

EXHIBIT 3

HIGHLY CONFIDENTIAL- 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 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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1 A. Yes, sir.

2 Q. -- and I hear loud noise.

3 A. Problem is the night, not the day.

4 Q. Right.

5 A. We had to make a test of 36 hours of
6 something, something, so there was the night and there
7 was no way that we could skip the night. So at that
8 point to avoid problems because the problem is that if
9 somebody calls, you must be lawful. At that point he
10 calls, but you work because if you are lawful they
11 cannot stop you.

12 Q. Right.

13 A. And so I had gone to what you in America you
14 call the health care office. In Italy it's call ARPA,
15 Agenzia Regionale de Protezione Dell'Ambiente. ARPA, A
16 as in Adam, R as in Robert, P as in Peter, A as in
17 Adam, ARPA. And it's an acronym that stands for
18 Agenzia, Agency, P is for protezione, protection -- no.
19 Agenzia Regionale. A is agency. R is Regionale.

20 A region in Italy is what here is a
21 county maybe. A big county is a region. Italy is
22 made by 20 regions. So agency of the region is the
23 R. P is protection, per la protezione. Ambiente,
24 the A is for Ambiente which in Italian means
25 environment. So Agency for the Regional

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1 Environmental Protection. This is what it is. And
2 it is the perfect equivalent of your health care
3 department of Florida.

4 Q. So you -- did you based on your experience
5 in Milan, you contacted this office in Ferrara?

6 A. Yes.

7 Q. And you told them we are going to be doing
8 this experiment, it's going to run through the night,
9 and it's going to be loud, and they told you what in
10 response?

11 A. Yes. You have been correct so far. And
12 they told me in Italy we do not have authorizations for
13 experiments. There is not something that is called an
14 authorization for 36 hours. You are either authorized
15 or you are not. Now, we understand your problem. You
16 have to make a test that for a customer -- because I
17 explained that it's a test for a customer that had
18 bought the plant and just wanted to see if it work for
19 one day before picking it up and bringing it to the
20 United States.

21 They say we understand you, but the cases
22 are two. Either we make a procedure to authorize
23 you and it will take in Italy to get an
24 authorization for that can take between six months
25 if you are very lucky and two years if you are

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1 normal. If you are unlucky, even more. Bureaucracy
2 in Italy is tremendous.

3 And so they said it is unthinkable that
4 we can authorize you and take the reliability. The
5 law does not foresee this. But if you find some
6 kind of an agreement with your outdoor -- with your
7 neighbor, we don't come. Because if they call us,
8 we must exit. If they don't call us, we don't come
9 because we know what you are doing, all right, we
10 don't come. But if they call us or call the police
11 and the police calls us, we must exit and we must
12 stop you.

13 Q. It's like you see in Miami Beach with noise
14 issues, right? If your neighbors are okay that you are
15 going to have a little bit of a loud event, you're
16 fine. But if your neighbors are going to call the
17 local police or somebody, that's when they are going to
18 have to come out?

19 A. And this was exactly the situation. So I
20 have gone to my neighbors and say please, I have to
21 make this and this and this and said they all right.
22 You don't make too much noise, and we can accept it
23 because we want to sleep. So I -- so I sent an e-mail
24 to Tom Darden and explained to him the situation. And
25 he said all right, it's not a big issue because I am

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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

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CERTIFICATE OF OATH OF WITNESS

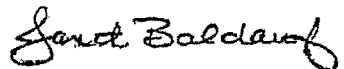
STATE OF FLORIDA

SS:

COUNTY OF MIAMI-DADE

I, JANET BALDAUF, Registered Professional Reporter, Florida Professional Reporter and Notary Public in and for the State of Florida at Large, certify that the witness, ANDREA ROSSI, personally appeared before me on 2-23-17 and was duly sworn by me.

WITNESS my hand and official seal this 23rd day of February 2017.



JANET BALDAUF, RPR, FPR
Notary Public
State of Florida at Large

Notary # FF208072
My Commission Expires: 3-31-2019

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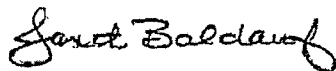
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REPORTER'S DEPOSITION CERTIFICATE

I, JANET BALDAUF, Registered Professional Reporter and Florida Professional Reporter, certify that I was authorized to and did stenographically report the deposition of ANDREA ROSSI, the witness herein on 2-23-17; that a review of the transcript was requested; that the foregoing pages numbered from 1 to 296 inclusive is a true and complete record of my stenographic notes of the deposition by said witness; and that this computer-assisted transcript was prepared under my supervision.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action.

DATED this 23rd day of February 2017.



JANET BALDAUF
Florida Professional Reporter
Registered Professional Reporter