

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

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. )

---

**ORDER ON DISCOVERY**

This matter coming to be heard before the Court on March 23, 2017 on (1) Third Party Defendant J.M. Products, Inc.’s (“JMP”) production of its bank records; (2) JMP’s production of documents pertaining to any agreements or payments made between JMP and Platinum

American Trust (“Platinum”) and Francisco De Giovanni; (3) JMP’s Corporate Representative’s lack of knowledge or refusal to testify on topics noticed for the 30(b)(6) deposition that took place on March 1, 2017; (4) Leonardo Corporation’s (“Leonardo”) Corporate Representative’s lack of knowledge on topics noticed for the 30(b)(6) deposition that took place on February 24, 2017; (5) Rossi and Leonardo’s Responses to IPH International, B.V.’s First Set of Interrogatories; (6) Rossi and Leonardo’s Responses to Industrial Heat’s Second Set of Interrogatories; (7) Rossi’s Responses to Industrial Heat’s Fourth Request for Production; (8) Rossi’s Responses to Vaughn’s Second Set of Interrogatories; (9) Rossi and Leonardo’s Responses to Industrial Heat’s First Request for Admissions; (10) Rossi and Leonardo’s Responses to IPH International, B.V.’s First Set of Interrogatories; (11) Rossi and Leonardo’s Privilege Log; (12) Rossi and Leonardo’s refusal to respond to discovery requests on grounds that their responses contain “trade secrets”; (13) the timing of Plaintiffs’ outstanding production of documents; and (14) Plaintiffs’ Request for Sanctions Against Defendants Cherokee Investment Partners, LLC and IPH International B.V. for Failure to Comply with Rule 30(b)(6).

**IT IS HEREBY ORDERED:**

**WITH RESPECT** to Third Party Defendant J.M. Products, Inc.’s (“JMP”) production of documents:

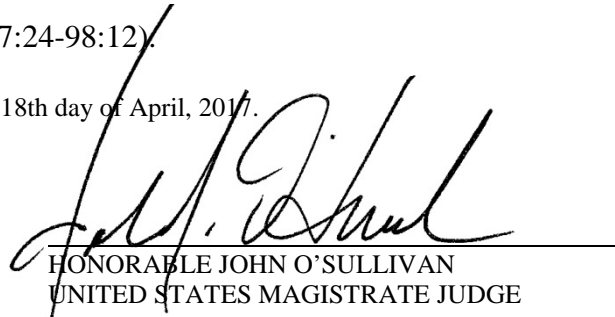
1. JMP shall either produce a 30(b)(6) witness to be deposed by Defendants as to issues regarding payments made by or to JMP, or JMP shall provide responsive bank records to Defendants. The Parties shall stipulate as to the method by which such discovery shall be conducted and such discovery shall be completed no later than March 31, 2017, unless otherwise agreed to by the Parties. (Tr. 23:1-3, 31:1-3).

2. JMP shall produce the Platinum American Trust Agreement no later than March 31, 2017, unless otherwise agreed to by the Parties. (Tr. 29:23-31:3).

**WITH RESPECT** to Leonardo Corporation:

1. Plaintiff Leonardo Corporation is required to inquire with its accountant as to whether the accountant maintains records reflecting payments by Leonardo for services performed at the Doral Facility, Leonardo Corporation of New Hampshire's merger with Leonardo Corporation of Florida, and tax records or other financial documents identified by Leonardo Corporation's corporate representative during its deposition as being in the possession of Leonardo's accountant. Leonardo Corporation shall produce any such records to Defendants no later than Tuesday, March 28, 2017. (Tr. 86:16-19; 88:18-92:18, 97:20-22).
2. Defendants may propound questions by written deposition to Leonardo Corporation pertaining to the merger of Leonardo Corporation of New Hampshire and Leonardo Corporation of Florida and Leonardo's tax payments and records of such payments, and issues related to Leonardo's bank records. Defendants shall provide the written questions to Plaintiffs no later than Friday, March 31, 2017. Plaintiff shall provide responses to such questions no later than Friday April 7, 2017. (Tr. 90:19-92:18, 97:24-98:12).

**DONE AND ORDERED** in Miami, Florida this 18th day of April, 2017.



HONORABLE JOHN O'SULLIVAN  
UNITED STATES MAGISTRATE JUDGE

cc: United States District Court Judge Altonaga  
All Counsel of Record