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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

-----  
 ANDREA ROSSI and LEONARDO )  
 CORPORATION, )  
 Plaintiffs, ) CASE NO.  
 vs. ) 1:16-CV-21199-CMA  
 THOMAS DARDEN; JOHN T. VAUGHN, )  
 INDUSTRIAL HEAT, LLC; IPH )  
 INTERNATIONAL V.B.; and )  
 CHEROKEE INVESTMENT PARTNERS, )  
 LLC, )  
 Defendants. )  
 -----)  
 AND RELATED CASE. )  
 -----

CR30(b)(6) VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION  
OF THE BOEING COMPANY  
BY JAMIE CHILDRESS

-----  
 11:03 a.m.  
 February 28, 2017  
 1201 Third Avenue, Suite 4900  
 Seattle, Washington  
 \*\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*\*  
 SENSITIVE - SUBJECT TO EXPORT CONTROL - U.S. Arms  
 Export Control Act, International Traffic In Arms  
 Regulations, Export Administration Act, U.S. Export  
 Administration Regulations.

Lauren G. Harty, RPR, CCR #2674, Court Reporter

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1 APPEARANCES  
 2  
 3 FOR PLAINTIFFS: MR. JOHN ANNESSER  
 4 Perlman, Bajandas, Yevoli & Albright  
 5 283 Catalonia Avenue, Suite 200  
 6 Coral Gables, Florida 33134  
 7 305.377.0086  
 8 jannesser@pbylaw.com  
 9  
 10 FOR DEFENDANTS: MR. BERNARD P. BELL  
 11 Miller Friel  
 12 1200 New Hampshire Ave., NW, Ste. 800  
 13 Washington, DC 20036  
 14 202.760.3158  
 15 BellB@MillerFriel.com  
 16  
 17 FOR THE BOEING COMPANY and THE WITNESS:  
 18 MR. STEVE Y. KOH  
 19 Perkins Coie  
 20 1201 Third Avenue, Suite 4900  
 21 Seattle, Washington 98101-3099  
 22 206.359.3045  
 23 SKoh@perkinscoie.com  
 24  
 25 ALSO PRESENT: MR. PATRICK NORTON, Videographer

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1 the videographer said that this was the deposition of

2 Jamie Childress, although I believe it was noticed as

3 the 30(b)(6) deposition of Boeing.

4 MR. KOH: Steve Koh, Perkins Coie, on behalf

5 of The Boeing Company and the deponent, Mr. Childress.

6 THE VIDEOGRAPHER: Thank you.

7 The witness will be sworn in, and Counsel

8 may begin the examination.

9 JAMIE CHILDRESS, witness herein, having been

10 duly sworn by the Certified

11 Court Reporter, testified as

12 follows:

13 MR. KOH: Bernie, if you don't mind -- this

14 is Steve Koh on behalf of Boeing -- I just wanted to

15 state for the record that The Boeing Company received

16 a subpoena, which has since been negotiated and

17 narrowed to a specific topic, which reads, "All tests,

18 experiments, or studies performed by Boeing related to

19 the E-Cat Technology," and this deposition is

20 therefore limited to that topic. We will not permit

21 questions outside of that topic.

22 I also sent a note last night to counsel to

23 notify them that at least a couple of the exhibits I

24 believe, Bernie, that you intend to use Boeing has

25 identified as controlled by U.S. export law, and

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1 PROCEEDINGS

2 (Marked Deposition Exhibit No. 1.)

3 THE VIDEOGRAPHER: Good morning. We are on

4 the record at 11:03 a.m. on February 28th, 2017.

5 This is the video-recorded deposition of

6 Jamie Childress. My name is Patrick Norton, here with

7 our court reporter, Lauren Harty. We are here from

8 Veritext Legal Solutions at the request of counsel for

9 Defendant.

10 This deposition is being held at Perkins

11 Coie, Seattle, Washington. The caption of this case

12 is Andrea Rossi, et al., versus Thomas Darden, et al.,

13 No. 1:16-cv-21199-CMA, in the United States District

14 Court, Southern District of Florida.

15 At this time will Counsel identify

16 themselves for the record.

17 MR. BELL: Bernard Bell with the law firm

18 Miller Friel for the defendants.

19 MR. KOH: Steve Koh, Perkins --

20 MR. ANNESSER: John --

21 MR. KOH: -- Coie --

22 Go ahead, John.

23 MR. ANNESSER: I was going to say John

24 Annesser on behalf of the plaintiffs.

25 And just a point of clarification, I believe

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1 therefore, this deposition should be marked as,

2 "SENSITIVE - SUBJECT TO EXPORT CONTROL - U.S. Arms

3 Export Control Act, International Traffic In Arms

4 Regulations, Export Administration Act, U.S. Export

5 Administration Regulations." I provided Bernie with

6 some labels that he can use to mark the exhibits that

7 I've identified as export controlled.

8 Further, all persons attending this

9 deposition are required to be U.S. citizens, and I

10 assume that that's the case, although if anybody is

11 not, they should say so.

12 And a proposal has been made to amend the

13 protective order to account for export control.

14 Boeing's position is that the transcript that flows

15 from this deposition will need to be handled in

16 accordance with those proposed amendments.

17 Finally, in my note to counsel last night I

18 requested that plaintiffs identify any documents that

19 they wish to present to the witness. I did not

20 receive a response. And so I would ask Mr. Annesser

21 whether he will permit the court reporter to provide

22 us with any exhibits that he intends to share with the

23 witness.

24 MR. ANNESSER: Well -- I'll respond. The

25 court reporter has our documents. There's a number of

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1 them. Not all of them will be used by me, and there  
 2 should be sufficient copies for counsel as well as the  
 3 deponent when the time comes.  
 4 MR. KOH: Okay. So I understand that  
 5 request is -- has been refused.  
 6 I don't have anything further.  
 7 MR. ANNESSER: No. Okay. No, I'm -- I'm  
 8 not refusing to provide you a copy. I -- I am,  
 9 though, stating that I'm not going to identify each  
 10 and every document before we begin this deposition  
 11 that I might possibly use. And, in fact, we -- we are  
 12 under certain restrictions ourselves pursuant to the  
 13 protective order in terms of what we can share or  
 14 provide you.  
 15 MR. KOH: Go ahead, Bernie.  
 16 MR. BELL: Okay. Now -- I've -- I've lost  
 17 track. Have you -- have you sworn the witness?  
 18 THE REPORTER: Yes.  
 19 MR. BELL: Okay.  
 20  
 21  
 22  
 23  
 24  
 25

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1 EXAMINATION  
 2 BY MR. BELL:  
 3 Q. Now, can you tell me whether you would  
 4 prefer to be addressed by Mr. Childress,  
 5 Dr. Childress? We'll get to that in a minute, but --  
 6 A. Just -- Jamie is good.  
 7 Q. Okay. Fair enough.  
 8 I have asked the court reporter to mark as  
 9 Exhibit No. 1 a copy of the subpoena, which you now  
 10 have in front of you. And as -- as counsel noted, we,  
 11 meaning the lawyers, had negotiated a restriction on  
 12 this -- this deposition to the topic which is numbered  
 13 three on the -- on the actual fourth page of this  
 14 exhibit, but it's the page that at the bottom is 1.  
 15 A. So --  
 16 MR. KOH: One more.  
 17 THE WITNESS: Oh.  
 18 A. Ah. Got it.  
 19 Q. (By Mr. Bell) Are you with me?  
 20 A. Yep.  
 21 Q. So the -- the third topic is, "All tests,  
 22 experiments, or studies performed by Boeing related to  
 23 the E-Cat Technology."  
 24 Are you with me?  
 25 A. Yes.

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1 Q. And in this subpoena the E-Cat technology is  
 2 defined on the -- the page before that to mean the --  
 3 in the definition number three. Are you with me on  
 4 that?  
 5 A. Yep.  
 6 Q. "...the" -- excuse me. It's defined to  
 7 mean, "...the energy catalyzer technology developed at  
 8 least in part by Andrea Rossi and/or Leonardo  
 9 Corporation."  
 10 Do you see that?  
 11 MR. ANNESSER: Object to --  
 12 A. I do.  
 13 MR. ANNESSER: -- the form.  
 14 Q. (By Mr. Bell) And this -- this subpoena is  
 15 directed to Boeing Corporation, and you're appearing  
 16 here -- here today in response to that; is that  
 17 correct?  
 18 A. That's my understanding.  
 19 Q. And you're prepared to testify on -- on that  
 20 subject as limited to the E-Cat technology?  
 21 A. I am.  
 22 Q. Have you ever been deposed before?  
 23 A. I have.  
 24 Q. On how many occasions?  
 25 A. Once.

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1 Q. Was that a business dispute relating to your  
 2 work at Boeing?  
 3 A. It was related to my work at Boeing, yes.  
 4 Q. Okay.  
 5 I don't -- I don't want to know the  
 6 substance of that. I -- I asked only to -- to assess  
 7 your familiarity with the -- with the way the  
 8 proceeding goes. Okay?  
 9 A. Sure.  
 10 Q. So I'm going to ask you some questions and,  
 11 as you see, the court reporter's here transcribing  
 12 your answers and the videographer is recording the --  
 13 the video.  
 14 A. Uh-huh.  
 15 Q. In order to have a clear record, I would ask  
 16 you to allow me to finish my question before you  
 17 answer, and I'll do my best to allow you to finish  
 18 your answer before I ask the next question. Fair  
 19 enough?  
 20 A. Sounds good.  
 21 Q. And if you don't understand a question that  
 22 I've asked or you need it to be clarified, please tell  
 23 me that. Okay? And --  
 24 A. Will do.  
 25 Q. -- if -- if you answer, I'm -- I'm going to

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1 assume that you've understood my question. Okay?  
 2 A. Understood.  
 3 Q. If you need to take a break at any time and  
 4 for any reason, please just let me know and we can go  
 5 off the record. The only thing I would ask is that  
 6 you not take a break while a question is pending.  
 7 Okay?  
 8 A. Will do.  
 9 Q. Now, with respect to the -- to the topic  
 10 that we identified, the -- the tests, experiments, or  
 11 studies performed on the E- -- by Boeing related to  
 12 the E-Cat technology, are -- are you the person who's  
 13 most knowledgeable about that within Boeing?  
 14 A. I am.  
 15 Q. And have you agreed to -- to testify here  
 16 about that subject --  
 17 A. I --  
 18 Q. -- on --  
 19 A. -- have.  
 20 Q. -- on behalf of Boeing?  
 21 A. I have.  
 22 Q. And tell me, without disclosing the -- the  
 23 substance of any communications you had with your  
 24 attorneys, what did you do in order to prepare for the  
 25 deposition today?

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1 A. I reviewed the materials that were provided  
 2 me by the -- by my own counsel that apparently are  
 3 going to be -- have been -- already been shared with  
 4 you, and I reviewed to a limited extent my own notes  
 5 on some of the testing.  
 6 Q. Did you speak with anyone other than Mr. Koh  
 7 about your deposition today?  
 8 A. No.  
 9 Q. Did you -- prior to Boeing being served with  
 10 the subpoena were you aware of litigation between  
 11 Andrea Rossi and my clients?  
 12 A. I was, primarily due to the blogosphere,  
 13 since this was quite widely broadcast in the  
 14 blogosphere actually.  
 15 Q. So I've learned.  
 16 Since the time that the -- so -- so there  
 17 came a time independent of the subpoena when you  
 18 learned that this litigation was pending, correct?  
 19 A. Yeah. I mean, not the specifics but --  
 20 Q. Right.  
 21 A. -- you know, the generalities in the  
 22 blogosphere, yes.  
 23 Q. Have you talked to Andrea Rossi since that  
 24 time?  
 25 A. I have not.

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1 Q. Tell me, please, where you -- where you went  
 2 to college and what your degree is in.  
 3 A. My degree is in aerospace engineering from  
 4 the University of Colorado.  
 5 Q. And when -- when did you graduate from  
 6 Colorado?  
 7 A. 1982.  
 8 Q. Did you pursue any postgraduate education?  
 9 A. I have no postgraduate degree, but I have  
 10 quite a lot of postgraduate education.  
 11 Q. What do you mean?  
 12 A. You know, attending courses and, of course,  
 13 quite a lot of experience.  
 14 Q. Yes.  
 15 And tell me about that. So when you  
 16 graduated in Colorado in 1982 what was the first job  
 17 that you had?  
 18 A. I worked for the Department of Defense.  
 19 Q. What were you doing?  
 20 A. I was a test engineer and a development  
 21 engineer at the U.S. Navy's Naval Air Warfare Center.  
 22 Q. Where's that located?  
 23 A. That was located at China Lake, California.  
 24 Q. How long did you remain in that position?  
 25 A. Five years.

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1 Q. So until roughly 1987?  
 2 A. Correct.  
 3 Q. What was your next job?  
 4 A. I came to work at Boeing.  
 5 Q. And have you been continuously employed by  
 6 Boeing since 1987?  
 7 A. That is correct.  
 8 Q. Can you summarize for me your -- your job  
 9 titles during that period of time?  
 10 A. Many.  
 11 Is that a sufficient summary?  
 12 Q. Not really.  
 13 A. Not really. All right.  
 14 Let's see. So I am currently an associate  
 15 technical fellow and -- so -- let's see. Like I said,  
 16 many. Integrated product -- product team leads, you  
 17 know, senior engineer, test leads, chief engineer, you  
 18 know.  
 19 Q. Well, let -- let me come at it --  
 20 A. A lot of --  
 21 Q. -- a different way.  
 22 Yeah.  
 23 A. A lot of stuff.  
 24 Q. Let me -- let me come at it --  
 25 A. Okay.

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1 Q. -- a different way.  
 2 So when you -- when you -- when you were  
 3 hired by Boeing in 1987 what --  
 4 A. Right.  
 5 Q. -- was your job at that time?  
 6 A. Primarily ballistic testing and development  
 7 of fighter aircraft.  
 8 Q. And did you have a title?  
 9 A. Probably -- senior test engineer I'm -- I'm  
 10 guessing. I mean, long ago.  
 11 Q. And during -- so you worked for Boeing for  
 12 30 years. Has it all been here in Seattle?  
 13 A. True.  
 14 Q. So from the point when you were hired as  
 15 senior test engineer -- just -- I -- I don't need  
 16 to -- to tie you down to, you know, months and years,  
 17 but can you walk me through the progression of your --  
 18 of your titles and responsibilities in a general way  
 19 since that time?  
 20 A. So -- I mean, in terms of titles, I guess  
 21 I'm -- I'm not super certain on that. I mean,  
 22 general -- you know, general engineering titles.  
 23 My -- when I first started working for Boeing I  
 24 primarily worked on fighter aircrafts doing testing  
 25 and development of testing as well as the development

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1 of fighter aircraft themselves.  
 2 And that progressed into research and  
 3 development in all types of vehicles and all types of  
 4 technologies. So I have worked on everything from the  
 5 F-22 fighter to the V-22 Osprey aircraft to spacecraft  
 6 to ground vehicles to marine vehicles, both testing  
 7 and development. Advanced physics systems. A very,  
 8 very wide variety of things.  
 9 Q. And did you -- did you have a -- kind of a  
 10 specialty within that in terms of let's say propulsion  
 11 or some other engineering focus?  
 12 A. So my original specialty when I came to  
 13 Boeing was a field of -- of study called  
 14 survivability. Survivability is effectively the  
 15 ability of a system to enter the battlefield and  
 16 return more or less intact, so having survived. And  
 17 that essentially gives you a very broad view of how  
 18 vehicles are constructed, because all systems are  
 19 considered. So, you know -- so that was how my career  
 20 got launched.  
 21 And then once I had an understanding of --  
 22 essentially a broad understanding of more or less all  
 23 vehicle systems, it translated into then developing  
 24 those systems specifically and then were testing them.  
 25 Q. Does the acronym LENR have meaning to you?

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1 A. Yes.  
 2 Q. Can you tell me what it means to you.  
 3 A. LENR in -- in the context of this stands for  
 4 low-energy nuclear reactions.  
 5 Q. And do you recall when you became first  
 6 familiar with that?  
 7 A. Quite a number of years ago. Probably more  
 8 than ten. I --  
 9 Q. In what --  
 10 A. -- don't have an exact number right here.  
 11 Q. In -- in what context?  
 12 A. In the context of low-energy nuclear  
 13 reactions.  
 14 Q. Well, was it just personal curiosity? Was  
 15 this something that you were doing as part of your  
 16 responsibilities at Boeing?  
 17 A. Personal curiosity.  
 18 Q. Okay.  
 19 Did there come a time during your job at  
 20 Boeing when you had -- when you took a professional  
 21 interest in LENR for Boeing?  
 22 A. Yes.  
 23 Q. When did that happen?  
 24 A. You know, I don't have an exact date for  
 25 you, but say more than five years ago, so -- I guess I

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1 don't have an exact date.  
 2 Q. More than five, less than ten?  
 3 A. Probably. That sounds right.  
 4 Q. Do you recall what it was that -- that --  
 5 MR. BELL: Withdrawn.  
 6 Q. (By Mr. Bell) Was there -- how did that come  
 7 about within your job responsibility? Was that  
 8 something that you looked at yourself or was that  
 9 something that -- that a supervisor or colleagues  
 10 tasked you with -- with understanding more about?  
 11 MR. KOH: Just hold on for one moment.  
 12 I'm going to object to the question as  
 13 outside the scope of the deposition topic. I  
 14 understand it's background, so I will permit the  
 15 witness to answer.  
 16 I would just caution you to not disclose any  
 17 proprietary information. Keep it at a general level.  
 18 I understand this is for background leading up to the  
 19 topic at hand, but if you could keep your answer  
 20 brief.  
 21 THE WITNESS: Yeah.  
 22 A. So I would say my job is to research  
 23 advanced technologies for The Boeing Company, and  
 24 that's pretty broad. And in this case my own personal  
 25 interests, you know, eventually coincided with

1 Boeing's potential use -- you know, the -- when the  
 2 technology reached the point where it was potentially  
 3 useful to Boeing it became sort of a -- more Boeing  
 4 related.  
 5 Q. (By Mr. Bell) So I -- I do appreciate and  
 6 agree with your counsel's suggestion that I don't want  
 7 to get into your proprietary business, but what was it  
 8 about the developments in the LNR -- LENR field that  
 9 caused them to reach a point where -- where you felt  
 10 they could be potentially useful to Boeing?  
 11 MR. ANNESSER: Object as to form.  
 12 MR. KOH: I have the same admonition for the  
 13 witness. I'll allow this, but keep it at a general  
 14 level. I -- if -- if it -- I think he's referring to,  
 15 for example, something you may have seen in the news  
 16 or read in papers.  
 17 A. So -- I guess what I would say is that the  
 18 LENR field has interested me for a number of years,  
 19 and in the early days of the LENR field the power  
 20 levels involved were very small and, therefore, had no  
 21 credible utility to Boeing. And in, you know, the  
 22 last number of years the power levels, you know,  
 23 reached -- the -- the -- the reported power levels,  
 24 more accurately, had -- had reached the point where  
 25 there was some potential utility.

1 Q. (By Mr. Bell) Were there any specific  
 2 reports of power levels that you recall as -- as  
 3 sparking that interest?  
 4 MR. ANNESSER: Object to form.  
 5 A. Yes. There are -- you know, there were a  
 6 number of them with different technologies, but the  
 7 reports involving Andrea Rossi were some of them  
 8 certainly.  
 9 Q. (By Mr. Bell) And -- and were there others  
 10 as well?  
 11 A. There were.  
 12 Q. Do you recall the others offhand?  
 13 A. Yes. There are a number of researchers  
 14 in -- in this field, so --  
 15 Q. Why was that of interest to Boeing?  
 16 A. Because almost all Boeing's products use  
 17 energy and almost all Boeing's products -- or a very  
 18 high percentage of Boeing's products, in any case, are  
 19 mobile. And low-energy nuclear reactions, if they  
 20 could be proven to be a source of power, could be a  
 21 mobile source of power. So, you know, if they --  
 22 potentially, if the technology were a proven  
 23 technology, it could be used to power Boeing products.  
 24 Q. And within Boeing how did that -- how did  
 25 your responsibilities change to include -- I don't --

1 I don't know how you want to characterize it --  
 2 oversight or responsibility for LENR evaluation?  
 3 MR. ANNESSER: Object to form.  
 4 A. So I guess I'm not entirely certain of  
 5 how -- what the question is.  
 6 Q. (By Mr. Bell) It wasn't my best, so I'll try  
 7 it again.  
 8 A. Okay.  
 9 Q. There -- there came a point in time --  
 10 you're sitting here today as the person who's the most  
 11 knowledgeable --  
 12 A. Right.  
 13 Q. -- in -- in your estimation, about LENR,  
 14 correct?  
 15 MR. KOH: Well, just to be clear, I think he  
 16 testified he was the most knowledgeable with -- with  
 17 respect to the topic, which was the tests performed by  
 18 Boeing related to this E-Cat technology.  
 19 MR. BELL: Agreed. Agreed.  
 20 Q. (By Mr. Bell) And within Boeing you -- how  
 21 did you come into that role? Did somebody direct you  
 22 to do that or is that something that you proposed  
 23 and -- and your proposal was accepted?  
 24 A. That was something that I proposed.  
 25 Q. Okay.

1 And -- and I take it there's somebody that  
 2 has to sign off on that in terms of how you spend your  
 3 time?  
 4 A. Of course.  
 5 Q. And who -- and who is that by title?  
 6 A. In this particular case it was a director, a  
 7 Boeing research and technology director.  
 8 Q. Okay.  
 9 What are your general responsibilities as  
 10 regards evaluation, research, or development of -- of  
 11 LENR? Just general. I don't -- again, I don't want  
 12 to get into your proprietary business.  
 13 A. So I have no responsibilities in general  
 14 of -- on LENR.  
 15 Q. Okay.  
 16 How did it come to be that you -- well --  
 17 MR. BELL: Strike that.  
 18 Q. (By Mr. Bell) Do you have the same position  
 19 now that you had in 2011?  
 20 A. I do.  
 21 Q. And -- and through the intervening years  
 22 have -- has your position remained constant?  
 23 A. It -- it -- essentially, yes.  
 24 Q. Okay.  
 25 Now, in -- in the context of LENR, if -- if

H, FRE 1004

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1 I use the phrase excess heat, does that have meaning  
 2 to you?  
 3 A. Of -- of course.  
 4 Q. How -- and how do you understand that? What  
 5 do you understand that to mean?  
 6 A. So excess heat would mean that the LENR  
 7 device is itself creating heat from a -- an  
 8 LENR-related reaction.  
 9 Q. Does the phrase over-unity have meaning to  
 10 you in that context?  
 11 A. It does.  
 12 Q. What meaning does it have?  
 13 A. It means that the device is creating heat in  
 14 excess of the input power, so the input power being  
 15 1.0, and some number greater than 1.0 in -- in output  
 16 heat would indicate an over-unity operation.  
 17 Q. And is excess heat by definition over-unity?  
 18 MR. ANNESSER: Object to the form.  
 19 A. So in context with the experiments that we  
 20 conducted I -- the answer would be yes. So,  
 21 effectively, if we're inputting a known amount of  
 22 energy that is predominantly in -- in the form of  
 23 energy converted into heat, then excess heat would be  
 24 heat that we would not have expected to be generated  
 25 by our input power.

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1 Q. (By Mr. Bell) What is Boeing's capability to  
 2 test LENR technology to determine if it generates  
 3 excess heat?  
 4 MR. KOH: Let me just object --  
 5 MR. ANNESSER: Object to form.  
 6 MR. KOH: And I'll object that it's outside  
 7 the scope of the topic.  
 8 I guess maybe first you could,  
 9 Mr. Childress, describe whether there is something  
 10 beyond the test that you performed, a just "Yes" or  
 11 "No."  
 12 A. No.  
 13 Q. (By Mr. Bell) I'm -- so I'm not sure what  
 14 you're answering, "No," to.  
 15 A. So -- so -- let's say if I -- if I rephrase  
 16 the question, does Boeing have a generic LENR test  
 17 capability outside of the tests we're discussing here,  
 18 and the answer to that is no.  
 19 Q. Okay.  
 20 Have you tested other LENR technologies --  
 21 and this is a "Yes" or "No" question. Have you --  
 22 have you tested other technologies -- other LENR  
 23 technologies besides the E-Cat technology that we're  
 24 here to talk about?  
 25 A. I have not.

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1 Q. When did you first become aware of Andrea  
 2 Rossi?  
 3 A. So I don't have an exact date for you, but  
 4 sometime in, say, the last five to seven years I'll  
 5 say. It's been a while actually.  
 6 Q. How did you first become aware of him?  
 7 MR. KOH: Can -- let me just object to the  
 8 question as outside the scope of the topic that we've  
 9 agreed to. It actually relates to a topic that was  
 10 specifically excluded, which is communications between  
 11 Boeing and Mr. Rossi. I appreciate that a little bit  
 12 of -- of this is background leading up to the test is  
 13 understandable and acceptable, but I would ask that we  
 14 move as quickly as possible to the test itself.  
 15 MR. BELL: Can I have the question read  
 16 back?  
 17 THE REPORTER: "Question: How did you first  
 18 become aware of him?"  
 19 A. So I first became aware of him due to  
 20 published reports on his ex -- his tests;  
 21 specifically, tests conducted in Europe.  
 22 Q. (By Mr. Bell) When did you first become  
 23 aware of my clients, Tom Darden or J.T. Vaughn?  
 24 MR. KOH: Same objection.  
 25 You can answer this.

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1 A. And, again, I don't have an exact date.  
 2 I'll say in the three years ago time frame. I -- I --  
 3 I guess I don't have an exact date.  
 4 Q. (By Mr. Bell) Okay.  
 5 Was it your understanding when you first  
 6 became aware or knew -- became aware of or knew  
 7 Mr. Darden or Mr. Vaughn that they through a corporate  
 8 entity had licensed Rossi's technology?  
 9 MR. KOH: Same objection.  
 10 MR. ANNESSER: Object to form.  
 11 A. So, again, approximately that same time  
 12 frame, so whatever that time is, I'm -- again, I -- I  
 13 don't have an exact date.  
 14 Q. (By Mr. Bell) Sure.  
 15 So I'll represent to you that -- that --  
 16 that my client, Industrial Heat, entered into a  
 17 license agreement with Rossi and a corporate entity in  
 18 October of 2012.  
 19 A. Okay.  
 20 Q. Did you know Darden or Vaughn before October  
 21 of 2012?  
 22 MR. KOH: Same objection.  
 23 You can answer.  
 24 THE WITNESS: Okay.  
 25 A. No, I did not.

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1 Q. (By Mr. Bell) Now, before Industrial Heat  
 2 licensed E-Cat technology, which I'll represent to you  
 3 occurred in October of 2012, did Boeing perform any  
 4 tests, experiments, or studies on Andrea Rossi's E-Cat  
 5 technology?  
 6 A. No, I guess with the caveat that we read the  
 7 publicly-available reports. If you consider that a  
 8 study, then -- so we -- but we conducted no  
 9 experiments nor analysis or research that was our own.  
 10 Q. Before October of 2012, when I've  
 11 represented to you that Industrial Heat licensed E-Cat  
 12 technology from Rossi, did you discuss with Rossi or  
 13 representatives of Rossi the possibility of Boeing  
 14 testing, experimenting, or attempting to validate the  
 15 E-Cat technology?  
 16 A. Yes.  
 17 Q. Did -- did you approach -- did -- did Boeing  
 18 approach Rossi or did Rossi approach Boeing?  
 19 MR. KOH: I'm going to object again that  
 20 this is outside the scope of the deposition topic, so,  
 21 to begin with, any testimony he's given in which I  
 22 make that objection is obviously not the testimony of  
 23 The Boeing Company. It's only his own testimony  
 24 and -- I'm going to instruct the witness not to  
 25 answer, because I think that is directly the topic

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1 number one, which the parties had agreed would not be  
 2 part of this deposition.  
 3 Q. (By Mr. Bell) Now, Mr. Childress, I'm  
 4 mindful of your -- of your counsel's instruction. I'm  
 5 going to ask you another question, and I think your  
 6 counsel might object again, but I'm going to ask it,  
 7 and we'll see what happens.  
 8 Did -- in -- before you knew anybody from  
 9 Industrial Heat, Mr. Darden or Mr. Vaughn, did Andrea  
 10 Rossi propose terms to Boeing for testing or  
 11 validation that Boeing could not accept?  
 12 MR. KOH: I'll give the same --  
 13 MR. ANNESSER: Object to form.  
 14 MR. KOH: And I'll make the same objection  
 15 and instruction not to answer. That question is not  
 16 on the topic of tests, experiments, or studies  
 17 performed by Boeing related to the E-Cat technology.  
 18 Q. (By Mr. Bell) Did there come a time when  
 19 Boeing agreed to test reactors provided by Industrial  
 20 Heat?  
 21 A. There -- yes.  
 22 MR. ANNESSER: Object to form.  
 23 MR. BELL: What's the objection, John?  
 24 Maybe I can cure it.  
 25 MR. ANNESSER: Well, I think -- I think

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1 you're -- you've got a compound question in the sense  
 2 that you're asking about agreeing to do a test, number  
 3 one, and then stating that they were prepared by  
 4 Industrial Heat, which I think the -- the documents in  
 5 this case indicate otherwise. So I think the question  
 6 is misleading and compound.  
 7 Q. (By Mr. Bell) Did there come a time,  
 8 Mr. Childress, when Boeing agreed to test certain LENR  
 9 reactors?  
 10 A. Yes.  
 11 Q. Did you have an understanding that those  
 12 reactors were provided to Boeing by Industrial Heat?  
 13 A. Yes.  
 14 MR. ANNESSER: Object to form.  
 15 Q. (By Mr. Bell) What was the purpose of the  
 16 test, from your perspective?  
 17 A. To determine if the reactor generated excess  
 18 heat.  
 19 Q. Did you have an understanding what the  
 20 purpose of the test was from Industrial Heat's  
 21 perspective?  
 22 MR. ANNESSER: Object to form.  
 23 MR. KOH: I'll just object; calls for  
 24 speculation.  
 25 You -- you can --

Page 32

1 THE WITNESS: Do I --  
 2 MR. KOH: -- answer.  
 3 Q. (By Mr. Bell) I'm asking because --  
 4 THE WITNESS: Yeah.  
 5 Q. (By Mr. Bell) -- if you --  
 6 A. I --  
 7 Q. -- if -- just to be clear, I'm asking you if  
 8 you formed an understanding --  
 9 A. It was --  
 10 Q. -- based on your dealings with them what  
 11 they -- what they were thinking.  
 12 A. I think I got it.  
 13 MR. ANNESSER: Same objection.  
 14 A. So it was my understanding that they also  
 15 wanted to know if the unit -- LENR unit generated  
 16 excess heat.  
 17 Q. (By Mr. Bell) In -- in general terms, what  
 18 were the parameters or protocols for that test?  
 19 A. So in that test Industrial Heat supplied us  
 20 with a reactor that was sealed, and the reactor was  
 21 effectively a -- a resistor, an electrical resistor,  
 22 that was filled with a proprietary material that, once  
 23 heated, that proprietary material would, in theory,  
 24 generate excess heat.  
 25 Q. If it -- if it did generate excess heat when

L, P

R



1 you were setting up the test, what did you plan to do  
2 with the excess heat?

3 MR. ANNESSER: Object to form.

4 A. Simply monitor its existence.

5 Q. (By Mr. Bell) Did you -- did you provide for  
6 a way to -- to measure it or --

7 MR. BELL: Strike that.

8 Q. (By Mr. Bell) Did you provide for a way  
9 to -- to take the excess heat out from inside of the  
10 place where it was being tested?

11 MR. KOH: Let me just interject here that I  
12 think the questions are now going to get into  
13 information that is Boeing proprietary. I understand  
14 that the protective order entered in this case allows  
15 for the designation of the deposition or -- or  
16 sections of it to be marked as "Highly Confidential -  
17 Attorneys' Eyes Only," and I presume we'll have an  
18 opportunity subsequently to -- to make those  
19 designations, but for the record I'll say that I think  
20 we're getting into subjects that are Boeing  
21 proprietary.

22 Q. (By Mr. Bell) Do you understand my question?

23 A. I believe I do. And the answer would be we  
24 simply allowed the heat to dissipate in the ambient  
25 environment.

R, FRE 403

R, FRE 403

1 for lack of foundation and also that it's beyond the  
2 scope, but you can describe generally your  
3 understanding.

4 THE WITNESS: Okay.

5 A. So on a generic basis a proprietary  
6 information agreement and -- and this one called for  
7 the protection of the information generated and  
8 exchanged in such a way that third parties would not  
9 have access to the information and the information,  
10 you know, is controlled.

11 Q. (By Mr. Bell) Did Industrial Heat pay Boeing  
12 for the work that Boeing did?

13 A. They did not.

14 Q. Why did Boeing do the work on a no-cost  
15 basis?

16 MR. KOH: I'm going to give the same  
17 objection that it's outside the scope, and the witness  
18 can testify to his personal knowledge of this  
19 information.

20 A. Actually, pred -- predominantly expedience.

21 Q. (By Mr. Bell) What do you mean by that?

22 A. Well, for a large company like Boeing to do  
23 some small piece of work takes a lot of legal  
24 activity, et cetera. And, as strange as it sounds, it  
25 was actually less expensive for Boeing simply to do

1 Q. In -- in the -- in the test that you  
2 ultimately performed how much power was going in?

3 A. Approximately one --

4 MR. ANNESSER: Object --

5 A. -- kilowatt.

6 MR. ANNESSER: -- to form.

7 Q. (By Mr. Bell) I'm sorry. I didn't catch it.

8 A. Oh. Approximately one kilowatt of power was  
9 used.

10 Q. Did Industrial Heat tell you the formula for  
11 the proprietary material that you described?

12 A. They did not.

13 Q. Did Industrial Heat permit Boeing to  
14 disassemble the resistor?

15 A. They did not.

16 Q. Were there steps or measures that Boeing and  
17 Industrial Heat agreed to in order to protect  
18 Industrial Heat's intellectual property?

19 A. Yes.

20 Q. What were they?

21 A. We had a proprietary information agreement,  
22 which protected everyone's intellectual property.

23 Q. In -- in what fashion did it protect  
24 everyone's intellectual property?

25 MR. KOH: I'm just going to object that --

R

R

R

1 it.

2 Q. Did Industrial Heat ask to be paid for  
3 system design data or anything else that they provided  
4 to Boeing?

5 MR. KOH: Same objection.

6 A. No.

7 Q. (By Mr. Bell) Okay.

8 What was your understanding of why  
9 Industrial Heat wanted Boeing to test the devices?

10 MR. ANNESSER: Object to form.

11 A. Because their own capacity to conduct the  
12 tests was not as good as ours.

13 Q. (By Mr. Bell) Now, strictly with -- with  
14 respect to the tests that you were conducting for  
15 Industrial Heat, did you discuss those with Andrea  
16 Rossi?

17 A. No.

18 Q. Did you discuss with Industrial Heat whether  
19 to discuss the tests with Andrea Rossi?

20 A. Yes.

21 Q. What do you recall about that discussion?  
22 A. They did not want the test discussed with  
23 Andrea Rossi.

24 Q. Did they explain to you why they did not?  
25 A. Because they felt it would be a distraction

1 to him as he was working on other projects for them.  
 2 Q. Do you recall with any greater specificity  
 3 what -- what projects he was working on that they --  
 4 that they were wanting to not distract him from?  
 5 MR. KOH: Just object; outside the scope of  
 6 the topic that's been agreed. I'll let this --  
 7 MR. BELL: I'll withdraw it.  
 8 MR. KOH: Okay.  
 9 MR. BELL: With -- question withdrawn.  
 10 Q. (By Mr. Bell) Did Industrial Heat tell you  
 11 at that time whether they themselves had been able to  
 12 independently validate or replicate the E-Cat  
 13 technology?  
 14 A. I --  
 15 MR. ANNESSER: Object to form.  
 16 A. Let's see. I honestly don't know exactly  
 17 what tests they may have conducted. However, I do  
 18 recall that in my questioning of them as to whether  
 19 the E-Cat technology worked, they themselves did not  
 20 know.  
 21 Q. (By Mr. Bell) And how did they express that  
 22 to you?  
 23 A. In con --  
 24 MR. ANNESSER: Object to form.  
 25 A. In conversations? I mean, what --

H, R

H, R

H, R

1 Q. (By Mr. Bell) Well --  
 2 A. -- what do you mean?  
 3 Q. What did they say to you?  
 4 A. Well, of course, we inquired as to whether,  
 5 you know -- other than the published data, of course,  
 6 whether they had been able to successfully validate  
 7 that the E-Cat technology produced excess heat.  
 8 Q. And what did they tell you?  
 9 A. And they said that they had no -- no test  
 10 data that, you know, was -- I -- how I would say  
 11 this? -- sort of was controlled and verifiable I -- I  
 12 guess. So, of course, they had test data, but it's  
 13 that controlled and verifiable piece that's difficult.  
 14 Q. When you --  
 15 MR. BELL: Strike that.  
 16 Q. (By Mr. Bell) Were you responsible for, at  
 17 least in part, establishing the methodology by which  
 18 Boeing was to test the technology?  
 19 A. Yes.  
 20 Q. And what steps did you take to address the  
 21 issue that you just described, that it be controlled  
 22 and -- and verifiable?  
 23 MR. KOH: As we get in --  
 24 MR. ANNESSER: Object to form.  
 25 MR. KOH: Bernie, as we get into the test

H, R

1 details, rather than continuing to -- to make a point  
 2 about this being proprietary information, can we agree  
 3 that under the protective order we reserve the right  
 4 to designate portions of the testimony as protected?  
 5 MR. BELL: Yes. Stipulated.  
 6 MR. ANNESSER: Bernie, just for the record,  
 7 we're going to go ahead and designate this deposition  
 8 as "Highly Confidential - Attorneys' Eyes Only."  
 9 A. Please repeat the question.  
 10 THE REPORTER: "Question: And what steps  
 11 did you take to address the issue that you just  
 12 described, that it be controlled and -- and  
 13 verifiable?"  
 14 A. So in previous testing that we had -- that  
 15 we had read about the critical lacking information was  
 16 that there was not a -- you know, two things. There  
 17 was not a controlled baseline wherein an independent  
 18 tester created essentially a replica of the -- of  
 19 the -- of the LENR device that had no LENR fuel in it.  
 20 And so in our tests we essentially said  
 21 okay. We have an LENR device, and we will create a  
 22 replica of that device using very known and ordinary  
 23 technology that we know has no -- is -- is incapable  
 24 of producing excess heat and -- so we will  
 25 effectively -- instead of worrying about trying to

R, EOT

1 calculate all of the potential heat inputs and  
 2 outputs, we will simply compare our known device,  
 3 which we know does not include unknown or exotic  
 4 physics and is a very simple one, and simply compare  
 5 the performance of that device to the proposed LENR  
 6 device.  
 7 Q. (By Mr. Bell) You -- in the beginning of  
 8 your answer you started to say I think there were --  
 9 there were critical lacking information of -- of two  
 10 kinds. One was the controlled baseline. Was there a  
 11 second one or --  
 12 A. Let's see. So I guess the -- the -- the  
 13 second one was simply and as effectively part of that  
 14 experiment, which was that we were not going to worry  
 15 about calculating all of the potential inputs and  
 16 outputs, so our test was based upon, you know, two  
 17 premises; one, that in the case of building our  
 18 baseline device we controlled everything and,  
 19 therefore, knew all of the ingredients and exactly how  
 20 it was constructed. There were no mysteries in our  
 21 device.  
 22 And then the second piece to the test was to  
 23 conduct the exact same heating experiment, essentially  
 24 the exact same power-applied experiment, to both our  
 25 constructed device, which held no mysteries for us,

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1 and the provided LENR device and see if the provided  
 2 LENR device produced heat in excess of our device  
 3 under the exact same input condi -- characteristics.  
 4 Q. Did you perform testing under those  
 5 circumstances?  
 6 A. We did.  
 7 Q. When did the testing occur?  
 8 A. I'm sure -- there's an exhibit here with an  
 9 exact date I'm sure. A couple of years ago.  
 10 Q. Okay.  
 11 MR. BELL: Why don't we stand off the record  
 12 for a minute.  
 13 THE VIDEOGRAPHER: We're going off the  
 14 record at 11:55 a.m.  
 15 (Recess.)  
 16 (Marked Deposition Exhibit Nos. 2-5.)  
 17 THE VIDEOGRAPHER: We're back on the record  
 18 at 12:06 p.m.  
 19 Q. (By Mr. Bell) Now, during the break,  
 20 Mr. Childress, I've had the court reporter mark as  
 21 Exhibit 2 a two-page document. The cover -- the first  
 22 page is an email dated November 20, 2014, and it's  
 23 stamped at the bottom IH-00139330.  
 24 And I've also had the -- the reporter mark  
 25 as Exhibit No. 3 a one-page document, which has two --

H, R

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1 in -- in the version I'm -- I've marked it's two color  
 2 photographs, and it's stamped IH-00139332. Both of  
 3 these documents have been marked as "Highly  
 4 Confidential - Attorneys' Eyes only."  
 5 Do you have those documents in front of you?  
 6 A. I do.  
 7 Q. Have you seen these documents before?  
 8 A. I have.  
 9 Q. And is Exhibit 2 an email that you sent to  
 10 Mr. Darden, Mr. Vaughn, and Mr. Dameron?  
 11 A. It is.  
 12 Q. Who is Leonard Quadracci?  
 13 A. Leonard Quadracci is a manager at Boeing.  
 14 Q. Does he work for you?  
 15 A. No.  
 16 Q. Do you work for him?  
 17 A. In this particular instance, yes.  
 18 Q. Okay.  
 19 But not gen -- not as a general matter, but  
 20 you -- you were working --  
 21 MR. BELL: Strike that.  
 22 Q. (By Mr. Bell) In -- in -- in connection with  
 23 the -- with the events that are discussed here, both  
 24 you and Mr. Quadracci were working for Boeing; is that  
 25 correct?

H, R

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1 A. Correct.  
 2 Q. Okay.  
 3 And do you recognize what's been marked as  
 4 Exhibit 3?  
 5 A. I do.  
 6 Q. Did you prepare this?  
 7 A. I did.  
 8 Q. And did you prepare it in the -- in the  
 9 course of your business at Boeing?  
 10 A. I did.  
 11 Q. Now, do these documents, and -- and really I  
 12 suppose it's just Exhibit 2, but does this refresh  
 13 your recollection as to when Boeing performed the  
 14 tests that you're testifying about today?  
 15 A. Yes, because it has a date on it.  
 16 November 20th, 2014.  
 17 Q. And in this email you're reporting on  
 18 results, correct?  
 19 A. Correct.  
 20 Q. And -- so the -- the testing itself would  
 21 have occurred no later, obviously, than November 20,  
 22 2014, correct?  
 23 A. Correct.  
 24 Q. Did the tests that Boeing performed on the  
 25 E-Cat technology demonstrate that the active unit

R, A

R, EOT, A

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1 generated excess heat?  
 2 A. It did not.  
 3 Q. Did the tests that Boeing performed on the  
 4 E-Cat technology validate the technology?  
 5 MR. ANNESSER: Object to form.  
 6 MR. KOH: I'm going to object to the form as  
 7 well.  
 8 Go ahead.  
 9 A. So I guess define your question a little  
 10 more accurately. What -- what does that mean?  
 11 Q. (By Mr. Bell) Well --  
 12 MR. BELL: I'm -- I'm going to withdraw the  
 13 question. I'll come back to that.  
 14 Q. (By Mr. Bell) In Exhibit 2 in your email to  
 15 the Industrial Heat folks you -- you wrote in the  
 16 first sentence, "Len and I fired up the Super Q-Cat."  
 17 Do you -- do you see that?  
 18 A. Yes.  
 19 Q. What is the Super Q-Cat?  
 20 A. The Super Q-Cat was the presumed LENR device  
 21 that was sent to us by Industrial Heat.  
 22 Q. And in Exhibit 3 you have two -- the -- the  
 23 two photographs. One is labeled, "Dummy Unit," and  
 24 the other is, "Super Q-Cat," correct?  
 25 A. Correct.

R, EOT, A

1 Q. And the Super Q-Cat that's referred to in  
 2 Exhibit 3 is the same as that referred to in  
 3 Exhibit 2, correct?  
 4 A. That is correct.  
 5 Q. Now, the -- the email, Exhibit 2, references  
 6 an attachment, a jpeg attachment. Was 3 attached to  
 7 2?  
 8 A. I -- since I don't have the actual email in  
 9 front of me, I can't say with certainty, but that --  
 10 that's plausible.  
 11 Q. Okay.  
 12 The -- and in Exhibit 3 the -- there's a  
 13 photo for "Dummy Unit." Is that the unit that you  
 14 were describing before that was -- that had been  
 15 controlled by you for all variables?  
 16 MR. ANNESSER: Object to form.  
 17 A. Correct. In this test the dummy unit was a  
 18 Boeing-constructed unit that was constructed in the  
 19 same manner as the Super Q-Cat, at least as -- as to  
 20 our understanding of the manner of the Super Q-Cat's  
 21 construction.  
 22 Q. (By Mr. Bell) Thank you for cleaning up a  
 23 brutal question, but I -- I understand.  
 24 The -- when you were testifying before about  
 25 the measures that you undertook to control and -- and

L, R, EOT

L, R, EOT

A, H, R, EOT

1 A. So for a given power input our dummy unit  
 2 actually got hotter than the -- the Super Q-Cat  
 3 device.  
 4 Q. So further down in Exhibit 2 you say,  
 5 "Based on that, I'd say we got a bad unit?"  
 6 What did you mean by that?  
 7 A. Well, I meant that the Super Q-Cat did not  
 8 produce excess heat, and since we were expecting  
 9 excess heat, then we have to assume that the unit had  
 10 a -- a failure of one sort or another.  
 11 Q. When you said that -- when you wrote this in  
 12 Exhibit 2 that you got a bad unit, was that based on  
 13 the assumption that the technology actually worked?  
 14 A. It was based on --  
 15 MR. ANNESSER: Object to form.  
 16 A. -- the tech --  
 17 So, yes, it was based on -- if the  
 18 technology worked and was capable of producing excess  
 19 heat, this unit did not produce any excess heat.  
 20 Therefore, either, A, the technology was -- itself was  
 21 faulty or the unit was faulty.  
 22 Q. (By Mr. Bell) Looking at Exhibit 3, you have  
 23 the same five measurements there listed in both  
 24 pictures. Can you explain what those are one by one?  
 25 A. Sure.

R, EOT

EOT, Leading, R

R, EOT

1 verify the dummy unit was what you were describing in  
 2 that testimony?  
 3 MR. ANNESSER: Object --  
 4 A. Cor --  
 5 MR. ANNESSER: -- to form.  
 6 A. Correct. The dummy unit was a -- our  
 7 replica LENR device that contained no -- no fuel, if  
 8 you will, so it was simply a resistor built to the  
 9 same resistor specifications as the resistor, as it  
 10 was explained to us, was built into the Super Q-Cat.  
 11 Q. (By Mr. Bell) Explained to you by whom?  
 12 A. Industrial Heat.  
 13 Q. In -- going back to Exhibit 2 now, you say,  
 14 "...unfortunately, it," meaning the Super Q-Cat, "it  
 15 didn't" gener -- "didn't show any excess heat."  
 16 What did you mean by that?  
 17 A. That the Super Q-Cat did not achieve a  
 18 higher temperature for a given input power than our  
 19 dummy -- our dummy unit.  
 20 Q. And in -- you go on to write in Exhibit 2,  
 21 "In fact, it turned out our dummy unit was slightly  
 22 more efficient."  
 23 Do you see that?  
 24 A. Yes, I do see that.  
 25 Q. What did you mean by that?

1 The first measurement is the IR camera max  
 2 spot temperature, which is the infrared camera maximum  
 3 spot temperature as per a -- a little cursor that you  
 4 can move on -- in the infrared image, so we can within  
 5 the infrared image itself move the cursor around  
 6 within the image and find on an individual pixel basis  
 7 the -- the -- effectively the temperature as reported  
 8 by the camera, which is not exactly the same as the  
 9 actual temperature but the temperature as reported by  
 10 the infrared image. And so -- and we were reporting  
 11 that for both the dummy unit and the Super Q-Cat.  
 12 In the case of the dummy unit, the infrared  
 13 camera max spot temperature was 796 degrees Celsius.  
 14 In the case of the Super Cat, Q-Cat, it was 799  
 15 degrees Celsius.  
 16 Q. Was there any significance to you in -- in  
 17 the difference of 3 degrees there?  
 18 MR. ANNESSER: Object to the form.  
 19 A. No. That -- that's -- you know, relative to  
 20 the fidelity of this test, they're -- that's  
 21 essentially the same.  
 22 Q. (By Mr. Bell) Okay.  
 23 And -- and the next component is surface  
 24 thermocouple max temp. What does that refer to?  
 25 A. So we had several thermocouples on each

P, R, EOT

1 device, and in this particular case it was referring,  
2 and it -- it's not referenced in here, but it would  
3 have been referring to the thermocouple that would  
4 have been the most common between the two, which in  
5 this particular case would have been thermocouple  
6 number five, so TC 5.

7 And so those thermocouples were slightly --  
8 I -- I guess I would say slightly embedded in each of  
9 the units. So in this particular case we drilled very  
10 small surface holes into each of the units and put,  
11 with spring force on them, thermocouples so that the  
12 thermocouples would stay in contact into each of those  
13 small holes and -- so they were measuring, you know,  
14 effectively at one location the -- the temperature  
15 slightly below the surface. So we're calling it  
16 surface temperature, but it's about, say, 60,000ths of  
17 an inch below the surface actually.

18 Q. The surface of what?

19 A. The surface of either the dummy unit or the  
20 Super Q-Cat, depending on which unit we were testing.

21 Q. Of the reactor unit itself?

22 A. Yes, of the reactor unit itself.

23 Q. Okay.

24 A. More acc -- more accurately, the outside  
25 shell of the reactor.

1 Q. Okay.

2 And in -- the next component there is  
3 embedded thermocouple temperature. What does that  
4 refer to?

5 A. So in the case of the dummy unit we  
6 actually -- because, of course, we controlled the  
7 manufacture of that unit, we actually cast into the  
8 ceramic outer shell of that unit a thermocouple that  
9 was actually essentially inside the unit and  
10 approximately I'll say somewhere between .1 and  
11 .15 inches beneath the surface.

12 And -- so in that particular case, the  
13 embedded thermocouple temperature, so if I go back and  
14 read these, the -- the surface thermocouple maximum  
15 temperature in the case of the dummy unit was  
16 600 degrees C. The surface thermocouple maximum  
17 temperature in the case of the Super Q-Cat was 7 --  
18 607 degrees C. And the embedded thermocouple  
19 temperature in the case of the dummy unit was 706  
20 degrees C. And there is no embedded thermocouple  
21 temperature in the case of the Super Q-Cat because we  
22 didn't manufacture that.

23 Q. Why did you embed a thermocouple in the  
24 dummy unit?

25 A. Well, because an embedded thermocouple gives

1 you, of course, the most accurate temperature because  
2 it's not exposed to the ambient air. And that also  
3 gave us a -- a sanity check on our thermocouple  
4 measurements because the thermocouple would be, of  
5 course, highly accurate and, two, it would give us an  
6 understanding of how the thermal gradient through the  
7 thickness of the reactor worked.

8 So a -- the thermocouple on the surface we  
9 would expect to be cooler than the embedded  
10 thermocouple, and if for whatever reason that proved  
11 to not be true, that would make us suspect our  
12 thermocouple data.

13 Q. So the embedded thermocouple was effectively  
14 a check on the surface or vice --

15 A. Correct.

16 Q. -- versa. Okay.

17 In -- the next entry here is camera  
18 emissivity. What does that refer to?

19 A. So in the case of infrared measurements you  
20 program into the camera the -- the emissivity of the  
21 target that you wish to measure, and the emissivity of  
22 something is a -- a value that tells you how much  
23 infrared energy you would get off of an object for a  
24 given actual physical temperature. So the -- so  
25 effectively you multiply the -- the -- you know,

1 the -- the photon emissions, if you will, by the  
2 emissivity.

3 So in the particular case of -- of these  
4 tests, we claimed that we did not know the theoretical  
5 emissivity of our targets. We simply assumed that  
6 they were both similar, and so instead of programming  
7 in a presumed emissivity of our target we simply put  
8 the emissivity to 1.

9 Q. Why is camera emissivity important to  
10 understanding whether the unit's generating excess  
11 heat or not?

12 A. Well, because the camera -- the --

13 **MR. ANNESSER: Object to form.**

14 I'm sorry.

15 A. So the -- if you're using an infrared camera  
16 to measure temperature, then the -- the temperature  
17 that the -- you know, the -- the output temperature is  
18 a function of the actual photon energy coming into the  
19 camera multiplied by the emissivity.

20 So it -- let's say if the camera were to  
21 tell you that something is 700 degrees Fahrenheit, for  
22 instance, and you had it set to an em -- emissivity of  
23 1, if you changed the emissivity in the camera setting  
24 to an emissivity of .8, it's now going to give -- tell  
25 you a different temperature, right?

R

R, EOT

R, EOT

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1 So in this particular case the -- the most  
 2 important parameter is not whether we set the  
 3 emissivity to 1 or whether we set the emissivity to .8  
 4 or whatever. The most important parameter is that the  
 5 emissivity of the camera was set in both cases to the  
 6 same value.  
 7 Q. (By Mr. Bell) Okay.  
 8 And -- and the fifth and final component  
 9 there is power in, and can you explain what that  
 10 means.  
 11 A. So power in is electrical power, and in this  
 12 case it is three-phase 60 hertz electrical power. And  
 13 in the case of the dummy unit we had -- were inputting  
 14 990 watts of electrical power in order to get the  
 15 temperatures that we've already discussed. And in the  
 16 case of the Super Q-Cat we were inputting 1,145 watts  
 17 into the Super Q-Cat to get the temperatures that  
 18 we've already discussed.  
 19 Q. So for the dummy unit you put in 990 watts  
 20 of power and got a measurement on the surface  
 21 thermocouple of 618 degrees Celsius.  
 22 A. Correct.  
 23 Q. And for the Super Q-Cat you put in 1145  
 24 watts, correct?  
 25 A. Correct.

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1 Q. And -- on the surface thermocouple to get a  
 2 reading of 607 Celsius, correct?  
 3 A. Correct.  
 4 Q. So it's that discrepancy between input and  
 5 maximum temperature observed that in Exhibit 2 you're  
 6 referring to as being slightly more efficient.  
 7 A. Correct.  
 8 Q. Okay.  
 9 Now, I'm going to have the court reporter  
 10 hand to you what has been marked as Exhibit 4.  
 11 MR. KOH: Bernie, do you have an objection  
 12 if I mark each page of the exhibit with the export  
 13 control sticker?  
 14 MR. BELL: I do not.  
 15 MR. KOH: Okay. I think that's the better  
 16 practice.  
 17 MR. BELL: Yes.  
 18 And, John, this is -- and, for the record,  
 19 Exhibit 4 was produced under the Bates stamp  
 20 IH-00139285 as "Highly Confidential - Attorneys' Eyes  
 21 Only."  
 22 The version that we are marking here at the  
 23 deposition is a two-page printout of an Excel  
 24 spreadsheet. I believe it's an Excel spreadsheet. It  
 25 does not have the Bates control numbers because it was

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1 produced natively.  
 2 MR. ANNESSER: Thank you for that.  
 3 Q. (By Mr. Bell) Do you have Exhibit 4 in front  
 4 of you?  
 5 A. I do.  
 6 Q. Is this a document that you prepared?  
 7 A. It is.  
 8 Q. Can you tell me what it is, please.  
 9 A. It is a summary of the -- of the test data  
 10 on both the dummy test article and the -- the Super  
 11 Q-Cat, which in this particular case we are labeling  
 12 as Q-Tech.  
 13 Q. So -- and, if you could, just starting from  
 14 the left-hand column, it's "Data Point," and it has  
 15 entries, "3," "5," "6," and so forth. Do you see  
 16 that?  
 17 A. Yep.  
 18 Q. What does that refer to?  
 19 A. So in terms of the data point, probably  
 20 that's just the Excel spreadsheet number, so I don't  
 21 think -- I think that probably has no -- no real  
 22 bearing.  
 23 The total power is the sum total power in  
 24 RMS watts from -- summed of all three phases of the  
 25 input 60 hertz power.

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1 Q. And does the -- is the way this is arrayed,  
 2 the -- the first entries -- going from the top, pertain  
 3 to the dummy unit and then the entries below that  
 4 pertain to the Q -- what -- what you're calling here  
 5 the Q-Tech?  
 6 A. That's correct.  
 7 MR. ANNESSER: Object to form.  
 8 Q. (By Mr. Bell) And what is the next column,  
 9 "Tc#8 Embedded Temperature"?  
 10 A. That would be the -- in the case of the  
 11 dummy test, that would be exactly that; thermocouple  
 12 number eight, which is the thermocouple that we cast  
 13 into the dummy reactor. So that is -- would be below  
 14 the surface.  
 15 Q. Okay.  
 16 So if we look at the -- at the -- at the row  
 17 that is across data point 15 -- right?  
 18 A. Yep.  
 19 Q. -- and -- and -- and look back at Exhibit 3,  
 20 the -- the total power in from Exhibit 4 in -- in that  
 21 row is 992; that corresponds to 990 in Exhibit 3?  
 22 A. Yes.  
 23 Q. And the thermocouple number eight embedded  
 24 temperature of 706 corresponds to the 706 degree in --  
 25 in Exhibit 3?

R, EOT

R, EOT

H, R

1 A. Correct.  
 2 Q. And the 796 is the IR camera max spot  
 3 temperature --  
 4 A. Correct.  
 5 Q. -- that corresponds between 4 and 3?  
 6 A. Correct.  
 7 Q. And then the -- the last column there,  
 8 "618," is the surface thermocouple max temp?  
 9 A. Correct, which would have been TC number  
 10 five.  
 11 Q. Okay.  
 12 Now, where are the corresponding numbers for  
 13 the Q-Tech or Q-Cat in Exhibit 4?  
 14 A. So the corresponding numbers on power would  
 15 be also under the column labeled total power in watts.  
 16 Q. Okay.  
 17 A. And then in the case -- so now we've got --  
 18 then the first column to the right of the image would  
 19 be the infrared camera maximum spot temperature in --  
 20 in Fahrenheit. Then the column to the right of that  
 21 would be the -- the corresponding thermocouple number  
 22 five, which is in substantially the same place as the  
 23 thermocouple TC number five on the dummy unit and was,  
 24 in fact, the exact same thermocouple. So -- so that  
 25 was the exact same thermocouple and in substantially

R, EOT

1 A. That shows a series of plots for our -- both  
 2 the dummy unit and the -- the Super Q-Cat; i.e., the  
 3 Q-Tech, which we're labeling Q-Tech. So -- so every  
 4 place you see Q-Tech reads Super Q-Cat and vice versa,  
 5 right?  
 6 So --  
 7 Q. And that -- that was -- to be clear, that  
 8 was the unit that was provided to you by Industrial  
 9 Heat.  
 10 A. That's correct.  
 11 Q. Okay.  
 12 A. That's correct.  
 13 So this plot shows the power input on the X  
 14 axis in -- in watts and the temperature in degrees  
 15 Celsius on -- on the Y axis. And there are four  
 16 things plotted; the thermal value for TC number five  
 17 in degrees Celsius, the thermal value for the infrared  
 18 camera max spot temperature in degrees C, the -- for  
 19 the dummy unit and the Q-Tech unit. So both those  
 20 parameters are plotted for both the dummy unit and the  
 21 Q-Tech, and the Q-Tech/Super Q-Cat.  
 22 Q. And what is the significance of the red --  
 23 the red line at approximately -- I don't know -- a  
 24 thousand watts input?  
 25 A. So that was -- one, it -- it provides a --

1 the same location.  
 2 And then the next column over, "Q-Tech IR,"  
 3 is -- "C," is the -- is simply the infrared  
 4 temperature translated into degrees Celsius.  
 5 Q. When you said it -- it was the same  
 6 thermocouple between the two units, what do you mean?  
 7 A. I mean it was physically the same  
 8 thermocouple. We didn't put a new thermocouple there.  
 9 There's -- so in -- when these tests were conducted  
 10 the test setup was identical. We simply swapped out  
 11 the dummy for the Q-Tech and used all the same  
 12 thermocouples and everything, with the exception, of  
 13 course, of the TC number eight, which is -- it's  
 14 embedded. We can't reuse that.  
 15 Q. Why did you do it that way?  
 16 A. To make it as consistent as possible.  
 17 Q. So -- and -- and -- I'm going to possibly  
 18 reveal my ignorance, but so that the calibra -- there  
 19 would be no calibration difference between the two  
 20 or --  
 21 A. Correct.  
 22 Q. Okay.  
 23 Now, on Exhibit 4, the right-hand side of  
 24 the first page there is a -- a graph. What does that  
 25 show?

R, EOT

1 you know, a clear line that you can use to examine the  
 2 relative temperatures, but also, that was the wattage  
 3 that we were given to understand would have very  
 4 clearly shown excess heat, would have actually shown  
 5 it prior to that, well prior to that. So we wanted to  
 6 show that we had significantly exceeded the wattage  
 7 that, according to Industrial Heat, we should have  
 8 seen some excess heat in -- in the -- in the system.  
 9 Q. And what was that based on, the -- the --  
 10 was that --  
 11 MR. BELL: Withdrawn.  
 12 Q. (By Mr. Bell) The -- where you put the red  
 13 line, was that based on information that was provided  
 14 to you by Industrial Heat or inde -- or -- or -- or  
 15 information that you independently gathered from other  
 16 sources or both?  
 17 A. That was based upon information provided by  
 18 Industrial Heat, but -- so I'll -- I'll -- you know,  
 19 if -- if there was other speculation, I can't -- don't  
 20 recall actually.  
 21 Q. Okay.  
 22 And on the -- on the second page of  
 23 Exhibit 4 there's another chart. What does that show?  
 24 A. That shows essentially the same information,  
 25 only including embedded TC number eight for the dummy

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1 unit.

2 Q. And you -- which you couldn't plot on -- on

3 the other graph because the -- the other unit didn't

4 have the embedded --

5 A. Right. Essentially, just additional in --

6 in -- information. And we didn't include it in the

7 first graph just because it would have been a little

8 bit more confusing since the Q-Cat/ -- or the Super

9 Q-Cat/Q-Tech would not have had that information, so

10 we put it on a separate graph just to not confuse this

11 graph.

12 Q. Okay.

13 Let me ask you now to look at what has been

14 marked as Exhibit 5, which is a -- this is a -- a

15 four-page printout of some spreadsheets. It was

16 produced as Industrial Heat 00138988 in native form.

17 It's "Highly Confidential - Attorneys' Eyes Only."

18 Do you have Exhibit 5 in front of you,

19 Mr. Childress?

20 A. I do.

21 Q. Now, the first two pages of Exhibit 5 are

22 the same as Exhibit 4, correct?

23 A. Close. The first page graph actually

24 includes -- you know, combines the -- TC number eight

25 into the -- into the original graph. So it is --

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1 the -- the graph is effectively the graph in Exhibit

2 No. 4 plus the TC number eight data in addition.

3 Q. TC 8 being the embedded thermocouple in the

4 dummy unit.

5 A. Correct.

6 Q. Okay.

7 Now, what -- what are pages three and four

8 of Exhibit 5?

9 A. So pages three and four are the data from a

10 set of tests we conducted on some additional reactors

11 that Boeing built, again unfueled, so they're

12 essentially similar to our dummy unit. They are --

13 they are just additional dummy units. And we built

14 these in coordination with Industrial Heat to help

15 Industrial Heat conduct their own tests.

16 Q. And what are -- what are you measuring here?

17 MR. BELL: Withdrawn.

18 Q. (By Mr. Bell) First of all, did you prepare

19 the -- the pages that are three and four on Exhibit 5?

20 A. I did.

21 Q. And you prepared those in the normal course

22 of your business at Boeing.

23 A. Correct.

24 Q. Okay.

25 And what do they report?

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1 A. They report the -- a test that was conducted

2 on these two units. And in this particular test both

3 reactors, which are unfueled and constructed

4 essentially the same or very similarly, in any case,

5 to the dummy reactor that we used in the Super Q-Cat

6 test. And this test was conducted to show a slightly

7 different test arrangement and to create a baseline

8 test measurement for these two particular reactors.

9 Q. What was slightly different about the test

10 arrangement?

11 A. So in this test both reactors are tested

12 simultaneously with the exact same current, so unlike

13 the previous test, where we had tested the dummy

14 reactor on -- on -- on one day -- in -- in that

15 particular case November 19th, 2014, and then the

16 following day tested the Super Q-Cat, so on

17 November 20th -- in this particular test we said,

18 well, for future testing there for Industrial Heat --

19 and -- and, again, the point of this test was to

20 create a verifiable test setup should Industrial Heat

21 send us back another reactor. So this was in

22 preparation for some future test.

23 And -- so prior to -- you know, prior to

24 that test we wanted to have a -- a baseline test of

25 these reactors prior to them ever receiving fuel so

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1 that we would know very accurately what the capability

2 of these reactors was prior to any fueling.

3 So in this particular test both reactors are

4 subjected to the exact same current, so in the

5 photograph you can see that the two reactors are

6 actually wired together in the center of the

7 photograph, so the current passes through reactor Q-1,

8 passes out of reactor Q-1, and then into Q-2. And in

9 this way we can be certain that both reactors see

10 exactly the same amount of power. And we also have

11 off-board from this, of course, other

12 characterizations of the reactors.

13 And then the data that you see here is --

14 and in this particular case there were both embedded

15 thermocouples as well as surface thermocouples. And

16 so we have various thermocouples so, you know, we have

17 the -- the total power in, which -- which, of course,

18 would be the power supplied to both reactors.

19 Then the second column, which is powering

20 divided by two, is essentially the power received by

21 either individual reactor -- right? -- because

22 essentially now each reactor is absorbing power

23 independently of each other, but it's the same total

24 power.

25 And then Q-1, TC-1, would be the temperature



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1 in degrees Celsius at that location, at the location  
 2 of TC 1, thermocouple one on the Q-1 reactor, and then  
 3 Q-1 TC number two would be the temperature at the  
 4 location of the thermocouple number two.  
 5 And then in the case of Q-2, so essentially  
 6 now the power's going into the -- into reactor number  
 7 2, so, again, we have Q-2 TC number one, Q-2 TC number  
 8 2.  
 9 And then -- and then the -- the IR cam box  
 10 max temperature is essentially the max temperature  
 11 seen on -- on either of them. So, in other words,  
 12 we're recording, okay, so in this -- this particular  
 13 case the infrared measurement, since that's a spot  
 14 measurement, is -- could have been on either Q-1 or  
 15 Q-2 and --  
 16 But what you have to keep in mind there is  
 17 that we record the infrared images, and the infrared  
 18 images can be interrogated at some future time, right?  
 19 So essentially the infrared images are exactly that,  
 20 a -- an interrogatable dataset themselves, and at any  
 21 future time we can interrogate that image and know  
 22 what the temperature is in any particular spot, right?  
 23 So in this particular case I'm simply  
 24 listing the -- the maximum temperature we saw in  
 25 either two. And then -- but at -- but because that

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1 data was recorded, at some future time -- right? -- we  
 2 could find out the temperature at any location.  
 3 Q. Because the camera's capturing the whole  
 4 unit.  
 5 A. Exactly.  
 6 Q. Okay.  
 7 Was there any significance to -- to the --  
 8 to the differences between Q-1 and Q-2 or are those  
 9 differences only -- would those differences only be  
 10 important in -- in comparison to the fueled reactors?  
 11 A. Right. The a -- your assessment is  
 12 essentially correct, that the importance here was that  
 13 we establish a baseline, so collect data from both Q-1  
 14 and Q-2. And, as you can see from the plot, they were  
 15 very similar, although not identical, and --  
 16 But the main thing was to record this data  
 17 prior to them being fueled, and then at some future  
 18 time the -- the assumption was that they would come  
 19 back fueled, and then we would be able to see, okay,  
 20 was there a change relative to the initial -- this  
 21 initial baseline run.  
 22 So this initial baseline run was essentially  
 23 establishing, A, this is what these do when they're  
 24 not fueled. The plan was to send them to Industrial  
 25 Heat, have Industrial Heat fuel them, conduct their

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1 own tests, see if, you know, they after being fueled  
 2 produced excess heat, and then if they did, send them  
 3 back to us and -- and using this data we could  
 4 determine if there was some change.  
 5 Q. So the -- the plan was to send these  
 6 devices, Q-1 and Q-2, to Industrial Heat for them to  
 7 fuel or was the plan to -- for Industrial Heat to send  
 8 fuel to you to run in Q-1 and Q-2?  
 9 A. No. The --  
 10 MR. ANNESSER: Object --  
 11 A. -- effect --  
 12 MR. ANNESSER: -- to form.  
 13 A. Okay. So -- so the plan was we actually  
 14 sent only one of these units back to Industrial  
 15 Heat -- so we kept one, which, again, would re --  
 16 remain as a baseline. And I can't remember if we sent  
 17 them Q-1 or we sent them Q-2. We sent them one or the  
 18 other. -- for Industrial Heat to fuel and then, you  
 19 know -- but also with instructions that based upon  
 20 this, only send it back to us if they have conducted  
 21 tests themselves that indicate there's a reason for us  
 22 to test it again.  
 23 Q. (By Mr. Bell) Why did you have that  
 24 instruction or understanding?  
 25 A. Because time is -- is money at Boeing, as --

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1 as it is everywhere, and so we had already conducted a  
 2 test which showed that, you know, there was no excess  
 3 heat from the first unit, so we did not want to spend  
 4 additional time testing something that they themselves  
 5 had not tested.  
 6 So, you know, we wanted to verify something  
 7 that they already knew the answer, not try and  
 8 discover the answer, right? I mean, you know,  
 9 we're -- we were not interested in testing units  
 10 that -- that they hadn't already shown to work, right?  
 11 Q. And did that ever that happen? Did --  
 12 A. It did not.  
 13 Q. Okay.  
 14 Are you -- are you familiar with testing  
 15 that was performed in Lugano, Switzerland, in 2014  
 16 that related to E-Cat technology?  
 17 MR. KOH: I'm going to object to the  
 18 question as outside of the scope of the topic, which  
 19 is all tests, experiments, or studies performed by  
 20 Boeing. I'll instruct the witness not to answer.  
 21 MR. BELL: Well, I -- I think I --  
 22 MR. KOH: Oh. Is this --  
 23 MR. BELL: I think I can connect it up, but  
 24 let me go about it a better way.  
 25 Q. (By Mr. Bell) Did Boeing perform a study or

R, EOT, P

R, EOT, P

1 analysis relating to the E-Cat technology and  
 2 pertaining specifically to the Lugano testing that  
 3 occurred in 2014?  
 4 MR. ANNESSER: Object to form.  
 5 A. So -- so I guess what I would say is we read  
 6 the reports and considered what we thought was good  
 7 science about them and what we thought was bad science  
 8 about them. I'm not sure I would classify it as a  
 9 study, not -- at least not by Boeing standards, but we  
 10 did examine the publicly-available data and -- and  
 11 think about, you know, what that data might -- might  
 12 mean to Boeing.  
 13 Q. (By Mr. Bell) What did you consider to be  
 14 good, picking up on your answer?  
 15 MR. KOH: I'm going to give the same  
 16 objection. This --  
 17 MR. ANNESSER: Object to form.  
 18 MR. KOH: -- witness is not here to provide  
 19 expert testimony, to opine on the technology  
 20 generally. He's here to testify as to the tests  
 21 performed by Boeing.  
 22 To the extent there was a study of the study  
 23 that was performed by Boeing for which there were  
 24 findings made, you can share those, but if -- if not,  
 25 I think you should not answer the question.

1 reported in that study?  
 2 A. So, you know, I guess what I would say is  
 3 that in that study because they did not back up their  
 4 infrared data with thermocouples, their data relied  
 5 exclusively on a presumed emissivity and their  
 6 infrared collection of the -- of the infrared photons  
 7 being given off by the unit.  
 8 Q. And you consider that to be a weakness?  
 9 A. Yes.  
 10 MR. ANNESSER: Ob --  
 11 Q. (By Mr. Bell) Did you --  
 12 MR. ANNESSER: Object to form.  
 13 Q. (By Mr. Bell) Did you draw any conclusions  
 14 with respect to custody of the charge and custody of  
 15 the -- of the ash after the test?  
 16 MR. ANNESSER: Object to form.  
 17 A. You know, I -- I -- I don't really have an  
 18 opinion on that one.  
 19 Q. (By Mr. Bell) Did you draw any conclusions  
 20 with respect to the independence of the test?  
 21 MR. ANNESSER: Object to form.  
 22 A. The test struck me as a -- you know, a  
 23 relatively independent group, so I guess I would -- I  
 24 certainly had no reason to believe that the testers  
 25 were not independent.

R, EOT

1 A. So, again, I would say, you know, we were  
 2 not involved in that test. We were aware of it. We  
 3 read the test report. We, you know, found some parts,  
 4 you know, good and some parts bad.  
 5 Q. (By Mr. Bell) And I'm -- I'm asking you to  
 6 identify what you found to be good and what you found  
 7 to be bad.  
 8 A. So I -- I guess, you know, the -- some of  
 9 the good parts were that they did a long duration  
 10 test, so that was of interest. They did have a  
 11 credible infrared collection capability, so those  
 12 parts were good.  
 13 What struck us as inadequate was that they  
 14 did not back up their infrared collection data with  
 15 thermocouples, so essentially no independent data  
 16 in -- you know, relative to the -- to the -- to the  
 17 infrared data. And also the fact that there was no  
 18 baseline reference, so there was no unfueled baseline  
 19 reference.  
 20 Q. No unfueled baseline reference of the sort  
 21 that you testified that you performed when you had the  
 22 reactors in Seattle.  
 23 A. Correct.  
 24 Q. Did you draw any conclusions with respect to  
 25 the emissivity settings and calculations that were

1 Q. (By Mr. Bell) Has Boeing ever performed  
 2 tests, experiments, or studies relating to the E-Cat  
 3 technology and gotten a positive result, meaning  
 4 over-unity or excess heat, as we've described those  
 5 terms earlier?  
 6 MR. ANNESSER: Object to form.  
 7 MR. BELL: Withdrawn.  
 8 Q. (By Mr. Bell) Has Boeing ever tested the  
 9 E-Cat technology and gotten a positive result, meaning  
 10 over-unity or excess heat?  
 11 MR. ANNESSER: Object to form.  
 12 A. No.  
 13 Q. (By Mr. Bell) Has Boeing performed any  
 14 tests, experiments, or studies relating to the E-Cat  
 15 technology that we haven't already discussed today?  
 16 A. So run that one by me -- by me again to --  
 17 to make sure I get it. So -- so, you know, Boeing has  
 18 been interested in this and -- so it depends on what  
 19 you consider -- classify as a study.  
 20 MR. KOH: I -- let me just interject here,  
 21 Mr. Childress. E-Cat technology, as was described  
 22 earlier, is de -- defined in the subpoena as the  
 23 technology developed, at least in part, by Andrea  
 24 Rossi and/or Leonardo Corporation.  
 25 So I think the question is besides the tests

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1 that were already described in your testimony were  
 2 there any other tests or experiments related to this  
 3 E-Cat technology.  
 4 Q. (By Mr. Bell) I -- I agree with that, but  
 5 let me -- let me try and do it my way so that it's --  
 6 so that I -- at least in my mind it'll be clear.  
 7 A. Okay.  
 8 Q. Okay?  
 9 A. Sure.  
 10 Q. So we've -- you've testified this morning  
 11 and -- and this afternoon, I suppose, about testing  
 12 that you performed as -- as reported in Exhibits 1 --  
 13 Exhibits 2, 3, 4, and 5 that we've talked about,  
 14 correct?  
 15 A. Yep.  
 16 Q. So apart from -- from those tests, has  
 17 Boeing performed any other tests, experiments, or  
 18 studies relating to the E-Cat technology developed, at  
 19 least in part, by Andrea Rossi that we haven't already  
 20 discussed?  
 21 A. Well, I guess I would say -- and, again,  
 22 it -- it depends on what you classify as something  
 23 con -- consisting of a study. Have we reviewed the  
 24 a -- publicly-available literature, yes. Have we --  
 25 let's say in the case of making these units that we've

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1 already discussed did we, you know, have to tinker  
 2 around a little bit so that we could successfully make  
 3 them, and yes. Right?  
 4 But in terms of actually testing a -- you  
 5 know, an active device or doing some analysis on how  
 6 to construct an active device or analyze its theory,  
 7 et cetera, the answer would be no.  
 8 MR. BELL: Okay. Let's just take a short  
 9 break, and I think I'm -- I'm about done, but I just  
 10 want to make sure by reviewing my notes.  
 11 MR. KOH: Sure.  
 12 MR. BELL: Okay?  
 13 THE VIDEOGRAPHER: We're going off the  
 14 record at 12:59 p.m.  
 15 (Recess.)  
 16 THE VIDEOGRAPHER: This is the beginning of  
 17 Media No. 2 in the deposition of Boeing 30(b)(6) Jamie  
 18 Childress. We're back on the record at 1:01 p.m.  
 19 MR. BELL: I have no further questions at  
 20 this time, reserving my right to -- to follow on  
 21 whatever Mr. Annesser does.  
 22 MR. ANNESSER: Okay.  
 23 MR. KOH: And, Mr. Annesser, this is --  
 24 MR. ANNESSER: All --  
 25 MR. KOH: -- Steve --

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1 MR. ANNESSER: -- right.  
 2 EXAMINATION  
 3 BY MR. ANNESSER:  
 4 Q. Good --  
 5 MR. KOH: This is Steve Koh. Sorry to --  
 6 sorry to interrupt you. This is Steve Koh.  
 7 I just wanted to ask if you had a sense of  
 8 how much time you're going to need?  
 9 MR. ANNESSER: I'm looking at probably an  
 10 hour I would guess --  
 11 MR. KOH: Okay. Thank you.  
 12 MR. ANNESSER: -- just roughly. I'll --  
 13 I'll try to make it quick, though.  
 14 Q. (By Mr. Annesser) Okay. Sir, as I said in  
 15 the beginning of this, my name is John Annesser. I  
 16 represent the plaintiffs, Leonardo Corporation and  
 17 Andrea Rossi, in this matter. Thank you for appearing  
 18 today, and I will try to make this as brief as I can.  
 19 One of the things that was asked of you was  
 20 your initial contacts with Industrial Heat. Do you  
 21 know how you initially came into contact with them?  
 22 A. I do.  
 23 Q. Okay.  
 24 And how was that?  
 25 A. So an associate of Andrea's, a -- a group of

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1 people that Andrea worked with, and I can't think of  
 2 their corporate name now, but the primary person I  
 3 dealt with is a gentleman named Craig Cassarino, and  
 4 so -- and I met Craig through Andrea, so Andrea gave  
 5 me Craig's name to contact when we had our early  
 6 discussions with Andrea.  
 7 Q. Okay.  
 8 Now, you had known Dr. Rossi before that  
 9 point, correct?  
 10 A. Yes. That's true.  
 11 Q. Okay.  
 12 And, in fact, you had entered into an  
 13 agreement, a proprietary information agreement, with  
 14 Dr. Rossi on or about April 13th, 2011?  
 15 MR. KOH: I'm going to object to the  
 16 question as outside the scope of the deposition topic  
 17 in the subpoena. A little bit of background, just as  
 18 I allowed with -- for Bernie, is fine, but I think  
 19 this is a topic that is outside -- clearly outside the  
 20 scope, and I'll instruct the witness not to answer it.  
 21 MR. ANNESSER: You're -- okay. You're  
 22 instructing the witness not to answer. You do --  
 23 you -- sir, are you aware that the federal rules  
 24 require that although it may be outside of the scope  
 25 of the 30(b)(6) deposition notice, that we are

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1 still -- we are still entitled to inquire and it just  
 2 may or may not be binding upon the company itself?  
 3 So I believe he has an obligation and the  
 4 responsibility to answer. The question is whether  
 5 it's binding on the company. That we can sort out at  
 6 another time.  
 7 MR. KOH: The instruction stands. We're  
 8 here responding to a subpoena that is on a particular  
 9 topic.  
 10 MR. ANNESSER: Okay. Are you particular  
 11 seek -- particularly seeking a protective order? In  
 12 which case, I will expect that you'll move the Court  
 13 in a timely manner for that protective order.  
 14 Otherwise, I'll insist upon an answer in this  
 15 deposition.  
 16 MR. KOH: And the instruction stands. You  
 17 can bring an action here in Seattle.  
 18 MR. ANNESSER: Oh, no, the Court down here  
 19 has jurisdiction over its subpoena, sir.  
 20 MR. KOH: You can move on, please.  
 21 MR. ANNESSER: Madam Court Reporter, if I  
 22 could ask you to hand the witness the exhibit numbered  
 23 46.  
 24 THE REPORTER: Just a moment. I've kept  
 25 everything sealed.

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1 (Discussion off the record.)  
 2 MR. KOH: Mr. Annasser, the court reporter  
 3 has handed me a folder marked Tab 46. We're going to  
 4 take a break and review it.  
 5 Go off the record?  
 6 MR. ANNESSER: What -- I'm sorry? Excuse  
 7 me?  
 8 MR. KOH: We're --  
 9 MR. ANNESSER: No. We're --  
 10 MR. KOH: -- take --  
 11 MR. ANNESSER: I don't --  
 12 MR. KOH: There's no question pending.  
 13 MR. ANNESSER: I'm sorry?  
 14 MR. KOH: There's no question pending.  
 15 We're going to take a break to review it.  
 16 MR. ANNESSER: In -- in fact, there was a  
 17 question pending, but you can take a break to review  
 18 it.  
 19 MR. KOH: I think the record will reflect  
 20 that there wasn't, but in any event, we'll go off the  
 21 record, and we'll let you know when we're back.  
 22 MR. ANNESSER: Sure. Thank you.  
 23 THE VIDEOGRAPHER: We're going off the  
 24 record at 1:06 p.m.  
 25 (Recess.)

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1 THE VIDEOGRAPHER: We're back on the record  
 2 at 1:14 p.m.  
 3 MR. KOH: This is Steve Koh. I have been  
 4 handed a folder by the court reporter marked Tab 46.  
 5 It is an agreement dated April 13, 2011.  
 6 We are here -- The Boeing Company is here at  
 7 this deposition pursuant to a subpoena issued by the  
 8 defendant limited to a single topic. This document  
 9 does not appear to be related to that topic, and  
 10 therefore, we decline to answer questions about it.  
 11 I am handing it back to the -- to the court  
 12 reporter.  
 13 MR. ANNESSER: Okay.  
 14 Madam Court Reporter, we're going to mark  
 15 this as Exhibit 6.  
 16 And, Mr. Koh, I'd please refer you to the  
 17 case of King v. Pratt & Whitney, 161 F.R.D. 475 and  
 18 476, Southern District of Florida, 1995, in which the  
 19 Court stated that, "In sum, this Court concludes that  
 20 a Rule 30(b)(6) cannot be used to limit what is asked  
 21 of the designated witness at a deposition. Rather,  
 22 the rule simply defines the corporation's obligations  
 23 regarding whom they are obligated to produce for such  
 24 a deposition and what that witness is obligated to be  
 25 able to answer."

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1 The rule, sir, in the Southern District of  
 2 Florida is that I am entitled to inquire of the  
 3 witness irrespective of any lack of indication on a  
 4 30(b)(6) notice.  
 5 MR. KOH: Okay. Thank you for that.  
 6 MR. ANNESSER: And this is my -- this --  
 7 this, sir, is my good faith attempt to meet and confer  
 8 with you to try to resolve this issue before  
 9 requesting the Court to compel, and if we need to  
 10 compel and need to seek a continuance of this  
 11 deposition, we will do that.  
 12 MR. KOH: Thank you for the information.  
 13 Obviously I don't have Westlaw here in front of me.  
 14 If I -- if we're going to have a true meet and confer,  
 15 I would need to review the authorities and get back to  
 16 you and have a discussion about it.  
 17 I'll just simply note without having looked  
 18 at the authority this is not your subpoena. This --  
 19 we are here responding to a subpoena that lists a  
 20 particular topic, and your examination by definition  
 21 is limited to responding to whatever is relevant to  
 22 that topic.  
 23 MR. ANNESSER: Okay.  
 24 And, in fact, Mr. -- Mr. Bell had inquired  
 25 into the familiarity of Boeing Company and your

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1 particular witness with Dr. Rossi, and so I am  
 2 following up on that.  
 3 MR. KOH: Yeah. And I -- I -- I then  
 4 instructed the witness not to answer beyond the --  
 5 the -- the background question of whether he was aware  
 6 of him prior to this time.  
 7 You can ask whatever questions you like. If  
 8 they are outside of the topic, I'll -- I'll give the  
 9 instruction. If -- and if not, he'll be free to  
 10 answer.  
 11 MR. ANNESSER: Okay.  
 12 And -- and, again, I'll repeat my question,  
 13 are you moving for a protective order, sir?  
 14 MR. KOH: I am at this moment not moving for  
 15 a protective order. I'm sitting in a deposition.  
 16 MR. ANNESSER: Okay. That's -- that's fine.  
 17 That -- that's fine. If you're not seeking a  
 18 protective order and you're instructing the witness  
 19 not to answer, I will move on.  
 20 MR. KOH: Yeah. Well, if we need to do so,  
 21 then obviously I can only do -- be in one place at one  
 22 time, and we would have to do it after you break.  
 23 MR. ANNESSER: Okay.  
 24 Madam Court Reporter, if you could hand  
 25 Exhibit 6 to the witness.

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1 Q. (By Mr. Annesser) Sir, have you seen this  
 2 document before?  
 3 THE REPORTER: Stand by.  
 4 MR. BELL: Isn't that the one -- is this the  
 5 one -- we're talking about the same thing?  
 6 MR. KOH: Oh. I don't know. Let me take a  
 7 look.  
 8 (Marked Deposition Exhibit No. 6.)  
 9 MR. KOH: Yeah.  
 10 It's the same document that was in folder  
 11 46. I'll instruct the witness not to answer.  
 12 Q. (By Mr. Annesser) Sir, do you understand  
 13 that your attorney has instructed you not to answer?  
 14 Notwithstanding, the choice is yours. Are you  
 15 choosing to follow your attorney's instruction?  
 16 A. I am following my attorney's instruction.  
 17 Q. Okay. Fair enough.  
 18 Sir, you had had conversations, had you not,  
 19 with Dr. Rossi regarding the E-Cat technology prior to  
 20 your contact with Industrial Heat? Is that correct?  
 21 A. That is true.  
 22 Q. Okay.  
 23 And did you convey that to Industrial Heat  
 24 when you first had contact with them?  
 25 A. I did.

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1 Q. And what is it that you told Industrial Heat  
 2 regarding your prior relationship or prior knowledge  
 3 of Dr. Rossi?  
 4 A. Simply that we had talked previously, that  
 5 we had met previously, and that we had reviewed the  
 6 publicly-available data.  
 7 Q. Okay.  
 8 Did you ever inform them of continued  
 9 conversations between you and Dr. Rossi?  
 10 A. I did.  
 11 MR. KOH: Object to the form.  
 12 THE WITNESS: Oh.  
 13 MR. KOH: Go ahead.  
 14 Q. (By Mr. Annesser) Sir, you can answer.  
 15 A. Yes, I did.  
 16 Q. And -- and what did you tell them about your  
 17 continued conversations?  
 18 A. Simply generalities.  
 19 Q. Okay.  
 20 Now, you had testified, sir, that --  
 21 Mr. Bell I believe asked you whether you'd ever spoken  
 22 with Dr. Rossi and I believe regarding the testing  
 23 that you were doing for Industrial Heat, and I believe  
 24 your testimony was that you had not. Is that correct?  
 25 A. I'm sorry. Re -- repeat the question?

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1 Q. That -- yes.  
 2 I believe you had testified, and please  
 3 correct me if I'm wrong, that you had not discussed  
 4 any of the testing that Boeing was doing with respect  
 5 to Industrial Heat with Dr. Rossi.  
 6 MR. BELL: Objection to form.  
 7 A. To -- that is true.  
 8 Q. (By Mr. Annesser) And I -- and I believe you  
 9 were asked why you had not spoken with Dr. Rossi. Or  
 10 perhaps I'm -- I'm mistaken. Why is it that you did  
 11 not speak with Dr. Rossi regarding that testing?  
 12 A. Because Industrial Heat did not want  
 13 Dr. Rossi distracted from his other projects.  
 14 Q. Do you know why that would be?  
 15 MR. KOH: Objection; calls for speculation.  
 16 A. Yeah. I agree. I --  
 17 Q. (By Mr. Annesser) You can --  
 18 A. I --  
 19 Q. -- answer if you know.  
 20 A. I -- I honestly don't know.  
 21 Q. Now, did you ever -- or -- I'm sorry. Did  
 22 you have communications with Dr. Rossi regarding his  
 23 desire to obtain a jet engine to use for testing?  
 24 A. I did.  
 25 Q. And during those conversations did you ever

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1 tell Dr. Rossi that you were working with Industrial  
 2 Heat?  
 3 A. I did not.  
 4 Q. Why did you not even tell him that you were  
 5 working with Industrial Heat?  
 6 MR. KOH: I'm going to object to this as  
 7 outside the scope of the topic, unless you can explain  
 8 to us how this relates to tests, experiments, or  
 9 studies performed by Boeing related to the E-Cat  
 10 technology.  
 11 MR. ANNESSER: Well, they -- I want to know  
 12 what was told to who and when about these tests.  
 13 MR. KOH: Well -- oh, about the tests.  
 14 MR. ANNESSER: Well, no. I'm -- I'm asking  
 15 if Dr. Rossi -- or why Dr. Rossi would not have even  
 16 been told that they were working together, and if his  
 17 testimony is that he was told, then -- then I'd like  
 18 to know that. If not, I'd like to know why.  
 19 MR. KOH: I'll permit this question.  
 20 THE WITNESS: Okay.  
 21 A. So the answer to that is I did not tell  
 22 Dr. Rossi at the request of Industrial Heat, very  
 23 straightforward, and I -- and the -- Industrial Heat's  
 24 exact reasons I don't know. I was requested not to,  
 25 and so I didn't.

1 MR. BELL: Oh, sure. Thank you.  
 2 MR. ANNESSER: While you review it, Bernie,  
 3 just for the record, this is -- this document is Bates  
 4 stamped number IH-00092149.  
 5 MR. BELL: Thank you.  
 6 MR. KOH: Go ahead and take a look at it.  
 7 Review it.  
 8 A. Okay. Yes. I -- I see what this is. All  
 9 right.  
 10 Q. (By Mr. Annesser) Okay.  
 11 Have you seen this email chain before, sir?  
 12 A. So apparently, and I didn't recall having  
 13 sent this specifically to J.T., but it is obviously  
 14 a -- a note that I forwarded to J.T. regarding testing  
 15 a jet engine. So yes.  
 16 Q. Okay.  
 17 Now, is it your recollection, sir, that  
 18 Dr. Rossi had desired to test the combustion in a jet  
 19 engine?  
 20 A. Right. Yes. Andrea was interested in  
 21 testing a jet engine version of his E-Cat technology.  
 22 Q. Okay.  
 23 I'm looking, sir, to the -- the second email  
 24 on the page, which is actually a -- probably the  
 25 second paragraph. It appears to be from you on

1 Q. (By Mr. Annesser) Did you ever forward on  
 2 any of your communication with Dr. Rossi to Industrial  
 3 Heat during that time period?  
 4 A. I informed them of -- that the -- that we  
 5 were talking and then that -- and the general subject,  
 6 and I don't know if I actually forwarded anything or  
 7 not. I -- I can't -- don't recall. Conceivably.  
 8 Q. Okay.  
 9 MR. ANNESSER: Madam Court Reporter, if I  
 10 can ask you to hand the witness -- well, mark it as  
 11 Exhibit No. 7 and hand the witness the document  
 12 contained in folder number 49.  
 13 (Marked Deposition Exhibit No. 7.)  
 14 THE REPORTER: It's marked.  
 15 MR. ANNESSER: Thank you.  
 16 MR. KOH: So, for the record, I'm -- the  
 17 witness has in front of him Exhibit 7. I have a copy.  
 18 And there's only one extra copy, so Bernie does not  
 19 have one, but it's Bates --  
 20 MR. ANNESSER: Bernie --  
 21 MR. KOH: -- number --  
 22 MR. ANNESSER: -- do you need a --  
 23 MR. KOH: I --  
 24 MR. ANNESSER: Bernie, do you need a moment  
 25 to review it?

1 March 13th, 2014, and it says, "JT, FYI. As we  
 2 discussed, my preliminary investigation into this  
 3 indicates it would be very challenging for Boeing to  
 4 send Andrea a turbine and even more difficult to deal  
 5 with it once he got one."  
 6 What did you mean by that?  
 7 A. That turbine technology is very complicated,  
 8 and so putting -- changing the combustion chamber of  
 9 a -- a turbine engine is -- would be incredibly  
 10 difficult to do, so I basically could not conceive of  
 11 how you could do this.  
 12 Q. Okay.  
 13 Now, you -- you state -- you follow up with  
 14 that stating, "I will investigate further..." and get  
 15 back to him within the next week.  
 16 What did you tell Dr. Rossi when you got  
 17 back to him?  
 18 A. Well, if my memory serves me correctly, and  
 19 you probably have some exact answer, but if my memory  
 20 serves me correctly, I, you know, told him that this  
 21 would be difficult.  
 22 Q. Okay.  
 23 Did you wind up doing any type of testing or  
 24 did Dr. Rossi propose any other type of testing of his  
 25 device with The Boeing Company?

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1 MR. KOH: I'm going to object to the form.  
 2 You're excluding the testing that's been  
 3 discussed?  
 4 MR. ANNESSER: I'm sorry?  
 5 MR. KOH: Are you excluding the testing that  
 6 was already discussed this morning?  
 7 MR. ANNESSER: Well, what -- and  
 8 specifically, sir, I'm asking whether he discussed any  
 9 other testing with Dr. Rossi --  
 10 MR. KOH: Got it.  
 11 MR. ANNESSER: -- of Dr. Rossi's devices.  
 12 A. So I -- I guess I'm -- I'm still lost.  
 13 So -- so I have discussed -- we discussed with  
 14 Dr. Rossi his -- the publicly-available testing  
 15 information. And the -- with reference to the -- this  
 16 turbine engine idea, we never tested anything there.  
 17 And we also never tested any devices -- any of Rossi's  
 18 devices other than the one we discussed here, the  
 19 Super Q-Cat.  
 20 Q. (By Mr. Annesser) Okay.  
 21 A. So I --  
 22 Q. But that wasn't -- that wasn't tested with  
 23 Dr. Rossi's knowledge, correct?  
 24 MR. KOH: Objection; calls for speculation.  
 25 Q. (By Mr. Annesser) Okay.

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1 [AA] Sir, you -- you didn't make Dr. Rossi aware  
 2 of the test of the Super Q-Cat, did you?  
 3 A. True. I did not make him aware of the test  
 4 of the Super Q-Cat.  
 5 Q. Are you aware -- are you aware of anyone who  
 6 did make Dr. Rossi aware of that test?  
 7 A. Not specifically, no.  
 8 Q. Okay.  
 9 Now, you said you discussed with Dr. Rossi  
 10 the public test information. Do you recall  
 11 specifically what you discussed?  
 12 A. So we would have discussed, you know, there  
 13 was a number of -- of tests over the years, starting  
 14 with testing in Italy and -- et cetera. So I -- you  
 15 know, I guess I don't have a specific laundry list for  
 16 you, but there's probably at least three or four  
 17 publicly-available reports.  
 18 Q. Okay.  
 19 Now, when -- when you first be -- came into  
 20 contact with Industrial Heat and you began -- you  
 21 began discussing the E-Cat technology, what did you  
 22 understand the original assignment to be?  
 23 A. To test very specifically a -- the Super  
 24 Q-Cat to find out if -- you know, if it were -- was  
 25 generating excess heat, and if so, how much.

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1 Q. And that was the -- the scope of the test,  
 2 the -- that was it? Or was there something additional  
 3 that you were asked to do?  
 4 MR. BELL: Objection to form.  
 5 A. That was the scope of the test. No -- no --  
 6 nothing else.  
 7 Q. (By Mr. Annesser) Now, I think you had  
 8 testified before that there was a test that was  
 9 performed on or around November 20th, 2014?  
 10 Actually -- and let me just clarify. I believe you  
 11 testified that there was a test of a dummy E-Cat on  
 12 November 19th and the test of the Super Q-Cat on  
 13 November 20th; is that correct?  
 14 A. That's correct.  
 15 Q. Okay.  
 16 Other than November 20th, did Boeing Company  
 17 ever test a fueled reactor, a fueled E-Cat reactor?  
 18 A. No.  
 19 Q. So that was the sole and only test.  
 20 A. Correct.  
 21 Q. Okay.  
 22 Now, the Super Q-Cat that was tested, do you  
 23 know who constructed it?  
 24 A. Well, that would require some speculation on  
 25 my part, but I was told that it was constructed by

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1 Industrial Heat with the cooperation of Andrea Rossi.  
 2 Q. So you believe Dr. Rossi assisted them in  
 3 constructing that device?  
 4 A. That was my understanding, yes.  
 5 Q. Now, to -- to carry out this test on  
 6 November 19th and 20th -- again, the test of the dummy  
 7 reactor and the test of the Super Q-Cat -- I believe  
 8 you testified that you had constructed the dummy  
 9 reactor yourself.  
 10 A. That's true.  
 11 Q. Is that correct?  
 12 A. That's true.  
 13 Yes, that's --  
 14 Q. How --  
 15 A. -- correct.  
 16 Q. -- did you know how to build the dummy  
 17 reactor?  
 18 A. So Industrial Heat gave us instructions on  
 19 building a dummy reactor.  
 20 Q. In -- in what form, sir?  
 21 A. Written instructions and verbal  
 22 conversations.  
 23 Q. Okay.  
 24 The written instructions, do you know who  
 25 prepared those?

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1 A. I'm speculating here, but my -- most of my  
 2 conversations about, you know, details of construction  
 3 were with T. Barker Dameron, so I'm going to say the  
 4 preponderance of the information would have come from  
 5 T. Barker Dameron.  
 6 Q. Okay.  
 7 So those weren't provided by Dr. Rossi  
 8 himself.  
 9 A. That's true.  
 10 Q. Did -- were you ever provided a copy of  
 11 Dr. Rossi's patent or any of his patent applications?  
 12 A. I'm -- I may have seen them over the course  
 13 of a number of years in this, but I -- I don't  
 14 require -- recall being provided a copy, no.  
 15 Q. What -- what are these -- the -- the E-Cats  
 16 that were constructed by Boeing, what are they  
 17 constructed out of, what material?  
 18 A. So I guess I wouldn't call them E-Cats. I  
 19 would call them a dummy reactor.  
 20 Q. Okay.  
 21 A. And their construction is an alumina tube, a  
 22 hollow alumina tube wrapped in -- with a resistance  
 23 heating wire and then that entire assembly cast in  
 24 ceramic shell.  
 25 Q. Now, how confident are you that the

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1 construction of the reactor, the dummy reactor that  
 2 was done by Boeing, how confident are you that it was  
 3 identical to the Q-Cat reactor? Or Super Q-Cat.  
 4 Sorry.  
 5 A. Well, I -- since we did not disassemble the  
 6 Super Q-Cat, I cannot know exactly its construction,  
 7 but we followed Industrial Heat's instructions on  
 8 creating our dummy heater pretty accurately, and so  
 9 that was done, you know, with quite a lot of care.  
 10 And in terms of what we could see, so you  
 11 can visually see that the core of the Super Q-Cat is  
 12 also an alumina -- hollow alumina tube, so that is  
 13 easily verified even without disassembling it.  
 14 And very clearly resistance wires are  
 15 leading into the shell outside of the alumina tube, so  
 16 that's relatively easily verified. The exact details  
 17 of the resistance wires may be somewhat different on  
 18 the inside.  
 19 And then the fact that there was an outer  
 20 ceramic shell is also easily verified.  
 21 So I would say is -- are they -- was our  
 22 dummy identical, it's impossible to know, but it is  
 23 substantially similar certainly.  
 24 Q. Do you know or would you have any way of  
 25 knowing whether when the reactor that was provided to

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1 you, the Super Q-Cat, when it was constructed, whether  
 2 they followed the same construction procedures that  
 3 they provided to The Boeing Company?  
 4 A. As far as I know, we were following the same  
 5 construction procedures as they had used to create the  
 6 original Super Q-Cat.  
 7 Q. Now, were you present when they created the  
 8 original Super Q-Cat?  
 9 A. No, I was not.  
 10 Q. Okay.  
 11 So you don't know whether Industrial Heat  
 12 followed those procedures --  
 13 A. That's --  
 14 Q. -- correct?  
 15 A. That's true. I was -- I was told that they  
 16 did, but that doesn't make that true.  
 17 Q. Okay.  
 18 Did Industrial Heat ever provide you any of  
 19 their internal test data from their testing?  
 20 A. Not in any sort of written form, no, I  
 21 don't -- I don't believe so.  
 22 Q. I -- I'm sorry. I didn't hear your answer.  
 23 Not in what?  
 24 A. Not in any sort of written form, no, I -- I  
 25 don't believe they did, no.

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1 Q. Okay.  
 2 Did they ever tell you that they achieved a  
 3 positive COP? And -- and before I ask that -- I'm  
 4 sorry --  
 5 MR. ANNESSER: I'll strike that question.  
 6 Q. (By Mr. Annesser) -- do you know what a COP  
 7 is?  
 8 A. I do. Coefficient of performance. I'm  
 9 assuming that's what you mean.  
 10 Q. Yes.  
 11 And -- and what is a coefficient of  
 12 performance?  
 13 A. So a COP, or coefficient of performance, of  
 14 one would mean that the energy out of the object  
 15 equaled the energy into the object. A COP of two  
 16 would mean that the energy coming out of the object  
 17 was twice as much as the incoming energy.  
 18 Q. Okay.  
 19 Is that -- is that appropriate terminology  
 20 for the type of testing that you were doing, COP?  
 21 A. Yes.  
 22 Q. Okay.  
 23 Now, did -- did Industrial Heat ever tell  
 24 you or inform you in any manner that they had achieved  
 25 a positive COP or at least that they believed that

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1 they had?  
 2 A. So, actually, I don't believe that they ever  
 3 did, no. I think that they in our conversations  
 4 always prefaced any discussion of COP as being that  
 5 certain test data may indicate a -- various COPs, but  
 6 they themselves did not know whether the devices  
 7 worked or did not work.  
 8 Q. Okay.  
 9 So let me ask it this way. Did they ever  
 10 tell you that they had data that indicated that there  
 11 may be a positive COP?  
 12 A. Well, I guess I would have to say I don't  
 13 think they did. I mean, when topics of that would  
 14 come up they would pretty generally point to other  
 15 independent test data; you know, the existing  
 16 published test data.  
 17 And when we would ask them, well, you know,  
 18 have you guys validated the independent test data  
 19 and -- and do you have your own data effectively that  
 20 says that there is a positive COP, and I -- I -- if  
 21 I -- my memory is correct, they always said no, they  
 22 had no independent data of their own.  
 23 Q. Okay.  
 24 Now, sir, among the -- the information that  
 25 was provided to Boeing, was Boeing provided a copy of

1 if I'm not mistaken -- a document in folder 16, but  
 2 first please hand it to Mr. Bell so that he can review  
 3 it.  
 4 THE REPORTER: Stand by.  
 5 (Marked Deposition Exhibit No. 8.)  
 6 MR. BELL: Thank you.  
 7 John, have these documents been provided to  
 8 Industrial Heat?  
 9 MR. ANNESSER: I believe they have. They've  
 10 got the Bates stamp number BOE 000341.  
 11 MR. BELL: Right, which indicates that they  
 12 were produced by Boeing I think, my interpretation of  
 13 that.  
 14 MR. ANNESSER: I -- I can verify -- I  
 15 believe they -- they have been, but I can check into  
 16 that. I don't have that in front of me at the moment.  
 17 MR. BELL: Okay.  
 18 MR. KOH: Okay. The witness has Exhibit 8.  
 19 MR. ANNESSER: Okay.  
 20 Q. (By Mr. Annesser) Sir, looking at this  
 21 email, it appears it was an email sent to you on  
 22 November 22nd, 2013, by J.T. Vaughn? Do you recall  
 23 receiving this email?  
 24 A. You know, I don't recall this specific email  
 25 but, you know, we would have discussions with the

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1 the license agreement between Dr. Rossi and Industrial  
 2 Heat?  
 3 A. You know, I don't know. Conceivably. You  
 4 know, contractual obligations is not my area.  
 5 Q. Okay.  
 6 So you don't know if you saw one or not?  
 7 A. Correct.  
 8 Q. Okay.  
 9 Now -- and -- and remind me, sir, when did  
 10 you first begin talking with Industrial Heat regarding  
 11 doing any type of testing?  
 12 A. You know, I don't recall an exact date, but  
 13 probably something in the neighborhood of at least six  
 14 months prior to these tests.  
 15 Q. Okay.  
 16 Now, when -- when you were preparing to do  
 17 these tests did you develop a test plan or test  
 18 protocol?  
 19 A. We did.  
 20 Q. And did you share that test plan or test  
 21 protocol with Industrial Heat?  
 22 A. We did.  
 23 Q. Okay.  
 24 MR. ANNESSER: Madam Court Reporter, if we  
 25 can mark as next numbered exhibit -- I believe it's 8,

1 Industrial Heat people about, you know, both the  
 2 publicly-available testing as well as our own testing,  
 3 so that's not -- doesn't strike me as odd.  
 4 Q. Okay.  
 5 My -- my question's going to be a general  
 6 one. Have you read this email that you have in front  
 7 of you now?  
 8 A. Yep. It's a very short email fortunately,  
 9 so yes. No -- no problem.  
 10 What -- what -- what are you -- is your --  
 11 Q. Okay.  
 12 A. -- question?  
 13 Q. The -- the second paragraph, it states,  
 14 "If your experts want to provide any further input/  
 15 critiques and the camera settings, set-up,  
 16 measurements data collection or COP calculations,  
 17 based on the test performed by the Swedish and Italian  
 18 committee, I welcome their input or observations via  
 19 email."  
 20 Had Boeing provided any input or critiques  
 21 as to the testing protocol used in the test performed  
 22 by the Swedish or Italian committee?  
 23 A. You know, I don't know that we did anything  
 24 sort of formal there. We may have mentioned in  
 25 discussions with Industrial Heat what we considered to

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1 be, you know, issues, but I don't know that we  
 2 provided, as I say, some kind of formal document. I  
 3 mean -- so yeah. I -- I'm --  
 4 Q. Well, is --  
 5 A. That's about all I've got on --  
 6 Q. Okay.  
 7 A. -- that one.  
 8 Q. Is this --  
 9 I'm sorry.  
 10 Is --  
 11 A. Yeah.  
 12 Q. -- this email indicative of the types of  
 13 conversations that you had with Industrial Heat?  
 14 MR. BELL: Objection to form.  
 15 MR. KOH: Same.  
 16 A. Well, I guess I would say we discussed in  
 17 general -- again, just like I already said -- both the  
 18 existing data from the open source testing as well as  
 19 our own planned test, so -- so -- I mean, that -- that  
 20 can be pretty broad actually.  
 21 Q. (By Mr. Annesser) Okay.  
 22 Okay. But specifically, sir, did Boeing  
 23 discuss with Industrial Heat the propriety of camera  
 24 settings, COP, data collection, et cetera, being used  
 25 to test the E-Cat device?

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1 MR. BELL: Objection to form.  
 2 A. So, quite honestly, the -- relative to our  
 3 own testing, so -- so in -- in our own case the  
 4 emissivity setting the camera is effectively  
 5 irrelevant, so I don't know that we had a, you know,  
 6 particular, you know -- so did we have concerns about  
 7 the emissivity settings on the Lugano cameras, no.  
 8 Did we have concerns about their reliance on only  
 9 infrared data, and the answer is yes.  
 10 Q. (By Mr. Annesser) Okay.  
 11 MR. ANNESSER: Okay. Madam Court Reporter,  
 12 if I can please ask you to mark as Exhibit 9 the  
 13 document in folder 53.  
 14 (Marked Deposition Exhibit No. 9.)  
 15 MR. KOH: The witness has Exhibit 9 in front  
 16 of him.  
 17 It's a long document, so take a moment to  
 18 look at it.  
 19 MR. ANNESSER: Yes.  
 20 Q. (By Mr. Annesser) Sir, just tell me when  
 21 you've had a chance to look at it and are ready. And  
 22 just so you know, my questions about this will be  
 23 very -- very broad, not directed to any particular  
 24 portion I believe.  
 25 A. Okay. Yep, I -- I -- sure. Fairly generic.

R, H, IMP  
(INCLUDING  
EXHIBIT 9)

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1 So great. Go -- go for it.  
 2 Q. Okay.  
 3 Sir, do you know who prepared this document?  
 4 A. I do not.  
 5 Q. Okay.  
 6 Do you know if that was prepared by Boeing  
 7 or Industrial Heat?  
 8 A. It was not prepared by Boeing I don't  
 9 believe, so -- I mean, this looks like it's a test  
 10 plan for the Lugano test. So I'm going to say -- it  
 11 was definitely not prepared by Boeing, so I -- I  
 12 don't -- have no idea who prepared this. It wasn't  
 13 me.  
 14 Q. Okay.  
 15 MR. ANNESSER: Madam -- Madam Court  
 16 Reporter, can I ask you to please label as Exhibit 10  
 17 and hand the witness the document in folder 52.  
 18 (Marked Deposition Exhibit No. 10.)  
 19 MR. KOH: The witness has Exhibit 10 in  
 20 front of him.  
 21 MR. ANNESSER: Okay.  
 22 For the record, Exhibit 10 is a document  
 23 Bates stamped number IH-00093731.  
 24 Q. (By Mr. Annesser) Sir -- and I'm going to  
 25 ask you to take a moment to read this document, and

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1 let me know when you're ready.  
 2 A. Okay.  
 3 So it looks like it's the email forwarding  
 4 me the -- either this document or some similar  
 5 document.  
 6 Q. Sir, the document that I'm looking at with  
 7 Bates number 00093731 appears to be an email from  
 8 yourself to J.T. Vaughn --  
 9 A. Oh, okay.  
 10 Q. -- in which it says, "JT, Attached you will  
 11 find the preliminary test outline that I put together  
 12 for your upcoming test. I hope it proves useful."  
 13 A. Okay. And which is --  
 14 Q. I'm looking at Exhibit --  
 15 A. Which is --  
 16 Q. Sorry.  
 17 A. Well -- okay. So -- so --  
 18 MR. KOH: Just wait for a question.  
 19 THE WITNESS: Okay.  
 20 A. Shoot. Fire away.  
 21 Q. (By Mr. Annesser) Okay.  
 22 Looking at Exhibit 9, which bears the Bates  
 23 stamp number IH-00093732, which I will represent to  
 24 you is the attachment that was attached to this email,  
 25 does this refresh your recollection as to who prepared

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AS TO  
EXHIBIT  
H, R, IMP

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1 the test plan?  
 2 MR. KOH: And let me just say, obviously,  
 3 Mr. Childress, he's making a representation to you.  
 4 We don't know whether it's, in fact, the attachment to  
 5 that email or not.  
 6 A. So I have no idea.  
 7 So this look to me like it's a test plan for  
 8 the Lugano test, which I did not participate in.  
 9 Q. (By Mr. Bell) Where -- where -- where, sir,  
 10 do you see Lugano?  
 11 A. I'm -- I'm sorry? Repeat the question?  
 12 Q. Okay.  
 13 Sir, the -- the title of the email,  
 14 Exhibit 10, is "Preliminary test outline."  
 15 A. Okay.  
 16 Q. Okay?  
 17 A. Right.  
 18 Q. And it's got -- it's got an attachment to  
 19 this email, and this email was sent December 5th,  
 20 2013, from you to Mr. Vaughn.  
 21 A. Okay. Actually, you know what? Now -- now  
 22 that I -- now that I see that train, I see exactly  
 23 what this is.  
 24 So this was a test plan that J.T. would have  
 25 sent me and then I commented on. So actually -- so I

R, IMP

1 plan that you were simply commenting on.  
 2 MR. KOH: Let me just object; argumentative  
 3 and also incomplete. The very next line says, "The  
 4 various suggestions (in red) are mine." And I'll just  
 5 note for the record that Exhibit 11 -- or -- sorry --  
 6 9 was produced in black and white, so we don't -- we  
 7 don't actually see what may or not have been in red.  
 8 And, again, we're also relying --  
 9 MR. ANNESSER: That's how --  
 10 MR. KOH: We're also relying on the --  
 11 MR. ANNESSER: That's how we received it.  
 12 MR. KOH: Understood.  
 13 We're also relying on the -- on the  
 14 representation that, in fact, Exhibit 9 was the  
 15 attachment to Exhibit 10.  
 16 A. So --  
 17 MR. ANNESSER: All right.  
 18 A. So I guess --  
 19 Q. (By Mr. Annesser) Sir, here is --  
 20 MR. KOH: Just wait.  
 21 MR. ANNESSER: Sorry?  
 22 MR. KOH: Just wait.  
 23 Go ahead, John.  
 24 Q. (By Mr. Annesser) Sir, irrespective of who  
 25 prepared this test outline that you have -- your

R, IMP

1 didn't generate this test plan. I commented on it.  
 2 So actually, if you see -- so let's look at page  
 3 three.  
 4 So my guess is that if we had the original  
 5 of this document, that in Section 3.0, "Test  
 6 Instrumentation," that the three bullets underneath  
 7 the -- the, "3.0," those would have been my feedback,  
 8 my suggestions. Suggestion: Microwave counter meter.  
 9 You know, suggestion: Handheld gamma. Suggestion:  
 10 Wide angle overview digital camera.  
 11 So these are --  
 12 Q. Well, sir, you --  
 13 A. -- these are simply --  
 14 Q. In Exhibit --  
 15 A. -- my suggestions.  
 16 Q. Okay.  
 17 In -- in Exhibit 10 -- and -- and I  
 18 apologize. I -- I don't mean to counter you on this  
 19 point, but I do stand a little confused. On  
 20 Exhibit 10 you state, "My intention is for this to  
 21 simply be a starting point so you have a format,  
 22 et cetera. I want this to be your test plan, not  
 23 mine, so please change it however you wish, so it  
 24 represents what you will really do."  
 25 That, sir, doesn't sound to me like a test

R, IMP

1 testimony is that you provided comment on and assisted  
 2 with, is it fair to state that you sent this test  
 3 outline with comments to J.T. Vaughn on or about  
 4 December 5th, 2013?  
 5 A. So based on this email, I would say the  
 6 answer to that is -- is yes. And that sounds  
 7 consistent with what, you know, we helped him with.  
 8 Q. Okay.  
 9 Well -- so what -- what was the purpose of  
 10 sending him whether it be this draft of the outline  
 11 or -- or your comments on this outline?  
 12 A. Well, to help them conduct a test that, you  
 13 know, was meaningful.  
 14 Q. Okay.  
 15 To give them parameters for a meaningful  
 16 test.  
 17 A. Correct.  
 18 Q. Okay.  
 19 Do you know if they ever employed this test  
 20 outline that had been either proposed or at least  
 21 amended by you?  
 22 A. So this looks like it, you know, was based  
 23 upon the Lugano testing, and I honestly don't know  
 24 what other details they may or may not have tested.  
 25 So if it wasn't publicly available, then I am not

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1 aware of it.  
 2 Q. Okay.  
 3 Now, kind of moving on ahead here, sir, how  
 4 many tests total were conducted by Boeing on the E-Cat  
 5 technology?  
 6 A. Are you talking about actually fueled test  
 7 articles?  
 8 Q. Well, no. I'm asking in -- in total, fueled  
 9 or unfueled.  
 10 A. So -- let's summarize them. So we tested a  
 11 dummy unit. Then the following day we tested a -- the  
 12 Super Q-Cat. And then --  
 13 Q. Okay.  
 14 And just for the record, sir, that -- that  
 15 was November 19th and November 20th?  
 16 A. Correct.  
 17 Q. Okay. Sorry about that.  
 18 A. And then some weeks later, so according to  
 19 these documents, on December 17th of 2014, we then  
 20 also tested the -- two additional dummy reactors, one  
 21 of which would have been sent to Industrial Heat for  
 22 them eventually to fuel, but we never -- so that would  
 23 have been the last test.  
 24 So effectively, so including dummy reactors,  
 25 we tested -- we had a test on the 19th. That's the

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1 dummy reactor. We had a test on the 20th. That was  
 2 the Super Q-Cat. Then we had a test on December 17th,  
 3 which would have been the Q-1/Q-2, also dummy  
 4 reactors.  
 5 And that would have been the end of it. No  
 6 further testing. At least not that --  
 7 Q. Okay.  
 8 A. -- I recall in any case.  
 9 Q. I'm sorry.  
 10 So the -- the only fueled test, just to --  
 11 to recap again, was the Super Q-Cat tested on the  
 12 20th, correct?  
 13 A. Correct.  
 14 Q. Okay.  
 15 And -- and so would you have expected to see  
 16 a -- see excess heat out of any of the dummy reactors?  
 17 A. No.  
 18 Q. Okay.  
 19 You -- the only one that you expected could  
 20 produce excess heat potentially was the Super Q-Cat.  
 21 A. Correct.  
 22 Q. Okay.  
 23 Did you ever make a determination as to why  
 24 the Super Q-Cat did not -- well, why the testing did  
 25 not result in the production of excess heat?

AA

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1 A. No.  
 2 Q. Did anyone ever offer you an explanation, to  
 3 your recollection?  
 4 A. No.  
 5 Q. Okay.  
 6 I'm -- I'm going to ask you to pick up  
 7 Exhibit 2, which was marked by Mr. Bell, which is the  
 8 email sent from you to Mr. Darden, Mr. Vaughn, and  
 9 Mr. Dameron.  
 10 A. Okay.  
 11 Q. Got it?  
 12 A. I do.  
 13 Q. Okay.  
 14 This email was sent by you on November 20th,  
 15 2014, to Tom Darden and J.T. Vaughn and T. Barker  
 16 Dameron?  
 17 A. Correct.  
 18 Q. And that was advising them that there had  
 19 been no excess heat in the Super Q-Cat test?  
 20 A. Correct.  
 21 MR. ANNESSER: Madam Court Reporter, I'm  
 22 going to ask you to mark as Exhibit 11 the document in  
 23 folder number 56. Please provide it to Mr. Bell first  
 24 so that he may review it.  
 25 (Marked Deposition Exhibit No. 11.)

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1 THE WITNESS: Thank you.  
 2 MR. KOH: The witness has Exhibit 11.  
 3 MR. ANNESSER: Thank you.  
 4 Q. (By Mr. Annesser) Sir, tell me when you've  
 5 had a moment to read it.  
 6 A. Okay. I have read it.  
 7 Q. Okay.  
 8 Does this refresh your recollection as to  
 9 any explanation that had been provided as to why the  
 10 E-Cat may not have worked?  
 11 A. Yes. It is indicating that they may have  
 12 had a slight difference in the fuel.  
 13 Q. In fact, I believe in this email dated  
 14 November 21st, 2014, from Mr. Darden to yourself,  
 15 Mr. Vaughn, and Mr. Dameron, Mr. Darden states, "I was  
 16 hopeful, but also worried due to the change I made to  
 17 the fuel based on the material supply issue."  
 18 Was it your understanding, sir, that the  
 19 fuel was not the same as Dr. Rossi's fuel, based on  
 20 that comment?  
 21 A. So I -- yeah. So apparently, based on that  
 22 comment, I would say that, yes, that is not  
 23 necessarily exactly the same. So yeah. I -- I -- I  
 24 take the face -- comment at face value.  
 25 Q. Okay.

AA

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1 [REDACTED] Now, did Industrial Heat ever make  
 2 arrangements to send back another unit properly  
 3 fueled?  
 4 MR. BELL: Objection to form.  
 5 A. They never sent us another unit, no.  
 6 Q. (By Mr. Annesser) Okay.  
 7 And let me ask that in a different way just  
 8 based on the objection.  
 9 Did Industrial Heat ever offer to either  
 10 send fuel that had not been changed by Mr. Darden for  
 11 the E-Cat?  
 12 MR. BELL: Objection to --  
 13 A. No.  
 14 MR. BELL: -- form.  
 15 MR. ANNESSER: Sir, I'm hoping that a  
 16 document has been delivered to the court reporter that  
 17 was sent over this afternoon.  
 18 Madam Court Reporter, did you receive an  
 19 additional document?  
 20 THE REPORTER: Yes.  
 21 MR. ANNESSER: Okay.  
 22 If we can please label that as Exhibit  
 23 No. 12.  
 24 MR. BELL: Steve, may I look at 11? Thank  
 25 you.

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1 (Marked Deposition Exhibit No. 12.)  
 2 MR. KOH: Looks like there's an extra one.  
 3 The witness has Exhibit 12.  
 4 MR. ANNESSER: Okay. For the record, this  
 5 exhibit is IH-00105542.  
 6 Q. (By Mr. Bell) Sir, if you can take a look at  
 7 this email and tell me once you've had a moment to  
 8 read it.  
 9 A. Yep. Got it.  
 10 Q. Okay.  
 11 Do you recognize this email dated  
 12 November 21st, 2014, at 11:04 a.m. from yourself to  
 13 Mr. Darden, Mr. Vaughn, and Mr. Dameron?  
 14 A. Yeah. I -- I mean, I -- I don't recall it  
 15 specifically, but it clearly is an email from myself,  
 16 yes.  
 17 Q. Okay.  
 18 And in that email you state, "Tom, We need  
 19 to close the loop on this quickly. The funding for  
 20 this effort expires on Monday December 15th. Which  
 21 means we need to show a positive result by Friday  
 22 December 12th at the very latest. Which is exactly 3  
 23 weeks from today.  
 24 What we need to make that happen is a unit  
 25 that meets the following criteria:

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1 1) The unit has" been -- "has the correct  
 2 fuel in it.  
 3 2) A preliminary test is conducted on the  
 4 unit at your shop, confirming that it works.  
 5 3) Ceramic or steel unit is unimportant.  
 6 What is the earliest date that we could get  
 7 a unit that ...meets that criteria? Sooner is better.  
 8 Let me know what we can do to help you move  
 9 quickly."  
 10 Did you send that email, sir?  
 11 A. Apparently I did.  
 12 Q. Okay.  
 13 Was funding expiring on Monday, December 15?  
 14 A. Yes. That would be --  
 15 Q. Did fund --  
 16 A. -- essentially Boeing's internal funding  
 17 that would allow us to conduct these tests.  
 18 Q. Okay.  
 19 And notwithstanding your email, did  
 20 Mr. Darden, Mr. Vaughn, or Mr. Dameron ever send you a  
 21 unit that met those three criteria?  
 22 A. They did not.  
 23 Q. Do you know why?  
 24 A. I -- I -- I don't know.  
 25 Q. Okay.

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1 Once funding runs out, does that mean you  
 2 can no longer work on the project?  
 3 A. Well, it means that there's no explicit  
 4 budget to work on the project, so that doesn't prevent  
 5 me from let's say doing emailing or things on my own  
 6 time, but there effectively is no money to purchase  
 7 anything, no money to get any help from some  
 8 additional person. So effectively in my job I'm  
 9 allowed to do things in my own time, et cetera, as  
 10 long as I don't incur some additional expense.  
 11 So in this particular case, conducting a --  
 12 you know, these tests take many hours and utilize  
 13 Boeing equipment, so I would have needed Boeing  
 14 funding to conduct another test but not necessarily  
 15 just to have conversations with them or do, you know,  
 16 some other small activity.  
 17 Q. Would you agree, sir, that it would have  
 18 been prudent to contact Dr. Rossi regarding the E-Cat  
 19 technology to make a best effort to replicate the  
 20 positive results that others had seen?  
 21 MR. KOH: I'm going to object to the form.  
 22 It's also outside the scope of the deposition topic.  
 23 MR. ANNESSER: Okay. Let me -- let me  
 24 strike that question. I can ask it a different way.  
 25 Q. (By Mr. Annesser) Would it have been of

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1 assistance to you to be able to speak with Dr. Rossi  
 2 before performing your tests on the E-Cat technology?  
 3 A. You know, I honestly don't know what the  
 4 answer to that is. I mean, in this particular case we  
 5 were conducting a validation test for Industrial Heat,  
 6 and as part of that it needed to be a third-party  
 7 activity. So involvement with the -- you know, Rossi  
 8 may or may not have been helpful. So I -- I -- I  
 9 honestly don't know the answer to that.  
 10 Q. Well, you -- I -- I understand you  
 11 represented that it was a third-party activity, but  
 12 you certainly had contact with Industrial Heat; did  
 13 you not?  
 14 MR. BELL: Objection to form.  
 15 A. Yes, but we were conducting the test for  
 16 Industrial Heat.  
 17 Q. (By Mr. Annesser) Did you continue working  
 18 with Industrial Heat after December 15th, 2014?  
 19 A. Yes; I mean, in a very limited way. So,  
 20 again, since budget would have ended in -- on  
 21 December 15th, my ability to do things with them would  
 22 have been quite limited, but that -- so as -- part of  
 23 my job is to explore technologies, so I am allowed to,  
 24 again, do things as long as it doesn't require  
 25 substantial large blocks of time and/or expensive

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1 Boeing equipment.  
 2 Q. Okay.  
 3 Did you -- did you build any additional  
 4 E-Cat reactors for Industrial Heat?  
 5 A. I -- I did.  
 6 Q. Did that use Boeing funds?  
 7 A. Actually, no. Well, I mean, it -- it used  
 8 Boeing funds in the respect that the materials had  
 9 already been purchased before December 15th, but other  
 10 than that, no, it did not.  
 11 Q. Well, how do you construct one of these  
 12 reactors? How do you build them?  
 13 A. So you take one of the alumina tubes, wrap  
 14 resistance wire around the alumina tube, and then cast  
 15 it in the ceramic shell.  
 16 Q. Do you know if any of the reactors that you  
 17 constructed after December 15th, 2014, were ever  
 18 tested by Industrial Heat?  
 19 A. If there were, I was not in -- I was not  
 20 informed of it. At least not that I recall.  
 21 Q. Well, you sent them these reactors that you  
 22 built for them, correct?  
 23 A. That's true.  
 24 Q. Sir, were you ever told of a test being  
 25 performed by Dr. Rossi called the guaranteed

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1 performance test?  
 2 MR. BELL: Objection to form.  
 3 A. So I'm not familiar with that name, but I  
 4 was aware that Dr. Rossi was building a large test  
 5 unit somewhere in Florida.  
 6 Q. (By Mr. Annesser) What were you told about  
 7 that large unit?  
 8 MR. BELL: Objection to form.  
 9 A. Actually, very little other than what --  
 10 what was, you know, sort of in the public sphere.  
 11 Q. (By Mr. Annesser) Okay.  
 12 MR. ANNESSER: Before we get there I'd like  
 13 to mark as Exhibit No. -- I believe we're up to 13 --  
 14 the document contained in folder 60. That's 6-0.  
 15 (Marked Deposition Exhibit No. 13.)  
 16 MR. KOH: Thank you.  
 17 The witness has Exhibit 13.  
 18 A. Okay.  
 19 Q. (By Mr. Annesser) Sir, this document bears  
 20 the Bates number IH-00138640. It purports to be an  
 21 email dated July 15th, 2015, from T. Barker Dameron to  
 22 yourself.  
 23 Do you recall receiving this email, sir?  
 24 A. You know, I don't recall this very specific  
 25 one, but T. Barker and I had running conversation on

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1 their own attempts to come up with a test apparatus,  
 2 and I was helping them with that, so I'm assuming this  
 3 involves that.  
 4 Q. Okay.  
 5 Do you have any reason to believe you did  
 6 not receive this email?  
 7 A. No. I -- this is -- undoubtedly I received  
 8 it.  
 9 Q. Okay.  
 10 Looking at the last paragraph in this email  
 11 it says, "There was an interesting temperature swing  
 12 around noon on the second day. There was a floor fan  
 13 turned on at the other end of the test space for  
 14 several minutes. The fan was about 50 feet away.  
 15 I will be glad to discuss."  
 16 Did you ever discuss that with Mr. Dameron?  
 17 A. I honestly can't say for sure. I mean,  
 18 T. Barker and I would discuss things periodically, so  
 19 quite possibly.  
 20 Q. Now, this -- this email is approximately  
 21 seven months after Boeing's funding ran out. Yet you  
 22 seem to continue to have an interest in this  
 23 technology.  
 24 A. True.  
 25 Q. Is that fair to state?

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1 A. Yes. That -- that's true.  
 2 Q. Do you continue to have an interest in this  
 3 technology?  
 4 A. I do.  
 5 Q. Do you have an opinion one way or another  
 6 whether Dr. Rossi's E-Cat technology works or not?  
 7 MR. KOH: I'm going to --  
 8 MR. BELL: Objection to form.  
 9 MR. KOH: Same objection.  
 10 A. Do I have an opinion. Yes. Of course,  
 11 everyone has opinions about everything.  
 12 Q. (By Mr. Annesser) Okay.  
 13 And what is your opinion, sir?  
 14 MR. KOH: I give the same objection. The  
 15 deposition topic is limited to tests performed by  
 16 Boeing.  
 17 Obviously, Mr. Childress, if you drew some  
 18 conclusions based on that testing, you are welcome to  
 19 share them with John, but you're not here offering,  
 20 you know, expert opinion or anything like that.  
 21 MR. BELL: Objection to form.  
 22 Q. (By Mr. Annesser) Well, let me -- let me  
 23 rephrase.  
 24 Based on the testing done by Boeing, would  
 25 you consider that testing conclusive evidence that the

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1 E-Cat technology does not work?  
 2 A. I would consider it conclusive testing --  
 3 conclusive evidence that the unit we tested does not  
 4 work.  
 5 Q. So it would not be conclusive as to the  
 6 underlying technology; just simply as to that unit,  
 7 correct?  
 8 A. Correct. The unit we tested clearly did not  
 9 work.  
 10 MR. ANNESSER: Okay. Just one moment here.  
 11 Okay. Madam Court Reporter, if you can  
 12 label as the next numbered exhibit, Exhibit No. 14 I  
 13 believe, the document in folder 42.  
 14 Excuse me.  
 15 (Marked Deposition Exhibit No. 14.)  
 16 MR. BELL: I'm passing the document to  
 17 Mr. Koh, noting for the record that this is stamped  
 18 BOE 001557 and noting for the record that, John, your  
 19 office represented to us that you had not received  
 20 documents from Boeing, and obviously that is not true  
 21 as of the moment, and that you were obligated to share  
 22 those with us certainly before this deposition. So  
 23 reserve the right to object to the admission of any of  
 24 this testimony with respect to documents that we were  
 25 not provided with.

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1 MR. ANNESSER: Okay. Mr. -- Mr. Bell, quite  
 2 frankly, the first time I've seen these documents was  
 3 this morning when I came in from Ohio, so I will  
 4 certainly track down when we received them and whether  
 5 they've been provided to you, and we can discuss those  
 6 later, but your objection is noted.  
 7 MR. KOH: The witness has Exhibit 14.  
 8 For the record, John, the -- the exhibit  
 9 that's marked has highlighting on it, which I assume  
 10 is not part of the original document.  
 11 MR. ANNESSER: No. And why there would be  
 12 highlighting on it I can't tell you either. There  
 13 should not have been, but please disregard the  
 14 highlighting.  
 15 THE WITNESS: Okay.  
 16 MR. ANNESSER: Actually, I'm look -- I'm  
 17 looking at my copy. The copy that you have is a  
 18 single page or double page?  
 19 MR. KOH: You know, it's -- it's double and  
 20 it's not consecutive. The second page is --  
 21 MR. ANNESSER: I'm seeing that -- yeah.  
 22 That's why I asked. I'm seeing that on mine as well.  
 23 Please, if you would, just detach the second  
 24 page. It is -- somehow the second document that got  
 25 attached thereto.

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1 MR. KOH: Okay. So --  
 2 MR. ANNESSER: Exhibit 14 should be a  
 3 single-page document.  
 4 MR. KOH: Yeah. The witness has Exhibit 14,  
 5 which is a single page BOE 1557.  
 6 THE WITNESS: Okay.  
 7 MR. ANNESSER: And I apologize for that.  
 8 Thank you.  
 9 Q. (By Mr. Annesser) Sir, this document,  
 10 BOE 1557, which we've marked as Exhibit 14, appears to  
 11 be an email from you dated December 10th, 2014, to  
 12 Leonard Quadracci, Brian Tillotson --  
 13 A. Tillotson.  
 14 Q. -- I believe?  
 15 A. Yep.  
 16 Q. Is that -- Tillotson.  
 17 A. Yeah.  
 18 Q. Okay.  
 19 And -- and you appear to be describing the  
 20 one megawatt unit that was being sent to Florida or  
 21 that had been sent to Florida.  
 22 A. Okay.  
 23 Q. Does that refresh your recollection as to  
 24 what knowledge you had regarding the unit?  
 25 A. Yep.

(Including Exhibit 14) R, IMP

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1 Q. Okay.

2 Can you tell me any further what you were

3 told about why it was sent to Florida, what was going

4 on there?

5 A. So I knew -- and, again, I think probably

6 most of this basic information was -- you know, I --

7 you know, just sort of general background information.

8 So -- let's see. So I would say what I knew about the

9 system was its purpose was to have a -- some sort of

10 test.

11 So this was effectively the -- the -- the

12 test that Rossi was to conduct in order to validate

13 his technology and -- so it's a one megawatt system.

14 And so, according to this, it was about 107 reactors

15 and then, you know, whatever -- whatever information

16 is, that's -- my -- my guess is that's -- literally

17 everything you see there is everything I knew.

18 Q. Okay.

19 Do you recall, sir, were you ever sent a

20 copy of the test plan for that test?

21 A. Plausibly. I -- yeah. I -- conceivable.

22 I -- I honestly don't know. You -- you tell me. You

23 seem to know my email better than I do.

24 Q. Well, that -- that's my job.

25 Sir, do you -- do you recall if you ever

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1 provided any comments on the test plan for the testing

2 of that one megawatt unit?

3 A. Again, possibly. You know, I know that, you

4 know, we would have sort of general discussions about

5 it but, I mean, nothing, you know -- I was never

6 involved in any of the testing, so I -- I don't know

7 the exact details.

8 Q. Okay.

9 Well, let me put it this way. Had

10 Industrial Heat asked you to review the test plan and

11 provide comment, would you have done so?

12 MR. BELL: Objection to form.

13 MR. KOH: Join.

14 A. Undoubtedly, yes.

15 Q. (By Mr. Annesser) Okay.

16 MR. ANNESSER: Madam Court Reporter, if we

17 can mark as Exhibit 15 the document in folder 41.

18 Excuse me.

19 (Marked Deposition Exhibit No. 15.)

20 MR. KOH: Thank you.

21 MR. BELL: Same objection regarding the

22 Boeing production.

23 MR. ANNESSER: Okay.

24 MR. KOH: The witness has Exhibit 15. It

25 also has some highlighting on it.

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1 MR. ANNESSER: Okay. And, again, I

2 apologize for that. I'm not sure how that happened,

3 but please disregard the highlighting.

4 THE WITNESS: Okay.

5 Q. (By Mr. Annesser) Sir, my first question

6 with respect to this document, which bears the Bates

7 stamp number BOE 1551, if you look at the earlier

8 emails, specifically the first one on the second page

9 of this document, the subject is "The Childress

10 Fellowship."

11 A. Uh-huh.

12 Q. What is that?

13 A. That was my Christmas card --

14 Q. The Child --

15 A. -- from 2015.

16 Q. Okay.

17 That was your Christmas card?

18 A. Correct.

19 Q. What -- what exactly was your Christmas

20 card? Was it somehow in relation to the E-Cat

21 technology?

22 A. No.

23 Q. Okay.

24 Now, looking up at the top email, which

25 appears to be an email from you to Leonard and Brian

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1 Tillotson -- Tillotson?

2 I'm --

3 A. Tillotson.

4 Q. -- sorry. I'm -- I'm sure I -- I'm sure I

5 butchered it again.

6 -- dated January 8th, 2015, is this an email

7 you sent, sir?

8 A. It -- apparently it is.

9 Q. Okay.

10 I'm going to ask you to look in the second

11 paragraph in the fourth bullet point. It says, "The

12 one megawatt reactor is down in Florida now and is

13 having final control hardware installed. They hope it

14 will be operational in February, if for no other

15 reason than to get it off their books, since they

16 never wanted it anyway."

17 What were you told that -- that resulted in

18 that statement, that they never wanted it anyway?

19 A. Well, what I was told was that they were not

20 interested in having a -- one megawatt of heat, so,

21 you know, their not whole having a reactor that

22 produces a megawatt of heat is -- wasn't -- what would

23 they do with it? Which I have to agree with that.

24 What would you do with it?

25 Q. Okay.

R, S, IMP, LPN



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1 And that's the only basis for that comment,  
 2 that -- that they didn't want a one megawatt plant?  
 3 A. Right. Yeah. I mean, actually, if you  
 4 think about it rationally, it -- from a test  
 5 standpoint, something that generates a megawatt of  
 6 heat, it makes no sense whatsoever. And we'd had that  
 7 conversation before; that building a test article that  
 8 generated a megawatt of heat was not -- not useful,  
 9 not valuable, not a good way to test things.  
 10 Q. Did you ever convey that to Dr. Rossi?  
 11 A. I don't believe I did, no.  
 12 Q. Do you know whether the one megawatt reactor  
 13 was tested?  
 14 A. You know, I gathered from just  
 15 conversations -- I never -- I don't believe I ever saw  
 16 any kind of final report or anything, but I gathered  
 17 from in the blogosphere and just general conversations  
 18 that, yes, there -- there was testing on it. And  
 19 exactly what the results are I was -- I don't know the  
 20 details.  
 21 Q. Did you ever inquire, to your recollection,  
 22 as to how the testing was going after -- after that  
 23 email that we've labeled as Exhibit 15?  
 24 A. Yeah. I mean, probably just because I would  
 25 have been curious. You know, I -- again, I don't

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1 know -- wouldn't know the details of those inquiries,  
 2 but probably.  
 3 Q. Okay.  
 4 MR. ANNESSER: Madam Court Reporter, I'd  
 5 like to mark as Exhibit 16 --  
 6 MR. KOH: You doing okay?  
 7 MR. ANNESSER: -- the document in --  
 8 MR. KOH: How you doing?  
 9 MR. ANNESSER: -- folder 65.  
 10 (Marked Deposition Exhibit No. 16.)  
 11 MR. KOH: The witness has Exhibit 16 in  
 12 front of him. It's a lengthy document, so either the  
 13 witness should review it all or, John, you can direct  
 14 him to a particular part.  
 15 MR. ANNESSER: Yeah. Let me -- I don't want  
 16 to -- I don't want to spend too much time on it, so  
 17 we'll -- we'll just direct him to a particular part.  
 18 Actually, many of the documents are blank where images  
 19 had previously existed I imagine.  
 20 Q. (By Mr. Annesser) Sir, looking at the  
 21 first page of Exhibit 16, which has Bates number  
 22 IH-00139153, I'm going to ask you to look at the -- I  
 23 believe it's the third email down. It says, "On  
 24 Friday, April 24th, 2015...", Jamie Childress wrote.  
 25 Do you see that, sir?

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1 A. I do.  
 2 Q. Okay.  
 3 It says, "JT, Along the lines of other  
 4 activities, how is the one megawatt system coming?  
 5 Hopefully that is going well."  
 6 And I be -- and do you recall writing that  
 7 email?  
 8 A. I don't recall specifically, but it sounds  
 9 like something I would re-inquire about, yes.  
 10 Q. Any reason to believe you didn't write it?  
 11 A. Nope. Undoubtedly I did.  
 12 Q. Okay.  
 13 Now, Mr. Vaughn responded to you, and he  
 14 states, "Hard to know at this point as we still have  
 15 not audited the data. We are giving AR some space,  
 16 but sometime over the coming two to three months we  
 17 intend to do an intensive audit of the data."  
 18 So was it your understanding that as of  
 19 April 24th, 2015, Industrial Heat had not reviewed the  
 20 data that they had been provided?  
 21 MR. BELL: Objection to form.  
 22 A. So I -- you know, I -- I really can't  
 23 speculate. And the email has to stand on its own. I  
 24 have no additional information.  
 25 Q. (By Mr. Annesser) Well, I'm -- I'm asking

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1 you, sir, what did you understand that email to mean?  
 2 Could you tell based on that email whether the tests  
 3 were positive or negative?  
 4 MR. BELL: Objection to form.  
 5 A. Based on this, I have to assume that J.T.  
 6 doesn't know whether the results are positive or  
 7 negative.  
 8 Q. (By Mr. Annesser) Okay.  
 9 Were you ever provided copies of Dr. Penon's  
 10 report on that test --  
 11 MR. BELL: Object --  
 12 Q. (By Mr. Annesser) -- or any of his reports?  
 13 MR. BELL: Objection to form.  
 14 A. Not that I recall, so I -- I'm going to go  
 15 with no. But since you know my Inbox better than I  
 16 do, maybe you have a -- maybe you have a different  
 17 answer.  
 18 Q. (By Mr. Annesser) Were you ever asked to  
 19 review any of the reports from the testing of the one  
 20 megawatt unit, sir?  
 21 MR. BELL: Objection to form.  
 22 A. Again, not -- not that I recall.  
 23 Q. (By Mr. Annesser) Okay.  
 24 MR. ANNESSER: Sir, if you can give me just  
 25 a moment, I may be able to wrap it up here. Give me

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1 just a moment. I'm going to put you on mute and then  
 2 get right back to you.  
 3 We'll go off the record for a moment.  
 4 THE VIDEOGRAPHER: We're going off the  
 5 record at 2:39 p.m.  
 6 (Discussion off the record.)  
 7 THE VIDEOGRAPHER: We're back on the record  
 8 at 2:42 p.m.  
 9 MR. ANNESSER: Okay.  
 10 Q. (By Mr. Annesser) Sir, I just have a couple  
 11 real quick questions.  
 12 Do you have any current agreement with  
 13 Industrial Heat to provide any services, whether  
 14 related to the E-Cat or anything else, at this time?  
 15 A. No. We're not actively doing anything. I  
 16 mean, the PIA that we had with them is probably still  
 17 in force. I'm -- I'm assuming that's true.  
 18 Q. Okay.  
 19 A. But no, we're not doing anything active.  
 20 Q. Okay.  
 21 And would that be true going back to, in  
 22 essence, the time of these emails, middle of 2015?  
 23 A. That -- that sounds right, yeah. We haven't  
 24 done anything with them in quite some time, not  
 25 since -- probably the last things that we did was try

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1 to help T. Barker, his capability to conduct tests at  
 2 their own shop, and that's -- that was the end of it.  
 3 Q. Okay.  
 4 MR. ANNESSER: Okay. That is all the  
 5 questions I have at this time.  
 6 Mr. -- Mr. Koh, I believe it's your turn, if  
 7 you wish.  
 8 MR. KOH: No questions.  
 9 MR. BELL: I just have -- just a few.  
 10 THE WITNESS: Fire away.  
 11 MR. BELL: Okay.  
 12 EXAMINATION  
 13 BY MR. BELL:  
 14 Q. Let me ask you, please, to look at what  
 15 Mr. Annasser had marked as Exhibit 15.  
 16 A. Okay.  
 17 Q. And in -- in that email there's reference to  
 18 a conversation that you had with Mr. Darden, correct?  
 19 A. Apparently, yes.  
 20 Q. And there's a reference in your email to an  
 21 unknown company.  
 22 A. Well, actually, looks like -- looks like  
 23 it's in reference to an e -- a conversation I had with  
 24 J.T., not -- not Darden --  
 25 Q. Okay.

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1 A. -- because it starts off, "I talked to JT  
 2 the other day. Here's the highlights."  
 3 So I'm assuming this is conversation with  
 4 J.T., not Darden.  
 5 Q. Oh.  
 6 Can I --  
 7 MR. KOH: Yeah.  
 8 Q. (By Mr. Bell) Let me make sure I'm  
 9 looking -- directing you at the right exhibit.  
 10 MR. KOH: Do you want 14 --  
 11 MR. BELL: No.  
 12 MR. KOH: -- as well?  
 13 Q. (By Mr. Bell) I'm looking at 14. I'm sorry.  
 14 A. Oh, okay.  
 15 Q. No wonder it didn't make sense.  
 16 A. All right.  
 17 Q. Okay. I apologize.  
 18 A. Okay.  
 19 Q. We're looking now at 14 --  
 20 A. Okay.  
 21 Q. -- and December 10, 2014. And it --  
 22 A. Yep.  
 23 Q. -- had -- you said you had a good discussion  
 24 with Darden.  
 25 A. Yeah.

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1 Q. Okay.  
 2 A. There you go.  
 3 Q. And in the third paragraph there's a  
 4 reference there to, "...another public company  
 5 (Unknown company.)"  
 6 Do you see that?  
 7 A. Right. Okay. Yep.  
 8 Q. What -- what do you -- what do you remember  
 9 about that discussion with Mr. Darden with respect to  
 10 that company?  
 11 A. You know, I don't know that that company  
 12 really came up much. I believe that I -- and so -- I  
 13 guess probably the only thing that I knew was that it  
 14 was something that Rossi had set up, and that's  
 15 about -- that's about all I knew.  
 16 Q. Okay.  
 17 You -- earlier in your testimony you  
 18 discussed the -- the value or utility of -- of -- of  
 19 testing a one megawatt unit. Do you recall that?  
 20 A. Yes.  
 21 Q. And without -- without unfairly para --  
 22 paraphrasing it or summarizing it, you -- you  
 23 testified that it was not, in your mind, useful or  
 24 valuable to do that. Is that fair?  
 25 A. Correct. Yes. That is --

R, EOT

R, EOT

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1 MR. ANNESSER: Object to --  
 2 A. -- not useful.  
 3 MR. ANNESSER: -- form.  
 4 Q. (By Mr. Bell) Why -- why is that? Why is it  
 5 your opinion that it was not -- that it would not be  
 6 useful or valuable to test a one megawatt unit?  
 7 MR. ANNESSER: Object to form.  
 8 A. Because the larger the test article and the  
 9 more bits and pieces that it has, the more difficult  
 10 it is to understand the inputs and the outputs, and  
 11 especially in something like this, which was -- at  
 12 least it was my understanding is water cooled. So --  
 13 I mean, it actually made no sense. It makes no sense  
 14 at all really.  
 15 Q. (By Mr. Bell) Explain why.  
 16 A. Because if you want to find out if something  
 17 works, you test something that you have a lot of  
 18 control over the details of the environment and the  
 19 testing and do it the way that we did; have, you know,  
 20 a control unit and an active unit, with a lot of  
 21 instrumentation on both, and a very detailed  
 22 understanding of what the knowns and unknowns are and  
 23 reduce the unknowns to an absolute minimum.  
 24 And something like a giant one megawatt  
 25 reactor with all kinds of -- of units in it, that --

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1 SIGNATURE  
 2  
 3 I declare under penalty of perjury under the  
 4 laws of the State of Washington that I have read my  
 5 within deposition, and the same is true and accurate,  
 6 save and except for changes and/or corrections, if  
 7 any, as indicated by me on the CHANGE SHEET flyleaf  
 8 page hereof.  
 9 Signed in \_\_\_\_\_, Washington, this  
 10 \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
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 25

JAMIE CHILDRESS  
 Taken: February 28, 2017

Re: Rossi v. Darden, et al.  
 Cause No.: 1:16-cv-21199-CMA  
 Lauren G. Harty, RPR, CCR #2674

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1 that -- that just makes no sense at all.  
 2 Q. If it was -- if the -- if that apparatus  
 3 was, in fact, generating one megawatt, would that  
 4 present difficulties in measurement?  
 5 MR. ANNESSER: Object to form.  
 6 MR. KOH: I'm going to object as well as  
 7 calling for speculation and opinion.  
 8 MR. BELL: Yeah. I'll -- I'll withdraw  
 9 that.  
 10 I have no further questions. Thank you.  
 11 MR. KOH: I think we're done?  
 12 THE VIDEOGRAPHER: This concludes --  
 13 MR. ANNESSER: I believe we're done.  
 14 Once we go off the record, Mr. Bell, I have  
 15 a couple things for you.  
 16 THE VIDEOGRAPHER: This concludes today's  
 17 testimony given by Boeing 30(b)(6) Jamie Childress.  
 18 The total number of media used was two and will be  
 19 retained by Veritext Legal Solutions. We are off the  
 20 record at 2:48 p.m.  
 21 (Deposition recessed at 2:48 p.m.)  
 22 (Signature reserved.)  
 23  
 24  
 25

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1 CERTIFICATE  
 2 STATE OF WASHINGTON )  
 3 ) ss.  
 4 COUNTY OF KING )  
 5 I, the undersigned Washington Certified Court  
 6 Reporter, hereby certify that the foregoing deposition  
 7 upon oral examination of JAMIE CHILDRESS was taken  
 8 before me on February 28, 2017, and transcribed under  
 9 my direction;  
 10 That the witness was duly sworn by me pursuant  
 11 to RCW 5.28.010 to testify truthfully; that the  
 12 transcript of the deposition is a full, true, and  
 13 correct transcript to the best of my ability; that I  
 14 am neither attorney for nor a relative or employee of  
 15 any of the parties to the action or any attorney or  
 16 counsel employed by the parties hereto, nor am I  
 17 financially interested in its outcome;  
 18 I further certify that in accordance with  
 19 CR 30(e), the witness was given the opportunity to  
 20 examine, read, and sign the deposition within 30 days  
 21 upon its completion and submission, unless waiver of  
 22 signature was indicated in the record.  
 23 IN WITNESS WHEREOF, I have hereunto set my hand  
 24 this 6th day of March, 2017.  
 25

LAUREN G. HARTY, CCR #2674