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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 1:16-cv-21199-CMA/O'Sullivan

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.)

C O N F I D E N T I A L

Video Deposition of THOMAS BARKER DAMERON, III
(Taken by the Plaintiffs)
Raleigh, North Carolina
Thursday, December 1, 2016

Reported by: Marisa Munoz-Vourakis -
RMR, CRR and Notary Public

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1 MR. PACE: Objection to form.

2 A. Before the final payment of something, I'm
3 not sure what that final word was.

4 Q. Was it your understanding that a testing
5 had to be carried out successfully in order for
6 Dr. Rossi to be paid the final sum of money?

7 MR. PACE: Objection to form.

8 A. Yes.

9 Q. And that sum was \$89 million, correct?

10 A. Could have been that much, I think. As I
11 recall, that was the maximum amount.

12 Q. Sir, I am showing you a document, which
13 we've marked as Plaintiff's Exhibit 11, which has Bates
14 number IH00091609.

15 (The document referred to was marked
16 Plaintiff's Exhibit Number 11 for
17 identification.)

18 (Pause.)

19 Q. The first email, sir, is from J.T. Vaughn
20 to yourself from June 16, 2014. Do you see that?

21 A. Yes.

22 Q. Did you receive this email, sir?

23 A. Yes.

24 Q. And it attaches a copy of the contract and
25 refers to Section 5 requirements for the one megawatt

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1 to pass a 350-day test. Do you see that?

2 A. Yes.

3 Q. Do you understand that to be the guaranteed
4 performance test?

5 A. Yes.

6 Q. So it's your understanding, as of June 16,
7 2014, that guaranteed performance test had not yet been
8 undertaken?

9 A. Yeah, yes.

10 Q. And in fact, you later learned that the
11 guaranteed performance test would be undertaken at the
12 Doral facility in Miami, is that correct?

13 MR. PACE: Objection. I'm sorry,
14 objection to the form of the question.

15 MR. ANNESSER: What's your objection?

16 MR. PACE: You keep phrasing it in
17 terms of something that it's what he's
18 testified to in terms of your
19 characterization of the test. That's why I
20 say that.

21 MR. ANNESSER: Can you repeat the
22 question? I want to make sure if Mr. Pace
23 is correct, I will correct myself.

24 (Record read.)

25