EXHIBIT 97

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

Q. Do you know what became of those masks?
A. No.
Q. Did Blue Flame Medical sell those masks to anybody?
A. No.
Q. Did Blue Flame Medical deliver those masks to anybody?
A. No.
Q. In March of 2020, Mr. Gula, were you negotiating a transaction with private or public people in the state of Florida to purchase some or all of those masks?
A. Was I or Blue Flame Medical?
Q. You in particular.
A. I recall having conversations with people in Florida about PPE.
Q. Who did you have those discussions with?
A. I cannot recall. That was a long time ago.
Q. You can't recall from March 2020 your attempts to sell 100 million masks to somebody in Florida?

A. I cannot recall the specific person, that's correct.

Q. All right. Well, then if you don't remember the name, can you tell me whether they were state or governmental entities versus private entities, one or the other?

A. I talked with a number of people who said they spoke on behalf of a number of organizations and states.

Q. I'm speaking about Florida in particular. Can you remember who you spoke to in Florida even if you don't remember the name?

A. No, I don't recall speaking with somebody specifically from Florida. I may have. I -- I do not remember the name.

Q. Did you speak to any hospitals in Florida about potentially purchasing some or all of the 100 million masks from Long Beach?

A. I may have.

Q. Can you remember any hospitals or representatives of hospitals you spoke with in Florida?

A. No.

Q. Did any such discussions, if they happened at all, go anywhere?

A. Go anywhere as in what?

Q. After the initial discussions, did they progress forward toward a final transaction?

A. Not that I remember.

Q. Did you consider, in March of 2020, that a deal between Blue Flame Medical and any entity in Florida for the purchase of N95 masks was imminent?

A. I'm sorry, can you please say that one more time?

Q. Did you personally consider in March of 2020 that a deal between Blue Flame Medical and any entity in Florida for the purchase of N95 masks was imminent?

A. Yes, I believed lots of deals were imminent.

Q. I'm asking about deals in Florida. Did you believe in March 2020 that you were about to close a deal with any Florida entity for the purchase of the masks held at Long Beach?

A. I believe I did.
Q. What's the basis for that recollection?
A. You refreshed my memory.
Q. Okay. Well, having refreshed your memory, who are we talking about in Florida?
A. I would have to see my past communications with Florida or anybody you might be referencing in Florida. There were a number of people that I'm sure I was talking to in March in Florida.
Q. I haven't seen any such documents so I can't show them to you. Do you think that there were deal documents prepared between Blue Flame and any entity in the state of Florida?
A. That's a question and answer by chief legal counsel.
Q. I'm asking if you know. I can ask the chief legal counsel another time.
A. I don't know.
Q. Did you tell Mr. Thomas that a deal that you were working on to sell N95 masks to entities in the state of Florida was about to be completed?
A. I was keeping John apprised as fast as

possible of opportunities to help.

Q. Of course. But my question is a little different. Did you tell Mr. Thomas that you were about to close a deal with some entity in the state of Florida to purchase some of the masks from Long Beach?

A. I could have. I don't remember specifically.

Q. Okay. And in any event, you can't remember who the party was who you may have been speaking with; am I right?

A. Fair.

Q. Can you remember the number of masks that you were talking about selling to somebody in Florida?

A. Tens of millions probably.

Q. What's the basis for that?

A. Because large numbers -- everybody was wanting large numbers.

Q. But you don't remember specifically?

A. No.

Q. Did you ever satisfy yourself that there

A. I did not go in person to open an account. I do remember going to Chain Bridge Bank on or around March -- in the middle of March.

Q. I believe you went twice, from the documents. But do you remember going to the document on the 25th and meeting with a representative of the bank named Mariano Castagnello?

A. I may have.

Q. You don't specifically remember?

A. I remember going to the bank. I do not specifically remember who I spoke with.

Q. Do you remember going to the bank twice, once on the 25th and once after the wire was canceled on the 26th?

A. Yes. I do know -- I do not specifically know whether I went to the bank on the 23rd, 24th or 25th. I do know I did go before the California transaction and I know I went on March 26th.

Q. Okay. Why did you go the first time?

A. I was asked to come to the bank and fill out wire instruction paperwork.

Q. You think you were asked by Chain Bridge

to come to the bank?

A. I know I was asked by Chain Bridge to come to the bank.

Q. Just the week before, you had opened up bank accounts for Blue Flame Strategies and Red Line Strategies remotely. Why didn't you handle this remotely for Blue Flame Medical?

A. I believe I opened up a remote -- I believe I opened it up remotely with Blue Flame Medical.

Q. And you have other bank accounts or had other bank accounts at Chain Bridge Bank; is that right?

A. Correct.

Q. How long of a banking relationship did you have with Chain Bridge Bank at this point?

A. I believe over 10 years. I believe I started as soon as the bank was opened.

Q. And did you have one account or more than one account at Chain Bridge Bank?

A. I had all my business and personal accounts with Chain Bridge Bank.

Q. Going back roughly 10 years, right?

A. Or longer. As soon as the bank was open, I believe I was a member of the bank.

Q. Did you ever go in person to open any of those bank accounts?

A. I don't believe so. I may have. It's been over 10 years. I may have -- I may have done that. I had a very close relationship with them.

Q. Do you remember Mr. Castagnello? Do you remember meeting with him?

A. Not particularly, no.

Q. Do you remember sitting down with him in person and giving him your estimate of the monthly dollar amount of wires that would be coming in and going out of the new Blue Flame Medical account?

A. I'm very sure I did not actually sit down with him because you were not allowed in the bank at the time due to COVID restrictions.

I do remember him handing me a sheet of paper, which I did fill out in the auxiliary room, you would call it, before you get actually physically in the bank.

Q. And do you remember one of the pieces of information requested was the estimated amount of wires going in and coming out by month?

A. I do.

Q. And do you remember telling Mr. Castagnello that the monthly estimated average of wires coming in from foreign countries was $25 million?

A. I did not -- I did not specifically tell him. I believe I was writing everything on the sheet of paper.

Q. Do you remember telling him that the estimated monthly average of wires coming in domestically was 75 million?

A. I may have written that down.

Q. Does that number sound right?

A. It could, yeah. We were dealing with a lot of transactions possibly.

Q. Do you remember telling him that the estimated monthly average of wires going out domestically was 25 million?

A. Again, I don't remember specifically

telling him because, from my recollection, he handed me a sheet of paper and I wrote it down. I don't believe I had any personal interaction of a conversation of that level.

Q. Did you write down or otherwise communicate, when you were at Chain Bridge Bank, that you expected a wire of 45 or so million dollars coming in from California?

A. I specifically remember writing to -- I believe it was Maria or Jennifer in an email that that's what was coming in.

Q. Okay. We'll come to that. Other than the -- there's an email to Maria Cole I'll show you.

Do you remember any other means by which you communicated that?

A. I believe over the telephone. I had a number of phone calls with the bank.

Q. Okay. Do you know who the phone call was with when you said that?

A. It was either Maria or Jennifer, one of the two.

Q. When you were in the bank, did you write

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.

Q. Did you tell them that your email and cell phone would no longer work the next day?

A. No, I don't believe I would say that to them. I specifically wanted a close relationship with them.

Q. Did you tell them that only 10 people would have your new contact information?

A. Ten probably would have been high.

Q. What was your new contact information?

A. My 202-713-8608 phone number.

Q. Was that new?

A. Relatively.

Q. Do you remember them asking you on that call for the contract that you had with the manufacturer or manufacturers?

A. Not specifically. But I profusely, exhaustively told them I would provide them whatever information they needed to be comfortable with the transaction.

Q. Do you have any recollection of them specifically asking on that call for further documentation about your business?

A. No. They said they would get back to me and I proactively emailed them where we would be wiring the money within the United States. They did not even ask where I would be -- where we would be wiring out the money.

Q. You --

A. I did assure --

Q. Forgive me.

A. I did assure them on the phone that we would not be wiring -- or Chain Bridge Bank would not be wiring any money to China.

Q. Do you deny that Mr. Brough and Mr. Evinger on that call asked you for further documentation about your business?

A. Do I deny? What's the question?

MR. WHITE: Could you restate that, Counsel?

MR. ORSECK: Yes.

MR. WHITE: Just to make sure he understood.

BY MR. ORSECK:

Q. Do you deny that on that call, Mr. Brough

that with Mr. Thomas, Mr. Bearman or both?

A. I'm sure I did. I don't --

Q. Any specific -- sorry. Were you finished?

A. Yeah, I was finished.

Q. Do you have any specific recollection?

A. No.

MR. ORSECK: Can I ask folks if Exhibit 56 has downloaded yet?

THE WITNESS: Mine says compressed and it's downloading very slowly.

MR. ORSECK: Okay. So you don't have it yet?

THE WITNESS: (Shaking head.)

MR. ORSECK: All right. Well, we'll continue on, then. Let's put up tab 280 -- I'm sorry, tab 284, which will be Exhibit 58.

(Defendant's Exhibit No. 58 was marked for identification.)

BY MR. ORSECK:

Q. This is Bates CBB 639. Do you have it?

A. Yes.

Q. At 2:16, you emailed David Evinger and

said, "Coming in. Are you there? Need to verify in person," right?

A. Yeah. I don't know what "need to verify in person" means. This was under caution. I don't know if that was autopopulated from him since --

Q. Okay. You wrote the subject line and you're not sure about the rest?

A. That's correct.

Q. And did you go into Chain Bridge Bank that afternoon?

A. I went to Chain Bridge Bank that afternoon.

Q. Do you know what time you arrived?

A. Sometime after 2:16.

Q. What happened when you got there?

A. I met with David and John outside the bank. I asked them what happened. I said, you knew this wire was coming. You were comfortable with the wire. You had no problem yesterday. What changed?

They wouldn't specifically tell me in any detail other than I believe they wouldn't be receiving the transaction and they wanted to close

Blue Flame Medical. I repeatedly asked why very politely, almost embarrassingly, because we specifically had a conversation the day before of the size, why and what we were doing and they had no problem with it. And they just said, I believe, just 'cause. They wouldn't give me an explanation.

I then asked, well, I have other accounts. Are those okay? They said, yes, those are -- accounts are okay and kept those accounts open, which confused me even more.

Q. Do you remember anything else that you said or they said during that meeting?

A. No, they would not -- they were not very forthcoming given the extent of the conversation that I had with them the day before.

Q. How long did the meeting last?

A. Anywhere from five to 15 minutes.

Q. Was anyone other than the three of you in attendance at the meeting?

A. No.

Q. Did you ask -- did they tell you that California's bank had requested return of the wire?