

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

ANDREA ROSSI, *et al.*,

Plaintiffs,

v.

THOMAS DARDEN, *et al.*,

Defendants.

**[PROPOSED] ORDER ON PLAINTIFFS' MOTION FOR SANCTIONS
FOR BAD FAITH LITIGATION CONDUCT WITH ATTACHED EXHIBITS**

Before the Court is Plaintiffs' Motion for Sanctions for Bad Faith Litigation Conduct with Attached Exhibits. The Court, having reviewed Plaintiffs' Motion for Sanctions with attached exhibits and being otherwise fully informed on the premises, hereby **ORDERS and ADJUDGES** that:

The Plaintiffs' Motion for Sanctions with Attached Exhibits is hereby **GRANTED**.

IT IS THEREFORE ORDERED that:

1. The pleadings of Defendants Thomas Darden, Industrial Heat, LLC, and IPH International B.V. are hereby stricken, with prejudice, for engaging in bad faith litigation, including the attempted bribery and coercion of witnesses.

2. Monetary sanctions fail to address the severity of Defendants' acts of witness tampering, which threaten the public's trust in our system of justice and disparage the core values for which it stands.

3. The Defendants and their agents shall not make any further contact with Giuseppe Levi, Bo Hoistad, Evelyn Foschi and Hanno Essen for any matter.

4. All communications between Thomas Darden, Industrial Heat, LLC, and/or IPH International B.V. and Zalli Jaffe and Uzi Sha shall be produced by Defendants, and any privilege that may have attached to such documents shall hereby be deemed waived as a result of the parties' illegal behavior.

DONE and ORDERED in chambers, at Miami, Florida, on this _____ day of March, 2017.

CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record