

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

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.)

[PROPOSED] ORDER ON DISCOVERY

This matter coming to be heard before the Court on (1) Plaintiffs’ Response to Defendants’ Second Request for Production and (2) Defendants’ Supplemental Responses to

Plaintiffs' First Set of Interrogatories,

IT IS HEREBY ORDERED:

WITH RESPECT to Defendants' Second Request for Production to Plaintiffs:

1. Plaintiffs agree to produce all responsive documents dated between January 1, 2011 through August 5, 2016 (Tr. 3:19-21).
2. Plaintiffs shall produce all of their communications with Fabio Penon during the relevant time period. (Tr. 3:22-24).
3. As to Request No. 3, Plaintiffs shall produce all of their communications with J.M. Products. Plaintiffs are not required to produce communications relating to technologies that are not related to or derivative of the E-Cat technology. (Tr. 14:18-21).
4. Plaintiffs' production of documents in response to Request No. 1 shall include documents relating to testing performed on the E-Cat or using E-Cat technology (or technology related to or derivative of the E-Cat technology), including testing performed subsequent to February 15, 2016. (Tr. 14:18-25; 15:3-7).
5. As to Request No. 4, Plaintiffs shall produce all of their communications with Giuseppe Levi, Evelyn Foschi, Torbjorn Hartman, Bo Hoistad, Roland Pettersson, Lars Tegner or Hanno Essen related to the E-Cat or E-Cat IP from January 1, 2011 through August 5, 2016. (Tr. 25:17 – 27:11).
6. Plaintiffs agree to use the search terms agreed to by Plaintiffs and Defendants to identify documents responsive to Request No. 6.
7. Plaintiffs shall produce all responsive documents by January 13, 2017. (Tr. 36:9).

WITH RESPECT to Plaintiffs First Set of Interrogatories to Industrial Heat:

1. Industrial Heat shall provide the Bates numbers for documents identified in their responses to Interrogatory Nos. 8, 9, 12 and 13. (Tr. 33:20-22 – 34:1-3).

DONE AND ORDERED in Miami, Florida this _____ day of January, 2017.

HONORABLE JOHN O’SULLIVAN
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of Record