

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

ANDREA ROSSI and LEONARDO )  
CORPORATION, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
THOMAS DARDEN; JOHN T. VAUGHN; )  
INDUSTRIAL HEAT, LLC; IPH INTER- )  
NATIONAL B.V.; and CHEROKEE )  
INVESTMENT PARTNERS, LLC, )  
 )  
Defendants.

CASE NO. 1:16-cv-21199-CMA

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**UNOPPOSED MOTION FOR EXTENSION OF TIME**

Defendants THOMAS DARDEN, JOHN T. VAUGHN, INDUSTRIAL HEAT, LLC, IPH INTERNATIONAL B.V., and CHEROKEE INVESTMENT PARTNERS, LLC (collectively, “Defendants”), pursuant to Federal Rule of Civil Procedure 6, hereby file this unopposed motion for extension of time up to and including August 5, 2016 to file and serve their answer and any counterclaims to the complaint in this case.

1. Plaintiffs Andrea Rossi and Leonardo Corporation (“Plaintiffs”) filed an eight-count complaint against Defendants on April 5, 2016 (the “Complaint”). [D.E. 1]. Defendants moved to dismiss the Complaint on June 2, 2016. [D.E. 17]. On July 19, 2016, this Court entered an order dismissing four of the eight counts in the Complaint without prejudice, while allowing the other four counts to “remain intact.” [D.E. 24].

2. Currently, Defendants’ answer to the Complaint is due on August 2, 2016. In addition to filing an answer, Defendants intend to file counterclaims against Plaintiffs and are currently considering potential claims against third parties. As a result, the undersigned

respectfully requests an extension of three days, up to and including August 5, 2016, to prepare the answer and counterclaims and to consult with his clients regarding the answer and counterclaims.

3. This motion is not being submitted for the purpose of delay, nor are Plaintiffs prejudiced by the requested extension of time. This extension of time provides Defendants with adequate time to prepare their answer and counterclaims without delaying these proceeding in an appreciable manner. As set forth in the Certification below, Plaintiffs' counsel does not oppose this brief extension of time.

**WHEREFORE**, Defendants respectfully request entry of an order providing an extension of time up to and including August 5, 2016 to file and serve an answer and counterclaims to the Complaint. A proposed order accompanies this Motion as Exhibit A.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(3)**

Pursuant to S.D. Fla. Local Rule 7.1(3), the undersigned certifies that counsel for Defendants has conferred with counsel for Plaintiffs and that counsel for Plaintiffs does not oppose the relief requested in this motion.

Dated: July 28, 2016

Respectfully submitted,

*/s/ Christopher R.J. Pace*

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 28, 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 or parties of record.

*/s/ Christopher R.J. Pace*

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Christopher R.J. Pace