

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Blue Flame Medical LLC,
Plaintiff-Appellant,

v.

Chain Bridge Bank, N.A.,
Defendant and Third-Party Plaintiff-Appellee,
John J. Brough; David M. Evinger,
Defendants-Appellees,

v.

JPMorgan Chase Bank, N.A.,
Third-Party Defendant.

No. 21-2218 (L)
(1:20-cv-00658-LMB-IDD)

Blue Flame Medical LLC,
Plaintiff,

v.

Chain Bridge Bank, N.A.,
Defendant and Third-Party Plaintiff-Appellee,
John J. Brough; David M. Evinger,
Defendants,

v.

JPMorgan Chase Bank, N.A.,
Third-Party Defendant-Appellant.

No. 21-2219
(1:20-cv-00658-LMB-IDD)

**OPPOSED MOTION FOR FIVE ADDITIONAL MINUTES OF ORAL
ARGUMENT TIME FOR APPELLANT BLUE FLAME MEDICAL LLC**

Responding to the Court's October 19, 2022 Notice, Dkt. 61, and pursuant to
Local Rule 34(d), Plaintiff-Appellant Blue Flame Medical LLC respectfully moves

this Court for five additional minutes of argument time. Both Appellant JPMorgan Chase Bank (JPMC) and Appellee Chain Bridge Bank oppose this motion.

The interests of the two appellants in this matter are squarely opposed with respect to plaintiff-appellant Blue Flame's appeal, but not with respect to appellant JPMC's. That is because it is important to JPMC that Blue Flame lose on its merits arguments in its case against Chain Bridge Bank (for which JPMC currently owes, and faces an ongoing risk of owing, indemnity), while Blue Flame has essentially no interest in whether JPMC or Chain Bridge Bank ultimately prevails in their fight apportioning liability as between them. As a result, dividing argument time among the appellants here by allocating ten minutes to Blue Flame and ten minutes to JPMC leads to a fundamental unfairness: Blue Flame has ten minutes to present its arguments, and parties opposing Blue Flame on the merits have thirty minutes to present theirs.

In order to better balance the allotted time, Blue Flame proposed to enlarge its argument time by only five minutes—for a total of fifteen minutes—and also invited both other parties to offer additional proposals. Both parties declined, and JPMC insisted that it would not agree to any proposal other than to give appellants each ten minutes with no enlargements whatsoever.

Granting the additional time would not only result in a fairer allocation among the parties but would also assist the Court in its resolution of the complex legal issues

underlying this case. Appellant Blue Flame filed a full opening and reply brief to address its claims and contentions, which represent the core merits issues in this complex case. Among those issues are questions of first impression in the U.S. Courts of Appeals regarding the proper interpretation of Regulation J, which establishes critical, nationwide rules regarding wire transfers. Accordingly, appellees' response brief was devoted disproportionately to addressing Blue Flame's claims rather than JPMC's arguments respecting indemnity. Providing only ten minutes of time to Blue Flame is thus likely to leave insufficient opportunity for it to address the Court's questions and appellees' positions on all the matters raised in its appeal. And that is particularly so because Blue Flame must reserve adequate time on rebuttal to address as much of the other opposing parties' thirty minutes as they choose to devote to the issues presented by Blue Flame's central appeal on the merits, as opposed to the side issue presented by JPMC.

CONCLUSION

For the foregoing reasons, Blue Flame Medical LLC respectfully requests that the Court grant its motion for five additional minutes of oral argument time.

October 24, 2022

Respectfully submitted,

/s/ Eric F. Citron

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CERTIFICATE OF COMPLIANCE

In accordance with Fed. R. App. P. 32(g)(1), the undersigned certifies that this motion complies with the type-volume limit of Fed. R. App. P. 27(d)(2) because this motion contains 475 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2016, Times New Roman, 14-pt font.

/s/ Eric F. Citron
October 24, 2022

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system on October 24, 2022. All participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Eric F. Citron
October 24, 2022