

Composite Exhibit 48

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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
Thursday, February 2, 2017
11:17 a.m.- 6:06 p.m.

HIGHLY CONFIDENTIAL TRANSCRIPT
ATTORNEYS' EYES ONLY
VIDEO DEPOSITION OF JAMES BASS
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.

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<p style="text-align: right;">Page 6</p> <p>1 Thereupon. 2 THE VIDEOGRAPHER: Good morning. We're 3 now on the video record. This is the videotape 4 deposition of James Bass in the matter of the 5 case Andrea Rossi versus Leonardo Corporation 6 versus Tom Darden, et al. 7 Today is Thursday, February 2nd of 2017 8 and the time is 11:17 a m. Counsel, please 9 state your appearance for the record and after 10 this the court reporter will swear in the 11 witness. 12 MR. PACE: Thank you. Chris Pace and 13 Mike Maugans for the defendants. Jones Day for 14 the defendants. 15 MR. ARAN: Fernando Aran of the law firm 16 Aran, Correa & Guarch on behalf of the deponent, 17 James Bass, third party defendant J.M. Products 18 and third party defendant Henry Johnson. 19 MR. NUNEZ: Rudy Nunez on behalf of the 20 third party defendant Fulvio Fabiani and United 21 States Quantum Leap, LLC. 22 MR. CHAIKEN: Brian Chaiken on behalf of 23 the plaintiffs, Dr. Andrea Rossi, who is present 24 with me and Leonardo Corporation. 25 Thereupon--</p>	<p style="text-align: right;">Page 8</p> <p>1 A. That's correct. 2 Q. Mr. Bass, you're obviously angry, 3 correct? 4 A. Yes. 5 Q. All right. Let's start. Mr. Bass, can 6 you please state your full name for the record. 7 A. James Alan Bass. 8 Q. Mr. Bass, will you please state your work 9 address for the record. 10 A. 515 Northeast 8th Avenue, Deerfield 11 Beach, Florida. I'm a contractor. 12 Q. So Mr. Bass, what is your educational 13 background? 14 A. I have almost four years in the US Navy 15 with flight control and guidance systems technician 16 on aircraft. 17 I graduated Rutgers University with 18 electrical engineering with a specialty in closed 19 loop control systems. I graduated first in my class 20 summa cum laude. I'm a member of Tau Beta Pi and Eta 21 Kappa Nu, both engineering honor societies. 22 Q. Any formal education after Rutgers? 23 A. I have been to various classes and things 24 like networking. I have a Cisco certified network 25 associate. That's a training for routing systems</p>
<p style="text-align: right;">Page 7</p> <p>1 JAMES BASS 2 was called as a witness and having been first duly 3 sworn responded as follows: 4 THE WITNESS: I do. 5 DIRECT EXAMINATION 6 BY MR. PACE: 7 Q. Mr. Bass, can you state your full name 8 and your work and home address -- well, your full 9 name and your work address. 10 A. I have a question first. 11 Q. Sure. 12 A. Shouldn't you be using a ouija board? 13 Q. A ouija board? 14 A. You know what it's for? Communicate with 15 spirits. 16 Q. With spirits. Why do you think I should 17 be using a ouija board? 18 A. They said I was a ghost. 19 Q. So you think I should be using a ouija 20 board -- 21 A. Yeah, maybe. 22 Q. -- you think that's how -- okay. I 23 understand your disposition. 24 So Mr. Bass, you are obviously not happy 25 to be here today, correct?</p>	<p style="text-align: right;">Page 9</p> <p>1 from Cisco Corporation and about 42 years of 2 engineering experience. 3 Q. Apologies for the delay but I'm actually 4 a right-handed writer and I'm trying to do this 5 left-handed. 6 Let's talk for a second about the 42 7 years of engineering experience. What was your first 8 engineering-related job after you graduated from 9 Rutgers? 10 A. I went to work at a computer company that 11 did factory process control and I did hardware and 12 software integration. 13 We worked in nuclear plants. I designed 14 a special control system for the Westinghouse Hanford 15 nuclear reactor out in Idaho Falls, Idaho and many 16 other projects. 17 Q. Who is that employer? What was the name 18 of the employer? 19 A. My employer? 20 Q. Yes. 21 A. Modular Computer Systems. 22 Q. How long did you work for Modular 23 Computer Systems? 24 A. Ten years. 25 Q. What did you do after you ended working</p>

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1 The time is 11:45.
 2 (Thereupon a brief recess was taken,
 3 after which the following proceedings were had.)
 4 THE VIDEOGRAPHER: We're now back on the
 5 record. The time is 11:50.
 6 BY MR. PACE:
 7 Q. Mr. Bass, when we took a break you had
 8 said that you were doing or since the spring of 2016,
 9 you have done --
 10 A. What did you do to your arm?
 11 Q. Tore a rotator cuff. Had to have surgery
 12 on it and reattach it.
 13 A. Not fun.
 14 Q. No. When we took our break we were
 15 talking about work you have done with Andrea Rossi
 16 and Leonardo Corporation since the spring of 2016.
 17 You talked about designing energy
 18 provoking -- energy provoking system. Can you
 19 explain to me what that is?
 20 A. Well, the E-Cat needs energy to provoke
 21 it into generating heat and we're coming up with
 22 different methods, high voltage electricity, so I am
 23 trying to design some different test systems at high
 24 voltage.
 25 Q. So this is for providing energy into the

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1 E-Cat reactors?
 2 A. Yes.
 3 Q. Were you doing any of this work when you
 4 were working for J.M. Products and Andrea Rossi --
 5 A. No.
 6 Q. -- prior to the spring of 2016?
 7 A. No.
 8 Q. All right. What are platinum sponges?
 9 A. It's a -- platinum sponge, if you think
 10 it looks like a sponge, it doesn't. It's more like a
 11 craggy-type stuff that they use to -- they eventually
 12 wind up after cooking it to put in catalytic
 13 converters. It's more like a powdery-type stuff, I
 14 think.
 15 Q. Have you ever done any work with platinum
 16 sponges?
 17 A. I didn't specifically do any work with
 18 platinum sponge, but J.M. did.
 19 Q. J.M. Products did work with platinum
 20 sponges?
 21 A. Yeah.
 22 Q. But you didn't do any work with that?
 23 A. I didn't handle it.
 24 Q. Did you -- during your time you worked at
 25 J.M. Products did you ever see any platinum sponges?

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1 A. No.
 2 Q. Did you believe that J.M. Products did
 3 work with platinum sponges --
 4 A. Yes.
 5 Q. -- at the Doral location?
 6 A. Yes, because I know there was a pilot
 7 amount that was purchased and installed inside the --
 8 whatever you want to call it, the box, for heating.
 9 Q. And what was done with that platinum
 10 sponge after it was heated?
 11 A. Supposedly it was removed. I wasn't -- I
 12 wasn't present when it was removed.
 13 Q. Were you present when it was placed in
 14 there?
 15 A. I assisted in putting tubes into the
 16 piping but I didn't know what they were at the time.
 17 Q. What is graphene?
 18 A. Graphene is a carbon. It's a certain
 19 form of carbon molecule that's extremely expensive,
 20 very slippery, used in a number of things and if you
 21 try and buy graphene you'll find out how gross
 22 expensive it is.
 23 Q. Have you ever done any work with
 24 graphene?
 25 A. We did. Again, the same deal. I didn't

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1 specifically. I just was aware of the cost of
 2 graphene because of a product that I had heard about
 3 a while prior to working for J.M.
 4 Q. But when you were working for J.M.
 5 Products you believe J.M. Products did work with
 6 graphene?
 7 A. They did. We bought -- I believe we
 8 bought industrial diamonds and stuff and used the
 9 industrial diamonds in the heating process to produce
 10 graphene.
 11 Q. Let me -- I am going to use a few
 12 exhibits here that are just images taken over at the
 13 Doral location. For purposes of this deposition I'm
 14 happy to refer to the warehouse, building, however
 15 you want to refer to it. I am talking about the
 16 warehouse that is at 7861 Northwest 46th Street.
 17 Is there a way you are comfortable
 18 referring to it? Do you call it the warehouse, the
 19 building?
 20 A. Warehouse is fine.
 21 Q. I'll call it the Doral warehouse, just so
 22 I don't have to keep repeating the address for the
 23 rest of the afternoon. I'm going to hand you what I
 24 am going to mark here as Bass Exhibit 1.
 25 (The document referred to was thereupon

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1 steam when it hits your filter?
 2 A. Probably not. It's hard to say. No, it
 3 was collecting water mostly. There is some mix in
 4 there. I don't know.
 5 Q. What is the purpose of the filter box?
 6 A. To prevent impurities from going back
 7 into the E-Cat.
 8 Q. So you just testified that for Bass
 9 Exhibit 2 this piping was intended to keep the water
 10 or the steam or the fluid, whatever was in here warm,
 11 hot?
 12 A. Uh-huh.
 13 Q. Then that leads into your -- into this
 14 filtration system here?
 15 A. Uh-huh.
 16 Q. If it was still steam coming in how would
 17 it -- at what point would it be converted into water?
 18 A. It's mostly converted into water or a mix
 19 of water and steam inside the serpentine area.
 20 Q. Okay. So why would you insulate the
 21 serpentine area then? Don't you want the heat to
 22 dissipate?
 23 A. No, not particularly. You maintain the
 24 efficiency of the closed loop system. That's another
 25 closed loop system, by the way.

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1 Q. How do you turn steam into water without
 2 the heat dissipating?
 3 A. Remove energy.
 4 Q. No, how does steam be converted back into
 5 water? Does the temperature of the steam have to
 6 lower?
 7 A. No.
 8 Q. The temperature of the steam can stay
 9 above a hundred degrees Celsius?
 10 A. Yes.
 11 Q. How else does it convert into water?
 12 A. You remove the energy from it.
 13 Q. How do you remove the energy from it?
 14 A. With an endothermic reaction.
 15 Q. And what would that be?
 16 A. Anything that takes in energy.
 17 Q. Is there something within those
 18 serpentine pipes that would take in energy?
 19 A. Yes.
 20 Q. What is that?
 21 A. In the beginning it was -- sorry. The
 22 catalytic stuff, platinum sponge.
 23 Q. Platinum sponge. The platinum sponge
 24 would be within the serpentine pipes?
 25 A. Yes.

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1 Q. Did you put the platinum sponge into
 2 those serpentine pipes?
 3 A. I helped put pipes in there, that's all.
 4 The pipes already had something charged in them.
 5 Q. Did you see something charged in them
 6 when you put the pipes? I am just trying to
 7 understand.
 8 A. No, I didn't see physically what was in
 9 there.
 10 Q. Let me take a step back, just so we're
 11 clear. When we're looking at Exhibit 2 you helped
 12 install these pipes, correct?
 13 A. Yeah. Not the main serpentine. I did a
 14 lot of stuff here, with the filter box.
 15 Q. You are pointing to Exhibit 3?
 16 A. Yes.
 17 Q. But for Exhibit 2, did you --
 18 A. Exhibit 2 was already there when I
 19 started working for them.
 20 Q. Do you think there was any -- were you
 21 told by anyone that there was any platinum sponge
 22 in --
 23 A. I wasn't told anything about that at the
 24 time.
 25 Q. Okay. Let me start over. If you give me

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1 just a second to ask the question.
 2 Do you believe today -- we will talk
 3 about when you found out later on. Do you believe
 4 today that in Exhibit 2 -- in these pipings in
 5 Exhibit 2 that there was platinum sponge at some
 6 point in the piping in Exhibit 2?
 7 A. Yes.
 8 Q. Okay. What's your basis for that belief?
 9 A. Because I know that some of it was
 10 purchased. I mean what would you do, throw it in the
 11 street? That's what they talked about, that they
 12 inserted the platinum sponge or we did, or it was a
 13 group effort.
 14 I didn't know it was in the pipes but
 15 apparently some of it was already in there before
 16 they were closed up.
 17 Q. Okay. Who told you that there was
 18 platinum sponge in the pipes before it was closed up?
 19 A. Both Hank, Henry Johnson and Dr. Rossi
 20 said eventually. I didn't know what was in there at
 21 all at the time.
 22 Q. When did they tell you that there was
 23 platinum sponge in the piping?
 24 A. I have no idea. Probably a month later.
 25 I was the new guy in the block. I didn't know what

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1 was going on in there.
 2 Q. I understand. When you say a month
 3 later, are you saying in early 2015?
 4 A. Sometime in that area I found out it was
 5 platinum sponge they were putting in there.
 6 Q. So you have never seen any platinum
 7 sponge put in the pipe, but you were told by --
 8 A. Correct.
 9 Q. -- Mr. Johnson and Andrea Rossi that there
 10 was platinum sponge in the pipe?
 11 A. Yes, they even bought some. I saw the
 12 bill.
 13 Q. You saw the invoice for --
 14 A. I saw the invoice for the platinum
 15 sponge, so I figured that was good enough.
 16 Q. So you never really saw the platinum
 17 sponge itself?
 18 A. No.
 19 Q. You saw an invoice for a platinum sponge?
 20 A. Uh-huh.
 21 Q. Do you know if that platinum sponge was,
 22 in fact, purchased?
 23 A. Yes, I believe it was. I saw the invoice
 24 for the bill.
 25 Q. Let me rephrase. Other than seeing an

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1 invoice, and the invoice was a request to buy the
 2 platinum sponge?
 3 A. Huh?
 4 Q. It was an invoice for platinum sponge.
 5 You recall it was over a million dollars worth of
 6 platinum sponge was being purchased?
 7 A. No, I remember there was an initial
 8 charge to test it.
 9 Q. Now, other than that document that you
 10 saw, the invoice or the bill or whatever it was, so
 11 I'm just asking, other than that did you ever see any
 12 platinum sponge at the J.M. Products -- at the Doral
 13 warehouse?
 14 A. Not particularly, no.
 15 Q. You qualified it some, so I just want to
 16 understand. Why do you say not particularly?
 17 A. There were a lot of things laying around
 18 inside the plant. It could have been. There were
 19 boxes and crates and everything.
 20 Q. I understand. So you could have seen
 21 platinum sponge and not known it was platinum sponge?
 22 A. I wouldn't have known it.
 23 Q. Understood. But to your knowledge you
 24 never saw platinum sponge but if it was there and --
 25 you may have seen it and you wouldn't have known it

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1 was platinum sponge?
 2 A. That's correct.
 3 Q. Did you ever see any graphene at the J.M.
 4 Products -- at the Doral warehouse?
 5 A. No. Again, it's small stuff, but
 6 whatever.
 7 Q. Graphene particles or objects are small?
 8 A. (Nods head.) Yes.
 9 Q. Turning to -- turning back to Bass
 10 Exhibit 3, you say there is a filter box.
 11 Is that the clear box we see here that
 12 has kind of a red gauge on top of it?
 13 A. Yes.
 14 Q. All right. This was to take out any
 15 impurities in the water?
 16 A. Uh-huh.
 17 Q. And how was it -- did all the water that
 18 came through the system run through that box?
 19 A. Only in the beginning of each test.
 20 Q. At the beginning, if you can help me
 21 understand that. What does that mean?
 22 A. When they first started the system if
 23 they opened up the system, they would run it
 24 initially through the box and then once they were
 25 convinced -- it was up to Dr. Rossi when to divert it

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1 around the box.
 2 Q. So there is -- again, I'm not an engineer
 3 so I apologize if I'm going to be asking some
 4 questions poorly.
 5 So when the system would be started up --
 6 and when you say system, do you mean like the E-Cat
 7 reactors?
 8 A. E-Cat, yes.
 9 Q. So when the E-Cat reactors would start
 10 up, at least initially all of the water that was
 11 flowing through this system would be redirected into
 12 this box?
 13 A. Correct.
 14 Q. The filter box?
 15 A. Correct.
 16 Q. Then at some point a valve would be
 17 turned so that the water no longer had to go into
 18 this filter box?
 19 A. Yes.
 20 Q. And how much water can that filter box
 21 hold?
 22 A. I don't know. You can use your judgement
 23 there. I never particularly measured it.
 24 Q. Do you have a sense of how much water it
 25 can hold?

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1 that?
 2 A. Probably.
 3 Q. All right.
 4 A. I usually keep copies of stuff like
 5 that.
 6 Q. Your response to Andrea Rossi is to --
 7 you're setting up time for a meeting. You say you
 8 will not discuss what we're doing there. There,
 9 meaning the Doral warehouse, correct?
 10 A. Uh-huh.
 11 Q. Then you said: Besides, you won't really
 12 telling what you are doing there -- what we are doing
 13 there.
 14 A. Uh-huh.
 15 Q. Is that a reference to what -- well, tell
 16 me what you meant by that.
 17 A. You're asking me to speculate. I don't
 18 recall. Could have been both sides.
 19 Q. Well, you wrote it, so that's why I am
 20 asking you.
 21 A. I wrote it two years ago.
 22 Q. I understand. Can you tell me what you
 23 meant?
 24 A. No.
 25 Q. All right.

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1 A. I might have meant what I knew about the
 2 E-Cat, which was not very much at all or it might
 3 have been the fact of what we were putting inside of
 4 the serpentine pipes. I don't recall at the time.
 5 That was two years ago.
 6 Q. You didn't know what was being put in the
 7 serpentine pipes?
 8 A. No, I didn't at the time anyway, so it
 9 didn't make much difference.
 10 Q. Do you know whether J.M. Products has
 11 ever sold a product?
 12 A. No, I don't know.
 13 Q. Have you ever seen a product being sold
 14 from J.M.?
 15 A. No.
 16 Q. Have you ever seen a customer of J.M.
 17 Products?
 18 A. I think we had meetings with potential
 19 people. I don't recall exactly.
 20 Q. Who is we?
 21 A. We. Who is we? Me, Dr. Rossi was in
 22 there, I believe Industrial Heat was in there and we
 23 discussed the potential uses of heat, of steam
 24 energy, but that's all I recall. I don't recall the
 25 guest list.

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1 Q. Well, I think you're talking to me about
 2 the uses of the steam. I'm asking do you ever recall
 3 whether J.M. Products met with any customers to buy
 4 something that J.M. Products was producing, not that
 5 Leonardo was producing?
 6 A. No.
 7 Q. Okay.
 8 A. Could I take a quick bathroom break?
 9 Q. Of course. Let's go off the record.
 10 THE VIDEOGRAPHER: Going off the record,
 11 the time is 12:47.
 12 (Thereupon a brief recess was taken,
 13 after which the following proceedings were had.)
 14 THE VIDEOGRAPHER: We're now back on the
 15 record. The time is 12:58, media number two.
 16 (The document referred to was thereupon
 17 marked Bass Exhibit 8 for Identification, a copy of
 18 which is attached hereto.)
 19 BY MR. PACE:
 20 Q. Mr. Johnson, I'm marking what's another
 21 document as Exhibit 8.
 22 Again, with reference to our other
 23 exhibits, here in this e-mail -- in one of these
 24 e-mails on Exhibit 8 you say, I saw the heat strips
 25 that are installed on the serpentine pipes -- on the

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1 serpentine pipe.
 2 If you look at Exhibit 2, what are the
 3 heat strips? Is that the insulation?
 4 A. No, he had heat strips along some parts
 5 of it that are covered up now.
 6 Q. So in Exhibit 2 we can't see what the
 7 heat strips are?
 8 A. No, you can't.
 9 Q. What's the function of a heat strip?
 10 A. I don't recall, but probably to maintain
 11 the heat when they had shut down the reactor. To
 12 keep heating, to keep the pipes hot, because it was a
 13 mandatory thing, as I recall, for the conversion and
 14 the platinum sponge. That's all I recall.
 15 Q. You recall that it was required that the
 16 pipes stay heated for some purpose relating to the
 17 platinum sponges?
 18 A. Yes, that's what I recall. That's the
 19 only reason to put them there and I think that was
 20 the final -- that was the conclusion that I was
 21 told. I don't remember the exact conversation.
 22 Q. And who did you have that conversation
 23 with?
 24 A. Dr. Rossi.
 25 Q. We talked previously on these serpentine

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1 A. Yes.

2 Q. Okay. And it's not going to go through

3 the exit pipe because it's not high enough to reach

4 where the exit pipe starts?

5 A. Yes, that was the concern.

6 Q. Why is that a concern?

7 A. In case we needed to get the filter

8 apart. In other words, you had water all over the

9 place.

10 The way -- if you see the clamps at the

11 end, that's the only way to change the filter, so you

12 would have spilled water. There actually is a

13 discharge pipe. You can't see it. I think it's in

14 the other corner. I specifically remember putting it

15 in.

16 Q. Okay. So --

17 A. It's a little faucet with a PVC tap on it

18 that allows all the water to drain out before you

19 take it apart.

20 Q. And that being the water up to the point

21 of the exit pipe --

22 A. Yes.

23 Q. -- because it's not going out the exit

24 pipe. It just sits there like still --

25 A. It doesn't matter while the system is

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1 running, understand, but when they had to take it

2 apart then it would have been a problem because there

3 is gallons of water in the bottom of that.

4 Q. So ultimately you did install --

5 A. Yes.

6 Q. -- the drain?

7 A. Yes.

8 Q. How many times was that drain used; do

9 you remember?

10 A. I have no idea.

11 Q. Did you ever use it?

12 A. No.

13 Q. When did you install it?

14 A. The drain?

15 Q. Yes.

16 A. Before the filter box was put in place.

17 Q. Okay. What did you understand,

18 Dr. Rossi's -- Andrea Rossi's response when he says:

19 "No, it is a dangerous source of spill. In case of

20 clog we take off the filter."

21 A. Where are we?

22 Q. I'm sorry. The first page of Exhibit

23 11. There at the bottom he says: "No, it is a

24 dangerous source of spill. In case of clog we take

25 off the filter."

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1 A. Let me see what he said before that, what

2 the question was.

3 Q. I don't think we have -- this is the way

4 it was produced to us in discovery. But it looked

5 like the preceding e-mail may have been --

6 A. There is something missing in that

7 because we definitely put the drain in there.

8 Q. Okay. So you don't think this is a

9 reference to your proposal to put a valve --

10 A. No.

11 Q. -- to drain the water?

12 A. No.

13 Q. Okay. You make a reference up here at

14 the top: "You are still the boss, so it's your

15 decision."

16 Was decisions -- decisions about what was

17 to go on -- what was to take place inside the

18 container on the J.M. Products side, those were all

19 made by Andrea Rossi?

20 A. Yeah, but he was being kind to me.

21 Q. I apologize.

22 A. Huh? About what?

23 Q. How -- I'm unclear.

24 A. He said, "you are still the boss."

25 Q. No, that's you. I'm sorry, that's your

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1 e-mail to Andrea Rossi.

2 A. Huh? Oh, yeah, it is. Okay.

3 Q. Okay.

4 A. I was confused.

5 Q. Sorry. So decisions about what equipment

6 was being used on the J.M. Products side of the Doral

7 warehouse, those were made by Andrea Rossi?

8 A. Uh-huh. Yes.

9 Q. Decisions about what type of filter box

10 or filtration system to put in, those had to be

11 approved by Andrea Rossi?

12 A. Yes.

13 Q. Did you ever -- when it came to any of

14 the operations on the J.M. Products side of the

15 warehouse, did you ever have to get approval from

16 Henry Johnson?

17 A. No.

18 Q. How many times have you met Henry

19 Johnson?

20 A. Many times.

21 Q. Were they all in connection with J.M.

22 Products?

23 A. Sometimes, yes.

24 Q. Did he form your corporation that you

25 created?

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1 A. It was formed before I ever became part
 2 of it. I never was a direct part of J.M. though. I
 3 was a contractor.
 4 Q. All right.
 5 (The document referred to was thereupon
 6 marked Bass Exhibit 12 for Identification, a copy of
 7 which is attached hereto.)
 8 BY MR. PACE:
 9 Q. I am going to hand you, Mr. Bass, what's
 10 been marked as Exhibit 12.
 11 Mr. Bass, this is a corporation that you
 12 formed -- I'm sorry, these are the articles of
 13 incorporation for a company that you formed in
 14 September 2014, correct?
 15 A. Yes.
 16 Q. Who did the legal work for forming this
 17 company, if anyone?
 18 A. Nobody. Actually, my accountant helped
 19 me do this, some of it.
 20 Q. Who is your accountant?
 21 A. Marshall Wexler. Does that matter?
 22 Q. You formed this company right around the
 23 same time that you -- we'll see some documents later
 24 this afternoon, but would you be surprised to find
 25 out that you had accepted the -- or you had been

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1 offered the employment or offered a contract to work
 2 with J.M. Products or Andrea Rossi by September 1st
 3 of 2014?
 4 A. Would I be surprised?
 5 Q. Yes.
 6 A. No.
 7 Q. Okay. So at that time period is also
 8 when you formed Reactance Engineering?
 9 A. Correct.
 10 Q. Why did you form Reactance Engineering?
 11 A. Because -- excuse me.
 12 Q. Do you need some more water? We're going
 13 to break in like two minutes.
 14 A. I don't need anymore water right now.
 15 Q. Let's finish this question.
 16 A. I have had a cough for about a month
 17 now.
 18 I was working for another company at the
 19 same time. The effort that I gathered I was going to
 20 be doing was not going to be full-time at J.M. and
 21 the other company wanted a contractor, a licensed --
 22 they wanted to pay a company. They didn't want to
 23 pay an employee.
 24 Q. Understood.
 25 A. They didn't want to give me a 1099. They

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1 wanted it as a contractor. That was Velocity
 2 Aerospace. So based on that more than anything else
 3 I formed my corporation, Reactance Engineering, and I
 4 still have it.
 5 MR. PACE: That answers that question.
 6 Should we go ahead. We said we would take a
 7 break at 1:30, 2, so let's go off the record.
 8 THE VIDEOGRAPHER: Off the record, the
 9 time is 1:31.
 10 (Thereupon a brief recess was taken,
 11 after which the following proceedings were had.)
 12 THE VIDEOGRAPHER: Good afternoon. We're
 13 now back on the record. The time is 2:49.
 14 BY MR. PACE:
 15 Q. Mr. Bass, let me remind you that you are
 16 still under oath. Are you aware of that?
 17 A. Uh-huh.
 18 Q. I'm going to ask you a few questions. I
 19 want you to answer just as to whether something
 20 occurred. I do not want you to tell me the substance
 21 of it.
 22 During the break did you have a chance to
 23 speak with your lawyer?
 24 A. We went to lunch, yes.
 25 Q. During your break did you speak with any

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1 of the other lawyers here or with Andrea Rossi?
 2 A. Only pleasantries.
 3 Q. I'm sorry, I don't want you to tell me
 4 substance. I appreciate only pleasantries.
 5 I want to avoid attorney-client privilege
 6 so let me just ask you the questions. These
 7 individuals know or Mr. -- at least Mr. Chaiken
 8 knows why I'm asking the question. This is just
 9 establishing a record and then we will move on.
 10 Let your lawyer object to this and he may
 11 instruct you not to answer. What did you discuss
 12 with your lawyer during your break?
 13 A. His girlfriend and marriage.
 14 Q. All right.
 15 A. My girlfriend.
 16 Q. Did you discuss your testimony from this
 17 morning?
 18 A. No.
 19 Q. Fantastic. Can I have the Exhibit 12
 20 from you? I should have given you an Exhibit 12. I
 21 am trying to figure out if it was -- it might be the
 22 articles of incorporation.
 23 MR. ARAN: 12 is electronic articles of
 24 incorporation.
 25 THE WITNESS: Yeah, this is my business.

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1 Q. Did he ever explain to you why this would
 2 be needed for the J.M. Products side of the plant?
 3 A. No.
 4 Q. Do you know of any reason it would be
 5 needed on the J.M. Products side of the plant?
 6 A. I didn't know.
 7 Q. I think you said there would be a
 8 transformer for an extremely high voltage.
 9 A. Yes.
 10 Q. What would such a transformer be used for
 11 typically or more commonly?
 12 A. There is -- making arcs, sparks.
 13 Q. I'm sorry, is there a --
 14 A. Creating plasma.
 15 Q. Can you -- is there a type of industry
 16 where transformers using this extremely high voltage
 17 would be used?
 18 A. I'm not sure. I don't know.
 19 Q. Okay.
 20 A. But there could be.
 21 Q. He says that: "This has priority upon
 22 what you are doing for Fulvio."
 23 A. Yes.
 24 Q. Is that a reference to the BeagleBone
 25 project?

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1 A. Yes.
 2 Q. Were you ever able to find the
 3 transformer that Andrea Rossi wanted?
 4 A. No.
 5 Q. Was he able to find it?
 6 A. He said he solved the problem. I'm not
 7 sure if that meant finding the transformer or solving
 8 the problem another way.
 9 Q. And he never explained to you what the
 10 problem itself was?
 11 A. That's correct.
 12 Q. Were you ever involved in installing -- I
 13 think I know the answer to this but I just want to
 14 make sure I'm clear.
 15 I assume you were never involved in
 16 installing any transformers either on the Leonardo or
 17 the J.M. Products side of the Doral warehouse, or am
 18 I incorrect?
 19 A. Certainly not on the Leonardo side. Any
 20 transformers? Transformers, why are you asking that
 21 question?
 22 Q. Well, we're talking about transformers
 23 here.
 24 A. We put a transformer -- I'm trying to
 25 remember what we did it for. Not for this particular

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1 project, only after. Now I remember now.
 2 Q. Why was the transformer used? For what
 3 purpose was the transformer used?
 4 A. It's not relevant to this particular
 5 discussion.
 6 Q. Fair enough.
 7 A. We imported a whole new concept into the
 8 system.
 9 Q. Into the system, meaning?
 10 A. Into our side and I don't know how far we
 11 can go with this. After -- after the test was done
 12 the work got diverted, so.
 13 Q. Well, first of all, you said brought a
 14 whole new system into our side. What is our side,
 15 the J.M. Products side?
 16 A. The J.M. side.
 17 Q. When was the new system brought in?
 18 Without giving me the details of it when was the new
 19 system brought into the J.M. Products side?
 20 A. Rather than say new system we modified a
 21 lot of stuff, moved things around, moved the power
 22 feed around. So everything got diverted over to the
 23 J.M. side, that's all.
 24 Q. This is after February of 2016?
 25 A. Yeah, sometime later.

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1 Q. All right.
 2 A. I don't remember exactly when.
 3 Q. Is the container still -- is that -- the
 4 insulated black container on the J.M. Products side,
 5 is that still there?
 6 A. Yes.
 7 Q. Has anything in there been changed?
 8 A. Stuff has been added since then.
 9 Q. Into that container?
 10 A. Uh-huh.
 11 Q. Has anything been removed from the
 12 container?
 13 A. I don't know that.
 14 Q. At the time -- if we go back to early
 15 2015, once you walked through that white door --
 16 A. Why do you close your eyes when you're
 17 talking to me?
 18 Q. Because I'm trying to make sure I get the
 19 question correct. I can see words when I close my
 20 eyes. Does that help?
 21 A. Okay.
 22 Q. Some people can do that.
 23 When you walked through the white door
 24 into the J.M. Products side of the Doral warehouse --
 25 A. Yeah.

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1 Q. -- other than the container --
 2 A. Yeah.
 3 Q. -- what do you see?
 4 A. Tables, boxes, stuff like that.
 5 Q. There is no manufacturing process going
 6 on on the other side of the wall?
 7 A. What do you mean by the other side? You
 8 mean back on the J.M. side or on --
 9 Q. Back on the J.M. Side. When you come in
 10 the J.M. side -- if it helps, let's look at our
 11 picture here.
 12 A. What do you mean by manufacturing
 13 process? Can you clarify that question?
 14 Q. Sure. Let's look at a picture, Exhibit
 15 1.
 16 When you open up this white door and you
 17 walk into the J.M. Products side of the warehouse --
 18 A. Okay.
 19 Q. -- before you get to the offices what is
 20 there other than the container?
 21 A. Pretty much the container and some tables
 22 and some electrical stuff and some meters and things
 23 like that.
 24 Q. Are there -- are there any people working
 25 on that side, in that space? I am not talking the

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1 offices. I am talking the space between the
 2 container -- I'm sorry, the space between this white
 3 door and when you get to the office.
 4 A. Well, probably not at 2 o'clock in the
 5 morning but sometimes during the day.
 6 Q. Who would be working there during the
 7 day?
 8 A. I would, sometimes Andrea would be there,
 9 Dr. Rossi would be there.
 10 Q. Anyone else?
 11 A. Typically, no. I can't tell you that. I
 12 wasn't there 24 hours a day.
 13 Q. I understand. I am only asking for the
 14 time that you were there. The times you were there,
 15 is that where you would tend to work or would you
 16 tend to work in the office?
 17 A. In the beginning I spent most of my time
 18 there and then in the office pretty much later on.
 19 Q. How much time would Andrea Rossi spend
 20 working in that area?
 21 A. On and off. Never knew.
 22 Q. All right.
 23 A. Can't answer that question.
 24 Q. Were there -- what work was being done in
 25 that area?

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1 A. Energy conversion.
 2 Q. The actual conversion of energy in the
 3 area?
 4 A. Not in the area. Inside the box.
 5 Q. But I'm sorry, my question was poor.
 6 Other than inside the box.
 7 So outside the box but past this gray
 8 wall on the J.M. Products side of the warehouse, was
 9 there anything being built or manufactured?
 10 A. What do you mean by being built or
 11 manufactured?
 12 Q. I am trying to understand was there
 13 anything that J.M. Products was doing other than
 14 whatever was going on inside that container?
 15 A. No.
 16 Q. Okay. And is that -- was that consistent
 17 during the time period that you were working with
 18 J.M. Products?
 19 A. I would say so, yeah.
 20 Q. All right. And your testimony is
 21 obviously limited only to the times that you were
 22 there, you can't tell me what was occurring --
 23 A. Obviously.
 24 Q. -- when you were not there?
 25 A. Yes.

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1 (The document referred to was thereupon
 2 marked Bass Exhibit 21 for Identification, a copy of
 3 which is attached hereto.)
 4 BY MR. PACE:
 5 Q. Mr. Bass, I am handing you what's been
 6 marked as Exhibit 21.
 7 A. Yeah.
 8 Q. Is this a -- an early e-mail involving
 9 the -- what eventually became the BeagleBone project?
 10 A. Yes.
 11 Q. And this is the primary work that you
 12 were doing while you were working with J.M. Products?
 13 A. Uh-huh. Yes. Yes.
 14 (The document referred to was thereupon
 15 marked Bass Exhibit 22 for Identification, a copy of
 16 which is attached hereto.)
 17 BY MR. PACE:
 18 Q. I'll hand you what's marked as Exhibit
 19 22. I take it -- Exhibit 22 reflects at least from
 20 your e-mail that there is information that you needed
 21 from Fabiani in order to continue your work on the
 22 project that you were not getting from Mr. Fabiani.
 23 Am I reading that first e-mail correctly?
 24 A. Yes.
 25 Q. His response -- I'm trying to see how you

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1 you have probably have said that you measured -- that
 2 J.M. Products measures the energy input?
 3 MR. ARAN: Objection to form.
 4 THE WITNESS: You're asking -- that's
 5 conjecture. You asked for conjecture, would I
 6 have said that. I don't know, no.
 7 BY MR. PACE:
 8 Q. Well, you just told me if you were asked
 9 about -- you just said --
 10 A. I might -- I probably would have but I
 11 don't remember being asked.
 12 Q. Fair enough. Fair enough. I was asking
 13 whether your recollection is that you were
 14 following -- you followed whatever instruction or
 15 guidance Andrea Rossi provided?
 16 A. Of course, he was directly -- directly or
 17 indirectly my boss, however you want to look at that.
 18 Q. Why would you say -- wasn't he directly
 19 your boss?
 20 A. After a fashion, I more reported to J.M.
 21 but took technical direction from him.
 22 Q. When did you report to J.M. Products?
 23 A. Effectively I was being paid by J.M.
 24 Q. Okay.
 25 A. All right. So it's --

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1 Q. We will go through some of those e-mails
 2 in a minute.
 3 A. There is a dashed line there.
 4 Q. Fair.
 5 A. There is nothing secret about it.
 6 (The document referred to was thereupon
 7 marked Bass Exhibit 26 for Identification, a copy of
 8 which is attached hereto.)
 9 BY MR. PACE:
 10 Q. Showing you what's marked as Exhibit 26.
 11 This is the same root e-mail from you but an
 12 additional response from Andrea Rossi.
 13 Separate from these e-mails did Andrea
 14 Rossi tell you that the people who attended these
 15 meetings, either Industrial Heat or the Chinese
 16 investors, essentially it was none of their business
 17 what J.M. Products did with the power that it
 18 received?
 19 A. I'm sorry, one more time the question,
 20 the exact question.
 21 Q. Sure. Separate from this e-mail --
 22 A. Yeah.
 23 Q. -- would -- or did Andrea Rossi tell you
 24 that, either in connection with the people coming for
 25 the first or the second meeting?

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1 A. You said separate from the e-mail?
 2 Q. Yes.
 3 A. In other words, did he tell me some other
 4 time?
 5 Q. Yes, that's all I am asking.
 6 A. Obviously that's -- that's the best I've
 7 got right now. He obviously told me at least once.
 8 Might have told me again.
 9 Q. So he's telling you -- at least in this
 10 e-mail he's telling you --
 11 A. Yes.
 12 Q. -- if somebody from Industrial Heat or
 13 somebody from this group of Chinese investors asked
 14 you about J.M., your response should be that it's not
 15 their business what J.M. does with the power?
 16 A. Yes. That's -- the best answer is yes.
 17 Q. Then my only question is aside from these
 18 couple of e-mails we looked at, you don't recall
 19 additional conversations with Andrea Rossi along
 20 those lines?
 21 A. No, I do not. There could be, but I
 22 don't recall.
 23 Q. And to the best of your recollection, to
 24 the extent that that was the direction or guidance
 25 you were given from Andrea Rossi, you followed it?

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1 A. Yes.
 2 Q. What do you recall in terms of how you
 3 explained your role at J.M. Products either to -- to
 4 Industrial Heat during that meeting?
 5 A. I was in charge of engineering projects
 6 around J.M.. I was called director of engineering.
 7 Q. And who gave you the title of director of
 8 engineering?
 9 A. I think Dr. Rossi said that would be a
 10 good title because of what I was going to be doing.
 11 Q. Because what you were going to be doing?
 12 A. Yeah.
 13 Q. When did he give you the title?
 14 A. I don't recall. Probably when we decided
 15 that I was going to go work with him, probably.
 16 Q. Were you ever an employee of J.M.
 17 Products?
 18 A. No.
 19 Q. You were a contractor for J.M. Products?
 20 A. Always.
 21 Q. Were there any other engineers who
 22 were -- who worked for or were contractors for J.M.
 23 Products?
 24 A. No, I don't think so.
 25 Q. I'm going to take these things a little

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1 bit out of order because I already marked something.
 2 (The document referred to was thereupon
 3 marked Bass Exhibit 28 for Identification, a copy of
 4 which is attached hereto.)
 5 BY MR. PACE:
 6 Q. Handing you what's marked as Exhibit 28.
 7 Who created this business card?
 8 A. I did.
 9 Q. You did. The image in the business card
 10 is a plant in Japan; is that correct?
 11 A. I don't know. I just got it off the
 12 Internet.
 13 Q. Why did you create this business card?
 14 A. I had to have some business card to show
 15 people. That's what you usually do when you have
 16 business meetings, I'd have something, so.
 17 Q. Well, how many people did you show this
 18 card to? How many people did you dole out this card
 19 to?
 20 A. Probably during the meetings, that's what
 21 I recall.
 22 Q. So twice?
 23 A. Yeah. Yeah. There were two meetings --
 24 there were two times we met, that's what I remember.
 25 Q. So you had these business cards prepared

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1 for the purpose of two meetings?
 2 A. I think so, yeah. Yeah, for whatever,
 3 from there on out. I still have some. Do you want
 4 one?
 5 Q. I'm asking if you ever used them again.
 6 Did you ever give them out to anyone else?
 7 A. Besides people that were involved? My
 8 girlfriend maybe. I don't know.
 9 Q. So aside from giving them -- aside from
 10 giving one of these cards to your girlfriend and
 11 aside from Andrea Rossi and Fulvio Fabiani, the only
 12 people you may have given these cards to are people
 13 who attended either the meeting for Industrial Heat
 14 or the meeting that involved the Chinese investors?
 15 A. Probably, yes. I don't recall giving
 16 them to anybody else. I didn't have a need to give
 17 them to anybody else.
 18 Q. How many cards did you have made?
 19 A. 20. They come in sheets.
 20 Q. Okay. And the phone number on there is
 21 what phone number?
 22 A. That's the office in Doral.
 23 Q. If messages were left at that phone
 24 number would they be provided to you?
 25 A. Yes.

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1 Q. By whom?
 2 A. By the phone company.
 3 Q. Would you check the messages on that
 4 phone number?
 5 A. Yes, when I was in there or Dr. Rossi
 6 would check them, either one. The phone -- it was a
 7 common phone between the two offices.
 8 Q. Two offices meaning between your office
 9 and Andrea Rossi's office?
 10 A. Yes.
 11 Q. Did you ever represent yourself to be the
 12 director of engineering of J.M. Products to anyone
 13 else, to the best of your recollection?
 14 A. I don't remember.
 15 (The document referred to was thereupon
 16 marked Bass Exhibit 27 for Identification, a copy of
 17 which is attached hereto.)
 18 BY MR. PACE:
 19 Q. Now I'm going to go back to Exhibit 27.
 20 You have now what's been marked as Exhibit 27.
 21 This e-mail discusses a third meeting
 22 that was being set up for February 16, 2016 in Doral,
 23 Florida. Do you recall that -- do you recall such a
 24 meeting being set up?
 25 A. No, I don't. If you prompt me on who was

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1 there I would probably remember.
 2 Q. Well, I'm not sure the meeting occurred
 3 so that's what I was going to ask you. Do you recall
 4 if a meeting actually occurred or not?
 5 A. I don't remember meeting anybody this
 6 last year.
 7 Q. You ask here with your communications
 8 with Andrea Rossi: "When we met with some people
 9 last year, I don't remember who it was, one of them
 10 asked me how does Johnson Matthey heat their platinum
 11 in other plants. At that time I didn't know you were
 12 cooking platinum sponge, and I didn't know what
 13 process they were using in other US operations, so I
 14 was very uncomfortable answering."
 15 Is J.M. Products a affiliate or
 16 subsidiary of Johnson Matthey?
 17 A. No, not really. No. Well, by affiliate,
 18 there was supposed to be the exchange of platinum
 19 sponge and then a return back of the cooked platinum
 20 sponge. That's the way I understood it.
 21 Q. And you understood that from whom?
 22 A. From working around the people, working
 23 around Dr. Rossi, Hank, Hank Johnson.
 24 Q. So Hank Johnson told you they were buying
 25 platinum sponge --

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1 Q. Handing you what's been marked as Bass
 2 Exhibit 51. Do you recognize this document, the
 3 document that's in this photograph?
 4 A. It's on the board in J.M.'s side.
 5 Q. Is that your signature at the bottom of
 6 each page?
 7 A. Yeah.
 8 Q. Did you prepare this document?
 9 A. No.
 10 Q. Who prepared this document?
 11 A. I don't know. I think that's a standard
 12 form that they might have gotten.
 13 Q. Who asked you to sign this document?
 14 A. Probably Dr. Rossi.
 15 Q. Do you know roughly when you signed the
 16 document?
 17 A. No.
 18 Q. Was this always up at the warehouse or
 19 was this something put up in 2016 at the warehouse?
 20 A. Don't know. I think there is certain
 21 regulations when you have a business going you have
 22 to have signs up and Equal Opportunity Employer stuff
 23 and things like that.
 24 Q. Understood. Assuming just -- for present
 25 purposes if you assume this is not legally required

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1 to be posted, do you know -- this letter or these
 2 guidelines are not legally required to be posted.
 3 A. Do I know that?
 4 Q. No, I'm saying if you just assume for a
 5 second they're not. Assume for a second they are not
 6 legally required to be posted, do you know why this
 7 was posted? Did anyone ever give you an explanation
 8 of why they needed you to sign this?
 9 A. No, I don't recall when I -- I don't
 10 recall when I did it or why we -- I don't know.
 11 Q. You don't recall why you did it?
 12 A. Yeah.
 13 Q. And you don't recall asking anybody why
 14 you were being asked to sign it?
 15 A. No, I do not. That's correct.
 16 MR. ARAN: Objection to form.
 17 MR. PACE: No further questions.
 18 MR. CHAIKEN: I have no questions.
 19 MR. NUNEZ: No questions.
 20 MR. ARAN: I have no questions. You have
 21 the right to read the transcript of the
 22 deposition once it's been transcribed and if you
 23 find something that you believe is inaccurate,
 24 you don't get to change the transcript but you
 25 get to make a note of that.

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1 THE WITNESS: Okay.
 2 MR. ARAN: Or you can waive that and not
 3 do it. Do you want to read or do you want to
 4 waive?
 5 THE WITNESS: Are you going to read it?
 6 MR. ARAN: I'm going to read it at some
 7 point in time. The question is do you want to
 8 read it before it becomes final? If you do the
 9 court reporter will tell you it's available, you
 10 then make arrangements with him to read it.
 11 If you find anything that you thought was
 12 wrong, taken down wrong, you make the
 13 correction.
 14 THE WITNESS: What is your recommendation
 15 on that?
 16 MR. ARAN: I usually recommend that the
 17 witness waive.
 18 THE WITNESS: Okay, I'll waive then.
 19 THE VIDEOGRAPHER: Let's go off the video
 20 record. The time is 6:06 p m.
 21 (Reading and subscribing waived.)
 22 (Thereupon the taking of the deposition
 23 was concluded.)
 24 - - -
 25

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1 CERTIFICATE OF OATH
 2
 3 STATE OF FLORIDA:
 4 SS:
 5 COUNTY OF DADE:
 6
 7
 8 I, the undersigned authority, certify
 9 that JAMES BASS personally appeared before me and was
 10 duly sworn.
 11
 12 WITNESS my hand and official seal this
 13 10th day of February 2017.
 14
 15
 16
 17 
 18
 19 Notary Public, State of Florida at
 20 Large; my commission expires
 21 February 26, 2019. Bonded through
 22 Troy Fain Insurance, Inc.
 23
 24
 25

1 CERTIFICATE OF REGISTERED PROFESSIONAL REPORTER

2

3 I, EDWARD VARKONYI, Registered
Professional Reporter and a Notary Public for the
4 State of Florida at Large, do hereby certify that I
reported the deposition of JAMES BASS; that the
5 reading and subscribing of the deposition were waived
by the witness and counsel for the respective
6 parties; that the foregoing pages, numbered from 1 to
212, inclusive, constitute a true and correct
7 transcription of my shorthand report of the
deposition by said witness on this date.

8 I further certify that I am not an
attorney or counsel of any of the parties, nor a
9 relative or employee of any attorney or counsel
connected with the action, nor financially interested
10 in the action.

WITNESS my hand and official seal in the
11 City of Miami, County of Dade, State of Florida, this
10th day of February 2017.

12

13

14

15

16

17

Edward Varkonyi

18

Notary Public, State of Florida at
19 Large; my commission expires
20 February 26, 2019. Bonded through
21 Troy Fain Insurance, Inc.
22

23

24

25

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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