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UNITED STATES DISTRICT COURT
for the
Southern District of Florida
Civil Action No. 1:16-cv-21199-CMA
ANDREA ROSSI and LEONARDO
CORPORATION,

Plaintiff,

vs.
THOMAS DARDEN; JOHN T. VAUGHN;
INDUSTRIAL HEAT, LLC; et al.,

Defendant.

_____/

600 Brickell Avenue
Miami, Florida
February 27, 2017
10:00 a.m.

VIDEO DEPOSITION OF
KAU-FUI VINCENT WONG, PH.D.

Taken before SUZANNE VITALE, R.P.R., F.P.R.
and Notary Public for the State of Florida at Large,
pursuant to Notice of Taking Deposition filed in the
above cause.

Page 70

1 a few things just to make sure we've got them clear.
 2 We made a couple of references already this morning
 3 to COP.
 4 That's a reference to coefficient of
 5 performance, correct?
 6 A. Yes.
 7 Q. You made a reference already today to
 8 seeing pipes at the Doral location.
 9 You made at least one reference to that,
 10 so I just want to understand.
 11 When you were actually at the Doral
 12 location, what pipes or piping did you see?
 13 A. I think I'm still basing it on Dr. Rossi's
 14 statement that there was a heat exchanger there and
 15 there were pipes leading to the heat exchanger room.
 16 Q. So you didn't see any pipes that -- when
 17 you were there, you didn't see any pipes that were
 18 part of a heat exchanger, for example?
 19 A. I wasn't looking out for them. I just --
 20 no.
 21 Q. Did you see any pipes running from the
 22 E-Cat unit or plant to any other location?
 23 A. No. I didn't look out for them.
 24 Q. I understand. I thought you made, and I
 25 may be wrong, I thought you made a reference to

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1 seeing pipes at the warehouse and I may be mistaken.
 2 It sounds, from what you're telling me
 3 right now, that you certainly didn't see any heat
 4 exchanger pipes. You didn't see any pipes running
 5 from the E-Cat plant to some other unit, so if you
 6 happened to see any piping when you were there, it
 7 was simply incidental. I'm sure there's water pipes
 8 there that run to the sink. I'm sure that there are
 9 other pipes, those would be the only other pipes you
 10 saw?
 11 A. Yes.
 12 Q. Let's take our break now and come back
 13 right when you're finished with lunch. We can go
 14 off the record.
 15 THE VIDEOGRAPHER: We're going off the
 16 record. The time off the video monitor is
 17 12:16 p.m.
 18 (Lunch recess taken.)
 19
 20 THE VIDEOGRAPHER: We're back on the
 21 record. This marks the beginning of Media Unit
 22 Number 2. The time on the video monitor is
 23 1:36 p.m.
 24 BY MR. PACE:
 25 Q. Those are the books that you cited in your

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1 expert report. It looks like there's two additional
 2 ones there. I see statistical engineering.
 3 A. These are -- these are the two thermo
 4 books. The second one is not the latest. It's the
 5 sixth edition. I think I sold all of my ninth
 6 edition.
 7 These are other engineering books within
 8 the last two or three years. And this just came in
 9 the mail. This is two of my journal papers from the
 10 ASME. This is how the journals come up.
 11 Q. Okay. And just, again, because we've got
 12 a court reporter and a videographer here. The
 13 bottom book on that stack is a book published by the
 14 ASME called --
 15 A. Journal of Energy Resources Technology.
 16 Q. Journal of Energy Resources Technology.
 17 The next two books on the bottom of that
 18 stack are your two textbooks, Thermodynamics for
 19 Engineers, and Thermodynamics for Engineers II.
 20 A. Yes.
 21 Q. And, then, let me just see those -- I'm
 22 not going to mark them as exhibits -- no, not those,
 23 the other two. I can just -- I can probably read
 24 them a little faster into the record.
 25 And then the other two books you have with

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1 you are -- you are the author for "Sustainable
 2 Engineering" is the title, published by Momentum
 3 Press.
 4 And the second one that you're also the
 5 author on, also by Momentum Press, and that title is
 6 "Climate Change."
 7 These are both newer books and consistent
 8 with what you had testified to this morning that
 9 your work now has focused more on
 10 environmental-related engineering?
 11 A. Has always been in energy and environment.
 12 Q. Energy and environment. I appreciate
 13 that.
 14 A. They did a newer focus. I had the
 15 contracts. I just submitted the two final
 16 manuscripts on nutrition and health by Momentum
 17 Press. Some manuscripts are coming out in 2017.
 18 Q. We talked about the things that you did to
 19 prepare for your - to prepare your report. I want
 20 to talk just --
 21 A. Oh, maybe just a little bit clarification.
 22 Q. Uh-huh.
 23 A. These principally are republication of my
 24 journal papers which you requested, not all of them,
 25 but republication of many.

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1 A. Through the fans. It's in my exhibit.
 2 Q. You saw the two holes?
 3 A. For the two fans.
 4 Q. Let's see if we can get to your exhibit
 5 and you can tell me where it is.
 6 A. Yeah, this. (Indicating.)
 7 Q. A-2. So you're saying out of A-2 --
 8 A. The two bottom holes were occupied by the
 9 two fans.
 10 Q. And let's clarify a little bit.
 11 You called them "holes." Those
 12 are frames.
 13 A. Frames.
 14 Q. This is frames. These are window panes,
 15 correct?
 16 A. It's not panes. When I was there, it was
 17 empty. There were two workmen by the site here.
 18 Q. Okay. There was no glass in these?
 19 A. No.
 20 Q. There was no glass in any of these four?
 21 A. No.
 22 Q. I'm sorry. Exhibit A-2 shows four squares
 23 for a window, and you're saying there was no glass
 24 in any of the four squares? Okay.
 25 A. Yes.

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1 Q. Going back to your report. You've got 22
 2 steel pipes, approximately 10 meters each, interior
 3 dimension, .15-meter.
 4 You have never seen those steel pipes,
 5 correct?
 6 A. No.
 7 Q. Dr. Rossi told you about those steel
 8 pipes, correct?
 9 A. Yes.
 10 Q. Has anyone else told you about those steel
 11 pipes?
 12 A. I discuss with counsel.
 13 Q. Okay. Other than counsel and Dr. Rossi,
 14 has anyone else told you about those steel pipes?
 15 A. No.
 16 Q. Did you ask to see the steel pipes?
 17 A. No.
 18 Q. Do you know what happened to the steel
 19 pipes?
 20 A. No.
 21 Q. Did you see any receipts for the purchase
 22 of the steel pipes?
 23 A. No.
 24 Q. Other than what you've been told by
 25 counsel or Dr. Rossi, do you have any evidence that

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1 those steel pipes existed?
 2 A. Oh. As a nonprofessional but as a rather
 3 aged human being, it looked to have like something
 4 has been laying on that floor before. You see some
 5 marks or something on that concrete floor.
 6 Q. Looking at your Exhibit A-1.
 7 A. Yeah. It would be this -- this -- it
 8 would seem as though there was something lying on
 9 top.
 10 Q. So other than what you learned from
 11 Dr. Rossi or from counsel, the only evidence you
 12 have as to the -- even the existence of these steel
 13 pipes is looking at the floor in Exhibit A-1, it
 14 appears that something at one point was on the
 15 floor?
 16 A. Yes.
 17 Q. Okay. Without knowing whether that was
 18 steel pipes, wood, or what exactly was on that
 19 floor?
 20 A. Certainly not an office desk.
 21 Q. Understood. Something other than an
 22 office desk.
 23 Encasement, it says: "Wood panel
 24 insulated with rock wool shaped for thermal and
 25 acoustic insulation."

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1 Did you ever see this encasement?
 2 A. No.
 3 Q. Dr. Rossi told you about this encasement,
 4 correct?
 5 A. Yes.
 6 Q. Did you have any -- did anyone else tell
 7 you about this encasement?
 8 A. No.
 9 Q. Did you ever see any receipts for the
 10 encasement?
 11 A. No.
 12 Q. Did you ever see any design specs for
 13 building the encasement?
 14 A. No.
 15 Q. Did you ask to see if there was design
 16 specs for building the encasement?
 17 A. Design specs, no. I did ask -- I did
 18 discuss with Rossi about the design of the casing.
 19 Q. But I -- I'm asking if there's any -- did
 20 you see any paper --
 21 A. No paper.
 22 Q. -- that demonstrates that this encasement
 23 existed?
 24 A. No paper.
 25 Q. Did you have see any paper, any diagrams,

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1 or drawings for how the steel pipes were supposedly
 2 laid out in this heat exchanger?
 3 A. No diagrams.
 4 Q. Okay. Any paper at all?
 5 A. No paper.
 6 Q. All right. Airflow says: "Two fans,
 7 250,000 cubic meters per hour each."
 8 MR. EVANS: Object to form.
 9 BY MR. PACE:
 10 Q. Looking at your report, question one is
 11 did you see those two fans?
 12 A. No.
 13 Q. Did you ask to see the two fans?
 14 A. No. I did ask about the design of the
 15 heat exchanger and how the pipes were laid out.
 16 Q. And you asked that of Andrea Rossi?
 17 A. Right.
 18 Q. And he provided you the explanation?
 19 A. Verbally, yes.
 20 Q. Okay. I understand.
 21 A. I had no reason to doubt that part of it.
 22 If I believed that there was a heat exchanger there,
 23 I believed the arrangement.
 24 Q. If you believe there was a heat exchanger,
 25 you would have believed the arrangement for the heat

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1 exchanger.
 2 A. Because he say he made it himself.
 3 Q. How big would these fans be?
 4 A. What he said. I --
 5 Q. Well, I'm sorry. It tells me how much air
 6 they can circulate. I'm asking for the dimensions
 7 of the -- the fans, if you know.
 8 A. This is a man's height, I think, so
 9 three feet.
 10 Q. So let's describe this. You're pointing
 11 to Exhibit A-2. You're saying that the entire
 12 window is roughly --
 13 A. Three feet high -- six feet high.
 14 Q. Six feet high. The window is six feet
 15 high, so each pane would be three feet high
 16 approximately?
 17 A. Three to three and a half.
 18 Q. Okay. So, again, though, as I understand
 19 how a heat exchanger works, these fans -- are the
 20 fans up against the window? Is that what you're
 21 saying?
 22 A. It's part of the wall. Yeah, it's part of
 23 the wall. There's no window. These are holes in
 24 the wall, and it was occupied by two fans down here.
 25 Q. These are holes in the wall --

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1 A. External wall, actually. Yeah. Outside.
 2 You can see the outside.
 3 Q. I don't understand that.
 4 I'm going to mark for you -- we'll call
 5 this Exhibit 5, I believe we're on. There they are.
 6 I want to make sure I don't cover it.
 7 (Thereupon, the referred-to document was
 8 marked by the court reporter for Identification as
 9 Defendant's Exhibit 5.)
 10 BY MR. PACE:
 11 Q. When you say that there are holes in the
 12 wall, are you referring to any of these windows that
 13 we're seeing here in front of 7861 -- in front of
 14 the Doral warehouse?
 15 A. I'm not sure. Was this taken recently?
 16 Q. No. No. It was taken a while ago.
 17 A. If I were forced to guess, parking lot is
 18 here. The holes are these, I think.
 19 Q. Are one of these windows --
 20 A. The second floor one.
 21 Q. So if we can identify this for the record.
 22 A. I think.
 23 Q. You're looking at Exhibit 5. What you're
 24 describing as the holes are on the left-hand side of
 25 that exhibit. If you're facing the exhibit, on the

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1 left-hand side, we can see some second-story window
 2 there; is that correct?
 3 A. Yes. It's because the other two are not
 4 the same shape. This is more squarish.
 5 Q. This is more square?
 6 A. Yes, but there was definitely no panes
 7 when I was there.
 8 Q. Okay. And this one -- and this one is
 9 actually --
 10 A. But it was being worked on, because there
 11 were two workmen waiting for me to take the photo.
 12 I had to say, "Get out of the way." I don't know
 13 what they were working on.
 14 Q. You have -- you have no idea -- you don't
 15 have any firsthand basis to know whether there
 16 were -- whether there was glass in those windows
 17 prior to February 10th of 2017, correct?
 18 A. Before and after those 20 minutes I was in
 19 that room, I don't know what was happening.
 20 Q. And those 20 minutes were February 10th of
 21 2017, correct? I need a verbal response.
 22 A. Yes.
 23 Q. All right.
 24 A. And if there was a date, I confirmed that
 25 I visited the plant in Doral.

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1 A. If it was there, it would be only one
 2 part. This part I think is missing because I can
 3 see the staircase.
 4 Q. Okay.
 5 A. And for some reason, I'm just reasoning
 6 with my thoughts. For some reason, I felt I was
 7 going from one room to another, from the reactor to
 8 the other room where workmen were working, so I
 9 think this one was probably still there, but not
 10 this way.
 11 Q. Let me explain because of the camera and
 12 the court reporter.
 13 The wall that has the white door in it you
 14 think might still be there?
 15 A. Separating -- the door may not be there,
 16 but separating the reactor and whatever was there,
 17 either empty or was there.
 18 I kind of remember it as a separate room.
 19 And the only reason would be because the wall - some
 20 wall was there.
 21 Q. And the wall -- but the wall that runs
 22 towards the back --
 23 A. There was a heat exchanger room.
 24 Q. The short wall that runs towards the back
 25 of that warehouse, you think that was not present?

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1 A. Yes.
 2 Q. Do you have an opinion -- if there was no
 3 heat exchanger in this warehouse and the E-Cat unit
 4 container was producing the amount of heated fluid
 5 or steam that you were told it was producing, would
 6 you agree then that the warehouse would have gotten
 7 unbearably hot?
 8 I'm saying assume no heat exchanger at
 9 all.
 10 A. It was probably used to heat some
 11 industrial process.
 12 Q. Let's assume that the testimony is that
 13 there wasn't anything else that was absorbing the
 14 heat, so it was -- if there's not a heat exchanger,
 15 it was being discharged into the warehouse.
 16 My question for you is only, your opinion
 17 is if the heat exchanger existed, it would be able
 18 to move that heat out of the warehouse?
 19 A. Yes.
 20 Q. My question to you is, if the heat
 21 exchanger didn't exist, wouldn't that warehouse have
 22 become unbearably hot?
 23 MR. EVANS: Object to the form.
 24 THE WITNESS: The reactor reacts,
 25 generates heat, even though it's insulated.

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1 Dr. Rossi did tell me it was 1,500 degrees
 2 centigrade inside, at least in one spot. But
 3 the control room, I believe, is where -- the
 4 one that was padlocked was there, human beings
 5 would sit, including Dr. Rossi, to take data,
 6 is probably air conditioned.
 7 That reactor room would be the hottest.
 8 BY MR. PACE:
 9 Q. The reactor room would be the hottest and
 10 then it would go out to the rest of the warehouse?
 11 A. Whoever would be in the reactor room would
 12 be dead first, if it's not in the control room.
 13 Q. Sorry. Say that for me again.
 14 A. Somebody in the reactor would be suffering
 15 first and I assume it's Dr. Rossi in the beginning.
 16 If it is the control room -- I believe it's the
 17 control room where all the computers are would be
 18 feeling, very, very uncomfortable.
 19 Q. Let's exclude the control room. I'm just
 20 asking for the warehouse, the whole warehouse.
 21 If there is 1 megawatt hour per hour of
 22 steam that's being produced in this warehouse and
 23 there is not a -- the heat exchanger that Dr. Rossi
 24 told you about, wouldn't that warehouse have become
 25 unbearably hot?

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1 A. I'm a little wary about opining because I
 2 know Murray opined on that and calculated marble and
 3 everything.
 4 Q. You're getting a little bit to my point.
 5 I'm trying to understand.
 6 When you take issue with Joe Murray's
 7 opinion, it sounds to me like the only issue you're
 8 really taking with Joe Murray's opinion is you're
 9 saying there was a heat exchanger and that he's not
 10 accounting for the heat exchanger?
 11 I need a verbal response.
 12 A. Yes.
 13 Q. You're, otherwise, not taking issue with
 14 Joe Murray's opinion because you haven't evaluated
 15 his opinion.
 16 Solely the issue of does a heat exchanger
 17 exist or not exist, correct?
 18 MR. EVANS: Object to form.
 19 THE WITNESS: Correct.
 20 BY MR. PACE:
 21 Q. And your sole evidence that a heat
 22 exchanger existed, you've never seen it, you didn't
 23 have no documents that reflect it, you've never seen
 24 any diagrams of how it was set up, it all comes
 25 either from what's been orally communicated to you

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1 explained to you by Dr. Rossi, would it have
 2 required a pump to get the heated fluid to circulate
 3 through the system or no?
 4 A. It would probably require a pump to get it
 5 back into the reactor.
 6 Q. A pump to get it back --
 7 A. The return pipe, the return pipe needs a
 8 pump.
 9 Q. Understood. And also the pump -- a pump
 10 can also be used, though, to push the heated fluid
 11 up in through the heat exchanger?
 12 A. Could.
 13 Q. Okay. Would there be a limit on the flow
 14 of the steam if there wasn't some form of pump?
 15 A. Would --
 16 Q. I may be getting myself confused about how
 17 fast steam is moving.
 18 Is it possible if steam is moving fast
 19 enough, that it could have gone up through this heat
 20 exchanger without having to have a pump?
 21 A. No, you need energy to get back into the
 22 reactor.
 23 Q. That's all I was trying to understand, and
 24 I marked it as Exhibit 13. I don't have any further
 25 questions.

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1 THE VIDEOGRAPHER: We're going off the
 2 record. The time on the video monitor is
 3 5:14 p.m.
 4 (Concluded at 5:14 p.m.)
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1 AFFIDAVIT
 2
 3 STATE OF FLORIDA)
 4 COUNTY OF _____)
 5 I, _____, being
 6 first duly sworn, do hereby acknowledge that I did
 7 read a true and certified copy of my deposition
 8 which was taken in the case of ANDREA ROSSI, taken
 9 on the 27th day of February, 2017, and the
 10 corrections I desire to make are as indicated on the
 11 attached Errata Sheet.
 12 _____
 13 (Deponent)
 14
 15 ++++++
 16 CERTIFICATE
 17 STATE OF FLORIDA)
 18 COUNTY OF _____)
 19
 20 Before me personally appeared
 21 _____,
 22 to me well known / known to me to be the person
 23 described in and who executed the foregoing
 24 instrument and acknowledged to and before me that he
 25 executed the said instrument in the capacity and for
 the purpose therein expressed.
 Witness my hand and official seal, this
 ____ day of _____, _____.

 (Notary Public)
 My Commission Expires: _____

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1 ERRATA SHEET
 2 ANDREA ROSSI
 3 Deponent: KAU-FUI VINCENT WONG, PH.D
 4 Date of: February 27th, 2017
 5 Job# 2552478
 6
 7 PAGE LINE REMARKS
 8 _____
 9 _____
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 11 _____
 12 _____
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 19 _____
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 21 _____
 22 Signature of Witness
 23 _____
 24 (Notary Public)
 25 Dated this _____ day of _____, _____.
 My Commission Expires: _____

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1 CERTIFICATE OF OATH
 2
 3 STATE OF FLORIDA)
 4 COUNTY OF BROWARD)
 5
 6 I, the undersigned authority, certify
 7 that KAU-FUI VINCENT WONG, PH.D personally
 8 appeared before me and was duly sworn.
 9 WITNESS my hand and official seal this
 10 8th day of March, 2017.
 11
 12
 13 
 14 _____
 15 SUZANNE VITALE, R.P.R., F.P.R.
 16 Notary Public, State of Florida
 17 My Commission No. DD179981
 18 Expires: 5/24/2020
 19
 20
 21
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 24
 25

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1 VERITEXT FLORIDA, LLC
 2 Two South Biscayne Blvd., Suite 2250
 3 MIAMI, FL 33131
 4 305-376-8800
 5
 6 KAU-FUI VINCENT WONG, PH.D c/o
 7 PERLMAN BAHANDAS YEVOLI & ALBRIGHT, P.L.
 8 283 Catalonia Avenue, Suite 200
 9 Coral Gables, Florida 33134
 10 ATTENTION: D. PORPOISE EVANS, ESQ.
 11
 12
 13 March 9, 2017
 14
 15 RE: ANDREA ROSSI
 16 CASE NO.
 17 AVAILABLE FOR READING UNTIL: 30 days
 18
 19 KAU-FUI VINCENT WONG, PH.D:
 20
 21 This letter is to advise you that the
 22 transcript of your deposition is available for
 23 reading and signing.
 24
 25 PLEASE CALL THE ABOVE NUMBER TO MAKE AN
 APPOINTMENT to come to the Veritext office
 closest to you to read and sign the transcript.
 Our office hours are 8:30 a.m. to 4:30 p.m.,
 Monday through Friday.
 In the event other arrangements are
 made, please send us a notarized list of any and
 all corrections and/or changes, noting page and
 line numbers, and the reason for such changes,
 so that we can furnish respective counsel with a
 copy.
 If the reading and signing has not been
 completed prior to the above-referenced date, we
 shall conclude that you have waived the reading
 and signing of the deposition transcript.
 Your prompt attention to this matter is
 appreciated.
 SUZANNE VITALE, R.P.R., F.P.R.

Page 219

1 CERTIFICATE
 2
 3 STATE OF FLORIDA)
 4 COUNTY OF DADE)
 5
 6 I, SUZANNE VITALE, R.P.R., F.P.R. do
 7 hereby certify that I was authorized to and did
 8 stenographically report the foregoing deposition
 9 of KAU-FUI VINCENT WONG, PH.D; that a review of
 10 the transcript was requested; and that the
 11 transcript is a true record of my stenographic
 12 notes.
 13 I FURTHER CERTIFY that I am not a
 14 relative, employee, attorney, or counsel of any
 15 of the parties, nor am I a relative or employee
 16 of any of the parties' attorney or counsel
 17 connected with the action, nor am I financially
 18 interested in the action.
 19 Dated this 8th day of March, 2017.
 20
 21
 22 
 23 _____
 24 SUZANNE VITALE, R.P.R., F.P.R.
 25 My Commission No. DD179981
 Expires: 5/24/2020

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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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