

**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.

**JOINT STATUS REPORT REGARDING THIRD-PARTY PLAINTIFF CHAIN
BRIDGE BANK, N.A.'S MOTION TO ESTABLISH THE AMOUNT OF
INDEMNIFIED FEES AND EXPENSES TO BE AWARDED FROM
THIRD-PARTY DEFENDANT JPMORGAN CHASE BANK, N.A.**

Third-Party Plaintiff Chain Bridge Bank, N.A. (Chain Bridge) and Third-Party Defendant JPMorgan Chase Bank, N.A. (JPMC) respectfully submit this joint status report in response to this Court's order of January 5, 2022 (Dkt. No. 216) and to provide the Court with the following updates regarding Chain Bridge's *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).

1. Chain Bridge filed its Motion on October 28, 2021, seeking a determination by this Court of the amount of indemnified fees and expenses (incurred through September 30, 2021) to be awarded 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. On November 3, 2021, Chain Bridge filed a notice of hearing date requesting that a hearing on the Motion be set for January 7, 2022. *See* Dkt. 198. The Court thereafter set the hearing on the Motion for that date.

2. As the parties advised the Court via joint motion filed on January 4, 2022 (Dkt. No. 215), after the filing of Chain Bridge's Motion, Chain Bridge and JPMC continued to negotiate in an effort to resolve the issues presented for decision by Chain Bridge's Motion. Chain Bridge and JPMC reached an agreement in principle to resolve those issues, and accordingly requested that the Court vacate the hearing scheduled for January 7, 2022, and hold Chain Bridge's Motion in abeyance as the parties worked to document their agreement in principle. On January 5, 2022, this Court entered an order granting that relief and directing the parties to file this joint status report by January 21, 2022. *See* Dkt. No. 216.

3. Since the entry of this Court's order, the parties have made substantial progress in documenting their agreement in principle. Although the parties have not yet reached a final agreement, they anticipate that they will do so in the coming days. Accordingly, the parties continue to believe that a decision by this Court is unlikely to be necessary.

* * * * *

For the foregoing reasons, the parties respectfully request that the Court (i) continue to hold Chain Bridge's Motion in abeyance; and (ii) direct the parties to provide a further status report by January 28, 2022, unless Chain Bridge's Motion is withdrawn prior to that date pursuant to the

parties' agreement. For the Court's convenience, a proposed order is attached hereto as Exhibit A.

Dated: January 21, 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)
ROBBINS, RUSSELL, ENGLERT,
ORSECK & UNTEREINER LLP
2000 K Street, N.W., 4th Floor
Washington, D.C. 20006
Tel: (202) 775-4500
Fax: (202) 775-4510
dburke@robbinsrussell.com

Counsel for Third-Party Plaintiff

Alan E. Schoenfeld (admitted *pro hac vice*)
Marissa W. Medine (admitted *pro hac vice*)
7 World Trade Center
250 Greenwich Street
New York, NY 10007
Tel: (212) 230-8800
Fax: (212) 230-8888
alan.schoenfeld@wilmerhale.com

/s/ Meredith K. Loretta

Meredith K. Loretta (VA Bar No. 92369)
Albinas J. Prizgintas (admitted *pro hac vice*)
Whitney Russell (admitted *pro hac vice*)
WILMER CUTLER PICKERING HALE &
DORR LLP
1875 Pennsylvania Ave N.W.
Washington, D.C. 20006
Tel: (202) 663-6981
Fax: (202) 663-6363
meredith.loretta@wilmerhale.com

Felicia Ellsworth (admitted *pro hac vice*)
60 State Street
Boston, MA 02109
Tel: (617) 526-6000
Fax: (617) 526-5000
felicia.ellsworth@wilmerhale.com

Counsel for Third-Party Defendant

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 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:

Meredith K. Loretta
WILMER CUTLER PICKERING HALE & DORR LLP
1875 Pennsylvania Ave NW
Washington, D.C. 20006
Phone: (202) 663-6981
Email: meredith.loretta@wilmerhale.com
Counsel for Third-Party Defendant JPMorgan Chase Bank, N.A.

Peter H. White, Esq.
SCHULTE ROTH & ZABEL LLP
901 Fifteenth Street, NW, Suite 800
Washington, DC 20005
Tel: 202-729-7476
Fax: 202-730-4520
peter.white@srz.com
Counsel for Plaintiff Blue Flame Medical LLC

/s/ Donald Burke
Donald Burke (VA Bar No. 76550)
ROBBINS, RUSSELL, ENGLERT,
ORSECK & UNTEREINER LLP
2000 K Street, N.W., 4th Floor
Washington, D.C. 20006
Tel: (202) 775-4500
Fax: (202) 775-4510
dburke@robbinsrussell.com