

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

**CASE NO. 16-21199-CIV-ALTONAGA/O’Sullivan**

**ANDREA ROSSI, et al.,**

Plaintiffs,

v.

**THOMAS DARDEN, et al.,**

Defendants.

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**ORDER**

**THIS CAUSE** came before the Court *sua sponte*. On September 19, 2016, Defendants/Third-Party Plaintiffs, Thomas Darden; John T. Vaughn; Industrial Heat, LLC; IPH International, B.V.; and Cherokee Investment Partners, LLC filed their Second Amended Answer . . . (“Answer”) [ECF No. 50]. The Answer asserts five counterclaims and third-party claims. On October 11, 2016, Third-Party Defendants, Fulvio Fabiani and United States Quantum Leap, LLC filed a Motion to Dismiss . . . (“Fabiani Motion”) [ECF No. 60]. That same day, another set of Third-Party Defendants, J.M. Products, Inc.; Henry Johnson; and James A. Bass (together with Fulvio Fabiani and United States Quantum Leap, LLC, the “Third-Party Defendants”) filed its own Motion to Dismiss . . . (“J.M. Products Motion,” together with the Fabiani Motion, the “Motions”) [ECF No. 61].

The two sets of Third-Party Defendants are represented by separate counsel, but each Motion seeks to dismiss Count IV of the Answer, which alleges a counterclaim and third-party claim under the Florida Deceptive and Unfair Trade Practices Act. The J.M. Products Motion additionally moves to dismiss Count III for alleged fraudulent inducement, and the Fabiani Motion moves to dismiss Count V for alleged breach of contract. Upon a preliminary review of the Motions, it appears resolution of each will, at least in part, be dispositive of the other.

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To assist the Court in its review of the parties' positions, a combined motion to dismiss shall be filed by all Third-Party Defendants. The purpose of a combined motion is to eliminate multiple sets of statements of facts and memoranda of law, which surely, the parties can agree, will be applicable to each of them regardless of whether they are presented in a combined motion or duplicated in separate motions. For the benefit of the Court, the burden shall be on the movants to present their motion in a streamlined fashion so the Court need not juggle potentially incongruent facts or repetitive discussion. None of the parties may incorporate by reference any arguments or documents previously submitted to the Court in association with the two Motions.

The combined filing does not preclude the opportunity for all parties to present their own arguments. Should the parties diverge in their analyses, they may present their respective arguments in subsections within the combined motion.

For the foregoing reasons, it is

**ORDERED AND ADJUDGED** that the Fabiani Motion [ECF No. 60] and the J.M. Products Motion [ECF No. 61] are **DENIED without prejudice**. The combined motion to dismiss shall be submitted no later than **October 20, 2016**. The response and reply memoranda shall be due in accordance with Local Rule 7.1(c).

**DONE AND ORDERED** in Miami, Florida this 13th day of October, 2016.

  
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**CECILIA M. ALTONAGA**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record