

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**ANDREA ROSSI, et al.,** )  
 )  
 Plaintiffs, )  
 v. )  
 )  
 **THOMAS DARDEN, et al.,** )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

No. 16-cv-21199-CMA (JJO)

**MOTION FOR LEAVE TO EXCEED PAGE LIMITS**

Defendants Thomas Darden, John T. Vaughn, Cherokee Investment Partners, LLC, Industrial Heat, LLC, and IPH International, B.V. (“Defendants”) respectfully request leave to exceed the page limits for their motion for summary judgment, responses thereto, and replies in support thereof. In support, the Defendants state as follows:

Defendants intend to file a single summary judgment motion. Defendants’ summary judgment motion will address all of Defendants’ claims in the Fourth Amended Answer, Additional Defenses, Counterclaims, and Third-Party Claims (“4th Amended AACT”) against Plaintiffs and Third-Party Defendants, as well as Plaintiffs’ claims in the Complaint. Defendants’ anticipate Plaintiffs’ summary judgment motion will address Plaintiffs’ claims in the Complaint and Defendants’ Counterclaims. Defendant also anticipate Third-Party Defendants’ summary judgment motion(s) will address Defendants’ Third-Party Claims in the 4th Amended AACT.

Accordingly, pursuant to this Court’s July 1, 2016 Order Setting Trial and Pre-Trial Schedule ([D.E. 23]), Defendants respectfully seek leave to exceed the page limits set forth in that Order and in the Local Rules. Specifically, Defendants request fifty (50) pages for their summary judgment motion, fifty (50) pages for their responses to Plaintiffs’ and Third-Party

Defendants' summary judgment motions, and twenty-five (25) pages for a reply in support of their summary judgment motion.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.13(a)(3)**

Pursuant to Rule 7.13(a), the undersigned conferred with counsel for Plaintiffs and Third-Party Defendants in a good faith effort to resolve the issues raised herein. Third-Party Defendants did not oppose the relief sought in this motion. Plaintiffs indicated that they would agree to Defendants seeking leave to file a forty (40) page summary judgment motion, but would not agree to fifty (50) pages.

Dated: March 20, 2017

Respectfully submitted,

/s/ Christopher R. J. Pace

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 20, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel or parties of record.

/s/ Erika Handelson  
Erika Handelson