

# **Exhibit 3**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
CASE NO. 1:16-cv-21199-CMA  
  
ANDREA ROSSI, et al.,  
  
Plaintiffs,  
  
v.  
  
THOMAS DARDEN, et al.,  
  
Defendants.  
- - - - -x  
INDUSTRIAL HEAT, LLC, et al.,  
  
Counter-Plaintiffs,  
  
v.  
  
ANDREA ROSSI, et al.,  
  
Counter-Defendants.  
  
and  
  
J.M. PRODUCTS, et al.,  
  
Third-Party Defendants.  
- - - - -x  
600 Brickell Avenue, Suite 3300  
Miami, Florida  
Friday, February 24, 2016  
10:17 a.m.- 7:56 p.m.  
  
CONFIDENTIAL TRANSCRIPT  
PORTIONS OF TRANSCRIPT HIGHLY CONFIDENTIAL  
ATTORNEYS' EYES ONLY  
  
VIDEO DEPOSITION OF LEONARDO CORPORATION  
THROUGH ANDREA ROSSI  
Taken before Edward Varkonyi, Registered  
Merit Reporter and Notary Public for the State of  
Florida at Large, pursuant to Notice of Taking  
Deposition filed in the above cause.

## HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 14</p> <p>1 A. It happens also to me to forget to turn 2 off the telephone. 3 Q. I believe I have some documents here. I 4 am not sure whether I used -- I think I might have 5 shown you this one the last time, but I might not. 6 (The document referred to was thereupon 7 marked Deposition Exhibit 2 for Identification, a 8 copy of which is attached hereto.) 9 THE WITNESS: Thank you. 10 BY MR. PACE: 11 Q. Let me hand you what I marked as Exhibit 12 Number 2. In fact, we did -- we did look at this 13 exhibit last week. It was I think towards the end of 14 the time during the deposition. 15 A few questions I wanted to ask because I 16 want to understand this. I had a chance to kind of 17 look at it a little bit better. First of all what I 18 marked here as Exhibit 2, these are -- these are your 19 handwritten notes, correct? 20 A. Yes, it is correct. 21 Q. These are notes that would be taken, if I 22 look on the left-hand column, for example, in the 23 first page, that's the date, correct? 24 There is a date in February on this first 25 page starting from the 23rd going to the 28th; is</p>	<p style="text-align: right;">Page 16</p> <p>1 correct? 2 MR. ANNESSER: Object to form. 3 THE WITNESS: Can you repeat? 4 BY MR. PACE: 5 Q. Yes. At the Doral warehouse there was a 6 pipe that carried the output from the E-Cat plant 7 over to the J.M. Products side of the Doral 8 warehouse, correct? 9 A. Correct. 10 Q. All right. What we have here on Exhibit 11 2, column -- the second column here is a reading of a 12 thermocouple that was on that output pipe; is that 13 correct? 14 A. It is correct. 15 Q. Now, is this -- where would you get this 16 information? 17 Can you read it directly from the 18 thermocouple or do you have to read it from a 19 separate computer? 20 A. No, I read it by means of a manual 21 thermometer that was property -- was left there by 22 Engineer Penon, the ERV, what we define the expert 23 responsible of validation in the agreement, and he 24 gave me the task to read -- every day we agreed upon 25 to make the reading along my shift of work on the</p>
<p style="text-align: right;">Page 15</p> <p>1 that correct? 2 A. It is correct. 3 Q. The second entry is a recording of the 4 temperature taken at 5 p.m. from the steam -- from 5 the output -- I'm sorry, let me take a step back. 6 Just define some terms. 7 I think we used these same terms last 8 week. I just want to make sure that there is no 9 confusion. 10 At the Doral location I will refer to the 11 E-Cat plant as probably just the E-Cat plant because 12 I know there is individual units within there called 13 the E-Cat units or reactors, correct? 14 A. Correct. 15 Q. Okay. And what I will probably refer to 16 as the J.M. Products side is the side where the 17 output from the plant, from the E-Cat plant was being 18 sent. 19 Is that okay? 20 A. Okay. 21 Q. All right. So there is -- there is 22 between the E-Cat plant and the J.M. Products side, 23 there is a -- or there was a pipe, correct, that 24 would take the output from the E-Cat plant and send 25 it over to the J.M. Products side of the warehouse,</p>	<p style="text-align: right;">Page 17</p> <p>1 plant. 2 My shift of work was from say about 3 between 5 and 6 p.m. and between 10 and 11 a.m. of 4 the next day. And so I have taken these lectures. 5 Q. So this is -- so you're not reading the 6 temperature of a thermocouple, you are actually 7 putting a manual thermometer, so to speak, on the 8 pipe? 9 MR. ANNESSER: Object to form, 10 mischaracterization. 11 THE WITNESS: Can you repeat? 12 BY MR. PACE: 13 Q. I can, because I might have 14 misunderstood. 15 When you get this temperature data, let's 16 take the first column here or the first line here 17 which is we got 23 for February 23. We have -- 18 A. Yes. 19 Q. We have 5 p.m. Yes, 5 p.m. which is the 20 time that you are doing this reading. Then we have 21 103. 22 Is the 103, are you getting that -- is 23 that information that is being taken out of the 24 thermocouple that is on the pipe or is it information 25 that is being obtained separately by using some</p>

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<p style="text-align: right;">Page 34</p> <p>1 taking every day of the temperature for the output  2 pipe from the E-Cat plant, correct?  3 MR. ANNESSER: Object to form.  4 THE WITNESS: Correct.  5 BY MR. PACE:  6 Q. As well as our -- as well as the last  7 column that your recollection reflects somehow a  8 water level connected to the E-Cat plant?  9 MR. ANNESSER: Object to form.  10 THE WITNESS: Correct.  11 BY MR. PACE:  12 Q. And just if you can kind of take a look  13 over the entirety of the page, I am just going to  14 tell you there is a lot of -- most of these  15 temperatures are all between 103.7 and 103.6.  16 A. Uh-huh.  17 Q. Is the device you were using, did it read  18 only one digit or did it read more than one digit and  19 you rounded to the closest -- I'm sorry, that was a  20 terrible question. Let me ask it again.  21 Did the device that you were using to  22 read the temperature, did it show only four digits,  23 such as 103.7, or would it reflect more than four  24 digits but you would round it off so if it said  25 103.68 you would write it as 103.7?</p>	<p style="text-align: right;">Page 36</p> <p>1 reflects the entries -- the manual entries for  2 December.  3 A. Yes.  4 Q. If you look at the December 2nd, the last  5 column has a 30 percent and then I have to be honest  6 with you, I have a hard time figuring out what is  7 written after that. It looks like the word "Rich" is  8 in there.  9 MR. ANNESSER: Was there a question?  10 BY MR. PACE:  11 Q. Can you tell me -- I'm sorry. Can you  12 read that?  13 A. I'm trying to recall. "CU Rich J.M."  14 MR. ANNESSER: His question is can you  15 read that.  16 THE WITNESS: I can read, but I -- yes, I  17 can read it.  18 BY MR. PACE:  19 Q. Let's start with that because I actually  20 even have a hard time reading it. What does it say  21 after 30 percent there?  22 A. Should be -- should be the letter, but  23 what I do not remember because -- if I wrote this,  24 this was for me.  25 These notations were for me, not for</p>
<p style="text-align: right;">Page 35</p> <p>1 MR. ANNESSER: Object to form.  2 THE WITNESS: The instrument that I used  3 showed exactly the four digit, the 100s and the  4 one decimal.  5 If you are asking if it also indicated  6 the hundredth., the answer is no.  7 BY MR. PACE:  8 Q. That's exactly what I was asking. Again,  9 to take a day out of here, October 12.  10 A. Yeah.  11 Q. The first manual reading you took shows a  12 temperature is at 103.7, correct?  13 A. Correct.  14 Q. This is for the output pipe going over to  15 Leonardo -- going over to the J.M. Products side of  16 the warehouse, correct?  17 A. Yes, it is correct.  18 Q. The next reading you took for that day  19 was 103.6, correct?  20 A. Correct.  21 Q. All right. And the last is 103.7,  22 correct?  23 A. Correct.  24 Q. All right. Dr. Rossi, can I ask you to  25 turn to the top of -- it's page 9295. I believe it</p>	<p style="text-align: right;">Page 37</p> <p>1 Penon. You know, at the moment I put down something  2 to remember something.  3 Q. Okay:  4 A. And I don't remember what that was.  5 Q. I just want to write down some of these  6 days we were just looking at. I am going to mark the  7 next exhibit as Exhibit 3.  8 (The document referred to was thereupon  9 marked Deposition Exhibit 3 for Identification, a  10 copy of which is attached hereto.)  11 BY MR. PACE:  12 Q. So this I believe is information that you  13 were -- that Leonardo was recording. If you can see  14 there in the first page -- I'm sorry, let me start  15 this over again.  16 For Exhibit 3 on the first page it  17 references "logbook of the performance data." Is  18 this a logbook maintained by Leonardo Corporation?  19 A. This is much more than that. This is the  20 logbook that I maintained for the ERV. This logbook  21 was not for Leonardo Corporation because the ERV  22 asked me to send to him every day at approximately  23 the same time -- I don't remember if I have taken  24 these values at the -- at 5 p.m., surely not at 4  25 a.m., but either 10 a.m. or 5 p.m. I don't remember,</p>

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<p style="text-align: right;">Page 38</p> <p>1 but it's easy to reconstruct, make a comparison and  2 this is the log -- logbook that Penon asked to me to  3 update every day.  4 Every day I sent to him by e-mail as an  5 attachment this logbook with the new line every day.  6 So for example, this logbook was an attachment. The  7 first day of work of the plant had a logbook with  8 only one line because --  9 Q. The line there that says 20?  10 A. The line that says 20.  11 Q. Okay.  12 A. On the 21st I sent it to him the same  13 e-mail, but with the second line and so on and so on  14 and so on until the end.  15 Q. And what e-mail address did you use to  16 send that?  17 A. Sorry?  18 Q. What e-mail address did you use to send  19 that?  20 A. The e-mail address that Dr. Penon gave to  21 me.  22 Q. So that's what you sent it to. What  23 e-mail did you send it from, which of your e-mail  24 addresses?  25 A. This -- you know, this I don't remember.</p>	<p style="text-align: right;">Page 40</p> <p>1 generally.  2 Just for a second here, we're going to  3 jump up to June, just to go through. I am actually  4 not trying to compare this to Exhibit 2. I am just  5 trying to use some of the same reference dates. So  6 it's page 1393.  7 A. Yes.  8 Q. Okay. So we have here -- when we were  9 talking about Exhibit 2, we were talking about this  10 kind of June 7th, 8th, 9th.  11 What this reflects here, I have got a  12 line that has under June on page 1393, there is a  13 line that has 7 colon. This is information that you  14 collected on the 7th of June, correct?  15 A. Uh-huh.  16 Q. It shows that there is a flow meter  17 reading that you took on the 7th of June --  18 A. Uh-huh.  19 Q. -- there is a water temperature reading  20 you took on the 7th of June, there is a steam  21 temperature reading you took on the 7th of June --  22 A. Uh-huh.  23 Q. -- and there is a pressure reading you  24 took on the 7th of June?  25 A. Yes.</p>
<p style="text-align: right;">Page 39</p> <p>1 But usually I use ar.123@mail.com or could have been  2 libero -- eon333@libero.it. One of these two should  3 be.  4 Q. When we look at Exhibit 3, each line that  5 corresponds to a date, such as the line for February  6 20th or the line for February 21st, the line for  7 February 20th, that reflects data or information that  8 you actually record on February 20th?  9 A. Can you repeat the question? I'm sorry.  10 Q. Sure. The first line of data in here  11 under February is February -- there is a 2-0,  12 correct?  13 A. It's the 20th of February.  14 Q. The 20th of February. Then it has  15 numbers for water flow --  16 A. Yes.  17 Q. -- water, steam and P, which is short for  18 pressure, correct?  19 A. Correct.  20 Q. Each of those numbers reflects  21 information that you collected on February 20th,  22 wrote down on February 20th and sent to Dr. Penon  23 either on February 20th or February 21st, correct?  24 A. Correct.  25 Q. We'll come back and talk about this more</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. All right. Next -- the next paragraph  2 there has an 8 that reflects information you  3 collected on June 8th, correct?  4 A. Uh-huh.  5 Q. Information that you recorded on June  6 8th, correct?  7 A. Yes.  8 Q. Information you transmitted to Dr. Penon  9 on either June 8th or June 9th of 2015, correct?  10 A. Right.  11 MR. ANNESSER: Object to form.  12 BY MR. PACE:  13 Q. Line 9 is similar because it also -- this  14 reflects data you collected on June 9th, correct?  15 A. Sorry, can you repeat the question?  16 Q. Yes. You see the paragraph that starts  17 with 9 colon, on this page Rossi 1393? That  18 paragraph reflects data that you collected on June  19 9th, correct?  20 A. Correct.  21 Q. It has a water flow meter reading --  22 A. Uh-huh.  23 Q. -- a water temperature reading, a steam  24 temperature reading and a pressure reading, correct?  25 A. Correct.</p>

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<p style="text-align: right;">Page 154</p> <p>1 that question next. So you're one step ahead of me.</p> <p>2 My question right now was did you ever</p> <p>3 actually look at the data that Fulvio Fabiani</p> <p>4 collected to see whether it was consistent with the</p> <p>5 data that you were collecting from the Penon</p> <p>6 measuring equipment?</p> <p>7 A. No, because -- no, because Fabiani</p> <p>8 collected those data in a language that for me -- in</p> <p>9 a particular language, so -- and I was not interested</p> <p>10 honestly because for me what counted was what I read</p> <p>11 in the instruments of Penon and that was all.</p> <p>12 But, honestly, I told to Fabiani many</p> <p>13 times, I told -- I am -- I am finding this</p> <p>14 temperature between 103 and 104, blah, blah, does</p> <p>15 this make sense with what you are measuring with your</p> <p>16 instrument, and he always said yes, we are in the</p> <p>17 same -- we are in the same range. At this level,</p> <p>18 yes.</p> <p>19 Q. So you would -- you would discuss with</p> <p>20 Fabiani the data he was collecting but you didn't</p> <p>21 actually look at his underlying data?</p> <p>22 A. Yes, I did not discuss those data. I</p> <p>23 just now and again randomly for curiosity and also</p> <p>24 for -- you know, for serious curiosity, not curiosity</p> <p>25 just joking.</p>	<p style="text-align: right;">Page 156</p> <p>1 data was being stored in connection with the Penon</p> <p>2 measuring equipment?</p> <p>3 MR. ANNESSER: Object to form.</p> <p>4 THE WITNESS: I never knew a bit about</p> <p>5 that stuff and I was absolutely not interested</p> <p>6 to that. It was not my turf.</p> <p>7 BY MR. PACE:</p> <p>8 Q. And so Leonardo Corporation has no</p> <p>9 information on how or where that data was stored for</p> <p>10 Penon?</p> <p>11 A. Absolutely not.</p> <p>12 Q. If Dr. Penon testified that Fulvio</p> <p>13 Fabiani would send him -- would access that data and</p> <p>14 send it to him every couple of months, Leonardo</p> <p>15 Corporation doesn't have any information that is</p> <p>16 contrary to that?</p> <p>17 MR. ANNESSER: Object to form.</p> <p>18 THE WITNESS: Absolutely. Sorry. I have</p> <p>19 no information about that.</p> <p>20 BY MR. PACE:</p> <p>21 Q. Okay.</p> <p>22 A. The only thing I knew was there was a</p> <p>23 computer of Penon that was storing that. That's all</p> <p>24 I know.</p> <p>25 Q. Did you ever see Fulvio Fabiani accessing</p>
<p style="text-align: right;">Page 155</p> <p>1 For curiosity I asked him does this data</p> <p>2 that does this -- because the only thing that we</p> <p>3 could confront about was the temperature, because</p> <p>4 he -- because I was just measuring -- I was reading</p> <p>5 the flow meter and there was nothing to discuss.</p> <p>6 That was a seal at the thing with numbers</p> <p>7 around and you have to read it, so there is nothing</p> <p>8 to discuss. For the temperature there is the</p> <p>9 situation is not just reading a running wheel, but</p> <p>10 there are probes and so it is interesting to see if</p> <p>11 the probes are coherent or not.</p> <p>12 And I asked now and again and always --</p> <p>13 it never happened that I said, are you between 103</p> <p>14 and 104? It never happened that he said no, I am in</p> <p>15 completely different on mine.</p> <p>16 Q. The data that was collected from the</p> <p>17 Penon measuring equipment, at least it was collected</p> <p>18 electronically. Do you recall where that was stored?</p> <p>19 MR. ANNESSER: Object to form.</p> <p>20 THE WITNESS: Excuse me, I did not</p> <p>21 understand the question.</p> <p>22 BY MR. PACE:</p> <p>23 Q. So thermocouples will generate data,</p> <p>24 correct, that is stored electronically on a computer</p> <p>25 somewhere or in a data log? Do you recall how that</p>	<p style="text-align: right;">Page 157</p> <p>1 that computer?</p> <p>2 A. Can you repeat?</p> <p>3 Q. Did you ever see Fulvio Fabiani using</p> <p>4 that computer?</p> <p>5 A. Not that I can recall.</p> <p>6 Q. I think you testified to this earlier but</p> <p>7 I want to make sure I've covered it, which is do you</p> <p>8 recall any of the Penon measuring equipment ever</p> <p>9 being replaced?</p> <p>10 A. Not that I can recall. But I remember</p> <p>11 now this morning we have read somewhere in an exhibit</p> <p>12 of yours that the PCE 830 had stopped.</p> <p>13 I don't remember if that was for some --</p> <p>14 maybe was a blackout, no. I don't remember. But</p> <p>15 this morning during the deposition we have read</p> <p>16 something about the PCE 830. I don't remember what</p> <p>17 was that.</p> <p>18 Q. Okay. And Leonardo Corporation doesn't</p> <p>19 have any information on that?</p> <p>20 A. It was a blackout. It was a blackout.</p> <p>21 Now I remember. It was a blackout and it was written</p> <p>22 during the blackout out the PCE 830 is going out of</p> <p>23 service. That was it, yeah.</p> <p>24 Q. So Leonardo Corporation doesn't have any</p> <p>25 information on any of the measuring equipment ever</p>



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<p style="text-align: right;">Page 174</p> <p>1 plant, of course under my control.</p> <p>2 BY MR. PACE:</p> <p>3 Q. Can you tell me about when that is? Are</p> <p>4 we still in 2014 or are we beginning 2015?</p> <p>5 A. This is difficult to say. You must</p> <p>6 consider that if the plant has been, let me say just</p> <p>7 one number that could be wrong. Assume the plant</p> <p>8 arrived the 1st of November.</p> <p>9 Now we have from the 1st of November to</p> <p>10 the 23rd of February, you know, inside the period</p> <p>11 there was also Christmas, the Christmas holidays,</p> <p>12 blah, blah, blah, so one month is gone in various</p> <p>13 kinds of holidays.</p> <p>14 So basically we had all November, half</p> <p>15 December and half January to complete the -- because</p> <p>16 much work had to be done yet.</p> <p>17 At that point when we scheduled or when</p> <p>18 we understood that more or less within ten days we</p> <p>19 would have been completed, I phoned to the ERV and</p> <p>20 said from the 15th of February we are ready, you can</p> <p>21 come when you want.</p> <p>22 Q. And did you -- well, let me -- let me see</p> <p>23 if I can -- I believe this is an exhibit we used in</p> <p>24 your last deposition but let me mark as Exhibit</p> <p>25 Number 9.</p>	<p style="text-align: right;">Page 176</p> <p>1 MR. PACE: He has to write mumble,</p> <p>2 mumble, mumble.</p> <p>3 THE WITNESS: All right. Well, now your</p> <p>4 question is if -- your question was?</p> <p>5 BY MR. PACE:</p> <p>6 Q. Do you recall this e-mail exchange about</p> <p>7 questions about the test plan?</p> <p>8 A. Now that I have read it, I recall it.</p> <p>9 And I -- it seems to me it confirms what I said</p> <p>10 before basically.</p> <p>11 Q. If you look at page 19106.</p> <p>12 A. Yes, got it.</p> <p>13 Q. This actually is an e-mail from</p> <p>14 Dr. Penon.</p> <p>15 A. Dear Mr. Darden, yeah. From Fabio Penon,</p> <p>16 yes.</p> <p>17 Q. And if you look at the last full</p> <p>18 paragraph there it starts with: "Following my</p> <p>19 request."</p> <p>20 A. Following.</p> <p>21 Q. It says: "Following my request a few</p> <p>22 weeks ago --</p> <p>23 A. Yes.</p> <p>24 Q. -- before the plant start up Dr. Rossi has</p> <p>25 to apply a condensed steam collector at the bottom of</p>
<p style="text-align: right;">Page 175</p> <p>1 (The document referred to was thereupon</p> <p>2 marked Deposition Exhibit 9 for Identification, a</p> <p>3 copy of which is attached hereto.)</p> <p>4 THE WITNESS: Thank you. Okay.</p> <p>5 BY MR. PACE:</p> <p>6 Q. Do you recall this -- there being an</p> <p>7 e-mail exchange between you, Dr. Penon and Tom Darden</p> <p>8 about how the test was going to operate in Doral?</p> <p>9 A. No, I don't remember but I take advice of</p> <p>10 this now from you. For sure it's genuine.</p> <p>11 Q. You're actually I think going to answer</p> <p>12 my question then because my question was really going</p> <p>13 to be do you know anything about what is being</p> <p>14 discussed in this e-mail --</p> <p>15 A. I don't remember.</p> <p>16 Q. -- beyond what is written in the e-mail?</p> <p>17 A. Let me read the e-mail. If I read the</p> <p>18 e-mails maybe something comes up. So they are in</p> <p>19 reverse order of date. The last is the first, is</p> <p>20 that correct?</p> <p>21 Q. Yes, sir.</p> <p>22 A. Okay. (Witness reading to himself.)</p> <p>23 MR. ANNESSER: If you read allowed he has</p> <p>24 to take it down.</p> <p>25 THE WITNESS: I am sorry.</p>	<p style="text-align: right;">Page 177</p> <p>1 the steam pipe before the plant start up."</p> <p>2 A. Perfect.</p> <p>3 Q. Do you recall having that conversation</p> <p>4 with Dr. Penon?</p> <p>5 A. I recall this perfectly.</p> <p>6 Q. And he is accurately summarizing the</p> <p>7 conversation that he had with you, that you were</p> <p>8 agreeing to apply a condensed steam collector?</p> <p>9 A. I recall perfectly.</p> <p>10 Q. All right. I'm sorry, I understand you</p> <p>11 recall the conversation perfectly. I guess my next</p> <p>12 question is is his summary of that conversation</p> <p>13 accurate?</p> <p>14 A. No, this conversation is accurate.</p> <p>15 Q. So you had -- at the request of</p> <p>16 Dr. Penon --</p> <p>17 A. Yes.</p> <p>18 Q. -- you had agreed to install a condensed</p> <p>19 steam collector at the bottom of the steam plant?</p> <p>20 A. Sure.</p> <p>21 Q. I'm sorry, steam pipe.</p> <p>22 A. See here -- yes. Condensed steam, yes,</p> <p>23 exactly.</p> <p>24 Q. And then -- most of these e-mails are not</p> <p>25 then -- that is the one e-mail where he was</p>

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<p style="text-align: right;">Page 178</p> <p>1 describing a conversation with you, so I wanted to 2 ask about that. There is also an e-mail in here from 3 you and it's on page 19104. 4 A. Sorry, 19104? 5 Q. Uh-huh. 6 A. 19104. Here we go. Yes. 7 Q. So the paragraph I'm interested in, do 8 you see a sentence about halfway down it starts 9 with: All those instruments for the measurement of 10 temperature -- I'm sorry. 11 A. And of the steam, of the pressure of the 12 steam and of the temperature of the water and the 13 water tank inside the container connected with a 14 computer of Engineer Penon, that he brought here and 15 registers the data 24 hours per day, as well as with 16 the control system -- am I mumbling enough clearly 17 for you? Obviously Penon will consider for his 18 calculations, blah, blah, blah. I think now he is 19 embarking, et cetera. 20 Q. Let me just -- I want to read one small 21 part of this and see if I can understand this 22 better. It talks about data going to the computer of 23 Engineer Penon. 24 A. Yes. 25 Q. But then says, "as well as with the</p>	<p style="text-align: right;">Page 180</p> <p>1 MR. ANNESSER: Object to the form. 2 THE WITNESS: Other than what I described 3 before, no. 4 BY MR. PACE: 5 Q. All right. It says, data is collected 6 with -- data is collected in a computer of Engineer 7 Penon, as well as with the control system of ours. 8 Is that the control system that was 9 operated by Fulvio Fabiani? 10 A. Yes, sir. 11 Q. Where was the condensed steam collector 12 placed? 13 A. It was placed -- I set it up, I remember, 14 together with Tom Darden and it was basically a 15 rubber pipe with a cup at the bottom that had to 16 collect -- there is -- okay. 17 Along the pipe, the steam pipe that 18 exited from the one megawatt plant to go to the J.M. 19 plant, we have put this cup, this plastic cup sealed 20 with the bottom of the steam pipe so that any 21 dripping of water was visible at any time and it was 22 put inside the insulation, but the insulation was 23 made in a way that it could be easy displaced to pull 24 down the rubber pipe, open the valve that was at its 25 end and see if water was going down.</p>
<p style="text-align: right;">Page 179</p> <p>1 control system of ours." 2 A. Sorry. 3 Q. Then a little bit later or then right 4 after that you say: "Obviously Penon will consider 5 for his calculations only the data registered by his 6 computer." 7 A. Yes. 8 Q. "But we can compare data that he will 9 find with the data that we will find." 10 So my question is, what is the data -- 11 what are you referring to as the data we will find? 12 A. With this we was the team. In particular 13 these were the parallel measurements that Fabiani had 14 told me that had prepared under the direction of 15 Darden. 16 Q. And you are saying here that you -- you 17 and someone else, you and Fabiani, because it says 18 we, we can compare the data that he will find with 19 the data that we will find? 20 A. Yes. 21 MR. ANNESSER: Object to form. 22 BY MR. PACE: 23 Q. Do you recall ever comparing that data 24 with Fabiani, other than what you described earlier 25 today?</p>	<p style="text-align: right;">Page 181</p> <p>1 And I remember perfectly that Darden 2 together with me and Fabiani all -- quite all the 3 times that Darden came down, he wanted to see the 4 dripping of the water from, and we never have seen 5 any dripping of water. And also the ERV. Also the 6 ERV during his -- during his -- during the days in 7 which he came controlled the dripping. 8 Q. So let me hand you what I will mark -- 9 A. Yes, exactly. 10 Q. -- as Exhibit 10. 11 A. Yes, very good. Not that I can indicate 12 to you. Not there. You can see the dripping in -- 13 MR. ANNESSER: Dr. Rossi, let him hand 14 you the exhibit and let me get a copy too. 15 THE WITNESS: Okay. Okay. Sorry, sorry, 16 sorry. You have a photo that is precise, 17 because you already gave it to me the last 18 time. 19 MR. PACE: That would be 10 and 11. 20 (The document referred to was thereupon 21 marked Deposition Exhibit 10 for Identification, a 22 copy of which is attached hereto.) 23 (The document referred to was thereupon 24 marked Deposition Exhibit 11 for Identification, a 25 copy of which is attached hereto.)</p>



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<p style="text-align: right;">Page 262</p> <p>1 A. No, through a bypass. Yes, through a 2 bypass that -- yes, in any case, yes, the steam 3 arrived -- this is the steam that run inside these 4 pipes arrived from the Leonardo -- Leonardo's plant, 5 yes, sir. 6 Q. So the cylinders you were just referring 7 to or the reactors, can we see where in the piping -- 8 just where in the piping they would be here? Can you 9 tell me which pipe they would be in? 10 A. All the insulated pipes that you can see. 11 Q. Okay. So there is reactors on four 12 levels of pipes that show up -- 13 MR. ANNESSER: Object to form. 14 MR. LEON DE LA BARRA: Join. 15 THE WITNESS: When this photos has been 16 taken, yes. 17 BY MR. PACE: 18 Q. Okay. In those reactors were containers, 19 they might have graphene in them or they might have 20 platinum sponge in them? 21 MR. ANNESSER: Object to form. 22 THE WITNESS: There was only -- there was 23 only a couple of them with the platinum sponge 24 and -- 25 BY MR. PACE:</p>	<p style="text-align: right;">Page 264</p> <p>1 MR. LEON DE LA BARRA: Object to form. 2 THE WITNESS: Can you repeat the 3 question? 4 BY MR. PACE: 5 Q. Sure. You couldn't physically go in 6 there and remove the cylinders while what you have -- 7 you are saying is 103 or 100 degree Celsius steam 8 coming through those pipes, you can't reach in there 9 and take a cylinder out of it and then put it back 10 in, can you? 11 A. Yes. 12 Q. The steam -- so -- 13 A. No, the steam was bypassed. 14 Q. Bypassed how? 15 A. It was bypassed. We had a bypass. 16 Q. There was a bypass located up where the 17 steam was coming into the container? 18 A. Yes. The bypass was located in -- just 19 behind the wall there was a bypass. 20 Q. Behind -- if we look at Exhibit 12 -- 21 A. Yes. 22 Q. -- behind the gray wall? 23 A. Yes, behind this we had a bypass and the 24 bypass allowed the steam in part or in total to the 25 plant or all the steam out from the plant.</p>
<p style="text-align: right;">Page 263</p> <p>1 Q. How many of them with graphene? 2 MR. ANNESSER: Object to form. 3 MR. LEON DE LA BARRA: Join in that 4 objection. 5 THE WITNESS: Around 30. 6 BY MR. PACE: 7 Q. And you removed -- you removed and 8 checked at least the platinum sponge containers but 9 for the cylinders that had the graphene in them, is 10 it the same situation, which is every so often you 11 had to pull them out of this tubing and check them? 12 A. Yes. 13 Q. All right. And to do that did anyone 14 ever assist you in checking the cylinders? 15 A. No. 16 Q. Was anyone ever in the container with you 17 when you checked the cylinders? 18 MR. ANNESSER: Object to form. 19 MR. LEON DE LA BARRA: Object to form. 20 THE WITNESS: No. 21 BY MR. PACE: 22 Q. How did you turn off the steam coming 23 over to J.M. Products so you could check the 24 cylinders? 25 MR. ANNESSER: Object to form.</p>	<p style="text-align: right;">Page 265</p> <p>1 Q. So the steam would be bypassed, it would 2 either just be released into the warehouse or it 3 would be circled back into the -- 4 MR. LEON DE LA BARRA: Object to form. 5 MR. ANNESSER: Object to form. 6 THE WITNESS: No, it could not be 7 released in the warehouse. The steam was sent 8 to the heat exchanger that we had, that I 9 explained to you the last time when I -- in my 10 former deposition. 11 So we had a bypass there that could 12 either allow part or total -- on total the steam 13 because I did not know how much -- how much 14 steam it could be necessary in the various 15 phases so we had a bypass that -- 16 BY MR. PACE: 17 Q. Who? 18 A. Sorry. 19 Q. Who built the bypass? 20 A. We did it, because the bypass is made by 21 pipes with a butterfly. 22 Q. But who is we? 23 A. I, with the help of contractors. 24 Q. And are they the same contractors who 25 built the heat exchanger?</p>

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1 A. You know, there was not the same  
 2 contractors because sometime we had some contractor  
 3 that -- that we call it from outside, but in that  
 4 industrial area mainly in that period every day  
 5 arrived guys with trucks that were ambulant --  
 6 ambulant workshops, you know, with welders, et  
 7 cetera.  
 8 And they knocked at the door saying you  
 9 need help, et cetera, et cetera and I use it many,  
 10 many times those guys because they are very well  
 11 skilled, very good and I -- and also the advantage is  
 12 they were not curious. They just wanted to work. So  
 13 under -- I myself, I work with them and we made this  
 14 piping system. I bought pipes and we made all the  
 15 connections.  
 16 Q. And pipes as well as fans, correct? You  
 17 had fans for your heat exchanger?  
 18 A. Yes.  
 19 Q. You had to have the heat exchangers  
 20 themselves, correct?  
 21 A. Yes.  
 22 Q. Who paid for that?  
 23 A. Leonardo Corporation.  
 24 Q. Leonardo Corporation?  
 25 A. Yes.

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1 Q. Are there records reflecting those  
 2 purchases by Leonardo Corporation?  
 3 MR. ANNESSER: Object to the form.  
 4 THE WITNESS: I suppose so, yes.  
 5 BY MR. PACE:  
 6 Q. So there is records you assume that  
 7 reflect purchasing heat exchangers?  
 8 A. No, the heat exchangers are pipes. I  
 9 bought pipes.  
 10 Q. How about the fans, are there records  
 11 reflecting the fans?  
 12 A. Yes.  
 13 Q. Because those would have to be pretty big  
 14 fans that were done, correct?  
 15 A. I had two fans with a total capacity  
 16 of -- within the fan of the heat exchanger.  
 17 Q. The fans for the heat exchanger, those  
 18 would be pretty bag fans?  
 19 A. They had the capacity necessary to move  
 20 the air that had to be moved.  
 21 Q. And did you testify before that the way  
 22 of getting the heat out was through the second story  
 23 office?  
 24 A. No, it was not an office.  
 25 MR. ANNESSER: Object to form.

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1 BY MR. PACE:  
 2 Q. Office. Second story space?  
 3 A. Now it's becoming an office. Then was  
 4 a -- basically was a pretty big -- pretty big, I  
 5 would say workshop that we had in the second level.  
 6 Q. You said we had. We had being that  
 7 second level?  
 8 A. We is --  
 9 Q. Is there no distinction really in this  
 10 context between Leonardo and J.M. Products --  
 11 MR. LEON DE LA BARRA: Object to form.  
 12 BY MR. PACE:  
 13 Q. -- just space you worked?  
 14 MR. ANNESSER: Object to form.  
 15 THE WITNESS: No, no. When I say we is  
 16 because I worked with the contractors with, you  
 17 know, when I -- I was not alone there. So when  
 18 I say we, it's because it was -- there was not  
 19 only me. I was with contractors, et cetera.  
 20 And Jim Bass also sometimes for other  
 21 things, et cetera, et cetera. So I say we for  
 22 my -- it is my custom to say we and not I.  
 23 BY MR. PACE:  
 24 Q. And up in this second story your  
 25 testimony I think was that to get the heat out you --

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1 you or somebody knocked out the window on the second  
 2 story?  
 3 A. Yes, the second floor we had big windows  
 4 and we had to remove it completely one. Now we have  
 5 reset everything because we're making offices there.  
 6 Q. So Leonardo paid for the piping --  
 7 A. Yes.  
 8 Q. -- that was used for the heat exchanger?  
 9 Leonardo paid for the workers that did the work?  
 10 A. Yes.  
 11 MR. ANNESSER: Object to the form.  
 12 BY MR. PACE:  
 13 Q. Leonardo paid for the fans that were used  
 14 for the heat exchanger system?  
 15 MR. ANNESSER: Object to form.  
 16 THE WITNESS: Yes.  
 17 BY MR. PACE:  
 18 Q. And this heat exchanger, the bypass, I am  
 19 just trying to understand. We have both a bypass --  
 20 I'm sorry.  
 21 Is it your testimony -- is the testimony  
 22 that the piping for this heat exchanger ran along the  
 23 side of the wall where the -- essentially this wall  
 24 here that we see in Exhibit 12, but just on the J.M.  
 25 Products side?

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<p style="text-align: right;">Page 270</p> <p>1 A. Yes.</p> <p>2 Q. Did it go straight up and then straight</p> <p>3 over to the --</p> <p>4 A. It's impossible --</p> <p>5 Q. -- loft?</p> <p>6 A. -- to answer this way because there was a</p> <p>7 design and the bypass was run along the -- if we look</p> <p>8 at this wall from the side of Leonardo, if we look</p> <p>9 from here on, this run through the right -- yeah.</p> <p>10 Q. So if we're looking at Exhibit 10 now?</p> <p>11 A. Yeah, this run along the -- this run down</p> <p>12 and then along the right side of the plant of J.M.,</p> <p>13 with the transmissions to the bypass. To the bypass</p> <p>14 that was on the flank and also -- and also there was</p> <p>15 the frontal connection for the inlet of the steam.</p> <p>16 Q. So by this picture that you have there</p> <p>17 that is Exhibit 10, is this after the heat exchanger</p> <p>18 was removed from the warehouse or before?</p> <p>19 A. I cannot -- I cannot say from this</p> <p>20 photos. It could be -- no, this photo has been made</p> <p>21 before.</p> <p>22 Q. Before the heat exchanger was put into</p> <p>23 place?</p> <p>24 A. No.</p> <p>25 MR. ANNESSER: Object to the form.</p>	<p style="text-align: right;">Page 272</p> <p>1 A. I did.</p> <p>2 Q. When did you remove that piping?</p> <p>3 A. After the end of the test.</p> <p>4 Q. Where is that piping now?</p> <p>5 A. We use it to make other things. I</p> <p>6 recovered all the pieces that were not -- no more</p> <p>7 necessary to make other things and the heat</p> <p>8 exchanger -- all the pipes of the heat exchanger have</p> <p>9 been recovered to make other things and that space</p> <p>10 now is becoming offices.</p> <p>11 Q. Let's see if I understand. You are</p> <p>12 looking there at Exhibit 10, there is a pipe there in</p> <p>13 Exhibit 10 that we see that is the pipe you are</p> <p>14 saying was carrying the output of the E-Cats over to</p> <p>15 the J.M. Products side of the Doral warehouse,</p> <p>16 correct?</p> <p>17 MR. ANNESSER: Object to the form.</p> <p>18 BY MR. PACE:</p> <p>19 Q. That's what we see there?</p> <p>20 A. You should repeat speaking if possible a</p> <p>21 little bit slower.</p> <p>22 Q. Sure, certainly will. There in Exhibit</p> <p>23 10 we see insulated pipe --</p> <p>24 A. Yeah.</p> <p>25 Q. -- that is carrying the output of the</p>
<p style="text-align: right;">Page 271</p> <p>1 THE WITNESS: No, this photo has been</p> <p>2 made before it has been dismantled. This photo</p> <p>3 has been made -- this photo has been made when</p> <p>4 the heat exchanger was in operation.</p> <p>5 BY MR. PACE:</p> <p>6 Q. So the heat exchanger was in operation</p> <p>7 when that photo was made. You recognize that photo</p> <p>8 having been made when?</p> <p>9 MR. ANNESSER: Object to form.</p> <p>10 THE WITNESS: I don't know, you did it.</p> <p>11 BY MR. PACE:</p> <p>12 Q. How do you know the heat exchanger was in</p> <p>13 place then? That's what I don't understand.</p> <p>14 A. Because we had the plant in operation</p> <p>15 because when the plant stopped to be in operation all</p> <p>16 this piping has been removed.</p> <p>17 Q. I understand. I will actually come to</p> <p>18 that in just a second. Simply because the pipe is</p> <p>19 there --</p> <p>20 A. I suspect that this photos have been made</p> <p>21 the last day of the test. I suspect.</p> <p>22 Q. You understand the last day of the test</p> <p>23 the heat exchanger was still there?</p> <p>24 A. Of course.</p> <p>25 Q. Who removed that piping?</p>	<p style="text-align: right;">Page 273</p> <p>1 E-Cat plant over to the J.M. Products side of the</p> <p>2 Doral warehouse, correct?</p> <p>3 A. Yes.</p> <p>4 Q. That has now been -- you removed that</p> <p>5 pipe after -- sometime after February 16 of 2016,</p> <p>6 correct?</p> <p>7 MR. ANNESSER: Object to form.</p> <p>8 THE WITNESS: Correct.</p> <p>9 BY MR. PACE:</p> <p>10 Q. And you have repurposed that piping or</p> <p>11 you now are using that piping for another purpose?</p> <p>12 MR. ANNESSER: Object to the form.</p> <p>13 THE WITNESS: It's correct.</p> <p>14 BY MR. PACE:</p> <p>15 Q. And you didn't maintain the pipe, you</p> <p>16 didn't maintain the insulation, it's been put to</p> <p>17 another use?</p> <p>18 MR. ANNESSER: Object to form.</p> <p>19 THE WITNESS: (Nods head.)</p> <p>20 BY MR. PACE:</p> <p>21 Q. The heat exchanger no longer exists at</p> <p>22 the Doral location, correct?</p> <p>23 A. Correct.</p> <p>24 Q. The piping that was used for the heat</p> <p>25 exchanger you have now put to another use, you didn't</p>

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<p style="text-align: right;">Page 274</p> <p>1 maintain any of the piping for the heat exchanger?</p> <p>2 MR. ANNESSER: Object to form.</p> <p>3 BY MR. PACE:</p> <p>4 Q. Is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. The -- I assume you replaced the window</p> <p>7 on the J.M. Products side, Leonardo paid for that?</p> <p>8 MR. ANNESSER: Object to form.</p> <p>9 THE WITNESS: We have represented as it</p> <p>10 was before we have installed the --</p> <p>11 BY MR. PACE:</p> <p>12 Q. What's your testimony as to when that</p> <p>13 window was put back in? Was it February 16th or 17th</p> <p>14 of 2016?</p> <p>15 A. Sorry, can you repeat the question?</p> <p>16 Q. Sure. Your testimony is that the heat</p> <p>17 exchanger was in place and functioning all the way</p> <p>18 through at least February 16 of 2016, correct?</p> <p>19 A. Correct.</p> <p>20 Q. So up until February 16 of 2016 that</p> <p>21 window in the second story was removed, correct?</p> <p>22 MR. ANNESSER: Object to the form.</p> <p>23 MR. LEON DE LA BARRA: Object to the</p> <p>24 form.</p> <p>25 THE WITNESS: Can you repeat the</p>	<p style="text-align: right;">Page 276</p> <p>1 MR. ANNESSER: Object to form.</p> <p>2 THE WITNESS: Correct.</p> <p>3 BY MR. PACE:</p> <p>4 Q. So sometime after February 16 of 2016 is</p> <p>5 when you replaced the window on the second story?</p> <p>6 A. No, the window as it was before has been</p> <p>7 replaced not much time ago. Not much time ago when I</p> <p>8 decided to make offices. Because --</p> <p>9 Q. And do you recall who you paid to put the</p> <p>10 window back in?</p> <p>11 A. Yes.</p> <p>12 Q. Who was that?</p> <p>13 A. Was a contractor.</p> <p>14 Q. Do you recall --</p> <p>15 A. Together with -- together with me, yes.</p> <p>16 Q. When we talk about contractor, is this</p> <p>17 again somebody who -- like a day laborer?</p> <p>18 A. Yes.</p> <p>19 Q. Somebody who you -- there is no records</p> <p>20 of who this person is that Leonardo Corporation</p> <p>21 maintains?</p> <p>22 A. Yes.</p> <p>23 Q. You are not aware of any records that</p> <p>24 anyone maintains as to who this person is?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 275</p> <p>1 question?</p> <p>2 BY MR. PACE:</p> <p>3 Q. I will.</p> <p>4 A. A little bit slower.</p> <p>5 Q. Sure. You said that the heat exchanger</p> <p>6 was pushing the heat out the window on the second</p> <p>7 story --</p> <p>8 A. Yes.</p> <p>9 Q. -- on the J.M. Products side, correct?</p> <p>10 A. Yes, correct.</p> <p>11 Q. Once -- as long as the heat exchanger was</p> <p>12 in place --</p> <p>13 A. Yes.</p> <p>14 Q. -- that window had to be removed, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Otherwise that room would have turned</p> <p>17 into an absolute furnace?</p> <p>18 MR. LEON DE LA BARRA: Object to form.</p> <p>19 THE WITNESS: Of course.</p> <p>20 BY MR. PACE:</p> <p>21 Q. Of course, notwithstanding the form. So</p> <p>22 after you took -- after the plant was turned off and</p> <p>23 you took the heat exchanger down, you could replace</p> <p>24 the window on that second story, in that second story</p> <p>25 room, correct?</p>	<p style="text-align: right;">Page 277</p> <p>1 MR. ANNESSER: Object to form.</p> <p>2 BY MR. PACE:</p> <p>3 Q. And that person worked with you to</p> <p>4 replace the window, correct?</p> <p>5 A. Yeah, yeah.</p> <p>6 Q. No one else was present at the time?</p> <p>7 MR. ANNESSER: Object to form.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MR. PACE:</p> <p>10 Q. And what happened to the fans?</p> <p>11 A. The fans are still there.</p> <p>12 Q. The fans are still in the warehouse?</p> <p>13 A. Yeah.</p> <p>14 Q. And what happened to the cylinders?</p> <p>15 A. The cylinders have been -- I have used</p> <p>16 them for other things. I have recovered them for</p> <p>17 other things. Can we cut five minutes?</p> <p>18 Q. Certainly.</p> <p>19 A. Only call my wife.</p> <p>20 Q. Please. We will go off the record.</p> <p>21 A. Five minutes.</p> <p>22 THE VIDEOGRAPHER: The time is 18:16.</p> <p>23 Off the record.</p> <p>24 (Thereupon a brief recess was taken,</p> <p>25 after which the following proceedings were had.)</p>

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<p style="text-align: right;">Page 286</p> <p>1 Trust -- I'm actually going to say -- I'm not asking  2 into. I'm asking does the Platinum American Trust  3 make any payments to Leonardo?  4 A. No.  5 MR. ANNESSER: Object to form.  6 BY MR. PACE:  7 Q. And Leonardo doesn't make any payments to  8 Platinum American Trust?  9 A. No.  10 Q. Are you aware that at some point in 2016  11 Leonardo was asked to transfer or assign the license  12 patents under the licensing agreement to Industrial  13 Heat or IPH?  14 A. Can you kindly repeat --  15 MR. ANNESSER: Object to form.  16 THE WITNESS: -- the question because it's  17 heavy.  18 BY MR. PACE:  19 Q. I can. It is. I'll rephrase it. I will  20 see if I can break it down a little bit. That might  21 make it easier.  22 A. Thank you.  23 Q. Are you aware that under the license  24 agreement there is a provision that says upon the  25 request of either Industrial Heat or IPH, that</p>	<p style="text-align: right;">Page 288</p> <p>1 Leonardo Corporation has not assigned any  2 patents it owns to anyone else in the year 2016; is  3 that correct?  4 A. Absolutely.  5 Q. Dr. Andrea Rossi has not assigned any  6 patents he owns to anyone else in the year 2016?  7 MR. ANNESSER: Object to form.  8 THE WITNESS: Correct.  9 BY MR. PACE:  10 Q. And would the answers be the same also  11 for the year of 2017? In other words, Leonardo has  12 not made any such assignment in 2017, correct?  13 A. Correct.  14 MR. ANNESSER: Object to form.  15 BY MR. PACE:  16 Q. And Dr. Rossi has not made any such  17 assignment in 2017?  18 A. Correct.  19 MR. ANNESSER: Same objection.  20 BY MR. PACE:  21 Q. For the temporary workers that you would  22 hire on different occasions at -- for work at the  23 Doral location, is there any identifying information  24 that you have as to any of those individuals?  25 MR. ANNESSER: Object to form.</p>
<p style="text-align: right;">Page 287</p> <p>1 Leonardo and Rossi shall assign to Industrial Heat or  2 IPH what are called the licensed patents; are you  3 familiar with that?  4 MR. ANNESSER: Object to form.  5 THE WITNESS: Yes. Yes.  6 BY MR. PACE:  7 Q. Are you aware that in 2016 IPH and  8 Industrial Heat requested that such an assignment  9 occur?  10 MR. ANNESSER: Object to form.  11 THE WITNESS: I don't recall exactly but  12 if you have any document about that. I don't  13 recall exactly what happened in 2016 on this  14 matter.  15 BY MR. PACE:  16 Q. Okay.  17 A. So if -- if you have some document to  18 show me, I will be glad to take a look at it.  19 Q. I think it's actually an attachment to  20 the complaint, but I don't have it here but I am  21 going to make the easier part to it which is whether  22 or not that was sent, Leonardo has -- Leonardo  23 Corporation or yourself individually have not  24 assigned any of your patents -- let me start that  25 over again.</p>	<p style="text-align: right;">Page 289</p> <p>1 THE WITNESS: Can you repeat?  2 BY MR. PACE:  3 Q. Yes. There were a number of temporary  4 workers --  5 A. Yes.  6 Q. -- that were hired for work to be done at  7 the Doral warehouse, correct?  8 A. Correct.  9 Q. Do you have any identifying information  10 as to any of those individuals?  11 MR. ANNESSER: Object to form.  12 THE WITNESS: The information that I had,  13 for the ones of which I had information, I  14 already provided you with the discovery because  15 you asked -- you asked in some phase of this  16 litigation to be informed about all the supply,  17 blah, blah, et cetera, and I supplied.  18 So the ones of which I have the  19 possibility to have a track, I already have  20 informed you.  21 BY MR. PACE:  22 Q. That's the information that you're aware  23 that your attorney put into a interrogatory response  24 and then you signed?  25 A. Can you please speak slower?</p>



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<p style="text-align: right;">Page 290</p> <p>1 Q. I can.</p> <p>2 A. Thank you.</p> <p>3 Q. That's information that your attorney put</p> <p>4 into -- put in writing and then you signed and swore</p> <p>5 that that was accurate?</p> <p>6 A. Correct.</p> <p>7 MR. ANNESSER: Object to form.</p> <p>8 THE WITNESS: Correct.</p> <p>9 BY MR. PACE:</p> <p>10 Q. We talked about this earlier today but I</p> <p>11 don't think -- I am not quite sure if I really closed</p> <p>12 the loop on this.</p> <p>13 What alterations were made to the E-Cat</p> <p>14 plant in Doral as compared to how it existed when it</p> <p>15 was shipped from Raleigh to Doral?</p> <p>16 MR. ANNESSER: Object to form.</p> <p>17 BY MR. PACE:</p> <p>18 Q. Do you want me to do that again?</p> <p>19 A. Yes.</p> <p>20 Q. At some point in November, December -- at</p> <p>21 some point between October and December of 2014 the</p> <p>22 E-Cat plant was shipped from Raleigh to Doral.</p> <p>23 My question is after that occurred what</p> <p>24 changes were made to the plant in Doral?</p> <p>25 A. Now I have understood perfectly. Well,</p>	<p style="text-align: right;">Page 292</p> <p>1 shipped down from North Carolina?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Because in North Carolina, for example,</p> <p>4 the pipe that went from the plant over to the J.M.</p> <p>5 Products side was put together in North Carolina, it</p> <p>6 just had to be reconnected to the plant down in</p> <p>7 Florida?</p> <p>8 A. No.</p> <p>9 MR. ANNESSER: Object to form.</p> <p>10 THE WITNESS: The plant that connected</p> <p>11 the J.M. plant to the Leonardo plant was not of</p> <p>12 our property. Was of J.M.</p> <p>13 BY MR. PACE:</p> <p>14 Q. Okay.</p> <p>15 A. But -- but many pipings have been</p> <p>16 delivered from -- from Industrial Heat from Doral --</p> <p>17 from Raleigh to Doral in Florida that have been</p> <p>18 assembled because there are -- there is a kilometer</p> <p>19 of pipings inside the plant.</p> <p>20 Q. That's what I meant. So when you were</p> <p>21 talking about these six workers though, what they</p> <p>22 were doing is essentially reassembling the plant and</p> <p>23 the related equipment, like the water tanks and the</p> <p>24 tubing or the piping that was initially put together</p> <p>25 in Raleigh?</p>
<p style="text-align: right;">Page 291</p> <p>1 let me think.</p> <p>2 As I said before, when the plant -- of</p> <p>3 course we're talking of the one megawatt plant has</p> <p>4 been delivered from Raleigh to Doral it was</p> <p>5 incomplete. It was not ready to go.</p> <p>6 It was still incomplete and so Industrial</p> <p>7 Heat sent to Doral not only the plant but also, if I</p> <p>8 were recall, six workers, very good ones I must say,</p> <p>9 very well skilled and they worked for two months to</p> <p>10 complete everything, because it was very incomplete,</p> <p>11 the plant.</p> <p>12 And there was to make pipings,</p> <p>13 connections, et cetera, et cetera. So I would not</p> <p>14 say -- if I remember well in your question was</p> <p>15 contained the word altered, but nothing has been</p> <p>16 altered. It has been completed.</p> <p>17 Q. Okay.</p> <p>18 A. Like you receive a kit and you have to</p> <p>19 complete it. So which works did they do? A lot</p> <p>20 because they mounted the tank. They mounted a lot of</p> <p>21 pipings. They made a lot of connections.</p> <p>22 Q. Can I ask it slightly differently?</p> <p>23 Because this will help, just a word, which is what</p> <p>24 you are saying is that these workers, they</p> <p>25 reassembled the plant along with the piping that was</p>	<p style="text-align: right;">Page 293</p> <p>1 MR. ANNESSER: Object to the form.</p> <p>2 THE WITNESS: Reassembling is the wrong</p> <p>3 word. To reassemble means first disassemble,</p> <p>4 then reassemble.</p> <p>5 BY MR. PACE:</p> <p>6 Q. Right.</p> <p>7 A. It is not so. The plant has been</p> <p>8 delivered at the state -- in the state it had arrived</p> <p>9 to be in Raleigh.</p> <p>10 Together with this there was another</p> <p>11 truck full of a lot of components that -- parts that</p> <p>12 had to be still connected, installed.</p> <p>13 Q. I think I may know where we're differing</p> <p>14 here a little bit which is when you say the plant,</p> <p>15 are you referring only to the container and not to,</p> <p>16 for example, the -- there was another container right</p> <p>17 next to it, right, that had all the electrical</p> <p>18 equipment?</p> <p>19 A. Correct, the computer.</p> <p>20 Q. The computer and everything. Those are</p> <p>21 the things that had to be assembled when everybody</p> <p>22 got down to Doral?</p> <p>23 MR. ANNESSER: Object to form.</p> <p>24 THE WITNESS: Same thing. You are right,</p> <p>25 the containers were two. One, the bigger one</p>



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<p style="text-align: right;">Page 302</p> <p>1 I just say I need this.</p> <p>2 Q. Right.</p> <p>3 A. Do it.</p> <p>4 Q. So you -- you directed or requested for</p> <p>5 Jim Bass to work on a new control system that would</p> <p>6 be used by J.M. Products?</p> <p>7 A. Correct.</p> <p>8 Q. And then you requested or directed that</p> <p>9 Fulvio Fabiani assist Jim Bass in that project?</p> <p>10 A. Yes, because they are complimentary,</p> <p>11 because where ends Fabiani begins Bass and vice</p> <p>12 versa. They together make a good couple, electronic.</p> <p>13 Q. I will let that side.</p> <p>14 A. Electronically speaking.</p> <p>15 Q. A good electronic couple. And the work</p> <p>16 that they did together was sometimes done -- was</p> <p>17 sometimes done over at J.M. Products, correct?</p> <p>18 A. Can you explain the question? I don't</p> <p>19 get the English.</p> <p>20 Q. Sure. They would meet together?</p> <p>21 A. Yes.</p> <p>22 Q. Jim Bass and Fulvio Fabiani --</p> <p>23 A. Yes.</p> <p>24 Q. -- on this product -- on this project?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 304</p> <p>1 rule.</p> <p>2 BY MR. PACE:</p> <p>3 Q. So the rule that you gave to Fulvio</p> <p>4 Fabiani was don't walk right through the door --</p> <p>5 A. Exactly.</p> <p>6 Q. -- that goes from Leonardo to J.M.</p> <p>7 Products, always walk around the building when you</p> <p>8 are going to go to the J.M. Products?</p> <p>9 MR. ANNESSER: Object to form.</p> <p>10 THE WITNESS: Correct, and the same</p> <p>11 symmetrical rule I gave to Jim Bass. Jim Bass</p> <p>12 was absolutely forbidden to enter in the area of</p> <p>13 Leonardo, for any reason.</p> <p>14 BY MR. PACE:</p> <p>15 Q. Right. He would -- he was to stay on the</p> <p>16 J.M. Products side?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 A. Yes. So the area that they had in common</p> <p>20 was the office of Jim Bass that was separated because</p> <p>21 when you -- as you will see when you will come there,</p> <p>22 you will see that you enter in the office and there</p> <p>23 are the offices.</p> <p>24 Q. Understood.</p> <p>25 A. Then there is a door, you enter through</p>
<p style="text-align: right;">Page 303</p> <p>1 Q. When they would do so would they meet</p> <p>2 over at the offices that are on the J.M. Products</p> <p>3 side of the warehouse?</p> <p>4 MR. ANNESSER: Object to form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. PACE:</p> <p>7 Q. What you would have is you would have</p> <p>8 Fulvio instead of going through that door that</p> <p>9 directly connects Leonardo to J.M. Products, you</p> <p>10 would have him walk around the building and walk in</p> <p>11 the front door of J.M. Products, correct?</p> <p>12 A. Yes, it is correct.</p> <p>13 Q. There he would meet with Jim Bass?</p> <p>14 A. Yes.</p> <p>15 Q. And so that was so anyone else in the</p> <p>16 warehouse, such as a Barry West, would not see Fulvio</p> <p>17 crossing over from the Leonardo side of the warehouse</p> <p>18 to the J.M. Products side of the warehouse?</p> <p>19 MR. ANNESSER: Object to form.</p> <p>20 MR. LEON DE LA BARRA: Object to form.</p> <p>21 THE WITNESS: Correct. But attention, I</p> <p>22 say correct and I hope so, but consider that I</p> <p>23 was in the factory from 5, 6 in the afternoon to</p> <p>24 10, 11 of the day after. During the day I was</p> <p>25 not there. I assume that they respected the</p>	<p style="text-align: right;">Page 305</p> <p>1 the door and you are in the J.M. area.</p> <p>2 Q. Did J.M. Products pay Fulvio Fabiani for</p> <p>3 that work or was that -- was that pursuant to what he</p> <p>4 was already being paid under his USQL contract?</p> <p>5 MR. LEON DE LA BARRA: Object to the</p> <p>6 form.</p> <p>7 BY MR. PACE:</p> <p>8 Q. Let me start that over again. We have</p> <p>9 gotten a little away from it.</p> <p>10 This project you are talking about that</p> <p>11 Fabiani worked on with Jim Bass, did J.M. Products</p> <p>12 pay him for working on that project?</p> <p>13 A. No.</p> <p>14 Q. Is the only compensation he got for</p> <p>15 working on that project the money he was making under</p> <p>16 his USQL agreement with Industrial Heat?</p> <p>17 MR. ANNESSER: Object to the form.</p> <p>18 MR. LEON DE LA BARRA: Object to the</p> <p>19 form.</p> <p>20 THE WITNESS: Can you repeat the</p> <p>21 question?</p> <p>22 BY MR. PACE:</p> <p>23 Q. Yes. Is the only money that Fabiani was</p> <p>24 making for working on this project with Jim Bass the</p> <p>25 payments he was getting from Industrial Heat under</p>

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<p style="text-align: right;">Page 318</p> <p>1 removed?</p> <p>2 MR. ANNESSER: Object to form.</p> <p>3 MR. LEON DE LA BARRA: Join.</p> <p>4 THE WITNESS: No, has been removed.</p> <p>5 BY MR. PACE:</p> <p>6 Q. Any other changes that have been made at</p> <p>7 the warehouse?</p> <p>8 MR. ANNESSER: Object to form.</p> <p>9 THE WITNESS: For example, now we are</p> <p>10 making offices where there was the heat</p> <p>11 exchanger and we are -- I am -- I think that we</p> <p>12 will prepare it to become a factory. Once</p> <p>13 freed, et cetera, that will be a factory at that</p> <p>14 the Doral location.</p> <p>15 BY MR. PACE:</p> <p>16 Q. How about any other changes on the</p> <p>17 Leonardo side of the warehouse?</p> <p>18 A. The Leonardo side has not been touched.</p> <p>19 Q. Other than the piping being removed?</p> <p>20 MR. ANNESSER: Hey, Chris, we're out of</p> <p>21 time.</p> <p>22 BY MR. PACE:</p> <p>23 Q. Other than the piping being removed?</p> <p>24 A. Other than the piping that has been</p> <p>25 removed because it was property of J.M.</p>	<p style="text-align: right;">Page 320</p> <p>1 did not understand this this way. I understood that</p> <p>2 the question was that Fabiani had not to see the area</p> <p>3 of J.M.</p> <p>4 Q. Okay.</p> <p>5 A. So I prohibited to Fabiani to go through</p> <p>6 the door that separated J.M. from Leonardo because I</p> <p>7 wanted not that Fabiani crossed the space of J.M.</p> <p>8 This is why. So I forced -- I demanded</p> <p>9 him to make the tour there because I wanted not that</p> <p>10 Fabiani could see inside the area of J.M., as well as</p> <p>11 I wanted that Jim Bass did not -- could not enter in</p> <p>12 there in the area of Leonardo.</p> <p>13 MR. ANNESSER: Okay. That's all the</p> <p>14 questions I have. I think we're good.</p> <p>15 MR. PACE: Could have been a one sentence</p> <p>16 response if you put him together with your</p> <p>17 translator.</p> <p>18 MR. ANNESSER: We will read.</p> <p>19 THE VIDEOGRAPHER: Time is 19:56.</p> <p>20 Deposition adjourned. Off the record.</p> <p>21 (Thereupon the taking of the deposition</p> <p>22 was concluded.)</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 319</p> <p>1 MR. PACE: Understood. No further</p> <p>2 questions. I think my time is up. I appreciate</p> <p>3 it.</p> <p>4 THE WITNESS: Thank you.</p> <p>5 CROSS EXAMINATION</p> <p>6 BY MR. ANNESSER:</p> <p>7 Q. Okay. Just on the record I've got two</p> <p>8 quick questions for you, just to clarify two things.</p> <p>9 One is you were talking about the big</p> <p>10 Frankies and I believe you said that they're properly</p> <p>11 called the 250 unit and Mr. Pace asked is that</p> <p>12 because they put out 250 kilowatts.</p> <p>13 Are the big Frankie units capable of</p> <p>14 putting out more than 250 kilowatts each?</p> <p>15 A. Yes.</p> <p>16 Q. And then the other thing I wanted to</p> <p>17 clarify was Mr. Pace was asking you about Mr. Fabiani</p> <p>18 having to walk out of the Leonardo side and around</p> <p>19 the building to the J.M. side. I want to make sure I</p> <p>20 understand correctly.</p> <p>21 He asked you whether the purpose of</p> <p>22 making him walk around was so Barry West would not</p> <p>23 see you -- or, I'm sorry, would not see Mr. Fabiani</p> <p>24 go through that door.</p> <p>25 A. No, no was not this. Because I -- no, I</p>	<p style="text-align: right;">Page 321</p> <p>1</p> <p>2 Deponent</p> <p>3</p> <p>4</p> <p>5 Sworn to and subscribed before me this</p> <p>6</p> <p>7 day of 2017.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

## HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 322	Page 324																																																																																																
<p>1 CERTIFICATE OF OATH</p> <p>2</p> <p>3 STATE OF FLORIDA:</p> <p>4 SS:</p> <p>5 COUNTY OF DADE:</p> <p>6</p> <p>7</p> <p>8 I, the undersigned authority, certify that</p> <p>9 ANDREA ROSSI personally appeared before me and was</p> <p>10 duly sworn.</p> <p>11 WITNESS my hand and official seal this 6th</p> <p>12 day of March 2017.</p> <p>13</p> <p>14</p> <p>15 <i>Edmed Varkonyi</i></p> <p>16 _____</p> <p>17 Notary Public, State of Florida at</p> <p>18 Large; my commission expires</p> <p>19 February 26, 2019. Bonded through</p> <p>20 Troy Fain Insurance, Inc.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 _____, 2017</p> <p>2</p> <p>3</p> <p>4</p> <p>5 JOHN W. ANNESSER, ESQ.,</p> <p>6 Perlman Bajandas Yevoli &amp; Albright, P.L.</p> <p>7 283 Catalonia Avenue, Suite 200</p> <p>8 Coral Gables, Florida 33134</p> <p>9</p> <p>10 RE: Rossi v. Darden</p> <p>11</p> <p>12 Dear Mr. Annesser,</p> <p>13</p> <p>14 With reference to the deposition of Andrea Rossi</p> <p>15 taken on February 24, 2017 in connection with the</p> <p>16 above-captioned case, please be advised that the</p> <p>17 transcript of the deposition has been completed</p> <p>18 and is awaiting signature.</p> <p>19</p> <p>20 Please arrange to have the deponent stop by our</p> <p>21 office at Two South Biscayne Boulevard, Suite</p> <p>22 2250, Miami, Florida, for the purpose of reading</p> <p>23 and signing the transcript.</p> <p>24 If this is not taken care of, however, within the</p> <p>25 next 30 days, we shall conclude that the reading</p> <p>and signing of the deposition has been waived and shall then process the original of the transcript for filing with the Clerk of the Court by counsel without further notice.</p> <p>Sincerely,</p> <p>Edward Varkonyi,</p> <p>Registered Merit Reporter</p>																																																																																																
<p>Page 323</p> <p>1 CERTIFICATE OF REGISTERED PROFESSIONAL REPORTER</p> <p>2</p> <p>3 I, EDWARD VARKONYI, and Registered</p> <p>4 Professional Reporter and a Notary Public for the</p> <p>5 State of Florida at Large, do hereby certify that I</p> <p>6 reported the deposition of ANDREA ROSSI; that the</p> <p>7 foregoing pages, numbered from 1 to 320, inclusive,</p> <p>8 constitute a true and correct transcription of my</p> <p>9 shorthand report of the deposition by said witness on</p> <p>10 this date.</p> <p>11 I further certify that I am not an</p> <p>12 attorney or counsel of any of the parties, nor a</p> <p>13 relative or employee of any attorney or counsel</p> <p>14 connected with the action, nor financially interested</p> <p>15 in the action.</p> <p>16 WITNESS my hand and official seal in the</p> <p>17 City of Miami, County of Dade, State of Florida, this</p> <p>18 6th day of March 2017.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p><i>Edmed Varkonyi</i></p> <p>_____ Notary Public, State of Florida at Large; my commission expires February 26, 2019. Bonded through Troy Fain Insurance, Inc.</p>	<p>Page 325</p> <p>1 ERRATA SHEET</p> <p>2 RE : Rossi v. Darden</p> <p>3 DEPO OF: Leonardo Corporation/Andrea Rossi</p> <p>4 TAKEN : 2/24/16</p> <p>5 ASSG# : 2534814</p> <p>6 DO NOT WRITE ON TRANSCRIPT, ENTER ANY CHANGES HERE</p> <table border="1"> <thead> <tr> <th>Page #</th> <th>Line #</th> <th>Change</th> <th>Reason</th> </tr> </thead> <tbody> <tr><td>6</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>7</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>8</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>9</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>10</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>11</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>12</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>13</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>14</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>15</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>16</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>17</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>18</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>19</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>20</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>21</td><td>State of Florida)</td><td></td><td></td></tr> <tr><td>22</td><td>County of )</td><td></td><td></td></tr> <tr><td>23</td><td>Under penalties of perjury, I declare that I have</td><td></td><td></td></tr> <tr><td>24</td><td>read my deposition transcript, and it is true and</td><td></td><td></td></tr> <tr><td>25</td><td>correct subject to any changes in form or substance</td><td></td><td></td></tr> <tr><td></td><td>entered here.</td><td></td><td></td></tr> <tr><td></td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td></td><td>Date</td><td>Signature</td><td></td></tr> </tbody> </table>	Page #	Line #	Change	Reason	6	_____	_____	_____	7	_____	_____	_____	8	_____	_____	_____	9	_____	_____	_____	10	_____	_____	_____	11	_____	_____	_____	12	_____	_____	_____	13	_____	_____	_____	14	_____	_____	_____	15	_____	_____	_____	16	_____	_____	_____	17	_____	_____	_____	18	_____	_____	_____	19	_____	_____	_____	20	_____	_____	_____	21	State of Florida)			22	County of )			23	Under penalties of perjury, I declare that I have			24	read my deposition transcript, and it is true and			25	correct subject to any changes in form or substance				entered here.				_____	_____	_____		Date	Signature	
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**From:** fabiopenon@iol.it  
**Sent:** Friday, February 20, 2015 5:07 AM  
**To:** tdarden@industrialheat.co; ar.123@mail.com  
**Cc:** jvaughn@industrialheat.co; tdameron@industrialheat.co  
**Subject:** R: Re: Tests plan

Dear Mr Darden,

the measurement instruments have been positioned as described by dr Rossi

I take this opportunity to thank dr. Rossi and his staff for their helpfulness and courtesy.

I note that, after the start up of the plant, my visits at the facility without notice will be possible to check the operation of the plant itself.

Sincerely

Fabio Penon

-----Messaggio originale-----

Da: [ar.123@mail.com](mailto:ar.123@mail.com)

Data: 19/02/2015 6.01

A: "Tom Darden" <[tdarden@industrialheat.co](mailto:tdarden@industrialheat.co)>

Cc: <[fabiopenon@iol.it](mailto:fabiopenon@iol.it)>, <[jvaughn@industrialheat.co](mailto:jvaughn@industrialheat.co)>, <[tdameron@industrialheat.co](mailto:tdameron@industrialheat.co)>

Ogg: Re: Tests plan

Thank you Tom: your congratulations are very important for us.  
Warmest Regards,  
Andrea.

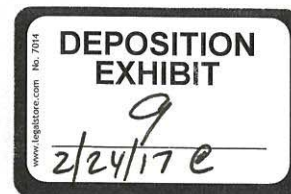
p.s. I am in the plant ( it's midnight by the plant, how romantic!) and all is going on well. Tomorrow Industrial heat will supply the first MW to JM.

**Sent:** Thursday, February 19, 2015 at 4:20 AM  
**From:** "Tom Darden" <[tdarden@industrialheat.co](mailto:tdarden@industrialheat.co)>  
**To:** "Andrea Rossi" <[ar.123@mail.com](mailto:ar.123@mail.com)>  
**Cc:** [fabiopenon@iol.it](mailto:fabiopenon@iol.it), [jvaughn@industrialheat.co](mailto:jvaughn@industrialheat.co), [tdameron@industrialheat.co](mailto:tdameron@industrialheat.co)  
**Subject:** Re: Tests plan

Congrats on the startup! This demonstration will have a great impact, beginning in about a month when we have the visitor from overseas!

Tom Darden  
919 522 4095 m

**From:** Andrea Rossi  
**Sent:** Wednesday, February 18, 2015 8:36 PM  
**To:** Tom Darden  
**Cc:** [fabiopenon@iol.it](mailto:fabiopenon@iol.it); [jvaughn@industrialheat.co](mailto:jvaughn@industrialheat.co); [tdameron@industrialheat.co](mailto:tdameron@industrialheat.co)  
**Subject:** Re: Tests plan



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IH-00019103



Hi Tom!

Ing. Penon is gone, the plant has been started, We are slowly Increasing the temperature, will arrive at full regime tomorrow.

Fulvio and I are here in the plant right now.

So far so good.

Since Ing. Penon is now embarking on an airoplane and cannot answer to you, I can answer to your email on the base of the work made during his permanence here in the last three days.

The temperature in the steam pipe, as you correctly remember, is taken in two positions by means of two thermocouples that have been brought and positioned today by Ing. Penon. Also the temperature of the water in the tank inside the container to feed the pumps is measured by two thermocouples brought and installed under the direction of Ing. Penon. Also the pressure of the steam is measured with two instruments brought by Ing. Penon.

All those instruments for the measurement of temperature of the steam, of the pressure of the steam and of temperature of the water in the water tank inside the container are connected with the computer of property of Ing. Penon, that he brought here and registers the data 24 hours per day, as well as with the control system of ours. Obviously Penon will consider for his calculations only the data registered by his computer, but we can compare the data that he will find with the data that we will find.

I think now he is embarking on the airoplane ( I left him at the airport at 7 p.m.), suppose he will be able to answer you tomorrow.

He reads in copy this message of mine.

Warmest Regards to all,

Andrea

**Sent:** Thursday, February 19, 2015 at 2:03 AM

**From:** "Tom Darden" <[tdarden@industrialheat.co](mailto:tdarden@industrialheat.co)>

**To:** [fabioopenon@iol.it](mailto:fabioopenon@iol.it)

**Cc:** [ar.123@mail.com](mailto:ar.123@mail.com), [jvaughn@industrialheat.co](mailto:jvaughn@industrialheat.co), [tdameron@industrialheat.co](mailto:tdameron@industrialheat.co)

**Subject:** Re: Tests plan

Let's make sure there is more than one way to measure the temperature in that pipe. If I recall correctly there were two or more in Ferrara and there were multiple ones when it was piped in Raleigh. Thanks.

Tom Darden  
919 522 4095 m

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**From:** [fabioopenon@iol.it](mailto:fabioopenon@iol.it)

**Sent:** Wednesday, February 18, 2015 4:59 PM

**To:** [tdarden@industrialheat.co](mailto:tdarden@industrialheat.co)

**Reply To:** [fabioopenon@iol.it](mailto:fabioopenon@iol.it)

**Cc:** [ar.123@mail.com](mailto:ar.123@mail.com); [jvaughn@industrialheat.co](mailto:jvaughn@industrialheat.co); [tdameron@industrialheat.co](mailto:tdameron@industrialheat.co)

**Subject:** R: Re: Tests plan

Dear Mr Darden,

Please find the following answers to your last email:



1. In the scope of proposal by myself prepared at the request of Dr. Rossi for the safety certification of the E-Cat plant MW1 by Bureau Veritas, that I mention in the test protocol proposal PC 1503 ed. 0, is necessary the definition of the technical specification of the system.

The technical specification shows technical characteristics of the plant.

They will be defined according to the results that I will have found during and after the tests that I am performing as the ERV .

2. About the evidence that it is impossible to have a steam pipe that is partially filled with water and partially filled with 103 Celsius degrees steam, I believe the best answer is that the probe is placed at the outlet of the steam at the bottom of the steam pipe section.

If in this part of the pipe the steam temperature is close to or more than 103 ° C, at room pressure, there is only superheated steam and the water cannot be present at that point.

If we move away from the exit point, it is possible the formation of small amounts of water, which will be collected in the collector, but which, in my opinion, does not affect the calculation of the multiple energy produced inside the plant.

Sincerely

Fabio Penon

-----Messaggio originale-----

Da: [tdarden@Industrialheat.co](mailto:tdarden@Industrialheat.co)

Data: 18/02/2015 18.07

A: <[fablopenon@iol.it](mailto:fablopenon@iol.it)>

Cc: <[ar.123@mail.com](mailto:ar.123@mail.com)>, <[jvaughn@Industrialheat.co](mailto:jvaughn@Industrialheat.co)>, <[tdameron@Industrialheat.co](mailto:tdameron@Industrialheat.co)>

Ogg: Re: Tests plan

Thanks for the news about BV, I was not aware of that. So, are you saying BV will be certifying the energy multiple of our plant? That is excellent news, we definitely would like to do this.

Could you please draw a diagram (nothing formal, just by hand is fine) showing where the condensate pipe will be?

One more question: a critic could claim that there is water below the steam. How do we prove it is impossible to have a steam pipe which is partially filled with flowing water, and partially filled with 103 degree steam? One way would be to have multiple temperature probes into the steam pipe, so you measure the temperature at the top of the pipe and at the bottom. This is a good idea just to add comfort and certainty to our claims of success. How many probes will there be?

Thanks do very much for your important work. This evaluation will have the eyes of the world on it, once we release any information!

Tom Darden  
919 522 4095 m

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**From:** [fabioopenon@iol.it](mailto:fabioopenon@iol.it)  
**Sent:** Wednesday, February 18, 2015 11:53 AM  
**To:** [tdarden@industrialheat.co](mailto:tdarden@industrialheat.co)  
**Reply To:** [fabioopenon@iol.it](mailto:fabioopenon@iol.it)  
**Cc:** [ar.123@mail.com](mailto:ar.123@mail.com); [jvaughn@industrialheat.co](mailto:jvaughn@industrialheat.co); [tdameron@industrialheat.co](mailto:tdameron@industrialheat.co)  
**Subject:** R: Re: Tests plan

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Dear Mr Darden,

the 'water saturated vapor' is a vapor, whose temperature equals the temperature of boiling at the pressure existing on it ( Mc Graw Hill, Dictionary of scientific & technical terms )

The wet vapor is a vapor containing liquid droplets

The dry water saturated vapor is saturated vapor without suspended particles of water

This is a condition extremely instable.

A slightest heat gain transforms it into a superheated vapor.

In the temperature and pressure interval, in which thermodynamic equilibrium can exist, a fixed saturated vapor temperature corresponds to each pressure.

At a pressure of 760 mm Hg the saturated temperature is 100 °C

In the E-Cat MW1 - USA I will check that the steam pressure is near atmospheric pressure and the temperature of the steam is always significantly greater than 100 ° C at least equal to 103 ° C.

In this way I should be certain that the steam is superheated steam and then always without suspended particles of water.

Following my request a few weeks ago, before the plant start up dr Rossi has to apply a condensed steam collector at the bottom of the steam pipe, before the plant start up

During my visits I will check the amount of the water present

Absolutely I agree that 'having a 100% unquestionable report will be the most important way to establish the credibility of this new energy source'.

In fact, Dr. Rossi has accepted my proposal for the certification of the technical features, such as multiple energy, the E-Cat MW1, by Bureau Veritas, certification body prestigious and well-know over the world.

We are already working on the definition of the technical specification of the plant.

Our goal is to begin the certification tests by end of the year

Sincerely

Fabio Penon

-----Messaggio originale-----

Da: [tdarden@industrialheat.co](mailto:tdarden@industrialheat.co)

Data: 18/02/2015 6.11

A: <[fabioopenon@iol.it](mailto:fabioopenon@iol.it)>, <[ar.123@mail.com](mailto:ar.123@mail.com)>

Cc: <[jvaughn@industrialheat.co](mailto:jvaughn@industrialheat.co)>, "T Barker

Dameron" <[tdameron@industrialheat.co](mailto:tdameron@industrialheat.co)>

Ogg: Re: Tests plan

Dear Dr Penon:

Please let me know your plan for determining that the steam is 100% dry, and that there is no water in the pipe. For example, a sight tube, or a condensate collector coming off the bottom of the steam pipe. These are just suggestions--I am sure you can find the best way to do this.

We are excited to see the machine operate, and we believe that having a 100% unquestionable report will be the most important way to establish the credibility of this new energy source. If we can show the world after the test that our results are completely beyond dispute, this will define Dr Rossi as the most important inventor of all time. Having a solid measurement system is the key to all this.

Tom Darden  
919 522 4095 m

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**From:** [fabioopenon@iol.it](mailto:fabioopenon@iol.it)

**Sent:** Tuesday, February 10, 2015 3:18 PM

**To:** [ar.123@mail.com](mailto:ar.123@mail.com); [tdarden@industrialheat.co](mailto:tdarden@industrialheat.co)

**Reply To:** [fabioopenon@iol.it](mailto:fabioopenon@iol.it)

**Subject:** Tests plan

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Dear Sirs,

in the Annex you may find the report 'E-Cat MW1 Energy Plant in Miami: Tests plan', concluding the first module ( see proposal E-Cat MW1 Energy Plant in Miami: evaluation of the energy multiple' )  
I am at your disposal for any clarifications.

Sincerely

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IH-00019107

FILED - 03/22/2017  
CLERK OF DISTRICT COURT  
JANUARY 1, 2017

Fabio Penon

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