

**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.

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.

**SUPPLEMENT TO PLAINTIFFS' APPEAL OF MAGISTRATE JUDGE
O'SULLILVAN'S RULING THAT DOCUMENT IH-00079768
IS A PRIVILEGED COMMUNICATION**

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Plaintiffs, LEONARDO CORPORATION and ANDREA ROSSI, hereby supplement their Appeal of Magistrate Judge O'Sullivan's Ruling That Document IH-00079768 is a Privileged Communication [DE 217]. In order to contextualize and provide background in support of Plaintiffs' contentions therein, Plaintiffs provide the following documents:

- I. IH-00084752-53 (02/23/16 email from Darden to Zalli, Sha).
- II. Plaintiffs' Motion For Sanctions For Bad Faith Litigation Conduct [DE 167].
- III. Excerpts from February 16, 2017 transcript of Thomas Darden deposition.
- IV. Transcript of February 23 and March 9, 2017 hearings before Magistrate Judge O'Sullivan.

Dated: March 24, 2017.

Respectfully submitted,

s/ John W. Annesser, Esquire

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 25, 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 John W. Annesser, Esquire

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