

EXHIBIT 2

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

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.)

CASE NO. 1:16-cv-21199-CMA

INDUSTRIAL HEAT, LLC and IPH)
INTERNATIONAL B.V.,)

Counter-Plaintiffs,)

v.)

ANDREA ROSSI and LEONARDO)
CORPORATION,)

Counter-Defendants,)

and)

J.M. PRODUCTS, INC.; HENRY)
JOHNSON; UNITED STATES)
QUANTUM LEAP, LLC; FULVIO)
FABIANI; and JAMES BASS)

Third-Party Defendants.)

**DECLARATION OF JOSEPH
MURRAY**

I, Joseph Murray, in accordance with 28 U.S.C. § 1746, declare as follows:

1. I participated in a meeting with Fulvio Fabiani on 18 March 2016 at the offices of Jones Day in Miami, Florida. At that meeting, Mr. Fabiani provided summary data related to the operation of the 1MW Plant (“Plant”) in Doral from approximately February 2015 to February 2016.

2. During that meeting, Mr. Fabiani stated that he had secured all of the raw data from the operation of the Plant in Doral on servers in Russia encrypted and in triplicate. Mr. Fabiani claimed this data contained measurements taken every few seconds.

3. In addition, Mr. Fabiani stated that he had a nearly complete final report and a spreadsheet containing flow rate measurements that he personally collected during the operation of the Plant in Doral. According to Fabiani, the flow rate measurements were stored in a file on his computer.

4. Based on the fact that Mr. Fabiani told us that he had the data in triplicate, encrypted, and stored on three unique servers in Russia, it was my understanding at the time of the March 2016 meeting that Mr. Fabiani was very aware of the critical nature of the data.

5. When I reviewed the data from reports prepared by Fabio Penon in relation to the operation of the Plant in Doral, it was clear to me that the data that provided, summarized and “processed” to daily values was highly suspect. The only data Mr. Penon provided was, in fact, a synopsis of what was claimed to be actual measurements in the form of daily summaries for one pressure transducer (or something that was an aggregation of pressure), one thermocouple measure in the pipe going to the JM Products facility, and one thermocouple in the return pipe.

It also reflected a level of consistency across days not consistent with the way that data occurs in the real world. To the extent the data provided by Mr. Fabiani and United States Quantum Leap, LLC (“USQL”) purported to measure the same variables as Mr. Penon, their data reflected the same issue -- and in fact their data precisely matched Mr. Penon’s data, even though it supposedly was collected using different measuring devices placed at different locations in connection with the 1 MW Plant (differences of even inches should produce variances when purportedly doing precise measurements of temperature, for example).

6. Mr. Fabiani provided data exclusively in the form of “.ods” files (an open standard file format for spreadsheets) for two temperature measurements and one pressure measurement — that were sampled at 30 minute intervals. Note that a significant amount of work is required to take data samples for all of these devices (dozens of thermocouples and pressure sensors) every 10 seconds and to distill them into aggregate data values every 30 minutes. It would have been easier for Mr. Fabiani simply to have provided the raw data to us.

7. With the raw 10-second data from the pressure transducers and thermocouples, we could clearly determine what was happening in the system.

8. When we inspected the Plant in the Doral facility a few months back, we took numerous pictures of Keller pressure transducers and thermocouples on each of the reactor outlet pipes. There should exist 10-second raw data for 55 pressure transducers and 55 thermocouples on the outlet of each of the reactors (51 small reactors and 1 each for the 4 large reactors).

9. In addition, there was a bank of thermocouples in the return water pipe near the internal reservoir tank. This data should have partially shown the state of the fluid (pressure and temperature) at each reactor exhaust. With this information, we could build up to the aggregate value that the reactors provided and ultimately each daily value. This is the very first step we would have taken in our analysis if we had access to the raw data. Analyzing this information would shed light on the integrity of the data we received and the information that was ultimately provided in Fabio Penon's report.

10. No real physical system produces the same exact temperature day after day, hour after hour, second after second for weeks on end. Yet the summary data from Penon and separately from Fabiani show a remarkable consistency over a nearly one year time period. The consistency of the data they provided clearly indicates that either the data was manipulated or it was incorrectly processed. Raw data would be needed to determine how and where errors were made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of May, 2017.



Joseph Murray