

**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 MOTION TO VACATE JANUARY 7, 2022 HEARING ON 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) jointly move for an order vacating the hearing on 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). That hearing is currently scheduled for January 7, 2022, at 10:00 AM. The reasons justifying the requested relief are set forth in the attached memorandum in support of this joint motion. The parties do not request oral argument on this joint motion.

WHEREFORE, the parties respectfully request that this Court enter an order, substantially in the form of the proposed order attached hereto as Exhibit A, vacating the January 7, 2022 hearing on Chain Bridge's Motion.

MEMORANDUM IN SUPPORT

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. Since the filing of Chain Bridge's Motion, Chain Bridge and JPMC have continued to negotiate in an effort to resolve the issues presented for decision by Chain Bridge's Motion. Chain Bridge and JPMC have now reached an agreement in principle to resolve those issues. Although the parties' agreement in principle remains subject to definitive documentation, the parties anticipate reaching a final agreement and therefore believe that a decision by this Court is unlikely to be necessary.

3. The parties respectfully submit that, in light of their agreement in principle to resolve the issues presented for decision by Chain Bridge's Motion, good cause exists to vacate the hearing on the Motion scheduled for January 7, 2022. A proposed order reflecting the requested relief is attached hereto as Exhibit A.

* * * * *

For the foregoing reasons, the parties' joint motion should be granted.

Dated: January 4, 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

/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

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

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 4, 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