

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

CASE NO. 16-CV-21199-ALTONAGA/O'Sullivan

ANDREA ROSSI, et al.,

Plaintiffs,

v.

THOMAS DARDEN, et al.,

Defendants.

ORDER

THIS CAUSE came before the Court *sua sponte*. On September 15, 2016, Defendants, Thomas Darden; John T. Vaughn; Industrial Heat, LLC; IPH International B.V.; and Cherokee Investment Partners, LLC (collectively, “Defendants”) filed an Unopposed Motion for Leave to File Second Amended Answer . . . (“Motion”) [ECF No. 45]. Federal Rule of Civil Procedure 15(a)(2) provides: “[A] party may amend its pleading . . . with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.” FED. R. CIV. P. 15(a)(2) (alterations added). Defendants state the Motion is unopposed. (*See* Mot. 1). Accordingly, the Court allows Defendants to file a second amended answer.

On September 1, 2016, Plaintiffs, Andrea Rossi and Leonardo Corporation (collectively, “Plaintiffs”) filed a Motion to Dismiss Defendants’ Amended Counterclaims. . . (“Motion to Dismiss”) [ECF No. 41]. Further, Plaintiffs filed a Motion to Strike Defendants’ Affirmative Defenses . . . (“Motion to Strike”) [ECF No. 39] on August 30, 2016. Finally, Defendants filed an Unopposed Motion for Extension of Time (“Motion for Extension”) [ECF No. 46] on September 15, 2016. Because the Court grants Defendants’ Motion, the following motions are denied as moot: the Motion to Dismiss, Motion to Strike, and Motion for Extension.


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Accordingly, it is

ORDERED AND ADJUDGED as follows:

1. The Motion [ECF No. 45] is **GRANTED**.
2. The Motion to Dismiss [ECF No. 41] is **DENIED as moot**.
3. The Motion to Strike [ECF No. 39] is **DENIED as moot**.
4. The Motion for Extension [ECF No. 46] is **DENIED as moot**.

DONE AND ORDERED in Miami, Florida, this 16th day of September, 2016.


CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record