

EXHIBIT 8

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 1:16-cv-21199-CMA/O'Sullivan

ANDREA ROSSI and LEONARDO)
CORPORATION,)
)
)
Plaintiffs,)
)
)
v.)
)
THOMAS DARDEN; JOHN T.)
VAUGHN; INDUSTRIAL HEAT,)
LLC; IPH INTERNATIONAL,)
B.V. and CHEROKEE)
INVESTMENT PARTNERS, LLC,)
)
Defendants.)

C O N F I D E N T I A L

Video Deposition of THOMAS BARKER DAMERON, III
(Taken by the Plaintiffs)
Raleigh, North Carolina
Thursday, December 1, 2016

Reported by: Marisa Munoz-Vourakis -
RMR, CRR and Notary Public

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1 BY MR. ANNESSER:

2 Q. And your answer?

3 A. No.

4 MR. ANNESSER: We'll take a break.

5 THE VIDEOGRAPHER: We're off the
6 record at 10:56.

7 (Recess.)

8 THE VIDEOGRAPHER: Video number two,
9 we're on the record at 11:13.

10 BY MR. ANNESSER:

11 Q. Sir, before we left on our short break, we
12 were talking about three perceived flaws in the test
13 setup for the guaranteed performance test in Doral,
14 Florida, correct? Do you recall that?

15 A. Yes.

16 Q. I think we covered the first two, but the
17 third was that there were no traplines in place, is
18 that correct?

19 A. Correct, yes.

20 Q. Okay. And how do you know there were no
21 traplines in place?

22 A. In my visit, about February 24, that was an
23 observation I made. There may have been another
24 picture of that area that came from somewhere else, but
25 I do not recall.

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1 Q. And had there been a trapline in place, is
2 it possible that it could have been something you just
3 didn't see?

4 A. It was -- when I laid the unit out and had
5 it kind of setup, before we kind of packed it up and
6 sent it, it was not where I had put it.

7 Q. I'm sorry, I didn't follow. Say that
8 again, please?

9 A. The unit was -- when it was constructed, it
10 had pipes on the outside of it that had to be taken off
11 for shipping. And so that's where those traplines and
12 some of that extra stuff was, extra piping, places for
13 instruments were located. And that was not there when
14 I observed it in Florida.

15 Q. Did you say anything at the time you didn't
16 see it?

17 A. I did not.

18 Q. Now, you had mentioned with all three of
19 these perceived problems with the test, that you didn't
20 have the opportunity to mention it to Andrea Rossi or
21 to Mr. Penon. But you were there February 24,
22 thereabouts, with Dr. Rossi. Was Mr. Penon there as
23 well?

24 A. I think not, I'm pretty sure --

25 Q. Have you ever met Mr. Penon?

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1 was not there, and I have heard from Barry West it was
2 rearranged, consciously rearranged.

3 Q. What do you mean by consciously rearranged?

4 A. Andrea changed the design -- layout of it
5 and put it in a different way.

6 Q. And what was the difference?

7 A. It didn't have a steam header in it. It
8 didn't have the steam traps in it. It didn't have the
9 drains in it.

10 MR. ANNESSER: Sorry, gentlemen, I
11 can't hear. Gentlemen, please.

12 Q. So you said it did not have a steam header,
13 correct?

14 A. Did not have --

15 Q. I want to go through these again. I want
16 to go through one by one to make sure I understand.

17 A. The steam header that was made to go on the
18 unit was not on the unit.

19 Q. What is the steam header?

20 A. Steam header is a piece of pipe that comes
21 out, has taps in it for pressure and temperature,
22 thermal wells for temperature. It had a place to
23 put -- it had a drip leg in it where you could get
24 condensate out, a place for a trap to drain that. It
25 had a place to install two steam meters. It had a way

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1 to connect it back together again and connect to the
2 pipe going to the JM Products.

3 Q. And, sir, what was there in place of this
4 steam header?

5 A. A line came out of the one megawatt unit
6 and turned and went straight to the JM Products.

7 Q. Were there any temperature devices there,
8 temperature gauges?

9 A. I don't -- there may be, I don't recall.

10 Q. Pressure gauges?

11 A. I don't think there were any pressure
12 gauges there. There was a pressure gauge inside the
13 unit.

14 Q. And when you were there on February 24,
15 2015, did you pull Andrea Rossi aside and say hey, this
16 isn't what we planned?

17 A. No, I did not.

18 Q. When you returned, did you tell Mr. Vaughn
19 or Mr. Darden that --

20 A. Most likely, yes.

21 Q. Did you ever tell Mr. Penon?

22 A. No.

23 Q. And you don't know sitting here today
24 whether Mr. Darden or Mr. Vaughn ever told Dr. Rossi or
25 Engineer Penon --

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1 C E R T I F I C A T E

2 I, Marisa Munoz-Vourakis, RMR, CRR and Notary Public,
3 the officer before whom the foregoing proceeding was
4 conducted, do hereby certify that the witness(es) whose
5 testimony appears in the foregoing proceeding were duly
6 sworn by me; that the testimony of said witness(es) were
7 taken by me to the best of my ability and thereafter
8 transcribed under my supervision; and that the foregoing
9 pages, inclusive, constitute a true and accurate
10 transcription of the testimony of the witness(es).

11 I do further certify that I am neither counsel for,
12 related to, nor employed by any of the parties to this
13 action in which this proceeding was conducted, and
14 further, that I am not a relative or employee of any
15 attorney or counsel employed by the parties thereof, nor
16 financially or otherwise interested in the outcome of the
17 action.

18 IN WITNESS WHEREOF, I have hereunto subscribed my name
19 this of , 2016.

20 MARISA MUNOZ-VOURAKIS

21 Notary #20032900127

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