

U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:16-cv-21199-CMA

Rossi et al v. Darden et al
Assigned to: Judge Cecilia M. Altonaga
Referred to: Magistrate Judge John J. O'Sullivan
Cause: 28:1332 Diversity

Date Filed: 04/05/2016
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Date Filed	#	Docket Text
01/03/2017	<u>101</u>	RESPONSE in Opposition re <u>90</u> Joint MOTION TO DISMISS <u>78</u> Answer to Complaint, Counterclaim,,,,,, FOR FAILURE TO STATE A CLAIM <i>as to Counts III, IV, and V</i> filed by IPH International B.V.(a Netherlands company), Industrial Heat, LLC(a Delaware limited liability company). Replies due by 1/10/2017. (Mastrucci, Christina) (Entered: 01/03/2017)
01/04/2017	<u>102</u>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 1/5/2017 02:00 PM in Miami Division before Magistrate Judge John J. O'Sullivan. (Attachments: # <u>1</u> Third-Party Defendants J.M. Products, Inc., Henry Johnson, and James Bass' Responses and Objections to Defendants' First Request for Production, # <u>2</u> Third Party Defendants, Fulvio Fabiani and United States Quantum Leap, LLC, Objections and Responses to Defendants' First Request for Production) (Pace, Christopher) (Entered: 01/04/2017)
01/05/2017	<u>103</u>	ORDER on informal discovery conference. Signed by Magistrate Judge John J. O'Sullivan on 1/5/2017. (tro) (Entered: 01/05/2017)
01/05/2017	104	PAPERLESS Minute Entry for proceedings held before Magistrate Judge John J. O'Sullivan: Discovery Hearing held on 1/5/2017. Total time in court: 43 minutes. Attorney Appearance(s): Francisco J Leon de la Barra, Christopher Rebel Jude Pace, Christopher Martin Lomax, Rodolfo Nunez, Brian W. Chaiken, Erika Handelson. (Digital 14:00:42) (cg1) (Entered: 01/05/2017)
01/09/2017	<u>105</u>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 1/10/2017 10:00 AM before Magistrate Judge John J. O'Sullivan. (Attachments: # <u>1</u> Plaintiffs' Response to Defedants' Second Request for Production to Plaintiffs) (Pace, Christopher) (Entered: 01/09/2017)
01/10/2017	<u>106</u>	TRANSCRIPT of discovery hearing held on 1-5-2017 before Magistrate Judge John J. O'Sullivan, 1-39 pages, Court Reporter: Dawn Savino, 305-523-5598 / Dawn_Savino@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/31/2017. Redacted Transcript Deadline set for 2/10/2017. Release of Transcript Restriction set for 4/10/2017. (dwh) (Entered: 01/10/2017)
01/10/2017	107	PAPERLESS Minute Entry for proceedings held before Magistrate Judge John J. O'Sullivan: Discovery Hearing held on 1/10/2017. Total time in court: 45 minutes. Attorney Appearance(s): Christopher Rebel Jude Pace, Christopher Martin Lomax, John William Annesser, II, Brian W. Chaiken, Erika Handelson, Christopher Perre. (Digital 10:05:32) (cg1) (Entered: 01/10/2017)
01/10/2017	<u>108</u>	MOTION for Sanctions <i>Rule 11</i> by Leonardo Corporation, Andrea Rossi. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Annesser, John) (Entered: 01/10/2017)
01/10/2017	<u>109</u>	Unopposed MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Bernard P. Bell. Filing Fee \$ 75.00 Receipt # 113C-9388562 by Cherokee Investment Partners, LLC, Thomas Darden, IPH International B.V., Industrial Heat, LLC, John T. Vaughn. Attorney Erika Stephanie Handelson added to party Cherokee Investment Partners, LLC(pty:dft), Attorney Erika Stephanie Handelson added to party Thomas Darden(pty:dft), Attorney

		Erika Stephanie Handelson added to party IPH International B.V.(pty:dft), Attorney Erika Stephanie Handelson added to party Industrial Heat, LLC(pty:dft), Attorney Erika Stephanie Handelson added to party John T. Vaughn(pty:dft). Responses due by 1/24/2017 (Attachments: # <u>1</u> Certification, # <u>2</u> Text of Proposed Order)(Handelson, Erika) (Entered: 01/10/2017)
01/10/2017	<u>110</u>	REPLY to Response to Motion re <u>90</u> Joint MOTION TO DISMISS <u>78</u> Answer to Complaint, Counterclaim,,,,, FOR FAILURE TO STATE A CLAIM <i>as to Counts III, IV, and V</i> filed by James A. Bass, Fulvio Fabiani, J.M. Products, Inc., Henry Johnson, United States Quantum Leap, LLC. (Nunez, Rodolfo) (Entered: 01/10/2017)
01/11/2017	<u>111</u>	ORDER granting <u>109</u> Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Attorney Bernard P. Bell. Signed by Judge Cecilia M. Altonaga on 1/11/2017. (ps1) (Entered: 01/11/2017)
01/11/2017	<u>112</u>	ORDER denying <u>108</u> Motion for Sanctions. Signed by Judge Cecilia M. Altonaga on 1/11/2017. (ps1) (Entered: 01/11/2017)
01/11/2017	<u>113</u>	Unopposed MOTION for Leave to Appear <i>Video Appearance at Mediation</i> . Attorney/Representative: <i>Fulvio Fabiani</i> by Fulvio Fabiani, United States Quantum Leap, LLC. Responses due by 1/25/2017 (Nunez, Rodolfo) (Entered: 01/11/2017)
01/12/2017	<u>114</u>	ORDER granting <u>113</u> Unopposed Motion for Leave to Appear at Mediation by Video. Signed by Judge Cecilia M. Altonaga on 1/12/2017. (wc) (Entered: 01/12/2017)
01/12/2017	<u>115</u>	NOTICE by Cherokee Investment Partners, LLC, Thomas Darden, IPH International B.V., Industrial Heat, LLC, John T. Vaughn (Attachments: # <u>1</u> Text of Proposed Order) (Lomax, Christopher) (Entered: 01/12/2017)
01/12/2017	<u>116</u>	ORDER on Informal Discovery Conference. Signed by Magistrate Judge John J. O'Sullivan on 1/12/2017. (tro) (Entered: 01/12/2017)
01/13/2017	<u>117</u>	FINAL MEDIATION REPORT by Thomas Scott. Disposition: Case did not settle.(Scott, Thomas) (Entered: 01/13/2017)
01/13/2017	<u>118</u>	Defendant's MOTION for Extension of Time of Pretrial Deadlines by Cherokee Investment Partners, LLC, Thomas Darden, IPH International B.V., Industrial Heat, LLC, John T. Vaughn. Responses due by 1/27/2017 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Pace, Christopher) (Entered: 01/13/2017)
01/13/2017	<u>119</u>	NOTICE by Cherokee Investment Partners, LLC, Thomas Darden, IPH International B.V., Industrial Heat, LLC, John T. Vaughn re <u>118</u> Defendant's MOTION for Extension of Time of Pretrial Deadlines (Attachments: # <u>1</u> Text of Proposed Order) (Pace, Christopher) (Entered: 01/13/2017)
01/17/2017	<u>120</u>	ORDER granting in part and denying in part <u>90</u> Motion to Dismiss for Failure to State a Claim. Count IV is DISMISSED as to Third-Party Defendants, J.M. Products, Inc.; Henry Johnson; James A. Bass; United States Quantum Leap, LLC; and Fulvio Fabiani. Count V is DISMISSED. Count III remains intact. Signed by Judge Cecilia M. Altonaga on 1/17/2017. (wc) (Entered: 01/17/2017)
01/17/2017	<u>121</u>	ORDER denying <u>118</u> Motion for Extension of Time. Signed by Judge Cecilia M. Altonaga on 1/17/2017. (wc) (Entered: 01/17/2017)
01/27/2017	<u>122</u>	NOTICE by Cherokee Investment Partners, LLC, Thomas Darden, IPH International B.V., Industrial Heat, LLC, John T. Vaughn <i>Notice of Filing Proposed Order on Discovery</i> (Attachments: # <u>1</u> Text of Proposed Order) (Pace, Christopher) (Entered: 01/27/2017)
01/27/2017	<u>123</u>	ORDER on discovery. Signed by Magistrate Judge John J. O'Sullivan on 1/27/2017. (mkr) (Entered: 01/27/2017)
01/27/2017	<u>124</u>	Defendant's MOTION for Leave to File <i>Fourth Amended Answer, Additional Defenses, Counterclaims and Third-Party Claims</i> by Cherokee Investment Partners, LLC, Thomas Darden, IPH International B.V., Industrial Heat, LLC, John T. Vaughn. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19, # <u>21</u> Exhibit 20, #

		<u>22</u> Exhibit 21, # <u>23</u> Exhibit 22, # <u>24</u> Exhibit 23, # <u>25</u> Errata 24, # <u>26</u> Exhibit 25, # <u>27</u> Exhibit 26, # <u>28</u> Exhibit 27, # <u>29</u> Exhibit 28, # <u>30</u> Exhibit 29, # <u>31</u> Text of Proposed Order)(Pace, Christopher) (Entered: 01/27/2017)
01/30/2017	<u>125</u>	ORDER REQUIRING EXPEDITED RESPONSE as to <u>124</u> Defendant's MOTION for Leave to File <i>Fourth Amended Answer, Additional Defenses, Counterclaims and Third-Party Claims</i> ; Responses due by 1/30/2017; Replies due by noon on 1/31/2017. Signed by Judge Cecilia M. Altonaga on 1/30/2017. (ps1) (Entered: 01/30/2017)
01/30/2017	<u>126</u>	RESPONSE in Opposition re <u>124</u> Defendant's MOTION for Leave to File <i>Fourth Amended Answer, Additional Defenses, Counterclaims and Third-Party Claims</i> filed by Fulvio Fabiani, United States Quantum Leap, LLC. Replies due by 2/6/2017. (Nunez, Rodolfo) (Entered: 01/30/2017)
01/30/2017	<u>127</u>	RESPONSE in Opposition re <u>124</u> Defendant's MOTION for Leave to File <i>Fourth Amended Answer, Additional Defenses, Counterclaims and Third-Party Claims</i> filed by James A. Bass, J.M. Products, Inc., Henry Johnson. Replies due by 2/6/2017. (Leon de la Barra, Francisco) (Entered: 01/30/2017)
01/30/2017	<u>128</u>	RESPONSE in Opposition re <u>124</u> Defendant's MOTION for Leave to File <i>Fourth Amended Answer, Additional Defenses, Counterclaims and Third-Party Claims</i> filed by Leonardo Corporation, Andrea Rossi. Replies due by 2/6/2017. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Chaiken, Brian) (Entered: 01/30/2017)
01/31/2017	<u>129</u>	REPLY to Response to Motion re <u>124</u> Defendant's MOTION for Leave to File <i>Fourth Amended Answer, Additional Defenses, Counterclaims and Third-Party Claims</i> filed by Cherokee Investment Partners, LLC, Thomas Darden, IPH International B.V., Industrial Heat, LLC, John T. Vaughn. (Attachments: # <u>1</u> Exhibit A)(Pace, Christopher) (Entered: 01/31/2017)
02/01/2017	<u>130</u>	ORDER granting <u>124</u> Motion for Leave to File. <i>Clerks Notice: Filer must separately re-file the amended pleading pursuant to Local Rule 15.1, as ordered by the Judge by 2/1/17.</i> Signed by Judge Cecilia M. Altonaga on 1/31/2017. (ps1) (Entered: 02/01/2017)
02/01/2017	<u>131</u>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 2/7/2017 10:00 AM in Miami Division before Magistrate Judge John J. O'Sullivan. (Annesser, John) (Entered: 02/01/2017)
02/01/2017	<u>132</u>	<i>Fourth Amended ANSWER and Affirmative Defenses to Complaint , Amended THIRD PARTY COMPLAINT</i> against J.M. Products, Inc., Fulvio Fabiani, Henry Johnson, James A. Bass, United States Quantum Leap, LLC, Amended COUNTERCLAIM against Leonardo Corporation(a Florida corporation), Andrea Rossi(individually) by Cherokee Investment Partners, LLC, IPH International B.V., Thomas Darden, John T. Vaughn, Industrial Heat, LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29)(Pace, Christopher) (Entered: 02/01/2017)
02/06/2017	<u>133</u>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 2/9/2017 10:00 AM in Miami Division before Magistrate Judge John J. O'Sullivan. (Pace, Christopher) (Entered: 02/06/2017)
02/07/2017	134	PAPERLESS Minute Entry for proceedings held before Magistrate Judge John J. O'Sullivan: Discovery Hearing held on 2/7/2017. Total time in court: 1 hour(s) : 10 minutes. Attorney Appearance(s): Erika Stephanie Handelson, Christopher Martin Lomax, John William Annesser, II, Brian W. Chaiken, Christopher Perre. (Digital 10:02:47/10:12:39) (cg1) (Entered: 02/07/2017)
02/07/2017	<u>135</u>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 2/9/2017 10:00 AM in Miami Division before Magistrate Judge John J. O'Sullivan. (Annesser, John) (Entered: 02/07/2017)
02/09/2017	136	PAPERLESS Minute Entry for proceedings held before Magistrate Judge John J. O'Sullivan: Discovery Hearing held on 2/9/2017. Total time in court: 1 hour and 25

		minutes. Attorney Appearance(s): Francisco J Leon de la Barra, Christopher Martin Lomax, Rodolfo Nunez, John William Annesser, II. (Digital 10:08:10) (cg1) (Entered: 02/09/2017)
02/14/2017	<u>137</u>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 2/23/2017 03:00 PM in Miami Division before Magistrate Judge John J. O'Sullivan. (Annesser, John) (Entered: 02/14/2017)
02/14/2017	<u>138</u>	MOTION for Protective Order by Cherokee Investment Partners, LLC, Thomas Darden, IPH International B.V., Industrial Heat, LLC, John T. Vaughn. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Handelson, Erika) (Entered: 02/14/2017)
02/15/2017	<u>139</u>	ORDER denying <u>138</u> Motion for Protective Order. Signed by Judge Cecilia M. Altonaga on 2/15/2017. (ps1) (Entered: 02/15/2017)
02/15/2017	<u>140</u>	<i>Plaintiffs'</i> ANSWER to Counterclaim <i>Fourth Amended</i> by Leonardo Corporation, Andrea Rossi. (Chaiken, Brian) (Entered: 02/15/2017)
02/15/2017	<u>141</u>	ANSWER to Third Party Complaint by James A. Bass, J.M. Products, Inc., Henry Johnson. (Leon de la Barra, Francisco) (Entered: 02/15/2017)
02/16/2017	<u>142</u>	ORDER that Third-Party Defendants, Fulvio Fabiani and United States Quantum Leap, LLC shall file answers to the Counterclaims [ECF No. 132] by February 21, 2017, or show cause in writing why sanctions should not be imposed. Signed by Judge Cecilia M. Altonaga on 2/16/2017. (wc) (Entered: 02/16/2017)
02/16/2017	<u>143</u>	MEMORANDUM of Law <i>Regarding Communications With Deep River Ventures Protected by Attorney-Client Privilege and Work Product Doctrine</i> by Cherokee Investment Partners, LLC, Thomas Darden(individually), IPH International B.V.(a Netherlands company), Industrial Heat, LLC(a Delaware limited liability company), John T. Vaughn(individually). (Maugans, Michael) (Entered: 02/16/2017)
02/20/2017	<u>144</u>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 2/23/2017 03:00 PM in Miami Division before Magistrate Judge John J. O'Sullivan. (Annesser, John) (Entered: 02/20/2017)
02/21/2017	<u>145</u>	ORDER on February 7, 2017, informal discovery conference. Signed by Magistrate Judge John J. O'Sullivan on 2/21/2017. (tro) (Entered: 02/21/2017)
02/21/2017	<u>146</u>	ORDER on February 9, 2017, informal discovery conference. Signed by Magistrate Judge John J. O'Sullivan on 2/21/2017. (tro) (Entered: 02/21/2017)
02/21/2017	<u>147</u>	PAPERLESS Minute Entry for proceedings held before Magistrate Judge John J. O'Sullivan: Discovery Hearing held on 2/21/2017. Total time in court: 15 minutes. Attorney Appearance(s): Christopher Rebel Jude Pace, Christopher Martin Lomax, D. Porpoise Evans, Christopher Perre (Digital 10:50:40) (cg1) (Entered: 02/21/2017)
02/21/2017	<u>148</u>	ORDER on February 21, 2017, informal discovery conference. Signed by Magistrate Judge John J. O'Sullivan on 2/21/2017. (tro) (Entered: 02/21/2017)
02/21/2017	<u>149</u>	ANSWER to Third Party Complaint by Fulvio Fabiani, United States Quantum Leap, LLC. (Nunez, Rodolfo) (Entered: 02/21/2017)
02/21/2017	<u>150</u>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 2/23/2017 03:00 PM in Miami Division before Magistrate Judge John J. O'Sullivan. (Handelson, Erika) (Entered: 02/21/2017)
02/21/2017	<u>151</u>	MEMORANDUM in Opposition re <u>138</u> MOTION for Protective Order by Andrea Rossi. (Chaiken, Brian) (Entered: 02/21/2017)
02/23/2017	<u>152</u>	ORDER on informal discovery conference. Signed by Magistrate Judge John J. O'Sullivan on 2/23/2017. (tro) (Entered: 02/23/2017)
02/23/2017	<u>153</u>	MEMORANDUM in Opposition re <u>143</u> Memorandum, by Andrea Rossi. (Chaiken, Brian) (Entered: 02/23/2017)
02/23/2017	<u>154</u>	PAPERLESS Minute Entry for proceedings held before Magistrate Judge John J. O'Sullivan: Discovery Hearing held on 2/23/2017. Total time in court: 1 hour(s). Attorney Appearance(s): Erika Stephanie Handelson, Christopher Martin Lomax, D.

		Porpoise Evans and Christopher Perre. (Digital 15:04:01/16:12:01) (cg1) (Entered: 02/24/2017)
02/23/2017	<u>155</u>	TRANSCRIPT of Discovery Hearing Proceedings held on 2/9/17 before Magistrate Judge John J. O'Sullivan, 1–50 pages, Court Reporter: Bonnie J. Lewis, 305–523–5635. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/16/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/24/2017. (Attachments: # <u>1</u> Designation Access Form)(hh) (Entered: 02/24/2017)
02/23/2017	<u>156</u>	TRANSCRIPT of Discovery Hearing Proceedings held on 2/7/17 before Magistrate Judge John J. O'Sullivan, 1–55 pages, Court Reporter: Bonnie J. Lewis, 305–523–5635. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/16/2017. Redacted Transcript Deadline set for 3/27/2017. Release of Transcript Restriction set for 5/24/2017. (Attachments: # <u>1</u> Designation Access Form)(hh) (Entered: 02/24/2017)
02/24/2017	<u>157</u>	Defendant's REPLY to <u>151</u> Memorandum of Law in Opposition to Defendants' Motion for Protective Order Relating to Attorney–Client Privileged Communications and Incorporated Memorandum of Law by Cherokee Investment Partners, LLC, Thomas Darden, IPH International B.V., Industrial Heat, LLC, John T. Vaughn. (Lomax, Christopher) (Entered: 02/24/2017)
03/02/2017	<u>158</u>	Defendant's REPLY to <u>143</u> Memorandum, <u>153</u> Memorandum of Law on Communications with Deep River Ventures, LLC by Cherokee Investment Partners, LLC, Thomas Darden, IPH International B.V., Industrial Heat, LLC, John T. Vaughn. (Attachments: # <u>1</u> Exhibit A)(Handelson, Erika) (Entered: 03/02/2017)
03/08/2017	<u>159</u>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 3/9/2017 02:00 PM in Miami Division before Magistrate Judge John J. O'Sullivan. (Chaiken, Brian) (Entered: 03/08/2017)
03/08/2017	<u>160</u>	Plaintiff's MOTION to Seal <i>Plaintiffs' Motion for Sanctions with Attachments</i> per Local Rule 5.4 by Leonardo Corporation, Andrea Rossi. (Attachments: # <u>1</u> Text of Proposed Order) (Chaiken, Brian) (Entered: 03/08/2017)
03/09/2017	<u>162</u>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 3/9/2017 02:00 PM before Magistrate Judge John J. O'Sullivan. (Lomax, Christopher) (Entered: 03/09/2017)
03/09/2017	<u>163</u>	ORDER denying <u>160</u> Motion to Seal; striking 161 Motion for Sanctions. Signed by Judge Cecilia M. Altonaga on 3/9/2017. (ps1) (Entered: 03/09/2017)
03/09/2017	164	CLERK'S NOTICE of Compliance pursuant to <u>163</u> Order (nc) (Entered: 03/09/2017)