

CONFIDENTIAL TRANSCRIPT

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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
Wednesday, March 1, 2017
10:14 a.m.- 5:46 p.m.

CONFIDENTIAL TRANSCRIPT
PORTIONS OF TRANSCRIPT HIGHLY CONFIDENTIAL
ATTORNEYS' EYES ONLY

VIDEO DEPOSITION OF J.M. PRODUCTS, INC.
THROUGH ANDREA ROSSI

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.

EXHIBIT 8

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<p style="text-align: right;">Page 114</p> <p>1 instruct him not to answer. 2 BY MR. PACE: 3 Q. And Dr. Rossi, you are going to follow 4 that instruction? 5 A. Yes. 6 Q. I want to start off talking a little bit 7 about the heat exchanger we were discussing earlier 8 today. I want to start by just laying a little bit 9 of groundwork. 10 (The document referred to was thereupon 11 marked Deposition Exhibit 8 for Identification, a 12 copy of which is attached hereto.) 13 BY MR. PACE: 14 Q. I am handing you what is marked as 15 Deposition Exhibit 8. 16 Do you recognize Exhibit 8 as a picture 17 of the Doral warehouse taken from the Leonardo side 18 of that warehouse? 19 A. Yes. 20 Q. All right. Can you tell just by looking 21 at the picture any time period when it was taken? 22 A. After -- I can take that this has been 23 taken after the closing of the plants. 24 Q. After the closing. Now, you just said 25 plants. So let's just make sure we're defining that</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. And the J.M. Products plant is also in a 2 shipping container that is just wrapped in 3 insulation? 4 A. Yes, sir. 5 Q. So the black we see there is actually the 6 insulation? 7 A. Yes, sir. 8 Q. All right. And between the two is a -- 9 is a gray wall that looks like it's probably in the 10 range of, you know, six, seven feet high. Is there a 11 name you are comfortable referring to that wall? 12 A. Absolutely, okay. 13 Q. As contrasting the large walls that go up 14 to the roof in this warehouse, what can we call this 15 small wall? Can we call it a dividing wall? 16 A. Very good. 17 Q. Okay. So there is a dividing wall 18 between the Leonardo container and the J.M. Products 19 container? 20 A. It is correct. 21 Q. And you said that this picture was -- 22 what you can conclude from this picture in terms of 23 timing is it was taken after the operations of J.M. 24 Products had ended. 25 Why -- what about this picture shows that</p>
<p style="text-align: right;">Page 115</p> <p>1 correctly or we're on the same page. Sorry, I 2 shouldn't say defining correctly. That we're on the 3 same page. 4 Plants means -- ones of those plants is 5 the -- is the E-Cat plant by Leonardo, correct? 6 A. Yes, it is correct. 7 Q. And this picture that we have as Exhibit 8 8, that's reflected in the small piece of the red 9 container that we can see on the right-hand side of 10 the picture? 11 A. Yes, it is correct. 12 Q. All right. And the other plant is the 13 J.M. Products plant and that we can see in this 14 picture is the -- the top of the black box that we 15 see on the right-hand side of the picture; is that 16 correct? 17 A. Yes, it is correct. 18 Q. All right. Between those two plants -- 19 I'm sorry, I may sometimes call them containers 20 instead of plants. Is that okay with you? 21 A. No problem. 22 Q. That's because both of these, the E-Cat 23 plant -- yeah, the E-Cat plant is in like a shipping 24 container; is that correct? 25 A. Yes, the red shipping container.</p>	<p style="text-align: right;">Page 117</p> <p>1 to you? 2 A. Because there is not the steam pipe. 3 From this perspective we should necessarily see 4 between the red container that is in the right of 5 this photography and the black container that looms 6 up on the top of the dividing wall at the left of the 7 red ship container. We should see the pipe of the 8 steam that brought -- that conveyed the steam 9 produced in the red container that is the E-Cat, to 10 the black container that is the J.M. plant. Here is 11 not that pipe and obviously the plants were not in 12 operation. 13 Q. I am going to mark here as actually 14 Exhibit 9 and 10, because we're going to have one -- 15 I am going to start with 9, and 10 is going to be the 16 exact same version but I am going to let you draw on 17 10, which is why I am doing the difference, the 18 distinction. 19 (The document referred to was thereupon 20 marked Deposition Exhibit 9 for Identification, a 21 copy of which is attached hereto.) 22 (The document referred to was thereupon 23 marked Deposition Exhibit 10 for Identification, a 24 copy of which is attached hereto.) 25 BY MR. PACE:</p>

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1 Q. Handing you what's marked as Exhibit 9
2 and 10. Actually, give one each to everybody because
3 I've got a couple of extra in case any get messed
4 up.
5 One of these I am going to ask, the
6 Exhibit 9, that we not draw on and then Exhibit 10 I
7 am going to let you draw on. This is by no means to
8 scale. I am not trying to claim it's to scale.
9 A. Okay.
10 Q. What I have tried to do is kind of create
11 a simple diagram that has -- it's almost like an
12 overview of the Doral warehouse.
13 It doesn't have everything in it but it's
14 meant to show that there is a portion of the Doral
15 warehouse that is for J.M. Products, that's the
16 square that is the upper right corner of this diagram
17 and then there is the area where Leonardo was
18 operating, which is the bottom part of the Exhibit
19 9.
20 I tried to draw in the little hallway we
21 see in Exhibit 8 that takes you back to the bathroom
22 in the back and then I put a box in here to represent
23 the J.M. Products plant.
24 A. Okay.
25 Q. Again, not drawn to scale, but is that

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1 position wise roughly correct?
2 A. Yes, but I do not -- sorry, I miss the
3 difference between the Exhibit 9 and the Exhibit 10.
4 Q. Absolutely none.
5 A. They look absolutely the same.
6 Q. They are the exact same.
7 A. Okay.
8 Q. The reason I gave you both of them is I
9 want you then to put Exhibit 9 to the side because
10 that way we know if you draw on Exhibit 10, we will
11 be able to show the difference --
12 A. I understand.
13 Q. -- here is what Dr. Rossi drew because
14 look at the difference between 9 and 10. So let's
15 take 9 away from you so that you don't have an
16 incentive to draw on 9. We will just put it under
17 the pile, but we're not taking it away.
18 A. Okay.
19 Q. I actually -- if we need additional ones
20 I actually have a few extra copies, we can create
21 additional exhibits.
22 I want to talk to you -- if you can keep
23 Exhibit 10 with you, I want to see if I can set
24 something up here. I am going to give you pictures
25 you have seen before in a second. I am going to mark

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1 here as Exhibit 11 and 12.
2 (The document referred to was thereupon
3 marked Deposition Exhibit 11 for Identification, a
4 copy of which is attached hereto.)
5 (The document referred to was thereupon
6 marked Deposition Exhibit 12 for Identification, a
7 copy of which is attached hereto.)
8 BY MR. PACE:
9 Q. This is getting a little on the
10 interactive side. This is Exhibit 11.
11 A. Thank you.
12 Q. This is Exhibit 12. You have seen each
13 of these photographs before fairly recently?
14 A. Yes, I have seen these photographs
15 during my -- I think my first deposition or the
16 second. I don't remember exactly. One of the two.
17 Q. Right. It might even have been both. I
18 don't remember now either.
19 A. Yeah.
20 Q. These are pictures of the inside of what
21 you have identified as the J.M. Products plant or
22 container, correct?
23 A. Yes, it is correct.
24 Q. And if I understand it correctly, if we
25 put these pictures side by side, if you put Exhibit

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1 11 to your left and Exhibit 12 to your right, that
2 kind of -- that's the way they would appear in the
3 container, correct?
4 If you came into the container from the
5 door we see in Exhibit 11, you would see these pipes
6 in Exhibit 11 closest to that door, and then as you
7 kept looking down or walking down the container, you
8 would then see the equipment that is shown in Exhibit
9 12?
10 A. No.
11 Q. Can you explain to me how I got that
12 wrong?
13 A. Here is a missing -- there is a gap.
14 Q. There is a gap between them?
15 A. Yes, between 11 and the 12 you should
16 need an 11-B because as you can really see, you can
17 easily see, they don't combine.
18 Q. Right. I'm sorry, I wasn't trying to say
19 that and you said that previously, so let me just do
20 this again.
21 Which is, if you came in the door that we
22 see on the left side of Exhibit 11 --
23 A. Okay. That's the entrance, okay.
24 Q. The first thing you would see are these
25 pipes that are shown in Exhibit 11?

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Page 122	<p>1 A. Yes, it is correct.</p> <p>2 Q. Then you would see some additional space</p> <p>3 and additional equipment in between the picture in</p> <p>4 Exhibit 11 and the picture in Exhibit 12?</p> <p>5 A. Correct.</p> <p>6 Q. And then on the far side of the container</p> <p>7 you would see the equipment we see in Exhibit 12?</p> <p>8 A. Yes, it is correct.</p> <p>9 Q. Okay. At the top of Exhibit 12 we see a</p> <p>10 pipe that's got some blue and looks like silver tape</p> <p>11 around it; is that correct?</p> <p>12 A. You mean this?</p> <p>13 Q. Yes, a tan colored pipe.</p> <p>14 A. Yes, it is correct.</p> <p>15 Q. That pipe is carrying the heated fluid</p> <p>16 from the Leonardo plant over -- into the J.M.</p> <p>17 Products plant, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And that -- is that the same pipe as the</p> <p>20 one we see on the top of Exhibit 11? Recognizing</p> <p>21 there is a gap between them.</p> <p>22 A. Yes, there is a gap between them and --</p> <p>23 yes. In any case, yes.</p> <p>24 Q. Okay. And you're familiar with the</p> <p>25 equipment that was in the J.M. Products container</p>	Page 124
Page 123	<p>1 from your work for J.M. Products, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. I'm just making sure that you're</p> <p>4 knowledgeable about what we're looking at here.</p> <p>5 A. I am.</p> <p>6 Q. Okay. So looking at Exhibit 11, the way</p> <p>7 this system operated, the heated fluid coming from</p> <p>8 Leonardo -- coming from the E-Cat container would</p> <p>9 flow into these pipes, the first four pipes that we</p> <p>10 see here on Exhibit 11, the top four pipes we see on</p> <p>11 Exhibit 11?</p> <p>12 A. The insulated pipes, yes.</p> <p>13 Q. And I believe your testimony was very</p> <p>14 clear that that's steam that's coming through those</p> <p>15 pipes, correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And so it remains steam as it's going</p> <p>18 through these four pipes?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And then between Exhibit 11 and Exhibit</p> <p>21 12 there is a -- we will get into more detail on it</p> <p>22 but there is a mechanism in place to carry the heated</p> <p>23 fluid out of the container -- out of the J.M.</p> <p>24 Products container to a heat exchanger; is that</p> <p>25 correct?</p>	Page 125

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<p style="text-align: right;">Page 138</p> <p>1 was an experiment. And so I put the things in a way 2 that I could have wheels in my hands. 3 The famous violin, I wanted to play any 4 cord, any possible cord to have any possible tuning. 5 So I could -- I could modulate the amount of steam 6 that I was sending inside this. Why these pipes are 7 insulated while, for example, this area was designed 8 to cool down in some particular cases? 9 When I put insulating means I need heat. 10 So why I needed heat here? Because inside here I had 11 the reactors. I needed the heat here. How much 12 heat, I did not know. I did not know. So basically 13 I have made so that I could regulate. 14 Q. Can we be clear for the record, what you 15 were just talking about was Exhibit 11? 16 A. Yes. 17 Q. You are talking about the pipes we see in 18 Exhibit 11? 19 A. Yes, sir. 20 Q. Just doing it for the record. 21 A. This one. 22 Q. Understood. 23 A. So regulating this bypass, because the 24 bypass as I -- which this kind of bypass is called -- 25 in the jargon of this kind of technology it's called</p>	<p style="text-align: right;">Page 140</p> <p>1 A. Yes. 2 Q. Then from there they would run against 3 the far -- run against the wall to what I am calling 4 the back of the warehouse? I don't know if you call 5 it the back or the front of the warehouse. The part 6 of the warehouse where the second story was? 7 A. Correct. 8 Q. Okay. 9 A. Sorry. 10 Q. Who purchased the butterfly bypasses? 11 A. No, we did it. We did it. 12 Q. You created it yourself? 13 A. Yes, because it is just -- please 14 remember that I have very big experience in making 15 this kind of stuff because I started when I was 22 16 years old to make incinerators with heat recovery, 17 manufacturing them in my factory. In fact, also 18 manufacturing using also my hands. 19 I had 20 years of experience in that 20 plant. A butterfly valve can be easily made with 21 very few money. It's just a pipe with a disk inside, 22 a shaft in the middle and outside a lever to maneuver 23 it counterclockwise or clockwise, and that is a 24 butterfly. 25 Q. I understand.</p>
<p style="text-align: right;">Page 139</p> <p>1 a butterfly. Why butterfly? Because it is like a 2 wing. It is like a wing. 3 When you turn the wing in one sense it 4 closes the pipe. You turn it 90 degrees in the 5 other -- you turn it clockwise, for example, it 6 becomes open. You turn it counterclockwise, it 7 becomes closed. 8 Being a wing, it call it butterfly. So 9 we had a butterfly here and butterfly here, so that 10 we could modulate the steam. Why we foresaw a 11 powerful heat exchanger at the end? Because I did 12 not know how much heat I was going to consume, but I 13 knew that I had to produce one megawatt power per 14 hour for the performance test, so at that point I 15 made that system. And foreseeing that the excess 16 heat were going to be dumped in the -- dump heat in 17 our jargon means to cool down without work, just to 18 cool down. And this is it. 19 Q. And so the first bypass, what you have 20 labeled as BP-1 -- 21 A. Yeah. 22 Q. -- it would take the heated fluid from the 23 pipe over to the exact same -- over to the same 24 piping that is -- that is bypassed -- that bypass 2 25 led into?</p>	<p style="text-align: right;">Page 141</p> <p>1 A. If you buy a butterfly you spend \$5,000. 2 If I make a butterfly for you it cost \$100. 3 Q. Understood. You may have been kind of 4 using the royal plural, but you said we made the 5 butterfly pass. 6 A. Yes. 7 Q. Did you make it or did you make it with 8 somebody else? 9 A. I needed the help of some contractor. 10 Q. Do you know the name of that contractor? 11 A. No, I don't remember because as I told 12 you in a former deposition of mine I don't remember 13 it's the first or the second, I used -- there was -- 14 there were always around contractors in that area. 15 Also because under my direction it's easy 16 because it's just a matter of cutting and welding, 17 so. 18 Q. Would you do any of the cutting and 19 welding? 20 A. No, I did not cutting and welding with my 21 hands specifically. I am able to but I did not. 22 Q. Right. I didn't think so. So the 23 contractor was the person who did the cutting and 24 welding. And the equipment used for the cutting and 25 welding, was that equipment that the contractor</p>

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<p>1 brought with him or her? 2 A. The welder, yes, because we do not have a 3 welder. For the cutting we have -- we have the tools 4 necessary to cut. 5 Q. Aside from the bypass was there any -- 6 was there any diverter pump that was used in 7 connection with the heat exchanger? 8 Was there any pump in let's say in the 9 J.M. Products container to push the heated fluid out? 10 A. We had a recirculator. 11 Q. Yes, a recirculator. 12 A. Which is a pump. 13 Q. And who bought the recirculator? 14 A. I bought it. Leonardo bought it. 15 Q. If I concentrate hard I can actually 16 write okay with my left hand now. 17 Where did you buy the recirculator? 18 A. I don't remember. 19 Q. Did you save any purchase receipts from 20 buying the recirculator? 21 A. Can you repeat the question? 22 Q. Did you save any receipts from buying the 23 recirculator? 24 A. I don't take the accounting, so I am not 25 able to answer. I did not take the accounting but</p>	<p>1 Q. Who created that design? 2 A. I did. 3 Q. Okay. And for that design you needed a 4 lot of pipe, correct? 5 MR. CHAIKEN: Object to form. 6 THE WITNESS: I don't know what you mean 7 by a lot. I needed about 100 and something 8 meters of pipe. 9 BY MR. PACE: 10 Q. Fair enough. I was going to say over 100 11 meter of pipe? 12 A. Over 100 meters of pipe. A lot -- 13 Q. Relative concept, it depends on who you 14 are, right? 15 A. 100 meters is very small respect, you 16 know. 17 Q. If you're building a skyscraper a hundred 18 meters is not very much. 19 A. Correct. Exactly. 20 Q. So the heat exchanger that you designed 21 and built involved over a hundred meters worth of 22 pipe. 23 From where did you buy that hundred 24 meters worth of pipe? 25 A. From Home Depot and from -- because there</p>
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<p>1 yes, I should have it. 2 Q. Okay. In fact, when you say you should 3 have it, your accountant should have it? 4 A. Yes. Yes. 5 Q. The heat exchanger on the J.M. Products 6 side, that was one that you designed? 7 A. Can you kindly repeat? 8 Q. Yes. The heat exchanger that you have 9 been drawing in these diagrams there on Exhibit 10, 10 and it doesn't show all the heat exchanger -- 11 A. Here I design nothing. 12 Q. That's what I was going to ask you. The 13 heat exchanger has pipes that carry -- that carry the 14 heated fluid from let's just say in the case of when 15 you are using bypass number 2, out of the J.M. 16 Products container -- 17 A. Yes. 18 Q. -- up to the second story -- 19 A. Yes. 20 Q. -- of the Doral warehouse -- 21 A. Yes. 22 Q. -- and then the cooled fluid -- 23 A. Yes. 24 Q. -- relatively speaking comes back? 25 A. Yes.</p>	<p>1 were two different kinds of pipes. I bought them 2 from Home Depot and from a supplier I don't remember 3 the name of. A supplier of steel pipes. I don't 4 remember the name of him. 5 Was some -- it was a company in New 6 Jersey, if I were remember or something like that or 7 in Florida. I don't remember, sir, but for sure I 8 have accounting of that. 9 Q. And would that be accounting -- is that 10 J.M. -- were they bought -- was it bought by J.M. 11 Products or was it bought by Leonardo, the pipes? 12 A. As far as I recall they have bought by 13 Leonardo along the compensation agreement that 14 Leonardo had with J.M.,. But maybe, again, by 15 default it is Leonardo. 16 I don't remember particular situations 17 for which J.M. could have bought, but I think it was 18 Leonardo. 19 Q. Okay. And the -- 20 A. You know, when I prepared for this 21 deposition, attorney, I did not go to find for 22 distinction about this invoice, because for me it was 23 one bundle. 24 Q. You didn't look for a distinction between 25 J.M. Products and Leonardo?</p>

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<p>1 Q. I'm sorry, Dr. Rossi, you had -- you took 2 a look at some notes to identify the model of the 3 fans that were used in the heat exchanger you have 4 been testifying about. What was the model? 5 A. No, the manufacturer is Multifan. 6 Q. I'm sorry? 7 A. M-U -- Multifan, M-U-L-T-I-F-A-N. 8 Q. Multifan? 9 A. Multifan. 10 Q. And I forget if I asked you this 11 already. Where did you buy the fans? 12 A. From Multifan. 13 Q. Directly, you bought it directly from -- 14 Multifan is the manufacturer? 15 A. Yes. 16 Q. And you bought them directly from the 17 manufacturer? 18 A. Yes. 19 Q. Is it safe to say you don't recall 20 whether you bought them on behalf of Leonardo or J.M. 21 Products? 22 A. Most likely Leonardo, but could be -- I 23 think Leonardo. 24 Q. And you believe that your -- your 25 accountant would have the records of the purchase of</p>	<p>1 Q. How have the fans been modified? 2 A. Can you repeat? 3 Q. How have the fans been modified? 4 A. I deem this confidential information 5 because the modification of those fans reenters in 6 this new technology. 7 So if you are more specific and ask me 8 something. How have been modified is too generic to 9 answer. Because I should have to explain things that 10 I deem not information to give to my competitor 11 and -- but -- 12 Q. Were the fans modified by somebody on 13 behalf of J.M. Products or somebody on behalf of 14 Leonardo Corporation? 15 A. Leonardo Corporation. 16 Q. Who made -- who modified the fans? 17 A. I did. 18 Q. To modify the fans did you have to 19 disassemble them? 20 A. Yes. 21 Q. Do they still operate as fans? 22 A. Fan is a very generic -- anything that 23 moves a fluid -- anyway, yes. I would say yes. 24 Q. Are they still used to move air? 25 A. Yes.</p>
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<p>1 those fans? 2 A. Yes. 3 Q. And how many fans did you buy? 4 A. Two. 5 Q. Do you still have those fans? 6 A. They have been modified. They have been 7 modified because I had used them for another purpose 8 now. 9 Q. Without getting into the detail, can you 10 explain to me what the other purpose is of the fans? 11 MR. ARAN: Objection to the extent -- 12 BY MR. PACE: 13 Q. What's the purpose you are using the 14 fans? 15 A. Can you repeat? 16 Q. Sure. You just said that you still have 17 the fans but you are -- they have been modified 18 because you are using them for another purpose, 19 correct? 20 A. Yes. 21 Q. Are the fans being used in connection 22 with the container, the J.M. Products container? 23 A. Yes, but for a completely different 24 purpose because the kind of technology we have there 25 is a completely different thing.</p>	<p>1 Q. Do they operate inside the container, the 2 J.M. Products container? 3 A. Yes. 4 MR. ARAN: Objection to form. 5 BY MR. PACE: 6 Q. This heat exchanger that you have been 7 testifying about, when was it put into place at the 8 Doral warehouse? 9 A. Kindly can you repeat? I was distracted. 10 Q. Okay. 11 A. I was thinking to something. Sorry, it's 12 my fault. 13 Q. I believe you have already testified that 14 this heat exchanger about which you are testifying 15 was removed sometime between mid February and very 16 early April of 2016, correct? 17 A. Correct. 18 Q. All right. When was it installed? 19 A. It has been installed before the 20 beginning of the test. 21 Q. If the test that you are describing was 22 in late February of 2015 -- 23 A. Correct. 24 Q. -- can you tell me was it installed by 25 January of 2015? Was it installed in mid --</p>

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1 A. I would say the end. Has been made at
 2 the very end, so I would say half February.
 3 Q. The middle of February 2015?
 4 A. Yes, just -- we completed it just before
 5 the start-up of the plant. Has been the last thing
 6 we made.
 7 Q. And when you say we made, it was you and
 8 independent contractors, correct?
 9 A. Yes. As I told you during I think my
 10 first deposition, I never say I. I always say we.
 11 It is also -- it is because I have been
 12 told when I was a child never say I because it's a
 13 concentric, et cetera. Always we because everything
 14 is merit of everybody, so I have this attitude. I
 15 tend to say always we.
 16 Q. That's why I'm asking. When you say we,
 17 I want to make sure that you are not referring to
 18 just yourself, that there is somebody else involved.
 19 A. Yes.
 20 Q. So in this case to install the heat
 21 exchanger how many people were involved?
 22 A. I don't remember. Maybe one, two
 23 because -- I don't remember exactly.
 24 Q. How long did it take to install the heat
 25 exchanger?

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1 A. 15 days.
 2 Q. Okay. If it was completed before the
 3 test -- before the end of February when the test you
 4 have described began --
 5 A. Yes.
 6 Q. -- you must have begun work on it by the
 7 early part of February?
 8 A. Maybe, yes. I believe makes sense.
 9 Q. Okay. So 15 days for the installation,
 10 approximately.
 11 A. Yeah.
 12 Q. How much were you paying the workers, if
 13 you recall?
 14 A. I don't remember. I absolutely don't
 15 remember.
 16 Q. Did you pay them --
 17 A. You know, usually they were paid by the
 18 day cash because that's how things go there. And --
 19 so I have not recall of this.
 20 Q. It sounds like you would be paying
 21 several hundred dollars a day though to these workers
 22 or are they less expensive than that?
 23 A. Might be, yes. I would say yes.
 24 Q. And there is -- there is an element of
 25 this bypass -- I'm sorry. There is an element of

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1 this heat exchanger that you've described that we
 2 have not addressed yet, which is the -- these pipes
 3 that go up to the second floor are laid out in kind
 4 of a serpentine pattern on the second floor, a back
 5 and forth pattern?
 6 A. Can you kindly rephrase?
 7 Q. Yes.
 8 A. Thank you.
 9 Q. For the heat exchanger that goes up --
 10 the pipes that are on the second floor --
 11 A. Yes.
 12 Q. -- those are laid in kind of a serpentine
 13 pattern, correct, a back and forth pattern?
 14 A. You know, the part of pipe that goes up
 15 to the heat exchanger is just straight.
 16 Q. Right. I am talking about the pipes that
 17 are in the heat exchanger.
 18 A. That was confusing. The pipe inside is a
 19 serpentine, yes.
 20 Q. And those serpentine pipes were -- your
 21 testimony has been that those serpentine pipes were
 22 contained within a wooden -- some kind of wooden
 23 enclosure?
 24 A. Yes, we made -- to make it very fast and
 25 very cheap we made a wooden frame to sustain the

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1 serpentine and frame and the box even wooden, with a
 2 particular technique that I learned in my past to
 3 also to eliminate the acoustic energy and that's it.
 4 Q. Who built the wooden box?
 5 A. Carpenters. Carpenters that I got,
 6 contractors.
 7 Q. Same answer, which is these are people
 8 who you don't have the names of any?
 9 A. The same people. The same people.
 10 Q. You don't know their names?
 11 A. No, I don't.
 12 Q. And you paid them in cash?
 13 A. Yes. Mostly, not always. Some of them
 14 has been -- has made -- because some contractor that
 15 work with me in all the plant made invoice and I paid
 16 by invoice.
 17 Now I don't remember if the ones that
 18 worked in the second floor, if among them there was
 19 somebody. No, I don't think so. The ones that came
 20 to work there were just people that were there around
 21 with their trucks and I paid them cash.
 22 Q. Okay. Where did you buy the wood for
 23 this enclosure box?
 24 A. There was -- there is a shop that's Home
 25 Depot part and some wood also from -- from a wood

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CONFIDENTIAL TRANSCRIPT

<p style="text-align: right;">Page 158</p> <p>1 seller that is not far from our factory. I don't 2 remember the name of it. 3 Q. If you look at exhibit -- what we have 4 here marked as Exhibit 14 and these are photographs 5 that Dr. Wong took and submitted with his expert 6 report. 7 A. Okay, yes. 8 Q. Exhibit A-1 -- 9 A. Yes. 10 Q. -- is the second story of the Doral 11 warehouse, correct? 12 A. Yes, it is correct. 13 Q. This is a picture that was taken sometime 14 this past month of February 2017? 15 A. This photo has been taken by Dr. Wong 16 when he visited our plant. 17 Q. And that was in February of -- February 18 of this year, correct? 19 A. Yes. 20 Q. All right. The serpentine pipes would be 21 laid on the floor, this kind of concrete floor we see 22 here? 23 A. Yes. Yes, upon a frame of wood, yes. 24 Q. That was one of the things I was going to 25 ask. So the pipes were on top of a wood frame,</p>	<p style="text-align: right;">Page 160</p> <p>1 box, not to allow the air to heat up too much. 2 Q. And the -- so the fans are drawing air 3 from outside -- 4 A. Yes. 5 Q. -- into the second story of the Doral 6 warehouse and then they are going over these pipes, 7 if I understand how the system works, because the 8 pipes are warm, that air is getting warmed up and it 9 has to be circulated back out of the second story? 10 A. Right. 11 Q. And it circulates back out of the second 12 story through the windows? 13 A. Yes. 14 Q. So if you look at Exhibit A-1, when we 15 look on -- we can see light coming through two 16 openings here. Are those both windows or am I 17 looking somehow at doors? 18 A. No, are both windows. 19 Q. Was the air being pushed out of both 20 those windows or just one? 21 A. No, just one. The one with the two guys 22 there because we were substituting the -- we were 23 making substitution of -- of the glasses there. The 24 second one has been the window that we used. 25 Q. Okay. So A-2, is that the -- is it your</p>
<p style="text-align: right;">Page 159</p> <p>1 correct? 2 A. Yes, we have put kind of lumbers, upon 3 the lumbers the pipe, the steam pipes. 4 Q. And then -- 5 A. So the steam pipes were not in contact 6 with the floor. 7 Q. Understood. And then the wood would 8 also -- this was a box, so it would actually also 9 cover up the steam pipes, correct? 10 A. Yes, not in contact with them through the 11 frame because there had to be some distance between 12 the wood cover and pipes, and the steam pipes. 13 Q. So how tall was the box? 14 A. The tall was -- I get the dimensions. 15 The dimensions should be in the report. 16 Q. Actually, I don't have Wong's. You 17 provided the dimensions to Dr. Wong? 18 A. Yes, I provided the dimensions to 19 Dr. Wong and more or less you make about one meter of 20 it, more or less. One meter is three feet. 21 Q. And then the -- were the fans -- were the 22 fans inside the box? 23 A. The fans were outside the box blowing air 24 inside the box at a rate such that we had very 25 consistent exchange of air inside the box, inside the</p>	<p style="text-align: right;">Page 161</p> <p>1 testimony that's the window that was used to push the 2 air out? 3 A. I think so, yes. 4 Q. Okay. And just so I understand -- 5 A. I think so. Sorry to interrupt. I think 6 so because, you know, I am not -- I don't remember 7 exactly looking out of that window, if this is the 8 panorama. 9 In any case, yes, I think so. Because 10 this window is equal to another -- there are three 11 windows basically. Yes, three windows there are and 12 we used for this purpose the central one. 13 Q. So just so I understand that too, if you 14 are walking into J.M. Products there is a window 15 right above the door for J.M. Products? 16 A. Sorry, I do not understand what you are 17 saying. 18 Q. Sure. When you walk into the J.M. 19 Products building, the side of the Doral warehouse, 20 there is a window above the door that you come in, 21 correct? 22 A. Correct. And that is -- yes, correct. 23 Q. And then there is two -- if you are 24 facing the building, to your left there is another 25 set of second story windows?</p>

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