

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:16-CV-21199-CMA/O'Sullivan

ANDREA ROSSI, *et al.*,

Plaintiffs,

v.

THOMAS DARDEN, *et al.*,

Defendants,

**SUPPLEMENTAL AFFIDAVIT OF DR. ANDREA ROSSI IN OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

BEFORE ME, the undersigned authority, personally appeared Dr. ANDREA ROSSI, being first duly sworn on oath, deposes and states:

1. I, Dr. ANDREA ROSSI ("Affiant"), am over the age of majority, and am personally familiar and have personal knowledge of the facts contained herein.

2. In April 2013, affiant met with the Regional Agency for the Protection of the Environment of Ferrara to ensure that the Validation Test could take place without official interruption.

3. The Agency informed Affiant that he was required to obtain authorization prior to conducting the test, but that if neighboring residents would agree to the test the Agency would not interfere.

4. I believed a restriction on the number of reactors was necessary to obtaining agreement from neighboring residents, as the number of reactors affected the noise generated during the Validation Tests.

5. In an effort to minimize noise disturbance and ensure uninterrupted operation of the Validation Test, Affiant initially proposed to test 30 E-Cat reactors.

6. Based upon the Ferrara Agency's representation, Affiant believed that an acceptable noise level would require testing only 18 E-Cat reactors, which would allow the test to go forward without interruption.

7. At no time did Affiant interpret, claim to have interpreted, or claim direct knowledge of Italian law.

8. Affiant communicated his understanding of what the Regional Agency told him to Defendant Thomas Darden.

9. With respect to the Second Amendment to the License Agreement, Affiant understood that if AEG did not sign the Amendment, the Amendment would not be valid with respect to AEG.

10. Defendants never circulated any written notice to Affiant that the Second Amendment was not valid or otherwise not in effect.

11. The Six Cylinder Unit described in the Second Amendment and in Defendants' Motion for Summary Judgment can be used to heat water as well as oil.

12. At all times, Affiant represented to Defendants that J.M. Products would be a newly formed company not yet operating business.

13. Affiant did not represent to Defendants that J.M. Products was an affiliate of Johnson Matthey.

14. Affiant never represented to Defendants – on, before, or after July 2014 – that Affiant would introduce Defendants to any Johnson Matthey representative or that Henry Johnson was a representative of Johnson Matthey.

15. Affiant's insistence that Affiant and Defendants' relationship with a customer remain anonymous referred to the relationship with J.M. Products and not Johnson Matthey.

16. Affiant never intentionally made any false representations about J.M. Products..

17. At all times, Affiant distinguished J.M. Products from Leonardo Corporation in order to respect corporate formalities and because the entities and individuals were separate and distinct.

18. Affiant did not have the authority to grant Defendants access to the J.M. Products side of the Doral Facility.

19. When the 1MW Plant arrived in Florida, Affiant made no substantial changes to the container holding the 1MW Plant or to the 1MW Plant itself, including any changes that would make evaluating the 1MW Plant's performance more difficult.


20. Affiant never withheld any information that Affiant was required to provide to Fabio Penon, including measurements.

21. Affiant made no false claims about or concerning the 1MW Plant to Defendants or others.

22. Affiant never orchestrated any "fraudulent" scheme to induce Defendants into any action whatsoever, and Defendants had full knowledge regarding JM Products, its new facility, and its officer (Henry Johnson).

FURTHER YOUR AFFIANT SAYETH NAUGHT.

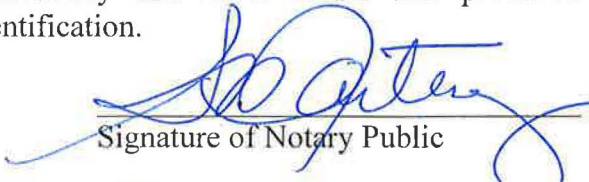
Dated this 4th day of April, 2017.



ANDREA ROSSI

STATE OF FLORIDA :
COUNTY OF MIAMI-DADE :

The foregoing Affidavit was sworn to under penalty of perjury before me this 4th day of April, 2017, by ANDREA ROSSI, who is personally known to me/or has produced pass port as identification.



Signature of Notary Public

Suzanne Martinez
Name of Notary Typed, Printed or

Stamped
 SUZANNE MARTINEZ
MY COMMISSION # FF 175226
EXPIRES: November 11, 2018
Bonded Thru Budget Notary Services

Commission Number/Expiration