

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ANDREA ROSSI and LEONARDO )  
CORPORATION, )

Plaintiffs, )

VS. )

No. 1:16-cv-2119-CMA

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

Defendants. )

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

Counter-Plaintiffs, )

vs. )

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. )

HIGHLY CONFIDENTIAL

Videotaped Deposition of JOSEPH ALAN MURRAY  
(Taken by Plaintiff)  
Raleigh, North Carolina  
Friday, February 17, 2017

Reported in Stenotype by  
Lauren M. McIntee, RPR  
Transcript produced by computer-aided transcription

1 you see that drop. That makes sense. And then sometime  
2 in October they brought all of the units back online and  
3 the power goes up.

4 So all of the trends seem to be consistent  
5 except for this period of time when, in about from  
6 middle of November to the beginning of December where  
7 you have a power level absorbed into the building lower  
8 than the measured. So that would give -- to me, there  
9 are three potential explanations. Number one, Florida  
10 Power and Light could be wrong. Number two, the  
11 measurements made by Fabiani and Penon could be wrong.  
12 And number four or -- I'm sorry, number three, the data  
13 could have been manipulated. On either part, on either  
14 party.

15 Q. Do you have any evidence that the data has  
16 been manipulated --

17 A. No, I don't.

18 Q. -- by either one?

19 A. Not by Florida Power and Light or by Fabiani  
20 or Penon.

21 Q. Okay. So you have no evidence of  
22 manipulation. So what are you opining to specifically  
23 here?

24 A. Specifically, in this period it was, it was  
25 determined by Mr. Penon that the measurements, the

1 the opinions you've set forth here, do you plan on  
2 offering any other opinion testimony?

3 **A. Not as far as I'm aware at this point.**

4 Q. Are you planning on opining that there was  
5 some sort of manipulation or nefarious activities taken  
6 by Dr. Rossi or any of the other third-party Defendants  
7 in this case?

8 **A. Not that I, not that I would imagine at this  
9 point, no.**

10 Q. Have you seen any evidence of nefarious  
11 activities?

12 **A. Not at this point.**

13 Q. Okay. Is it your understanding then, sir,  
14 that in all likelihood or is it your opinion that the  
15 problems with the data are the result of a either poor  
16 test plan, well, a poor test plan?

17 **A. My opinion would be that the, the results are  
18 a combination of poor test plan, poor documentation, and  
19 a completely inadequate selection of the sensors used  
20 for this system.**

21 Q. Okay. Are you planning on opining that the  
22 test plan was not followed?

23 **A. Mr. Penon provided me with a test plan on the  
24 day, on February 16, 2016, trying to remember that day  
25 is correct.**