

# **Exhibit 5**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ANDREA ROSSI and LEONARDO )  
CORPORATION, )

Plaintiffs, )

v. )

THOMAS DARDEN; JOHN T. VAUGHN, )  
INDUSTRIAL HEAT, LLC; IPH )  
INTERNATIONAL B.V.; and )  
CHEROKEE INVESTMENT PARTNERS, )  
LLC, )

Defendants. )

CASE NO. 1:16-cv-21199-CMA

**EXPERT DISCLOSURE OF JOSEPH  
A. MURRAY**

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INDUSTRIAL HEAT, LLC and IPH )  
INTERNATIONAL B.V., )

Counter-Plaintiffs, )

v. )

ANDREA ROSSI and LEONARDO )  
CORPORATION, )

Counter-Defendants, )

and )

J.M. PRODUCTS, INC.; HENRY )  
JOHNSON; FABIO PENON; UNITED )  
STATES QUANTUM LEAP, LLC; )  
FULVIO FABIANI; and JAMES BASS, )

Third-Party Defendants. )

**EXPERT DISCLOSURE OF JOSEPH A. MURRAY**

Defendants THOMAS DARDEN, JOHN T. VAUGHN, INDUSTRIAL HEAT, LLC (“IH”), IPH INTERNATIONAL B.V. (“IPH”), and CHEROKEE INVESTMENT PARTNERS, LLC (collectively, “Defendants”), pursuant to Fed. R. Civ. P. 26 (a)(2)(C), hereby submit the expert disclosure of Joseph A. Murray:

**I. INTRODUCTION**

Joseph A. Murray, former Vice President of Engineering for Industrial Heat, LLC, shall be testifying as to his opinions concerning the accuracy and reliability of the report by Fabio Penon of the E-Cat plant as well as the performance of the E-cat plant itself.

**II. SUMMARY OF OPINIONS**

**Comparisons Between Power Sold By Florida Power & Light Company to J.M. Products, Inc. and Power Reported As Absorbed By Fabio Penon and Fulvio Fabiani**

Mr. Murray will describe how the data generated by Fabio Penon (“Penon”) and Fulvio Fabiani (“Fabiani”) pertaining to the power absorbed during the testing of the E-cat plant at ADDRESS OF DORAL LOCATION (“JMP”) is at odds with the the amount of power used at Doral location as demonstrated by Florida Power & Light Company (“FPL”) records. *See “Exhibit A.”* Using the values of power absorption into the reactor reported by Penon to Industrial Heat, LLC, Mr. Murray compared these numbers to the actual power provided by FPL to the Doral location and found numerous inaccuracies reported by Penon and Fabiani.

Mr. Murray also compared Penon and Fabiani’s data to the historical average amount of power that the Doral location used before and after the purported “guarantee performance test” (specifically before and after the reactor was turned on). Once again, Mr. Murray’s analysis demonstrates that Penon and Fabiani’s reports on the power absorbed into the E-cat plant are

inaccurate when measured against power provided by FPL to Doral location are riddled with inaccuracies when measured against the power actually provided by FPL to the plant. *See* “**Exhibit B.**”

#### **Inverse Relationship of Power Input to Plant and Coefficient of Power**

Using the values reported by Penon to Industrial Heat, Mr. Murray compared the reported power input to the E-cat plant reported by Penon against the reported coefficient of power (“COP”) reported by Penon as reflected in Figure *See* “**Exhibit C.**” After comparing the two sets of numbers, Mr. Murray’s results revealed an inverse relationship between the input power and the COP (i.e., when the plant draws less power, the COP of the E-cat plant increases). Mr. Murray will testify that there is no logical reason why the COP should be changing inversely to the amount of power inputted given that the same E-cat plant was used throughout the “guaranteed performance test.”

#### **Heat Simulations**

Mr. Murray will testify as to the heat simulations he ran to recreate the thermal conditions inside the Doral location. The thermal simulation involved a 500 kw or 800 kw power source uniformly distributed in a container at the Doral location, 7861 NW 46<sup>th</sup> Street, Doral, FL 33166 and releasing heat into the ambient warehouse of the Doral location. Mr. Murray’s simulation demonstrates how the heat would typically build over time to achieve a steady state temperature. *See* “*Thermal Simulations*” This means that the room would have been heated to a temperature unsuited for a human working environment.

**Water Flow**

Mr. Murray will be testifying as to the tests he conducted on the water flow into the E-cat plant. The results of Mr. Murray's test show that the measured flow meter used by Penon would report a much higher flow of water than was actually occurring. The purpose of the test was to determine how the flow meter used by Penon operated when a limited amount of water flowed through it. Murray's results showed that the water meter Penon used would show the results that Penon reported when in fact the actual water flowing through the meter was multiples less than what the meter showed. the behavior of the flow meter when a very minimum amount of water was going through it. See "*Water Flow Test Results*".

**QUALIFICATIONS**

Mr. Murray's educational background includes an ABD from University of Maryland, an M.S. from University of Utah and a B.S. from Michigan State University.

Dated: January 30, 2017.

Respectfully submitted,

/s/ Christopher R.J. Pace

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail on counsel of record this 30<sup>th</sup> day of January, 2017.

*/s/ Michael A. Maugans*

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Michael A. Maugans

**SERVICE LIST**

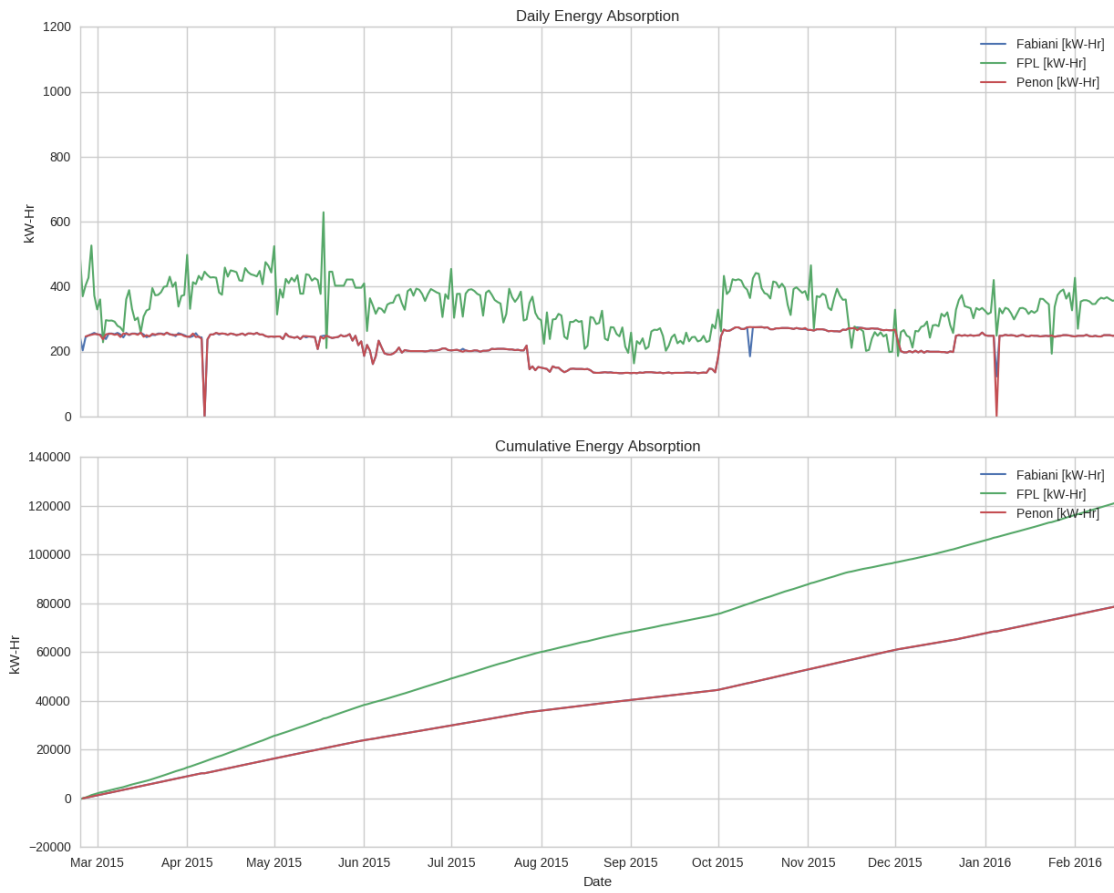
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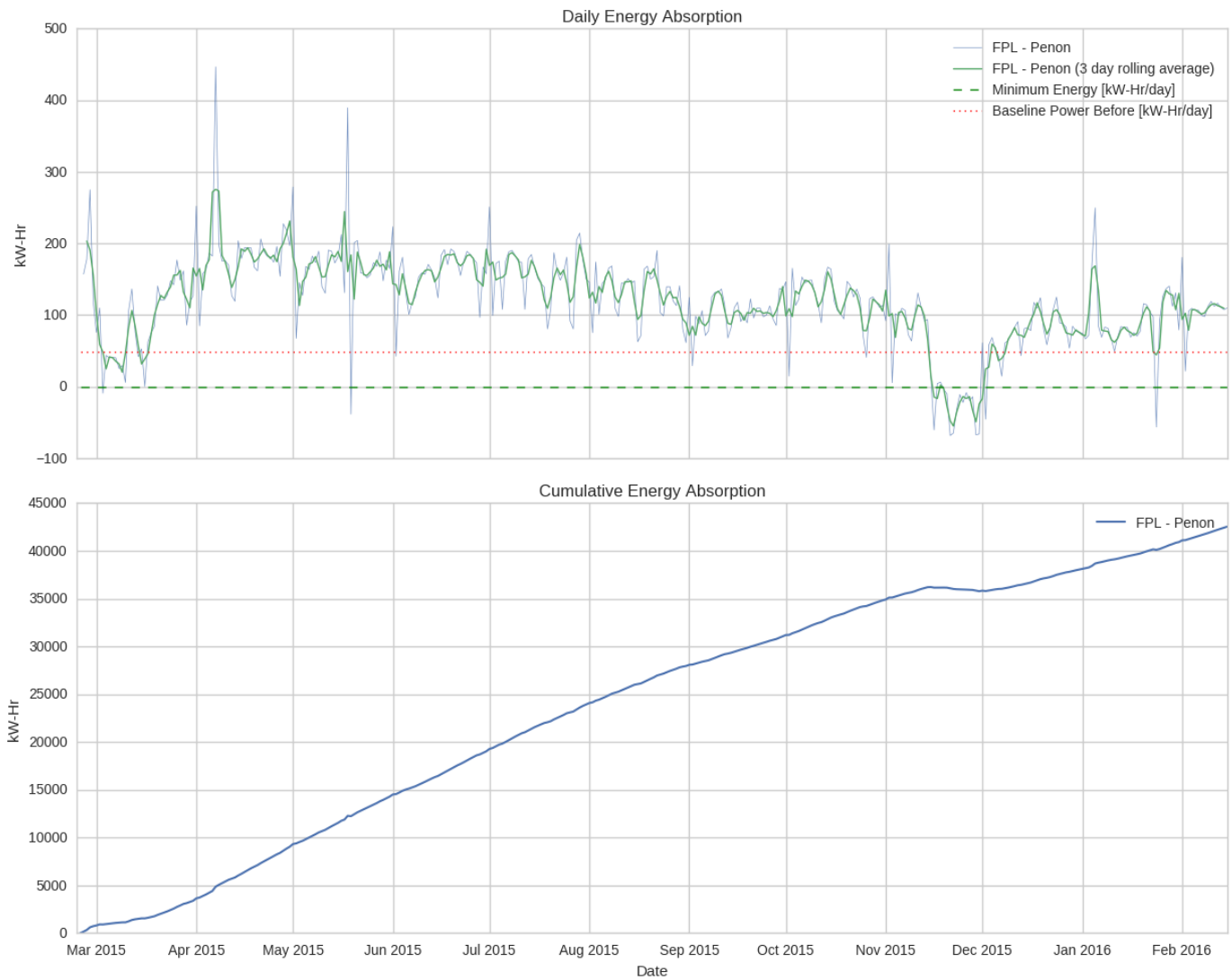
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# EXHIBIT A



# EXHIBIT B



# EXHIBIT C

