

# **EXHIBIT 4**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA

3 CASE NO. 1:16-cv-21199-CMA/O'SULLIVAN  
4

5 ANDREA ROSSI, ET AL.,

6 Plaintiffs,

7 vs.

8 THOMAS DARDEN, ET AL.,

9 Defendants.  
10 \_\_\_\_\_/

11 Casa de Campo  
12 Resort & Villas  
13 La Romana, D.R.  
14 Wednesday, February 22, 2017  
15 9:06 a.m. - 7:42 p.m.

16 VIDEOTAPED DEPOSITION OF FABIO PENON  
17  
18  
19  
20

21 Taken on behalf of the Plaintiffs before  
22 Diana Santos, Shorthand Reporter and Notary Public  
23 in and for the State of Florida at Large, pursuant  
24 to Notice of Taking Deposition filed in the above  
25 cause.

1 BY MR. ANNESSER:

2 Q Sir, what device was used to measure the  
3 supplied energy as reflected in the fourth column?

4 A The PC860 what is called net analyzer --  
5 network analyzer.

6 Q How often was that data transmitted to  
7 you?

8 A There was not a regular frequency of  
9 transmittal, but taking into account the fact that  
10 each four months I was physically at Doral frequents  
11 of two months -- each two months, every two months.

12 Q Did the equipment store the data on a  
13 daily basis?

14 A Yes, certainly. Yes, certainly. Yes, it  
15 was stored.

16 Q Did you collect that data on your visits  
17 to the plant?

18 A I checked the data and when I deemed  
19 convenient at least twice -- every two months I had  
20 to get them to transmit me the data up to that  
21 point.

22 Q Is it possible that that data was  
23 manipulated?

24 A No, because the system -- if this had  
25 happened it would have shown an echo continuity of