

# **EXHIBIT 3**



**Re: SERVICE OF COURT DOCUMENT: 1:16-CV-21199-CMA/O'Sullivan (Rossi et al. v. Darden et al.)** 

**Erika Handelson/JonesDay** to: John W. Annesser

01/27/2017 02:27 PM

3-9811

Cc: "Brian W. Chaiken", "Bernard Bell", Christina Mastrucci, Christopher M Lomax, Christopher R Pace, "Fernando Aran", "Francisco Leon", Michael Maugans, "D. Porpoise Evans", Pilar Villa, "Paul Turner",

John,

This will confirm our conversation today that we will meet and confer early next week to reach a mutually agreeable date for the inspection to occur and on any substantive objections you may have.

Thanks,  
Erika

Erika S. Handelson  
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|                 |   |                        |
|-----------------|---|------------------------|
| Erika Handelson | Good Afternoon, Attached please find Defendant...   | 01/27/2017 12:19:13 PM |
| From:           | Erika Handelson/JonesDay  |                        |
| To:             | "John W. Annesser" <jannesser@pbyalaw.com>, "Brian W. Chaiken" <bchaiken@pbyalaw.com>, "Paul Turner" <pturner@pbyalaw.com>, "D. Porpoise Evans" <pevans@pbyalaw.com>, "Samantha A. Gillett" <sgillett@pbyalaw.com>, "Rodolfo Nunez" <rnunez@acg-law.com>, "Francisco Leon" <fleon@acg-law.com>, "Fernando Aran" <faran@acg-law.com> |                        |
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| Date:           | 01/27/2017 12:19 PM   |                        |
| Subject:        | SERVICE OF COURT DOCUMENT: 1:16-CV-21199-CMA/O'Sullivan (Rossi et al. v. Darden et al.)   |                        |

Good Afternoon,

Attached please find Defendants' Amended Request Pursuant to Fed. R. Civ. P. 34 to Permit Entry Upon Designated Land for Purpose of Inspection.

Thank you,

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NAI\_1502415587\_1\_Amended Rule 34 Request to Permit Entry.PDF

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

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 BASS, )

Third-Party Defendants. )

**DEFENDANTS' AMENDED REQUEST PURSUANT TO FED. R. CIV. P. 34  
TO PERMIT ENTRY UPON DESIGNATED LAND FOR PURPOSE OF INSPECTION**

Defendants INDUSTRIAL HEAT, LLC (“Industrial Heat”) and IPH INTERNATIONAL B.V. (“IPH”) (collectively, “Defendants”), pursuant to Federal Rule of Civil Procedure 34, hereby request that Plaintiffs, Andrea Rossi and Leonardo Corporation, and Third-Party Defendant J.M. Products, Inc., permit entry upon the premises located at 7861 NW 46th Street, Doral, FL 33166 (the “Premises”), including all portions of the interior of the Premises and containers therein, for the purpose of inspecting, measuring, surveying, photographing, testing, or sampling (i) the E-Cat device which is the subject of this action, including all materials, equipment and machinery used in connection therewith, (ii) the operations of J.M. Products, Inc., including all materials, equipment and machinery used in connection therewith, and (iii) the remainder of the Premises. Defendants request entry into the Premises for these purposes on February 21, 2017 at 9:30 a.m.

Dated: January 27, 2017.

Respectfully submitted,

*/s/ Christopher R.J. Pace*

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail on counsel of record this 27th day of January, 2017.

*/s/ Erika S. Handelson*

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Erika S. Handelson

**SERVICE LIST**

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