

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

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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

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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; FABIO PENON; UNITED  
STATES QUANTUM LEAP, LLC;  
FULVIO FABIANI; and JAMES A. BASS,

Third-Party Defendants.

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**DEFENDANTS' OBJECTION TO  
PLAINTIFF'S NOTICE OF  
HEARING**

**DEFENDANTS' OBJECTION TO PLAINTIFF'S NOTICE OF HEARING**

On October 25, 2016, plaintiff Andrea Rossi filed a notice of hearing on, *inter alia*, Industrial Heat's objections to his First Request for Production of Documents to Industrial Heat and his Second Request for Production of Documents to Industrial Heat, which included a total of 63 document requests (the "RFP Objections") [D.E. 70]. The Court conducted a hearing that lasted over an hour on the RFP Objections on October 27, 2016 [D.E. 71], after which it entered an order dated November 8, 2016 (the "Order") [D.E. 74]. In accordance with the Order, Industrial Heat has since produced over 3 terabytes of testing data and related materials (including documents, data, videos and photographs) and over 100,000 additional pages of documents. (In comparison, Rossi has not produced any documents, though he has produced some photographs and videos.)

On December 7, 2016, Rossi set a new hearing on his First and Second RFPs. Industrial Heat understood this second hearing to be to address issues relating to its document production. Yesterday for the first time, Rossi's counsel informed Industrial Heat's counsel that they also plan to re-raise issues relating to the RFP Objections. It is Industrial Heat's position that setting a second hearing on the RFP Objections, without direction from the Court to do so and after the passage of time and Industrial Heat's substantial productions of documents and data, is improper. Accordingly, Industrial Heat objects to a second hearing on the RFP Objections.

Dated: December 20, 2016

Respectfully submitted,

*/s/ Christopher R. J. Pace*

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*Attorneys for Defendants and Counter-  
Plaintiffs*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 20, 2016, 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 of record for the parties.

*s/ Christopher R. J. Pace*

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Christopher R.J. Pace