

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; FABIO PENON; UNITED  
STATES QUANTUM LEAP, LLC;  
FULVIO FABIANI; and "JOHN DOE"  
a/k/a "James A. Bass",

Third-Party Defendants.

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**ORDER ON DISCOVERY**

This matter coming to be heard before the Court on (1) Defendant Industrial Heat's ("IH") Objection to Plaintiff's Notice of Hearing [D.E. 91]; (2) Defendant IH's Documents,

Responses and Objections to Plaintiff Andrea Rossi's First and Second Requests for Production; and (3) Defendant IH's Amended Responses and Objections To Plaintiff Andrea Rossi's First Set Of Interrogatories,

**IT IS HEREBY ORDERED:**

**WITH RESPECT** to IH's Objection to Plaintiff's Notice of Hearing [D.E. 91], the filing is stricken. (Tr. 2:21-23). The Court reminds the parties that objections may be brought before the Court but must not be filed. (Tr. 2:23-25).

**WITH RESPECT** to the production of documents and ESI responsive to Plaintiff's First and Second Requests for Production to Industrial Heat:

- IH must provide Plaintiff with file-paths corresponding to all electronically stored documents produced by IH to reflect how those documents are maintained in the ordinary course of business, excluding documents contained on the 3.2 terabyte hard drive,. (Tr. 9:6-12:22).
- The Parties must direct their respective e-Discovery vendors to work with one another to ensure that all ESI is produced in an organized manner that permits the parties to discover relevant requested materials
- The Court reserves ruling on whether IH has produced documents in the ordinary course of business, as well as whether it will require IH to identify, by Bates Number, which documents are responsive to which of Plaintiffs' requests. (Tr. 36:14-20).
- Plaintiff may not raise any other challenges to IH's responses and objections to Plaintiff's requests for production or interrogatories to date, except to the extent

that should IH provide supplemental responses, Plaintiff is not limited in raising issues solely related to said supplemental responses. (Tr. 35:14-16; 36:11-13).

**WITH RESPECT** to Defendant Industrial Heat's Response and Objections to Plaintiffs'

First Set of Interrogatories:

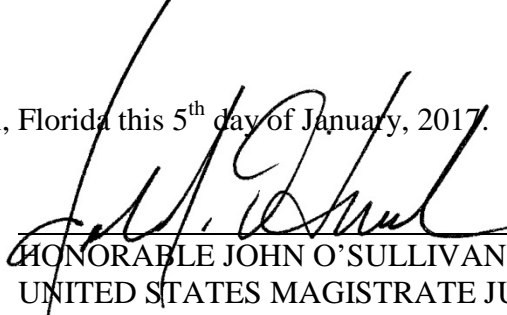
- IH's Response to Interrogatory No. 2: IH is ordered to amend its response to Plaintiff's Interrogatory No. 2 to provide a one- to two-sentence explanation of the specific knowledge that each individual identified in response to the Interrogatory possesses. (Tr. 21:12-14).
- IH's Response to Interrogatory No. 6: IH is ordered to amend its response to Plaintiff's Interrogatory No. 6 by responding or objecting to the Interrogatory as it relates to Exhibit 1 appended to IH's Responses and Objections. (Tr. 19:21-20:3).

**WITH RESPECT** to Defendant Industrial Heat's Documents, Responses and Objections to Plaintiff Andrea Rossi's Second Requests for Production:

- IH's Response to Request No. 8: IH represented to the Court that it has produced responsive documents relating to Fulvio Fabiani, Barry West, Joseph Murray, Thomas Darden, John Vaughn, Andrea Rossi, T. Barker Dameron, Joseph Pike, Daniel Pike, and Robert Godes. (Tr. 25:7-28:15). IH is ordered to produce the agreement referred to in IH's response to Plaintiff's Interrogatory No. 16 between Industrial Heat and Woodford Funds pertaining to \$150 million in capital availability. (Tr. 29:15-30:2; 30:8-31:4).
- IH's Response to Request No. 19: IH is ordered to amend its Response to Request No. 19 to indicate that responsive documents have been produced. (Tr. 32:5-6).

- IH's Response to Request No. 52: IH's objection to Request No. 52 is overruled, and IH is ordered to respond in full to the Request by providing any and all agreements between IH and AmpEnergco, Inc. (Tr. 35:3-7).

**DONE AND ORDERED** in Miami, Florida this 5<sup>th</sup> day of January, 2017.



HONORABLE JOHN O'SULLIVAN  
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record