# EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

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BLUE FLAME MEDICAL LLC, :
Plaintiff, :
v. : Civil Action No.
CHAIN BRIDGE BANK, N.A., : 1:20-cv-00658
JOHN J. BROUGH and DAVID M. :
EVINGER, : CONFIDENTIAL
Defendants. :
_____ :
CHAIN BRIDGE BANK, N.A., :
Third-Party Plaintiff, :
v. :
JPMORGAN CHASE BANK, N.A., :
Third-Party Defendant. :

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Remote Deposition

Tuesday, January 12, 2021

Videotape Deposition via Zoom of MIKE GULA, a witness herein, called for examination by

Page 2

counsel for Defendant/Third-Party Plaintiff in the above-entitled matter, pursuant to notice, the witness being duly sworn by MARY GRACE CASTLEBERRY, a Notary Public in and for the District of Columbia, taken at 10:05 a.m. EST, Tuesday, January 12, 2021, and the proceedings being taken down by Stenotype by MARY GRACE CASTLEBERRY, RPR, and transcribed under her direction.

Page 3

APPEARANCES:

On behalf of the Plaintiff Blue Flame Medical LLC:
PETER H. WHITE, ESQ.
GREGORY KETCHAM-COLWILL, ESQ.
BILL GUSSMAN, ESQ.
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and
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Page 4

APPEARANCES (Continued):

On behalf of the Defendant/Third-Party Plaintiff Chain Bridge Bank, N.A.:
GARY A. ORSECK, ESQ.
CAROLYN FORSTEIN, ESQ.
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On behalf of the Third-Party Defendant JPMorgan Chase Bank:
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Page 5

APPEARANCES (Continued):

On behalf of the Third-Party Defendant JPMorgan Chase Bank:
GABRIEL TORRES, ESQ.
JPMorgan Chase
Assistant General Counsel
383 Madison Avenue
New York, New York 10179
(212) 270-6000

ALSO PRESENT:
JASON AQUI, Videographer

Page 10

firm and Ethan Bearman, legal counsel and chief legal counsel for Blue Flame.

MR. ORSECK: I should have said as well -- this is Gary Orseck -- that my colleagues, Matthew, Matt and Carolyn Forstein are with me as well.

MR. SCHOENFELD: And this is Alan Schoenfeld for WilmerHale for third-party defendant, JPMorgan Chase Bank, NA, and I'm joined by my colleague, Albinas Prizgintas.

THE VIDEOGRAPHER: Will the court reporter please administer the oath.

Whereupon,

MIKE GULA,

was called as a witness by counsel for Defendant/Third-Party Plaintiff, and having been duly sworn by the Notary Public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR DEFENDANT/THIRD-PARTY PLAINTIFF

BY MR. ORSECK:

Q. Good morning, Mr. Gula.

A. Good morning.

Page 11

Q. Where are you coming -- where are you sitting today?

A. At the law offices of Schulte Roth & Zabel.

Q. In Washington, D.C.?

A. Yes.

Q. What is your current residence?

A. Current residence is 700 Rose Square, Alexandria, Virginia 22314.

Q. How long have you resided there?

A. Since August of this year.

Q. Where did you reside before that?

A. I was at The Gables in Alexandria, 525 Montgomery Street, Alexandria, Virginia 22314.

Q. How long were you there?

A. One year.

Q. And before that?

A. I was at The Arris, A-r-r-i-s, in Washington, D.C.

Q. For how long?

A. I believe around eight or nine months. I'm not 100 percent sure of the exact date. It was

Page 12

-- I don't believe it was a full year.

Q. How long have you lived in the Washington, D.C. metropolitan area?

A. I moved up here the summer of 2002.

Q. Can you tell us what you did to prepare for your deposition today?

A. I met with our legal counsel and reviewed documents.

Q. When did you do that?

A. Over the last couple of weeks.

Q. You're aware that your partner, John Thomas, had his deposition taken yesterday?

A. Yes.

Q. Have you read any sort of rough transcript of his deposition since that happened yesterday?

A. I have not.

Q. Have you been -- this is a yes or no question -- have you been briefed on Mr. Thomas' testimony?

A. Yes.

Q. Was that by legal counsel?

A. Yes.

Page 13

Q. Have you spoken -- again, a yes or no question -- have you spoken with Mr. Thomas since his deposition?

A. Yes.

Q. Was that in the presence of counsel, outside the presence of counsel or some of each?

A. With some of each.

Q. Did you meet with Mr. Thomas outside the presence of counsel?

A. Yes.

Q. Where did you do that?

A. At my residence.

Q. That was last night?

A. Yes.

Q. How long did you meet for?

A. I don't recall.

Q. Did he stay for a while? Did he stay for dinner?

A. No.

Q. What do you recall discussing last night with Mr. Thomas?

A. We discussed the deposition a little bit.

Page 14

Q. Did he tell you what any of his testimony was?
A. Not in any great detail.
Q. What do you recall?
A. That he felt it went fine.
Q. He didn't go into any substance -- I'm sorry.
A. That he felt great.
Q. Did he tell you what any of the questions were?
A. I don't recall.
Q. Mr. Gula, I want to just start by getting some basic background from you and I'm looking at this point for relatively high level of generality and if there's something specific I want to follow up on, I'll let you know. Is that all right?
A. Sounds great.
Q. Did you graduate from college?
A. Yes.
Q. When and where?
A. The University of Richmond. Graduated in 2002.

Page 15

Q. Did you have a major?
A. Political science.
Q. Did you say political science?
A. Yes, sir.
Q. Did you attend any grad school?
A. No.
Q. While at the University of Richmond, did you take any courses that related to the healthcare field?
A. I may have.
Q. Can you recall anything specific?
A. No, but I may have. It was four years and it was a long time ago.
Q. Did you take business courses?
A. I may have within the political science department.
Q. Do you remember anything specific?
A. I do not remember anything specific as it related to a detail of political science major. There could have been a couple hours that I took of a business format in a political science degree.
Q. Okay. I'm going to ask you, if you can,

Page 16

as best you can, to run through your professional career from the time you graduated in 2002 up until the end of 2019. Can you do that?
A. Yes. What specifically?
Q. I don't know what your professional career is. So I'm asking you to tell us what you did chronologically from the time of graduation up through the end of 2019.
A. I had a job right after school working for Keelen Communications. After Keelen Communications, I started Mike Gula & Associates and I started Gula Graham and then I started Prime Advocacy.
Q. Anything else?
A. No, not that I'm aware of.
Q. What is Keelen Communications?
A. Fundraising and consulting firm.
Q. Where is that -- or where was that based?
A. It was a Washington, D.C. consulting and -- and fundraising firm.
Q. According to the complaint that Blue Flame Medical filed in this case, you founded Mike Gula & Associates in 2005. Is that accurate?

Page 17

A. It's accurate.
Q. So is it correct that you were at Keelen Communications from sometime after you graduated in 2002 up through around 2005?
A. That would be accurate.
Q. How long did Mike Gula & Associates stay in business?
A. It's still in business. It never ceased to exist.
Q. What is the business of Gula & Associates?
A. It started as a fundraising and consulting firm.
Q. Is that political fundraising and consulting?
A. Yes.
Q. And what sort of clients have you worked with over that time period at Gula & Associates? I'm looking for general statements if you're able to give them.
A. Members of Congress on the Republican side.
Q. The complaint also says that you founded

Page 18

Gula Graham Group in 2006. Is that accurate?
A. That would be accurate.
Q. Is Gula Graham still in business?
A. Yes.
Q. I understand that Mr. Graham died sometime in the last number of years; is that right?
A. August 24th, 2018.
Q. And Gula Graham has stayed in business after that time?
A. Yes.
Q. What is the business of Gula Graham?
A. Political fundraising and consulting.
Q. Is the nature of that business different from Gula & Associates?
A. No.
Q. Is there a reason you had two different entities that did the same type of business?
A. No.
Q. During the entire period of time from 2002 when you joined Keelen Communications up through the end of 2019, did you have any other business activities unrelated to those three entities?

Page 19

A. Between Keelen Communications, Mike Gula & Associates and Gula Graham?
Q. Yes.
A. Yes.
Q. What else did you do besides those three businesses?
A. A company called Prime Advocacy.
Q. Right. You mentioned that. The complaint says Prime Advocacy was founded in 2010, right?
A. Yes.
Q. Did you found -- you founded that company?
A. With my late partner, John.
Q. That's John Graham?
A. Yes.
Q. Is that entity still in business?
A. The business was recently sold.
Q. When did you sell it?
A. Sometime this summer.
Q. What was the business of Prime Advocacy?
A. It was a logistical and meeting, fly-in business.
Q. For people like me who are not familiar

Page 20

with the lingo in that area, can you -- can you provide a little more color as to what that means?
A. Yes. For example, if the National Association of Convenience Stores were bringing in convenience storeowners to Washington, D.C. to lobby Congress, Prime Advocacy would be responsible for scheduling all of their appointments on Capitol Hill with various members of Congress.
It would also not be limited to meetings, but also scheduling flights, hotels, buses, rallies, logistics for attendees and participants.
Q. I saw a statement in one of the Blue Flame Medical presentations that referred to Prime Advocacy as, quote, "D.C.'s leading fly-in and logistics firm."
Does that characterize what you just explained?
A. It does.
Q. All right. Let me expand the question that I asked a few minutes ago. Other than now the four entities you've mentioned, Keelen, Gula & Associates, Gula Graham and Prime Advocacy, did you

Page 21

have any other business activities outside of those four between 2002 and the end of 2019?
A. By business -- what do you mean by business activities?
Q. Did you do any other professional work outside of your work with those entities during that roughly 17, 18-year period?
A. Paid or unpaid?
Q. Either one.
A. I'm sure I did. I'm sure I did.
Q. Were all of the activities in the same general area, which is to say dealing with members of Congress or people who wish to appear before them?
A. There were many opportunities that I would listen to that never came to fruition or was working to become in fruition, but nothing -- but yes, around politics, logistics, yes.
Q. Okay. How do you know John Thomas? Let me -- let me withdraw that and ask it better.
When did you first meet John Thomas?
A. Probably -- I can't say for certain. Three or so years ago at least, ballpark.

Page 22

Q. In what -- I'm sorry. Were you finished?
A. Yes.
Q. In what context did you meet Mr. Thomas?
A. I met him through a mutual friend.
Q. Can you give me any more detail on that?
A. I met him through Matt Robbins, a mutual friend.
Q. Did you have any business dealings with Mr. Thomas?
A. By business -- again, business dealings is a very broad question. What do you mean by business dealings?
Q. Did you have any dealings with Mr. Thomas?
A. Yes.
Q. What were those?
A. We shared certain political clients.
Q. What do you mean by that?
A. There were certain candidates that we were working on together where the candidate hired multiple vendors and he was one of the vendors.
Q. Which candidates fell into that category?
A. I can't say for certain. It's been a

Page 23

number of years.
Q. Well, it's only been the last three years, right?
A. Correct.
Q. Can you name any of the candidates on whose behalf both you and Mr. Thomas worked?
A. I had a lot of clients.
Q. You can't think of any?
A. The person running against Katie Hill or Katie Porter, excuse me, Katie Porter. Whoever lost to Katie Porter. I remember that.
Q. What campaign was that -- or what position was that for?
A. I honestly don't remember the candidate's name. I had a lot of clients.
Q. I didn't mean that. Was that someone running for the U.S. Congress?
A. Yes.
Q. And you can't think of any others as you sit here?
A. This past cycle, the one I can remember was a gentleman by the name of Sedgwick who was

Page 24

running in California.
Q. Running for the United States Congress?
A. Yes.
Q. Did you develop a personal friendship with Mr. Thomas over the last three years?
A. Of course.
Q. In March of last year, you and Mr. Thomas formed Blue Flame Medical LLC, correct?
A. That's correct.
Q. Can you give me the background as you remember it as to how that came about?
A. John and I wanted to help people. There was a massive need. We had an opportunity to help millions of people and we wanted to help and that's how that business came about.
Q. Whose brainchild was this in the first instance? Was it yours or Mr. Thomas' or somebody else's?
A. I can't recall who came to one another first. It's like we came together at the same time.
Q. When did you first have discussions about forming this enterprise?

Page 25

A. Sometime in the winter of 2019-2020.
Q. Was it after the Coronavirus pandemic began to spread around the world?
A. It was around the time that there was frays of a pandemic.
Q. As of the time that you and Mr. Thomas began to have these discussions, did you have any experience in the field of medical supplies?
A. No.
Q. Do you have any specialized training or certifications relating to supply chain management?
A. No.
Q. Any experience in that field prior to last winter?
A. No.
Q. How about any specialized training or certifications in the healthcare industry?
A. No.
Q. You know what I mean when I refer to an N95 mask?
A. I do.
Q. And that was one of the items of PPE or

Page 26

personal protective equipment that Blue Flame Medical wanted to supply to customers, correct?
A. Correct.
Q. When was the first time that you heard the expression or the term "N95" in connection to personal protective equipment?
A. 2019 or '18 --
Q. Was that in -- I'm sorry, I was speaking over you. You know, Mr. Gula, let me pause for a moment. This is always an issue in a deposition, but it's more of an issue in this sort of virtual deposition.
If we happen to speak at the same time, it dubs us both out and nobody gets heard. So I'm trying, but failing, sometimes to not speak over you and I'll ask you to try as well to wait for me to finish a question and we'll do our best, okay?
A. Okay.
Q. Okay. So I had asked you when you first heard the term "N95," and I think you said 2019, but then you said something more and I didn't catch it.
A. It was in 2019 or around 2019, yes.

Page 27

Q. Okay. And was that in connection with this pandemic?
A. Possibly.
Q. Well, when in 2019 do you think you heard that term first?
A. I cannot recall.
Q. Was it prior to the time that news began to spread that a virus that originated in Wuhan, China was potentially spreading?
A. It could have been.
Q. I'm sure it could have been anything, but I'm asking for your recollection.
A. It could have been. I could have heard the term "N95" sometime in 2019 not related to the pandemic.
Q. And why would you have heard about an N95 mask prior to that time?
A. Because I watch the news. I read.
Q. Okay. In your business experience since 2002, have you ever dealt with importation of any goods into the United States?
A. No.

Page 28

Q. Do you have any experience with the process of customs for items entering the United States from other countries?
A. No.
Q. Mr. Gula, we're going to try this on the first -- let me withdraw that.
I'm going to be showing you some exhibits throughout the day and we'll have to work it out on the first one and after that, I think it will be easy, but we'll show you how to do it.
And Carolyn, my colleague, is going to drop into the chat function on your screen a document that we're going to mark as Defendant's Exhibit 34. That's picking up from where we left off yesterday.
MR. ORSECK: And that will be tab -- I'm sorry, tab 235, Carolyn.
MR. WHITE: Do you have the chat function, Mr. Gula?
THE WITNESS: Let's see. Chat. I have the function open.
MR. WHITE: Yes. And once --
THE WITNESS: I see the Exhibit 34.

Page 29

MR. WHITE: It will take a while. Just press save, I believe.
THE WITNESS: Got it.
MR. WHITE: Then it will populate in the chat function so that you can open it, once it downloads.
THE WITNESS: Click open?
MR. WHITE: Yes.
THE WITNESS: Okay. Got it.
(Defendant's Exhibit No. 34 was marked for identification.)
MR. WHITE: Greg, while Mr. Gula is getting that file open so that you can ask him about it, I just want to state on the record that today's deposition and yesterday's deposition are considered confidential under the terms of our discovery order that's been entered in court.
Do I have all counsel's agreement to that?
MR. ORSECK: Yes. Understood.
BY MR. ORSECK:
Q. Mr. Gula, were you able to open Exhibit 34?

Page 30

A. Yes.
Q. Can you identify that document?
A. I can identify it just to make sure I'm reading the correct one that you're looking at. It's -- the first -- the top says Delaware and underneath the first state. Is that the correct document?
Q. That's the one.
A. Yes.
Q. Do you see on the first page it says that this is a certificate of formation of Blue Flame Medical filed on the 23rd of March, 2020?
A. I see that.
Q. And the second page says State of Delaware Limited Liability Company Certification of Formation, right?
A. Yes, I see that.
Q. And at the bottom of the page, that's executed on March 23rd, 2020?
A. I see that.
Q. This is the documentation with the state of Delaware by which you and Mr. Thomas incorporated

Page 31

Blue Flame Medical; am I right?
A. Yes.
Q. In connection with the formation of Blue Flame Medical, did you or Mr. Thomas or anyone else associated with Blue Flame Medical prepare a written business plan?
A. We may have.
Q. Do you recall preparing a written business plan?
A. We very well may have.
Q. That's the very question I'm asking. Do you recall -- do you have any recollection of doing that?
A. What do you mean by business plan?
Q. Do you know the term "business plan"? Have you heard of that term before?
A. I have.
Q. They take many forms, don't they?
A. Yes.
Q. Have you seen a business plan before?
A. I'm sure I have.
Q. Have you ever prepared a business plan in

Page 32

your life?
A. To a degree. I've sketched one out.
Q. Did you prepare one for either Gula & Associates or Gula Graham or Prime Advocacy?
A. Not -- not really. I sketched one out on what we wanted to accomplish.
Q. Did you prepare any sort of written business plan for Blue Flame Medical?
A. We absolutely may have done that, yes. I cannot recall it specifically, but we had a business plan, yes, to succeed, yes. We had one.
Q. Have you seen a written business plan for Blue Flame Medical?
A. I can't recall.
Q. Have you provided a written business plan for Blue Flame Medical to your counsel in connection with the discovery process in this case?
A. Every document I had that he needed and was required, I presented.
Q. Did you or Mr. Thomas or anybody else on behalf of Blue Flame prepare pro formas for the business?

Page 33

A. I don't know what that means. I'm sorry.
Q. You don't know what the term "pro formas" means?
A. No.
Q. Did you prepare any sort of prospective financial statements by which you anticipated to anticipate what the expenses and revenues of the business would be?
A. I personally did not.
Q. Have you seen such a document?
A. Absolutely could have. Do not recall if that was ever presented.
Q. Was there a means by which the business -- Blue Flame, I'm referring to -- was capitalized at the outset of its life?
A. John and I both capitalized the company to start a business, yes.
Q. Did you put your own money into the business?
A. Yes.
Q. How much did you put in?
A. Anywhere -- tens of thousands of dollars.

Page 174

long you are planning to keep these funds on your account," right?
A. She did ask that.
Q. And then she says, "With such dollar amount, we need to inform our financial department about these funds and how long they will stay in your account."
She emailed you that at 4:21, right?
A. Yes.
Q. And then you ask, "When is the wire cutoff time and what are operational days," correct?
A. That's correct.
Q. Is it fair to say you were eager to receive the wire?
A. Yes, because we needed to order N95s to save lives.
Q. Earlier we looked at the 11:19 email -- well, it's on this same document. No, I guess it's not on this document. Give me a moment.
Yeah, in Exhibit 44, we looked at an 11:00 a.m. email from you to Ms. Cole that said, "Also" -- it's right here. Forgive me. On the very document

Page 175

we're looking at, on page 1461 at 11:19, that's when you emailed Maria Cole and said, "Also need email ASAP when the wire hits from Cali," right?
A. I said that, correct.
Q. And in that email and in any of the previous emails with Maria Cole, you didn't say what the size of the wire was, correct?
A. I may have on the phone.
Q. Well, let's take it a piece at a time. Did you say it by email?
A. I don't recall in this thread, no.
Q. And the first time you said it by email was at 4:12 p.m., right?
MR. WHITE: Is your question the first time he said it on this email was at 4:12 p.m.?
MR. ORSECK: That's -- that's what I said.
MR. WHITE: Okay.
MR. ORSECK: That was exactly verbatim my question.
MR. WHITE: Just wanted to clarify. Thank you.
THE WITNESS: On this email at 4:12, I did

Page 176

tell them the wire amount.
BY MR. ORSECK:
Q. That's the first time you emailed that to Maria Cole, correct?
A. That is correct.
Q. Do you have a specific recollection of a phone conversation earlier in the day in which you told her that -- told her that amount?
A. I don't have any specific recollection, but I know I told the bank that.
Q. Maria Cole apparently didn't know that at 4:11 when she asked you how much is the wire you're expecting, right?
MR. WHITE: Objection. Calls for speculation about what Maria Cole could have known. You can answer if you know what she knew.
THE WITNESS: I had no idea what she knew other than me telling the bank.
MR. ORSECK: Object to the instruction from counsel.
BY MR. ORSECK:
Q. Have you seen any evidence that you

Page 177

emailed Maria Cole prior to 4:12 to tell her the amount of the wire?
A. I sent a lot of emails. I may have told her on an email, but I don't see it on this thread.
Q. All right. If you find such an email, will you let us know?
A. Absolutely.
Q. And do you have any specific recollection of having told Maria Cole, prior to 4:12 p.m. by any means, that the bank should be expecting a $450 million wire?
A. I had a number of phone calls with the bank.
Q. Right. One of them was the one we listened to with Heather Schoeppe, correct?
A. That's correct.
Q. Can we do tab 253, please. That will be Exhibit 54. It's Bates CBB 1433 through 1436. And I'm just going to point you to the first page, but look at whatever you'd like to.
(Defendant's Exhibit No. 54 was marked for identification.)

Page 178

MR. WHITE: Give me a minute here while I'm downloading this one as well.
THE WITNESS: I've read the first page.
BY MR. ORSECK:
Q. In response to Maria Cole's 4:21 p.m. email that said, "Thanks for letting us know," you respond at 4:38 p.m. and you say, "When is the wire cutoff time and what are operational days," right?
A. I did say that.
Q. And she responded at 4:49, "5:00 p.m. Monday through Friday, not on holidays," correct?
A. That's what she said.
Q. And you follow up at 5:18 p.m. on the 25th and you ask, "For domestic? I thought it was later than 5:00," with three question marks. "I know Cali wanted to do it today," right? That's what you wrote.
A. That's what I wrote.
Q. How did you know Cali wanted to do it today?
A. I believe that's what John told me.
Q. And that references the wire transaction,

Page 179

right?
A. Yes.
Q. Do you recall, Mr. Gula, at 4:00 or 5:00 p.m. in the afternoon on that day receiving a call from David Evinger and John Brough?
A. Absolutely.
MR. WHITE: Counsel, what was that time? I missed part of what you said.
MR. ORSECK: Yeah, the -- the transcription is not what I said. I meant to say at 4:00 or 5:00 p.m.
MR. WHITE: I misheard you as well. Thank you. I appreciate the clarification.
BY MR. ORSECK:
Q. You remember receiving that call, right?
A. Absolutely.
Q. And you conferenced in Mr. Case, didn't you?
A. I did.
Q. Do you have any better record or recollection of exactly what time that call occurred?
A. Yes.

Page 180

Q. What time did the call occur?
A. After 4:12.
Q. How do you know?
A. Because that's what my Verizon records indicate and I know that's what prompted the call.
Q. What prompted the call?
A. My email to Ms. Cole.
Q. I'm lost. What email prompted the call?
A. When I told Maria Cole the size of the wire, that's when the bank president called me.
Q. I see. And that -- you're referring to the 4:12 email from you at page 1434 in Exhibit 54, right?
A. Yes.
Q. Does your Verizon record tell us how long the call lasted?
A. Nineteen minutes.
Q. Did you make a recording of the call?
A. I really wish I did.
Q. Did you tell Mr. Evinger and Mr. Brough that Great Health Companion would be the supplier and that he was a friend of Blue Flame Medical?

Page 181

A. I told Mr. Evinger and Brough that we had -- we were going to be supplying California with 100 million masks with multiple suppliers. I'm sure I said Great Health Companion was one of them.
Q. Did you say that Mr. Huang's factory or factories would be retooled to make the masks?
A. I'm unsure of that specific point.
Q. Was that your understanding on March 25th?
A. My understanding was that Henry was going to be able to supply 100 million masks for this order if needed.
Q. Forgive me, but I feel like you're evading my question. And I know I'm going to get an objection from that. But I'm asking you something specific and I'm hoping, so that we can get through this, you can say yes, I remember that or no, I don't remember that or something else.
So my question is, was it your understanding on the 25th that Mr. Huang would be retooling his factory or factories in order to make the masks that you intended to supply to California?
A. That's a very odd word choice that I may

Page 182

or may not have used. Unfortunately, the bank chose to not record the phone call supposedly, so I don't know if I expressedly said retool.

Q. My question is, was it your understanding at the time that that's what Mr. Huang was going to do?

A. My understanding was Henry was going to be able to provide 100 million masks.

Q. All right. I'm going to ask it a third time because you're not answering my question.

A. All right.

Q. I understand -- I understand you understood -- let me just finish. I understand that you understood that Henry was going to be able to provide 100 million masks. You've said that a few times.

A. Yeah.

Q. I'm asking if it was your understanding at the time that he would be retooling his factory or factories in order to be able to do so.

A. If that is the characterization that Mr. Brough and Evinger interpreted what I said,

Page 183

that's their interpretation. My interpretation of what I told them was Henry would be able to provide 100 million masks for the state of California.

Q. I'm going to try yet again because I don't believe I'm getting an answer. I want you to put aside the conversation with Mr. Brough and Mr. Evinger for this -- purposes of this question. I'm not asking you about that call. I'm asking you about you.

A. Okay. I'm sorry.

Q. My question is -- my question is, did you, on March 25th, have an understanding one way or the other whether Mr. Huang was going to need to retool his factory or factories in order to produce those masks?

A. My understanding was that Henry would be working with dozens and dozens of factories to provide not just masks, but PPE. I was not under the impression that there was one factory that we would be receiving N95 masks from.

Q. Did you tell Mr. Brough and Mr. Evinger that you were sick and tired of political

Page 184

fundraising?

A. I probably would have said that, yeah.

Q. Did you confirm on that call that Blue Flame Medical had no mask inventory of its own at the time?

A. No, I have no recollection of telling them that we had no mask inventory.

Q. That was the case, though, right?

A. That's not true. We had absolutely a supply of mask inventory.

Q. Did you own any masks as of March 25th?

A. We had an incredible supply from all over the world of masks.

Q. Did you own any masks on March 25th? Are you able to answer that question?

A. What do you mean by owned?

Q. Are you serious?

MR. WHITE: Counsel, that's inappropriate. You're allowed to ask questions. That's it.

BY MR. ORSECK:

Q. If you don't know what the word "owned" means, then I'll move on. Did you own any masks on

Page 185

the 25th?

MR. WHITE: Him personally?

BY MR. ORSECK:

Q. Blue Flame Medical.

A. Blue Flame Medical had a supply pipeline that we could produce as many masks as necessary.

Q. Did you tell Mr. Brough and Mr. Evinger that you got the California deal through political contacts?

A. I don't know if I characterized it that way. Unfortunately, they chose not to record supposedly the phone call.

Q. I don't understand what you mean, "They chose not to record supposedly." Is it -- is it your belief that there is a recording that's not been provided?

A. Oh, yeah.

Q. You believe that there's a recording of that call and that it has not been provided in the litigation; is that what you're saying?

A. Absolutely.

Q. And what's your basis for that?

Page 186

A. Because this bank was about to receive a $450 million wire transfer and it's convenient they did not record a 19-minute phone call.
Q. Okay.
A. When so many other phone calls were recorded of much less significance.
Q. Did Mr. Evinger ask you if you had established any international letters of credit in connection with this transaction?
A. I don't recall.
Q. Do you recall telling him that you didn't need such an instrument?
A. I don't recall. I wish the phone call was recorded.
Q. I'm just asking for your recollection. Do you recall saying that?
A. I don't recall, which is why I'm saying I wish we had a transcript of that conversation.
Q. The record is very clear that you with -- wish that point. But now I'm asking for your recollection. You don't recall that?
A. No.

Page 187

Q. Do you know what an international letter of credit is?
A. No.
Q. Would you know how to go about getting one if you needed to?
A. Yes.
Q. Have you ever done that before?
A. No.
Q. In connection with the California transaction, did Blue Flame engage a lawyer with experience in international trade?
A. I had the utmost confidence in our chief legal counsel of his expertise.
Q. Do you know whether Mr. -- you're talking about Mr. Bearman?
A. Correct.
Q. Do you know whether he had experience in international trade prior to this time?
A. I believe he did. I'm not 100 percent certain, but just had confidence that -- in him.
Q. Did you consult a lawyer in the field of government contracting and procurement?

Page 188

A. Me personally or Blue Flame Medical?
Q. Sorry. Blue Flame or anyone associated with Blue Flame. Did anybody contact or seek advice from a government contracting and procurement lawyer?
A. Ethan Bearman may have.
Q. You don't know?
A. I don't know for certain.
Q. Do you recall Mr. Brough and Mr. Evinger asking you if the masks were ready as of that date?
A. I don't remember. But I do remember telling them that we did have masks that we needed and could get to California within 72 hours, and we had an extensive pipeline to provide California.
Q. Do you remember telling them that the pipeline you're referring to would involve manufacturing the masks as opposed to merely shipping already completed masks?
A. I do not believe I would have made a characterization that there were masks sitting in a warehouse just ready to be shipped. They had to be manufactured. Some we knew were manufactured and could get to California immediately.

Page 189

Q. Do you remember telling Mr. Brough and Mr. Evinger that the California transaction amounted to your payday, quote, unquote.
A. I don't believe I would have characterized it as my payday.
Q. Do you think you used words to that effect?
A. No, I do not believe that.
Q. Did you tell Mr. Brough and Mr. Evinger that by this transaction, you'd make enough money that you'd no longer have to worry about anything?
A. No, I don't believe I would have used those words with him, no.
Q. Did you tell Mr. Brough and Mr. Evinger on that call that, after this transaction, you'd no longer be reachable?
A. God, no. Not to them.
Q. Did you tell them you'd be going far away?
A. What do you mean by far away?
Q. I don't know. Did you tell them that?
A. I have a seven-year-old and a five-year-old. I would not be going far away.