EXHIBIT 120

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

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.	:	

Remote Deposition

Monday, March 29, 2021

Deposition via Zoom of DANIEL KIM, a witness herein, called for examination by counsel for

question the credibility of his earlier statement that prepayment was required?

MS. PORTER: Objection. Calls for speculation.

THE WITNESS: I would have been -- that's speculation. I don't know what I would have thought a year ago.

BY MS. FORSTEIN:

Q. Would it typically cause you concern if payment terms changed suddenly for a vendor?

MS. PORTER: Objection. Lack of foundation.

THE WITNESS: There's nothing typical about any of this.

BY MS. FORSTEIN:

Q. And you mentioned a minute ago that you spoke to CHP?

A. (Witness nodding.)

Q. What is CHP?

A. I'm sorry, what?

Q. What is CHP?

A. Oh, the California Highway Patrol.

Q. And do you recall what you talked to them about?

A. Yes. They came by for a few minutes just to tell me that there was an investigation being conducted on Blue Flame.

MS. PORTER: I'd like to -- I just want to point out that to the extent that the California Highway Patrol would like to assert any privileges with regard to an investigation that was pending or is currently pending, they are not present and they do not have counsel present.

BY MS. FORSTEIN:

Q. Understood. Mr. Kim, you said they came by. Did you speak with them in person?

A. Yes.

Q. And do you know what caused CHP to become involved?

MS. PORTER: Objection. Calls for speculation.

BY MS. FORSTEIN:

Q. Mr. Kim, I'm asking simply if you -- if you personally know what caused CHP to become

involved.

A. I think they were informed by the FBI.

Q. I'm sorry, I just couldn't hear that last line. They were informed by who?

A. The FBI.

Q. Understood. And you mentioned that after you spoke with CHP, you no longer wanted -- had an interest in going forward with this transaction; is that right?

A. I don't think I said that.

MS. PORTER: Objection. Misstates testimony.

BY MS. FORSTEIN:

Q. Sure. And I apologize. I'm not trying to misstate your testimony. I'm just going back to the discussion we had about CHP a few minutes ago.

Did the fact that CHP was investigating Blue Flame Medical concern you?

A. Yes.

Q. Why did it concern you?

A. Whenever you have any police investigating a transaction, that's going to be concerning or

government of Florida about Blue Flame Medical?

A. No.

Q. After March 26, did you have any further contact with Mike Gula?

MS. PORTER: Objection. Assumes facts not in evidence.

THE WITNESS: I don't believe I had any contact with Mike Gula, period.

BY MS. FORSTEIN:

Q. And after the call that you had with Mr. Thomas and Mr. Bearman on March 26th, did you have any further contact with Mr. Bearman?

A. No.

Q. And after March 26th, just to round this out, did you have any further contacts with anyone else at Blue Flame Medical?

A. No. The last contact I had was that conversation I had with Mr. Bearman and Mr. Thomas and the texts that I sent saying that I didn't -- that thumbs-up was not for him.

Q. Did you ever speak with the FBI about Blue Flame Medical?

A. Yes.

Q. When did you speak with the FBI?

A. Shortly -- it was after I spoke to the CHP.

Q. Do you recall --

A. I don't recall, but I'm referring back to the notes that you shared with me. So it looks like I did on the 27th. But that's based on what this email says.

Q. And do these notes memorialize your conversation with the FBI?

MS. PORTER: Objection. I just want to raise again this investigative privilege. FBI is not present to assert such a privilege and they are not represented in this action. So to the extent that anything is calling for such information, you know, I'm uncomfortable with testimony without the FBI having the opportunity to weigh in.

MS. FORSTEIN: Sure. I'm really just referring to the information that's in the notes that have been produced in this matter that we're looking at right now and the content that's contained within

A. I would have no reason --

MS. FORSTEIN: Object to form.

THE WITNESS: I don't deal with the -- the shipping details of procurements. I defer to staff to do that.

BY MR. KETCHAM-COLWILL:

Q. Okay. Thank you. Just a little while ago, Ms. Forstein was asking you about the -- your interactions with the California Highway Patrol and the FBI. I believe you testified that the California Highway Patrol may have been investigating because they were informed by the FBI.

Were you speculating there or do you have -- I'll phrase it another way. Do you know why the FBI was investigating when you spoke with them on March 27th?

A. When I spoke to the CHP?

Q. Sorry. When you spoke to the FBI on March 27th, did they tell you why they were investigating?

A. They told me that -- they asked me questions regarding Blue Flame and my understanding of Blue Flame as a medical supplier and who they were

procuring the goods from.

Q. Did they give you any indication as to what triggered their investigation?

MS. PORTER: Mr. Ketcham-Colwill, I'm going to reassert the objection I had raised previously, which is that the FBI is not here and to the extent that they want to assert any privileges with regard to their investigation, the nature of it, what prompted them to begin the investigation, I think the proper time for questioning would be when they are present.

MR. KETCHAM-COLWILL: Okay. I'll withdraw the question, then we can pick that up later, if necessary.

BY MR. KETCHAM-COLWILL:

Q. Bear with me one second, Mr. Kim. I'm a bit spread out.

Mr. Kim, apart from DGS, what California agencies participated in the vetting of vendors in March 2020 with regard to the procurement of PPE?

A. We were a combined task force, so we had procurement staff not just from DGS, but also Cal