

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

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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. )

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**ORDER ON DISCOVERY HEARING PROCEEDINGS CONDUCTED ON FEBRUARY**  
**9, 2017**

This matter came before the Court on the parties' Discovery Hearing Proceedings on  
February 9, 2017.

**IT IS HEREBY ORDERED:**

(1) Third-Party Defendants Fulvio Fabiani and United States Quantum Leap, LLC shall produce any and all remaining documents in their possession that are responsive to Industrial Heat's discovery requests no later than February 14, 2017.

(2) Defendants' deposition of Third-Party Defendants Fulvio Fabiani and United States Quantum Leap, LLC shall be conducted via video on February 28, 2017 at 7:00 a.m. Eastern Standard Time, unless the parties coordinate and agree to conduct the deposition at another time.

(3) Defendants' deposition of non-party The Boeing Company shall be conducted on February 28, 2017 at 10:00 a.m. Eastern Standard Time, unless the parties coordinate and agree to conduct the deposition at another time.

(4) Defendants' deposition of Third-Party Defendant J.M. Products, Inc. shall be conducted on March 1, 2017 at 10:00 a.m. Eastern Standard Time, unless the parties coordinate and agree to conduct the deposition at another time.

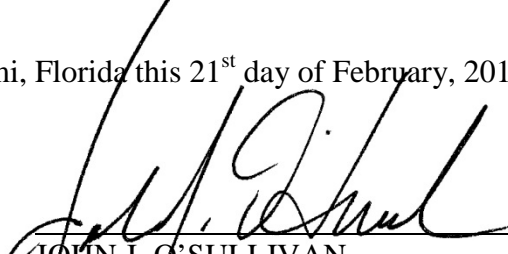
(5) Industrial Heat shall produce documents listed on their privilege log involving Deep River Ventures and its employees that contain communications primarily related to a business purpose no later than February 16, 2017. Industrial Heat may withhold any and all documents in its possession pertaining to Deep River Ventures and its employees that contain communications relating to legal advice.

(6) Industrial Heat's production of documents pursuant to this Order shall not constitute a waiver of its right to withhold documents in accordance with the attorney-client privilege or work product doctrine. Industrial Heat maintains the right to claw back documents

produced pursuant to this Order.

(7) Counsel for Defendants shall provide the Court and Plaintiffs' counsel with a memorandum of law outlining its position on whether the communications involving Deep River Ventures and its employees are privileged no later than February 16, 2017. Counsel for Plaintiffs shall have until February 23, 2017 to respond and/or provide its own memorandum of law to the Court and counsel for Defendants outlining its position on the same issue.

**DONE AND ORDERED** in Miami, Florida this 21<sup>st</sup> day of February, 2017.



JOHN J. O'SULLIVAN  
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record