EXHIBIT 93

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

- - - - - - - - - - - - - - - - - - X

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, :

Defendants. :

_____ :

CHAIN BRIDGE BANK, N.A., :

Third-Party Plaintiff, :

v. :

JPMORGAN CHASE BANK, N.A., :

Third-Party Defendant. :

- - - - - - - - - - - - - - - - - - X

Remote Deposition

Thursday, March 4, 2021

Deposition via Zoom of RICHARD J. CHIVARO, a 30(b)(6) witness herein, called for examination by

was a legitimate operation. The controller knew nothing about wiring funds to a bank in China. That was news to her.

This was the first time that she had heard anybody express any concern with the fact that Blue Flame was not legit. And as I indicated, he later called back and told the controller that he had a conversation with Mr. Thomas and Mr. Thomas seemed to be very knowledgeable about the medical supply industry and that he was now on board with going forward with the deal.

Q. Okay. You mentioned, for Mr. Kim's concerns, he was concerned that Mr. Thomas -- let me just get the language right. I don't want to misquote you. He was concerned that the guy was legit, you said, and he was uneasy with wiring money to a bank in China, correct?

A. Correct.

Q. Did Mr. Kim convey any other concerns to Ms. Yee?

A. Well, as I indicated, he wanted to know how well the controller knew Mr. Thomas. She told

him that she did not know him, she knew him by name only and was just going -- forwarding -- her exact words were she does not have a dog in this fight, that to the extent that we could get the PPE for California, that she was in support of doing that, that she was not influencing or attempting to influence the governor's office or the Department of General Services or Office of Emergency Services to do a deal that they did not feel comfortable with doing. So that's -- that's about what happened.

Q. Did Ms. Yee tell Mr. Kim how she first came to learn about Blue Flame Medical?

A. Yes, she told him that she knew him by name only and that he had contacted and reached out to her and that she was -- he knew that the controller contacted the governor's office, both Ann O'Leary and Ana Matosantos, because he spoke with Ana Matosantos and she told him where the information had come from.

Q. And did Ms. Yee communicate to Mr. Kim that Mr. Thomas had originally reached out to her fundraiser, Ms. Smith?

Q. I just want to clarify some points from your testimony earlier for the record.
A. Yep.
Q. The controller's office didn't have any role in deciding which PPE items the state of California would purchase in March of 2020, correct?
A. Correct.
Q. And the controller's office did not have any role in negotiating PPE orders with PPE suppliers in March of 2020, correct?
A. Correct.
Q. The controller's office did not have any role in vetting potential PPE suppliers in March of 2020, correct?
A. Correct.
Q. And the controller's office didn't have any expertise in PPE in general in March of 2020, correct?
A. Or following, correct.
Q. And the controller's office didn't negotiate the contract with Blue Flame to purchase 100 million N95 masks, correct?

A. Correct.

Q. And the controller's office didn't have any input into any of the terms of the contract with Blue Flame, correct?

A. Correct.

Q. In fact, the controller's office's role was limited to putting Blue Flame in contact with the Department of General Services and the Office of Emergency Services, correct?

A. Correct, which she did.

MR. MITCHELL: Greg, can we please put into the chat the document that we have identified as tab 6, which I believe has been previously marked as Plaintiff's Exhibit 8. And Greg, you'll need to share your screen to show the document to Mr. Chivaro. Please bear with us a moment.

BY MR. MITCHELL:

Q. All right. Mr. Chivaro, what's on your screen is an email and its attachments that were produced by the state of California. For the record, they bear Bates stamps DGS0212 through DGS0226.

And I'd like to first direct your

Q. And this is an invoice from Blue Flame Medical, correct?

A. Correct.

Q. And at the top left, do you see that Blue Flame Medical's address is listed as 499 South Capitol Street, Southwest, Suite 420, Washington, D.C. 20003?

A. I see that.

Q. And in the middle of this document, Mr. Chivaro, do you see that there is a list of N95 mask models and then there's, below that, four different items listed?

A. I do, yes.

Q. Did the controller's office have an understanding of what N95 mask models the state of California had agreed to purchase from Blue Flame?

A. No.

Q. At this point in time --

A. It would have been -- I'm sorry, that would have been negotiated by the -- by DGS and Blue Flame.

Q. Thank you.