

Composite Exhibit 6

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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 10, 2017
10:11 a.m. - 7:25 p.m.
HIGHLY CONFIDENTIAL TRANSCRIPT
ATTORNEYS' EYES ONLY
VIDEO DEPOSITION OF ANDREA ROSSI
Taken before Janet Baldauf, Registered
Professional Reporter and Notary Public in and for
the State of Florida at Large, pursuant to Notice of
Taking Deposition filed in the above cause.

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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2 JOHN W. ANNESSER, ESQ. Perlman Bajandas Yevoli & Albright, P.L. 3 283 Catalonia Avenue, Suite 200 Coral Gables, Florida 33134 4 on behalf of the Plaintiff.</p> <p>5 CHRISTOPHER R.J. PACE, ESQ., Jones Day 6 600 Brickell Avenue, Suite 3300 Miami, Florida 33131 7 on behalf of the Defendant.</p> <p>8 FRANCISCO J. LEON DE LA BARRA, ESQ., RUDY NUNEZ, ESQ. 9 Aran Correa & Guarch, P.A. 255 University Drive 10 Coral Gables, Florida 33134 on behalf of Defendant United States 11 Quantum Leap and Fabiani 12 13 14 ALSO PRESENT: Joseph Murray Michael Massa, Videographer 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 DEFENDANT'S EXHIBITS - continued</p> <p>2 NUMBER DESCRIPTION PAGE</p> <p>3 Exhibit 8 First Amendment to License136</p> <p>4 Agreement</p> <p>5 Exhibit 9 Assignment and Assumption of155 Lease Agreement</p> <p>6 Exhibit 10 Certificate161</p> <p>7 Exhibit 11 Second Amendment to License168</p> <p>8 Agreement</p> <p>9 Exhibit 12 Photographs172</p> <p>10 Exhibit 13 6-10-14 E-mail183</p> <p>11 Exhibit 14 E-mail Chain198</p> <p>12 Exhibit 15 Photograph216</p> <p>13 Exhibit 16 Photograph216</p> <p>14 Exhibit 17 Photograph217</p> <p>15 Exhibit 18 Photograph240</p> <p>16 Exhibit 19 Spreadsheet259</p> <p>17 Exhibit 20 Excerpt of Blog Posting264</p> <p>18 Exhibit 21 Correspondence270</p> <p>19 Exhibit 22 Photograph286</p> <p>20 Exhibit 23 Photograph287</p> <p>21 Exhibit 24 Photograph289</p> <p>22 Exhibit 25 Photograph289</p> <p>23 Exhibit 26 Photograph289</p> <p>24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2 WITNESS PAGE</p> <p>3 ANDREA ROSSI</p> <p>4 Direct Examination by MR. PACE7</p> <p>5 Witness Signature Page292</p> <p>6 Errata Sheet293</p> <p>7 Certificate of Oath of Witness294</p> <p>8 Reporter's Deposition Certificate295</p> <p>9 Letter to Witness Re: Reading296</p> <p>10 Letter to Counsel Re: Original Transcript297</p> <p>11 12</p> <p>13 DEFENDANT'S EXHIBITS</p> <p>14 NUMBER DESCRIPTION PAGE</p> <p>15 Exhibit 1 7-29-12 E-mail81</p> <p>16 Exhibit 2 License Agreement81</p> <p>17 Exhibit 3 E-mail Chain91</p> <p>18 Exhibit 4 10-6-12 E-mail106</p> <p>19 Exhibit 5 E-mail Chain108</p> <p>20 Exhibit 6 E-mail Chain117</p> <p>21 Exhibit 7 License Agreement135</p> <p>22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 THE VIDEOGRAPHER: We are now on the record.</p> <p>2 Please note that the microphones are sensitive and</p> <p>3 may pick up whispering and private conversations.</p> <p>4 Please turn off all cell phones or place them away</p> <p>5 from the microphones as they can interfere with</p> <p>6 the deposition audio. Recording will continue</p> <p>7 until all parties agree to go off the record.</p> <p>8 My name is Michael Massa representing</p> <p>9 Veritext. The date today is February 10th,</p> <p>10 2017. The time is approximately 10:11 a.m.</p> <p>11 This deposition is being held at Jones Day, 600</p> <p>12 Brickell Avenue, 33rd Floor, Miami, Florida and</p> <p>13 is being taken by counsel for the defense.</p> <p>14 The caption of this case is Rossi versus</p> <p>15 Darden. This case is being held in the US</p> <p>16 District Court, Southern Division of Florida.</p> <p>17 The case number is 1:16-CV-21199-CMA. The name</p> <p>18 of the witness is Andrea Rossi.</p> <p>19 At this time the attorneys present in the</p> <p>20 room and everyone attending remotely will</p> <p>21 identify themselves and the parties they</p> <p>22 represent after which our court reporter, Janet</p> <p>23 Baldauf representing Veritext, will swear in</p> <p>24 the witness and we can proceed.</p> <p>25 MR. PACE: Good morning. This is Chris Pace</p>

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<p style="text-align: right;">Page 38</p> <p>1 Is there some event you can use to</p> <p>2 identify the time period? In other words, I got an</p> <p>3 accountant in the United States after X occurred,</p> <p>4 and we can use X as a baseline.</p> <p>5 MR. ANNESSER: Object to form.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. PACE:</p> <p>8 Q. Okay. Sometimes that works for people.</p> <p>9 They think oh, the year after I got married is when I</p> <p>10 hired this person and they used that to figure it out.</p> <p>11 A. No, no. The event has been that I had</p> <p>12 received a bill that was too high from the former</p> <p>13 accountant and I asked her to find one that cost a</p> <p>14 little bit less because -- that's it.</p> <p>15 Q. Leonardo Corporation of Florida, do you own</p> <p>16 Leonardo Corporation of Florida?</p> <p>17 MR. ANNESSER: Object to the form.</p> <p>18 THE WITNESS: Yes. No. Sorry. Excuse me.</p> <p>19 Can you repeat the question. I was --</p> <p>20 BY MR. PACE:</p> <p>21 Q. No. I can repeat the question. Do you own</p> <p>22 Leonardo Corporation of Florida?</p> <p>23 A. No.</p> <p>24 Q. Who does?</p> <p>25 A. Sorry. I thought that you were talking</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes.</p> <p>2 Q. Who was the original beneficiary of the</p> <p>3 trust?</p> <p>4 A. Same answer.</p> <p>5 Q. Oh, you have no idea who --</p> <p>6 A. No, I don't. No, I don't.</p> <p>7 Q. Let me take a step back here. So it's your</p> <p>8 understanding that Leonardo Corporation of New</p> <p>9 Hampshire was merged into Leonardo Corporation of</p> <p>10 Florida, correct?</p> <p>11 A. If I am not wrong, yes, but, again, I did</p> <p>12 not operate in this kind of things. All these kinds of</p> <p>13 things has been made by my accountant and my attorney,</p> <p>14 so I did not follow all this stuff. They just told me</p> <p>15 it is -- just I am not the guy that goes through these</p> <p>16 kind of papers.</p> <p>17 Q. Understood. So when you are talking about</p> <p>18 the advice you've gotten from accountants, you are</p> <p>19 talking about when it comes to the Leonardo</p> <p>20 corporations, you are talking about either James Travis</p> <p>21 or Diane Annesser, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And when you are talking about the advice</p> <p>24 you've gotten from lawyers as to these companies, you</p> <p>25 are talking about either John Annesser or Henry</p>
<p style="text-align: right;">Page 39</p> <p>1 still of the old Leonardo. Now the citation has</p> <p>2 changed.</p> <p>3 Q. You believe you own Leonardo Corporation of</p> <p>4 New Hampshire?</p> <p>5 A. Yes, exactly.</p> <p>6 Q. Okay. But Leonardo Corporation of Florida</p> <p>7 you do not own?</p> <p>8 A. No.</p> <p>9 Q. Who owns Leonardo Corporation of Florida?</p> <p>10 A. A trust.</p> <p>11 Q. What trust?</p> <p>12 A. Florida Energy Trust.</p> <p>13 Q. I'm sorry.</p> <p>14 A. Florida Energy Trust.</p> <p>15 Q. Florida Energy Trust. And who is the</p> <p>16 trustee of Florida Energy Trust?</p> <p>17 A. Attorney Henry Johnson.</p> <p>18 Q. And who is the beneficiary of Florida Energy</p> <p>19 Trust?</p> <p>20 A. In this moment I am not able to answer. I</p> <p>21 don't remember exactly because I don't follow all the</p> <p>22 -- again, I don't follow the papers of the company. In</p> <p>23 this moment I am not able to answer. I should have to</p> <p>24 check with attorney.</p> <p>25 Q. So Henry Johnson would know?</p>	<p style="text-align: right;">Page 41</p> <p>1 Johnson?</p> <p>2 MR. ANNESSER: Object to form.</p> <p>3 THE WITNESS: I think this is privileged</p> <p>4 between a client and attorney.</p> <p>5 BY MR. PACE:</p> <p>6 Q. I'm not asking the substance. I'm just</p> <p>7 trying to identify the parties here. So without</p> <p>8 telling me the substance of your conversation with your</p> <p>9 lawyers I'm just asking --</p> <p>10 A. My attorney -- my lawyers are Henry Johnson</p> <p>11 and John Annesser.</p> <p>12 Q. And let me go through -- what I'm asking you</p> <p>13 for now then --</p> <p>14 A. And also Brian Chaiken.</p> <p>15 Q. Has he provided -- let me step back. John</p> <p>16 Annesser filed a document, a public document. He knows</p> <p>17 it. There's no surprise relating to the merger of</p> <p>18 Leonardo Florida and Leonardo New Hampshire. I'm not</p> <p>19 asking you for anything beyond -- he was representing</p> <p>20 you in that context as opposed to Henry Johnson. Maybe</p> <p>21 I can cut to the chase and make it easier.</p> <p>22 A. You know, if you ask me --</p> <p>23 Q. But I don't want to know a private</p> <p>24 conversation between you and John Annesser. Just I</p> <p>25 want to make sure before that comes out.</p>

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<p style="text-align: right;">Page 146</p> <p>1 Q. When did that occur?</p> <p>2 A. Exactly the day, I don't remember, but a few</p> <p>3 days before the validation test because I had a problem</p> <p>4 because we were -- we had to make a test with a plant</p> <p>5 that was a one megawatt plant. This one megawatt plant</p> <p>6 had one big problem in that installation because not</p> <p>7 having something that could use the heat, we applied a</p> <p>8 big naval radiator, a big naval radiator that made a --</p> <p>9 not a big noise, but a noise that during the night</p> <p>10 could have been a problem.</p> <p>11 I had experienced this in the matter. I</p> <p>12 had troubles for other things. Unfortunately, just</p> <p>13 in front of, as Tom Darden has seen when he came</p> <p>14 there, the factory was adjacent to a road, and just</p> <p>15 across the road, so 4 or 5 meters from the plant</p> <p>16 from the radiator there was a house. So the</p> <p>17 radiator shoot the noise directly in the windows of</p> <p>18 that house, and so I had experience of troubles that</p> <p>19 had came to me from just the household that called</p> <p>20 the police because our work could disturb, et</p> <p>21 cetera, et cetera.</p> <p>22 Q. Noise issues, right? Really loud noise --</p> <p>23 A. Yes.</p> <p>24 Q. -- two in the morning, I'm trying to go to</p> <p>25 sleep --</p>	<p style="text-align: right;">Page 148</p> <p>1 Environmental Protection. This is what it is. And</p> <p>2 it is the perfect equivalent of your health care</p> <p>3 department of Florida.</p> <p>4 Q. So you -- did you based on your experience</p> <p>5 in Milan, you contacted this office in Ferrara?</p> <p>6 A. Yes.</p> <p>7 Q. And you told them we are going to be doing</p> <p>8 this experiment, it's going to run through the night,</p> <p>9 and it's going to be loud, and they told you what in</p> <p>10 response?</p> <p>11 A. Yes. You have been correct so far. And</p> <p>12 they told me in Italy we do not have authorizations for</p> <p>13 experiments. There is not something that is called an</p> <p>14 authorization for 36 hours. You are either authorized</p> <p>15 or you are not. Now, we understand your problem. You</p> <p>16 have to make a test that for a customer -- because I</p> <p>17 explained that it's a test for a customer that had</p> <p>18 bought the plant and just wanted to see if it work for</p> <p>19 one day before picking it up and bringing it to the</p> <p>20 United States.</p> <p>21 They say we understand you, but the cases</p> <p>22 are two. Either we make a procedure to authorize</p> <p>23 you and it will take in Italy to get an</p> <p>24 authorization for that can take between six months</p> <p>25 if you are very lucky and two years if you are</p>
<p style="text-align: right;">Page 147</p> <p>1 A. Yes, sir.</p> <p>2 Q. -- and I hear loud noise.</p> <p>3 A. Problem is the night, not the day.</p> <p>4 Q. Right.</p> <p>5 A. We had to make a test of 36 hours of</p> <p>6 something, something, so there was the night and there</p> <p>7 was no way that we could skip the night. So at that</p> <p>8 point to avoid problems because the problem is that if</p> <p>9 somebody calls, you must be lawful. At that point he</p> <p>10 calls, but you work because if you are lawful they</p> <p>11 cannot stop you.</p> <p>12 Q. Right.</p> <p>13 A. And so I had gone to what you in America you</p> <p>14 call the health care office. In Italy it's call ARPA,</p> <p>15 Agenzia Regionale de Protezione Dell'Ambiente. ARPA, A</p> <p>16 as in Adam, R as in Robert, P as in Peter, A as in</p> <p>17 Adam, ARPA. And it's an acronym that stands for</p> <p>18 Agenzia, Agency, P is for protezione, protection -- no.</p> <p>19 Agenzia Regionale. A is agency. R is Regionale.</p> <p>20 A region in Italy is what here is a</p> <p>21 county maybe. A big county is a region. Italy is</p> <p>22 made by 20 regions. So agency of the region is the</p> <p>23 R. P is protection, per la protezione. Ambiente,</p> <p>24 the A is for Ambiente which in Italian means</p> <p>25 environment. So Agency for the Regional</p>	<p style="text-align: right;">Page 149</p> <p>1 normal. If you are unlucky, even more. Bureaucracy</p> <p>2 in Italy is tremendous.</p> <p>3 And so they said it is unthinkable that</p> <p>4 we can authorize you and take the reliability. The</p> <p>5 law does not foresee this. But if you find some</p> <p>6 kind of an agreement with your outdoor -- with your</p> <p>7 neighbor, we don't come. Because if they call us,</p> <p>8 we must exit. If they don't call us, we don't come</p> <p>9 because we know what you are doing, all right, we</p> <p>10 don't come. But if they call us or call the police</p> <p>11 and the police calls us, we must exit and we must</p> <p>12 stop you.</p> <p>13 Q. It's like you see in Miami Beach with noise</p> <p>14 issues, right? If your neighbors are okay that you are</p> <p>15 going to have a little bit of a loud event, you're</p> <p>16 fine. But if your neighbors are going to call the</p> <p>17 local police or somebody, that's when they are going to</p> <p>18 have to come out?</p> <p>19 A. And this was exactly the situation. So I</p> <p>20 have gone to my neighbors and say please, I have to</p> <p>21 make this and this and this and said they all right.</p> <p>22 You don't make too much noise, and we can accept it</p> <p>23 because we want to sleep. So I -- so I sent an e-mail</p> <p>24 to Tom Darden and explained to him the situation. And</p> <p>25 he said all right, it's not a big issue because I am</p>

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<p style="text-align: right;">Page 150</p> <p>1 not buying this because this makes one megawatt. I am 2 buying this because this has a COP minimum six. For me 3 what counts is not the rating. For me what rating is 4 the number of the power, how much power, is not the 5 rating. What counts for me is that it gives a COP-6. 6 So I accept because I had proposed to him 7 instead of using all the power of the plant that 8 would have been too noisy during the night -- during 9 the day is not a problem, but during the night is a 10 problem, we can use -- I don't remember how much I 11 say, one third of the power or one fourth. I don't 12 remember how much. And he answered all right, for 13 me okay. 14 Q. And at the time, just so I understand, the 15 one megawatt plant that you had designed at the time 16 would have had 64 E-Cat units in it? 17 A. No. It was much more complicated. It had 18 one hundred and -- sorry. 19 MR. ANNESSER: Hold on. I was -- sorry -- 20 contemplating your question. Go ahead. 21 THE WITNESS: It was 105 and I'll explain 22 you why, but you are half right because -- 23 BY MR. PACE: 24 Q. That's the way I go through life. 25 A. -- the plant was divided into two parts, one</p>	<p style="text-align: right;">Page 152</p> <p>1 not too warm, so you can sleep with the windows closed 2 and so it worked. 3 Q. How many neighbors did you have to go to? 4 A. Can you kindly repeat? 5 Q. How many neighbors did you have to go to to 6 make sure they weren't going to complain? 7 A. You know, the worst one was the one that was 8 in front of us just 10 meters from us. Then we had 9 another house a little bit displaced. I remember two 10 or three houses, and in each house there was three, 11 four families because we do not have these kind of 12 constructions in the area of Ferrara. We have small 13 houses. 14 Q. Would you call them -- this may not be a 15 phrase you are familiar with, but you do some real 16 estate investing. Would you call them multi-family 17 houses? 18 A. Yes. 19 Q. Did you have to pay the neighbors anything? 20 I mean, did you have to pay them or did you just have 21 to say we'll keep it down to a certain level? 22 A. No. 23 MR. ANNESSER: Object to the form. 24 THE WITNESS: I did not follow that way. I 25 don't like that kind of way.</p>
<p style="text-align: right;">Page 151</p> <p>1 above the roof and one inside the container. Inside 2 the container we had 54 or 56 E-Cats. I don't remember 3 exactly the number now. All the other, the other 50, 4 55 were in the four big Frankies, so-called big 5 Frankies in the roof. So the total, the total was 56 6 plus four, but each of those four contain 16 elements. 7 On this my memory works well, as you can see. 8 Q. So just going back to -- and the way the 9 testing works is -- Exhibit A is talking about 30 -- at 10 least in groups, 30 E-Cat reactors, so that's about a 11 third, a third or a fourth? 12 A. Yeah. We -- you know what we did, I told 13 him, I told Darden, we can work with one group on the 14 roof, so you can see how work the ones of the roof. 15 And I don't know how many down to stay in a 250, 16 300 kilos. I don't remember exactly how much. At that 17 rate the noise was zero. 18 Q. Oh, okay. 19 A. This is the issue. The noise was completely 20 contained inside the factory, and the part out of the 21 radiator because the radiator would expel the hot air, 22 was just blow that did not -- we were around 70, 75 23 decibels. I bought a decibel meter. We were 70, 75. 24 That is acceptable if you keep the window closed. 25 Fortunately we were in April, and April in Ferrara is</p>	<p style="text-align: right;">Page 153</p> <p>1 BY MR. PACE: 2 Q. So the deal with the neighbor was -- 3 A. No. It was just -- the deal was you let us 4 sleep, we don't break you. That's it. 5 Q. So it was we keep the noise down, you won't 6 call the police? 7 A. Exactly, exactly. And if you are disturbed, 8 just call me, not the police. 9 Q. Right. If you are disturbed come on over 10 and bang on the door? 11 A. No. Call me. I gave them my cell phone 12 because I have stayed over 36 hours long of the test. 13 I have been at the plant. So I told them any time, 14 don't worry what is the time, you call me and tell me 15 something is wrong. They did not call me. It work 16 completely well. 17 Q. Okay. 18 A. We did not have troubles. 19 Q. This radiator that was set up at the plant 20 in Ferrara, who designed that? 21 A. I bought it from a scrap -- I bought it from 22 -- there are -- Ferrara is close to the sea and 23 disconnected from the sea by a canal, by a waterway, 24 and so there are many, we say (speaking in Italian). 25 We say boat builders. Something like that. And so</p>

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<p style="text-align: right;">Page 170</p> <p>1 Rossi. We are going off the record at 4:09 p m. 2 (Thereupon, a recess was taken in the proceedings 3 from 4:09 p m. to 4:20 p m.) 4 THE VIDEOGRAPHER: We are back on the 5 record. Here begins videotape number six in the 6 deposition of Mr. Andrea Rossi. The time is 4:20. 7 BY MR. PACE: 8 Q. Dr. Rossi, you realize you are still under 9 oath? 10 A. Sure. 11 Q. Short questions, just answer yes or no and 12 give your lawyer a chance to object. 13 A. Thank you. 14 Q. During our break did you speak with your 15 counsel? 16 A. Yes. 17 Q. During our break when you spoke with your 18 counsel, did you discuss the subject of your testimony 19 thus far today at all? 20 A. Yes. 21 Q. Slow down here. 22 MR. ANNESSER: You can answer yes or no to 23 that one. 24 BY MR. PACE: 25 Q. That's fine. What did you discuss?</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Was -- other than lawyers, we'll talk about 2 that in a second, but other than lawyers, was anyone 3 else involved in negotiating the Second Amendment to 4 the License Agreement? 5 A. Not that I can recall. 6 Q. What lawyers were involved in preparing or 7 negotiating the Second Amendment to License Agreement? 8 A. I did not have lawyers. 9 Q. Do you recall whether Industrial Heat used 10 lawyers? 11 A. Industrial Heat I do not recall specifically 12 on this. 13 MR. PACE: In the second amendment there's a 14 reference to -- it's called the six-cylinder unit. 15 I want to show you what I'm going to mark here as 16 Exhibit 12, a series of pictures. 17 (Thereupon, Photographs were marked for 18 identification as Defendant's Exhibit 12.) 19 THE WITNESS: Okay. 20 BY MR. PACE: 21 Q. Dr. Rossi, these are pictures of the -- 22 A. Six cylinder. 23 Q. Different pictures of the six-cylinder unit, 24 correct? I'm sorry, Dr. Rossi. We have to have a 25 verbal response for the court reporter. These are</p>
<p style="text-align: right;">Page 171</p> <p>1 A. Privilege -- 2 MR. ANNESSER: Objection. He knows the 3 story. 4 MR. PACE: I'm pointing at him. Let me do 5 it again. 6 BY MR. PACE: 7 Q. What did you discuss? 8 MR. ANNESSER: Object to the form. Covered 9 by attorney-client privilege. I'm instructing the 10 witness not to answer. 11 BY MR. PACE: 12 Q. You are going to follow that instruction, 13 will you not, Dr. Rossi? 14 A. I will. 15 MR. ANNESSER: He's learned our game 16 already. 17 MR. PACE: It's rare that I have to object 18 to a witness answering one of my questions. 19 BY MR. PACE: 20 Q. I want to go back to the Second Amendment to 21 the License Agreement. Did you negotiate this second 22 amendment? 23 A. Yes. 24 Q. With whom? 25 A. Tom Darden.</p>	<p style="text-align: right;">Page 173</p> <p>1 pictures of the six-cylinder unit, correct? 2 MR. ANNESSER: Object to the form. 3 THE WITNESS: Yes. 4 BY MR. PACE: 5 Q. This is the same six-cylinder unit that's 6 being referenced here in the second amendment to 7 license agreement? 8 A. Yes. 9 Q. This is a system you originally designed in 10 Italy, correct? 11 A. Correct. 12 Q. Look -- and I'm not sure if you know the 13 answer to this or not, but looking at this unit itself, 14 is this at least in part the unit that you designed? 15 A. Can you repeat the question? 16 Q. Yes, that was poorly done. 17 A. Yes. 18 Q. The unit you built in Italy, the 19 six-cylinder unit, that was sent to Raleigh, North 20 Carolina, correct? 21 A. Yes, that is correct. 22 Q. Additional work was done on that 23 six-cylinder unit in Raleigh, North Carolina? 24 MR. LEON DE LA BARRA: Object to form. 25 THE WITNESS: In this photo -- from what I</p>

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<p style="text-align: right;">Page 174</p> <p>1 see in these photos, no.</p> <p>2 BY MR. PACE:</p> <p>3 Q. Okay.</p> <p>4 A. This comes as it was in Italy.</p> <p>5 Q. Now, the six-cylinder unit, that didn't --</p> <p>6 that wasn't used for heating water. It was used for</p> <p>7 heating oil, correct?</p> <p>8 A. Correct.</p> <p>9 Q. What kind of oil?</p> <p>10 A. It is called (speaking in Italian). I don't</p> <p>11 know the pronunciation. Diathermic oil. It's correct</p> <p>12 diathermic oil, Engineer? The pronunciation.</p> <p>13 Q. Yes, let's call it diathermic oil.</p> <p>14 A. Okay. I just did not know the</p> <p>15 pronunciation. It was a matter of sound.</p> <p>16 MR. ANNESSER: Just for the record, this is</p> <p>17 all confidential. I believe the entire testimony</p> <p>18 is going to be confidential, but this particular</p> <p>19 portion may get into highly confidential, but</p> <p>20 we'll get there.</p> <p>21 BY MR. PACE:</p> <p>22 Q. This six-cylinder unit, at least to the best</p> <p>23 of your knowledge, has never left North Carolina after</p> <p>24 it was shipped there from Italy?</p> <p>25 A. As far as I know, yes.</p>	<p style="text-align: right;">Page 176</p> <p>1 Dr. Rossi, please allow him to finish and</p> <p>2 allow me to make any objection I have before</p> <p>3 answering.</p> <p>4 BY MR. PACE:</p> <p>5 Q. Do you want me to do that again?</p> <p>6 A. Yes. I do not remember now the temperature</p> <p>7 at which diathermic oil boils, but it is much higher</p> <p>8 than water. It is surely above 200 celsius degrees.</p> <p>9 Q. And this six-cylinder unit that was set up,</p> <p>10 there was also a -- how was the temperature of the oil</p> <p>11 measured?</p> <p>12 MR. ANNESSER: Object to form.</p> <p>13 BY MR. PACE:</p> <p>14 Q. If you recall.</p> <p>15 MR. ANNESSER: Object to form. And to the</p> <p>16 extent that we are going to discuss how this</p> <p>17 machine operated or was measured, I want to</p> <p>18 declare it to be highly confidential, attorneys'</p> <p>19 eyes only which means --</p> <p>20 MR. PACE: No. He knows it.</p> <p>21 MR. ANNESSER: He knows what?</p> <p>22 MR. PACE: Wait. Are you aware of</p> <p>23 whether --</p> <p>24 MR. ANNESSER: No, no, hold --</p> <p>25 MR. PACE: No, no. You are right. You may</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. Now, the idea with the six-cylinder unit</p> <p>2 heating oil as opposed to water -- why was the</p> <p>3 six-cylinder unit designed for oil?</p> <p>4 A. Because it was -- it was an experiment. It</p> <p>5 was an experiment, you know, because diathermic oil</p> <p>6 allows to go to higher temperatures without changing</p> <p>7 phase, so it is possible to make things that with water</p> <p>8 you cannot do because water changes phase. Diathermic</p> <p>9 oil changes phase, but at much higher temperatures.</p> <p>10 Q. And just so we are clear on the record for</p> <p>11 this, which is when you are talking about changing</p> <p>12 phase, you are talking about, for example, water</p> <p>13 turning into steam at around --</p> <p>14 A. Yes, sir, the physical phases are solid,</p> <p>15 liquid, gases.</p> <p>16 Q. And so --</p> <p>17 A. And so the same thing, like, for example,</p> <p>18 water, can be in solid phase when it is ice, liquid</p> <p>19 phase when it is -- when we drink it, and gaseous phase</p> <p>20 when it is steam.</p> <p>21 Q. And the oil that was used in the</p> <p>22 six-cylinder unit would not turn into a steam or vapor</p> <p>23 until a much higher temperature than for water?</p> <p>24 A. Yes, correct.</p> <p>25 MR. ANNESSER: Object to form.</p>	<p style="text-align: right;">Page 177</p> <p>1 be right. You may be right. Let me stop. I</p> <p>2 shouldn't have said that. Go ahead. Finish. I</p> <p>3 apologize.</p> <p>4 MR. ANNESSER: I don't know what he knows or</p> <p>5 doesn't know, and he's not a party to this</p> <p>6 lawsuit.</p> <p>7 MR. PACE: No, no, no. That's -- how the</p> <p>8 temperature was measured you think is --</p> <p>9 MR. ANNESSER: How this operated, how it was</p> <p>10 measured, any of the intellectual property and/or</p> <p>11 trade secrets, how it was unmeasured or otherwise,</p> <p>12 I will declare it as highly confidential,</p> <p>13 attorneys' eyes only. Certainly it would be</p> <p>14 useful to competitors to know how we are operating</p> <p>15 systems. That's the designation I'm making, so...</p> <p>16 MR. PACE: Right, right. Let's put it this</p> <p>17 way. I'm not going to fight over so we can keep</p> <p>18 moving. Can I ask you to step out and I'll have</p> <p>19 you back in a second.</p> <p>20 (Joseph Murray left the room.)</p> <p>21 BY MR. PACE:</p> <p>22 Q. Turning back to the six-cylinder unit, how</p> <p>23 is the temperature measured in the six-cylinder unit?</p> <p>24 A. In Italy -- because in North Carolina, as</p> <p>25 long as I have been in North Carolina, it has never</p>

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<p style="text-align: right;">Page 182</p> <p>1 comes a little bit later where you say you never signed 2 this and therefore it was canceled? 3 MR. ANNESSER: Object to form. 4 BY MR. PACE: 5 Q. But I'm asking you actually kind of 6 preceding that -- I don't know if I've seen an e-mail 7 preceding that, so did you talk to him on the phone 8 about the second amendment, Craig Cassarino? 9 A. No. I just exchanged one e-mail or two. I 10 don't remember. I asked why you don't sign. 11 MR. PACE: Okay. I should have waved Joe 12 back in. I wasn't thinking about it. 13 (Joseph Murray returned to the room.) 14 BY MR. PACE: 15 Q. I take it from your testimony earlier, you 16 don't recall whether you and Tom Darden were present 17 together when this was signed or whether you signed it 18 separately from whenever Tom Darden signed it? 19 A. I don't recall. 20 Q. Do you recall talking to anybody at 21 Industrial Heat about the fact that AEG would not sign 22 the agreement, the second amendment? 23 A. Yes, I talked with Tom Darden about that. I 24 told him I do not understand because -- I just -- and I 25 told him I do not understand why they do not sign.</p>	<p style="text-align: right;">Page 184</p> <p>1 you've identified a customer -- 2 A. Yes. 3 Q. -- who wants to put the 1 MW plant in his 4 factory in Miami, correct? 5 A. Correct. 6 Q. All right. This e-mail says I confirm all 7 -- I already said, meaning you had already provided 8 this information to Tom Darden or JT Vaughn, correct? 9 A. Correct. 10 Q. Is this customer JM Products? 11 A. Yes. 12 Q. Do you know whether JM Products existed at 13 that time? 14 A. I don't recall. I don't recall. Maybe yes, 15 maybe not. I do not recall. 16 Q. Had you instructed anyone to form JM 17 Products by that time? 18 A. I do not recall by the time and because for 19 sure at that time I already had talked with the people 20 that before or later set up the JM company. 21 Q. And who were those people? 22 A. The person I had started to get this idea 23 was an Italian person connected with strong companies 24 whose name is Francesco Di Giovanni. 25 Q. Let me go back. You said Francesco Di</p>
<p style="text-align: right;">Page 183</p> <p>1 Q. Do you recall proposing in June or July -- I 2 guess it's June. Do you recall proposing in June of 3 2014 -- 4 A. '14. 5 Q. Yes -- I'm sorry. Let me start this over. 6 Do you recall in approximately August of 2013, the 1 MW 7 plant arrived in Raleigh, North Carolina? 8 A. Yes, I recall. 9 Q. In June 2014, do you recall proposing 10 that -- to have the plant moved to Florida to provide 11 services to a customer? 12 A. Yes, I recall. 13 MR. PACE: So I'm going to mark this as 14 Exhibit 13. 15 (Thereupon, 6-10-14 E-mail was marked for 16 identification as Defendant's Exhibit 13.) 17 THE WITNESS: Okay. 18 BY MR. PACE: 19 Q. So you proposed -- you're claiming -- you 20 are saying here that you are confirming what you had 21 already said, so I take it this is not the first time 22 that you communicated a message to Tom Darden or JT 23 Vaughn about a customer; is that correct? 24 A. Can you repeat the question. 25 Q. Sure. This e-mail is talking about that</p>	<p style="text-align: right;">Page 185</p> <p>1 Giovanni? 2 A. Yes, sir. 3 Q. How do you know Francesco Di Giovanni? 4 A. I knew him six years because he had followed 5 my vicissitudes for the Petroldragon issues, et cetera, 6 et cetera. And he always has followed my work and 7 always has say that he wanted to make something with 8 me. And when he heard about this LENR stuff, he 9 contacted me and told me that he was very interested to 10 make investments in Italy and in Europe for this 11 technology. So I had those problems. If you allow me, 12 I owe you an umbrella explanation to give logic to this 13 fact. 14 Q. Why don't we kind of walk through the e-mail 15 a little bit, and then we can talk about it more 16 broadly. 17 A. All right. 18 Q. There are a couple of e-mails I want to talk 19 about, and I don't want to lose my train of thought. 20 A. Okay. 21 Q. Because I wanted to ask you, it says produce 22 catalyzers that he sells. 23 A. Yes. 24 Q. Now at this point in time in June 10 of 25 2014, first of all, what kind of catalyzers are you</p>

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<p style="text-align: right;">Page 190</p> <p>1 tutorial. I know some of this already. 2 A. Yes, but if you want me to explain. 3 Q. Stop, stop, stop, stop. 4 A. Sorry. You are right. 5 Q. Here because you are kind of eating up time. 6 We may have time for this later, don't get me wrong, 7 but you are clearly kind of off track for what we are 8 talking about. Let me ask you -- maybe I can get it 9 quickly. 10 At the time -- we'll ask it more broadly, 11 but at the time of the June 10, 2014 e-mail, I 12 understand the idea that you had, but there was not 13 actually a customer who was producing catalyzers at 14 the time, correct? 15 MR. LEON DE LA BARRA: Object to form. 16 THE WITNESS: There was -- I don't 17 understand the question. 18 BY MR. PACE: 19 Q. Sure. 20 A. Many persons were producing catalyzers. 21 Q. I'm sorry. You said that you had -- you 22 said we have a customer, we meaning Leonardo. 23 A. No. 24 Q. We meaning who? Who is the we? 25 A. No. We was -- we was rhetoric for Cherokee</p>	<p style="text-align: right;">Page 192</p> <p>1 A. No. 2 Q. Okay. 3 A. Because this is a rhetoric. Probably the 4 literal translation from my Italian to my English has 5 changed in the sense that you are saying the meaning. 6 But what you are saying is not what I meant. Here, it 7 is rhetoric. In Italian a phrase composed like that 8 means we could have, you know what I mean. At that 9 time we did not have a customer. At that time we did 10 not have a customer that was paying one thousand 11 dollars per day, obviously, obviously. It was 12 rhetoric. I wanted to say I have found a possible -- a 13 potential customer that could pay one thousand dollars 14 per day. 15 Obviously I am not going to say -- sorry 16 -- to Industrial Heat we have a customer that pays 17 one thousand dollars per day if it does not exist 18 anybody that is paying one thousand dollars per day. 19 It is obviously. So it is obvious that I was not 20 representing this as something that already had 21 happened. I was representing the frame off the -- 22 off the -- the frame off the possible solution that 23 I could -- that I could have found for a dramatic 24 situation that has been born from your client which 25 is this.</p>
<p style="text-align: right;">Page 191</p> <p>1 and me. 2 Q. Okay. 3 A. We all -- 4 Q. Okay. You all -- 5 A. -- had the potential. Yes, you know -- 6 Q. Stop. Dr. Rossi, please. You just answered 7 the question. You answered it and then you were going 8 to -- 9 MR. ANNESSER: Mr. Pace, he's allowed to 10 answer it any way he wants to. 11 MR. PACE: No, he's not. 12 MR. ANNESSER: Yes, he is. 13 MR. PACE: He's not allowed to kind of waste 14 time in a deposition. 15 MR. ANNESSER: He's not wasting time. You 16 asked a question. He is allowed to answer. 17 BY MR. PACE: 18 Q. We have -- we have a customer, that's what 19 the e-mail says, capital C, correct? And who pays a 20 thousand dollars a day to rent the 1 MW plant, put it 21 in his factory in Miami, produce catalyzers that he 22 sells. At the time that you are writing this e-mail, 23 there was no customer that you had for Leonardo and 24 Industrial Heat or Cherokee that was producing 25 catalyzers to sell, correct?</p>	<p style="text-align: right;">Page 193</p> <p>1 He has not -- he has never been able to 2 get an authorization to put in operation the one 3 megawatt plant. This is why we have made the second 4 amendment because first we needed to delay the term 5 to make the test because I had been impossibilitated 6 (sic) to make the test for the very simple reason 7 that they never have been able to give me a place 8 where to put my plant at work and a place where my 9 plant could produce its heat with the necessary 10 authorization. 11 They told me for one year -- Attorney, 12 they told me for one year that they were in contact 13 with the health care office of North Carolina to get 14 those authorizations. Eventually we discovered that 15 this was a lie because the health care office of 16 North Carolina did never knew about any Industrial 17 Heat and never had been informed that there was a 18 plant to be put in operation. We have discovered it 19 when the health care office went to Industrial Heat 20 in Cherokee on Hargett Street because of some 21 anonymous say that they were using radioactive 22 something. And when they arrive there, they did not 23 even know that existed a factory. And when JT 24 Vaughn receive it there, JT Vaughn say to them no, 25 the technology of Rossi is a bogus.</p>

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<p style="text-align: right;">Page 198</p> <p>1 BY MR. PACE:</p> <p>2 Q. Stop. We'll take a break in just a few</p> <p>3 minutes so that you can rest.</p> <p>4 A. No, no, no.</p> <p>5 Q. It's long. The day is long. I understand.</p> <p>6 Don't get me wrong. I understand. But I'm going to</p> <p>7 ask fairly short simple questions, if you can provide</p> <p>8 me answers.</p> <p>9 If, as Mr. Annesser said, if there's a</p> <p>10 time when you feel like I need to say something</p> <p>11 more, you are allowed to say something more, but if</p> <p>12 the answer is simple, let's try to keep the answer</p> <p>13 simple. It will move us along here.</p> <p>14 You talked about the Department of Health</p> <p>15 going to the Cherokee offices in December of 2014,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. You have a very clear memory of when that</p> <p>19 occurred, yes?</p> <p>20 A. I think so, yes.</p> <p>21 Q. That certainly occurred after this e-mail</p> <p>22 you are looking at that's in June 2014?</p> <p>23 A. Sure. Of course.</p> <p>24 (Thereupon, E-mail Chain was marked for</p> <p>25 identification as Defendant's Exhibit 14.)</p>	<p style="text-align: right;">Page 200</p> <p>1 I had found a customer in anyway. Whatever the</p> <p>2 name, I had found the customer because, you know,</p> <p>3 I was desperate to put the plant in operation.</p> <p>4 So I told to Di Giovanni, what I say to do</p> <p>5 before. I will not lose your time. And he</p> <p>6 says all right, I appreciate it. So I told him</p> <p>7 all right, are you ready to pay \$1,000 per day</p> <p>8 to Industrial Heat or Cherokee or whatever, pay</p> <p>9 -- just to pay the energy? I cover you through</p> <p>10 all the rest because I will buy the catalysts</p> <p>11 that you -- that you will produce, and at that</p> <p>12 point you risk only to pay \$1,000 per day. If</p> <p>13 my plant does not work, you pay nothing because</p> <p>14 you don't pay \$1,000 just for gracious</p> <p>15 concession. You pay \$1,000 if we produce one</p> <p>16 megawatt per hour.</p> <p>17 BY MR. PACE:</p> <p>18 Q. And this is with Di Giovanni?</p> <p>19 A. Yes, sir. So at this point --</p> <p>20 MR. ANNESSER: Dr. Rossi, allow him to ask</p> <p>21 his question, please.</p> <p>22 THE WITNESS: Yes. Sure, sure.</p> <p>23 BY MR. PACE:</p> <p>24 Q. Let's listen to the question. Answer the</p> <p>25 question. Did any of these communications with</p>
<p style="text-align: right;">Page 199</p> <p>1 MR. PACE: Let me show you what was marked</p> <p>2 as Exhibit 14. Did I give it to you guys? I'm</p> <p>3 sorry. I keep forgetting he's out there.</p> <p>4 (Joseph Murray returned to the room.)</p> <p>5 THE WITNESS: Very good. The first one and</p> <p>6 which -- and the second one. Okay, Attorney.</p> <p>7 Yes.</p> <p>8 BY MR. PACE:</p> <p>9 Q. So by the time of this series of e-mails --</p> <p>10 A. Yes.</p> <p>11 Q. -- you are not talking abstractly about --</p> <p>12 you are saying a customer actually exists, correct?</p> <p>13 A. Yes, it is correct. A potential customer.</p> <p>14 Q. What?</p> <p>15 A. A customer only becomes a customer after an</p> <p>16 agreement. A potential customer.</p> <p>17 Q. A potential. But there's an actual company</p> <p>18 in existence that would be this customer?</p> <p>19 THE WITNESS: I don't remember if --</p> <p>20 MR. ANNESSER: Object to form.</p> <p>21 THE WITNESS: I do not remember if -- maybe</p> <p>22 yes, maybe not. I simply -- I do not remember,</p> <p>23 Attorney, the date in which JM has been</p> <p>24 incorporated. But the problem is not if JM had</p> <p>25 been already formally incorporated or not because</p>	<p style="text-align: right;">Page 201</p> <p>1 Di Giovanni occur by e-mail, yes or no?</p> <p>2 A. No, did not occur by e-mail.</p> <p>3 Q. Did these conversations with Di Giovanni</p> <p>4 occur in person?</p> <p>5 A. Yes.</p> <p>6 Q. Did any of these conversations with</p> <p>7 Di Giovanni occur by telephone?</p> <p>8 A. Yes.</p> <p>9 Q. Did you, either as Andrea Rossi or as</p> <p>10 Leonardo Corporation or on behalf of any other company,</p> <p>11 ever buy any products from JM Products?</p> <p>12 A. Can you repeat the question? Sorry. Can</p> <p>13 you repeat the question?</p> <p>14 Q. Did either you, Leonardo Corporation or any</p> <p>15 other company you control ever buy any products from JM</p> <p>16 Products?</p> <p>17 A. Yes.</p> <p>18 Q. What?</p> <p>19 A. Catalysts.</p> <p>20 Q. What catalysts?</p> <p>21 A. We bought from them -- actually, what we</p> <p>22 bought from them have been the second generation of</p> <p>23 catalysts that we made after the agreement with Johnson</p> <p>24 Matthey for the platinum sponge expired. It aborted</p> <p>25 because we did not find an agreement.</p>

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<p style="text-align: right;">Page 202</p> <p>1 And what we bought have been some -- have</p> <p>2 been a mixture of a powder that was a mixture of</p> <p>3 graphene and industrial diamonds that we made with</p> <p>4 that. If we enter in this -- okay. Up to now, it</p> <p>5 is not confidential. If we enter in a discussion</p> <p>6 like the one that we made before, it becomes again</p> <p>7 confidential.</p> <p>8 Q. So tell me -- you are saying you had an</p> <p>9 agreement with Johnson Matthey?</p> <p>10 A. No. I was trying to have an agreement with</p> <p>11 Johnson Matthey.</p> <p>12 Q. Who were you speaking with at Johnson</p> <p>13 Matthey?</p> <p>14 A. Top level guys.</p> <p>15 Q. Who?</p> <p>16 A. Now I don't remember the name, but I have no</p> <p>17 difficulties to find the names in my papers. Maybe you</p> <p>18 have papers because I have produced it.</p> <p>19 Q. I don't think that's been produced, but</p> <p>20 we'll talk to your lawyers afterwards, but who --</p> <p>21 A. I am pretty sure it has been produced.</p> <p>22 Q. In the agreement with or the possible</p> <p>23 agreement that you were talking about with Johnson</p> <p>24 Matthey --</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 204</p> <p>1 MR. ANNESSER: Dr. Rossi --</p> <p>2 THE WITNESS: Sorry.</p> <p>3 BY MR. PACE:</p> <p>4 Q. Let's try. Let's just try here. I mean, I</p> <p>5 know you want to kind of go in whatever direction you</p> <p>6 want to go, but listen to me. I'm asking you simple</p> <p>7 questions. There will be opportunities for you to</p> <p>8 explain more.</p> <p>9 A. Okay.</p> <p>10 Q. But we are getting late in the day. It will</p> <p>11 speed things up here a little bit here.</p> <p>12 A. I can say that I have spoken --</p> <p>13 Q. Dr. Rossi, there's no question pending.</p> <p>14 Don't even say anything.</p> <p>15 A. I was referring to the question before.</p> <p>16 MR. ANNESSER: Dr. Rossi --</p> <p>17 MR. PACE: Stop, stop, please.</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. PACE: Let's just do question and answer</p> <p>20 just for a little bit. In fact, let's take a</p> <p>21 break for a second. It's been long.</p> <p>22 THE VIDEOGRAPHER: We have ten minutes left</p> <p>23 on this tape.</p> <p>24 MR. PACE: That's a good idea too.</p> <p>25 THE VIDEOGRAPHER: Stand by. We will go off</p>
<p style="text-align: right;">Page 203</p> <p>1 Q. -- was to do what?</p> <p>2 A. To buy from them platinum sponges so that we</p> <p>3 could make our work that I explained to you before.</p> <p>4 Q. But was it to sell back that platinum sponge</p> <p>5 to Johnson Matthey?</p> <p>6 A. No. I asked them -- they were -- in the</p> <p>7 many discussions that I had with them, they say that</p> <p>8 they were also open to buy from us our product once</p> <p>9 they -- once they had seen it. They were interested to</p> <p>10 that, yes, they said so. They say that they were open</p> <p>11 to that.</p> <p>12 Q. And these communications you were having,</p> <p>13 and listen to my questions, just answer the question.</p> <p>14 A. Sure.</p> <p>15 Q. The communication you are having, some of</p> <p>16 these are communications by e-mail, correct?</p> <p>17 A. I don't remember if I exchanged an e-mails,</p> <p>18 but I think some e-mail is run, but we mostly made</p> <p>19 phone conferences with London, between me and them.</p> <p>20 Q. And you don't -- sitting here today, you</p> <p>21 don't remember the names of any of those individuals?</p> <p>22 A. You know, no, but I have no difficulties to</p> <p>23 produce those names. But, Attorney, I am pretty sure</p> <p>24 that in the discovery that I transmitted to you --</p> <p>25 Q. Dr. Rossi --</p>	<p style="text-align: right;">Page 205</p> <p>1 the record. Here marks the end of videotape</p> <p>2 number six in the deposition of Mr. Andrea Rossi.</p> <p>3 We are going off the record at 5:11.</p> <p>4 (Thereupon, a recess was taken in the proceedings</p> <p>5 from 5:11 p.m. to 5:22 p.m.)</p> <p>6 THE VIDEOGRAPHER: And we are back on the</p> <p>7 record. Here begins videotape number seven in the</p> <p>8 deposition of Mr. Andrea Rossi. The time is</p> <p>9 5:22).</p> <p>10 BY MR. PACE:</p> <p>11 Q. Dr. Rossi, do you recognize you are still</p> <p>12 under oath?</p> <p>13 A. Sure.</p> <p>14 Q. Again, my short questions, answer the short</p> <p>15 questions, and then we'll move on which is during your</p> <p>16 break you had a chance to speak with your attorney?</p> <p>17 A. Yes, I did.</p> <p>18 Q. One of the subjects of speaking with your</p> <p>19 attorney was your testimony today?</p> <p>20 A. Yes.</p> <p>21 MR. ANNESSER: Object to form.</p> <p>22 BY MR. PACE:</p> <p>23 Q. What did you discuss with your attorney?</p> <p>24 MR. ANNESSER: Object to form.</p> <p>25 Attorney-client privilege. I instruct the witness</p>

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1 that?

2 MR. PACE: Yes. I'm trying to understand.

3 THE WITNESS: You know, these picture are,

4 first of all --

5 MR. ANNESSER: Just answer his question if

6 you understand it. I'm going to object to the

7 form because I'm not sure I understand the

8 question.

9 THE WITNESS: The place where the steam

10 became water is not -- is not illustrated by these

11 photographs, Attorney.

12 BY MR. PACE:

13 Q. But it did occur somewhere within the

14 container?

15 MR. LEON DE LA BARRA: Object to form.

16 THE WITNESS: Can you repeat the question.

17 BY MR. PACE:

18 Q. But the conversion of steam to water

19 occurred in the container?

20 MR. ANNESSER: Object to form.

21 MR. LEON DE LA BARRA: Object to the form.

22 THE WITNESS: No.

23 BY MR. PACE:

24 Q. Where did it occur, outside the container

25 then?

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1 A. Yes.

2 Q. Where outside the container?

3 A. In a proper heat exchanger that was placed

4 not inside the container.

5 Q. Where was the heat exchanger?

6 A. The heat exchanger was in a proper room that

7 is not indicated in this photographs. The steam

8 through a pipe is gone in a heat exchanger that is not

9 here.

10 Q. This heat exchanger, who installed that?

11 A. I did.

12 Q. Who helped you install it?

13 A. Contractors.

14 Q. Which contractors?

15 A. Well, I use very much flying contractors

16 that in that industrial park everyday come to know if

17 you need something. I use it to many of them. The

18 heat exchanger that I have put down has been made by me

19 with their help.

20 Q. Okay.

21 A. So -- in -- sorry.

22 Q. I'm sorry. I interrupted you that time.

23 Please finish your answer.

24 A. I had finished.

25 Q. Do you know their names? Do you know any of

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1 their names?

2 A. No, I don't remember. We are talking of two

3 years ago, and they were just guys. In that area, if

4 you go there, they have the truck. It's people that

5 has a truck that is a small workshop. They have

6 everything there. You call them, and they are able to

7 do anything. They are able to do whatever you need.

8 Q. Who removed it?

9 A. Sorry.

10 Q. Who removed this heat exchanger that you

11 built?

12 A. It has been built by pipes --

13 Q. No. I'm sorry. My question was who removed

14 it?

15 MR. LEON DE LA BARRA: Object to form.

16 THE WITNESS: I removed it with the help of

17 contractors.

18 BY MR. PACE:

19 Q. Because it doesn't exist any longer at the

20 Doral plant?

21 A. No because I have used the pieces of it to

22 do other things because now it was completely useless.

23 Q. Well, it didn't exist at the Doral location

24 in February of 2016, did it?

25 MR. ANNESSER: Object to the form.

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1 THE WITNESS: Can you -- I did not

2 understand the question.

3 BY MR. PACE:

4 Q. Sure. You remember seeing me at the Doral

5 warehouse in December 16 of 2016?

6 A. I remember.

7 Q. The heat exchanger you are talking about now

8 had been removed by then, correct?

9 MR. ANNESSER: Object to form.

10 MR. LEON DE LA BARRA: Join.

11 THE WITNESS: I don't understand the

12 English. This heat exchanger has been removed

13 after the end of the test.

14 BY MR. PACE:

15 Q. Okay. So it was sometime after

16 February 2016?

17 A. If this was the question, this is the

18 answer. Sorry.

19 Q. I'm still a little lost and then we'll take

20 a quick break here because we have to move on to some

21 other subjects before we end, but you said in Exhibit

22 17 --

23 A. Yes.

24 Q. -- what comes into there, that top pipe,

25 what we labeled as pipe number one is steam, correct?



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<p style="text-align: right;">Page 270</p> <p>1 two interpretations. I can mean when I write</p> <p>2 this phrase that I am working with three</p> <p>3 reactors out of four because I have one in</p> <p>4 maintenance. So means that I have three</p> <p>5 quarters of the plant that are working in this</p> <p>6 moment. Or this can -- could mean I am</p> <p>7 producing three quarters of the energy that I</p> <p>8 could produce which is a completely different</p> <p>9 thing, but still it can be described in this</p> <p>10 superficially blogistic (sic) phrase.</p> <p>11 So what I am saying is not that when you</p> <p>12 write in a blog you stay stupidities or</p> <p>13 falsities, I am just saying that when you say</p> <p>14 things in a blog, you say things superficially,</p> <p>15 not rigorously to have a well precise meaning.</p> <p>16 BY MR. PACE:</p> <p>17 Q. What did you mean when you wrote this in</p> <p>18 your blog, Dr. Rossi?</p> <p>19 A. I don't remember.</p> <p>20 Q. Did you mean --</p> <p>21 A. I don't remember because I don't remember</p> <p>22 the context.</p> <p>23 Q. Okay. Let's see if --</p> <p>24 A. May be that I wanted --</p> <p>25 (Thereupon, Correspondence was marked for</p>	<p style="text-align: right;">Page 272</p> <p>1 transmitted them to Attorney Johnson to send them</p> <p>2 to Industrial Heat.</p> <p>3 BY MR. PACE:</p> <p>4 Q. So these reflect different measurements.</p> <p>5 Let's look at the first one, July 1st, 2015.</p> <p>6 A. Okay.</p> <p>7 Q. It says that on 26 days the agreed daily</p> <p>8 amount was delivered. That would be one megawatt -- is</p> <p>9 that -- I always get that phrase wrong. One megawatt</p> <p>10 per hour or hour per hour? How do I say that phrase</p> <p>11 correctly?</p> <p>12 A. Yes, the correct -- one megawatt hour per</p> <p>13 hour is energy.</p> <p>14 Q. Okay.</p> <p>15 A. Go to school. One megawatt hour per hour is</p> <p>16 energy. One megawatt is power is a rating. Engineer,</p> <p>17 go to school.</p> <p>18 MR. ANNESSER: Dr. Rossi --</p> <p>19 THE WITNESS: He's correcting me on things,</p> <p>20 on basics.</p> <p>21 MR. ANNESSER: Dr. Rossi, listen to his,</p> <p>22 please. We've all had a long day.</p> <p>23 BY MR. PACE:</p> <p>24 Q. So when you are providing this information,</p> <p>25 and you are providing the information --</p>
<p style="text-align: right;">Page 271</p> <p>1 identification as Defendant's Exhibit 21.)</p> <p>2 MR. PACE: Dr. Rossi, I'm going to hand you</p> <p>3 what's marked as Exhibit 21. I just want to see</p> <p>4 at what point maybe we'll see if we get something</p> <p>5 concrete here.</p> <p>6 MR. ANNESSER: Object to form. Move to</p> <p>7 strike.</p> <p>8 BY MR. PACE:</p> <p>9 Q. Let's look at Exhibit 21.</p> <p>10 A. Sorry. 21. Okay.</p> <p>11 Q. Yes, sir. So for Exhibit 21, these are</p> <p>12 letters from JM Products to Industrial Heat, correct?</p> <p>13 A. Correct.</p> <p>14 Q. The information in here about the power --</p> <p>15 the energy that was received by JM Products, that was</p> <p>16 provided by you for these letters, correct?</p> <p>17 A. It is correct.</p> <p>18 Q. In fact, you wrote most of these letters, if</p> <p>19 not all of these letters?</p> <p>20 MR. LEON DE LA BARRA: Object to form.</p> <p>21 MR. ANNESSER: Object to form.</p> <p>22 BY MR. PACE:</p> <p>23 Q. If not all of these letters?</p> <p>24 MR. LEON DE LA BARRA: Object to form.</p> <p>25 THE WITNESS: I wrote the draft and</p>	<p style="text-align: right;">Page 273</p> <p>1 A. During the month of June in our Doral</p> <p>2 factory, we received from your plant the amount of</p> <p>3 energy of one megawatt hour per hour for a total of 624</p> <p>4 megawatt hours for 26 days while for four days we</p> <p>5 receive 750 kilowatt hour per hour for a total --</p> <p>6 Q. Of 72 megawatt hours. That's accurate</p> <p>7 information you are telling me?</p> <p>8 A. Kilowatt hour, kilowatt hour. Please</p> <p>9 forward your invoice for the agreed daily amount of</p> <p>10 1,000 per day, blah, blah, blah. Yes.</p> <p>11 Q. This is not like a blog posting, correct?</p> <p>12 This is supposed to be accurate information?</p> <p>13 A. Yeah.</p> <p>14 Q. And this was accurate information?</p> <p>15 A. I suppose so, yes. Unless I did not make</p> <p>16 mistakes.</p> <p>17 Q. But this is information you provided?</p> <p>18 A. Yes, it is.</p> <p>19 Q. So, for example, we know from the</p> <p>20 information you provided that in June of 2015, there</p> <p>21 were 26 days when the 1 MW plant was producing at a</p> <p>22 rate of one megawatt hour per hour and four days when</p> <p>23 it was producing at appears to be --</p> <p>24 A. Excuse me. Where are you reading now? What</p> <p>25 are you reading now?</p>

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<p style="text-align: right;">Page 274</p> <p>1 Q. The letter you just read.</p> <p>2 A. The July 1, 2015.</p> <p>3 Q. Yes. Doesn't it say -- don't I read this</p> <p>4 correctly that for 26 days it was producing one</p> <p>5 megawatt hour per hour?</p> <p>6 A. Yes, for 26 -- yes.</p> <p>7 Q. Okay.</p> <p>8 A. During the month of June.</p> <p>9 Q. And then for four days it was producing 750</p> <p>10 kilowatt hours per hour, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And your testimony is all this information</p> <p>13 is accurate unless you made errors?</p> <p>14 MR. ANNESSER: Object to form.</p> <p>15 MR. LEON DE LA BARRA: Join.</p> <p>16 THE WITNESS: It is save mistakes that I</p> <p>17 could have made.</p> <p>18 BY MR. PACE:</p> <p>19 Q. Understood. But to the extent you didn't</p> <p>20 make a mistake, then this is accurate. We could rely</p> <p>21 upon this to understand how much energy was being</p> <p>22 produced by the 1 MW plant during the month of June?</p> <p>23 A. I did not understand the English of this</p> <p>24 phrase. I am sorry. Please speak slower if you can</p> <p>25 because --</p>	<p style="text-align: right;">Page 276</p> <p>1 A. Ah, June '15, yes. June 2015, yes. Because</p> <p>2 if you say June 15, I look for the day.</p> <p>3 Q. I was saying -- I was saying June 2015 but</p> <p>4 it's late.</p> <p>5 A. I'm sorry. I did not get the English.</p> <p>6 Q. Let's -- I understand. Let me just do this.</p> <p>7 So assuming you did not make errors in your</p> <p>8 calculations for these letters -- we can rely on these</p> <p>9 letters as reflecting the amount of power that was</p> <p>10 produced by your 1 MW plant during the month reflected</p> <p>11 in these letters? For example -- yes or no?</p> <p>12 A. Yes. So far I did not mistake, yes.</p> <p>13 Q. So, for example, this first page or the</p> <p>14 second page of Exhibit 21, the one -- this letter of</p> <p>15 July 1st, 2015?</p> <p>16 A. July 1st, 2015 is the one that we are</p> <p>17 reading now, yes.</p> <p>18 Q. Okay. So using that letter we can</p> <p>19 determine -- unless you made a calculation mistake, we</p> <p>20 can determine the amount of power that was produced by</p> <p>21 the 1 MW plant in June of 2015?</p> <p>22 MR. LEON DE LA BARRA: Object to form.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MR. PACE:</p> <p>25 Q. How was this -- what did you use to make</p>
<p style="text-align: right;">Page 275</p> <p>1 Q. To the extent you did not make a mistake in</p> <p>2 your calculations --</p> <p>3 A. To the extent I did not make a mistake,</p> <p>4 correct, yes.</p> <p>5 Q. -- then we can rely on these letters to know</p> <p>6 how much energy was being produced by the 1 MW plant,</p> <p>7 for example, in the month of June 2015, for example,</p> <p>8 this page, correct?</p> <p>9 MR. LEON DE LA BARRA: Object to form.</p> <p>10 THE WITNESS: What do you mean June of 2015?</p> <p>11 BY MR. PACE:</p> <p>12 Q. Do you see the beginning of that sentence,</p> <p>13 the first sentence of that paragraph? During the month</p> <p>14 of June.</p> <p>15 A. In our factory, yes, but I don't see</p> <p>16 anywhere June 15.</p> <p>17 Q. That's my fault, I apologize. June 2015 I</p> <p>18 believe is what I said.</p> <p>19 A. Where is it?</p> <p>20 Q. Do you know what year this was done,</p> <p>21 Dr. Rossi?</p> <p>22 A. Sorry.</p> <p>23 Q. Do you know what year that was done,</p> <p>24 Dr. Rossi? The reference to June is June in the year</p> <p>25 of our Lord 2015.</p>	<p style="text-align: right;">Page 277</p> <p>1 these calculations?</p> <p>2 A. Notes that I take in papers.</p> <p>3 Q. Is it the log -- is it the same thing as the</p> <p>4 handwritten log?</p> <p>5 A. Yes, yes.</p> <p>6 Q. You have a look of uncertainty there which</p> <p>7 is why I'm trying to figure out. Is it possible you</p> <p>8 may have had a separate set of handwritten notes?</p> <p>9 MR. ANNESSER: Object to form.</p> <p>10 THE WITNESS: Yes. You know, I also use the</p> <p>11 pieces of paper that momentarily use it and then</p> <p>12 put in the trash basket. I also had notes but</p> <p>13 this should be reflected also by the log, yes.</p> <p>14 BY MR. PACE:</p> <p>15 Q. Was there any of the measuring equipment for</p> <p>16 -- that Fabio -- I think you testified that Fabio Penon</p> <p>17 installed the measuring equipment for the 1 MW plant in</p> <p>18 Florida, correct?</p> <p>19 A. It is correct.</p> <p>20 Q. Did any of that equipment have to be</p> <p>21 replaced during the testing period?</p> <p>22 A. Let me think. Not that I recall, but this</p> <p>23 means nothing because I was not involved in the</p> <p>24 measurements, so I don't recall to have seen engineer</p> <p>25 Penon change instrumentation but --</p>

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<p style="text-align: right;">Page 294</p> <p>1 CERTIFICATE OF OATH OF WITNESS</p> <p>2</p> <p>3 STATE OF FLORIDA</p> <p>4 SS:</p> <p>5 COUNTY OF MIAMI-DADE</p> <p>6</p> <p>7 I, JANET BALDAUF, Registered Professional</p> <p>8 Reporter, Florida Professional Reporter and Notary</p> <p>9 Public in and for the State of Florida at Large,</p> <p>10 certify that the witness, ANDREA ROSSI, personally</p> <p>11 appeared before me on 2-23-17 and was duly sworn by</p> <p>12 me.</p> <p>13 WITNESS my hand and official seal this</p> <p>14 23rd day of February 2017.</p> <p>15</p> <p>16 </p> <p>17 _____</p> <p>18 JANET BALDAUF, RPR, FPR</p> <p>19 Notary Public</p> <p>20 State of Florida at Large</p> <p>21 Notary # FF208072</p> <p>22 My Commission Expires: 3-31-2019</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 296</p> <p>1 VERITEXT LEGAL SOLUTIONS</p> <p>2 One Biscayne Tower, Suite 2250</p> <p>3 Two South Biscayne Boulevard</p> <p>4 Miami, Florida 33131</p> <p>5 (305) 376-8800</p> <p>6 _____, 2017</p> <p>7</p> <p>8 ANDREA ROSSI</p> <p>9 c/o JOHN W. ANNESSER, ESQUIRE</p> <p>10 Perlman Bajandas Yevoli & Albright, P.L.</p> <p>11 283 Catalonia Avenue, Suite 200</p> <p>12 Coral Gables, Florida 33134</p> <p>13</p> <p>14 RE : ROSSI v DARDEN</p> <p>15 DEPO OF: ANDREA ROSSI</p> <p>16 TAKEN : 2-23-17</p> <p>17 READ & SIGN BY: Days</p> <p>18 Attn: ANDREA ROSSI:</p> <p>19</p> <p>20 This letter is to advise you that the transcript</p> <p>21 of the deposition listed above is completed and</p> <p>22 is available for reading and signing.</p> <p>23</p> <p>24 PLEASE CALL THE ABOVE NUMBER TO MAKE AN APPOINTMENT to</p> <p>25 come to the Veritext office closest to you to read and</p> <p>sign the transcript. Our office hours are from 8:30</p> <p>16 a.m. to 4:30 p.m., Monday through Friday.</p> <p>17 IN THE EVENT OTHER ARRANGEMENTS ARE MADE, please send</p> <p>18 us a list of any and all corrections, signed and</p> <p>19 notarized, noting page and line numbers and the reason</p> <p>20 for such changes, so we can furnish all counsel with a</p> <p>21 copy of same. If the reading and signing has not been</p> <p>22 completed prior to the referenced date, we shall</p> <p>23 conclude that you have waived the reading and signing</p> <p>24 of the deposition</p> <p>25 transcript. Your prompt attention to this matter is</p> <p>appreciated.</p> <p>22</p> <p>23 Sincerely,</p> <p>24 JANET BALDAUF, RPR, FPR</p> <p>25 cc: Counsel of Record</p>
<p style="text-align: right;">Page 295</p> <p>1 REPORTER'S DEPOSITION CERTIFICATE</p> <p>2</p> <p>3 I, JANET BALDAUF, Registered Professional</p> <p>4 Reporter and Florida Professional Reporter, certify</p> <p>5 that I was authorized to and did stenographically</p> <p>6 report the deposition of ANDREA ROSSI, the witness</p> <p>7 herein on 2-23-17; that a review of the transcript</p> <p>8 was requested; that the foregoing pages numbered</p> <p>9 from 1 to 296 inclusive is a true and complete</p> <p>10 record of my stenographic notes of the deposition by</p> <p>11 said witness; and that this computer-assisted</p> <p>12 transcript was prepared under my supervision.</p> <p>13 I further certify that I am not a</p> <p>14 relative, employee, attorney or counsel of any of</p> <p>15 the parties, nor am I a relative or employee of any</p> <p>16 of the parties' attorney or counsel connected with</p> <p>17 the action.</p> <p>18 DATED this 23rd day of February 2017.</p> <p>19</p> <p>20 </p> <p>21 _____</p> <p>22 JANET BALDAUF</p> <p>23 Florida Professional Reporter</p> <p>24 Registered Professional Reporter</p> <p>25</p>	<p style="text-align: right;">Page 297</p> <p>1 VERITEXT LEGAL SOLUTIONS</p> <p>2 One Biscayne Tower, Suite 2250</p> <p>3 Two South Biscayne Boulevard</p> <p>4 Miami, Florida 33131</p> <p>5 (305) 376-8800</p> <p>6 _____, 2017</p> <p>7 CHRISTOPHER R.J. PACE, ESQUIRE</p> <p>8 Jones Day</p> <p>9 600 Brickell Avenue, Suite 3300</p> <p>10 Miami, Florida 33131</p> <p>11</p> <p>12 RE : ROSSI v DARDEN</p> <p>13 DEPO OF: ANDREA ROSSI</p> <p>14 TAKEN : 2-23-17</p> <p>15 READ & SIGN BY: 30 Days</p> <p>16</p> <p>17 Dear Counsel:</p> <p>18</p> <p>19 The original transcript of the deposition listed</p> <p>20 above is enclosed for your file. The witness</p> <p>21 did not waive reading and signing and has been</p> <p>22 sent a letter notifying them to come in and read</p> <p>23 and sign their deposition transcript.</p> <p>24 The witness will be provided a copy of their</p> <p>25 deposition transcript for reading in our office</p> <p>should they come in to review the transcript, and</p> <p>we will forward to you any corrections made by</p> <p>18 the witness at that time, along with an original</p> <p>19 signature page which should be attached to the</p> <p>20 original transcript which is in your possession.</p> <p>21</p> <p>22 Sincerely,</p> <p>23 JANET BALDAUF, RPR, FPR</p> <p>24</p> <p>25</p>

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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