereto as Exhibit 118 are excerpts from a true and correct copy of a document exchanged in discovery bearing the Bates label BFM000202805.

10. Attached hereto as Exhibit 119 are excerpts from a true and correct copy of the transcript of the March 4, 2021 deposition of Richard J. Chivaro, 30(b)(6) witness for the State of California's State Controller's Office, in this action.

11. Attached hereto as Exhibit 120 are excerpts from a true and correct copy of the transcript of the January 19, 2021 deposition of Michael Wong in this action.

12. Attached hereto as Exhibit 121 are excerpts from a true and correct copy of the transcript of the March 29, 2021 deposition of Daniel Kim in this action.

13. Attached hereto as Exhibit 122 is a true and correct copy of a document exchanged in discovery bearing the Bates label DGS6516.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 27, 2021.

/s/ Donald Burke
Donald Burke

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 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:

Peter H. White, Esq. (VA Bar No. 32310)
SCHULTE ROTH & ZABEL LLP
901 Fifteenth Street, NW, Suite 800
Washington, DC 20005
Phone: (202) 729-7476
Fax: (202) 730-4520
Email: peter.white@srz.com
Counsel for Plaintiff

Meredith K. Loretta, Esq. (VA Bar No. 92369)
**WILMER CUTLER PICKERING HALE &
DORR LLP**
1875 Pennsylvania Avenue NW
Washington, DC 20006
Phone: (212) 663-6981
Email: meredith.loretta@wilmerhale.com
Counsel for Third-Party Defendant

/s/ Donald Burke
Donald Burke (VA Bar No. 76550)
ROBBINS, RUSSELL, ENGLERT, ORSECK
& UNTEREINER LLP
2000 K Street, NW, 4th Floor
Washington, DC 20006
Telephone: (202) 775-4500
Facsimile: (202) 775-4510
dburke@robbinsrussell.com
Counsel for Defendants