

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

BLUE FLAME MEDICAL LLC,
Plaintiff-Appellant,

v.

CHAIN BRIDGE BANK, N.A.,
Defendant-Appellee.

No. 21-2218 (L)

JPMORGAN CHASE BANK, N.A.,
Third-Party Defendant-Appellant,

v.

CHAIN BRIDGE BANK, N.A.,
Third-Party Plaintiff-Appellee.

No. 21-2219

**JPMORGAN CHASE BANK, N.A.’S OPPOSITION TO
BLUE FLAME MEDICAL LLC’S MOTION FOR
ADDITIONAL ORAL ARGUMENT TIME**

Third-Party Defendant-Appellant JPMorgan Chase Bank, N.A. (“JPMC”) opposes Blue Flame Medical LLC’s motion for additional oral argument time. On October 19, 2022, the Court advised that, “[a]s attorneys for appellants,” JPMC’s counsel and Blue Flame’s counsel “are generally expected to split 20 minutes of argument time.” JPMC proposed to Blue Flame that the 20 minutes of argument time be split evenly, such that each appellant would have 10 minutes. Blue Flame rejected JPMC’s proposal and has filed a motion for additional argument time.

Blue Flame's motion should be denied. Blue Flame's appeal and JPMC's appeal each present a separate set of distinct legal issues, and those issues have been extensively briefed. (Blue Flame's and JPMC's separate opening and reply briefs collectively totaled 36,337 words.) Blue Flame argues that, absent additional time, the Court will hear a disproportionate amount of advocacy against Blue Flame. That argument is misplaced. JPMC's appeal concerns the issue of indemnification as between JPMC and Chain Bridge—not Blue Flame. To be sure, the appellants' ultimate interests in this case are not aligned, but that should have no bearing on the matter here. The arguments presented by JPMC on appeal concern any indemnification obligation vis-à-vis Chain Bridge alone. Chain Bridge, as appellee against JPMC, has the same focus: any obligations as between JPMC and Chain Bridge—not Blue Flame. There is no imbalance or unfairness to Blue Flame if each appellant is granted the same 10 minutes of argument time, as JPMC proposed to Blue Flame.

The Court should deny Blue Flame's motion for additional argument time and order that Blue Flame and JPMC split evenly the 20 minutes of argument time afforded to appellants.

Dated: October 24, 2022

Respectfully submitted,

WILMER CUTLER PICKERING
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/s/ Alan E. Schoenfeld

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CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 278 words. This motion also complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5)-(6) because it was prepared using Microsoft Word for Office 365 in 14-point Times New Roman font, a proportionally-spaced typeface. As permitted by Fed. R. App. P. 32(g)(1), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

Dated: October 24, 2022

/s/ Alan E. Schoenfeld
Alan E. Schoenfeld

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

Dated: October 24, 2022

/s/ Alan E. Schoenfeld

Alan E. Schoenfeld