

# **EXHIBIT 14**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:16-cv-21199-CMA/O'SULLIVAN

ANDREA ROSSI, ET AL.,

Plaintiffs,

vs.

THOMAS DARDEN, ET AL.,

Defendants.

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Casa de Campo  
Resort & Villas  
La Romana, D.R.  
Wednesday, February 22, 2017  
9:06 a.m. - 7:42 p.m.

VIDEOTAPED DEPOSITION OF FABIO PENON

Taken on behalf of the Plaintiffs before  
Diana Santos, Shorthand Reporter and Notary Public  
in and for the State of Florida at Large, pursuant  
to Notice of Taking Deposition filed in the above  
cause.

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1 Q If you go for me two paragraphs down do  
 2 you see the one starting with "following my  
 3 request"? Do you see that paragraph?  
 4 A Uh-huh.  
 5 Q Am I understanding this correctly, that  
 6 you had discussed with Dr. Rossi and Dr. Rossi had  
 7 agreed to include a condensed steam collector at the  
 8 bottom of the -- at the bottom of the steam pipe?  
 9 MR. ANNESSER: Object to the form.  
 10 THE WITNESS: Okay.  
 11 BY MR. PACE:  
 12 Q Do you recall having that conversation  
 13 with Dr. Rossi?  
 14 A In this very moment I don't remember, but  
 15 I think having written that...  
 16 Q You would not have written that in the  
 17 e-mail, if the conversation didn't occur; is that  
 18 correct?  
 19 THE INTERPRETER: Correct. Exactly what  
 20 he was saying.  
 21 MR. ANNESSER: Object to the form.  
 22 BY MR. PACE:  
 23 Q If we could just ask him the question.  
 24 A He must apply. He has to apply.  
 25 Q I understand. I am just -- if you wrote

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1 in the e-mail that you had made a request to  
 2 Dr. Rossi and Dr. Rossi had agreed with your request  
 3 to apply a condensed steam collector, you believe  
 4 your e-mail is accurate?  
 5 A I did the request and Rossi accepted to  
 6 apply.  
 7 Q The next paragraph says "during the visit  
 8 I will check the amount of the water present". Is  
 9 that a reference to the condensed steam collector?  
 10 A Can you quote again which sentence?  
 11 Q Yes. Dr. Penon, the very next paragraph  
 12 says "During my visit I will check the amount of the  
 13 water present." Do you see that paragraph? That's  
 14 a reference to checking the amount of water in the  
 15 condensed steam collector; correct?  
 16 A The demand is if I verify the  
 17 installation, right, the question is?  
 18 Q No. My question is because it has visits  
 19 as plural, I'm understanding this to say that -- are  
 20 you saying that during your visits -- your later  
 21 visits to the Doral warehouse you would check the  
 22 amount of water in the condensed steam collector?  
 23 MR. ANNESSER: Object to the form.  
 24 THE WITNESS: Yes. During my visits,  
 25 during my visits I intended to verify the

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1 steam -- the water present, if any.  
 2 MR. PACE: Understood.  
 3 BY MR. PACE:  
 4 Q If I can, we only have a couple of more  
 5 minutes in this tape, but let me see if I can ask  
 6 this: If you can turn to the prior page, page 27.  
 7 Right above your typed name do you see --  
 8 A On the top of the page?  
 9 Q No, it is more towards the bottom. Do you  
 10 see a paragraph that starts with "If we move away  
 11 from the exit point"?  
 12 THE INTERPRETER: Yes.  
 13 BY MR. PACE:  
 14 Q "If we move away from the exit point it is  
 15 possible the formation of small amounts of water  
 16 which will be collected in the collector." Am I  
 17 understanding correctly, that's the same condensed  
 18 steam collector that you -- that we were just  
 19 talking about on the prior page?  
 20 MR. ANNESSER: Object to the form.  
 21 THE WITNESS: Yes.  
 22 BY MR. PACE:  
 23 Q Are you aware of whether there was any  
 24 steam collect -- any such condensed steam collector  
 25 actually installed at the plant in Doral?

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1 A Another collector?  
 2 Q Any collector? Was there a steam -- was  
 3 there a condensed steam collector on the exit pipe  
 4 from the E-Cat heading over to the customer side?  
 5 A In this moment I don't remember.  
 6 Q All right.  
 7 MR. PACE: Let's take a break, because  
 8 he's got to change the tape and I think you  
 9 have to hop to a phone call because it is  
 10 exactly 6:00 o'clock.  
 11 MR. LUKACS: It is 5:00 o'clock in Miami  
 12 right now.  
 13 MR. PACE: Oh, 6 o'clock. I'm sorry. I'm  
 14 sorry.  
 15 THE VIDEOGRAPHER: Going off the record.  
 16 The same is 6 o'clock p.m.  
 17 (Thereupon, a recess was taken from 6:00  
 18 p.m. - 6:05 p.m., after which the following  
 19 proceedings were had:)  
 20 THE VIDEOGRAPHER: All right. We are now  
 21 back on the record. The time is 6:05. Media  
 22 number six.  
 23 BY MR. PACE:  
 24 Q Dr. Penon, if I can keep you on the same  
 25 page that we were looking at for number -- we were

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