

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 1:16-CV-21199-CMA/O'Sullivan**

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.

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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 "JOHN DOE"  
a/k/a "James A. Bass",

Third-Party Defendants.

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**PLAINTIFFS' MOTION TO SEAL THEIR MOTION FOR SANCTIONS  
WITH ATTACHED EXHIBITS PURSUANT TO THE COURT'S ORDER**

**PERLMAN, BAJANDAS, YEVOLI & ALBRIGHT, P.L.**

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Plaintiffs, LEONARDO CORPORATION and ANDREA ROSSI, by and through their undersigned counsel, and pursuant to ¶ 15 of the Agreed Protective Order [DE65] entered on November 21, 2016, and Local Rule 5.4, hereby move the Court for an order permitting them to file under seal, their Motion for Sanctions with Attached Exhibits Pursuant to the Court's Order and as grounds therefore, state:

1. The Motion for Sanctions contains information, exhibits and excerpts from deposition transcripts that have been marked confidential by the Defendants.

2. Specifically, Plaintiffs seek to seal the entire deposition transcripts of the 30(b)(6) depositions of Defendants, Industrial Heat, LLC, IPH International, B.V. and Cherokee Investment Partners taken on February 13, 14, and 15, 2017 respectively.

3. Plaintiffs respectfully submit that this Court should depart from the general policy of public filing as a result of the potential harm that such filing may cause the Parties as recognized by the Agreed Protective Order entered in this matter.

WHEREFORE, Plaintiffs, LEONARDO CORPORATION and ANDREA ROSSI, respectfully request that this Court enter an Order permitting the filing under seal of Plaintiffs' Motion for Sanctions and attachments thereto, until such time as the case is fully and finally adjudicated. Upon the conclusion of this case, Plaintiffs request that copies of the Motion for Sanctions and exhibits be returned to Plaintiffs or destroyed.

Dated: March 16, 2017.

Respectfully submitted,

*s/ Brian W. Chaiken, Esquire*

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*Counsel for Plaintiffs, Andrea Rossi and Leonardo Corporation*

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(a)(3)**

The undersigned counsel hereby certifies that, in compliance with Rule 7.1(a)(3), Federal Rules of Civil Procedure, that undersigned counsel has conferred with counsel for Defendants in a good faith effort to resolve by agreement the issues raised in this Motion.

*s/ Brian W. Chaiken, Esquire*

Brian W. Chaiken, Esquire

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on March 16, 2017, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties on the attached Service List at their e-mail addresses on file with the Court.

*/s Brian W. Chaiken, Esquire*

Brian W. Chaiken, Esquire

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