

**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.

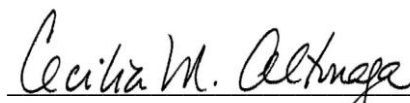
ORDER

THIS CAUSE came before the Court *sua sponte*. On November 23, 2016, Defendants, Thomas Darden; John T. Vaughn; Industrial Heat, LLC; IPH International B.V.; and Cherokee Investment Partners, LLC (collectively, “Defendants”) filed a Third Amended Answer, Additional Defenses, Counterclaims, and Third-Party Claims (“Third Amended Counterclaims”) [ECF No. 78] following the Court’s Orders [ECF Nos. 67, 76] on Plaintiffs, Andrea Rossi and Leonardo Corporation’s (collectively, “Plaintiffs[?]”) Motion to Strike . . . [ECF No. 54] and Motion to Dismiss Defendants’ Amended Counterclaims. . . (“Plaintiff Motion”) [ECF No. 56], respectively. On October 20, 2016, before Defendants filed the Third Amended Counterclaims, Third-Party Defendants J.M. Products, Inc.; Henry Johnson; James A. Bass; United States Quantum Leap, LLC; and Fulvio Fabiani (collectively “Third-Party Defendants”) submitted a Combined Motion to Dismiss (“Third-Party Motion”) [ECF No. 60], seeking dismissal of Defendants’ Second Amended Answer . . . [ECF No. 50]. Because of the Third Amended Counterclaims, the Third-Party Motion is moot. Accordingly, it is

ORDERED AND ADJUDGED that the Third-Party Motion [ECF No. 69] is **DENIED as moot.**

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

DONE AND ORDERED in Miami, Florida, this 5th day of December, 2016.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record