

Composite Exhibit 19

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA

3 MIAMI DIVISION

4 CASE NO. 1:16-cv-21199-CMA

5 ANDREA ROSSI and
6 LEONARDO CORPORATION,

7 Plaintiffs,

8 v.

9 THOMAS DARDEN; JOHN T. VAUGHN,
10 INDUSTRIAL HEAT, LLC;
11 IPH INTERNATIONAL B.V.; and
12 CHEROKEE INVESTMENT PARTNERS, LLC,

13 Defendants.

14 _____/
15 INDUSTRIAL HEAT, LLC, and IPH
16 INTERNATIONAL B.V.,

17 Counter-Plaintiffs,

18 v.

19 ANDREA ROSSI and LEONARDO CORPORATION,
20 Counter-Defendants,
21 and

22 J.M. PRODUCTS, INC.; HENRY JOHNSON;
23 UNITED STATES QUANTUM LEAP, LLC;
24 FULVIO FABIANI; and JAMES BASS,

25 Third-Party Defendants.

600 Brickell Avenue
Miami, Florida
February 28, 2017
Tuesday, 7:45 A.M.

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<p style="text-align: right;">Page 30</p> <p>1 or the United States?</p> <p>2 A. I think so.</p> <p>3 Q. You collected documents for your counsel</p> <p>4 in this case, correct?</p> <p>5 MR. NUNEZ: I'm going to object to form.</p> <p>6 THE WITNESS: Could you please explain a</p> <p>7 little bit better what documents you are</p> <p>8 talking about?</p> <p>9 BY MR. PACE:</p> <p>10 Q. Did you receive discovery requests from</p> <p>11 this litigation?</p> <p>12 MR. NUNEZ: Object to form.</p> <p>13 MR. LEON DE LA BARRA: Object to form.</p> <p>14 THE WITNESS: Please forgive me, but it is</p> <p>15 not -- I'm not comprehending the question. I'm</p> <p>16 not.</p> <p>17 MR. PACE: I will do it again.</p> <p>18 BY MR. PACE:</p> <p>19 Q. You were asked to collect certain</p> <p>20 documents for this case.</p> <p>21 A. Yes.</p> <p>22 Q. And those were documents that you were</p> <p>23 going to provide to the other parties in the case?</p> <p>24 A. I do not know who they were provided to.</p> <p>25 Q. You were asked to collect, for example,</p>	<p style="text-align: right;">Page 32</p> <p>1 problem, kind of chopped up. He's getting</p> <p>2 delayed. Our voices is getting like in pieces</p> <p>3 and delayed. Maybe if you try to fix the</p> <p>4 connection for a minute.</p> <p>5 MR. PACE: Move that closer to you.</p> <p>6 THE WITNESS: It is a connection problem.</p> <p>7 In this moment, it is near to yellow.</p> <p>8 MR. PACE: Let's ask my question again.</p> <p>9 BY MR. PACE:</p> <p>10 Q. He may have answered this, but did you</p> <p>11 search your documents in the United States?</p> <p>12 A. Physically, no.</p> <p>13 Q. Did you search the documents you have in</p> <p>14 Italy?</p> <p>15 A. Physically, no.</p> <p>16 Q. But you believe you have a physical copy</p> <p>17 of an NDA with Leonardo Corporation either in the</p> <p>18 United States or Italy?</p> <p>19 A. Perhaps. I think so. Perhaps. I don't</p> <p>20 have a certainty of it.</p> <p>21 Q. You were asked to collect your email</p> <p>22 communications with various individuals, correct?</p> <p>23 A. Yes. Yes.</p> <p>24 Q. You provided very few emails with, for</p> <p>25 example, Dr. Rossi?</p>
<p style="text-align: right;">Page 31</p> <p>1 your emails with Andrea Rossi?</p> <p>2 THE INTERPRETER: Could you please repeat</p> <p>3 your answer?</p> <p>4 THE WITNESS: The documentation that</p> <p>5 was -- the complete documentation that is in</p> <p>6 my -- that I have in my --</p> <p>7 DR. ROSSI: Possess.</p> <p>8 MR. NUNEZ: Possession.</p> <p>9 THE INTERPRETER: I'm sorry, I will get</p> <p>10 the word.</p> <p>11 THE WITNESS: -- possession has been sent</p> <p>12 to my attorney.</p> <p>13 BY MR. PACE:</p> <p>14 Q. Did you search --</p> <p>15 A. I would like to finish.</p> <p>16 Whatever I have not sent is not in my</p> <p>17 possession any longer.</p> <p>18 Q. Did you search the documents that you have</p> <p>19 in the United States?</p> <p>20 A. No, in the US, no.</p> <p>21 THE INTERPRETER: It was cut. The answer</p> <p>22 was cut. There was a technical difficulty.</p> <p>23 Could you please repeat the answer?</p> <p>24 THE WITNESS: I'm also having --</p> <p>25 THE INTERPRETER: He's also having that</p>	<p style="text-align: right;">Page 33</p> <p>1 A. I provided everything that was in my</p> <p>2 possession after the closing of the contract with</p> <p>3 Industrial Heat.</p> <p>4 Q. Did you search for your email</p> <p>5 communications with James Bass?</p> <p>6 A. Yes, I searched for them.</p> <p>7 Q. And did you search through your email</p> <p>8 communications with Andrea Rossi?</p> <p>9 A. Yes, I searched for them.</p> <p>10 Q. If Andrea Rossi and James Bass produced</p> <p>11 far more email communications with you, then is that</p> <p>12 because you have deleted some of your email</p> <p>13 communications with, for example, Dr. Rossi and</p> <p>14 James Bass?</p> <p>15 A. In the contract, it was foreseen that I</p> <p>16 was to delete everything that was in my power, in my</p> <p>17 possession, once the term of the contract would end.</p> <p>18 I was to delete. I only saved the necessary</p> <p>19 documents. Once I obtained the final payment and</p> <p>20 renewal of the contract, as it was promised by</p> <p>21 Industrial Heat.</p> <p>22 THE INTERPRETER: There was a discrepancy</p> <p>23 in the translation. Would you like me to ask</p> <p>24 the question again and try to get an answer?</p> <p>25 May the interpreter ask him to divide the</p>

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1 answer.

2 MR. PACE: Let me do this. Let me say it.

3 BY MR. PACE:

4 Q. Mr. Fabiani, we need you to provide -- to

5 break your responses into shorter sentences.

6 A. Okay. It is only one block, because it is

7 divided by significance.

8 THE INTERPRETER: (In Italian.)

9 THE WITNESS: Once it is divided, it loses

10 its meaning.

11 BY MR. PACE:

12 Q. You are claiming that you deleted emails

13 because you were required to by your contract with

14 Industrial Heat?

15 A. My contract with Industrial Heat would

16 foresee -- okay. It was foreseen that I had to give

17 my -- all of the documentation that was done by me.

18 THE INTERPRETER: No. The interpreter is

19 not understanding. (In Italian.)

20 THE WITNESS: I have to finish my answer.

21 And this --

22 THE INTERPRETER: The interpreter is not

23 understanding. (In Italian.)

24 DR. ROSSI: Delivery.

25 THE INTERPRETER: The delivery.

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1 THE WITNESS: The delivery was effected to

2 the attorney that is present. It was all --

3 afterwards, it was all deleted afterwards to

4 respect the agreement of the contract.

5 BY MR. PACE:

6 Q. That is literally what he's saying.

7 Mr. Fabiani, I want to understand here,

8 there are emails that you have deleted that relate

9 to either the E-CAT or to Leonardo Corporation or to

10 Industrial Heat, correct?

11 A. They were deleted, as it was required by

12 the contract.

13 Q. And when did you delete those emails?

14 A. The day after the contract expired.

15 Q. And pursuant to that contract, did you

16 provide copies of that information to Industrial

17 Heat?

18 THE INTERPRETER: Copies of the contract?

19 Sorry.

20 MR. PACE: Let me say it again.

21 THE INTERPRETER: (In Italian.)

22 BY MR. PACE:

23 Q. Let me just -- no, no.

24 Before deleting those emails, did you

25 provide copies of them to Industrial Heat?

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1 A. A copy of what?

2 Q. The emails you just testified that you had

3 deleted after the expiration of the contract.

4 A. It was not -- in the contract, it did not

5 ask for any emails to be sent. No, it did not ask

6 for any copies of the emails. Just of the data,

7 information, copies of the data.

8 Q. Let me ask my question to you again.

9 You testified that you have deleted some

10 of these email communications with -- the email

11 communications that involve the E-CAT -- that

12 involve the E-CAT or Leonardo Corporation or

13 Industrial Heat?

14 A. Yes.

15 Q. And you have deleted those -- wait -- and

16 you have deleted those within the past year?

17 MR. NUNEZ: Object to form.

18 THE WITNESS: The day after the end of the

19 contract.

20 BY MR. PACE:

21 Q. You deleted those emails within the past

22 year?

23 MR. NUNEZ: Object to form.

24 THE WITNESS: When you say this last year,

25 what year are you talking about?

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1 BY MR. PACE:

2 Q. You deleted those emails within the last

3 12 months?

4 MR. NUNEZ: Object to form.

5 THE WITNESS: I would like to know which

6 year you're talking about.

7 BY MR. PACE:

8 Q. The past 12 months, Mr. Fabiani.

9 A. We are in February, so -- yes, I think

10 that that is within the 12 months. I think so.

11 Q. Prior to deleting those emails, did you

12 send copies of them to anyone?

13 A. I do not remember if I distributed copies

14 during work.

15 Q. The question was probably not well done.

16 When you decided to delete some email --

17 when you decided to delete the emails that we have

18 been talking about, at or shortly before that time

19 did you forward those emails to anyone else?

20 A. That I recall, no. Before, it was normal.

21 During the period of time that the work was

22 developing, that was normal.

23 After the contract expired, whatever was

24 left was sent to my attorney.

25 Q. And when you say your attorney, do you

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1 mean Rudy Nunez?
2 A. Yes.
3 Q. Dr. Penon testified the other day that you
4 sent to him a series of emails. Did you send email
5 communications to Dr. Penon?
6 A. During the development of my work for
7 Industrial Heat.
8 Q. Did these emails include attachments of
9 data?
10 THE INTERPRETER: One moment. The
11 interpreter's microphone fell off. We are
12 good.
13 THE VIDEOGRAPHER: Thank you.
14 THE INTERPRETER: I'm sorry. What kind of
15 data?
16 BY MR. PACE:
17 Q. Data. Attachments of data.
18 A. Yes.
19 Q. This included data that you took off of a
20 computer owned by Dr. Penon?
21 MR. NUNEZ: Object to form.
22 MR. LEON DE LA BARRA: Object to form.
23 THE WITNESS: The answer is no.
24 BY MR. PACE:
25 Q. Did Dr. Penon have a computer at the Doral

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1 location?
2 A. Where precisely?
3 Q. At the warehouse in Doral.
4 A. Yes, in the studio where the plant was.
5 Q. Did you -- is this -- did you have access
6 to that computer?
7 A. What do you mean by access?
8 Q. Were you able to access the data or
9 information on that computer?
10 A. No.
11 Q. What was the data that you sent -- you
12 would send by email to Dr. Penon?
13 A. I did not understand the question.
14 THE INTERPRETER: Maybe the interpreter
15 did not translate it correctly.
16 MR. PACE: No problem.
17 BY MR. PACE:
18 Q. What data would you send to Dr. Penon by
19 email?
20 A. My summary of the --
21 DR. ROSSI: Operation.
22 THE WITNESS: -- operation of the --
23 DR. ROSSI: Plant.
24 THE WITNESS: -- the plant. Okay.
25

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1 MR. PACE: Let's do that again.
2 THE INTERPRETER: I've got it now.
3 BY MR. PACE:
4 Q. Mr. Fabiani, let me ask my question again
5 to allow for translation again.
6 What data would you send to Dr. Penon by
7 email?
8 A. A summary of the operation of the plant.
9 Q. How often would you send those emails to
10 Dr. Penon?
11 A. Usually every two months. Every two
12 months.
13 Q. Have you saved those emails?
14 A. No, absolutely not.
15 Q. When did you delete those emails?
16 A. The day after the contract expired.
17 Q. And you did not -- before deleting those
18 emails, you did not send copies of those emails
19 either to Industrial Heat or to your counsel?
20 MR. NUNEZ: Object to form.
21 THE WITNESS: Before the expiration of the
22 contract --
23 THE INTERPRETER: (In Italian.)
24 THE WITNESS: Before -- had been sent
25 to --

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1 THE INTERPRETER: (In Italian.)
2 MR. PACE: He's translating for the
3 translator. Mr. Fabiani, I know you understand
4 English, but you have to let her translate.
5 THE INTERPRETER: It is reference to --
6 no, no.
7 MR. PACE: Let's do this again. Let me
8 ask my question again, and he can answer.
9 THE INTERPRETER: (In Italian.)
10 THE WITNESS: (In Italian.)
11 It is not correct, the translation.
12 MR. PACE: That's why I'm asking. I
13 realize you understand English, Mr. Fabiani.
14 THE WITNESS: Thank you, thank you.
15 BY MR. PACE:
16 Q. Prior to deleting your emails with
17 Dr. Penon, did you send those emails either to your
18 counsel or to -- or to Industrial Heat?
19 A. Before the expiration of the contract --
20 THE INTERPRETER: (In Italian.) I'm
21 sorry.
22 DR. ROSSI: I can help.
23 MR. PACE: Let's take a break.
24 THE VIDEOGRAPHER: Stand by to go off the
25 record. Going off at 9:49.

<p style="text-align: right;">Page 42</p> <p>1 (Thereupon, a recess was taken, after 2 which the following proceedings were held:) 3 MR. PACE: Back on the record. 4 THE VIDEOGRAPHER: We are now back on the 5 video record. The time back on is 9:55 a.m. 6 BY MR. PACE: 7 Q. Mr. Fabiani, before you deleted the emails 8 you sent to Dr. Penon, did you send those specific 9 emails to anyone else? 10 A. I have to give a response a bit long, so I 11 have to divide it in several parts. 12 MR. NUNEZ: Well, let him answer. 13 BY MR. PACE: 14 Q. Can you answer yes or no first? 15 A. Well, the answer of a yes or a no depends 16 on the time frame, the period of time. 17 Q. All right. Then let me -- I will narrow 18 it to make it easier. 19 A. Correct. 20 Q. Did you forward the emails that you sent 21 to Dr. Penon immediately before deleting them? 22 THE INTERPRETER: Can you repeat the 23 question again because I'm hearing that that is 24 not correct. 25 THE WITNESS: (In English.) Sorry. I</p>	<p style="text-align: right;">Page 44</p> <p>1 the Italian word you're using for email? 2 THE INTERPRETER: Email. 3 MR. PACE: If he does not use the word 4 email -- 5 THE INTERPRETER: He's using email in 6 English. Email. 7 MR. PACE: What I think he was responding 8 in Italian is "the summary or the records." He 9 did not use the word "email." So your 10 translation should not use the word "email." 11 Let me try this again, to make sure I've got 12 it. 13 BY MR. PACE: 14 Q. Mr. Fabiani, you are testifying that you 15 did not forward the Dr. Penon emails to anyone, but 16 you sent the same data you provided Dr. Penon to 17 others? 18 A. Okay. I did not understand it. It is 19 quite complex because -- because the email of 20 Dr. Penon -- 21 DR. ROSSI: The email sent to Dr. Penon. 22 THE INTERPRETER: The email sent to 23 Dr. Penon was not forwarded to anyone. 24 MR. PACE: Understood. 25 THE WITNESS: But the data that was</p>
<p style="text-align: right;">Page 43</p> <p>1 don't understand the question. It is not 2 complete. 3 BY MR. PACE: 4 Q. Did you forward -- forwarding an email, 5 does that translate for something in Italian or are 6 you having a problem with that? Let me use a 7 different word. 8 THE INTERPRETER: It is to send. 9 DR. ROSSI: To forward in Italian -- (in 10 Italian.) 11 THE INTERPRETER: Okay. 12 BY MR. PACE: 13 Q. Did you forward the emails you sent to 14 Dr. Penon to anyone else? 15 A. I did not forward the emails to anyone. I 16 sent the email to several -- 17 DR. ROSSI: I delivered. 18 THE INTERPRETER: I delivered the emails. 19 DR. ROSSI: The emails, the data. 20 MR. PACE: The data. The data. 21 THE INTERPRETER: I delivered the emails 22 to -- (in Italian.) 23 MR. NUNEZ: He gave the emails to various 24 people. Not the emails, the data. 25 MR. PACE: If everybody can stop. What is</p>	<p style="text-align: right;">Page 45</p> <p>1 contained in that email -- 2 DR. ROSSI: Has been delivered. 3 THE INTERPRETER: Has been delivered to 4 Dr. Rossi. (In Italian.) 5 THE WITNESS: Have been hand-delivered to 6 Dr. Rossi. 7 THE INTERPRETER: (In Italian.) 8 The interpreter is not understanding the 9 names. It is chopped up. 10 Could you please repeat the names? 11 THE WITNESS: J.T. Bolgan. Tom something. 12 BY MR. PACE: 13 Q. Darden? 14 A. Darden, during the time that they visited 15 the plant. 16 The day before the contract expired, I 17 went to -- I went to the officer or the firm of 18 Jones Day, and I hand-delivered to the engineer of 19 Industrial Heat. 20 DR. ROSSI: A flash drive. 21 MR. NUNEZ: A flash drive. 22 THE WITNESS: A flash drive that contained 23 the same. 24 DR. ROSSI: Reports. 25 THE INTERPRETER: Reports.</p>

<p style="text-align: right;">Page 46</p> <p>1 MR. PACE: Data. 2 THE WITNESS: Document. 3 After my contract was completed, I 4 proceeded -- I proceeded -- 5 THE INTERPRETER: (In Italian.) 6 THE WITNESS: -- to the cancelation of all 7 of that, everything that did not have to do 8 with the renewing of the contract. 9 BY MR. PACE: 10 Q. As to data that you sent to Dr. Penon, you 11 sent Dr. Penon temperature data? 12 A. Yes. 13 Q. You sent Dr. Penon electrical data? 14 A. Yes. 15 Q. Did you send Dr. Penon pressure data? 16 A. Yes. 17 Q. From where did you obtain the temperature 18 data? 19 THE INTERPRETER: Temperature? 20 DR. ROSSI: Correct. 21 THE WITNESS: From my -- from my data, 22 from my part of the plan. 23 DR. ROSSI: Control system. 24 THE WITNESS: The control system. 25</p>	<p style="text-align: right;">Page 48</p> <p>1 BY MR. PACE: 2 Q. And your testimony is that the same data 3 you sent to Dr. Penon, you also turned over to an 4 engineer for Industrial Heat at the offices of Jones 5 Day? 6 A. Yes. Yes. 7 Q. Your testimony is you turned this data 8 over in a flash drive? 9 A. Yes. 10 Q. Let's talk a little bit about the time you 11 were in the offices of Jones Day. You met with J.T. 12 Vaughn and an engineer from Industrial Heat, 13 correct? 14 A. Also with the presence of the attorney. 15 Q. And the attorney who was present was 16 myself? 17 A. Yes. 18 DR. ROSSI: (In Italian.) 19 THE INTERPRETER: (In Italian.) 20 THE WITNESS: I do remember that, yes, I 21 do. 22 BY MR. PACE: 23 Q. Mr. Fabiani, even though -- 24 A. I was at the Jones Day office two times. 25 Jones Day.</p>
<p style="text-align: right;">Page 47</p> <p>1 BY MR. PACE: 2 Q. From where did you obtain the electrical 3 data? 4 A. From the PC 800 -- 5 DR. ROSSI: PCE. 6 THE INTERPRETER: PCE-830. 7 MR. PACE: Dash 30. 8 BY MR. PACE: 9 Q. And that is the electrical data that you 10 sent to Dr. Penon? 11 A. Yes. 12 Q. And then you sent -- from where did you 13 obtain the pressure data that you sent to Dr. Penon? 14 A. From one of my pressure -- 15 DR. ROSSI: A probe, pressure probe in my 16 control system. 17 THE WITNESS: My pressure. 18 THE INTERPRETER: Pressure probe within my 19 control system. 20 BY MR. PACE: 21 Q. Did you send water level information to 22 Dr. Penon? 23 THE INTERPRETER: Water level data? 24 MR. PACE: Yes. 25 THE WITNESS: No.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Mr. Fabiani, for purposes of the 2 deposition, if you can wait for the Italian 3 translation before responding. Otherwise, we are 4 talking over each other. 5 A. Sorry. I apologize. 6 Q. During this meeting at Jones Day, you 7 spoke about -- about your interactions with James 8 Bass? 9 THE INTERPRETER: Interactions. 10 MR. PACE: That is a bad word. Let me 11 start over. 12 BY MR. PACE: 13 Q. At this meeting you spoke about your -- 14 your -- 15 MR. PACE: Let me start this over. 16 THE INTERPRETER: The interpreter would 17 like to know, "you" singular or "you" plural? 18 You or he spoke or they all spoke? 19 MR. PACE: Give me a second. 20 BY MR. PACE: 21 Q. At this meeting, you discussed your work 22 at the Doral location, correct? 23 A. Which one of the two visits? 24 Q. The first. 25 A. Yes.</p>

<p>Page 82</p> <p>1 Unit Number 2. The time is 12:54 p.m. 2 BY MR. PACE: 3 Q. Mr. Fabiani, you understand that you are 4 still under oath? 5 A. Yes. 6 Q. You testified earlier today that there was 7 a contract between US Quantum Leap and Industrial 8 Heat, correct? 9 A. Yes. 10 Q. That agreement was entered in the summer 11 or fall of 2013? 12 A. More or less the fall of 2013, if I 13 recall. 14 Q. When did that agreement end? 15 A. It was a renewal -- 16 THE INTERPRETER: (In Italian.) 17 THE WITNESS: I would have to look back at 18 the documents, but it was either March or 19 April, 2016. 20 BY MR. PACE: 21 Q. During the time of this agreement, 22 Industrial Heat was paying US Quantum Leap for the 23 work you were doing? 24 A. Yes. Yes. 25 Q. And were you also paid an amount for an</p>	<p>Page 83</p> <p>1 apartment rental? 2 A. Yes. It was included in the contract. 3 Q. And that was -- that was also money that 4 was paid by Industrial Heat? 5 A. This what? 6 Q. I'm sorry. The amount that was being paid 7 for your apartment rental? 8 A. Yes. 9 Q. We spoke -- we were discussing earlier 10 today the 1-MW plant, correct? 11 A. Yes. 12 Q. What do you understand the 1-MW plant to 13 be? 14 A. I'm not understanding the question. 15 Q. What is the 1-MW plant? 16 A. It is a container. It contains more 17 groups of reactors. 18 Q. How many groups of reactors? 19 A. Six. Six small ones and -- six done with 20 the small reactors and four done with the large 21 reactors. 22 Q. Were the four groups of large reactors 23 sometimes called Big Frankies? 24 A. Yes. 25 Q. Was there any name for the six group of</p>	<p>Page 84</p> <p>1 the small reactors? 2 A. No. They were numbered alphabetically. 3 Q. Do you recall that the 1-MW plant was sent 4 to Doral warehouse in late 2014? 5 A. I was present when it was unloaded, but I 6 don't remember the exact date. 7 Q. Do you remember that the 1-MW plant was 8 operated -- was run at the Doral warehouse in 2015 9 and early 2016? 10 A. Did you say at the end of 2016? 11 Q. No. Let me ask my question again. 12 THE INTERPRETER: Maybe it was a mistake 13 of the interpreter. 14 THE WITNESS: No, no. I did hear 2016. 15 BY MR. PACE: 16 Q. Do you recall that the plant was operated 17 at the Doral warehouse -- was operated at the Doral 18 warehouse in 2015 and early 2016? 19 A. Yes. 20 Q. In connection with running the 1-MW plant 21 at the Doral warehouse, there were measurements 22 being taken in connection with running the plant, 23 correct? 24 A. The question is very confusing. Can you 25 reformulate it a little bit?</p>	<p>Page 85</p> <p>1 Q. I can. 2 A. Thank you. 3 Q. When the 1-MW plant was being operated in 4 Doral, were there measurements being taken of the 5 inputs into and the outputs from the plant? 6 A. They were taken in more ways. 7 Q. I wanted to ask you about those 8 measurements and how they were made. 9 A. Okay. I understood the question. 10 I need to give a long answer because it is 11 three different -- it is three systems. 12 Q. Uh-huh. 13 A. Okay. The first part was the system that 14 would give data to me to be able to see and regulate 15 the functioning during the date -- throughout the 16 day. 17 The second system was the -- was the 18 system that would memorize the data that the 19 engineer -- the third system would be Engineer Penon 20 would come to verify his data and his certified 21 instrument -- instruments. Instruments. 22 Okay. Perfect. There were occasions in 23 which during the visits of Industrial Heat, from 24 J.T. -- J.T. -- J.T. -- 25 Q. J.T. Vaughn?</p>
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<p style="text-align: right;">Page 86</p> <p>1 A. -- J.T. Vaughn and Tom Darden, photographs 2 of the apparatus and the data. And Barry West, 3 during the development of the test, of the tests, 4 took pictures of the electrical meter. Meter. And 5 the hydraulic meter. 6 Q. The data collected from the first system, 7 how was that stored? 8 THE INTERPRETER: I'm trying to think of 9 the word "stored." 10 MR. PACE: Let me ask a different 11 question. 12 BY MR. PACE: 13 Q. There were measuring devices that were 14 used for collecting the data for Engineer Penon, 15 correct? 16 A. Of course. 17 Q. And those measurement devices measured -- 18 actually let me start again. Let me start again. 19 What measurement devices were used in 20 Doral to collect data for Engineer Penon? 21 A. Okay. Engineer Penon had two systems at 22 his disposal. The first system was an electronic 23 system that would permit the registering or 24 registration of data that was necessary to 25 understand if the system would function in a</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Where is -- was that data that you just 2 described, was that stored in the computer 3 somewhere? 4 A. It was stored in my server. From this 5 data, I extracted the file that was delivered in the 6 attorney's office during my second meeting. 7 Attorney Pace, the attorney next to the interpreter. 8 Q. You testified earlier today that you sent 9 data to Engineer Penon. Was that -- was that data 10 from your system? 11 A. Yes. Yes. I could not get into 12 Mr. Penon's -- 13 MR. PACE: Computer. 14 THE INTERPRETER: I could not hear the 15 word. Into the system? 16 THE WITNESS: I could not enter into 17 Mr. Penon's system. 18 BY MR. PACE: 19 Q. And so the system for the electronic 20 control, the measurement system of Engineer Penon 21 for the electronic controls, that data was stored in 22 a computer of Dr. Penon's? 23 A. Yes. 24 Q. And no one other than Dr. Penon accessed 25 that computer?</p>
<p style="text-align: right;">Page 87</p> <p>1 continuous cycle. 2 The second -- the second set of 3 instruments were certified instruments sent from 4 Penon -- sent by Penon and installed in the plant 5 once -- okay, to be able to do a measuring, a 6 certified measurement. 7 Q. The data collected in the electronic 8 system for Engineer Penon, where was that data held 9 or stored? 10 A. Okay. The data for the certified 11 instrument was inside the certified instrument. 12 Okay. The data, because there are two instruments, 13 the first one was the certified instruments. The 14 second was the registered data from the electronic 15 control system inside of Penon's computer. 16 Q. Then there was also a system that 17 collected data that you would use to operate the 18 plant? 19 A. Yes. 20 Q. What data did you collect for purposes of 21 operating the plant? 22 A. Electrical, incoming temperature -- input 23 temperature, output temperature, pressure. 24 Q. Anything else? 25 A. No.</p>	<p style="text-align: right;">Page 89</p> <p>1 A. Yes. We were only to see if it functioned 2 or did not. 3 Q. Who is "we"? 4 A. All of those that would enter the command. 5 Q. Container? 6 A. Container. Okay. It is a small container 7 where the office is inside. 8 Q. How is the data kept for the certified 9 instruments? 10 A. I could only speak for one of the 11 certified instruments. 12 Q. Which one is that? 13 A. PCE-130. Oh, 830. 14 Q. Where was the data for the PC-830 stored? 15 A. Inside of the PCE-830. 16 Q. Who installed the measurement equipment 17 for the system that you operated? 18 A. Which instruments? There are so many. 19 Q. Let's go through each of them. 20 The instrument for measuring the 21 electrical power. 22 THE INTERPRETER: Measuring? 23 MR. PACE: Electrical power. 24 THE WITNESS: For the PCE-830, yes, it was 25 installed, Barry West, under my direct</p>

<p style="text-align: right;">Page 98</p> <p>1 to turn on the small reactors, but we found 2 installation defects that did not allow to be able 3 to work with the small reactors. 4 Q. Was that insulation problem more than just 5 the problem with the temperature probes? 6 A. Okay. That insulation problem derived 7 from an error, an erred system of electrical 8 cabling. This led to -- led to having current, 9 current, like electricity, on the metallic mats. 10 For this reason is why they burnt out. 11 Q. And those small reactors burnt out in 12 early 2015? 13 A. They were not turned on in 2015. They 14 were turned on only for testing. 15 Q. So the -- any output from the 1-MW plant 16 was from the four big Frankie units? 17 A. Ninety-nine percent, yes. 18 Q. What is the 1 percent wrong? 19 A. Thank you. Is okay. The 1 percent is if 20 the -- 1 percent -- oh, from the startup, the 21 1 percent of the system, to then be able to turn off 22 all of the small reactors for a problem of short 23 circuit to the -- the -- the -- during the -- during 24 the turning on -- oh, during the functioning. 25 THE INTERPRETER: I'm sorry. The words</p>	<p style="text-align: right;">Page 100</p> <p>1 Number 2. Going off the record at 1:55 p m. 2 (Thereupon, a recess was taken, after 3 which the following proceedings were held:) 4 THE VIDEOGRAPHER: We are now back on the 5 video record. This is the beginning of Media 6 Unit 3. The time on the record is 2:24 p m. 7 BY MR. PACE: 8 Q. Mr. Fabiani, before we broke you made a 9 reference to a document that reflects when different 10 parts of the E-CAT -- the 1-MW plant was working or 11 was stopped. 12 I want to show you what I have marked here 13 as Exhibit 3. 14 (The referred-to document was marked by 15 the court reporter for Identification as 16 Deposition Exhibit 3.) 17 BY MR. PACE: 18 Q. Just looking at this first page of the 19 exhibit, is this the -- and I will represent to you 20 that this was produced by your lawyer in discovery. 21 Does this -- is this the document you discussed? 22 A. This part seems like it, yes. 23 MR. NUNEZ: Let me just -- I'm sorry. Not 24 so much -- Fulvio, one second. 25 Mr. Pace, just because you said this was</p>
<p style="text-align: right;">Page 99</p> <p>1 were choppy. 2 BY MR. PACE: 3 Q. The small reactors were operating for a 4 very short time when the plant was first turned on? 5 A. Yes. Yes. In the documents that were 6 delivered in the Excel file, there are the comments 7 for each day. And it is written when we had to turn 8 off the small reactors, the small reactors. 9 MR. PACE: Why don't we take a short break 10 and we will get that spreadsheet out, too. 11 MR. NUNEZ: Chris, before we -- before we 12 go off the record, I don't know if it needs to 13 be on the video record, I told you we were here 14 for the seven hours. It is not seven hours of 15 questioning. I mean, you could speak with me 16 if you need a little bit longer. We're at 2:00 17 now. 18 MR. PACE: Our position is under the rules 19 we are entitled to seven hours of questioning. 20 If you guys want to turn off the Skype and stop 21 the deposition, you can do so at your own risk. 22 That's up to you. 23 How much time are we at? 24 THE VIDEOGRAPHER: I can tell you when we 25 go off. Stand by to go off Media Unit</p>	<p style="text-align: right;">Page 101</p> <p>1 produced by us, is there a reason it doesn't 2 have the Bates stamps on it? 3 MS. HANDELSON: We didn't get Bates stamps 4 on any of our production. 5 MR. PACE: This was 13 and 14. I don't 6 think it had the Bates stamps on it. 7 MR. NUNEZ: All right. Go on. I'm going 8 to look. I'm pretty sure it did. 9 MR. PACE: I want to say it is 13 or 14. 10 It is one or both. 11 MR. NUNEZ: I think this one was 14. 12 THE INTERPRETER: I'm sorry. The 13 interpreter left her glasses right there. 14 Sorry, Counsel. Sorry about that. 15 BY MR. PACE: 16 Q. If we go to the -- if we go to the second 17 page. 18 MR. NUNEZ: Just for the record, just 19 because you had made that reference, because 20 mine do have Bates stamp, it looks like a 21 different copy. 22 MR. PACE: Did you look at 13? I think 23 you produced the same thing. Production 13 and 24 14. 25 MR. NUNEZ: Right, because 13 -- just bear</p>

<p style="text-align: right;">Page 134</p> <p>1 MR. PACE: Put the Italian version up. 2 (The referred-to document was marked by 3 the court reporter for Identification as 4 Deposition Exhibit 7.) 5 MR. PACE: There is one, two, three. I'm 6 going to give you one for you to look at. 7 BY MR. PACE: 8 Q. Mr. Fabiani, I don't want to ask you a lot 9 of details about this document. I just want to make 10 sure that I'm clear that the Giuseppe Levi that is 11 referenced in this email, that is the Professor Levi 12 from Bologna University? 13 A. Yes, it is Giuseppe Levi. 14 Q. And is this a -- the email address that 15 you are communicating with him -- let me start that 16 over. 17 This is an email communication that you 18 are having from him from his -- let's start over 19 again. 20 This is being sent from his personal 21 email, not his email at the University of Bologna, 22 correct? 23 MR. NUNEZ: Object to form. 24 THE WITNESS: I have no idea. I do not 25 know all the email addresses.</p>	<p style="text-align: right;">Page 136</p> <p>1 BY MR. PACE: 2 Q. This is an email that you sent to 3 Dr. Rossi, correct? Correct? 4 A. Yes, I think so. I believe so. Think, 5 believe. 6 MR. PACE: Can you do me a favor? Can you 7 go to the second picture? 8 BY MR. PACE: 9 Q. Mr. Fabiani, can you tell me what we are 10 looking at in this image? 11 A. Two containers. 12 Q. Is this the E-CAT plant? 13 A. I think so. 14 Q. Do you know, these are -- these are 15 attached to an email that was dated June 19, June 19 16 of 2015. Do you recall if these are pictures that 17 you took around that time period? 18 A. I don't remember. 19 Q. On the left side of this picture, we can 20 see a gray wall, correct? 21 A. Yes. 22 Q. What is on the other side of that gray 23 wall? 24 A. I have no idea. 25 Q. Have you ever been on the other side of</p>
<p style="text-align: right;">Page 135</p> <p>1 BY MR. PACE: 2 Q. Is this the email address that you usually 3 use to communicate with Professor Levi? 4 A. By memory, I don't remember. 5 MR. PACE: Can you scroll down to the 6 bottom of this page? Just where his email 7 starts. That's good enough there. 8 BY MR. PACE: 9 Q. Mr. Fabiani, at the bottom of this page 10 there is also an email address for you. Do you see 11 that? Do you see that? 12 A. Yes. I read my name, yes. 13 Q. Is that an email address that you still 14 use? 15 A. No, absolutely not. 16 Q. When did you stop using that email 17 address? 18 A. A few years ago. 19 MR. PACE: June 19, 2005. 2015. Sorry. 20 THE INTERPRETER: '15. 21 MR. PACE: I'm sorry about that. 22 (The referred-to document was marked by 23 the court reporter for Identification as 24 Deposition Exhibit 8.) 25</p>	<p style="text-align: right;">Page 137</p> <p>1 that gray wall? 2 A. No. 3 Q. Just above the gray wall we can see the 4 outline of a black box or the top of a black box or 5 a black container. 6 Do you see that? 7 A. I see black. 8 Q. Do you know what is in that -- have you 9 ever been inside of that black box? 10 A. No, never been inside. 11 Q. Next to the black box do you see a silver 12 pipe? It is actually a pipe wrapped in insulation. 13 THE INTERPRETER: I'm sorry. 14 MR. PACE: A gray pipe. 15 THE INTERPRETER: Your last question was, 16 do you see it? 17 THE WITNESS: Yes. 18 THE INTERPRETER: The answer is yes. 19 BY MR. PACE: 20 Q. Was that the insulated pipe that was to 21 carry the heated fluid from the 1-MW plant over to 22 the J.M. side of the warehouse? 23 A. Yes, I think that is it. 24 Q. Do you recall when that pipe was put into 25 play -- when that pipe was installed?</p>

<p style="text-align: right;">Page 138</p> <p>1 A. I do not remember the date.</p> <p>2 Q. When was the pipe -- when was that</p> <p>3 insulated pipe removed from its -- removed from the</p> <p>4 location that it is in this picture?</p> <p>5 A. I don't know.</p> <p>6 Q. When was the last time you were in the</p> <p>7 Doral warehouse?</p> <p>8 A. The last time, one or two days after the</p> <p>9 plant was closed, yes, to take my material that had</p> <p>10 been thrown outside.</p> <p>11 Q. What was that material?</p> <p>12 A. My computer, my acquisition system, my</p> <p>13 electronic laboratory.</p> <p>14 MR. PACE: Equipment, laboratory.</p> <p>15 BY MR. PACE:</p> <p>16 Q. When you -- do you recall whether that</p> <p>17 insulated pipe was still at the Doral warehouse on</p> <p>18 the last day you were there?</p> <p>19 A. No. I did not go around looking around</p> <p>20 the plant. It was all closed.</p> <p>21 Q. Let's go to -- is this the third picture?</p> <p>22 The third picture that was attached to the email, is</p> <p>23 this a picture of the four Big Frankie units?</p> <p>24 A. It is not complete, but you can see four</p> <p>25 Big Frankies.</p>	<p style="text-align: right;">Page 140</p> <p>1 A. I understand.</p> <p>2 No, never involved.</p> <p>3 Excuse me. It is 3:00 in the morning. I</p> <p>4 begin being very tired.</p> <p>5 MR. NUNEZ: Chris, how much longer do you</p> <p>6 think you have?</p> <p>7 MR. PACE: I want to show him a couple of</p> <p>8 documents.</p> <p>9 THE INTERPRETER: (In Italian.)</p> <p>10 THE WITNESS: Thank you, thank you. I'm</p> <p>11 not very lucid at 3:00 a.m.</p> <p>12 MR. PACE: This is 9?</p> <p>13 (The referred-to document was marked by</p> <p>14 the court reporter for Identification as</p> <p>15 Deposition Exhibit 9.)</p> <p>16 BY MR. PACE:</p> <p>17 Q. Mr. Fabiani, what you are looking at on</p> <p>18 your screen now, this is an email that you wrote to</p> <p>19 J.T. Vaughn; is that correct?</p> <p>20 A. Probably.</p> <p>21 Q. You do not recognize the email otherwise?</p> <p>22 A. Probably, yes, yes.</p> <p>23 MR. PACE: Can you go down to the bottom</p> <p>24 of the first page of the agreement. I want to</p> <p>25 see if he recognizes his initials and his</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. And the Big Frankie units are stacked on</p> <p>2 top of each other in this picture?</p> <p>3 A. Yes, they are stacked. But they are</p> <p>4 distanced from each other.</p> <p>5 MR. PACE: Can you go to the last picture?</p> <p>6 BY MR. PACE:</p> <p>7 Q. The last attached picture from this email,</p> <p>8 can you tell me what we are looking at here?</p> <p>9 A. I think it could be the -- a small module.</p> <p>10 Q. A small module meaning a small E-CAT?</p> <p>11 A. Yes. Yes, I am talking about the small</p> <p>12 E-CAT.</p> <p>13 Q. Mr. Fabiani, were you ever involved in</p> <p>14 fueling any of the E-CAT units? Fueling.</p> <p>15 MR. PACE: Is that a bad word? Let me</p> <p>16 make a different question.</p> <p>17 BY MR. PACE:</p> <p>18 Q. Mr. Fabiani, were you ever involved in</p> <p>19 putting fuel into an E-CAT unit?</p> <p>20 MR. PACE: You can use the word "catalyst"</p> <p>21 in Italian or "fuel" in Italian, but not</p> <p>22 gasoline. I'll try a different one.</p> <p>23 BY MR. PACE:</p> <p>24 Q. Mr. Fabiani, were you ever involved in</p> <p>25 putting any mixtures into the E-CAT units?</p>	<p style="text-align: right;">Page 141</p> <p>1 signature.</p> <p>2 BY MR. PACE:</p> <p>3 Q. Mr. Fabiani, can you see either initials</p> <p>4 or signatures in the bottom right-hand corner?</p> <p>5 A. Yes.</p> <p>6 Q. Are those your initials or signature?</p> <p>7 A. Yes, it seems like mine.</p> <p>8 MR. PACE: Then why don't we go all the</p> <p>9 way to just the first signature.</p> <p>10 BY MR. PACE:</p> <p>11 Q. Mr. Fabiani, does this appear to be your</p> <p>12 signature on this document, what we see there above</p> <p>13 the name Fulvio Fabiani?</p> <p>14 A. Yes. It seems like mine, yes.</p> <p>15 MR. PACE: Literally, one last document.</p> <p>16 February 23, 2016. This is Exhibit 10.</p> <p>17 (The referred-to document was marked by</p> <p>18 the court reporter for Identification as</p> <p>19 Deposition Exhibit 10.)</p> <p>20 MR. PACE: Did I give you February 23rd?</p> <p>21 MS. HANDELSON: I have it up.</p> <p>22 BY MR. PACE:</p> <p>23 Q. Mr. Fabiani, do you recognize this email?</p> <p>24 A. Yes. It is properly mine, yes.</p> <p>25 Q. In this email, you are telling J.T. Vaughn</p>

<p style="text-align: right;">Page 142</p> <p>1 about certain information that you are going to 2 provide him; is that correct? 3 A. I read that we are trying to clarify the 4 interest in continuing to work together. 5 Q. You say in this email that you are going 6 to send Mr. Vaughn an Excel file with electrical and 7 thermal data, correct? 8 A. It is the file that I hand-delivered to 9 the engineer of Industrial Heat, in Attorney Pace's 10 office. 11 Q. And then you say that you were going to 12 work on an official report; is that correct? 13 A. It was not -- the official report was not 14 prepared because I was not paid. 15 Q. So your position is you never prepared 16 your official report, correct? 17 MR. CHAIKEN: Object to form. 18 THE WITNESS: Never done. There was no 19 final payment. Nothing. 20 MR. PACE: May 15th. 21 (The referred-to document was marked by 22 the court reporter for Identification as 23 Deposition Exhibit 11.) 24 BY MR. PACE: 25 Q. Mr. Fabiani, I have marked for you here</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. And gave it to whom? 2 A. And I proposed it to J.T. Vaughn, who told 3 me to hand-deliver it in the hands of that person. 4 Q. Who was that person? 5 A. Mr. Murray. 6 Q. The person on this email? 7 A. It could be that one. 8 Q. Mr. Fabiani, you communicated with J.T. 9 Vaughn and Mr. Murray in English, correct? 10 A. Yes, thanks to the translator. 11 Q. You would communicate with Barry West in 12 English? 13 A. Yes, thanks to the translator. 14 Q. You would communicate with Jim Bass in 15 English, correct? 16 A. Yes, thanks to the translator. 17 Q. You would communicate with Henry Johnson 18 in English, correct? 19 MR. NUNEZ: Object to form. 20 DR. ROSSI: Object to form. 21 MR. NUNEZ: Object to form. 22 MR. PACE: I heard Dr. Rossi actually 23 insert an object to form. 24 MR. NUNEZ: He can't do that. 25 THE WITNESS: Could you please repeat the</p>
<p style="text-align: right;">Page 143</p> <p>1 Exhibit 11. 2 Isn't it, in fact, the case that 3 Industrial Heat offered to make the final payment to 4 Quantum Leap if you would send the raw data and your 5 final report? 6 A. The question? 7 Q. Isn't that correct? 8 A. This was -- this was a proposal done by 9 Murray, which I did not know. It was done after the 10 closing of the contract. 11 THE INTERPRETER: No. 12 BY MR. PACE: 13 Q. Can you repeat your answer? 14 A. This is a document done by a person that I 15 did not know, as far as being introduced to me. 16 THE INTERPRETER: Going a little fast for 17 me, sorry. 18 THE WITNESS: It was not contemplated in 19 my contract, to refer to this person as a 20 person that could ask me for data and 21 documents. 22 BY MR. PACE: 23 Q. Mr. Fabiani, to whom did you hand over the 24 flash drive that you testified to earlier today? 25 A. I took it to the office of the attorney.</p>	<p style="text-align: right;">Page 145</p> <p>1 question? 2 MR. PACE: Yes. 3 BY MR. PACE: 4 Q. You communicated with Henry Johnson in 5 English, correct? 6 MR. NUNEZ: Object to form. 7 THE WITNESS: I have no idea who Henry 8 Johnson is. 9 I'm here. 10 MR. PACE: No further questions. 11 MR. NUNEZ: Thank you, Mr. Fabiani. 12 You've been great. Thank you for these extra 13 three hours and more. 14 THE WITNESS: Thank you to the translator 15 that put up with me. 16 THE INTERPRETER: You put up with me. 17 THE WITNESS: And thank you to Attorney 18 Pace. 19 MR. PACE: Goodnight. 20 THE VIDEOGRAPHER: 5:21 p.m. Going off 21 the video record. 22 (Thereupon, the taking of the deposition 23 was concluded at 5:21 p.m.) 24 25</p>

[illegible]

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