

EXHIBIT 3

HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 1:16-cv-21199-CMA

ANDREA ROSSI, et al.,
Plaintiffs,

v.

THOMAS DARDEN, et al.,
Defendants.

- - - - -x

INDUSTRIAL HEAT, LLC, et al.,
Counter-Plaintiffs,

v.

ANDREA ROSSI, et al.,
Counter-Defendants.

and

J.M. PRODUCTS, et al.,
Third-Party Defendants.

- - - - -x

600 Brickell Avenue, Suite 3300
Miami, Florida
Friday, February 24, 2016
10:17 a.m.- 7:56 p.m.

CONFIDENTIAL TRANSCRIPT
PORTIONS OF TRANSCRIPT HIGHLY CONFIDENTIAL
ATTORNEYS' EYES ONLY

VIDEO DEPOSITION OF LEONARDO CORPORATION
THROUGH ANDREA ROSSI
Taken before Edward Varkonyi, Registered
Merit Reporter and Notary Public for the State of
Florida at Large, pursuant to Notice of Taking
Deposition filed in the above cause.

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Page 270	<p>1 A. Yes.</p> <p>2 Q. Did it go straight up and then straight</p> <p>3 over to the --</p> <p>4 A. It's impossible --</p> <p>5 Q. -- loft?</p> <p>6 A. -- to answer this way because there was a</p> <p>7 design and the bypass was run along the -- if we look</p> <p>8 at this wall from the side of Leonardo, if we look</p> <p>9 from here on, this run through the right -- yeah.</p> <p>10 Q. So if we're looking at Exhibit 10 now?</p> <p>11 A. Yeah, this run along the -- this run down</p> <p>12 and then along the right side of the plant of J.M.,</p> <p>13 with the transmissions to the bypass. To the bypass</p> <p>14 that was on the flank and also -- and also there was</p> <p>15 the frontal connection for the inlet of the steam.</p> <p>16 Q. So by this picture that you have there</p> <p>17 that is Exhibit 10, is this after the heat exchanger</p> <p>18 was removed from the warehouse or before?</p> <p>19 A. I cannot -- I cannot say from this</p> <p>20 photos. It could be -- no, this photo has been made</p> <p>21 before.</p> <p>22 Q. Before the heat exchanger was put into</p> <p>23 place?</p> <p>24 A. No.</p> <p>25 MR. ANNESSER: Object to the form.</p>	Page 272	<p>1 A. I did.</p> <p>2 Q. When did you remove that piping?</p> <p>3 A. After the end of the test.</p> <p>4 Q. Where is that piping now?</p> <p>5 A. We use it to make other things. I</p> <p>6 recovered all the pieces that were not -- no more</p> <p>7 necessary to make other things and the heat</p> <p>8 exchanger -- all the pipes of the heat exchanger have</p> <p>9 been recovered to make other things and that space</p> <p>10 now is becoming offices.</p> <p>11 Q. Let's see if I understand. You are</p> <p>12 looking there at Exhibit 10, there is a pipe there in</p> <p>13 Exhibit 10 that we see that is the pipe you are</p> <p>14 saying was carrying the output of the E-Cats over to</p> <p>15 the J.M. Products side of the Doral warehouse,</p> <p>16 correct?</p> <p>17 MR. ANNESSER: Object to the form.</p> <p>18 BY MR. PACE:</p> <p>19 Q. That's what we see there?</p> <p>20 A. You should repeat speaking if possible a</p> <p>21 little bit slower.</p> <p>22 Q. Sure, certainly will. There in Exhibit</p> <p>23 10 we see insulated pipe --</p> <p>24 A. Yeah.</p> <p>25 Q. -- that is carrying the output of the</p>
Page 271	<p>1 THE WITNESS: No, this photo has been</p> <p>2 made before it has been dismantled. This photo</p> <p>3 has been made -- this photo has been made when</p> <p>4 the heat exchanger was in operation.</p> <p>5 BY MR. PACE:</p> <p>6 Q. So the heat exchanger was in operation</p> <p>7 when that photo was made. You recognize that photo</p> <p>8 having been made when?</p> <p>9 MR. ANNESSER: Object to form.</p> <p>10 THE WITNESS: I don't know, you did it.</p> <p>11 BY MR. PACE:</p> <p>12 Q. How do you know the heat exchanger was in</p> <p>13 place then? That's what I don't understand.</p> <p>14 A. Because we had the plant in operation</p> <p>15 because when the plant stopped to be in operation all</p> <p>16 this piping has been removed.</p> <p>17 Q. I understand. I will actually come to</p> <p>18 that in just a second. Simply because the pipe is</p> <p>19 there --</p> <p>20 A. I suspect that this photos have been made</p> <p>21 the last day of the test. I suspect.</p> <p>22 Q. You understand the last day of the test</p> <p>23 the heat exchanger was still there?</p> <p>24 A. Of course.</p> <p>25 Q. Who removed that piping?</p>	Page 273	<p>1 E-Cat plant over to the J.M. Products side of the</p> <p>2 Doral warehouse, correct?</p> <p>3 A. Yes.</p> <p>4 Q. That has now been -- you removed that</p> <p>5 pipe after -- sometime after February 16 of 2016,</p> <p>6 correct?</p> <p>7 MR. ANNESSER: Object to form.</p> <p>8 THE WITNESS: Correct.</p> <p>9 BY MR. PACE:</p> <p>10 Q. And you have repurposed that piping or</p> <p>11 you now are using that piping for another purpose?</p> <p>12 MR. ANNESSER: Object to the form.</p> <p>13 THE WITNESS: It's correct.</p> <p>14 BY MR. PACE:</p> <p>15 Q. And you didn't maintain the pipe, you</p> <p>16 didn't maintain the insulation, it's been put to</p> <p>17 another use?</p> <p>18 MR. ANNESSER: Object to form.</p> <p>19 THE WITNESS: (Nods head.)</p> <p>20 BY MR. PACE:</p> <p>21 Q. The heat exchanger no longer exists at</p> <p>22 the Doral location, correct?</p> <p>23 A. Correct.</p> <p>24 Q. The piping that was used for the heat</p> <p>25 exchanger you have now put to another use, you didn't</p>

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Page 274	<p>1 maintain any of the piping for the heat exchanger? 2 MR. ANNESSER: Object to form. 3 BY MR. PACE: 4 Q. Is that correct? 5 A. Correct. 6 Q. The -- I assume you replaced the window 7 on the J.M. Products side, Leonardo paid for that? 8 MR. ANNESSER: Object to form. 9 THE WITNESS: We have represented as it 10 was before we have installed the -- 11 BY MR. PACE: 12 Q. What's your testimony as to when that 13 window was put back in? Was it February 16th or 17th 14 of 2016? 15 A. Sorry, can you repeat the question? 16 Q. Sure. Your testimony is that the heat 17 exchanger was in place and functioning all the way 18 through at least February 16 of 2016, correct? 19 A. Correct. 20 Q. So up until February 16 of 2016 that 21 window in the second story was removed, correct? 22 MR. ANNESSER: Object to the form. 23 MR. LEON DE LA BARRA: Object to the 24 form. 25 THE WITNESS: Can you repeat the</p>	Page 276	<p>1 MR. ANNESSER: Object to form. 2 THE WITNESS: Correct. 3 BY MR. PACE: 4 Q. So sometime after February 16 of 2016 is 5 when you replaced the window on the second story? 6 A. No, the window as it was before has been 7 replaced not much time ago. Not much time ago when I 8 decided to make offices. Because -- 9 Q. And do you recall who you paid to put the 10 window back in? 11 A. Yes. 12 Q. Who was that? 13 A. Was a contractor. 14 Q. Do you recall -- 15 A. Together with -- together with me, yes. 16 Q. When we talk about contractor, is this 17 again somebody who -- like a day laborer? 18 A. Yes. 19 Q. Somebody who you -- there is no records 20 of who this person is that Leonardo Corporation 21 maintains? 22 A. Yes. 23 Q. You are not aware of any records that 24 anyone maintains as to who this person is? 25 A. No.</p>
Page 275	<p>1 question? 2 BY MR. PACE: 3 Q. I will. 4 A. A little bit slower. 5 Q. Sure. You said that the heat exchanger 6 was pushing the heat out the window on the second 7 story -- 8 A. Yes. 9 Q. -- on the J.M. Products side, correct? 10 A. Yes, correct. 11 Q. Once -- as long as the heat exchanger was 12 in place -- 13 A. Yes. 14 Q. -- that window had to be removed, correct? 15 A. Correct. 16 Q. Otherwise that room would have turned 17 into an absolute furnace? 18 MR. LEON DE LA BARRA: Object to form. 19 THE WITNESS: Of course. 20 BY MR. PACE: 21 Q. Of course, notwithstanding the form. So 22 after you took -- after the plant was turned off and 23 you took the heat exchanger down, you could replace 24 the window on that second story, in that second story 25 room, correct?</p>	Page 277	<p>1 MR. ANNESSER: Object to form. 2 BY MR. PACE: 3 Q. And that person worked with you to 4 replace the window, correct? 5 A. Yeah, yeah. 6 Q. No one else was present at the time? 7 MR. ANNESSER: Object to form. 8 THE WITNESS: No. 9 BY MR. PACE: 10 Q. And what happened to the fans? 11 A. The fans are still there. 12 Q. The fans are still in the warehouse? 13 A. Yeah. 14 Q. And what happened to the cylinders? 15 A. The cylinders have been -- I have used 16 them for other things. I have recovered them for 17 other things. Can we cut five minutes? 18 Q. Certainly. 19 A. Only call my wife. 20 Q. Please. We will go off the record. 21 A. Five minutes. 22 THE VIDEOGRAPHER: The time is 18:16. 23 Off the record. 24 (Thereupon a brief recess was taken, 25 after which the following proceedings were had.)</p>

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1 do it.
 2 BY MR. PACE:
 3 Q. Okay.
 4 A. Never happened that they told me to pay a
 5 tax and I did not pay for it. Never happened.
 6 You know, I can understand him because
 7 when it comes to accounting to get bored is normal.
 8 Q. Ten minutes left. I have a variety of
 9 wrap-up questions. I may have asked you this before
 10 but I am not sure I did, so I want to make sure I got
 11 it clear.
 12 I know you testified that the E-Cat 1000
 13 were the big Frankies?
 14 A. Yes.
 15 Q. The E-Cat 100s are the smaller E-Cat
 16 units?
 17 MR. ANNESSER: Object to form.
 18 THE WITNESS: You know, all this, there
 19 is not a precise definition. Usually, yes, yes,
 20 we say the 1000 was the big ones. I don't
 21 remember to have defined 100 maybe.
 22 Usually I defined E-Cats by the photo or
 23 the smaller units, while the big ones were
 24 either big Frankies. The correct denomination
 25 should be 250 E-Cats, because it's the rating.

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1 BY MR. PACE:
 2 Q. That's how many kilowatts the big Frankie
 3 can put out?
 4 A. It's the rating.
 5 MR. ANNESSER: Object to form,
 6 mischaracterization.
 7 BY MR. PACE:
 8 Q. You testified earlier today that there is
 9 an ability to regulate the power output of the big
 10 Frankie by regulating the amount of electricity or
 11 the amount of water that goes into the big Frankie.
 12 But am I correct that there is no way --
 13 that you didn't have a way of -- let me rephrase
 14 this. That you never attempted to regulate or modify
 15 the COP of one of the big Frankies?
 16 A. Can you just either split the question?
 17 Q. Break apart?
 18 A. Yes.
 19 Q. I am trying to separate between power and
 20 COP. You testified earlier today that the amount of
 21 power that a big Frankie puts out or an E-Cat unit
 22 puts out can be regulated by controlling the amount
 23 of water that would go in there or the amount of
 24 electricity, correct?
 25 A. Yes.

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1 Q. Okay. And then at times at least in
 2 connection with some of the big Frankies you would do
 3 that, you would regulate the amount of water or
 4 electricity going into them.
 5 But do I understand correctly that in
 6 terms of the COP being created by one of the E-Cat
 7 units, you never took any methods to regulate that,
 8 to lower that or to increase it above, like you kind
 9 of tried to get the best you could, the best COP you
 10 could out of each unit all the time; is that
 11 correct?
 12 MR. ANNESSER: Object to form.
 13 THE WITNESS: Yes.
 14 BY MR. PACE:
 15 Q. Okay. I am talking about the difference
 16 between the power output. So you can regulate the
 17 power output but you didn't regulate the COP?
 18 A. COP is -- it's still a known harnessed
 19 horse. A known harnessed horse. To harness.
 20 MR. LEON DE LA BARRA: Harness.
 21 BY MR. PACE:
 22 Q. A hard to harness horse?
 23 A. Yes.
 24 Q. Wow. At the end of a deposition you
 25 should try for much easier phrases like hello kitty.

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1 It's hard to regulate the COP of an E-Cat?
 2 A. If not impossible.
 3 Q. If not impossible?
 4 A. In good and in bad.
 5 Q. I think my only other questions are
 6 during the course of the testing that was being done
 7 in Doral, Florida, did you ever change the fuel or
 8 charge in any of the E-Cat reactors?
 9 A. I made tests. I did.
 10 Q. You changed the fuel in some of the
 11 reactors?
 12 A. Not changed but made some test, some
 13 injections.
 14 Q. I'm not quite sure what that means. Does
 15 that mean you took samples of it or did you make --
 16 A. No, the contrary. The contrary. I have
 17 injected some materials to make tests, to make
 18 experiments.
 19 Q. You have extracted some of the fuel from
 20 the E-Cat reactors to run other experiments?
 21 MR. ANNESSER: Object to form.
 22 THE WITNESS: No.
 23 BY MR. PACE:
 24 Q. I'm missing it. I'm sorry.
 25 A. The contrary. I have injected. To

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<p>1 inject, English. 2 MR. LEON DE LA BARRA: Injected. 3 BY MR. PACE: 4 Q. Oh, I'm sorry. I'm sorry. 5 A. No, I am sorry. 6 Q. I thought you said enacted. I'm thinking 7 of the Constitution. 8 MR. ANNESSER: You don't know what 9 injecting is? 10 THE WITNESS: Sorry. My fault. 11 BY MR. PACE: 12 Q. No, we're two minutes away from being 13 done or one minute away from being done so don't 14 worry about it. Let's start again. 15 A. No, injected. Because in Italian it's 16 iniettare. 17 Q. So iniettare. You iniettare, you added 18 something into the fuel of some of the E-Cat 19 reactors? 20 A. To make experiment. 21 MR. ANNESSER: Object to form. 22 THE WITNESS: I did to make an 23 experiment, yes. 24 BY MR. PACE: 25 Q. Were those big Frankie reactors, were</p>	<p>1 litigate this -- this plant had to work there at 2 least two years. 3 Q. Understood. 4 A. The performance test was 350 days, but -- 5 but -- but the -- the term sheet between Industrial 6 Heat and J.M. was of two years. 7 Q. Understood. 8 A. Without impossibility to renew it because 9 the program was to go ahead. 10 Q. And my final question is you testified 11 that the -- that you had the piping removed at the 12 Doral warehouse, the pipe that went from the E-Cat 13 plant over to the J.M. Products side. 14 You testified that the -- you had the 15 heat exchanger removed from the J.M. Products side. 16 What other -- what other things have been removed 17 from the warehouse at the Doral location? I am not 18 talking about adding to. I am talking about removed 19 from. 20 MR. ANNESSER: Object to form. 21 THE WITNESS: What do you mean for Doral 22 location? 23 BY MR. PACE: 24 Q. That you are aware of. At the warehouse 25 you have already testified that there was piping that</p>
Page 315	Page 317
<p>1 those the smaller E-Cats? 2 A. The big Frankies. 3 MR. ANNESSER: Objection. 4 BY MR. PACE: 5 Q. When did you do that? 6 A. Toward -- when -- when I -- when we 7 repaired the fourth reactor, I made this experiment 8 to see if -- just to test the new materials. 9 Q. I'm trying to figure out how to deal with 10 the new material. 11 Will you either tell me what the new 12 material is or include the new material as an 13 additional disclosure pursuant to the agreement that 14 we've already made on the record? You can do either 15 one. 16 A. The second is better. 17 Q. All right. So you want to include it in 18 the disclosure. 19 That new material, did it improve the 20 performance of the big Frankie, the fourth big 21 Frankie? 22 A. I have not the time to see this 23 because -- I had not the time because to know that I 24 would have needed more time. 25 Do not forget that before we decided to</p>	<p>1 came from the E-Cat plant over to the J.M. Products 2 plant. That's been removed, that's been taken 3 down -- 4 A. Correct. 5 Q. -- and pipes used for another purpose. 6 There are heat exchangers you testified that all 7 that, the heat exchangers, all that piping have been 8 taken down and use for other purposes? 9 A. Right. 10 Q. So I am asking what other changes have 11 been made at the Doral warehouse location? 12 MR. ANNESSER: Object to form and -- 13 well -- 14 THE WITNESS: The plant of J.M. has been 15 completely redesigned because now it's destined 16 to do another work. 17 So basically all the material around has 18 been represented, reassembled, cut, welded, et 19 cetera. 20 BY MR. PACE: 21 Q. How about what you see there in Exhibit 22 21, does that still exist? 23 A. No. 24 Q. No. Do you remember looking before the 25 filter that's in that same container, has that been</p>

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1 CERTIFICATE OF OATH
 2
 3 STATE OF FLORIDA:
 4 SS:
 5 COUNTY OF DADE:
 6
 7
 8 I, the undersigned authority, certify that
 9 ANDREA ROSSI personally appeared before me and was
 10 duly sworn.
 11 WITNESS my hand and official seal this 6th
 12 day of March 2017.
 13
 14
 15 *Edmed Varkonyi*
 16 _____
 17 Notary Public, State of Florida at
 18 Large; my commission expires
 19 February 26, 2019. Bonded through
 20 Troy Fain Insurance, Inc.
 21
 22
 23
 24
 25

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1 _____, 2017
 2
 3
 4
 5 JOHN W. ANNESSER, ESQ.,
 6 Perlman Bajandas Yevoli & Albright, P.L.
 7 283 Catalonia Avenue, Suite 200
 8 Coral Gables, Florida 33134
 9
 10 RE: Rossi v. Darden
 11
 12 Dear Mr. Annesser,
 13
 14 With reference to the deposition of Andrea Rossi
 15 taken on February 24, 2017 in connection with the
 16 above-captioned case, please be advised that the
 17 transcript of the deposition has been completed
 18 and is awaiting signature.
 19
 20 Please arrange to have the deponent stop by our
 21 office at Two South Biscayne Boulevard, Suite
 22 2250, Miami, Florida, for the purpose of reading
 23 and signing the transcript.
 24 If this is not taken care of, however, within the
 25 next 30 days, we shall conclude that the reading
 and signing of the deposition has been waived and
 shall then process the original of the transcript
 for filing with the Clerk of the Court by counsel
 without further notice.
 Sincerely,
 Edward Varkonyi,
 Registered Merit Reporter

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1 CERTIFICATE OF REGISTERED PROFESSIONAL REPORTER
 2
 3 I, EDWARD VARKONYI, and Registered
 4 Professional Reporter and a Notary Public for the
 5 State of Florida at Large, do hereby certify that I
 6 reported the deposition of ANDREA ROSSI; that the
 7 foregoing pages, numbered from 1 to 320, inclusive,
 8 constitute a true and correct transcription of my
 9 shorthand report of the deposition by said witness on
 10 this date.
 11 I further certify that I am not an
 12 attorney or counsel of any of the parties, nor a
 13 relative or employee of any attorney or counsel
 14 connected with the action, nor financially interested
 15 in the action.
 16 WITNESS my hand and official seal in the
 17 City of Miami, County of Dade, State of Florida, this
 18 6th day of March 2017.
 19
 20
 21 *Edmed Varkonyi*
 22 _____
 23 Notary Public, State of Florida at
 24 Large; my commission expires
 25 February 26, 2019. Bonded through
 Troy Fain Insurance, Inc.

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1 ERRATA SHEET
 2 RE : Rossi v. Darden
 3 DEPO OF: Leonardo Corporation/Andrea Rossi
 4 TAKEN : 2/24/16
 5 ASSG# : 2534814
 6 DO NOT WRITE ON TRANSCRIPT, ENTER ANY CHANGES HERE
 7

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21	State of Florida)		
22	County of ()		
23	Under penalties of perjury, I declare that I have		
24	read my deposition transcript, and it is true and		
25	correct subject to any changes in form or substance		
	entered here.		
	_____	_____	_____
	Date	Signature	

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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