

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

**CASE NO. 16-21199-CIV-ALTONAGA/O'Sullivan**

**ANDREA ROSSI, et al.,**

Plaintiffs,

v.

**THOMAS DARDEN, et al.,**

Defendants.

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**ORDER**

**THIS CAUSE** came before the Court upon Plaintiffs, Andrea Rossi and Leonardo Corporation's Motion for Sanctions [ECF No. 179], filed March 17, 2017. The Motion is a discovery-related sanctions motion, invoking Federal Rule 30, which governs the taking of depositions by oral examination. (*See* Mot.); *see also* FED. R. CIV. P. 30. Plaintiffs charge Defendants, IPH International B.V. and Cherokee Investment Partners, LLC with violating subsection (b)(6) of the Rule by designating for deposition a corporate representative who was not prepared or uninformed to answer questions regarding topics material to the action. (*See* Mot. 2). Plaintiffs urge the Court to sanction Defendants at trial and award attorney's fees and costs related to these Defendants' Rule 30(b)(6) depositions. (*See* Mot. 16).

Accordingly, it is

**ORDERED AND ADJUDGED** that the Motion [ECF No. 179] is **DENIED**. As stated in the Order Setting Trial [ECF No. 23], pursuant to 28 U.S.C. section 636 and this District's Magistrate Judge Rules, all discovery matters are referred to United States Magistrate Judge John J. O'Sullivan. Judge O'Sullivan holds a regular discovery calendar. **No written discovery motions, including motions to compel, for protective order, or related motions for sanctions**

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**shall be filed unless the Magistrate Judge so directs at his discovery calendar.** Counsel must actually confer and engage in reasonable compromise in a genuine effort to resolve their discovery disputes before noticing the dispute for the discovery calendar. The Court may impose sanctions, monetary or otherwise, if it determines discovery is being improperly sought or is being withheld in bad faith. If, after conferring, the parties are unable to resolve their discovery dispute without Court intervention, they shall not file written motions. Rather, the “moving party” shall contact the chambers of Magistrate Judge O’Sullivan at (305) 523-5920 and place the matter on the next available discovery calendar.

**DONE AND ORDERED** in Miami, Florida this 20th day of March, 2017.

  
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**CECILIA M. ALTONAGA**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record