

# **EXHIBIT 4**

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

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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 A. BASS, )

Third-Party Defendants. )

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**UNSWORN DECLARATON OF GIUSEPPE LEVI**

**BEFORE ME**, the undersigned authority, personally appeared Giuseppe Levi, being first  
duly sworn on oath, deposes and states:

1. I, Giuseppe Levi (“Affiant”), am over the age of majority, and am personally familiar and have personal knowledge of the facts contained herein.

2. I am an Assistant Professor in the Department of Physics and Astronomy at the University of Bologna in Italy. I have worked in the Physics field for more than twenty-five (25) years, and have worked for the European Organization for Nuclear Research (“CERN”), as well as the Deutsches Elektronen-Synchrotron (“DESY”) in Germany. A copy of my curriculum vitae is appended hereto as Exhibit A.

3. I am a co-author of a report entitled, “Observation of Abundant Heat Production From a Reactor Device and of Isotopic Changes in the Fuel” published on October 6, 2014 (the “Lugano Report”). The Lugano Report presents the results from an extended study of Dr. Andrea Rossi’s E-Cat device. I personally participated in the study of the performance of the Hot E-Cat device.

4. On four (4) occasions, certain individuals from Israel have contacted me directly or indirectly to speak to me about the Lugano Report. It is my conclusion that their intention was to offer me money if I would agree to recant my support therefor.

5. First, in May 2016, my Rabbi in Bologna, Italy, Elie David Borenstein, informed me that two Israeli men had contacted him using telephone number 972-50-531-0205 and insisted on speaking with me. One of the men on the telephone call was Mordechai Tzivin. When Rabbi Borenstein asked why the men wished to speak with me, they told Rabbi Borenstein that I “would know why.” I found this very unusual since as an employee of the University of Bologna, a public institution, my contact information and email address are publicly available. A photograph showing the dates and times of the calls is appended hereto as Exhibit B.

6. Approximately one month later, Mr. Tzivin and an Israeli man named Uzi Sha came to my synagogue in Bologna to meet with Rabbi Borenstein and me. During this meeting, Messrs. Tzivin and Sha told me that they were connected to large Jewish investors in Russia and Eastern Europe who were planning to research new energy sources for Israel, and that “big earnings” could be made. They then asked whether I am connected to Dr. Rossi, whether I trust him, and whether I trust the results outlined in the Lugano Report. I responded that I am not formally connected to Dr. Rossi, that I do trust him, and that I stand behind the results as outlined in the Lugano Report. I came away from this meeting suspicious about their motivations for this meeting and the information and questions that the men posed to me. Photos of this meeting are appended hereto as Exhibit C.

7. On July 27, 2016, I met with Mr. Sha in Rome to have a follow-up discussion about our last meeting. Mr. Sha requested that I keep this meeting secret, but did not ask me to sign any nondisclosure agreement. During the course of this meeting, Mr. Sha told me that he wanted to make business together and that “big earnings” were possible. He then asked me a series of formal questions about the Lugano Report. All of the critiques and questions that Mr. Sha raised had been previously raised in blog posts that aim to discredit Dr. Rossi and the Lugano Report; none of Mr. Sha’s questions had any scientific basis or varied from the unscientific attacks made in the blog posts. Mr. Sha mentioned the “big earnings” that were possible several times during the course of our discussion, and each time he did so he followed-up with a critique of the Lugano Report. After our meeting, Mr. Sha sent me a text message thanking me for my time and expressing his hope that we could “work together.” I understood Mr. Sha to be offering to pay me money to withdraw my support of the Lugano Report. A few weeks later, on August 16,

2016, Mr. Sha sent me a follow-up text message in which he told me that I appeared too tied to Dr. Rossi and to defending the Lugano Report, and as a result he was looking for someone more independent to work with.

8. However, on November 7, 2016, Mr. Sha asked me to meet him in Rome at the Fiumicino Airport Hilton Hotel. During this conversation, he told me that his customers and investors did not want to work with Dr. Rossi anymore and asked me to write a complete report on how to measure the energy output of a “Lugano-type” reactor (a replica of an E-Cat). Mr. Sha promised to pay me money for cooperating with him, but would not disclose who his customers or investors were. He wanted me to write the report urgently, within two weeks, and said that the report would be the first step to my making “the big money.” Mr. Sha also asked me numerous questions about my professional relationship with Dr. Rossi, and whether Dr. Rossi had promised to pay me any money or give me a position on his staff. Mr. Sha took hand-written notes during our meeting, and I suspected that he was digitally recording our conversation. It is my personal belief that Mr. Sha was offering to pay me in order to recant my support for the results contained in the Lugano Report.

9. I refused to write any report for Mr. Sha. As a preliminary matter, I fully support the results contained in the Lugano Report. In addition, I suspected that Industrial Heat had sent Mr. Sha to pay me to recant my support for the Lugano Report results; Mr. Sha mentioned in our meeting that his customers and investors did not want to work with Rossi anymore, and I knew that Rossi had been working with Industrial Heat.

10. Fearing eventual revenge from Industrial Heat, I chose not to tell Mr. Sha my suspicions and instead told him that I could not work with him due to personal reasons.

11. As a result of this telephone conversation, and the previous conversations that I had with Messrs. Shaw and Tzivin, I feel harassed, threatened, and coerced into doing something that I do not wish to do.

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

**EXECUTED ON:** March 3, 2017

By:   
Dr. Giuseppe Levi

# **EXHIBIT A**



## Giuseppe Levi

Assistant professor

Department of Physics and Astronomy

Academic discipline: FIS/04 Nuclear and Subnuclear Physics

### Curriculum vitae

1990: Graduates with full marks (110/110) at the University of Perugia. Dissertation title: Muon spectrometer project and development of a new detector for the study of fundamental interactions up to the TeV scale.

1991: Awarded one of 25 "National Institute for Nuclear Physics" (INFN) scholarships for recent graduates; second highest score on a national basis.

Contributes for about six months to the "Borexino" project for the development of a solar neutrino detector at the Gran Sasso National Laboratories.

1992-95: Ph.D. student at the University of Bologna. Visiting Student at the Hamburg DESY Laboratories in view of his dissertation; contributes to the ZEUS experiment.

1995: Awarded Ph.D. Dissertation title: "Installing the 'Wall' detector and identification of forward J/psi's at ZEUS".

1996: Affiliated to the Bologna chapter of the INFN where he joins the AMS experiment group for an orbital space spectrometer, working both in R & D and as a systems analyst. Teaches lab classes (Laboratorio 2) to 4th-year students and is part of the examination board.

1997-98: Awarded 2-year post-doctoral fellowship by the U. of Bologna.

1999: As of Oct. 1st, 1999, Assistant Prof. in Nuclear and Subnuclear Physics (tenure track position awarded by public contest) at the U. of Bologna.

2000-06 Assistant Prof. ( Ricercatore ) at the U. of Bologna; takes part in the AMS2 experiment, and teaches classes as part of the "Experimentation in Physics 1" and "Laboratory 4" courses.

2001: Holds exercise classes in "Physics II" at the Cesena campus, Degree Course in Information Sciences.

2002-07: permanent tenure as Assistant Professor conferred.

Courses & classes taught:

- Full course: Complex Systems Physics (Cesena Campus course in Information Science) for Academic Years 2002-2003 to 2004-2005.

- Lab course (Esercitazioni di Laboratorio II), Degree Course in Physics (Bologna Campus).

- Classes in Nuclear and Sub-Nuclear Physics, Advanced School for Health Physics, 1st year.

Co-referee to various dissertations, and referee for one dissertation in the Degree Course in Information Sciences.

2007 to present: Continues his research within the AMS while also pursuing other lines of fundamental and applied research in Physics.

In charge of the AMS02 Montecarlo production for Bologna.

In charge of the DASIPM Bologna group for the development of silicon photo-multipliers (position held up to 2009 under the DASIPM2 program).

In 2010 he initiates his collaboration with Prof. Casali's group, porting the tomographic reconstruction algorithm to



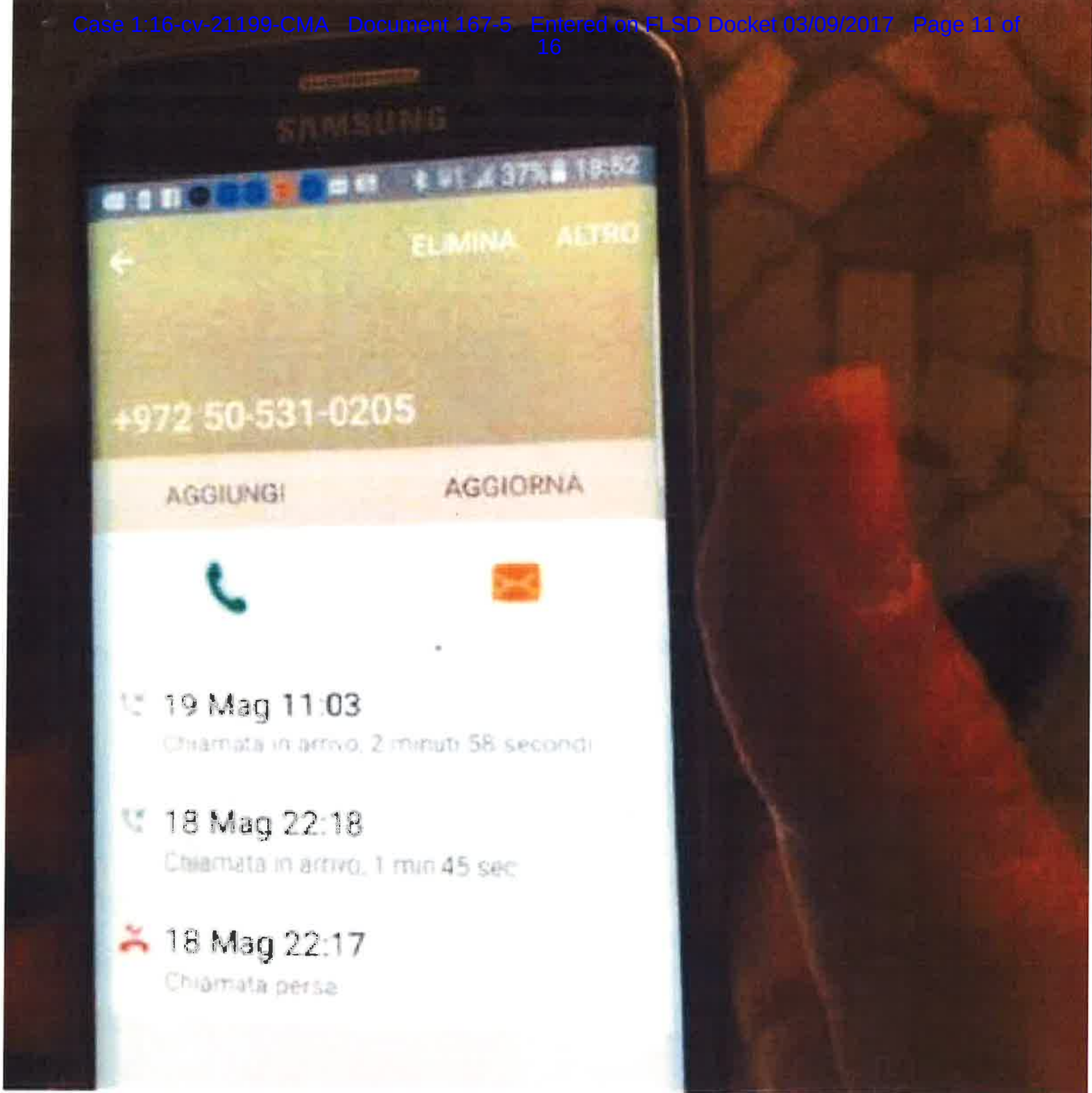
parallel processing on a Microsoft HPC cluster. The case was selected by Microsoft and published on the MS site. Results were published.

Using a cluster installed by himself in Bologna, he works at a genetic classification project with Prof. Daniel Remondini.

In the course of Academic Years 2010-11 and 2011-12 he has been teaching Parallel Programming and Distributed Systems for the Degree Course In Information Sciences and Technology in Cesena.

In 2011 he has also been working in the field of Low Energy Nuclear Reactions.

# **EXHIBIT B**



# **EXHIBIT C**







