

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

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

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.

INDUSTRIAL HEAT, LLC and IPH INTER-
NATIONAL 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.

**THIRD-PARTY DEFENDANT FULVIO FABIANI'S
WAIVER OF SERVICE OF SUMMONS**

TO: Christopher R.J. Pace, Esq.
Christopher M. Lomax, Esq.
Christina T. Mastrucci, Esq.
Jones Day
600 Brickell Avenue
Brickell World Plaza
Suite 3300
Miami, Florida 33131

I have received your request on behalf of the Counter-Plaintiffs to waive service of a summons in this action along with a copy of the Second Amended Answer, Additional Defenses, Counterclaims and Third-Party Claims.

Fulvio Fabiani, a Third-Party Defendant, agrees to save the expense of serving a summons and complaint in this case.

I understand that Mr. Fabiani will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that he waives any objections to the absence of summons or of service.

I also understand that Mr. Fabiani must file and serve an answer or a motion under Federal Rule of Civil Procedure 12 within 60 days from August 9, 2016, the date when the initial request was made to the other Third Party Defendants. If I fail to do so, a default judgment will be entered against Mr. Fabiani.

Respectfully submitted this 21st day of September, 2016.

RODOLFO NUÑEZ, P.A.

255 University Drive
Coral Gables, Florida 33143
Telephone: (305) 443-2440
Facsimile: (305) 443-2334
rnunez@acg-law.com

By: /s/ Rodolfo Nunez
Rodolfo Nuñez, Esq.
Fla. Bar No.: 016950

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all counsel or parties of record by the electronic filing of the foregoing document with the Clerk of Court using CM/ECF on September 21, 2016.

/s/ Rodolfo Nunez
Rodolfo Nuñez, Esq.