

# EXHIBIT O

IPH International BV Deposition  
Excerpts

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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.

Page 222

1 Q. Well, I am trying to get at is what -- what  
 2 moneys were spent by IPH that you would be claiming in  
 3 this litigation.  
 4 A. The moneys that were spent that are referenced  
 5 in paragraph 144.  
 6 Q. So I think my -- earlier I was saying, so there  
 7 is never going -- there shouldn't be a situation where IPH  
 8 and IH spent on the same item, line item of expense?  
 9 A. The question relates to IPH International BV  
 10 and IH.  
 11 Q. Yes.  
 12 A. And I don't -- I have not examined the ledgers  
 13 in that detail to make that determination.  
 14 Q. So could there be a situation where service  
 15 payments to USQL and Fabiani were paid both by IH and IPH?  
 16 A. I don't know that. I'm sorry.  
 17 Q. Okay. And other than the allegations set forth  
 18 in paragraph 144, are there any other allegations in the  
 19 operative pleading that set forth the potential damages  
 20 that IPH is seeking?  
 21 MR. LOMAX: Objection to the form of the  
 22 question.  
 23 THE WITNESS: We referenced paragraph 98  
 24 earlier.  
 25 BY MR. NUNEZ:

Page 223

1 Q. Well, paragraph 98 is not a part of the FDUPTA  
 2 claim, is it?  
 3 A. It is part of Count 1.  
 4 Q. Right. I am just focussing -- and I am sorry,  
 5 I didn't make that clear -- I am just focussing on  
 6 Count 4, the FDUPTA claim. My client is not a part or not  
 7 a defendant to Count 1.  
 8 So going back, if we go back to Count 4, and I  
 9 think you pointed me to paragraph 144. Are there any  
 10 other allegations in the operative pleading that set forth  
 11 the alleged damages suffered by IPH at the hands of USQL  
 12 and Mr. Fabiani?  
 13 A. With respect to count -- when you say  
 14 "operative pleading," do you mean Count 4?  
 15 Q. I mean, yes, Count 4 -- by "operative  
 16 pleading," I mean the fourth amended version of the third  
 17 party complaint.  
 18 A. With respect to Count 4, I have referenced  
 19 paragraph 144 as the damages.  
 20 Q. Okay. And my question is, is there any other  
 21 allegations that would set forth potential damages by --  
 22 suffered by IPH at the hands of USQL and Mr. Fabiani?  
 23 A. To my knowledge, not in -- not in this  
 24 pleading, with respect to Count 4.  
 25 Q. I think Mr. Aran asked you about Mr. Fabiani --

Page 224

1 and correct me if I am wrong -- you said maybe you met him  
 2 once?  
 3 A. I said I don't recall.  
 4 Q. Oh, you don't recall?  
 5 A. I might have.  
 6 Q. You might have met him. Okay. So you wouldn't  
 7 recall your conversations with him?  
 8 A. No.  
 9 Q. Do you know, is IPH registered to do business  
 10 in Florida?  
 11 A. Not to my knowledge.  
 12 Q. And how about the same question for North  
 13 Carolina? Is it registered or authorized to do business  
 14 in North Carolina?  
 15 A. We recently registered IPH International BV  
 16 with the Secretary of State of North Carolina.  
 17 Q. And by "recently," is that -- within the last  
 18 six months?  
 19 A. Yes.  
 20 MR. NUNEZ: Let me take a break. I should be  
 21 just about done.  
 22 THE VIDEOGRAPHER: We are off the record. The  
 23 time is 3:05 p.m.  
 24 (Thereupon, a recess was taken.)  
 25 THE VIDEOGRAPHER: We are back on the record.

Page 225

1 The time is 3:10 p.m.  
 2 BY MR. NUNEZ:  
 3 Q. Mr. Fogleman, let me -- going back to  
 4 paragraph 144, we talked about that is a paragraph that  
 5 sets forth the damages alleged for Count 4. Now, a couple  
 6 of specific items here: service payments to USQL and  
 7 Fabiani, do you know whether those -- well, let me -- let  
 8 me back up.  
 9 Who would have initially made that payment or  
 10 those payments to USQL and Fabiani?  
 11 A. My understanding Industrial Heat, LLC would  
 12 have first made those payments.  
 13 Q. Do you know -- and you have also talked  
 14 about -- strike that.  
 15 You have also talked about that then at times  
 16 Industrial Heat would charge IPH and IPH would reimburse  
 17 Industrial Heat for payments, correct?  
 18 A. Correct.  
 19 Q. Do you know whether or not IPH was charged by  
 20 Industrial Heat for the service payments to USQL and  
 21 Fabiani?  
 22 A. I believe I recall seeing those in the ledger,  
 23 the charges.  
 24 Q. That they were? What about expense  
 25 reimbursements to USQL and Fabiani? Do you know whether

Page 226

1 those were charged by Industrial Heat, LLC to IPH?  
 2 A. I believe I recall seeing those in the ledger  
 3 of charges.  
 4 Q. And that would include travel, apartment  
 5 rentals, visa-related costs?  
 6 A. You are asking very specific items. I recall  
 7 seeing charges with references to USQL and Fabiani in the  
 8 ledger of charges.  
 9 Q. That were then paid by -- I'm sorry. I didn't  
 10 mean to interrupt. Go ahead.  
 11 A. I'm finished.  
 12 Q. Okay. So if you'd seen them in the ledger as  
 13 charges, then IPH would have reimbursed Industrial Heat  
 14 for those payments?  
 15 A. Correct.  
 16 Q. And that would be reflected in the IPH  
 17 accounting ledger?  
 18 A. The payment for the invoiced charges from  
 19 Industrial Heat, LLC would be reflected in the IPH  
 20 International BV ledger.  
 21 Q. And was that ledger produced as part of this  
 22 litigation?  
 23 MR. LOMAX: Objection to the form of the  
 24 question.  
 25 MR. NUNEZ: I'm sorry. What is the form

Page 227

1 objection?  
 2 MR. LOMAX: How would he have knowledge of  
 3 that? Have you laid any foundation for everything  
 4 that was produced as part of the litigation?  
 5 MR. NUNEZ: That is a good point.  
 6 MR. LOMAX: His knowledge of IPH International  
 7 BV?  
 8 BY MR. NUNEZ:  
 9 Q. Do you have any knowledge of the accounting  
 10 documents provided by IPH as part of the discovery in this  
 11 case?  
 12 A. I have knowledge of what you guys have shown me  
 13 today. I don't recall details of the other accounting  
 14 information.  
 15 Q. I know I wasn't going to go by each allegation,  
 16 but let's just take a look at 145, because it is kind of  
 17 like a catchall allegation, at least for my interpretation  
 18 of it. And this will be my last question or questions.  
 19 Paragraph 145, and then there is subparagraphs  
 20 A, B, C, D, E, F and G. Does IPH have any independent  
 21 knowledge of the facts that support the allegations in  
 22 paragraph 145 and its subparagraphs?  
 23 A. Not to my knowledge.  
 24 Q. And you would defer to whatever knowledge  
 25 Industrial Heat, LLC has, correct?

Page 228

1 A. Correct.  
 2 MR. NUNEZ: That is all I have. I think the  
 3 last thing is whether Mr. Fogleman is going to read  
 4 or waive.  
 5 MR. LOMAX: We are going to read and I guess I  
 6 also put on the record that I want to designate this  
 7 deposition as confidential for purposes of, you know,  
 8 designations that are going to be made in the future.  
 9 Until those are worked out, we should treat  
 10 everything as confidential.  
 11 MR. ANNESSER: We are officially objecting to  
 12 confidential designation, so we can meet and confer.  
 13 We will put that on the record.  
 14 THE VIDEOGRAPHER: We are off the record. The  
 15 time is 3:16 p.m.  
 16 (The deposition was concluded at 3:16 p.m.)  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 229

1 RE: ANDREA ROSSI, ET AL. v. THOMAS DARDEN, ET AL.  
 DEPO OF: SLOCUM HATCH FOGLEMAN  
 2 TAKEN : February 14, 2017  
 3  
 4  
 5 EXCEPT FOR ANY CORRECTIONS  
 MADE ON THE ERRATA SHEET BY  
 ME, I CERTIFY THIS IS A TRUE  
 AND ACCURATE TRANSCRIPT.  
 6 FURTHER DEPONENT SAITH NOT.  
 7  
 8 \_\_\_\_\_  
 SLOCUM HATCH FOGLEMAN  
 9  
 10  
 11 STATE OF FLORIDA )  
 ) SS:  
 COUNTY OF )  
 12 MIAMI-DADE )  
 13 Sworn and subscribed to before me this  
 \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
 14 PERSONALLY KNOWN \_\_\_\_\_ OR I.D. \_\_\_\_\_  
 15  
 16  
 17 \_\_\_\_\_  
 Notary Public in and for  
 the State of Florida at  
 18 Large.  
 19  
 My commission expires:  
 20  
 21  
 22  
 23  
 24  
 25