

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.

HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 14

1 A. It happens also to me to forget to turn
 2 off the telephone.
 3 Q. I believe I have some documents here. I
 4 am not sure whether I used -- I think I might have
 5 shown you this one the last time, but I might not.
 6 (The document referred to was thereupon
 7 marked Deposition Exhibit 2 for Identification, a
 8 copy of which is attached hereto.)
 9 THE WITNESS: Thank you.
 10 BY MR. PACE:
 11 Q. Let me hand you what I marked as Exhibit
 12 Number 2. In fact, we did -- we did look at this
 13 exhibit last week. It was I think towards the end of
 14 the time during the deposition.
 15 A few questions I wanted to ask because I
 16 want to understand this. I had a chance to kind of
 17 look at it a little bit better. First of all what I
 18 marked here as Exhibit 2, these are -- these are your
 19 handwritten notes, correct?
 20 A. Yes, it is correct.
 21 Q. These are notes that would be taken, if I
 22 look on the left-hand column, for example, in the
 23 first page, that's the date, correct?
 24 There is a date in February on this first
 25 page starting from the 23rd going to the 28th; is

Page 15

1 that correct?
 2 A. It is correct.
 3 Q. The second entry is a recording of the
 4 temperature taken at 5 p.m. from the steam -- from
 5 the output -- I'm sorry, let me take a step back.
 6 Just define some terms.
 7 I think we used these same terms last
 8 week. I just want to make sure that there is no
 9 confusion.
 10 At the Doral location I will refer to the
 11 E-Cat plant as probably just the E-Cat plant because
 12 I know there is individual units within there called
 13 the E-Cat units or reactors, correct?
 14 A. Correct.
 15 Q. Okay. And what I will probably refer to
 16 as the J.M. Products side is the side where the
 17 output from the plant, from the E-Cat plant was being
 18 sent.
 19 Is that okay?
 20 A. Okay.
 21 Q. All right. So there is -- there is
 22 between the E-Cat plant and the J.M. Products side,
 23 there is a -- or there was a pipe, correct, that
 24 would take the output from the E-Cat plant and send
 25 it over to the J.M. Products side of the warehouse,

Page 16

1 correct?
 2 MR. ANNESSER: Object to form.
 3 THE WITNESS: Can you repeat?
 4 BY MR. PACE:
 5 Q. Yes. At the Doral warehouse there was a
 6 pipe that carried the output from the E-Cat plant
 7 over to the J.M. Products side of the Doral
 8 warehouse, correct?
 9 A. Correct.
 10 Q. All right. What we have here on Exhibit
 11 2, column -- the second column here is a reading of a
 12 thermocouple that was on that output pipe; is that
 13 correct?
 14 A. It is correct.
 15 Q. Now, is this -- where would you get this
 16 information?
 17 Can you read it directly from the
 18 thermocouple or do you have to read it from a
 19 separate computer?
 20 A. No, I read it by means of a manual
 21 thermometer that was property -- was left there by
 22 Engineer Penon, the ERV, what we define the expert
 23 responsible of validation in the agreement, and he
 24 gave me the task to read -- every day we agreed upon
 25 to make the reading along my shift of work on the

Page 17

1 plant.
 2 My shift of work was from say about
 3 between 5 and 6 p.m. and between 10 and 11 a.m. of
 4 the next day. And so I have taken these lectures.
 5 Q. So this is -- so you're not reading the
 6 temperature of a thermocouple, you are actually
 7 putting a manual thermometer, so to speak, on the
 8 pipe?
 9 MR. ANNESSER: Object to form,
 10 mischaracterization.
 11 THE WITNESS: Can you repeat?
 12 BY MR. PACE:
 13 Q. I can, because I might have
 14 misunderstood.
 15 When you get this temperature data, let's
 16 take the first column here or the first line here
 17 which is we got 23 for February 23. We have --
 18 A. Yes.
 19 Q. We have 5 p.m. Yes, 5 p.m. which is the
 20 time that you are doing this reading. Then we have
 21 103.
 22 Is the 103, are you getting that -- is
 23 that information that is being taken out of the
 24 thermocouple that is on the pipe or is it information
 25 that is being obtained separately by using some

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<p style="text-align: right;">Page 34</p> <p>1 taking every day of the temperature for the output 2 pipe from the E-Cat plant, correct? 3 MR. ANNESSER: Object to form. 4 THE WITNESS: Correct. 5 BY MR. PACE: 6 Q. As well as our -- as well as the last 7 column that your recollection reflects somehow a 8 water level connected to the E-Cat plant? 9 MR. ANNESSER: Object to form. 10 THE WITNESS: Correct. 11 BY MR. PACE: 12 Q. And just if you can kind of take a look 13 over the entirety of the page, I am just going to 14 tell you there is a lot of -- most of these 15 temperatures are all between 103.7 and 103.6. 16 A. Uh-huh. 17 Q. Is the device you were using, did it read 18 only one digit or did it read more than one digit and 19 you rounded to the closest -- I'm sorry, that was a 20 terrible question. Let me ask it again. 21 Did the device that you were using to 22 read the temperature, did it show only four digits, 23 such as 103.7, or would it reflect more than four 24 digits but you would round it off so if it said 25 103.68 you would write it as 103.7?</p>	<p style="text-align: right;">Page 36</p> <p>1 reflects the entries -- the manual entries for 2 December. 3 A. Yes. 4 Q. If you look at the December 2nd, the last 5 column has a 30 percent and then I have to be honest 6 with you, I have a hard time figuring out what is 7 written after that. It looks like the word "Rich" is 8 in there. 9 MR. ANNESSER: Was there a question? 10 BY MR. PACE: 11 Q. Can you tell me -- I'm sorry. Can you 12 read that? 13 A. I'm trying to recall. "CU Rich J.M." 14 MR. ANNESSER: His question is can you 15 read that. 16 THE WITNESS: I can read, but I -- yes, I 17 can read it. 18 BY MR. PACE: 19 Q. Let's start with that because I actually 20 even have a hard time reading it. What does it say 21 after 30 percent there? 22 A. Should be -- should be the letter, but 23 what I do not remember because -- if I wrote this, 24 this was for me. 25 These notations were for me, not for</p>
<p style="text-align: right;">Page 35</p> <p>1 MR. ANNESSER: Object to form. 2 THE WITNESS: The instrument that I used 3 showed exactly the four digit, the 100s and the 4 one decimal. 5 If you are asking if it also indicated 6 the hundredth,, the answer is no. 7 BY MR. PACE: 8 Q. That's exactly what I was asking. Again, 9 to take a day out of here, October 12. 10 A. Yeah. 11 Q. The first manual reading you took shows a 12 temperature is at 103.7, correct? 13 A. Correct. 14 Q. This is for the output pipe going over to 15 Leonardo -- going over to the J.M. Products side of 16 the warehouse, correct? 17 A. Yes, it is correct. 18 Q. The next reading you took for that day 19 was 103.6, correct? 20 A. Correct. 21 Q. All right. And the last is 103.7, 22 correct? 23 A. Correct. 24 Q. All right. Dr. Rossi, can I ask you to 25 turn to the top of -- it's page 9295. I believe it</p>	<p style="text-align: right;">Page 37</p> <p>1 Penon. You know, at the moment I put down something 2 to remember something. 3 Q. Okay: 4 A. And I don't remember what that was. 5 Q. I just want to write down some of these 6 days we were just looking at. I am going to mark the 7 next exhibit as Exhibit 3. 8 (The document referred to was thereupon 9 marked Deposition Exhibit 3 for Identification, a 10 copy of which is attached hereto.) 11 BY MR. PACE: 12 Q. So this I believe is information that you 13 were -- that Leonardo was recording. If you can see 14 there in the first page -- I'm sorry, let me start 15 this over again. 16 For Exhibit 3 on the first page it 17 references "logbook of the performance data." Is 18 this a logbook maintained by Leonardo Corporation? 19 A. This is much more than that. This is the 20 logbook that I maintained for the ERV. This logbook 21 was not for Leonardo Corporation because the ERV 22 asked me to send to him every day at approximately 23 the same time -- I don't remember if I have taken 24 these values at the -- at 5 p.m., surely not at 4 25 a.m., but either 10 a.m. or 5 p.m. I don't remember,</p>

HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 38

1 but it's easy to reconstruct, make a comparison and
 2 this is the log -- logbook that Penon asked to me to
 3 update every day.
 4 Every day I sent to him by e-mail as an
 5 attachment this logbook with the new line every day.
 6 So for example, this logbook was an attachment. The
 7 first day of work of the plant had a logbook with
 8 only one line because --
 9 Q. The line there that says 20?
 10 A. The line that says 20.
 11 Q. Okay.
 12 A. On the 21st I sent it to him the same
 13 e-mail, but with the second line and so on and so on
 14 and so on until the end.
 15 Q. And what e-mail address did you use to
 16 send that?
 17 A. Sorry?
 18 Q. What e-mail address did you use to send
 19 that?
 20 A. The e-mail address that Dr. Penon gave to
 21 me.
 22 Q. So that's what you sent it to. What
 23 e-mail did you send it from, which of your e-mail
 24 addresses?
 25 A. This -- you know, this I don't remember.

Page 39

1 But usually I use ar.123@mail.com or could have been
 2 libero -- eon333@libero.it. One of these two should
 3 be.
 4 Q. When we look at Exhibit 3, each line that
 5 corresponds to a date, such as the line for February
 6 20th or the line for February 21st, the line for
 7 February 20th, that reflects data or information that
 8 you actually record on February 20th?
 9 A. Can you repeat the question? I'm sorry.
 10 Q. Sure. The first line of data in here
 11 under February is February -- there is a 2-0,
 12 correct?
 13 A. It's the 20th of February.
 14 Q. The 20th of February. Then it has
 15 numbers for water flow --
 16 A. Yes.
 17 Q. -- water, steam and P, which is short for
 18 pressure, correct?
 19 A. Correct.
 20 Q. Each of those numbers reflects
 21 information that you collected on February 20th,
 22 wrote down on February 20th and sent to Dr. Penon
 23 either on February 20th or February 21st, correct?
 24 A. Correct.
 25 Q. We'll come back and talk about this more

Page 40

1 generally.
 2 Just for a second here, we're going to
 3 jump up to June, just to go through. I am actually
 4 not trying to compare this to Exhibit 2. I am just
 5 trying to use some of the same reference dates. So
 6 it's page 1393.
 7 A. Yes.
 8 Q. Okay. So we have here -- when we were
 9 talking about Exhibit 2, we were talking about this
 10 kind of June 7th, 8th, 9th.
 11 What this reflects here, I have got a
 12 line that has under June on page 1393, there is a
 13 line that has 7 colon. This is information that you
 14 collected on the 7th of June, correct?
 15 A. Uh-huh.
 16 Q. It shows that there is a flow meter
 17 reading that you took on the 7th of June --
 18 A. Uh-huh.
 19 Q. -- there is a water temperature reading
 20 you took on the 7th of June, there is a steam
 21 temperature reading you took on the 7th of June --
 22 A. Uh-huh.
 23 Q. -- and there is a pressure reading you
 24 took on the 7th of June?
 25 A. Yes.

Page 41

1 Q. All right. Next -- the next paragraph
 2 there has an 8 that reflects information you
 3 collected on June 8th, correct?
 4 A. Uh-huh.
 5 Q. Information that you recorded on June
 6 8th, correct?
 7 A. Yes.
 8 Q. Information you transmitted to Dr. Penon
 9 on either June 8th or June 9th of 2015, correct?
 10 A. Right.
 11 MR. ANNESSER: Object to form.
 12 BY MR. PACE:
 13 Q. Line 9 is similar because it also -- this
 14 reflects data you collected on June 9th, correct?
 15 A. Sorry, can you repeat the question?
 16 Q. Yes. You see the paragraph that starts
 17 with 9 colon, on this page Rossi 1393? That
 18 paragraph reflects data that you collected on June
 19 9th, correct?
 20 A. Correct.
 21 Q. It has a water flow meter reading --
 22 A. Uh-huh.
 23 Q. -- a water temperature reading, a steam
 24 temperature reading and a pressure reading, correct?
 25 A. Correct.

HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 154

1 that question next. So you're one step ahead of me.
 2 My question right now was did you ever
 3 actually look at the data that Fulvio Fabiani
 4 collected to see whether it was consistent with the
 5 data that you were collecting from the Penon
 6 measuring equipment?
 7 A. No, because -- no, because Fabiani
 8 collected those data in a language that for me -- in
 9 a particular language, so -- and I was not interested
 10 honestly because for me what counted was what I read
 11 in the instruments of Penon and that was all.
 12 But, honestly, I told to Fabiani many
 13 times, I told -- I am -- I am finding this
 14 temperature between 103 and 104, blah, blah, does
 15 this make sense with what you are measuring with your
 16 instrument, and he always said yes, we are in the
 17 same -- we are in the same range. At this level,
 18 yes.
 19 Q. So you would -- you would discuss with
 20 Fabiani the data he was collecting but you didn't
 21 actually look at his underlying data?
 22 A. Yes, I did not discuss those data. I
 23 just now and again randomly for curiosity and also
 24 for -- you know, for serious curiosity, not curiosity
 25 just joking.

Page 155

1 For curiosity I asked him does this data
 2 that does this -- because the only thing that we
 3 could confront about was the temperature, because
 4 he -- because I was just measuring -- I was reading
 5 the flow meter and there was nothing to discuss.
 6 That was a seal at the thing with numbers
 7 around and you have to read it, so there is nothing
 8 to discuss. For the temperature there is the
 9 situation is not just reading a running wheel, but
 10 there are probes and so it is interesting to see if
 11 the probes are coherent or not.
 12 And I asked now and again and always --
 13 it never happened that I said, are you between 103
 14 and 104? It never happened that he said no, I am in
 15 completely different on mine.
 16 Q. The data that was collected from the
 17 Penon measuring equipment, at least it was collected
 18 electronically. Do you recall where that was stored?
 19 MR. ANNESSER: Object to form.
 20 THE WITNESS: Excuse me, I did not
 21 understand the question.
 22 BY MR. PACE:
 23 Q. So thermocouples will generate data,
 24 correct, that is stored electronically on a computer
 25 somewhere or in a data log? Do you recall how that

Page 156

1 data was being stored in connection with the Penon
 2 measuring equipment?
 3 MR. ANNESSER: Object to form.
 4 THE WITNESS: I never knew a bit about
 5 that stuff and I was absolutely not interested
 6 to that. It was not my turf.
 7 BY MR. PACE:
 8 Q. And so Leonardo Corporation has no
 9 information on how or where that data was stored for
 10 Penon?
 11 A. Absolutely not.
 12 Q. If Dr. Penon testified that Fulvio
 13 Fabiani would send him -- would access that data and
 14 send it to him every couple of months, Leonardo
 15 Corporation doesn't have any information that is
 16 contrary to that?
 17 MR. ANNESSER: Object to form.
 18 THE WITNESS: Absolutely. Sorry. I have
 19 no information about that.
 20 BY MR. PACE:
 21 Q. Okay.
 22 A. The only thing I knew was there was a
 23 computer of Penon that was storing that. That's all
 24 I know.
 25 Q. Did you ever see Fulvio Fabiani accessing

Page 157

1 that computer?
 2 A. Can you repeat?
 3 Q. Did you ever see Fulvio Fabiani using
 4 that computer?
 5 A. Not that I can recall.
 6 Q. I think you testified to this earlier but
 7 I want to make sure I've covered it, which is do you
 8 recall any of the Penon measuring equipment ever
 9 being replaced?
 10 A. Not that I can recall. But I remember
 11 now this morning we have read somewhere in an exhibit
 12 of yours that the PCE 830 had stopped.
 13 I don't remember if that was for some --
 14 maybe was a blackout, no. I don't remember. But
 15 this morning during the deposition we have read
 16 something about the PCE 830. I don't remember what
 17 was that.
 18 Q. Okay. And Leonardo Corporation doesn't
 19 have any information on that?
 20 A. It was a blackout. It was a blackout.
 21 Now I remember. It was a blackout and it was written
 22 during the blackout out the PCE 830 is going out of
 23 service. That was it, yeah.
 24 Q. So Leonardo Corporation doesn't have any
 25 information on any of the measuring equipment ever

HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 174

1 plant, of course under my control.
 2 BY MR. PACE:
 3 Q. Can you tell me about when that is? Are
 4 we still in 2014 or are we beginning 2015?
 5 A. This is difficult to say. You must
 6 consider that if the plant has been, let me say just
 7 one number that could be wrong. Assume the plant
 8 arrived the 1st of November.
 9 Now we have from the 1st of November to
 10 the 23rd of February, you know, inside the period
 11 there was also Christmas, the Christmas holidays,
 12 blah, blah, blah, so one month is gone in various
 13 kinds of holidays.
 14 So basically we had all November, half
 15 December and half January to complete the -- because
 16 much work had to be done yet.
 17 At that point when we scheduled or when
 18 we understood that more or less within ten days we
 19 would have been completed, I phoned to the ERV and
 20 said from the 15th of February we are ready, you can
 21 come when you want.
 22 Q. And did you -- well, let me -- let me see
 23 if I can -- I believe this is an exhibit we used in
 24 your last deposition but let me mark as Exhibit
 25 Number 9.

Page 175

1 (The document referred to was thereupon
 2 marked Deposition Exhibit 9 for Identification, a
 3 copy of which is attached hereto.)
 4 THE WITNESS: Thank you. Okay.
 5 BY MR. PACE:
 6 Q. Do you recall this -- there being an
 7 e-mail exchange between you, Dr. Penon and Tom Darden
 8 about how the test was going to operate in Doral?
 9 A. No, I don't remember but I take advice of
 10 this now from you. For sure it's genuine.
 11 Q. You're actually I think going to answer
 12 my question then because my question was really going
 13 to be do you know anything about what is being
 14 discussed in this e-mail --
 15 A. I don't remember.
 16 Q. -- beyond what is written in the e-mail?
 17 A. Let me read the e-mail. If I read the
 18 e-mails maybe something comes up. So they are in
 19 reverse order of date. The last is the first, is
 20 that correct?
 21 Q. Yes, sir.
 22 A. Okay. (Witness reading to himself.)
 23 MR. ANNESSER: If you read allowed he has
 24 to take it down.
 25 THE WITNESS: I am sorry.

Page 176

1 MR. PACE: He has to write mumble,
 2 mumble, mumble.
 3 THE WITNESS: All right. Well, now your
 4 question is if -- your question was?
 5 BY MR. PACE:
 6 Q. Do you recall this e-mail exchange about
 7 questions about the test plan?
 8 A. Now that I have read it, I recall it.
 9 And I -- it seems to me it confirms what I said
 10 before basically.
 11 Q. If you look at page 19106.
 12 A. Yes, got it.
 13 Q. This actually is an e-mail from
 14 Dr. Penon.
 15 A. Dear Mr. Darden, yeah. From Fabio Penon,
 16 yes.
 17 Q. And if you look at the last full
 18 paragraph there it starts with: "Following my
 19 request."
 20 A. Following.
 21 Q. It says: "Following my request a few
 22 weeks ago --"
 23 A. Yes.
 24 Q. -- before the plant start up Dr. Rossi has
 25 to apply a condensed steam collector at the bottom of

Page 177

1 the steam pipe before the plant start up."
 2 A. Perfect.
 3 Q. Do you recall having that conversation
 4 with Dr. Penon?
 5 A. I recall this perfectly.
 6 Q. And he is accurately summarizing the
 7 conversation that he had with you, that you were
 8 agreeing to apply a condensed steam collector?
 9 A. I recall perfectly.
 10 Q. All right. I'm sorry, I understand you
 11 recall the conversation perfectly. I guess my next
 12 question is is his summary of that conversation
 13 accurate?
 14 A. No, this conversation is accurate.
 15 Q. So you had -- at the request of
 16 Dr. Penon --
 17 A. Yes.
 18 Q. -- you had agreed to install a condensed
 19 steam collector at the bottom of the steam plant?
 20 A. Sure.
 21 Q. I'm sorry, steam pipe.
 22 A. See here -- yes. Condensed steam, yes,
 23 exactly.
 24 Q. And then -- most of these e-mails are not
 25 then -- that is the one e-mail where he was

HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 178

1 describing a conversation with you, so I wanted to
 2 ask about that. There is also an e-mail in here from
 3 you and it's on page 19104.
 4 A. Sorry, 19104?
 5 Q. Uh-huh.
 6 A. 19104. Here we go. Yes.
 7 Q. So the paragraph I'm interested in, do
 8 you see a sentence about halfway down it starts
 9 with: All those instruments for the measurement of
 10 temperature -- I'm sorry.
 11 A. And of the steam, of the pressure of the
 12 steam and of the temperature of the water and the
 13 water tank inside the container connected with a
 14 computer of Engineer Penon, that he brought here and
 15 registers the data 24 hours per day, as well as with
 16 the control system -- am I mumbling enough clearly
 17 for you? Obviously Penon will consider for his
 18 calculations, blah, blah, blah. I think now he is
 19 embarking, et cetera.
 20 Q. Let me just -- I want to read one small
 21 part of this and see if I can understand this
 22 better. It talks about data going to the computer of
 23 Engineer Penon.
 24 A. Yes.
 25 Q. But then says, "as well as with the

Page 179

1 control system of ours."
 2 A. Sorry.
 3 Q. Then a little bit later or then right
 4 after that you say: "Obviously Penon will consider
 5 for his calculations only the data registered by his
 6 computer."
 7 A. Yes.
 8 Q. "But we can compare data that he will
 9 find with the data that we will find."
 10 So my question is, what is the data --
 11 what are you referring to as the data we will find?
 12 A. With this we was the team. In particular
 13 these were the parallel measurements that Fabiani had
 14 told me that had prepared under the direction of
 15 Darden.
 16 Q. And you are saying here that you -- you
 17 and someone else, you and Fabiani, because it says
 18 we, we can compare the data that he will find with
 19 the data that we will find?
 20 A. Yes.
 21 MR. ANNESSER: Object to form.
 22 BY MR. PACE:
 23 Q. Do you recall ever comparing that data
 24 with Fabiani, other than what you described earlier
 25 today?

Page 180

1 MR. ANNESSER: Object to the form.
 2 THE WITNESS: Other than what I described
 3 before, no.
 4 BY MR. PACE:
 5 Q. All right. It says, data is collected
 6 with -- data is collected in a computer of Engineer
 7 Penon, as well as with the control system of ours.
 8 Is that the control system that was
 9 operated by Fulvio Fabiani?
 10 A. Yes, sir.
 11 Q. Where was the condensed steam collector
 12 placed?
 13 A. It was placed -- I set it up, I remember,
 14 together with Tom Darden and it was basically a
 15 rubber pipe with a cup at the bottom that had to
 16 collect -- there is -- okay.
 17 Along the pipe, the steam pipe that
 18 exited from the one megawatt plant to go to the J.M.
 19 plant, we have put this cup, this plastic cup sealed
 20 with the bottom of the steam pipe so that any
 21 dripping of water was visible at any time and it was
 22 put inside the insulation, but the insulation was
 23 made in a way that it could be easy displaced to pull
 24 down the rubber pipe, open the valve that was at its
 25 end and see if water was going down.

Page 181

1 And I remember perfectly that Darden
 2 together with me and Fabiani all -- quite all the
 3 times that Darden came down, he wanted to see the
 4 dripping of the water from, and we never have seen
 5 any dripping of water. And also the ERV. Also the
 6 ERV during his -- during his -- during the days in
 7 which he came controlled the dripping.
 8 Q. So let me hand you what I will mark --
 9 A. Yes, exactly.
 10 Q. -- as Exhibit 10.
 11 A. Yes, very good. Not that I can indicate
 12 to you. Not there. You can see the dripping in --
 13 MR. ANNESSER: Dr. Rossi, let him hand
 14 you the exhibit and let me get a copy too.
 15 THE WITNESS: Okay. Okay. Sorry, sorry,
 16 sorry. You have a photo that is precise,
 17 because you already gave it to me the last
 18 time.
 19 MR. PACE: That would be 10 and 11.
 20 (The document referred to was thereupon
 21 marked Deposition Exhibit 10 for Identification, a
 22 copy of which is attached hereto.)
 23 (The document referred to was thereupon
 24 marked Deposition Exhibit 11 for Identification, a
 25 copy of which is attached hereto.)

HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 262

1 A. No, through a bypass. Yes, through a
 2 bypass that -- yes, in any case, yes, the steam
 3 arrived -- this is the steam that run inside these
 4 pipes arrived from the Leonardo -- Leonardo's plant,
 5 yes, sir.
 6 Q. So the cylinders you were just referring
 7 to or the reactors, can we see where in the piping --
 8 just where in the piping they would be here? Can you
 9 tell me which pipe they would be in?
 10 A. All the insulated pipes that you can see.
 11 Q. Okay. So there is reactors on four
 12 levels of pipes that show up --
 13 MR. ANNESSER: Object to form.
 14 MR. LEON DE LA BARRA: Join.
 15 THE WITNESS: When this photos has been
 16 taken, yes.
 17 BY MR. PACE:
 18 Q. Okay. In those reactors were containers,
 19 they might have graphene in them or they might have
 20 platinum sponge in them?
 21 MR. ANNESSER: Object to form.
 22 THE WITNESS: There was only -- there was
 23 only a couple of them with the platinum sponge
 24 and --
 25 BY MR. PACE:

Page 263

1 Q. How many of them with graphene?
 2 MR. ANNESSER: Object to form.
 3 MR. LEON DE LA BARRA: Join in that
 4 objection.
 5 THE WITNESS: Around 30.
 6 BY MR. PACE:
 7 Q. And you removed -- you removed and
 8 checked at least the platinum sponge containers but
 9 for the cylinders that had the graphene in them, is
 10 it the same situation, which is every so often you
 11 had to pull them out of this tubing and check them?
 12 A. Yes.
 13 Q. All right. And to do that did anyone
 14 ever assist you in checking the cylinders?
 15 A. No.
 16 Q. Was anyone ever in the container with you
 17 when you checked the cylinders?
 18 MR. ANNESSER: Object to form.
 19 MR. LEON DE LA BARRA: Object to form.
 20 THE WITNESS: No.
 21 BY MR. PACE:
 22 Q. How did you turn off the steam coming
 23 over to J.M. Products so you could check the
 24 cylinders?
 25 MR. ANNESSER: Object to form.

Page 264

1 MR. LEON DE LA BARRA: Object to form.
 2 THE WITNESS: Can you repeat the
 3 question?
 4 BY MR. PACE:
 5 Q. Sure. You couldn't physically go in
 6 there and remove the cylinders while what you have --
 7 you are saying is 103 or 100 degree Celsius steam
 8 coming through those pipes, you can't reach in there
 9 and take a cylinder out of it and then put it back
 10 in, can you?
 11 A. Yes.
 12 Q. The steam -- so --
 13 A. No, the steam was bypassed.
 14 Q. Bypassed how?
 15 A. It was bypassed. We had a bypass.
 16 Q. There was a bypass located up where the
 17 steam was coming into the container?
 18 A. Yes. The bypass was located in -- just
 19 behind the wall there was a bypass.
 20 Q. Behind -- if we look at Exhibit 12 --
 21 A. Yes.
 22 Q. -- behind the gray wall?
 23 A. Yes, behind this we had a bypass and the
 24 bypass allowed the steam in part or in total to the
 25 plant or all the steam out from the plant.

Page 265

1 Q. So the steam would be bypassed, it would
 2 either just be released into the warehouse or it
 3 would be circled back into the --
 4 MR. LEON DE LA BARRA: Object to form.
 5 MR. ANNESSER: Object to form.
 6 THE WITNESS: No, it could not be
 7 released in the warehouse. The steam was sent
 8 to the heat exchanger that we had, that I
 9 explained to you the last time when I -- in my
 10 former deposition.
 11 So we had a bypass there that could
 12 either allow part or total -- on total the steam
 13 because I did not know how much -- how much
 14 steam it could be necessary in the various
 15 phases so we had a bypass that --
 16 BY MR. PACE:
 17 Q. Who?
 18 A. Sorry.
 19 Q. Who built the bypass?
 20 A. We did it, because the bypass is made by
 21 pipes with a butterfly.
 22 Q. But who is we?
 23 A. I, with the help of contractors.
 24 Q. And are they the same contractors who
 25 built the heat exchanger?

HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 266

1 A. You know, there was not the same
 2 contractors because sometime we had some contractor
 3 that -- that we call it from outside, but in that
 4 industrial area mainly in that period every day
 5 arrived guys with trucks that were ambulant --
 6 ambulant workshops, you know, with welders, et
 7 cetera.
 8 And they knocked at the door saying you
 9 need help, et cetera, et cetera and I use it many,
 10 many times those guys because they are very well
 11 skilled, very good and I -- and also the advantage is
 12 they were not curious. They just wanted to work. So
 13 under -- I myself, I work with them and we made this
 14 piping system. I bought pipes and we made all the
 15 connections.
 16 Q. And pipes as well as fans, correct? You
 17 had fans for your heat exchanger?
 18 A. Yes.
 19 Q. You had to have the heat exchangers
 20 themselves, correct?
 21 A. Yes.
 22 Q. Who paid for that?
 23 A. Leonardo Corporation.
 24 Q. Leonardo Corporation?
 25 A. Yes.

Page 267

1 Q. Are there records reflecting those
 2 purchases by Leonardo Corporation?
 3 MR. ANNESSER: Object to the form.
 4 THE WITNESS: I suppose so, yes.
 5 BY MR. PACE:
 6 Q. So there is records you assume that
 7 reflect purchasing heat exchangers?
 8 A. No, the heat exchangers are pipes. I
 9 bought pipes.
 10 Q. How about the fans, are there records
 11 reflecting the fans?
 12 A. Yes.
 13 Q. Because those would have to be pretty big
 14 fans that were done, correct?
 15 A. I had two fans with a total capacity
 16 of -- within the fan of the heat exchanger.
 17 Q. The fans for the heat exchanger, those
 18 would be pretty bag fans?
 19 A. They had the capacity necessary to move
 20 the air that had to be moved.
 21 Q. And did you testify before that the way
 22 of getting the heat out was through the second story
 23 office?
 24 A. No, it was not an office.
 25 MR. ANNESSER: Object to form.

Page 268

1 BY MR. PACE:
 2 Q. Office. Second story space?
 3 A. Now it's becoming an office. Then was
 4 a -- basically was a pretty big -- pretty big, I
 5 would say workshop that we had in the second level.
 6 Q. You said we had. We had being that
 7 second level?
 8 A. We is --
 9 Q. Is there no distinction really in this
 10 context between Leonardo and J.M. Products --
 11 MR. LEON DE LA BARRA: Object to form.
 12 BY MR. PACE:
 13 Q. -- just space you worked?
 14 MR. ANNESSER: Object to form.
 15 THE WITNESS: No, no. When I say we is
 16 because I worked with the contractors with, you
 17 know, when I -- I was not alone there. So when
 18 I say we, it's because it was -- there was not
 19 only me. I was with contractors, et cetera.
 20 And Jim Bass also sometimes for other
 21 things, et cetera, et cetera. So I say we for
 22 my -- it is my custom to say we and not I.
 23 BY MR. PACE:
 24 Q. And up in this second story your
 25 testimony I think was that to get the heat out you --

Page 269

1 you or somebody knocked out the window on the second
 2 story?
 3 A. Yes, the second floor we had big windows
 4 and we had to remove it completely one. Now we have
 5 reset everything because we're making offices there.
 6 Q. So Leonardo paid for the piping --
 7 A. Yes.
 8 Q. -- that was used for the heat exchanger?
 9 Leonardo paid for the workers that did the work?
 10 A. Yes.
 11 MR. ANNESSER: Object to the form.
 12 BY MR. PACE:
 13 Q. Leonardo paid for the fans that were used
 14 for the heat exchanger system?
 15 MR. ANNESSER: Object to form.
 16 THE WITNESS: Yes.
 17 BY MR. PACE:
 18 Q. And this heat exchanger, the bypass, I am
 19 just trying to understand. We have both a bypass --
 20 I'm sorry.
 21 Is it your testimony -- is the testimony
 22 that the piping for this heat exchanger ran along the
 23 side of the wall where the -- essentially this wall
 24 here that we see in Exhibit 12, but just on the J.M.
 25 Products side?

17
HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 270

1 A. Yes.

2 Q. Did it go straight up and then straight

3 over to the --

4 A. It's impossible --

5 Q. -- loft?

6 A. -- to answer this way because there was a

7 design and the bypass was run along the -- if we look

8 at this wall from the side of Leonardo, if we look

9 from here on, this run through the right -- yeah.

10 Q. So if we're looking at Exhibit 10 now?

11 A. Yeah, this run along the -- this run down

12 and then along the right side of the plant of J.M.,

13 with the transmissions to the bypass. To the bypass

14 that was on the flank and also -- and also there was

15 the frontal connection for the inlet of the steam.

16 Q. So by this picture that you have there

17 that is Exhibit 10, is this after the heat exchanger

18 was removed from the warehouse or before?

19 A. I cannot -- I cannot say from this

20 photos. It could be -- no, this photo has been made

21 before.

22 Q. Before the heat exchanger was put into

23 place?

24 A. No.

25 MR. ANNESSER: Object to the form.

Page 271

1 THE WITNESS: No, this photo has been

2 made before it has been dismantled. This photo

3 has been made -- this photo has been made when

4 the heat exchanger was in operation.

5 BY MR. PACE:

6 Q. So the heat exchanger was in operation

7 when that photo was made. You recognize that photo

8 having been made when?

9 MR. ANNESSER: Object to form.

10 THE WITNESS: I don't know, you did it.

11 BY MR. PACE:

12 Q. How do you know the heat exchanger was in

13 place then? That's what I don't understand.

14 A. Because we had the plant in operation

15 because when the plant stopped to be in operation all

16 this piping has been removed.

17 Q. I understand. I will actually come to

18 that in just a second. Simply because the pipe is

19 there --

20 A. I suspect that this photos have been made

21 the last day of the test. I suspect.

22 Q. You understand the last day of the test

23 the heat exchanger was still there?

24 A. Of course.

25 Q. Who removed that piping?

Page 272

1 A. I did.

2 Q. When did you remove that piping?

3 A. After the end of the test.

4 Q. Where is that piping now?

5 A. We use it to make other things. I

6 recovered all the pieces that were not -- no more

7 necessary to make other things and the heat

8 exchanger -- all the pipes of the heat exchanger have

9 been recovered to make other things and that space

10 now is becoming offices.

11 Q. Let's see if I understand. You are

12 looking there at Exhibit 10, there is a pipe there in

13 Exhibit 10 that we see that is the pipe you are

14 saying was carrying the output of the E-Cats over to

15 the J.M. Products side of the Doral warehouse,

16 correct?

17 MR. ANNESSER: Object to the form.

18 BY MR. PACE:

19 Q. That's what we see there?

20 A. You should repeat speaking if possible a

21 little bit slower.

22 Q. Sure, certainly will. There in Exhibit

23 10 we see insulated pipe --

24 A. Yeah.

25 Q. -- that is carrying the output of the

Page 273

1 E-Cat plant over to the J.M. Products side of the

2 Doral warehouse, correct?

3 A. Yes.

4 Q. That has now been -- you removed that

5 pipe after -- sometime after February 16 of 2016,

6 correct?

7 MR. ANNESSER: Object to form.

8 THE WITNESS: Correct.

9 BY MR. PACE:

10 Q. And you have repurposed that piping or

11 you now are using that piping for another purpose?

12 MR. ANNESSER: Object to the form.

13 THE WITNESS: It's correct.

14 BY MR. PACE:

15 Q. And you didn't maintain the pipe, you

16 didn't maintain the insulation, it's been put to

17 another use?

18 MR. ANNESSER: Object to form.

19 THE WITNESS: (Nods head.)

20 BY MR. PACE:

21 Q. The heat exchanger no longer exists at

22 the Doral location, correct?

23 A. Correct.

24 Q. The piping that was used for the heat

25 exchanger you have now put to another use, you didn't

17
HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 274

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

Page 275

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?

Page 276

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.

Page 277

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.)

17
HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 286

1 Trust -- I'm actually going to say -- I'm not asking
 2 into. I'm asking does the Platinum American Trust
 3 make any payments to Leonardo?
 4 A. No.
 5 MR. ANNESSER: Object to form.
 6 BY MR. PACE:
 7 Q. And Leonardo doesn't make any payments to
 8 Platinum American Trust?
 9 A. No.
 10 Q. Are you aware that at some point in 2016
 11 Leonardo was asked to transfer or assign the license
 12 patents under the licensing agreement to Industrial
 13 Heat or IPH?
 14 A. Can you kindly repeat --
 15 MR. ANNESSER: Object to form.
 16 THE WITNESS: -- the question because it's
 17 heavy.
 18 BY MR. PACE:
 19 Q. I can. It is. I'll rephrase it. I will
 20 see if I can break it down a little bit. That might
 21 make it easier.
 22 A. Thank you.
 23 Q. Are you aware that under the license
 24 agreement there is a provision that says upon the
 25 request of either Industrial Heat or IPH, that

Page 287

1 Leonardo and Rossi shall assign to Industrial Heat or
 2 IPH what are called the licensed patents; are you
 3 familiar with that?
 4 MR. ANNESSER: Object to form.
 5 THE WITNESS: Yes. Yes.
 6 BY MR. PACE:
 7 Q. Are you aware that in 2016 IPH and
 8 Industrial Heat requested that such an assignment
 9 occur?
 10 MR. ANNESSER: Object to form.
 11 THE WITNESS: I don't recall exactly but
 12 if you have any document about that. I don't
 13 recall exactly what happened in 2016 on this
 14 matter.
 15 BY MR. PACE:
 16 Q. Okay.
 17 A. So if -- if you have some document to
 18 show me, I will be glad to take a look at it.
 19 Q. I think it's actually an attachment to
 20 the complaint, but I don't have it here but I am
 21 going to make the easier part to it which is whether
 22 or not that was sent, Leonardo has -- Leonardo
 23 Corporation or yourself individually have not
 24 assigned any of your patents -- let me start that
 25 over again.

Page 288

1 Leonardo Corporation has not assigned any
 2 patents it owns to anyone else in the year 2016; is
 3 that correct?
 4 A. Absolutely.
 5 Q. Dr. Andrea Rossi has not assigned any
 6 patents he owns to anyone else in the year 2016?
 7 MR. ANNESSER: Object to form.
 8 THE WITNESS: Correct.
 9 BY MR. PACE:
 10 Q. And would the answers be the same also
 11 for the year of 2017? In other words, Leonardo has
 12 not made any such assignment in 2017, correct?
 13 A. Correct.
 14 MR. ANNESSER: Object to form.
 15 BY MR. PACE:
 16 Q. And Dr. Rossi has not made any such
 17 assignment in 2017?
 18 A. Correct.
 19 MR. ANNESSER: Same objection.
 20 BY MR. PACE:
 21 Q. For the temporary workers that you would
 22 hire on different occasions at -- for work at the
 23 Doral location, is there any identifying information
 24 that you have as to any of those individuals?
 25 MR. ANNESSER: Object to form.

Page 289

1 THE WITNESS: Can you repeat?
 2 BY MR. PACE:
 3 Q. Yes. There were a number of temporary
 4 workers --
 5 A. Yes.
 6 Q. -- that were hired for work to be done at
 7 the Doral warehouse, correct?
 8 A. Correct.
 9 Q. Do you have any identifying information
 10 as to any of those individuals?
 11 MR. ANNESSER: Object to form.
 12 THE WITNESS: The information that I had,
 13 for the ones of which I had information, I
 14 already provided you with the discovery because
 15 you asked -- you asked in some phase of this
 16 litigation to be informed about all the supply,
 17 blah, blah, et cetera, and I supplied.
 18 So the ones of which I have the
 19 possibility to have a track, I already have
 20 informed you.
 21 BY MR. PACE:
 22 Q. That's the information that you're aware
 23 that your attorney put into a interrogatory response
 24 and then you signed?
 25 A. Can you please speak slower?

17
HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 290

1 Q. I can.
 2 A. Thank you.
 3 Q. That's information that your attorney put
 4 into -- put in writing and then you signed and swore
 5 that that was accurate?
 6 A. Correct.
 7 MR. ANNESSER: Object to form.
 8 THE WITNESS: Correct.
 9 BY MR. PACE:
 10 Q. We talked about this earlier today but I
 11 don't think -- I am not quite sure if I really closed
 12 the loop on this.
 13 What alterations were made to the E-Cat
 14 plant in Doral as compared to how it existed when it
 15 was shipped from Raleigh to Doral?
 16 MR. ANNESSER: Object to form.
 17 BY MR. PACE:
 18 Q. Do you want me to do that again?
 19 A. Yes.
 20 Q. At some point in November, December -- at
 21 some point between October and December of 2014 the
 22 E-Cat plant was shipped from Raleigh to Doral.
 23 My question is after that occurred what
 24 changes were made to the plant in Doral?
 25 A. Now I have understood perfectly. Well,

Page 291

1 let me think.
 2 As I said before, when the plant -- of
 3 course we're talking of the one megawatt plant has
 4 been delivered from Raleigh to Doral it was
 5 incomplete. It was not ready to go.
 6 It was still incomplete and so Industrial
 7 Heat sent to Doral not only the plant but also, if I
 8 were recall, six workers, very good ones I must say,
 9 very well skilled and they worked for two months to
 10 complete everything, because it was very incomplete,
 11 the plant.
 12 And there was to make pipings,
 13 connections, et cetera, et cetera. So I would not
 14 say -- if I remember well in your question was
 15 contained the word altered, but nothing has been
 16 altered. It has been completed.
 17 Q. Okay.
 18 A. Like you receive a kit and you have to
 19 complete it. So which works did they do? A lot
 20 because they mounted the tank. They mounted a lot of
 21 pipings. They made a lot of connections.
 22 Q. Can I ask it slightly differently?
 23 Because this will help, just a word, which is what
 24 you are saying is that these workers, they
 25 reassembled the plant along with the piping that was

Page 292

1 shipped down from North Carolina?
 2 A. Yes, sir.
 3 Q. Because in North Carolina, for example,
 4 the pipe that went from the plant over to the J.M.
 5 Products side was put together in North Carolina, it
 6 just had to be reconnected to the plant down in
 7 Florida?
 8 A. No.
 9 MR. ANNESSER: Object to form.
 10 THE WITNESS: The plant that connected
 11 the J.M. plant to the Leonardo plant was not of
 12 our property. Was of J.M.
 13 BY MR. PACE:
 14 Q. Okay.
 15 A. But -- but many pipings have been
 16 delivered from -- from Industrial Heat from Doral --
 17 from Raleigh to Doral in Florida that have been
 18 assembled because there are -- there is a kilometer
 19 of pipings inside the plant.
 20 Q. That's what I meant. So when you were
 21 talking about these six workers though, what they
 22 were doing is essentially reassembling the plant and
 23 the related equipment, like the water tanks and the
 24 tubing or the piping that was initially put together
 25 in Raleigh?

Page 293

1 MR. ANNESSER: Object to the form.
 2 THE WITNESS: Reassembling is the wrong
 3 word. To reassemble means first disassemble,
 4 then reassemble.
 5 BY MR. PACE:
 6 Q. Right.
 7 A. It is not so. The plant has been
 8 delivered at the state -- in the state it had arrived
 9 to be in Raleigh.
 10 Together with this there was another
 11 truck full of a lot of components that -- parts that
 12 had to be still connected, installed.
 13 Q. I think I may know where we're differing
 14 here a little bit which is when you say the plant,
 15 are you referring only to the container and not to,
 16 for example, the -- there was another container right
 17 next to it, right, that had all the electrical
 18 equipment?
 19 A. Correct, the computer.
 20 Q. The computer and everything. Those are
 21 the things that had to be assembled when everybody
 22 got down to Doral?
 23 MR. ANNESSER: Object to form.
 24 THE WITNESS: Same thing. You are right,
 25 the containers were two. One, the bigger one

17
HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

<p style="text-align: right;">Page 302</p> <p>1 I just say I need this. 2 Q. Right. 3 A. Do it. 4 Q. So you -- you directed or requested for 5 Jim Bass to work on a new control system that would 6 be used by J.M. Products? 7 A. Correct. 8 Q. And then you requested or directed that 9 Fulvio Fabiani assist Jim Bass in that project? 10 A. Yes, because they are complimentary, 11 because where ends Fabiani begins Bass and vice 12 versa. They together make a good couple, electronic. 13 Q. I will let that side. 14 A. Electronically speaking. 15 Q. A good electronic couple. And the work 16 that they did together was sometimes done -- was 17 sometimes done over at J.M. Products, correct? 18 A. Can you explain the question? I don't 19 get the English. 20 Q. Sure. They would meet together? 21 A. Yes. 22 Q. Jim Bass and Fulvio Fabiani -- 23 A. Yes. 24 Q. -- on this product -- on this project? 25 A. Yes.</p>	<p style="text-align: right;">Page 304</p> <p>1 rule. 2 BY MR. PACE: 3 Q. So the rule that you gave to Fulvio 4 Fabiani was don't walk right through the door -- 5 A. Exactly. 6 Q. -- that goes from Leonardo to J.M. 7 Products, always walk around the building when you 8 are going to go to the J.M. Products? 9 MR. ANNESSER: Object to form. 10 THE WITNESS: Correct, and the same 11 symmetrical rule I gave to Jim Bass. Jim Bass 12 was absolutely forbidden to enter in the area of 13 Leonardo, for any reason. 14 BY MR. PACE: 15 Q. Right. He would -- he was to stay on the 16 J.M. Products side? 17 A. Yes. 18 Q. Okay. 19 A. Yes. So the area that they had in common 20 was the office of Jim Bass that was separated because 21 when you -- as you will see when you will come there, 22 you will see that you enter in the office and there 23 are the offices. 24 Q. Understood. 25 A. Then there is a door, you enter through</p>
<p style="text-align: right;">Page 303</p> <p>1 Q. When they would do so would they meet 2 over at the offices that are on the J.M. Products 3 side of the warehouse? 4 MR. ANNESSER: Object to form. 5 THE WITNESS: Yes. 6 BY MR. PACE: 7 Q. What you would have is you would have 8 Fulvio instead of going through that door that 9 directly connects Leonardo to J.M. Products, you 10 would have him walk around the building and walk in 11 the front door of J.M. Products, correct? 12 A. Yes, it is correct. 13 Q. There he would meet with Jim Bass? 14 A. Yes. 15 Q. And so that was so anyone else in the 16 warehouse, such as a Barry West, would not see Fulvio 17 crossing over from the Leonardo side of the warehouse 18 to the J.M. Products side of the warehouse? 19 MR. ANNESSER: Object to form. 20 MR. LEON DE LA BARRA: Object to form. 21 THE WITNESS: Correct. But attention, I 22 say correct and I hope so, but consider that I 23 was in the factory from 5, 6 in the afternoon to 24 10, 11 of the day after. During the day I was 25 not there. I assume that they respected the</p>	<p style="text-align: right;">Page 305</p> <p>1 the door and you are in the J.M. area. 2 Q. Did J.M. Products pay Fulvio Fabiani for 3 that work or was that -- was that pursuant to what he 4 was already being paid under his USQL contract? 5 MR. LEON DE LA BARRA: Object to the 6 form. 7 BY MR. PACE: 8 Q. Let me start that over again. We have 9 gotten a little away from it. 10 This project you are talking about that 11 Fabiani worked on with Jim Bass, did J.M. Products 12 pay him for working on that project? 13 A. No. 14 Q. Is the only compensation he got for 15 working on that project the money he was making under 16 his USQL agreement with Industrial Heat? 17 MR. ANNESSER: Object to the form. 18 MR. LEON DE LA BARRA: Object to the 19 form. 20 THE WITNESS: Can you repeat the 21 question? 22 BY MR. PACE: 23 Q. Yes. Is the only money that Fabiani was 24 making for working on this project with Jim Bass the 25 payments he was getting from Industrial Heat under</p>

HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 318

1 removed?
 2 MR. ANNESSER: Object to form.
 3 MR. LEON DE LA BARRA: Join.
 4 THE WITNESS: No, has been removed.
 5 BY MR. PACE:
 6 Q. Any other changes that have been made at
 7 the warehouse?
 8 MR. ANNESSER: Object to form.
 9 THE WITNESS: For example, now we are
 10 making offices where there was the heat
 11 exchanger and we are -- I am -- I think that we
 12 will prepare it to become a factory. Once
 13 freed, et cetera, that will be a factory at that
 14 the Doral location.
 15 BY MR. PACE:
 16 Q. How about any other changes on the
 17 Leonardo side of the warehouse?
 18 A. The Leonardo side has not been touched.
 19 Q. Other than the piping being removed?
 20 MR. ANNESSER: Hey, Chris, we're out of
 21 time.
 22 BY MR. PACE:
 23 Q. Other than the piping being removed?
 24 A. Other than the piping that has been
 25 removed because it was property of J.M.

Page 319

1 MR. PACE: Understood. No further
 2 questions. I think my time is up. I appreciate
 3 it.
 4 THE WITNESS: Thank you.
 5 CROSS EXAMINATION
 6 BY MR. ANNESSER:
 7 Q. Okay. Just on the record I've got two
 8 quick questions for you, just to clarify two things.
 9 One is you were talking about the big
 10 Frankies and I believe you said that they're properly
 11 called the 250 unit and Mr. Pace asked is that
 12 because they put out 250 kilowatts.
 13 Are the big Frankie units capable of
 14 putting out more than 250 kilowatts each?
 15 A. Yes.
 16 Q. And then the other thing I wanted to
 17 clarify was Mr. Pace was asking you about Mr. Fabiani
 18 having to walk out of the Leonardo side and around
 19 the building to the J.M. side. I want to make sure I
 20 understand correctly.
 21 He asked you whether the purpose of
 22 making him walk around was so Barry West would not
 23 see you -- or, I'm sorry, would not see Mr. Fabiani
 24 go through that door.
 25 A. No, no was not this. Because I -- no, I

Page 320

1 did not understand this this way. I understood that
 2 the question was that Fabiani had not to see the area
 3 of J.M.
 4 Q. Okay.
 5 A. So I prohibited to Fabiani to go through
 6 the door that separated J.M. from Leonardo because I
 7 wanted not that Fabiani crossed the space of J.M.
 8 This is why. So I forced -- I demanded
 9 him to make the tour there because I wanted not that
 10 Fabiani could see inside the area of J.M., as well as
 11 I wanted that Jim Bass did not -- could not enter in
 12 there in the area of Leonardo.
 13 MR. ANNESSER: Okay. That's all the
 14 questions I have. I think we're good.
 15 MR. PACE: Could have been a one sentence
 16 response if you put him together with your
 17 translator.
 18 MR. ANNESSER: We will read.
 19 THE VIDEOGRAPHER: Time is 19:56.
 20 Deposition adjourned. Off the record.
 21 (Thereupon the taking of the deposition
 22 was concluded.)
 23
 24
 25

Page 321

1
 2 Deponent
 3
 4
 5 Sworn to and subscribed before me this
 6
 7 day of 2017.
 8
 9
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 25

HIGHLY CONFIDENTIAL PORTIONS-ATTORNEYS' EYES ONLY

Page 322

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

Page 324

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

Page 323

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.

Page 325

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

Page #	Line #	Change	Reason
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18	_____	_____	_____
19	_____	_____	_____
20	_____	_____	_____

 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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