

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

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.)

CASE NO. 1:16-cv-21199-CMA

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; UNITED STATES)
QUANTUM LEAP, LLC; FULVIO)
FABIANI; and JAMES A. BASS,)

Third-Party Defendants.)

[PROPOSED] ORDER ON DISCOVERY

This matter coming to be heard before the Court on (1) Plaintiffs’ Motion for Reconsideration of the Court’s February 23, 2017 Order; (2) Andrea Rossi’s First Request for

Production to Thomas Darden; (3) Andrea Rossi's First Request for Production to John T. Vaughn; (4) Defendants' Subpoena to Bank United, Inc. served on February 8, 2017; (5) Defendants' Fourth Request for Production to Andrea Rossi; and (6) Defendants' Third Request for Production to Leonardo Corporation.

IT IS HEREBY ORDERED:

WITH RESPECT to Plaintiffs' Motion for Reconsideration of the Court's February 23, 2017 Order:

1. The Motion is DENIED. (Tr. 17:10-18:1).

WITH RESPECT to Andrea Rossi's First Request for Production to Thomas Darden:

1. As to Request No. 2, Defendants agree to produce documents sufficient to show compensation paid by Industrial Heat, LLC, IPH International B.V., Cherokee Investment Partners, LLC, or Industrial Heat Holdings International, Ltd. ("IHHI") to Thomas Darden from January 1, 2012 through August 5, 2016. (Tr. 21:7-22:5).
2. Defendants shall produce such documents by March 14, 2017. (Tr. 46:1-4).

WITH RESPECT to Andrea Rossi's First Request for Production to John T. Vaughn:

1. As to Request No. 2, Defendants agree to produce documents sufficient to show compensation paid by Industrial Heat, LLC, IPH International B.V., Cherokee Investment Partners, LLC, or IHHI to John T. Vaughn from January 1, 2012 through August 5, 2016. (Tr. 46:1-4).
2. Defendants shall produce such documents by March 14, 2017. (Tr. 46:1-4).

WITH RESPECT to Defendants' Subpoena to Bank United, Inc. served on February 8, 2017:

1. Plaintiffs shall show Defendants all bank documents received by Plaintiffs from Bank United, Inc. pursuant to the subpoena. Plaintiffs may designate such documents as Attorney's Eyes Only. To the extent Defendants and Plaintiffs disagree on whether Defendants are entitled to copies of such documents, they may raise such issues with the Court. (Tr. 36:23-38:7).
2. Plaintiffs shall show Defendants such documents by March 14, 2017. (Tr. 46:1-4).

WITH RESPECT to Defendants' Third Request for Production to Leonardo Corporation:

1. As to Request No. 1, Plaintiffs shall produce all tax returns filed by Leonardo Corporation in the United States for the 2012 and 2013 tax years. Plaintiffs may designate such documents as Attorney's Eyes Only. (Tr. 45:4-8).¹
2. Plaintiffs shall produce such documents by March 14, 2017. (Tr. 46:1-4).

DONE AND ORDERED in Miami, Florida this _____ day of March, 2017.

HONORABLE JOHN O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record

¹ Defendants also noticed for hearing Defendants' Fourth Request for Production to Andrea Rossi, which sought production of Andrea Rossi's individual tax returns. It is Defendants' position that this Court ordered production of Andrea Rossi's individual tax returns during the March 9, 2017 hearing. At a hearing on March 14, 2017, this Court only required production of tax returns of Leonardo Corporation of Florida and Leonardo Corporation of New Hampshire.