

**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 (1) MOTION FOR PARTIAL
SUMMARY JUDGMENT AND (2) DAUBERT MOTION TO STRIKE
AND EXCLUDE DEFENDANTS' EXPERTS WITH
ATTACHED EXHIBITS PURSUANT TO THE COURT'S ORDER**

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Plaintiffs, LEONARDO CORPORATION and ANDREA ROSSI, by and through their undersigned counsel, and pursuant to ¶ 15 of the Agreed Protective Order [DE65] entered on November 21, 2016, and Local Rule 5.4, hereby move the Court for an order permitting them to file under seal, their Motion for Partial Summary Judgment and their *Daubert* Motion to Strike and Exclude Defendants' Experts with Attached Exhibits (herein collectively referred to as the "Motions") pursuant to the Court's Order and as grounds therefore, state:

1. The Motions contains information, exhibits and excerpts from deposition transcripts that have been marked confidential by the parties.

2. Plaintiffs respectfully submit that this Court should depart from the general policy of public filing as a result of the potential harm that such filing may cause the Parties as recognized by the Agreed Protective Order entered in this matter. The information contained in the motion, exhibits and deposition excerpts may contain confidential business information that would be harmful to the parties if such became public.

WHEREFORE, Plaintiffs, LEONARDO CORPORATION and ANDREA ROSSI, respectfully request that this Court enter an Order permitting the filing under seal of Plaintiffs' Motion for Partial Summary Judgment and Plaintiffs' Motion to Strike and attachments thereto, until such time as the case is fully and finally adjudicated. Upon the conclusion of this case, Plaintiffs request that copies of the Motions and exhibits be returned to Plaintiffs or destroyed.

Dated: March 22, 2017.

Respectfully submitted,

s/ John W. Annesser, Esquire

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Counsel for Plaintiffs, Andrea Rossi and Leonardo Corporation

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(a)(3)

The undersigned counsel hereby certifies that, in compliance with Rule 7.1(a)(3), Federal Rules of Civil Procedure, that undersigned counsel has conferred with counsel for Defendants in a good faith effort to resolve by agreement the issues raised in this Motion.

s/ John W. Annesser, Esquire

John W. Annesser, Esquire

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 22, 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 John W. Annesser, Esquire

John W. Annesser, Esquire

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