

**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.

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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  
BASS,

Third-Party Defendants.

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**THIRD-PARTY DEFENDANTS' MOTION TO SEAL THE COMBINED MOTION FOR  
PARTIAL SUMMARY JUDGMENT PURSUANT TO THE COURT'S ORDER**

Third-Party Defendants, J.M. Products, Inc., Henry Johnson, James A. Bass, United States Quantum Leap, LLC, and Fulvio Fabiani, 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 Combined Motion for Partial Summary Judgment and as grounds therefore, state:

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

2. Third-Party Defendants 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, Third-Party Defendants, J.M. Products, Inc., Henry Johnson, James A. Bass, United States Quantum Leap, LLC, and Fulvio Fabiani, respectfully request that this Court enter an Order permitting the filing under seal of Third-Party Defendants' Combined Motion for Partial Summary Judgment, until such time as the case is fully and finally adjudicated. Upon the conclusion of this case, request is made that copies of the Motions and exhibits be returned to the respective parties or destroyed.

Respectfully submitted this 22<sup>nd</sup> day of March, 2017.

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/s/ Rodolfo Nunez  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 22, 2017, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. Copies of the foregoing document will be served on all counsel of record via transmission of Notice of Electronic Filing generated by CM/ECF.

/s/ Francisco J. León de la Barra  
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/s/ Rodolfo Nunez  
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