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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  
Tuesday, February 14, 2017  
8:01 a.m. - 3:16 p.m.

VIDEOTAPED DEPOSITION OF SLOCUM HATCH FOGLEMAN  
(Corporate Representative of IPH International BV)

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 Defenses, Counterclaims and Third Party Claims, was  
2 marked for Identification.)

3 BY MR. CHAIKEN:

4 Q. Okay. Let me show you what has been marked as  
5 Exhibit 3. Exhibit 3 is a copy of the Fourth Amended  
6 Answer, Additional Defenses, Counterclaims and Third Party  
7 Claims.

8 Now, you said you -- you have reviewed this  
9 document?

10 A. Briefly, yes.

11 Q. You are familiar with the allegations contained  
12 therein?

13 A. Yes.

14 Q. I am going to walk through a few of them with  
15 you. Specifically I am going to refer you to Page 37.  
16 This -- this part of the document is the counterclaim  
17 filed by IPH. So I would ask you to take a look at  
18 paragraphs 50 and 51 and when you are done reading 50 and  
19 51, let me know.

20 A. Okay.

21 Q. Okay. Focussing on paragraph 51, 51 states,  
22 "Upon information and belief, Rossi had no such meeting  
23 with the Ferrara Health Office."

24 What proof does IPH have that Rossi had no such  
25 meeting?

1 A. IPH International BV relied on Industrial Heat,  
2 LLC, to -- to provide that information. So I would refer  
3 you to the testimony of Industrial Heat, LLC.

4 Q. Okay. But Industrial Heat -- IPH is also suing  
5 Leonardo and Dr. Rossi, is it not?

6 A. Yes.

7 Q. And you are here as the corporate  
8 representative of IPH, correct?

9 A. Yes.

10 Q. And you've come here prepared to testify about  
11 this today, have you not?

12 A. Yes.

13 Q. Okay. So I want to know what IPH knows, not  
14 what Industrial Heat knows.

15 A. IPH knows what Industrial Heat knows. It  
16 relied on Industrial Heat for that information.

17 Q. Okay. And -- and you don't have any knowledge  
18 outside of what Industrial Heat knows?

19 A. I do not have any knowledge outside of what  
20 Industrial Heat knows.

21 Q. Okay. So sitting here today, you, as the  
22 corporate representative of IPH, has no independent  
23 knowledge as to any proof that supports this allegation?

24 A. I do not have any knowledge outside of what  
25 Industrial Heat knows.

1 Q. Okay. And what does Industrial Heat know?

2 MR. LOMAX: Objection to the form of the  
3 question.

4 THE WITNESS: I haven't reviewed that exact  
5 information with Industrial Heat.

6 BY MR. CHAIKEN:

7 Q. Well, you were supposed to come prepared to  
8 testify today, correct?

9 A. Yes.

10 Q. Okay. And sitting here today, you can't answer  
11 my question as to what proof IPH has with respect to this  
12 allegation?

13 MR. LOMAX: Objection to the form of the  
14 question. You can answer.

15 BY MR. CHAIKEN:

16 Q. You can still answer the question.

17 A. Please repeat the question.

18 BY MR. CHAIKEN:

19 Q. Sure.

20 MR. CHAIKEN: Can you read it back, please.

21 (A portion of the record was read by the  
22 reporter.)

23 THE WITNESS: The answer I have for your  
24 question is, the information that IPH International  
25 BV would have is the same information that Industrial

1 Heat, LLC, has.

2 BY MR. CHAIKEN:

3 Q. Okay. But I'm not talking to Industrial Heat  
4 today, I am talking to IPH. So I am asking what -- what  
5 information you have independent of that.

6 MR. LOMAX: Objection to the form of the  
7 question.

8 THE WITNESS: I don't have information  
9 independent of the information that Industrial Heat,  
10 LLC has.

11 BY MR. CHAIKEN:

12 Q. Okay. I am trying to understand what  
13 information Industrial Heat has now since you are relying  
14 upon it. So what information does Industrial Heat have to  
15 support that allegation?

16 MR. LOMAX: Objection to the form of the  
17 question.

18 THE WITNESS: I think that is the same question  
19 you asked before.

20 BY MR. CHAIKEN:

21 Q. Yeah.

22 A. And I would refer you to the testimony from  
23 Industrial Heat, LLC.

24 Q. Okay. But you don't know what that testimony  
25 is?

1 A. I don't recall seeing the invoices that you  
2 referenced.

3 Q. Okay. Let me ask you to bear with me and I  
4 will read the allegations in paragraph 77 of the fourth  
5 amended pleading.

6 A. Okay.

7 Q. "Then his role further intensified when it,  
8 along with Leonardo, Rossi, Johnson and Fabiani went so  
9 far as to have Bass pose as director of engineering for  
10 JMP."

11 What proof do you have with respect to this  
12 allegation?

13 A. No information other than what Industrial Heat,  
14 LLC has.

15 Q. Okay. And did you talk to anyone at Industrial  
16 Heat prior to today's deposition to confirm the  
17 allegations?

18 A. No.

19 Q. Okay. Does IPH have any independent knowledge  
20 other than that which IH may have with respect to this  
21 allegation?

22 A. Not that I'm aware of.

23 Q. Would anyone at IPH be better able to answer  
24 the question I just posed?

25 A. I'm sorry. I can't speak for anybody else at

1 IPH International BV.

2 Q. Do you know James Bass?

3 A. No, I don't.

4 Q. Have you ever met James Bass?

5 A. No, I have not ever met James Bass.

6 Q. Have you ever had any conversations by phone  
7 e-mail or text, and please specify which, with James Bass?

8 A. I don't recall any.

9 Q. Okay. Do you know Henry Johnson?

10 A. No.

11 Q. Have you ever met -- have you ever been in any  
12 conversation with Henry Johnson?

13 A. I don't recall any.

14 Q. Have you ever received any letters, written  
15 communications, texts, please specify which, from  
16 Mr. Johnson?

17 A. I don't recall any as IPH International BV. I  
18 don't recall any as IPH International BV.

19 Q. And you indicated you have never met  
20 Mr. Johnson?

21 A. Correct.

22 Q. And you have been never been in a meeting with  
23 Mr. Johnson or you would have met him, correct?

24 A. Correct.

25 Q. Goes on to say in paragraph 77, "Leonardo,