

**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.

THIRD-PARTY PLAINTIFF CHAIN BRIDGE BANK, N.A.'S
NOTICE OF WITHDRAWAL

PLEASE TAKE NOTICE that Third-Party Plaintiff Chain Bridge Bank, N.A. (Chain Bridge) hereby withdraws its *Motion to Establish the Amount of Indemnified Fees and Expenses to be Awarded from Third-Party Defendant JPMorgan Chase Bank, N.A.* (Dkt. No. 194) (the Motion). Chain Bridge's withdrawal of the Motion is pursuant to a negotiated settlement (the Agreement) between Chain Bridge and Third-Party Defendant JPMorgan Chase Bank, N.A. (JPMC) to resolve the amount of indemnified loss and expense owed by JPMC to Chain Bridge pursuant to the Court's September 23, 2021 Order (Dkt. No. 176) granting summary judgment in Chain Bridge's favor on its third-party claim for indemnification from JPMC.

The parties' Agreement does not resolve, and shall not be deemed to resolve, Chain Bridge's claims for indemnification from JPMC, or any claims or defenses by JPMC, for any loss and expense incurred in relation to JPMC's and Blue Flame Medical LLC's appeals of the judgment in this action, which are currently pending before the U.S. Court of Appeals for the Fourth Circuit (Nos. 21-2218 (L), 21-2219), including losses and expenses relating to the appeals incurred before the effective date of the Agreement and losses and expenses relating to the appeals that may be incurred on or after the effective date (Appeals Claims). The Agreement also does not resolve, and shall not be deemed to resolve, Chain Bridge's claims for indemnification from JPMC, or any claims or defenses by JPMC, for any loss and expense incurred in future litigation related to the subject matter of this action occurring after the effective date of the Agreement, including but not limited to any losses and expenses that Chain Bridge or JPMC may incur following any remand of this action to this Court and any losses and expenses relating to any judgment that may be awarded in Blue Flame's favor in in this action (Future Claims).

The parties have agreed that the Appeals Claims and Future Claims are fully reserved by the parties and shall not be limited in any respect by their Agreement. The parties have further agreed, for avoidance of doubt, that by entering into the Agreement JPMC does not concede any entitlement by Chain Bridge to any Appeals Claims or Future Claims.

Accordingly, the Motion is withdrawn without prejudice to Chain Bridge seeking recovery for Appeals Claims and/or Future Claims from JPMC in the future.

Dated: February 8, 2022

Respectfully submitted,

/s/ Donald Burke

Gary A. Orseck (admitted *pro hac vice*)

Matthew M. Madden (admitted *pro hac vice*)

Donald Burke (VA Bar No. 76550)

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Counsel for Third-Party Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2022, 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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