

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 1:16-CV-21199-CMA/O'Sullivan

ANDREA ROSSI and LEONARDO
CORPORATION,

Plaintiffs,

v.

THOMAS DARDEN; JOHN T. VAUGHN,
INDUSTRIAL HEAT, LLC; IPH
INTERNATIONAL B.V.; and
CHEROKEE INVESTMENT PARTNERS,
LLC,

Defendants.

INDUSTRIAL HEAT, LLC and IPH
INTERNATIONAL B.V.,

Counter-Plaintiffs,

v.

ANDREA ROSSI and LEONARDO
CORPORATION,

Counter-Defendants,

And

J.M. PRODUCTS, INC.; HENRY
JOHNSON; FABIO PENON; UNITED
STATES QUANTUM LEAP, LLC;
FULVIO FABIANI; and "JOHN DOE"
a/k/a "James A. Bass",

Third-Party Defendants.

**PLAINTIFFS' MOTION TO SEAL PURSUANT TO ORDER THEIR
MOTION FOR SANCTIONS WITH ATTACHED EXHIBITS**

PERLMAN, BAJANDAS, YEVOLI & ALBRIGHT, P.L.

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Pursuant to ¶ 15 of the Agreed Protective Order [DE65] entered on November 21, 2016, and Local Rule 5.4, Plaintiffs hereby move the Court for an order permitting them to file under seal, their Motion to Sanctions with attached exhibits. The Motion for Sanctions contains information, exhibits and excerpts from deposition transcripts that have been marked confidential by the parties. Further, the Motion for Sanctions includes the names of individuals (and a Declaration of an individual), who would be harmed by their public disclosure. The subject matter of the Motion for Sanctions provides greater detail as to such harm.

Specifically, Plaintiffs seek to redact the names and identifying information related to certain non-parties. This information includes background information which would otherwise makes such persons easily identifiable. Further, Plaintiffs seek to have the Declaration of one such individual filed under seal, as publicity related to this person would not only harm this person, but also, potentially, Plaintiffs. Lastly, Plaintiffs seek to have exhibits which had previously been marked by Defendants as being confidential filed under seal.

This Court should depart from the general policy of public filing as a result of the potential harm that such filing may cause these non-parties and the Plaintiffs.

Plaintiffs' counsel has attempted to confer with Defendants' counsel, in writing, in an effort to comply with Local Rule 7.1. At the time of the filing of the instant motion, no response has been received from Defendants' counsel.

For these reasons, Plaintiffs' respectfully request that the Court issue an Order permitting the filing under seal of Plaintiffs' Motion for Sanctions and attachments thereto, until such time as the case is fully and finally adjudicated. Upon the conclusion of this case, copies of the Motion for Sanctions and exhibits are to be returned to Plaintiffs or destroyed.

Dated: March 8, 2017.

Respectfully submitted,

s/ Brian W. Chaiken, Esquire

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Counsel for Plaintiffs, Andrea Rossi and

Leonardo Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 8, 2017, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties on the attached Service List at their e-mail addresses on file with the Court.

/s Brian W. Chaiken, Esquire

Brian W. Chaiken, Esquire

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