

HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

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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
Friday, February 24, 2016
10:17 a.m.- 7:56 p.m.

CONFIDENTIAL TRANSCRIPT
PORTIONS OF TRANSCRIPT HIGHLY CONFIDENTIAL
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VIDEO DEPOSITION OF LEONARDO CORPORATION
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.

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1 Penon. You know, at the moment I put down something
2 to remember something.

3 Q. Okay:

4 A. And I don't remember what that was.

5 Q. I just want to write down some of these
6 days we were just looking at. I am going to mark the
7 next exhibit as Exhibit 3.

8 (The document referred to was thereupon
9 marked Deposition Exhibit 3 for Identification, a
10 copy of which is attached hereto.)

11 BY MR. PACE:

12 Q. So this I believe is information that you
13 were -- that Leonardo was recording. If you can see
14 there in the first page -- I'm sorry, let me start
15 this over again.

16 For Exhibit 3 on the first page it
17 references "logbook of the performance data." Is
18 this a logbook maintained by Leonardo Corporation?

19 A. This is much more than that. This is the
20 logbook that I maintained for the ERV. This logbook
21 was not for Leonardo Corporation because the ERV
22 asked me to send to him every day at approximately
23 the same time -- I don't remember if I have taken
24 these values at the -- at 5 p.m., surely not at 4
25 a.m., but either 10 a.m. or 5 p.m. I don't remember,

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1 but it's easy to reconstruct, make a comparison and
2 this is the log -- logbook that Penon asked to me to
3 update every day.

4 Every day I sent to him by e-mail as an
5 attachment this logbook with the new line every day.
6 So for example, this logbook was an attachment. The
7 first day of work of the plant had a logbook with
8 only one line because --

9 Q. The line there that says 20?

10 A. The line that says 20.

11 Q. Okay.

12 A. On the 21st I sent it to him the same
13 e-mail, but with the second line and so on and so on
14 and so on until the end.

15 Q. And what e-mail address did you use to
16 send that?

17 A. Sorry?

18 Q. What e-mail address did you use to send
19 that?

20 A. The e-mail address that Dr. Penon gave to
21 me.

22 Q. So that's what you sent it to. What
23 e-mail did you send it from, which of your e-mail
24 addresses?

25 A. This -- you know, this I don't remember.

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1 BY MR. PACE:

2 Q. So this at least shows that the entire
3 plant was shut down for four hours?

4 MR. ANNESSER: Object to form.

5 THE WITNESS: Can you repeat the
6 question, please?

7 BY MR. PACE:

8 Q. Yes. It says -- what you wrote here was
9 from 2 p.m. through 6 p.m. the plant has been shut
10 down to repair the water pipes to the four E-Cat
11 1000s.

12 So that doesn't mean that a -- an
13 individual E-Cat or just an individual big Frankie
14 was shut down, but all of the big Frankies were shut
15 down to do the water pipe repair, correct?

16 A. Well, actually in -- while when I
17 communicated to Penon the water flow, the water
18 temperature, the steam temperature, the bars, et
19 cetera, I was rigorous.

20 When I gave him communication of
21 shutdown, et cetera, I was very synthetic because,
22 again, it was not his turf. I cannot answer to your
23 question not knowing precisely what happened that
24 day.

25 Q. Well, what you wrote though at least was,

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1 A. And we're talking of grams that have been
2 worked upon. Because -- if you want, I repeat to you
3 all that I already told you.

4 Q. I am not asking you to repeat. You asked
5 me to break it down, so I am trying to break it
6 down.

7 A. Perfect.

8 Q. Does that platinum sponge -- modified
9 platinum sponge that you are testifying J.M. Products
10 sold to Leonardo, does Leonardo still have that
11 modified platinum sponge or has it sold it?

12 MR. ANNESSER: Object to form.

13 MR. LEON DE LA BARRA: Join.

14 THE WITNESS: Has used it.

15 BY MR. PACE:

16 Q. Leonardo has used it?

17 A. Has utilized it, yes.

18 Q. In what process would it utilize that
19 modified platinum sponge?

20 A. We have utilized it in -- we utilized it
21 in experiments that we made with a new product, not
22 connected with this situation.

23 Q. Okay. So at some point J.M. Products --
24 I believe your prior testimony was at some point J.M.
25 Products stopped working on trying to create some

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1 kind of modified platinum sponge and moved over to
2 creating a graphene product; is that correct?

3 A. It is correct.

4 MR. ANNESSER: Object to form.

5 MR. LEON DE LA BARRA: Join.

6 BY MR. PACE:

7 Q. I am trying to understand from a time
8 period here. I think I have -- right in front of
9 me. I going to mark as Exhibit 17.

10 (The document referred to was thereupon
11 marked Deposition Exhibit 17 for Identification, a
12 copy of which is attached hereto.)

13 BY MR. PACE:

14 Q. This is an e-mail from you to somebody
15 at --

16 A. Thank you.

17 Q. -- Johnson Matthey about buying --

18 A. Yes.

19 Q. -- some platinum sponge.

20 A. Yes.

21 Q. Okay. And this is for, I believe it's 10
22 kilograms of platinum sponge, correct?

23 A. Can you repeat the question to me?

24 Q. Yes. What we have here is Exhibit 17,
25 this is an e-mail from you?

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1 Q. Then you insert it into the tubing on the
2 J.M. Products side of the Doral warehouse?

3 A. You are correct.

4 Q. Okay. And what was supposed to be -- and
5 the combination of the heat from the steam and the
6 pressure in the tubes was going to alter the platinum
7 sponge?

8 A. It's a pretty complex thing but in -- if
9 you want to say it in a very restricted nutshell,
10 yes.

11 Q. I'm not claiming I'm not using a
12 simplified approach.

13 A. It's okay.

14 Q. I'm just trying to understand.

15 A. It's okay.

16 Q. At some point J.M. Products changes over
17 to trying to create or work with a product that is
18 graphene, correct?

19 A. Correct.

20 Q. That change occurs because of the price
21 of -- well, why does that change occur? Why does
22 J.M. Products go from -- as a director of J.M.
23 Products why does it go from doing a platinum sponge
24 product to a graphene product?

25 MR. ANNESSER: Object to form. Are you

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1 platinum sponge to Leonardo?

2 A. Yes.

3 Q. Some grams of it?

4 A. Yes.

5 Q. Did J.M. Products ever sell any graphene
6 catalyzer to Leonardo?

7 A. Yes.

8 Q. And sold them pursuant to the terms of
9 this agreement?

10 A. Yes.

11 Q. And sold them for -- for the price of
12 \$300 per gram?

13 A. Yes.

14 Q. So net -- in light of all that Leonardo
15 has paid for J.M. Products am I correct that Leonardo
16 has lost money compared to how much -- compared to
17 the amount of graphene catalyzer it received,
18 Leonardo Corporation has paid much more than \$300 a
19 gram in terms of the cost for -- for Jim Bass and the
20 cost for the space that J.M. Products uses and
21 everything else?

22 A. Good question. Not -- I don't remember.
23 I don't recall. But if a difference there is, it is
24 not a big difference.

25 Because I think that the amount of