

CONFIDENTIAL

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

- - -  
ANDREA ROSSI AND :  
LEONARDO CORPORATION, :  
 :  
Plaintiffs, :  
 :  
vs. : Case No.  
 : 1:16-CV-21199-CMA  
THOMAS DARDEN, ET AL., :  
 :  
Defendants. :

- - -  
CONFIDENTIAL VIDEOTAPED DEPOSITION OF  
RICK A. SMITH, P.E.

- - -  
February 27, 2017  
8:51 a.m.  
VERITEXT LEGAL COURT REPORTING  
41 South High Street  
Suite 210  
Columbus, OH 43215

- - -  
Reported by: Tracy J. Schell  
- - -

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1 felt it was very, very deficient as far as testing and  
2 advice of this type.

3 Q. I'm going to stop you for a moment. You said  
4 in discussions with Mr. Murray, he felt it was  
5 deficient.

6 Did you do your own evaluation of the test  
7 plan?

8 A. Oh, yeah. Oh, yeah.

9 Q. And that evaluation was done for what  
10 purpose?

11 A. To determine if it was a proper way to test a  
12 device of this sort.

13 Q. Okay. And did anyone ever tell you in this  
14 case that the defendants, Ms. -- I'm sorry, Industrial  
15 Heat and IPH International B.V. agreed to that test  
16 plan?

17 A. They have, yes.

18 Q. They did tell you that?

19 A. They did, yes.

20 Q. Okay. So you were aware that that was an  
21 agreed-to test plan?

22 A. I am aware of that.

23 Q. And your opinion is that it is somehow  
24 deficient?

25 A. Correct, it is deficient, yes, sir.