

**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.

**DEFENDANTS, FULVIO FABIANI AND UNITED STATES QUANTUM LEAP, LLC,
UNNOPOSED MOTION FOR LEAVE TO APPEAR AT MEDIATION BY VIDEO**

Defendants, United States Quantum Leap, LLC (“USQL”) and Fulvio Fabiani (“Fabiani”), by and through undersigned counsel and pursuant to Rule 16.2(e), S.D. Fla. R.,

move this Court of the entry of an Order granting Defendants leave to attend the scheduled mediation by internet video, and state as follows:

1. On July 26, 2016, this Court entered an Order Scheduling Mediation [DE:26] for tomorrow January 12, 2017.

2. The Order was entered by the Court pursuant to the agreement of the parties at that time in the action. At the time the Order was entered, the Defendants had not been served and undersigned counsel had not yet been retained.

3. Undersigned failed to calendar the mediation and only learned of the mediation this week. Undersigned is available to attend the mediation as currently scheduled. The individual defendant Mr. Fabiani resides in Russia and is unable to physically attend the mediation. The corporate defendant now has its principal place of business also in Russia and does not have a representative here in the United States for purposes of having someone physically present at the deposition.

4. Defendants respectfully request this Court for leave to attend and participate in the mediation by either internet video. It is anticipated that the Defendants will be able to participate utilizing internet video, namely Skype.

5. Undersign has conferred with counsel for the other parties in this action, including the Counter-Plaintiffs, and there was no objection to the relief requested.

6. For the reasons set forth herein, Fabiani and USQL respectfully request this Court to enter an order that excuses their physical presence at the mediation and granting them leave to participate in the mediation by internet video.

WHEREFORE, Defendants respectfully request this Court to enter an order that excuses their physical presence at the mediation and granting them leave to participate in the mediation by internet video, and such other relief this court deems appropriate.

Respectfully submitted this 11th day of January, 2017.

RODOLFO NUÑEZ, P.A.

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

/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 on the attached Service List by the electronic filing of the foregoing document with the Clerk of Court using CM/ECF on January 11, 2017.

/s/ Rodolfo Nunez
Rodolfo Nuñez, Esq.

SERVICE LIST

John W. Annesser, Esq.
Brian Chaiken, Esq.
Paul D. Turner, Esq.
D. Porpoise Evans, Esq.
PERLMAN, BAJANDAS, YEVOLI & ALBRIGHT, P.L.
283 Catalonia Avenue, Suite 200
Coral Gables, FL 33134
Telephone: (305) 377-0086
jannesser@pbyalaw.com
bchaiken@pbyalaw.com
pturner@pbyalaw.com
pevans@pbyalaw.com
Attorneys for Plaintiffs/Counter-Defendants

Christopher R.J. Pace, Esq.
Christopher Lomax, Esq.
JONES DAY
Brickell World Plaza
600 Brickell Avenue, Suite 3300
Miami, FL 33131
Tel.: 305.714.9700
crjpace@jonesday.com
clomax@jonesday.com
Attorneys for Defendants/Counter-Plaintiffs/
Third Party-Plaintiffs

Fernando S. Aran, Esq.
ARAN, CORREA & GUARCH, P.A.
255 University Drive
Coral Gables, FL 33134-6732
Tel.: 305-665-3400
Fax: 305-665-2250
faran@acg-law.com
Attorneys for Third Party-Defendants