

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

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.)

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

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 JAMES A. BASS,)

Third-Party Defendants.)

[PROPOSED] ORDER ON DISCOVERY

This matter coming to be heard before the Court on (1) Third-Party Defendants J.M. Products, Inc., Henry Johnson, and James A. Bass' Responses and Objections to Defendants'

First Request for Production; (2) Third-Party Defendants Fulvio Fabiani (“Fabiani”) and United States Quantum Leap, LLC’s (“USQL”) Objections and Responses to Defendants’ First Request for Production; and (3) Third-Party Defendants Fabiani and USQL’s failure to produce any documents in response to Defendants’ First Request for Production to Fabiani and USQL.

IT IS HEREBY ORDERED:

WITH RESPECT to Third-Party Defendants J.M. Products, Inc., Henry Johnson, and James A. Bass’ Responses and Objections to Defendants’ First Request for Production to Third-Party Defendants:

1. For Request Nos. 1-6 and 9, Third-Party Defendants J.M. Products, Inc., Henry Johnson, and James A. Bass shall produce documents for the time period of January 1, 2011 through August 5, 2016. For Request Nos. 7 and 8, the time period shall be from December 1, 2014 through August 5, 2016. (Tr. 18:17-24; Tr. 19:24-25, Tr. 25:12-21).
2. Third-Party Defendants J.M. Products, Inc., Henry Johnson, and James A. Bass shall amend their Responses and Objections to Defendants’ First Request for Production to Third-Party Defendants as follows: (i) remove from their response to Request No. 1 the language stating that they will only produce documents “related to the Guaranteed Performance test (as defined in the Counterclaims and Third-Party Claims) at the Doral Location,” (ii) remove from the their responses to Request Nos. 2-5 the language stating that they will only produce documents “related to the allegations in the Counterclaims and Third-Party Claims (including the E-Cat and E-Cat IP),” (iii) remove from their responses to Request Nos. 6-9

the language stating that they will only produce documents “related to the Term Sheet and allegations in the Counterclaims and Third-Party Claims (including the E-Cat and E-Cat IP).” Third-Party Defendants J.M. Products, Inc., Henry Johnson, and James A. Bass shall produce all non-privileged responsive documents that are relevant to the pleadings. (Tr. 29:6-32:22).

WITH RESPECT to Third-Party Defendants Fabiani and USQL’s Objections and Responses to Defendants’ First Request for Production:

1. For Request Nos. 1-6, Third-Party Defendants Fabiani and USQL shall produce documents for the time period of January 1, 2011 through August 5, 2016. The time frame for Request Nos. 7 and 8 shall be from December 1, 2014 through August 5, 2016. (Tr. 18:17-24; Tr. 19:24-25, Tr. 25:5-6).
2. Third-Party Defendants Fabiani and USQL shall produce all responsive documents on or before January 13, 2017. (Tr. 27:23-24; Tr. 28:14-18).

DONE AND ORDERED in Miami, Florida this _____ day of January, 2017.

HONORABLE JOHN O’SULLIVAN
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record