

EXHIBIT 1

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 1:16-cv-21199-CMA

ANDREA ROSSI, ET AL.,

Plaintiffs,

vs.

THOMAS DARDEN, ET AL.,

Defendants.

_____ /

PERLMAN, BAJANDAS, YEVOLI &
ALBRIGHT, P.L.
282 CATALONIA AVENUE
SUITE 200
CORAL GABLES, FL 33134
Wednesday, February 15, 2017
9:02 a.m. - 4:56 p.m.

VIDEOTAPED DEPOSITION OF SLOCUM HATCH FOGLEMAN
(Corporate Representative of Cherokee Investment
Partners, LLC)

Taken on behalf of the Plaintiff before
Elizabeth Cordoba, RMR, CRR, FPR, Notary Public in
and for the State of Florida at Large, pursuant to
Plaintiff's Notice of Taking Deposition in the above
cause.

1 Q. Okay. What are those entities?

2 A. Cherokee Investment Partners II, LE; Cherokee
3 Investment Partners III, LP; Cherokee Investment Partners
4 III Parallel Fund, LP; Cherokee Investment Partners IV,
5 LP. Those are the only ones that come to my mind at this
6 time.

7 Q. And what are those companies? What do they do?

8 A. They are private equity funds. They are
9 investment funds.

10 Q. Do they have employees?

11 A. No.

12 Q. Does Cherokee Investment Services provide
13 services for those funds?

14 A. Yes.

15 Q. So what services are provided by Cherokee
16 Investment Partners, LLC as opposed to Cherokee Investment
17 Services?

18 A. Cherokee Investment Partners is an investment
19 manager for the funds. Investment management services
20 would include finding investments, sourcing investments,
21 investigating investments, managing investments, raising
22 capital for investments.

23 Q. Okay. And then the services provided by
24 Cherokee Investment Services for those funds?

25 A. Services Cherokee Investment Services, Inc.

1 Q. Why?

2 A. To tell him about the E-Cat device that
3 Compton -- I think Jim Compton thought Tom Darden would be
4 interested in investigating.

5 Q. Is it your understanding that Mr. Mazzarino and
6 Mr. Darden operate under the name "Cherokee" for some
7 reason?

8 A. They have used the name "Cherokee," as I said,
9 to describe a body of work.

10 Q. Why? Do you know?

11 A. It's been a common name, as we have mentioned
12 in the names of the entities, from maybe even back to the
13 1980's.

14 Q. So they use the name "Cherokee" because of the
15 history and because of the projects that they had worked
16 on; is that correct?

17 A. I think that is fair.

18 Q. Trading on past successes, would you agree with
19 that?

20 A. I wouldn't use those terms, but...

21 Q. Is there any limitation on what Cherokee can
22 invest in?

23 A. Cherokee Investment Partners, LLC?

24 Q. Yes.

25 A. Cherokee Investment Partners, LLC does not make

1 investments.

2 Q. What about the Cherokee funds, all four of
3 them, is there anything that limited what they can invest
4 in?

5 A. Yes.

6 Q. And what is that?

7 A. The investment parameters are described fully
8 in the limited partnership agreements for each of the
9 funds. And generally speaking, without providing the
10 details that I am not prepared to provide, are real estate
11 investments typically called brownfield real estate
12 investments because of some sort of past environmental
13 contamination.

14 Q. So outside of the Cherokee funds, any
15 investments to your understanding done by Tom Darden or
16 John Mazzarino were done under the name "Cherokee,"
17 typically? Is that your understanding?

18 A. No.

19 (Exhibit 3, IH82332 through 82349, was marked
20 for Identification.)

21 BY MR. ANNESSER:

22 Q. I will show you a document we will mark as
23 Exhibit 3. If you look at the second e-mail down from
24 Mr. Vaughn to Mr. Joe Pike, in the first paragraph he
25 states: "Cherokee's funds are strictly designated for

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CERTIFICATE OF OATH OF WITNESS

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

I, ELIZABETH CORDOBA, RMR, CRR, FPR, Notary Public in and for the State of Florida at Large, certify that the witness, SLOCUM HATCH FOGLEMAN, personally appeared before me on February 15, 2017 and was duly sworn by me.

WITNESS my hand and official seal this March 2, 2017.

E cordoba

ELIZABETH CORDOBA, RMR, CRR, FPR
Notary Public, State of Florida
at Large

Notary #EE075383
My commission expires: 3/17/2019