

EXHIBIT A

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ANDREA ROSSI and LEONARDO
CORPORATION,

Plaintiffs,

VS.

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.

No. 1:16-cv-2119-CMA

Videotaped Deposition of
THOMAS DARDEN

(Taken by Plaintiff)

3509 North Haworth Drive, Suite 403, Raleigh, North Carolina

February 16, 2017

Reported in Stenotype By
Leslie Christian

Transcript produced by computer-aided transcription

1 Mr. Darden consulted in November of 2015.

2 MR. CHAIKEN: All right. Let me ask
3 -- I'm going to ask not about this e-mail but about
4 Mr. Zali.

5 MR. BELL: That's fair.

6 (BY MR. CHAIKEN)

7 Q. Who is Zali?

8 A. It's Jaffee actually. So his name is Zali
9 Jaffee. And he's an attorney in Israel, and he works
10 with a -- someone that I know who invested in some
11 energy plants that were in Europe and ended up hiring
12 Zali to represent him. And I'm an investor in that
13 transaction. That's how I came to know Zali.

14 Q. And you're telling me that Industrial Heat
15 retained him for legal services?

16 A. Yes, we did.

17 Q. What type of legal services did you retain
18 him to do?

19 A. We wanted advice about -- oh, international
20 fraud.

21 Q. What type of international fraud?

22 A. Whether we might be a victim of an
23 international fraud.

24 Q. And what jurisdictions or what territories
25 was Mr. Zali licensed to practice law in?

1 **A. I don't know.**

2 Q. Do you know if he was licensed to practice
3 law in the United States?

4 **A. I don't know.**

5 Q. Did you ask him that question?

6 **A. I don't remember.**

7 Q. Is there a retention agreement between
8 Industrial Heat and Mr. Zali?

9 **A. I don't know if he sent us an engagement
10 agreement or not. We definitely worked with him
11 regularly in this other transaction.**

12 Q. Did you ask for legal advice with respect
13 to the license agreement at issue in this case?

14 **A. Say it again.**

15 Q. Did you ask for him to provide you with
16 legal services with respect to the license agreement in
17 this case?

18 **A. Yes, we did.**

19 Q. What type of legal service did you ask him
20 to perform?

21 MR. BELL: I think that's privileged.

22 MR. CHAIKEN: I don't think this is a
23 privileged document.

24 MR. BELL: Well, I think we're back to
25 the point where under the -- under the protective order