

Page 1	<p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION CASE NO. 1:16-cv-21199-CMA</p> <p>ANDREA ROSSI, et al.,</p> <p>Plaintiffs,</p> <p>v.</p> <p>THOMAS DARDEN, et al.,</p> <p>Defendants.</p> <p>-----x INDUSTRIAL HEAT, LLC, et al.,</p> <p>Counter-Plaintiffs,</p> <p>v.</p> <p>ANDREA ROSSI, et al.,</p> <p>Counter-Defendants.</p> <p>and</p> <p>J.M. PRODUCTS, et al.,</p> <p>Third-Party Defendants.</p> <p>-----x 600 Brickell Avenue, Suite 3300 Miami, Florida Wednesday, March 1, 2017 10:14 a.m. - 5:46 p.m.</p> <p>CONFIDENTIAL TRANSCRIPT PORTIONS OF TRANSCRIPT HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY</p> <p>VIDEO DEPOSITION OF J.M. PRODUCTS, INC. THROUGH ANDREA ROSSI Taken before Edward Varkonyi, Registered Merit Reporter and Notary Public for the State of Florida at Large, pursuant to Notice of Taking</p>	Page 3
Page 2	<p>1 APPEARANCES</p> <p>2</p> <p>3 BRIAN CHAIKEN, ESQ., Perlman Bajandas Yevoli & Albright, P.L. 283 Catalonia Avenue, Suite 200 4 Coral Gables, Florida 33134 on behalf of the Plaintiff.</p> <p>5</p> <p>6 CHRISTOPHER R.J. PACE, ESQ., MICHAEL MAUGANS, ESQ., 7 Jones Day 600 Brickell Avenue, Suite 3300 8 Miami, Florida 33131 on behalf of the Defendant.</p> <p>9</p> <p>10 RODOLFO NUNEZ, ESQ., Rodolfo Nunez, P.A. 11 255 University Drive Coral Gables, Florida 33134 12 on behalf of Defendants J.M. Products, Johnson and Bass</p> <p>13</p> <p>14 FERNANDO ARAN, ESQ., Aran Correa & Guarch, P.A. 15 255 University Drive Coral Gables, Florida 33134 16 on behalf of Defendant United States Quantum Leap and Fabiani</p> <p>17</p> <p>18</p> <p>19 ALSO PRESENT: Chris Hernandez, Videographer</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 4

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1 Thereupon--
 2 THE VIDEOGRAPHER: We're on the record.
 3 The date is March 1st, 2017. The time is 10:14
 4 a.m.
 5 This is media unit one of the video
 6 deposition of J.M. Products, Inc. in the matter
 7 of Andrea Rossi, et al. versus Thomas Darden, et
 8 al. At this time may counsel please state their
 9 appearances for the record.
 10 MR. PACE: This is Chris Pace and Mike
 11 Maugans from Jones Day on behalf of the
 12 defendants.
 13 MR. ARAN: Fernando Aran of the law firm
 14 of Aran, Correa & Guarch on behalf of third
 15 party defendants J.M. Products, James Bass and
 16 Henry Johnson.
 17 MR. CHAIKEN: Good morning. Brian
 18 Chaiken on behalf of plaintiffs.
 19 MR. NUNEZ: Rudy Nunez on behalf of third
 20 party defendants Fulvio Fabiani and United
 21 States Quantum Leap, LLC.
 22 Thereupon--
 23 LEONARDO ROSSI
 24 was called as a witness by the Defendant and having
 25 been first duly sworn responded as follows:

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1 THE WITNESS: I do.
 2 DIRECT EXAMINATION
 3 BY MR. PACE:
 4 Q. Dr. Rossi, can you state your full name.
 5 A. Andrea Rossi.
 6 Q. And what's your present work address?
 7 A. 1331 Lincoln Road, Miami Beach, Florida
 8 33139.
 9 Q. Is that also your resident address?
 10 A. Yes.
 11 Q. Is it the same unit within the building
 12 where you work and you reside?
 13 A. Yes.
 14 Q. Do you have -- you're here testifying
 15 today as the representative of J.M. Products,
 16 correct?
 17 A. Correct.
 18 Q. Do you have any formal title or position
 19 within J.M. Products?
 20 A. Yes, I am the so to speak director, with
 21 a small D. So I am the scientific and technical
 22 director of the plant that I have designed and
 23 invented and -- but I do not have corporate tasks.
 24 Q. So let me ask my question again. Do you
 25 have any formal title within J.M. Products?

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1 Your answer is no, correct?
 2 A. I do not know what you mean by formal.
 3 Q. Fair enough. Let me ask you, do you have
 4 any title -- do you hold any position as an officer
 5 or director of J.M. Products?
 6 A. When you mean director, what do you
 7 mean?
 8 Q. Do you know what a director of a
 9 corporation in the United States is?
 10 A. No.
 11 Q. Okay. Do you know what a board of
 12 directors for a corporation in the United States?
 13 A. Yes, I know what is a board of directors.
 14 Q. In this context, a director, I am
 15 referring to a member of a board of directors.
 16 So as to J.M. Products, are you a
 17 corporate officer of J.M. Products?
 18 A. No.
 19 Q. Are you a member of the board of
 20 directors of J.M. Products?
 21 A. No.
 22 Q. Okay. When you just described yourself
 23 as a director, small D, of J.M. Products, has anyone
 24 ever given you that title?
 25 A. I gave it -- you know, I gave it to

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1 myself because discussing with the president,
 2 attorney Johnson, we can see that I can be qualified
 3 that way because I directed the plant.
 4 For example, I am the person most
 5 qualified to answer to the question put in your paper
 6 upon which I am here now.
 7 Q. I understand. And that's because you
 8 control -- you control all aspects of J.M. Products,
 9 correct?
 10 MR. ARAN: Objection to form.
 11 THE WITNESS: Sorry, I must ask you as
 12 the other times to be so kind to speak a little
 13 bit slow. I understand perfectly English.
 14 BY MR. PACE:
 15 Q. I will. No, I sometimes ask --
 16 A. Just if you go fast I --
 17 Q. Fair enough.
 18 A. I don't get it.
 19 Q. You control all aspects of J.M. Products,
 20 correct?
 21 MR. ARAN: Objection to form.
 22 MR. CHAIKEN: Object to form.
 23 THE WITNESS: Your -- your question is
 24 correct in the measure of technical tasks.
 25 BY MR. PACE:

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Third Party:
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Page 9

1 Q. How about financial tasks, doesn't all
 2 money -- isn't all the money that J.M. Products uses
 3 to pay for any expenses it has come from either you
 4 or Leonardo Corporation?
 5 A. But that was on the base of a contract
 6 that -- of an agreement that there was between J.M.
 7 and Leonardo Corporation and this agreement foresaw
 8 that Leonardo Corporation was going to pay all the
 9 bills and expenses for the day by day activity of
 10 J.M. as a compensation for products that Leonardo
 11 Corporation was going to buy from J.M.
 12 Q. So my question again, because you didn't
 13 answer it. You started with a but response.
 14 All of the money for any expenses paid by
 15 J.M. Products came from either you or Leonardo
 16 Corporation; yes or no?
 17 A. I don't know if all the money paid by
 18 J.M. came from Leonardo Corporation of me.
 19 Q. So let's go -- let's talk a little bit
 20 about what you did to prepare to be the corporate
 21 representative J.M. Products today because that's an
 22 answer you should have, you should have prepared for,
 23 so let's talk about this.
 24 To prepare today to speak as the
 25 corporate representative of J.M. Products with whom

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1 did you speak?
 2 A. With attorney Johnson.
 3 Q. With whom else?
 4 A. My attorney.
 5 Q. All right. How long did you speak with
 6 attorney Johnson?
 7 A. Several hours.
 8 Q. When was that?
 9 A. That was several days ago. Several days
 10 ago in the office of my attorney.
 11 Q. Okay.
 12 A. At the presence of my attorney.
 13 Q. And you spoke with him as the -- he --
 14 you spoke with Henry Johnson as the president of J.M.
 15 Products, correct?
 16 A. Correct.
 17 Q. And what more specifically did you
 18 discuss with Henry Johnson?
 19 A. Everything I discussed with him has been
 20 discussed also together with my attorney, so I think
 21 that --
 22 Q. Well, but you were conducting -- you were
 23 interviewing Henry Johnson to prepare for your
 24 deposition testimony today, correct?
 25 MR. CHAIKEN: Object to form.

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1 MR. ARAN: Object to form. To the extent
 2 that any conversations were had with attorneys,
 3 none of the conversations with the attorneys
 4 should be divulged because they are
 5 attorney-client privileged.
 6 MR. PACE: You can take that position if
 7 you want, but he spoke with Henry Johnson. It's
 8 like interviewing a witness. It's like a
 9 30(b) -- well, look, if you are going to
 10 instruct him not to answer, you will instruct
 11 him not to answer and we'll take it with the
 12 court.
 13 We will make a clear record and then that
 14 way we can go forward. Let's do it this way.
 15 Dr. Rossi --
 16 MR. ARAN: The areas of inquiry are
 17 okay. The areas of inquiry. The sum and
 18 substance of conversations will not be.
 19 MR. PACE: We will create a clean record
 20 here and then we can deal with it later because
 21 you can instruct him not to answer.
 22 BY MR. PACE:
 23 Q. Dr. Rossi, when you met with Henry
 24 Johnson to prepare for today's deposition what did
 25 you discuss -- give a chance for your lawyer to step

Page 12

1 in here, but what did you discuss with Henry Johnson?
 2 MR. ARAN: Objection to form. To the
 3 extent it's attorney-client privileged we will
 4 instruct him not to answer. Attorney-client
 5 privilege to the extent I'm the attorney for
 6 J.M. Products, J.M. Products' deposition is
 7 being taken.
 8 The determination is made that the person
 9 with most knowledge to answer the questions that
 10 are specific to this request would be Mr. Rossi
 11 or Dr. Rossi. So Dr. Rossi is being prepared by
 12 J.M. Products and being educated, to the extent
 13 he needs to be educated, by J.M. Products and
 14 those conversations took place in the presence
 15 of counsel and with counsel's participation, to
 16 the extent that it would be necessary.
 17 MR. PACE: Are you going to instruct --
 18 MR. ARAN: Therefore, I would instruct
 19 him not to answer the question conversations.
 20 If you want to determine the areas that he may
 21 have been discussing, so you know how he
 22 prepared for the deposition, then that would be
 23 okay.
 24 MR. PACE: I understand. So you are
 25 instructing the witness not to answer?

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1 MR. ARAN: Not to answer any
 2 communications that involve the preparation for
 3 the deposition that took place with counsel.
 4 BY MR. PACE:
 5 Q. Okay. Are you going to follow your
 6 counsel's instruction?
 7 A. Yes, sir.
 8 Q. How long did you meet with Henry Johnson?
 9 A. Several hours. Maybe half day.
 10 Q. Okay. What documents did you review to
 11 prepare to testify today?
 12 A. Let me think about that because -- you
 13 know, all the documents related to my activity that
 14 was the activity of the scientific and technological
 15 director of the company during the experiments that
 16 we made in the factory of Doral.
 17 Q. What else did you review to prepare for
 18 today's deposition?
 19 A. I did not understand the question. I am
 20 sorry.
 21 Q. What else did you review to prepare for
 22 today's deposition?
 23 A. I would say mainly this because this
 24 is -- but also we have gone -- exactly. I have gone
 25 through that document that you have in your --

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1 Q. If you will answer my question first.
 2 What other documents -- you said reviewed your
 3 technical documents.
 4 A. Yes.
 5 Q. What other documents did you review to
 6 prepare?
 7 A. I was answering. Another document that I
 8 have gone through together with my attorney and the
 9 attorney Johnson has been the one that you had in
 10 your hands a few seconds ago.
 11 Q. Okay. And what else?
 12 A. I don't remember else.
 13 Q. Well, you said you reviewed documents
 14 relating to technical work that you performed.
 15 A. Yes, also.
 16 Q. Did you review any documents relating to
 17 the financial records of J.M. Products?
 18 A. Can you kindly repeat the last?
 19 Q. Did you review any documents relating to
 20 the financial operations of J.M. Products?
 21 A. What do you mean exactly by financial
 22 operations?
 23 Q. Did you review the bank accounts of J.M.
 24 Products?
 25 A. No.

Page 15

1 Q. Did you review the bills of J.M.
 2 Products?
 3 A. No.
 4 Q. Did you review the invoices of J.M.
 5 Products?
 6 A. No.
 7 Q. Did you make any effort to determine how
 8 J.M. Products has paid for expenses in the past?
 9 A. You know, for what concerns the expenses
 10 that J.M. made related to the activity in Doral, I
 11 know them perfectly because I did them as Leonardo
 12 Corporation based on the agreement that there was
 13 between J.M. and Leonardo Corporation.
 14 Q. That Leonardo --
 15 A. I reviewed those -- I reviewed those
 16 documents, yes.
 17 Q. So I think some of this stemmed from you
 18 providing a slightly different answer a little while
 19 ago.
 20 I asked -- well, maybe not. Maybe I
 21 shouldn't say this. Are there any expenses that J.M.
 22 Products has had in the past two years that are not
 23 related to the Doral warehouse?
 24 MR. ARAN: Objection to form.
 25 THE WITNESS: Just one second. I take

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1 the occasion also now, because I must repeat it,
 2 because it's another -- that I have a problem, I
 3 cannot swallow and so now and again you will see
 4 me to cough in that --
 5 BY MR. PACE:
 6 Q. Cup.
 7 A. This glass. This is not lack of
 8 respect. I am sorry, I have to sometime cough inside
 9 there because I cannot swallow. I delayed my surgery
 10 to be able to make this depositions because after
 11 that surgery I will be several weeks without having
 12 the possibility to talk.
 13 So please excuse me, sometime you will
 14 see me make this very bad gesture, but it's
 15 necessary. I'm sorry. I am sorry. Can you kindly
 16 repeat your question?
 17 Q. Are you -- as the corporate
 18 representative of J.M. Products are you aware of any
 19 other source of funds that J.M. Products has had to
 20 pay for its expenses, other than you and/or -- you,
 21 Andrea Rossi and/or Leonardo Corporation?
 22 MR. ARAN: Objection to form.
 23 THE WITNESS: I have understood your
 24 question. I am aware only of the expenses that
 25 J.M. made related to the activity in Doral.

IMP

R

1 I am not aware of other expenses that
 2 J.M. could have had.
 3 BY MR. PACE:
 4 Q. As to -- but you haven't answered my
 5 question, so let me ask my question again.
 6 As to those expenses of which you are
 7 aware, did either Andrea Rossi and/or Leonardo
 8 Corporation pay for all those expenses? It's a yes
 9 or no answer.
 10 A. Yes.
 11 Q. All right. We're going to go back here
 12 just for a second, which is as to J.M. Products then
 13 you, Andrea Rossi, controlled all technical and
 14 product development activities of J.M. Products, to
 15 the extent they existed, correct?
 16 A. Correct.
 17 Q. Either Andrea Rossi or Leonardo
 18 Corporation provided all of the funds for any
 19 expenses relating to the Doral location, correct?
 20 MR. ARAN: Objection to form.
 21 BY MR. PACE:
 22 Q. Isn't that what you just answered?
 23 A. No, I have understood your question. I
 24 have just to focus the memory because I want to be
 25 sure that what I answer is precise because there

1 MR. ARAN: Objection to form.
 2 THE WITNESS: Again, I was the scientific
 3 and technological director, so I spoke with
 4 Henry Johnson for what concerns all the
 5 expenses.
 6 When I spoke with Henry Johnson, when we
 7 spoke about expenses, we spoke only about the
 8 expenses I was aware of, which are the expenses
 9 I explained before, the day by day expenses, you
 10 know, the employee, the consultant, the bill of
 11 FPL, et cetera, et cetera, et cetera and
 12 invoices that came for some technological issue
 13 or technical issue.
 14 And -- but again, I am not aware of and I
 15 do not know if there have been or not other
 16 expenses independent from this activity.
 17 BY MR. PACE:
 18 Q. So you learned nothing from
 19 discussions -- your discussions with Henry Johnson
 20 about any expenses you didn't already know about?
 21 A. Can you repeat?
 22 Q. You told us you spoke with Henry Johnson
 23 about expenses of Leonardo.
 24 A. Yes.
 25 Q. I'm sorry, expenses of J.M. Products.

R

Third Party:
AA

Arg., R, IMP

1 could have been -- in the top of the plant there
 2 could have been expenses not made by Leonardo or me
 3 at the very beginning.
 4 And -- but what -- as far as I recall,
 5 all the day by day expenses have been paid by
 6 Leonardo Corporation. Not by me as Andrea Rossi, by
 7 Leonardo Corporation.
 8 Q. And then -- since you are here testifying
 9 as the corporate representative of J.M. Products your
 10 testimony is you're not aware of any other expenses
 11 that J.M. Products incurred in connection with the
 12 Doral location, correct?
 13 A. Not that I am aware of.
 14 Q. All right. So all expenses of J.M.
 15 Products were being paid -- as they relate to the
 16 Doral location were being paid by Leonardo
 17 Corporation, correct?
 18 MR. ARAN: Objection to form.
 19 THE WITNESS: All the expenses I am aware
 20 of.
 21 BY MR. PACE:
 22 Q. You are aware of as the corporate
 23 representative of J.M. Products and who also spoke
 24 with Henry Johnson, the president of J.M. Products,
 25 correct?

1 A. Yes, yes.
 2 Q. Sounds though what you just said is he
 3 didn't make -- he didn't inform you of any expenses
 4 you weren't otherwise already aware of?
 5 A. He had no reason to do that because --
 6 Q. Because?
 7 A. Because I did not ask. It was not -- I
 8 was interested to the activity -- to the scientific
 9 and technological activity of J.M.
 10 Q. So as the corporate representative of
 11 J.M. Products sitting here today, however, your
 12 testimony is you are not aware of a single expense
 13 incurred by J.M. Products that wasn't paid for or
 14 reimbursed by either Andrea Rossi or Leonardo
 15 Corporation, correct?
 16 A. You are asking me if I am -- I am
 17 repeating your question to be sure I have understood
 18 it because I want to answer properly.
 19 You have asked me, if I understood, if I
 20 am aware of other expenses, apart the ones Leonardo
 21 Corporation has paid for. Is this the question?
 22 Q. Leonardo Corporation or Andrea Rossi.
 23 A. Yeah, okay.
 24 Q. I just want to make sure you understood
 25 the question.

AA, P, R

IMP

1 A. The answer is yes.
 2 Q. You are aware of other expenses incurred
 3 by J.M. Products?
 4 A. No.
 5 Q. You're not answering my question. Let me
 6 try it again.
 7 A. Yes.
 8 Q. As the corporate representative of J.M.
 9 Products do you know of any expenses incurred by J.M.
 10 Products, other than the expenses that were paid for
 11 by either Leonardo Corporation or Andrea Rossi?
 12 A. No.
 13 Q. All right. How many times has Henry
 14 Johnson been to the Doral -- I'm sorry, let me define
 15 something here.
 16 If I refer to the Doral warehouse --
 17 what's the address of J.M. Products? What's the
 18 address of J.M. Products?
 19 A. 7861 Northwest 46th Street, Doral,
 20 Florida 33166.
 21 Q. If I refer to that as either the Doral
 22 warehouse or the Doral location, are you comfortable
 23 with that?
 24 A. Yes.
 25 Q. Okay. How many times has Henry Johnson

1 been to the Doral warehouse?
 2 A. Wow. Surely he has been there. How many
 3 times, as far as I can remember, I am not sure. I
 4 am -- you know, several times. Maybe two, three,
 5 something like that. But honestly, I do not remember
 6 enough well to answer.
 7 For sure I have in my brain the image of
 8 attorney Johnson inside the factory and in the
 9 office. I have this image in my mind, but I cannot
 10 recollect how many times.
 11 Q. Understood.
 12 A. But not many. Not many.
 13 Q. Not many. So on a day-to-day basis you
 14 are at the Doral warehouse, correct?
 15 A. Every day.
 16 Q. All right. And any operations that are
 17 occurring at the Doral warehouse on behalf of J.M.
 18 Products, you are controlling?
 19 A. Absolutely.
 20 Q. And that has been so since J.M. Products
 21 was formed, correct?
 22 A. It is correct.
 23 Q. All right. So you, Andrea Rossi, control
 24 all of the day-to-day activity of J.M. Products,
 25 correct?

1 A. Correct.
 2 Q. You, Andrea Rossi, control Leonardo
 3 Corporation, correct?
 4 A. Correct.
 5 Q. Leonardo Corporation pays all the
 6 expenses of J.M. Products, correct?
 7 A. No.
 8 MR. CHAIKEN: Object to form.
 9 BY MR. PACE:
 10 Q. What expenses does J.M. Products incur
 11 that Leonardo does not pay?
 12 A. You are forgetting that I told you at the
 13 beginning of this deposition that Leonardo paid the
 14 expenses of J.M. as a compensation of the products --
 15 Q. But they are still paying it. My
 16 question was Leonardo pays for whatever reason -- you
 17 can explain later the reason.
 18 MR. ARAN: Objection. Let's not talk
 19 over each other.
 20 BY MR. PACE:
 21 Q. Fair enough, I am just asking a
 22 question. You can explain later why they paid it.
 23 A. Okay.
 24 Q. You can explain in the trial. You can
 25 explain it at some other context.

1 A. Okay.
 2 Q. My question was -- let's see if you can
 3 answer my question though. Because I thought we went
 4 through this already.
 5 You, as the corporate representative of
 6 J.M. Products, are here to say -- to testify that the
 7 only expenses of which you are aware of J.M. Products
 8 were paid by Leonardo Corporation, correct?
 9 A. If we limit our description of the facts
 10 to the action of paying the bills, yes.
 11 Q. Yes, sir. I am --
 12 A. If we confine, yes.
 13 Q. We will get into the explanation of why
 14 they paid but I am just trying to establish that you,
 15 Andrea Rossi, ran the day-to-day operations of J.M.
 16 Products, correct?
 17 A. Yes, it is correct.
 18 Q. You, Andrea Rossi, controlled Leonardo
 19 Corporation, correct?
 20 A. Correct.
 21 Q. Leonardo Corporation paid for all the
 22 day-to-day expenses of which you are aware for J.M.
 23 Products, correct?
 24 A. Correct.
 25 Q. So there is -- the building -- the Doral

Third Party:
R

Third Party:
(23:2-4)
R, Fact not
in dispute

R

Third Party:
(22:23-23:1)
AA

R
Third
Party:
(24:13-24)
AA

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1 warehouse where J.M. Products is located, that was
 2 found by you, correct?
 3 A. Correct.
 4 Q. It was leased by Leonardo, correct?
 5 A. Correct.
 6 Q. J.M. Products subleased whatever
 7 section -- whatever portion they used from Leonardo,
 8 correct?
 9 A. Correct.
 10 Q. J.M. Products leased or contracted for or
 11 received from Leonardo an employee?
 12 A. Can you kindly repeat the question?
 13 Q. Sure. Who is Reinaldo Breto?
 14 A. Was the janitor -- well, janitor and
 15 guardian of -- he was an employee of J.M.
 16 Q. He was an employee of J.M.
 17 He was lent to J.M. by Leonardo
 18 Corporation, correct?
 19 A. Yes, it is correct.
 20 Q. And that was your decision to loan Breto
 21 from Leonardo to J.M. Products?
 22 A. Correct.
 23 Q. Okay. And Mr. Breto acted under your
 24 direction?
 25 A. Correct. And not only under my

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1 direction.
 2 Q. Under who else's direction, Jim Bass?
 3 A. Yes.
 4 Q. And Jim Bass is an individual that you --
 5 you made the decision to hire Jim Bass for J.M.
 6 Products, correct?
 7 A. Yes, but -- yes. Yes, yes.
 8 Q. You did not find Jim Bass initially,
 9 correct?
 10 A. No, I did not.
 11 Q. So I am not suggesting you did but the
 12 decision to hire Jim Bass was by you?
 13 A. Yes.
 14 Q. Back to my -- you resisted answering the
 15 control question, so I am trying to understand why.
 16 A. I did not understand what you said.
 17 Q. Sure. I asked you -- you were reluctant
 18 to answer yes to the question that, you know, Andrea
 19 Rossi controls -- controls J.M. Products.
 20 A. It is absolutely --
 21 MR. ARAN: Objection to form. There is
 22 no question pending. There is no question
 23 pending.
 24 MR. PACE: What are you instructing him
 25 not to do then?

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1 MR. ARAN: I am objecting to the form,
 2 which is you are simply making statements that
 3 are not questions.
 4 I am objecting to the form and I am
 5 suggesting there is no question pending for him
 6 to answer.
 7 BY MR. PACE:
 8 Q. You were responding. I'm sorry.
 9 A. I'm sorry, attorney, but I totally
 10 disagree with you. I am not resisting the facts that
 11 you are saying.
 12 I always answered yes to every question
 13 that you asked to me related to the fact that I was
 14 the director of the day by day operation of J.M.
 15 Q. I know, but I was asking you a question
 16 about control and that's where you resisted, so let
 17 me ask it again.
 18 Andrea Rossi controls all aspects of J.M.
 19 Products, correct?
 20 MR. ARAN: Objection to form.
 21 MR. CHAIKEN: Object to form.
 22 THE WITNESS: No.
 23 BY MR. PACE:
 24 Q. Andrea Rossi controls J.M. Products,
 25 correct?

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1 MR. ARAN: Objection to form.
 2 MR. CHAIKEN: Object to form.
 3 THE WITNESS: No.
 4 BY MR. PACE:
 5 Q. Why is it that Andrea Rossi does not
 6 control J.M. Products?
 7 A. Because to control J.M. Products mean to
 8 have full control of J.M. Products. As you -- as you
 9 have heard from the beginning, I was not in the board
 10 of directors. I was not the president. I was not
 11 the CEO.
 12 I was the director of all the scientific
 13 research and development activity and experimental
 14 activity of J.M., so I was the director and I am
 15 responsible about all the day by day operations,
 16 working operations that take -- that have taken act
 17 inside the factory of J.M., not of all the actions or
 18 deeds that are related to the -- to the activity that
 19 is proper of a president or of a board of directors.
 20 Q. What other activities does J.M. Products
 21 engage in, other than activities that you have
 22 controlled?
 23 A. I don't know.
 24 Q. As the corporate representative of J.M.
 25 Products here today you are not aware of any

IMP

IMP

R

Third Party: (27:24-28:19) Arg., MT

Arg., R, IMP

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1 activities in which J.M. Products is engaged that has
 2 not been controlled by Andrea Rossi?
 3 A. I am --
 4 MR. ARAN: Objection to form. He's here
 5 to testify about the matters set forth in your
 6 designated deposition, which deals with J.M.'s
 7 activities as they relate to this lawsuit and
 8 the operations of J.M. as it relates to this
 9 lawsuit and the operation of the E-Cat, et
 10 cetera. It does not deal with anything else
 11 that J.M. may have or not have.
 12 MR. PACE: A, that's not true. B, that's
 13 kind of a coaching, speaking objection. You can
 14 make an objection, if it's a fair objection.
 15 MR. ARAN: I will not help you anymore
 16 again.
 17 MR. PACE: No, no, I understand.
 18 MR. ARAN: I am trying to help you.
 19 BY MR. PACE:
 20 Q. That's fine. By the way, he's made the
 21 objection. I want to make sure it's clear on the
 22 record, I am not disputing that, that the objection
 23 is here.
 24 Let me try to rephrase my question.
 25 Well, I think your answer might go to a scope issue

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1 but my question is still, as the corporate
 2 representative of J.M. Products you are not aware of
 3 any activity in which J.M. Products has engaged that
 4 you have not controlled; is that correct or not
 5 correct?
 6 MR. ARAN: Objection to form.
 7 BY MR. PACE:
 8 Q. Yes or no?
 9 MR. CHAIKEN: Objection to form.
 10 THE WITNESS: It is not correct. It is
 11 not correct, it is confusing because I have
 12 just -- attorney, I have just answered you, that
 13 I am aware of the facts --
 14 BY MR. PACE:
 15 Q. Dr. Rossi, let me -- I am going to try to
 16 break those into small questions and they may not go
 17 anywhere but let me just try this.
 18 I don't think every question is an
 19 invitation for you to say something in addition.
 20 Times there are, if you feel my question is unfair.
 21 You asked me to clarify it, so I am going to
 22 clarify.
 23 You testified today about various
 24 activities of J.M. Products that you have controlled,
 25 such as the technical aspects and the day-to-day

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1 activities at the Doral location, correct?
 2 A. This is correct.
 3 Q. I am asking you as the corporate
 4 representative of J.M. Products are you aware of any
 5 other activities in which J.M. Products has engaged?
 6 Do they have any other business
 7 activities that you are -- that you are not -- that
 8 you, Andrea Rossi, are not involved in? Do they have
 9 any other financial activities in which you, Andrea
 10 Rossi, is not involved in?
 11 MR. CHAIKEN: Object to form.
 12 THE WITNESS: I have not a hint about
 13 everything that happened out of the factory of
 14 J.M. in 7861 Northwest 46th Street, Doral,
 15 Florida.
 16 BY MR. PACE:
 17 Q. So you're aware of no such activities?
 18 MR. ARAN: Objection to form.
 19 THE WITNESS: I am aware and I am
 20 perfectly aware of all the activities that
 21 happened inside the factory.
 22 BY MR. PACE:
 23 Q. And you are not aware of any activities
 24 by J.M. Products outside that factory?
 25 A. This is correct.

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1 Q. So to the best of your knowledge there
 2 are no activities by J.M. Products outside the
 3 factory?
 4 MR. ARAN: Objection to form,
 5 mischaracterization.
 6 THE WITNESS: I am not able to answer
 7 about things that I am not aware of.
 8 BY MR. PACE:
 9 Q. Fair enough, but I think I asked to the
 10 best of your knowledge. Let me ask the question
 11 again.
 12 A. The best of my knowledge is I don't
 13 know.
 14 Q. To the best of your knowledge you are not
 15 aware of any activities of J.M. Products other than
 16 what occurs at the Doral warehouse?
 17 A. Yes.
 18 Q. All right.
 19 A. Sorry but, you know, it's the English to
 20 the best of your knowledge that had put me in
 21 difficulty because I don't know the semantic limit of
 22 that proposition. This is why I was --
 23 Q. Understood. I understand. Some of these
 24 things I am trying to find out, you can only answer
 25 to the knowledge that you either have prior to

H, R

IMP

Arg., R, IMP

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1 preparing for the deposition or in connection with
 2 preparing for the deposition.
 3 But as a corporate representative of J.M.
 4 Products if the question, in fact, falls within the
 5 scope of the topics for which you are a corporate
 6 representative, and that can be a debate between
 7 counsel but if it does your answer, you know, is
 8 controlling for the corporation.
 9 If it doesn't, then it's just your
 10 personal -- you know, what Andrea Rossi knows
 11 personally.
 12 A. Yeah.
 13 Q. You would agree with me that as it
 14 relates to Leonardo Corporation the only activities
 15 of J.M. Products that are of significance to Leonardo
 16 Corporation are the activities at the Doral
 17 warehouse, correct?
 18 MR. CHAIKEN: Object to form.
 19 THE WITNESS: Can you kindly repeat?
 20 BY MR. PACE:
 21 Q. It's a long question. I will try again.
 22 The only activities of J.M. Products that are
 23 relevant to Leonardo Corporation are those activities
 24 at the Doral warehouse, correct?
 25 A. Yes, it is correct.

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1 Q. And those activities you, Andrea Rossi,
 2 had complete control over?
 3 A. Yes.
 4 Q. All right. When did you inform
 5 Industrial Heat that you had complete control over
 6 the activities of J.M. Products?
 7 A. From the beginning.
 8 Q. From the beginning?
 9 A. From the beginning. In June there is --
 10 I am aware of an e-mail that I sent to Tom Darden and
 11 J.T. Vaughn in June 2014, so -- when did not yet
 12 exist the factory of Doral because the factory of
 13 Doral has been rented, if I will recall, in September
 14 for 2014.
 15 So in June 2014 I sent an e-mail where I
 16 clearly stated to J.T. Vaughn and Tom Darden that I
 17 was going to direct the plant of J.M. I informed
 18 them perfectly that it was an experimental plant. I
 19 informed them -- they knew perfectly everything from
 20 the beginning.
 21 Q. And this is -- this you say is in e-mail
 22 communications that you had with Tom Darden and J.T.
 23 Vaughn, correct?
 24 MR. ARAN: Object to form.
 25 THE WITNESS: Yes, this is the one that I

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1 recall now, yes.
 2 BY MR. PACE:
 3 Q. Okay.
 4 A. But maybe there are others, but I
 5 remember this perfectly. I have short memory of this
 6 because you have shown it to me in my first
 7 deposition.
 8 Q. So it's a document that you -- an e-mail
 9 that you saw in your first deposition?
 10 A. Yes. So I remember that. I am sure
 11 there are others but sure, I think there are others.
 12 I am perfectly sure that Tom Darden and
 13 J.T. Vaughn knew everything to the perfection but I
 14 have very fresh memory of this e-mail because you
 15 have shown it to me.
 16 Q. And this e-mail --
 17 A. You have shown it to me.
 18 Q. And this e-mail, does it refer to J.M.
 19 Products or does it refer to a customer?
 20 A. Kindly can you repeat?
 21 Q. The e-mail you are talking about, does it
 22 refer to J.M. Products or does it refer to a
 23 customer?
 24 A. I don't remember this particular, but I
 25 was referring to the plant of the customer.

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1 Q. And the customer --
 2 A. When I say in that e-mail -- sorry, I
 3 have not finished. I'm sorry, attorney.
 4 Q. No, fair. Please finish.
 5 A. When I wrote in that e-mail I will direct
 6 or be the director, I don't remember -- now I don't
 7 remember by word, but when I say that I would have
 8 directed the plant, I was referring of -- obviously
 9 of the plant -- to the plant of the customer.
 10 Q. When you were talking about operating the
 11 plant you were not referencing operating the 1MW
 12 plant, correct?
 13 A. That would have been ridiculous because
 14 the fact that I was the director of the 1MW plant of
 15 Leonardo was known since 2012.
 16 It is like I come down to my wife and say
 17 dear, I have to inform you that I am your husband.
 18 You know, that would have been ridiculous.
 19 Q. And so your reading -- obviously these
 20 are e-mails so we have the e-mails, but your reading
 21 of these e-mails is that they disclose that you are
 22 going to be in control of the customer?
 23 A. Plant.
 24 Q. The customer's plant?
 25 A. (Nods head.)

IMP

R, IMP

IMP

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1 Q. And the day-to-day activities of that
 2 customer?
 3 A. Yes, sir.
 4 Q. All right. And other than that
 5 communication you believe there are other e-mail
 6 communications where you made the same point by
 7 referencing the plant of the customer?
 8 A. I am not sure, attorney.
 9 Q. Okay.
 10 A. But I believe so. But also, if I may
 11 complete the question, in the sense no one of
 12 Industrial Heat has ever, until the beginning of the
 13 litigation, no one of Industrial Heat has ever put in
 14 discussion the thing.
 15 So they never asked me who is the
 16 directing the plant of J.M.. They visited -- they
 17 visited many times the plant of Leonardo. They have
 18 been there and they have also spoken with the -- with
 19 Jim Bass, but the only thing they were interested to
 20 was to show the plant and to get the reference of Jim
 21 Bass for their investors that were the British of
 22 Woodford and the Chinese from China. Please.
 23 Q. You are now getting way collateral.
 24 A. No, I am not going away. I am just
 25 saying that the only thing they were interested to

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1 was to get the funds from their investors. They
 2 never asked to me who is directing the plant.
 3 Q. Dr. Rossi, did you ever take them to the
 4 other side of the Doral warehouse where J.M. Products
 5 operated; yes or no?
 6 A. No, because --
 7 Q. Did you tell them -- did you ever tell
 8 them that they could not access the other side of the
 9 Doral warehouse where J.M. Products was located; yes
 10 or no?
 11 A. In pursuit of --
 12 Q. I'm sorry?
 13 A. Yes or no does not exist. I have to
 14 explain. If you -- I am sure that you know perfectly
 15 the term sheet between Industrial Heat and J.M.
 16 Q. You drafted that.
 17 A. In the term sheet was written very
 18 clearly that Leonardo -- pardon. Industrial Heat
 19 guys had not to enter in the area of J.M. and J.M.
 20 guys had not the right to enter in Leonardo area.
 21 Pardon, Industrial Heat area.
 22 So it had been stated, signed and
 23 accepted by both parties that are J.M. from one party
 24 and Industrial Heat from the other that none of them
 25 had to invade the area of the other.

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1 Q. And you --
 2 A. The only guy that could go in both areas
 3 was me because I was at the same time as Industrial
 4 Heat knew perfectly, as I said before, I was the
 5 consultant and technical director of J.M., as well as
 6 the director of the plant of one megawatt.
 7 Q. Again, so my question, let's ask again.
 8 Let's see if you can answer it this time.
 9 Did you tell them -- did you tell people
 10 from Industrial Heat that they could not go to the
 11 J.M. Products side of the warehouse? Why is that not
 12 a yes or no answer?
 13 MR. ARAN: Objection to form.
 14 BY MR. PACE:
 15 Q. Dr. Rossi --
 16 A. I did not tell. The contract told it.
 17 Q. So you are saying you never did. So your
 18 testimony is -- your testimony is -- your sworn
 19 testimony is you never told anyone --
 20 A. No, my testimony is that I don't recall
 21 that it has been necessary to tell to the guys of
 22 Industrial Heat that they could not invade the area
 23 of J.M., for the very simple fact that they were
 24 perfectly aware of the agreement that they had signed
 25 with J.M., where was written that J.M. guys could not

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1 invade the area of Industrial Heat and Industrial
 2 Heat guys were not allowed to enter in the J.M.
 3 area.
 4 Q. So let's --
 5 A. It was forbidden by contract. Excuse
 6 me. If they have asked to me to allow them there,
 7 that would mean that they asked to me to breach a
 8 contract that they had signed.
 9 This would mean that they tried to breach
 10 a contract that they had with J.M..
 11 Q. Right. We're going to be here all day,
 12 Dr. Rossi, so we're going to have seven hours.
 13 A. I am here for all the time you want.
 14 Also more than seven hours if you want.
 15 Q. That's great. Then we will take more
 16 than seven hours.
 17 MR. ARAN: No, you won't.
 18 THE WITNESS: No problem.
 19 BY MR. PACE:
 20 Q. Let me ask the question again because
 21 it's a simple question, you can keep trying to dance
 22 around it, but I'm asking for a simple answer. Maybe
 23 it never occurred, so let me ask again.
 24 Did you, Andrea Rossi, ever tell anyone
 25 from Industrial Heat that they could not enter the

IMP

1 J.M. Products side of the Doral warehouse; yes or no?
 2 A. Not that I can recall.
 3 Q. Was that hard?
 4 A. Sorry?
 5 Q. Was that hard, to answer that question?
 6 MR. CHAIKEN: Object to form.
 7 THE WITNESS: No, it's not hard. I don't
 8 recall.
 9 BY MR. PACE:
 10 Q. That's all I'm asking though.
 11 A. Is this the answer?
 12 Q. That was the question I asked. Now
 13 you're answering the question I asked.
 14 A. Okay.
 15 Q. Okay. You can hold onto your speeches
 16 for later on.
 17 A. Perfect. But I just wanted --
 18 MR. ARAN: Object.
 19 THE WITNESS: I just wanted to clear if
 20 should they have asked to enter --
 21 BY MR. PACE:
 22 Q. But you're saying they didn't.
 23 A. -- in the J.M. contract, I say I don't
 24 recall.
 25 Q. Okay.

1 warehouse, correct?
 2 A. No.
 3 MR. CHAIKEN: Object to form.
 4 MR. ARAN: Object to form.
 5 THE WITNESS: I did not say that. I say
 6 I do not recall.
 7 BY MR. PACE:
 8 Q. I'm sorry. I said to the best of your
 9 recollection.
 10 A. No, you said to the best of your
 11 recollection you believe that. I did not say so. I
 12 say as I am -- I say just I don't recall. I do not
 13 say I don't believe.
 14 I say I don't recall. You know English
 15 better than me but some English I have learned. To
 16 recall is one thing and to believe is another thing.
 17 And I also added that if they did, they
 18 made an illegal action because they asked to breach a
 19 contract.
 20 Q. Dr. Rossi, Andrea Rossi, you've said this
 21 several times never in response to my question so
 22 let's see if we can --
 23 A. No, I responded to your question. I
 24 don't recall.
 25 Q. Let's keep going here.

AA, Arg., Cum.

IMP

1 A. I don't say they didn't. I say I don't
 2 recall.
 3 Q. That's all I am asking for. I am asking
 4 for what you know, what you recall and your
 5 recollection --
 6 A. I don't recall.
 7 Q. -- is that it never happened?
 8 A. Should they have made it they would have
 9 asked to me to breach a contract that they had
 10 signed.
 11 Q. I understand. I understand what you
 12 think the law is but I am just asking you for your
 13 recollection.
 14 A. You're asking me --
 15 Q. Dr. Rossi --
 16 A. You are asking me if --
 17 Q. Dr. Rossi, let's go on to our next
 18 question.
 19 A. Okay.
 20 Q. There is a question, I get an answer from
 21 you, all right?
 22 And your answer is to the best of your
 23 recollection you don't believe you ever told anyone
 24 from Industrial Heat that they could not access the
 25 Doral -- the J.M. Products side of the Doral

1 A. Okay.
 2 Q. Jim Bass, what title did you give to Jim
 3 Bass in connection with J.M. Products?
 4 A. Consultant, scientific consultant.
 5 Q. Why did he represent himself as the
 6 director of engineering for J.M. Products?
 7 A. Because he was for what concern -- for
 8 what concerned the part related to the electronics
 9 that we were developing there, he was the director.
 10 So he was -- in the sense he was a
 11 director. Also, I must ask you that Tom Darden asked
 12 me to present him as the director to his investors,
 13 to have references from the director of the customer
 14 that he was satisfied. You know --
 15 Q. Let me stop you there. I will break this
 16 out. We can get to the conversation.
 17 A. Okay.
 18 Q. Let's make sure I am clear for what you
 19 said.
 20 A. Okay.
 21 Q. You're saying Tom Darden wanted someone
 22 from J.M. Products to meet with potential investors,
 23 correct?
 24 I am just going to take this one little
 25 chunk at a time. Is that correct, somebody from J.M.

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1 Products?
 2 A. Someone that was not me.
 3 Q. We will keep going this with little
 4 chunks and see if we can do it in little pieces
 5 here.
 6 A. Very good.
 7 Q. You're telling me Tom Darden told you --
 8 A. Yeah.
 9 Q. -- that he wanted somebody from J.M.
 10 Products, other than you, to meet with potential
 11 investors, correct?
 12 A. Yes, it is correct.
 13 Q. And Tom Darden asked you that this person
 14 be knowledgeable about the power or energy being
 15 received by J.M. Products from Leonardo Corporation,
 16 correct?
 17 MR. CHAIKEN: Object to form.
 18 BY MR. PACE:
 19 Q. Do you want me to ask the question again?
 20 A. No, no, no I have understood perfectly
 21 your question and it is correct.
 22 Q. Did Tom Darden tell you -- did Tom Darden
 23 identify the particular person who should meet with
 24 these investors?
 25 A. There was not another.

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1 Q. Okay. So he didn't --
 2 A. He knew perfectly there was -- you know,
 3 that was not for the corporation.
 4 Q. I understand.
 5 A. That was J.M. corporation.
 6 Q. So your testimony is when Tom Darden
 7 asked you to -- for this, he knew there was no other
 8 person at J.M. Products other than you running the
 9 day-to-day activities; that's your testimony?
 10 MR. ARAN: Objection to form.
 11 THE WITNESS: No.
 12 BY MR. PACE:
 13 Q. I am just trying to understand when Tom
 14 Darden asked for somebody to meet with the investors,
 15 somebody from J.M. Products, had he already met Jim
 16 Bass?
 17 A. Can you repeat the question?
 18 Q. Yes. This conversation you claim
 19 occurred between you and Tom Darden, where Tom Darden
 20 is asking you to provide somebody from J.M. Products
 21 to speak with investors.
 22 A. Yes.
 23 Q. All right. At the time of that
 24 conversation had Tom Darden already met Jim Bass?
 25 A. Tom Darden knew already about Jim Bass

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1 because I had informed him about Jim Bass and I do
 2 not recall if he had already met him or not.
 3 I think yes. I think yes. And I explain
 4 you why. Now I -- if I focus the memory, I am very
 5 close to be very convinced that yes, because the
 6 first time that Tom Darden together with Jim Bass
 7 came to visit the factory was not with the
 8 investors.
 9 They came several times. I remember
 10 perfectly J.T. Vaughn that came alone one time
 11 without -- without -- and stayed in the Holiday Inn
 12 Express close to the airport of Miami. I have gone
 13 to pick up him there.
 14 Another time came Tom Darden with Jim
 15 Bass. All this -- all these times without the
 16 investors. It was preliminary to the investors and
 17 they met Jim Bass in that occasion. They met Jim
 18 Bass.
 19 Q. J.T. -- they meaning J.T. Vaughn and Tom
 20 Darden?
 21 A. Yes, sir, you are correct.
 22 Q. Met Jim Bass in --
 23 A. In the meeting room of the office of --
 24 of Doral.
 25 Q. This is the Doral warehouse?

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1 A. Yes, sir.
 2 Q. The offices at the Doral warehouse?
 3 A. There is no other place.
 4 Q. I just want to make sure we have a clear
 5 record.
 6 A. Yes, there is no other place and there is
 7 no other person than Jim Bass. The other person was
 8 the poor Reinaldo Breto that was the janitor and for
 9 sure Darden wanted not to present to a janitor the
 10 investors.
 11 So when he asked to me to talk -- to
 12 have -- we say the director. It was obvious it was
 13 Jim Bass and it was obvious that he knew perfectly
 14 that -- at the time that he knew Jim Bass I was the
 15 director of the plant because he knew that I was the
 16 director from the plant since June -- at least June
 17 2014.
 18 Q. From your e-mail back in June of 2014?
 19 A. Very good. Very good. I don't know if
 20 there is some other, but yes.
 21 So when Tom Darden asked me that wanted
 22 to meet a representative of J.M. to show him to the
 23 investors and have good references, obviously he knew
 24 that it was Jim Bass because there is no other
 25 person. There was no other person.

IMP

1 Q. And your testimony is that Tom Darden --
 2 however, that Tom Darden said it should be a
 3 representative of J.M. Products other than you,
 4 Andrea Rossi?
 5 A. Yes. He said so, yes.
 6 Q. I want to make sure I understand. I just
 7 want to make sure I understand.
 8 A. Yes, you have understood perfectly.
 9 Q. Because you are saying -- you are
 10 saying -- your testimony is Tom Darden knew that you
 11 ran the day-to-day operations of J.M. Products --
 12 A. Yes.
 13 Q. -- correct?
 14 A. Yes.
 15 Q. And Tom -- but Tom Darden didn't want you
 16 to appear as the representative of J.M. Products,
 17 correct, to investors?
 18 A. He did not say so. I can -- I cannot --
 19 I want not to speculate. I want not to interject
 20 myself in the brain of Tom Darden.
 21 All I can say are facts. The facts are
 22 when -- several days before the visit with his
 23 investors and those visits have been --
 24 Q. I am not asking for the details of all
 25 the visits. You are clearly getting collateral.

1 Let's see if you can focus on answering the
 2 question.
 3 The answer was you're now saying several
 4 days before the visit with the investor, you were
 5 going to say something I think as to why you believe
 6 Tom Darden was not -- what conversation you had with
 7 Tom Darden.
 8 A. No, I did not understand the English.
 9 MR. ARAN: I am going to object.
 10 MR. PACE: I asked the question --
 11 MR. ARAN: I'm going to object. You're
 12 continuing to interrupt him in the middle of an
 13 answer. Even if it's not responsive you need to
 14 let him finish. Thank you.
 15 BY MR. PACE:
 16 Q. Okay. We can disagree on that. You were
 17 talking about a conversation you had with Tom Darden,
 18 so let's focus on where we were before.
 19 I was saying -- I was asking you if Tom
 20 Darden said that he wanted a representative other
 21 than you to meet with the investors. You said --
 22 well, your testimony then was that he did not
 23 specifically say I want somebody other than you and
 24 then you were going to explain why in this meeting
 25 you understood that that's what Tom Darden was

Confusing, Unintelligible

1 communicating to you.
 2 So I am not asking you for how many
 3 meetings occurred subsequently. I'm asking you just
 4 focus on this meeting with Tom Darden, when he was
 5 saying I want a representative of J.M. Products to
 6 meet with investors.
 7 First question. Did he expressly tell
 8 you that that representative should not be Andrea
 9 Rossi?
 10 A. Yes.
 11 Q. Okay. And so -- and as a result the only
 12 other person that Tom Darden had met in connection
 13 with J.M. Products other than the handyman/janitor
 14 was Jim Bass; that's your testimony, correct?
 15 A. It is correct.
 16 Q. All right. And so you took from this
 17 conversation that Tom Darden wanted Jim Bass to meet
 18 with the investors as the representative of J.M.
 19 Products, correct?
 20 A. No, I am not sure that is correct. He
 21 just wanted to have Jim Bass give a good reference of
 22 the plant to the investors. This is what I know.
 23 Q. Okay.
 24 A. Now you add the word representative that
 25 I never used. I did not even know, because in

IMP

1 Italian rappresentante means a completely different
 2 thing, so.
 3 Q. Did he -- in this meeting that you are
 4 testifying about under oath that you had with Tom
 5 Darden, did he specifically use the name Jim Bass, I
 6 want Jim Bass to meet with investors?
 7 A. I don't recall.
 8 Q. Do you recall how he characterized -- you
 9 weren't comfortable with the word representative, so
 10 let me avoid the word representative.
 11 I'm trying to figure out did he
 12 specifically say Jim Bass or did he say I want an
 13 officer of J.M. Products, I want the top dog at J.M.
 14 Products? What do you recall?
 15 MR. ARAN: Objection to form.
 16 THE WITNESS: Attorney, again, that was
 17 not for another company, that was J.M., et
 18 cetera. Sorry.
 19 BY MR. PACE:
 20 Q. I understand.
 21 A. Mr. Tom Darden knew perfectly that there
 22 were two persons beside me. One was Jim Bass, the
 23 other was the janitor.
 24 Q. Right.
 25 A. When a guy tells me I want somebody, not

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1 you, that talks to give good reference to my
 2 investors, you know, if you exclude me, remain only
 3 Jim Bass or the janitor.
 4 You know, I don't recall if he said Jim
 5 Bass but even if he did not say Jim Bass, if I say
 6 please use one hand of yours but not the right one,
 7 but I don't see the left one -- I don't say the left
 8 one, excuse me, but if it is not the right one, it is
 9 the left one. Am I wrong?
 10 Q. So your testimony is -- your testimony is
 11 that he either -- your testimony you're swearing to
 12 about this meeting with Tom Darden --
 13 A. Yeah.
 14 Q. -- Tom Darden either asked specifically
 15 for Jim Bass to meet with investors or at least asked
 16 for someone other than you --
 17 A. Correct.
 18 Q. -- to meet with investors, correct?
 19 A. Yes, it is correct.
 20 Q. All right. That's all I'm trying to
 21 establish, exactly what it was that you are
 22 testifying occurred.
 23 A. Very good. This happened not only in one
 24 visit, but in all the four visits of his investors.
 25 Q. Okay. Every time for this visit --

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1 A. This is interesting because --
 2 Q. Wait, wait, wait. What isn't
 3 interesting, I think we all can agree, is you getting
 4 collateral, so let's stick to this.
 5 A. Sorry, you are right.
 6 Q. There is four meetings and trust me, the
 7 day will go much faster if you answer my questions
 8 and --
 9 A. But I am not in a hurry.
 10 Q. When my questions are unfair you can
 11 certainly go on.
 12 A. All right.
 13 Q. But sometimes like you get collateral to
 14 me.
 15 A. I got all the time you want.
 16 Q. You got four meetings. You said there is
 17 four times investors came in.
 18 A. Yeah.
 19 Q. Let me ask incrementally.
 20 A. For meetings with the investors.
 21 Q. With the investors. Did you meet with
 22 Tom Darden --
 23 A. I am very sorry.
 24 Q. No problem.
 25 A. Yes.

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1 Q. Did you meet with Tom Darden in advance
 2 of each of those meetings with investors?
 3 A. In the first case, yes.
 4 Q. Okay.
 5 A. In the other case, I don't recall.
 6 Q. In terms of the conversation -- in terms
 7 of the request by Tom Darden to have either Jim Bass
 8 or at least somebody other than you to meet with the
 9 investors, did you -- did he make that request in
 10 connection with each of the four visits by investors
 11 or did he just make the request the first time and
 12 you understood that that should occur with each
 13 investor meeting?
 14 A. No, he wanted -- he wanted -- I precisely
 15 do not recall.
 16 Q. Okay.
 17 A. But he never told me I want not Jim Bass,
 18 I want you. So by default --
 19 Q. So you understood there is four times --
 20 your testimony is that there is four times that
 21 investors came to the Doral warehouse or potential
 22 investors came to the Doral warehouse to see the 1MW
 23 plant, correct?
 24 A. Kindly repeat your question.
 25 Q. Yes. Your testimony is that there is

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1 four occasions when potential investors came to the
 2 Doral warehouse to see the 1MW plant, correct?
 3 A. Yes, it is correct.
 4 Q. Your testimony is each time one of those
 5 investor groups or potential investors groups came,
 6 they met with Jim Bass?
 7 A. Yes, it is correct.
 8 Q. And each time Jim Bass told them that
 9 J.M. Products was satisfied with the power or energy
 10 they -- it was receiving from Leonardo Corporation,
 11 correct?
 12 MR. CHAIKEN: Object to form.
 13 MR. ARAN: Object to form.
 14 THE WITNESS: This -- as far as I recall,
 15 yes.
 16 BY MR. PACE:
 17 Q. And your testimony is that that --
 18 A. Maybe -- I want to add this. I am sure
 19 of this for the first two times, first visit of the
 20 British, second visit of -- second visit with the
 21 Chinese.
 22 I am not sure of this for the third visit
 23 with the British again, but I think so. But I am not
 24 sure about the fourth visit with another Chinese
 25 commission. Maybe during this fourth visit with the

Page 57

1 Chinese commission Jim Bass was not there but I am
 2 not sure of this. I don't recall exactly.
 3 Q. So --
 4 A. The interesting is that the third visit
 5 with the British happened in October and in October
 6 they came with the commission of Woodford, October or
 7 September, they came with the commission of the
 8 British, of Woodford, with the two top manager of
 9 Woodford and they commented extremely positively the
 10 plant and I perfectly that the two officers of
 11 Woodford with enthusiastic of the plant while --
 12 Q. And did they meet Jim --
 13 A. I'm not finished.
 14 Q. I am not asking about the details of the
 15 meeting though. Dr. Rossi, you're clearly getting
 16 collateral on me.
 17 All I was asking you -- I was asking very
 18 focused little questions because I am just trying to
 19 get my answers. I may ask you about these other
 20 subjects. I probably will later on today.
 21 A. All right.
 22 Q. You know how a deposition works. This is
 23 your third deposition in what, two weeks; is that
 24 correct?
 25 A. Yeah, more or less, yes.

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1 Q. Okay. So you're aware that --
 2 A. Yes.
 3 Q. -- to some extent there is questions I
 4 want to ask, I want to get an answer to and then
 5 there will be opportunities for you to get into other
 6 subjects later on. You understand that, correct?
 7 A. Yes, sure.
 8 Q. You understand there is a lot of subjects
 9 we're going to get to cover today, correct?
 10 A. Absolutely.
 11 Q. So let me just -- I am just trying to
 12 nail down this one particular point.
 13 A. Okay.
 14 Q. Your testimony is now, just so I am
 15 clear, at least as to two --
 16 A. Go ahead.
 17 Q. -- there are four times investors visited
 18 the Doral location, investors or potential inventors
 19 to see the 1MW plant.
 20 Your testimony is on at least two of
 21 those occasions Jim Bass met with the group of
 22 potential investors, correct?
 23 A. It is correct.
 24 Q. All right. You are not sure if on the
 25 other two occasions Jim Bass met with the group of

Page 59

1 potential investors?
 2 A. I am sure that he met them just for a
 3 hello.
 4 Q. All right.
 5 A. Just for a hello, while in the first
 6 two -- I am sure in the first two occasions Jim Bass
 7 has sit at the head of the meeting rooms. There is a
 8 table like this, more or less.
 9 Q. Okay.
 10 A. And he was sit where I sit now and all
 11 the other people was around and there has been a
 12 meeting of at least half an hour in the first two
 13 occasions, British and Chinese.
 14 The other two, I don't remember if it has
 15 been a meeting or just a hello.
 16 Q. I understand. So Jim Bass was -- met --
 17 so there is a meeting or hello.
 18 As to each of the four groups of
 19 investors or potential investors, Jim Bass was at
 20 least present at the Doral warehouse?
 21 A. Yes.
 22 Q. As to two of those four occasions he may
 23 simply have said hello, introduced himself as the
 24 director of engineering to the group of potential
 25 investors, correct?

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1 A. I don't remember if he introduced himself
 2 as the director of engineering or not, but he
 3 introduced himself as saying hello, everything all
 4 right just, you know, niceties and have a nice day.
 5 I don't remember exactly but could be
 6 that the second two meetings have seen Jim Bass in a
 7 very -- in a very short spot.
 8 Q. Okay.
 9 A. While in the first two he was a long
 10 movie.
 11 Q. He was making more of a presentation in
 12 the first two meetings?
 13 A. Yeah.
 14 Q. Even in the second two meetings where you
 15 are saying Jim Bass's interaction was more limited
 16 with the groups of potential investors, even then he
 17 would express that J.M. Products was satisfied with
 18 the power or energy it was receiving from Leonardo
 19 Corporation?
 20 MR. CHAIKEN: Object to form.
 21 MR. ARAN: Objection to form.
 22 BY MR. PACE:
 23 Q. If you recall.
 24 A. I cannot recall, but exists a body
 25 language and, you know, that -- the body language

H
 Third Party:
 (59:22-60:7)
 H, S

Third Party:
 H, S

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1 when he say hello to everybody was not the body
 2 language of a nervous guy, so.
 3 Q. So you think by his body language he was
 4 implying to the investors that J.M. Products was
 5 happy with Leonardo Corporation?
 6 A. I think you are understanding what I say.
 7 MR. CHAIKEN: Object to form.
 8 BY MR. PACE:
 9 Q. But on at least two occasions your
 10 testimony is Jim Bass did meet with investors and had
 11 a long meeting, approximately a hour meeting with
 12 each of those groups of investors, correct?
 13 A. Yes.
 14 Q. And in those meetings he would more
 15 clearly say or would clearly say that J.M. Products
 16 was happy with or satisfied with the power or energy
 17 it was receiving from Leonardo Corporation, correct?
 18 A. It is correct.
 19 Q. All right. And in these meetings
 20 would -- would Jim Bass identify your role in
 21 connection with J.M. Products?
 22 A. Can you repeat the question?
 23 Q. Yes. I am just trying to understand,
 24 when Jim Bass is meeting with these group of
 25 investors, these half hour meetings each time --

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1 MR. ARAN: Objection to form.
 2 BY MR. PACE:
 3 Q. -- and he's talking about the J.M. -- J.M.
 4 Products being satisfied with the energy or power
 5 it's receiving from Leonardo, would he discuss your
 6 role in connection with either Leonardo or J.M.
 7 Products?
 8 MR. ARAN: Objection to form.
 9 THE WITNESS: No. No, it has not been
 10 put on the table. He just said he was
 11 satisfied. Basically that is what Tom Darden
 12 asked for.
 13 He just asked to me for to make Jim Bass
 14 represent a good reference because he had to get
 15 funds from those investors. That's it.
 16 BY MR. PACE:
 17 Q. Okay. And to go back to your testimony
 18 before, what Tom Darden said -- he either
 19 specifically asked for Jim Bass or at the very least
 20 he asked for someone from J.M. Products other than
 21 you, correct?
 22 A. Correct.
 23 MR. ARAN: Object to form, asked and
 24 answered.
 25 (The document referred to was thereupon

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1 marked Deposition Exhibit 1 for Identification, a
 2 copy of which is attached hereto.)
 3 BY MR. PACE:
 4 Q. I am going to mark a couple of documents
 5 here but we will just take them one at a time. This
 6 is -- I marked as Exhibit 1 the -- the deposition
 7 notice for J.M. Products.
 8 You have seen this notice before?
 9 A. Yes.
 10 Q. And you -- these are the topics upon
 11 which you prepared yourself for testifying today?
 12 A. Yes. Yes, sir.
 13 Q. All right. We will come back to these in
 14 a bit. I wanted to have that marked as the first
 15 exhibit and then I can go to my second exhibit, which
 16 is going to be the term sheet.
 17 (The document referred to was thereupon
 18 marked Deposition Exhibit 2 for Identification, a
 19 copy of which is attached hereto.)
 20 BY MR. PACE:
 21 Q. This is marked as Exhibit 2. You are
 22 familiar with this document, what's marked as Exhibit
 23 2, term sheet?
 24 A. Yes.
 25 Q. Who -- did anyone on behalf of J.M.

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1 Products negotiate this term sheet?
 2 MR. CHAIKEN: Object to form.
 3 THE WITNESS: I did.
 4 BY MR. PACE:
 5 Q. You negotiated this on behalf of J.M.
 6 Products?
 7 A. Yes, sir.
 8 Q. With whom did you negotiate the term
 9 sheet?
 10 A. With Tom Darden.
 11 Q. All right. Did you disclose to Tom
 12 Darden that you were negotiating on behalf of J.M.
 13 Products?
 14 A. Yes.
 15 Q. And when you negotiated with Tom Darden
 16 over this term sheet, are these the e-mail
 17 communications that we have seen that go back and
 18 forth about the term sheet?
 19 MR. CHAIKEN: Object to form.
 20 THE WITNESS: Sorry, I did not understand
 21 the question.
 22 BY MR. PACE:
 23 Q. Sure. How did you negotiate with Tom
 24 Darden over the term sheet? How did you
 25 communicate? Was it by e-mail or was it by --

H

Third Party:
H, M

1 A. By -- also by e-mail, sure. By e-mail,
 2 by personal discussions that we had in Raleigh
 3 because in this period I was in Raleigh.
 4 Q. Okay.
 5 A. In this period I still was in Raleigh
 6 regularly and by telephone, you know, we had many
 7 conversations about this.
 8 Q. And who negotiated this term sheet on
 9 behalf of Leonardo Corporation?
 10 A. Me.
 11 Q. All right. So you were negotiating both
 12 as -- for J.M. Products and for Leonardo Corporation?
 13 A. That is correct.
 14 Q. And at the time J.M. Products was called
 15 J.M. Chemical Products, correct?
 16 A. Yes, it is correct.
 17 Q. Is that the name you came up with for the
 18 company originally?
 19 A. No. Originally, you know, I don't
 20 remember. Honestly, I don't remember who came up.
 21 Q. Is there anyone other than you who may
 22 have come up with the name?
 23 A. Yes, could have been the -- could have
 24 been Di Giovanni but honestly, I don't remember
 25 that. I was not -- I did not like the name anyway

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R, MT

1 and lately has been changed into J.M. Products.
 2 Q. So is -- other than -- you made this a
 3 first reference today to Di Giovanni. That's
 4 Francesco Di Giovanni?
 5 A. Yes.
 6 Q. And Francesco Di Giovanni is the
 7 beneficiary of the trust that owns J.M. Products,
 8 correct?
 9 A. Yes.
 10 Q. All right. So your testimony is that you
 11 believe -- well, your testimony is that either you or
 12 Francesco Di Giovanni came up with the original name
 13 for J.M. Products, that being J.M. Chemical Products?
 14 MR. ARAN: Objection, form.
 15 THE WITNESS: As far as I recall because,
 16 you know, it is not -- it is not a thing that I
 17 considered important, so it is an issue of three
 18 years ago or something, so I don't -- I don't
 19 remember exactly, but yes. Anyway, I did not
 20 like it and I changed it.
 21 BY MR. PACE:
 22 Q. Why don't we complete that thought and
 23 then we will do the -- we will come back to this,
 24 which is at some point the company's name was changed
 25 from J.M. Chemical Products to J.M. Products,

1 correct?
 2 A. Yes, it is correct.
 3 Q. And that was at your direction, correct?
 4 A. Yes, it is correct.
 5 Q. All right. Back to the term sheet. Who
 6 decided that J.M. Products would pay rent of \$1,000
 7 per day? Who came up with that number?
 8 A. I agreed upon this with Di Giovanni and
 9 he said that -- the agreement between me and
 10 Di Giovanni has been this. Leonardo will pay all the
 11 day by day in change of the product that we will take
 12 and I take the liability if the product is good or
 13 not in the first period and you will -- and J.M. will
 14 pay the thousand dollars per day to Industrial Heat.
 15 I tried to make also the interest of
 16 Industrial Heat because I was -- in those period you
 17 must not forget that my relationship with Industrial
 18 Heat was very good and --
 19 Q. So you in connection with Di Giovanni
 20 came up with the number of \$1,000 a day?
 21 A. No, the number of \$1,000 has been --
 22 partially correct, I'm sorry. Partially correct
 23 because I have been in contact -- I was in contact
 24 with all the parties, that was Tom Darden -- Tom
 25 Darden, J.T. Vaughn, John Mazarino.

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1 These are the three I dealt with to the
 2 setup of this term sheet regarding Industrial Heat.
 3 So I agreed upon this sum from the side of Industrial
 4 Heat with Tom Darden in first place, John Mazarino
 5 in second place and J.T. Vaughn in third place.
 6 Q. Did you negotiate with -- I'm a little
 7 confused.
 8 When the term sheet was first presented
 9 to Industrial Heat, the term sheet was first prepared
 10 by you or at your direction, correct?
 11 MR. CHAIKEN: Object to form.
 12 THE WITNESS: No.
 13 BY MR. PACE:
 14 Q. Somebody from Industrial Heat first
 15 prepared the term sheet?
 16 A. Neither. We sit down at the table in
 17 Raleigh, in the meeting room of the factory of
 18 Raleigh and we came up with a draft where everybody
 19 has
 20 put -- in a brainstorm everybody has put down on the
 21 table his ideas and we came up with a draft.
 22 Q. Who came up with the thousand dollars, if
 23 you recall? If you don't recall, you don't recall.
 24 A. Maybe the idea of the number was mine but
 25 I am not sure of that.

Page 69

1 Q. Okay.

2 A. Maybe the idea of the number was mine

3 because I said this is a good sum for Industrial Heat

4 to make some money and is reasonable respect the work

5 that -- that had to be done.

6 But in any case, all this draft included

7 the one thousand per day has been decide together

8 around the table like this, with the three of

9 Industrial Heat and me.

10 Q. So you negotiated this agreement, it

11 was -- your recollection is it was in a conference

12 room?

13 A. Yes.

14 Q. And in this meeting were you, Tom Darden,

15 John Mazzarino and J.T. Vaughn, correct?

16 A. Correct. At least --

17 Q. Anyone else in the meeting?

18 A. I don't recall. I don't recall. I don't

19 recall. But I don't think so because this was a

20 decision that did not involve other kind of people

21 there, so I don't recall.

22 Q. And so the terms -- eventually Henry

23 Johnson came up to Raleigh to sign this agreement on

24 behalf of J.M. Chemical Products, correct?

25 MR. CHAIKEN: Object to form.

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1 THE WITNESS: No.

2 BY MR. PACE:

3 Q. Did he not sign it in North Carolina?

4 A. No.

5 Q. He signed it back in Florida?

6 A. Yes.

7 Q. All right. There was a meeting in North

8 Carolina with Henry Johnson prior to the term sheet

9 being finalized; is that correct?

10 A. Yes.

11 Q. All right. Where were you when you

12 signed the agreement?

13 A. This agreement, as I recall, attorney,

14 maybe I'm wrong, but as far as I can recall everybody

15 has signed it separately.

16 So there has not been a meeting in which

17 everybody signed. Once the term sheet has been

18 completed, this term sheet has made many back and

19 forth through the e-mail to correct things, et

20 cetera, et cetera.

21 Of course the attorney Johnson

22 participated to this ping-pong because he had -- he

23 also made reviewing, et cetera. Once we reached a

24 final text that was good for everybody, I don't

25 remember who sent copies.

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1 Maybe the first copy has been admitted,

2 but I am absolutely not sure, from Industrial Heat

3 that sent the final -- the final version to me and to

4 Johnson. We signed. I signed it by myself, Johnson

5 signed it by himself, Darden signed it by himself and

6 everybody -- and every of us retained a copy, with

7 all the three signature at last.

8 Q. And what contribution did Henry Johnson

9 make to any terms of the term sheet?

10 A. I don't recall.

11 Q. Do you recall -- but you recall that he

12 made some changes or contributions to the term sheet?

13 A. Yes, I recall that.

14 Q. You just don't recall what they were?

15 A. Yes, exactly.

16 (The document referred to was thereupon

17 marked Deposition Exhibit 3 for Identification, a

18 copy of which is attached hereto.)

19 BY MR. PACE:

20 Q. I am going to mark as Exhibit 3 what's

21 called an industrial gross sublease.

22 A. Can I ask five minutes of break to go to

23 the men's room?

24 Q. Of course.

25 THE VIDEOGRAPHER: We're off the record.

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1 The time is 11:36 a.m.

2 (Thereupon a brief recess was taken,

3 after which the following proceedings were had.)

4 THE VIDEOGRAPHER: We're back on the

5 record. The time is 11:47 a.m.

6 BY MR. PACE:

7 Q. Dr. Rossi, you have in front of you

8 what's been marked as Exhibit 3. This is a

9 subleasing agreement between Leonardo Corporation and

10 J.M. Products, correct?

11 A. Correct.

12 Q. Who negotiated this on behalf of Leonardo

13 Corporation?

14 A. Me.

15 Q. And who negotiated it on behalf of J.M.

16 Products?

17 A. Me.

18 Q. Okay. So essentially this is -- you

19 handled both sides of this agreement, correct?

20 A. Yes, sir.

21 Q. Okay. And it says here that there is a

22 base rent -- I'm sorry, I'm covering up my

23 microphone.

24 Paragraph 2(A) refers to a base rent of

25 \$71,000 for the first year, correct?

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1 A. Yes.

2 Q. And then after that the base rent would

3 go up by three percent a year for the second and the

4 third year, correct?

5 A. Correct.

6 Q. And this base rent -- at least according

7 to this agreement, the base rent was money that was

8 going to be paid by J.M. Products to Leonardo

9 Corporation, correct?

10 A. Correct.

11 Q. Did J.M. Products ever make these lease

12 payments to Leonardo Corporation?

13 A. Yes.

14 Q. Did they make the payments using money

15 that was provided to J.M. Products from Leonardo

16 Corporation?

17 A. No, they paid by compensation with their

18 products.

19 Q. So the money for -- I understand the

20 phrase you want to use but let's talk about the

21 currency.

22 Was there a transfer of funds -- was

23 there ever a transfer of funds from J.M. Products to

24 Leonardo Corporation for any of the lease amounts

25 under this agreement?

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1 A. No.

2 Q. Okay. So --

3 A. For the reason I said before.

4 Q. You explained --

5 A. Yes.

6 Q. -- the compensation --

7 A. Yes.

8 Q. -- the concept you were discussing.

9 A. Yes.

10 Q. But I just wanted to find out whether

11 there was actually a payment of money, transfer of

12 funds, and there was not.

13 My question was -- I asked it as the

14 first year, so let me just go through each of the

15 three years.

16 Was there ever any transfer of money from

17 J.M. Products to Leonardo Corporation for lease under

18 this agreement in the second year of the agreement?

19 A. The second year of the agreement did not

20 exist.

21 Q. Okay. So this agreement -- when was this

22 agreement terminated?

23 A. This agreement has been terminated when

24 the plants have been stopped in February 2016.

25 Q. So the three year period would be from

Page 75

1 September 2014 to midnight August 31st, 2017. So the

2 first year would have expired in September 2015,

3 correct?

4 A. Yes.

5 Q. Or August 31st, 2015, correct?

6 A. Yes.

7 Q. The next year would have expired August

8 31st, 2016, correct?

9 A. Yes.

10 Q. Prior to that second year expiring this

11 agreement was terminated?

12 A. Yes.

13 Q. All right. But at least for part of that

14 second year of the lease term J.M. Products was

15 located at -- was located at the Doral warehouse,

16 correct?

17 A. I don't remember exactly when J.M.

18 abandoned the plant, but few -- a few days -- I don't

19 remember exactly how many days.

20 Q. Was it --

21 A. But --

22 Q. Was it in February or March of 2016

23 though?

24 A. I don't recall exactly, but very briefly

25 after -- when it became clear that the litigation was

Page 76

1 not going to be resolved in matter of weeks and not

2 even in matter of months, J.M. decided to abandon the

3 plant.

4 Q. So that's -- the litigation -- you filed

5 your lawsuit in the beginning of April of 2016. Does

6 that ring a bell with you?

7 A. Yes.

8 Q. Does that sound accurate to you?

9 A. Yes, it is accurate.

10 Q. I think it was April 2nd of 2016 but I

11 don't have it in front of me.

12 A. The deposit of the complaints.

13 Q. Yes. So your testimony is that J.M.

14 Products stopped -- stopped at least certain

15 operations sometime after the complaint was filed?

16 A. No, before.

17 Q. Before the complaint was filed.

18 A. Because before -- as you well know,

19 before the complaint -- our complaints have been

20 filed the situation had deteriorated very much, well

21 before we met the first time in Miami with the

22 attorney of Industrial Heat, which was you, and my

23 attorney that was John Annesser in January -- 8 of

24 January, if I am not wrong.

25 Q. It was in January of 2016?

Third Party: R

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1 A. I remember the 8th of January, yes,
 2 because it's been an important date.
 3 Q. I am just trying to kind of go back to
 4 something you were just saying, which is at some
 5 point in 2016 J.M. Products stopped -- well, at some
 6 point in 2016 J.M. Products stopped its business
 7 operations?
 8 A. Yes.
 9 Q. Okay.
 10 A. In Doral.
 11 Q. In Doral. And to the best of your -- and
 12 you, as the corporate representative today for J.M.
 13 Products, the only business activities you are aware
 14 of for J.M. Products -- I want to make sure I'm using
 15 the word you are comfortable with.
 16 You are more comfortable with aware. Let
 17 me start over. You, as the corporate representative
 18 of J.M. Products, the only business activities of
 19 J.M. Products that you are aware of were at the Doral
 20 location?
 21 MR. ARAN: Objection to form.
 22 THE WITNESS: As well as I were aware of,
 23 yes.
 24 BY MR. PACE:
 25 Q. Okay. So sometime in 2016 J.M. Products

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1 ceased all business operations that you, as the
 2 corporate representative of J.M. Products are
 3 aware -- let me start. That was a horrible
 4 question.
 5 Sometime in 2016 J.M. Products stopped
 6 its business operations at the Doral location?
 7 A. Yes.
 8 Q. I want to see if I can narrow it down
 9 when.
 10 It was before the lawsuit was filed at
 11 the beginning of April of 2016, correct?
 12 A. Correct.
 13 Q. It was after you met with Tom Darden in
 14 Miami, which was in January of 2016, correct?
 15 A. Yes. You mean the meeting with the
 16 attorneys?
 17 Q. Yes.
 18 A. After that.
 19 Q. I'm sorry, that's a good point. You met
 20 Tom Darden at a law office in Miami in January of
 21 2016, correct?
 22 A. Yes.
 23 Q. Okay. So it was after that meeting.
 24 Fabio Penon was here in Miami and was at the Doral
 25 warehouse on at least the 16th and 17th of February

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1 of 2016.
 2 Was J.M. Products still operating at that
 3 time at the Doral warehouse?
 4 A. Yes.
 5 Q. All right. So now we have narrowed it
 6 further. So now we have gotten to sometime after
 7 February 17 of 2016, but before the very beginning of
 8 April of 2016 J.M. Products ceased its operations?
 9 A. Yes.
 10 Q. That was a decision that was made by you,
 11 correct?
 12 A. No, that was a decision that has been
 13 made by the owner of J.M..
 14 Q. And when you say the owner, do you mean
 15 Di Giovanni?
 16 A. Yes.
 17 Q. Is this -- was this a decision that was
 18 made -- I'm trying to remember here.
 19 Was this made at a meeting that you had
 20 with Henry Johnson and Di Giovanni?
 21 A. I don't recall exactly this. I don't
 22 recall exactly this.
 23 Q. Once the operations were -- once the
 24 business operations of J.M. Products ended sometime
 25 between mid February and the very, very beginning of

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1 April 2016, what happened to -- what happened, for
 2 example, to Jim Bass? Jim Bass then became an
 3 employee or a consultant for Leonardo?
 4 A. Immediately after, yes, Jim Bass of
 5 course has been dismissed from J.M., and I asked to
 6 Jim Bass, because -- because he was very good, I
 7 asked to Jim Bass to go ahead for Leonardo
 8 Corporation in the study of the robotization system.
 9 Q. I apologize. I was sipping water
 10 literally when you gave the last answer. Did you say
 11 the robotic system?
 12 A. Yes, I asked to the -- to the company of
 13 Jim Bass that was -- I don't recall the name now.
 14 But I asked to continue to be a
 15 consultant of Leonardo Corporation because it would
 16 have been a pity to throw away a study that had been
 17 started at that point that is a very interesting
 18 technology related not to the one megawatt plant but
 19 to the technology of J.M. that is in development.
 20 Q. The technology of J.M., is that then
 21 something that Leonardo acquired or is that still --
 22 whatever that technology is it's still owned by J.M.
 23 Products?
 24 A. No, the technology is still owned by J.M.
 25 Products.

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1 Q. But Leonardo is furthering the
 2 development of that technology?
 3 A. Yes, because not for J.M. Products but
 4 for the European company we are in contact through
 5 Di Giovanni, we're going to develop this business.
 6 Q. What is the European company?
 7 A. It is a company in theory. This is an
 8 initiative that has to be still made.
 9 Q. I'm sorry, I think I misunderstood. A
 10 company in its infancy, is that what you said?
 11 A. No, in theory, in the making.
 12 Q. Okay. In theory, I'm sorry.
 13 A. In theory, yes. Sorry, it's a Latin
 14 expression. I'm sorry for use.
 15 Q. So it's --
 16 A. Excuse me.
 17 Q. The European company hasn't been formed,
 18 but what you are discussing with Di Giovanni is
 19 forming that company in the future?
 20 A. Yes, sir.
 21 Q. All right. Let me come back here to J.M.
 22 Products. After J.M. Products was -- after its
 23 business operations were closed in Doral, which we
 24 have established is sometime between late February
 25 and the very beginning of April of 2016, the

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1 Q. Actually, you know what, I am going to
 2 ask you a question about Exhibit 3, just so we get
 3 that out of the way. I just realized I didn't
 4 actually --
 5 A. I have Exhibit 4 here.
 6 Q. Yeah. I want to ask you -- I am going to
 7 go back, only because I realized I didn't actually
 8 get an answer to my question. I just want to end it,
 9 get the answer and then we can move on.
 10 A. Okay.
 11 Q. So at least for part of the second year
 12 of this sublease that is Exhibit 3 --
 13 A. Yeah.
 14 Q. -- J.M. Products was operating at the
 15 Doral location, correct? At least from September
 16 2015 until early 2016?
 17 A. Yes. Independently from this lease
 18 contract J.M. left the area very short time after the
 19 closing of the plants, so automatically this expired.
 20 Q. I understand what you're saying. I'm
 21 just asking the question of you testified earlier
 22 that there was no funds sent from J.M. Products to
 23 Leonardo to pay for the first year's rent.
 24 A. Yes.
 25 Q. I just want to ask the question, there

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1 pipeline -- the pipes that were connecting the 1MW
 2 plant on the Leonardo side of the warehouse to the
 3 container, the kind of black box container on the
 4 J.M. Products side of the warehouse, those pipes were
 5 removed at some point, correct?
 6 A. Correct.
 7 Q. That was after the business of J.M.
 8 Products closed?
 9 A. Yes.
 10 Q. That was shortly after the business of
 11 J.M. Products closed?
 12 A. Yes.
 13 Q. That was at your direction?
 14 A. Yes.
 15 Q. And those -- this might help us for
 16 clarity sake. As you probably noticed through these
 17 various depositions I sometimes like having
 18 pictures. They help make things a little more
 19 clearer for me.
 20 A. Sure.
 21 Q. So I am going to mark here as Exhibit 4.
 22 (The document referred to was thereupon
 23 marked Deposition Exhibit 4 for Identification, a
 24 copy of which is attached hereto.)
 25 BY MR. PACE:

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1 was also no funds sent from J.M. Products to Leonardo
 2 to pay for the second year's rent?
 3 A. Correct.
 4 Q. I just wanted to close the loop. Now we
 5 can go to our new exhibit.
 6 So Exhibit 4 shows -- too much paper.
 7 Exhibit 4 shows the inside of the Doral warehouse,
 8 correct?
 9 A. Yes, sir.
 10 Q. What we see there is a -- in silver what
 11 we see there is a pipe wrapped in insulation,
 12 correct?
 13 A. Yes.
 14 Q. That pipe was removed sometime after
 15 February -- after the middle of February of 2016, but
 16 before the beginning of April of 2016, correct?
 17 A. Yes.
 18 Q. All right. And that pipe was removed at
 19 your direction, correct?
 20 A. Yes.
 21 Q. And the pipe that was contained within
 22 that insulation was then put to some other use by
 23 you; is that correct?
 24 A. Yes.
 25 Q. And was the insulation discarded?

Cum.

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1 A. Yes.

2 Q. Okay. The -- what was the use that you

3 put the pipe to?

4 A. That is related to a technology not

5 related to the technology of the litigation and it's

6 covered by industrial secret.

7 Q. I'm sorry, the last one was industrial

8 secret?

9 A. Secret, yes.

10 Q. Let me ask you again. I am not asking

11 for details on the underlying technology. I am just

12 asking what did you do with the pipe? You put it to

13 some other use?

14 A. Yes.

15 Q. What kind of use? You don't have to give

16 me great details, but what kind of use? Let me

17 rephrase.

18 Where is it now? Where is the pipe now?

19 A. Inside the plant.

20 Q. All right. And the pipe is now being

21 used in another device inside the plant?

22 A. Yes, sir.

23 Q. And this pipe being used in this other

24 device is carrying fluids through the device, without

25 getting into the details of what those fluids are?

1 Reinaldo Breto, you testified earlier he

2 was a employee of Leonardo that was lent or

3 contracted out to J.M. Products, correct?

4 A. I am sorry but I think that Reinaldo

5 Breto was an employee of J.M.

6 Q. You think he was an employee of J.M.

7 A. Yes, I remember. Maybe I am wrong but as

8 I can recollect I remember that he was -- now he is

9 an employee of Leonardo, but at the times he was an

10 employee of -- of J.M..

11 Q. Okay. Well, this afternoon after lunch

12 we will bring in the actual Leonardo to J.M.

13 agreement, but it's just a matter of recollection.

14 A. Sure.

15 Q. But you are really getting, I think to my

16 added question, which is after J.M. Products closed

17 its business operations in Doral, Reinaldo Breto

18 became an employee of Leonardo Corporation?

19 A. Yes.

20 Q. And he remains an employee of Leonardo

21 Corporation until today?

22 A. Yes.

23 Q. And do you know where does -- at any

24 point in time did he -- was he actually living at the

25 Doral warehouse?

1 A. Yeah.

2 Q. Okay. You can use a pipe to hold up a

3 table, correct?

4 A. Sure.

5 Q. So I am trying to understand.

6 A. No, you are right. Like this, like this.

7 Q. Right, exactly. Even this picture there

8 is a pipe --

9 A. Sure.

10 Q. -- that's shown as holding --

11 A. As a pillar. This is just a pillar.

12 Q. What we see here is there is a gray or

13 metal-colored, surprisingly, pipe.

14 A. Yes, exactly.

15 Q. That is actually simply holding up the

16 pipe wrapped in insulation?

17 A. Pillar. Like a pillar.

18 Q. Like a pillar?

19 A. Yeah.

20 Q. That's all I was trying to understand.

21 A. Sure.

22 Q. I just want to make sure our testimony

23 was clear on that because we're talking about

24 removing of pipes. Now we've got a picture that it's

25 tied to.

1 A. No, he was not living in the Doral -- I

2 asked him to -- we prepared for him a place where to

3 sleep in an office for guarding, to have somebody

4 always inside there because during the time I was

5 alone in the Leonardo -- mainly in the Leonardo

6 place, and I wanted to have somebody in the other

7 side just for security to call me, then to call the

8 police or somebody for security reasons.

9 And yes, for some time he slept there,

10 yes, but he was not -- it was not a stable

11 situation.

12 Q. Do you know for how long he was residing

13 at the Doral location?

14 MR. CHAIKEN: Object to form.

15 THE WITNESS: He was not residing. He

16 never resided.

17 BY MR. PACE:

18 Q. I'm sorry, you're right. I just used the

19 wrong word.

20 For how long was he staying at the Doral

21 location under the arrangement you talked about,

22 where there was a place for him to be able to spend

23 the night while you were at the Doral location?

24 A. During the -- I don't recall exactly the

25 period -- I don't recall exactly the period but when

1 we saw -- I was very suspicious about espionage,
2 about -- sometime we had people around that was
3 around to take photography, et cetera.

4 During periods in which I did not feel
5 very safe, I asked him to remain there.

6 Q. I understand. So it was not steady, it
7 wasn't that he was always at the J.M. Products side
8 of the Doral warehouse --

9 A. Yes.

10 Q. -- for a period of time, it was when you
11 would request?

12 A. Yes.

13 Q. But otherwise he was a full-time
14 janitor/handyman for J.M. Products?

15 A. It is correct.

16 Q. All right. If we have one extra copy,
17 they'll split. This is a simple point.

18 (The document referred to was thereupon
19 marked Deposition Exhibit 5 for Identification, a
20 copy of which is attached hereto.)

21 BY MR. PACE:

22 Q. Dr. Rossi, just so that our record is
23 clear I marked as Exhibit 5, because Mike here is
24 very good at finding documents. This is why I am
25 better doing depositions with Mike than without him.

1 you're confident --

2 A. I don't see a date. Sorry if I interrupt
3 you, but where is the date on this?

4 Q. I don't think there is a date to it. Is
5 that your signature at the bottom?

6 A. Yes, it is my signature.

7 Q. This is a document that you prepared or
8 had someone prepare for you?

9 A. I am not able to answer because I do not
10 remember this document. I am reading this now. For
11 sure it is authentic because this is my signature,
12 there is no doubt about that, but I do not remember
13 this.

14 And so I am not able to answer you if --
15 if this has been something that then has been
16 cancelled or not. I am not able to tell you.

17 Q. You're not aware of J.M. Products ever
18 sending funds to Leonardo Corporation in the amount
19 of \$3,000 a month for Reinaldo Breto, correct?

20 A. I have to repeat what I said before,
21 this -- every expenses of the day by day, this
22 reenters in the day by day expenses was covered by
23 the compensation agreement between Leonardo and J.M.

24 So J.M. never transferred money. J.M.
25 paid in products by compensation.

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1 This is a document that shows that
2 Leonardo Corporation lent Reinaldo Breto to J.M.
3 Products in the first instance, correct?

4 A. Correct.

5 Q. All right. And now -- so essentially now
6 that Reinaldo Breto is an employee of Leonardo
7 essentially --

8 A. Yes.

9 Q. -- simply this contract has been
10 cancelled?

11 A. I am not able to answer to this
12 question. You know, from this invoice I can
13 understand that Reinaldo -- Reinaldo was -- during
14 the period of this invoice should have been an
15 employee of Leonardo, not of J.M. Products.

16 As I said before, I don't recall exactly
17 if he was an employee of one or the other and so
18 probably -- sir, I am not able to answer. Because
19 this is an invoice where Leonardo invoices to J.M.
20 Products the services of Reinaldo Breto.

21 From this invoice I must only think that
22 in this period Reinaldo Breto was an employee of
23 Leonardo Corporation. This is all I can answer to
24 you, sir.

25 Q. Okay. And in terms of this period,

1 Q. But again, so we're clear though, there
2 wasn't any transfer of funds, either for Reinaldo
3 Breto or for any other purpose from J.M. Products to
4 Leonardo?

5 A. Sir, not that I can recall.

6 Q. So that makes it easier for this. The
7 other thing I would say is you are confident if you
8 signed this it would have been during a period when
9 J.M. Products was still conducting its business,
10 correct?

11 A. Yes.

12 Q. So this must be prior to whenever it
13 terminated its business in 2016?

14 A. Absolutely. Absolutely. Because after
15 when they terminated they had no reason at all to
16 have anybody working for them.

17 Q. Okay.

18 A. In Doral.

19 Q. I want to -- I want to discuss the heat
20 exchanger that you've testified about on the J.M.
21 Products side of the Doral location in more detail
22 actually later on today, but the only thing I want to
23 talk about now on that is was that -- that heat
24 exchanger that you have testified about, that you
25 have discussed with Dr. Wong, do you -- do you know

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1 the date when that was removed?
 2 A. Immediately after the -- after the
 3 closure, after the stop of the plants.
 4 Q. So when -- when Fabio Penon was in Miami
 5 in February of 2016 the heat exchanger was still in
 6 place on the J.M. Products side of the Doral
 7 warehouse, correct?
 8 A. Yes, it is correct.
 9 Q. So sometime after that but before --
 10 well, let me ask you, by the time you filed your
 11 lawsuit had the heat exchanger that you have
 12 testified about and described to Dr. Wong, had that
 13 been removed?
 14 A. Sorry, attorney, it's pretty much
 15 confusing.
 16 Q. Okay. Let's do this. When I refer to
 17 the heat exchanger I'm referring to the heat
 18 exchanger that you testified about previously in this
 19 case and that you described to Dr. Wong, okay?
 20 A. Yes.
 21 Q. As to that heat exchanger --
 22 A. Yes.
 23 Q. -- had that been removed from the Doral
 24 location prior to your lawsuit being filed?
 25 A. Yes.

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1 Q. Okay. So that also -- just like the
 2 pipes -- the piping that we saw in Exhibit 4, that
 3 heat exchanger also, that was removed sometime
 4 between the middle of February 2016 and the beginning
 5 of April 2016?
 6 A. It is correct.
 7 Q. All right. And that also, according to
 8 your testimony, involved a large amount of piping.
 9 A. Yes.
 10 Q. Where has all that piping gone? We will
 11 talk about the other aspects of it later but I'm just
 12 trying to understand, is that piping -- let me just
 13 ask the question.
 14 Where did all that piping go?
 15 A. In another plant not connected with the
 16 activity of the one megawatt plant, like the other
 17 one I told before.
 18 Q. So there is another plant, there is
 19 another location? It's at a different location?
 20 A. It's another plant. No, it is in the
 21 same location, but it's -- it's another thing.
 22 Q. So let's see if we can get this -- we're
 23 going to talk about this in a lot more detail in the
 24 afternoon after lunch but I am just trying to
 25 understand.

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1 The piping for the heat exchanger that
 2 you testified about, it is now -- it's still at the
 3 Doral warehouse?
 4 A. Yes.
 5 Q. All right. But it's being used in some
 6 new type of device?
 7 A. Yes.
 8 Q. And in connection with this device, is it
 9 being used -- does it have fluids flowing through it?
 10 A. Yes.
 11 Q. And just to be clear for our purposes, we
 12 have discussed this in other depositions, I know, but
 13 I like each deposition to be clear.
 14 Both a liquid and a gas is a fluid,
 15 correct?
 16 A. Correct.
 17 Q. So if we talk about -- when we talk
 18 about -- if we were talking about water, if you
 19 described it as a heated fluid, that could be not
 20 just hot water, that could be steam, correct?
 21 A. Correct.
 22 Q. Okay. So I am not -- when I say that a
 23 fluid is flowing through these pipes I am not asking
 24 you whether it's steam or hot water or what it is,
 25 it's some kind of fluid?

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1 A. You know, in chemistry and in physics
 2 everything that is not solid is a fluid.
 3 Q. Is a fluid. I just wanted the record to
 4 be clear that I am not -- when I refer to fluid, I am
 5 not trying to get into a debate --
 6 A. Sure.
 7 Q. -- over whether we're talking about
 8 something is in liquid form or gas form, it's a fluid
 9 in any event.
 10 (The document referred to was thereupon
 11 marked Deposition Exhibit 6 for Identification, a
 12 copy of which is attached hereto.)
 13 BY MR. PACE:
 14 Q. I'm going to hand you Deposition Exhibit
 15 6.
 16 A. Thank you.
 17 Q. You're welcome. This is a -- this is the
 18 meeting from the first board of directors and
 19 shareholders for J.M. Products or, I'm sorry, for
 20 J.M. Chemical Products, correct?
 21 A. I never saw this, so. I think this is
 22 the first time I see this document.
 23 Q. Okay. If you look at the date on it --
 24 well, let me ask. So in preparing for your
 25 deposition testimony today this is not a document you

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1 reviewed?
 2 A. No, this is not a document I reviewed.
 3 Q. Okay. Assuming this is an authentic
 4 document, it was produced by J.M. Products, date --
 5 you see on the last page there is a date that is June
 6 27, 2014, so that's right around the time that J.M.
 7 Products was formed, correct?
 8 A. Okay. Yes, if it is so. Again, I am
 9 seeing, attorney, this document for the first time in
 10 my life.
 11 Q. I understand. I am asking you about the
 12 date. I'm saying --
 13 A. I am reading dated June 27, 2014, yes.
 14 Q. Right. And is that -- do you recall --
 15 A. Sorry.
 16 Q. I'm sorry.
 17 A. Sorry.
 18 Q. Do you recall that's around the time that
 19 J.M. Products was -- J.M. Chemical Products was
 20 created as a company?
 21 A. Makes sense.
 22 Q. Okay. But you don't actually recall -- I
 23 am not trying to put words in your mouth. You don't
 24 actually recall --
 25 A. No.

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1 Q. -- what month in 2014 J.M. Products was
 2 formed?
 3 A. No, sir.
 4 Q. Okay. I will represent to you that it
 5 had been formed as of -- at least as of this day, in
 6 fact a little before. Just to give you ease this is
 7 not a trick here. I am just trying to understand.
 8 If you can look on page JM15.
 9 A. Yes.
 10 Q. It's the second page of this document.
 11 A. Yes.
 12 Q. Do you see paragraph 4?
 13 A. 4? Yes, I see it.
 14 Q. You may be familiar with this, you may
 15 not. Are you aware that when a corporation is formed
 16 there is something called a -- you know, a subscriber
 17 or somebody who originally forms the company?
 18 Do you understand, when companies are
 19 first --
 20 A. I am not expert of this kind of things.
 21 Q. So let me just explain this a second.
 22 There are -- when a company is first formed it
 23 doesn't yet have stock. It's got to create its stock
 24 and then it can issue its stock.
 25 A. Yes.

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1 Q. You understand that stock is how
 2 companies are owned, right?
 3 A. Yes, of course.
 4 Q. So this document identifies that the
 5 assignment for the right to buy the capital stock of
 6 J.M. Chemical Products was provided in favor of James
 7 L. Wolff. Who is James L. Wolff?
 8 A. Well, the first answer is I don't have a
 9 clue of who the heck is James L. Wolff but I can
 10 explain.
 11 And I can explain because the attorney
 12 Johnson when we met -- I think I can explain this --
 13 told me that this is a typo basically because James
 14 L. Wolff was another client absolutely not related to
 15 this, of the attorney Johnson --
 16 Q. I see.
 17 A. -- that had made another company, I don't
 18 know whatever, et cetera.
 19 And he explained to me and to my attorney
 20 the other day that he had made a typo here that
 21 remained this name that erroneously his secretary had
 22 put in this deed -- can be considered a deed, this in
 23 English, this document.
 24 Q. In this document, yes. It's not really a
 25 deed, but it's a document.

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1 A. In this document his secretary
 2 erroneously has written James L. Wolff. This mistake
 3 remained. I suppose that he eventually has corrected
 4 this, but this is just a typo.
 5 Q. What's the name that should be there?
 6 A. I don't know. I have no idea. That
 7 has -- I have no idea because, again, I have nothing
 8 to do with all this kind of stuff related to who are
 9 the owners, et cetera, et cetera, et cetera. It's
 10 not my stuff.
 11 Q. I understand.
 12 A. The attorney -- sorry.
 13 Q. Go ahead.
 14 A. I was only completing the answer for
 15 you.
 16 I can say what I know and what I know is
 17 that the attorney Johnson told me several days ago
 18 when we reunited with the attorneys to prepare this
 19 deposition, explained to me it is possible that you
 20 will be asked about who is this Wolff and just answer
 21 that it is a typo.
 22 Q. But he didn't tell you what the correct
 23 answer was? In other words, he told you James L.
 24 Wolff is -- somebody typed in the wrong name, it
 25 shouldn't be James L. Wolff, it should be something

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1 else, he just didn't tell you the something else?
 2 A. No, I don't recall this. I don't recall
 3 this or maybe he told, but I was not focused. I got
 4 the typo but, you know, I am totally not interested
 5 what is the name that is here.
 6 Q. But you understand from this document,
 7 this is the document, since you get a chance to
 8 discuss it with Mr. Johnson, this is a document that
 9 reflects who has the right to own or who owns J.M.
 10 Products or J.M. Chemical products, at least
 11 originally?
 12 A. Yes, but it is not my business.
 13 Q. I understand but it was a topic for the
 14 deposition.
 15 A. Yeah, but the topic resolve like this.
 16 In fact, he told me to explain this is a typo.
 17 Q. Okay. No, I understand that.
 18 A. If you want to know who is the
 19 beneficiary of the trust, that you know.
 20 Q. We might be able to resolve this without
 21 having to have any further depositions by just
 22 talking with counsel for J.M. Products.
 23 A. For now I can tell you that this is a
 24 typo. That I do not know who the heck is Mr. James
 25 L. Wolff and the attorney Johnson explained to me if

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1 you will be requested and I am, just tell that it's a
 2 typo made by secretary and that's it. He told me
 3 that eventually has been corrected.
 4 Q. It's been corrected. So there should be
 5 another document that should have been produced or
 6 would have been produced that would have the
 7 corrected information in it?
 8 A. So the attorney Johnson told me.
 9 Q. Understood. Right. You didn't actually
 10 do the correction?
 11 A. No.
 12 Q. Either Henry Johnson or his assistant,
 13 Colette made the correction?
 14 A. I suppose so.
 15 Q. By the way, just so I put it on the
 16 record before I forget about it, Colette is Colette
 17 Sauer, but it's spelled S-A-U-E-R, correct?
 18 A. Yes, it is correct.
 19 Q. We have got that done so later on today
 20 when I refer to Colette Sauer it will be spelled
 21 correctly in the record.
 22 A. It's the secretary of Johnson.
 23 Q. I want to -- before we take a break for
 24 lunch, I want to talk -- one of the deposition topics
 25 for today, if you look at -- if you're looking at

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1 Exhibit 1 but I will read it to you. You can read
 2 along with me if you like.
 3 A. Exhibit 1, yes.
 4 Q. Deposition topic 6 is --
 5 A. Page?
 6 Q. I'm sorry, page 2.
 7 A. Page 2, yes.
 8 Q. Deposition topic 6 is the relationship
 9 between JMP and Johnson Matthey p.l.c. --
 10 A. Yes.
 11 Q. -- or its affiliates --
 12 A. Yes.
 13 Q. -- including, but not limited to any
 14 products JMP purchased from or sold to Johnson
 15 Matthey, any payments between JMP and Johnson Matthey
 16 and any agreements between JMP and Johnson Matthey.
 17 I think I can kind of cover this topic in
 18 just a few minutes and if I'm wrong, we'll break for
 19 lunch and finish afterwards.
 20 A. No problem.
 21 Q. J.M. Products never ultimately sold any
 22 products to Johnson Matthey, correct?
 23 A. J.M. Products was not supposed to sell
 24 products to Johnson Matthey.
 25 Q. Okay. And --

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1 A. Never. Never sold. The answer to your
 2 question, correct.
 3 Q. They never sold. And that's because they
 4 were never intending to sell any products to Johnson
 5 Matthey?
 6 A. No, Johnson Matthey --
 7 MR. CHAIKEN: Object to form.
 8 THE WITNESS: Johnson Matthey in the long
 9 discussions that I had with their top managers,
 10 they said that they would have been open to --
 11 also to buy our products, to buy back the raw
 12 materials in case of we did not need them but --
 13 but basically they were not supposed to buy
 14 material from JMP.
 15 BY MR. PACE:
 16 Q. Some of this I'm going over things that
 17 were covered in your prior deposition. I am just
 18 trying to make sure I'm clear because I've got you
 19 here as a representative of J.M. Products.
 20 A. Okay.
 21 (The document referred to was thereupon
 22 marked Deposition Exhibit 7 for Identification, a
 23 copy of which is attached hereto.)
 24 BY MR. PACE:
 25 Q. I am handing you what's marked as Exhibit

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1 7. I believe we covered this in your deposition on
 2 behalf of Leonardo Corporation last Friday, so I
 3 don't think I'm treading new ground.
 4 You just said that you were talking with
 5 high level people at Johnson Matthey.
 6 A. Yes.
 7 Q. And I believe last Friday you identified
 8 those individuals as the people on this e-mail. This
 9 is an e-mail that you had with Johnson Matthey with a
 10 Dalton O'Brian and Alain Groborz, correct?
 11 A. Yes, it is correct.
 12 Q. Those are the two individuals at Johnson
 13 Matthey with whom you were having your discussions?
 14 A. Correct.
 15 Q. All right. There has -- there has never
 16 been a payment by Johnson Matthey to J.M. Products,
 17 correct?
 18 A. Correct.
 19 Q. Has there ever been a payment by J.M.
 20 Products to Johnson Matthey?
 21 A. I don't recall if -- because I bought --
 22 I bought a sample from them and -- for several
 23 thousand dollars and I don't remember if I bought it
 24 as Leonardo Corporation or if J.M. bought it. I
 25 don't remember this.

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1 Q. Okay.
 2 A. Maybe yes, maybe not. I don't recall
 3 exactly. Because in any case, this reentered in the
 4 day by day operation of the company.
 5 So in any case, the money had to come
 6 from Leonardo based on the agreement between Leonardo
 7 and J.M.. So maybe that this has been made, because
 8 they were in contact with J.M., as you can see from
 9 this e-mail.
 10 This e-mail has been signed Andrea Rossi,
 11 J.M. Products Corporation, Doral, Florida, so they
 12 knew that they were talking with J.M.
 13 Q. Right.
 14 A. And -- but I don't remember if I bought
 15 that sample as Leonardo or as J.M., so I am not able
 16 to answer your question. Either one.
 17 Q. That's why I was asking you.
 18 A. Either one.
 19 Q. That's why I was asking the question. I
 20 was trying to understand whether J.M. Products bought
 21 it or whether Leonardo bought it.
 22 A. I don't recall.
 23 Q. Because I don't think we have received
 24 documents from either reflecting the actual purchase
 25 so I was trying to figure out who should have the

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1 documents.
 2 A. And I can explain why. Because I bought
 3 from their American subsidiary.
 4 Q. In Tennessee?
 5 A. I don't remember if it is in Tennessee
 6 but we bought -- since we bought -- it was a small
 7 amount because it was just a sample and so they
 8 directed me to their American subsidiary for this
 9 small amount. And I don't remember if it was
 10 Tennessee or not.
 11 Q. So let's break that down. Again, we can
 12 take a break in a little bit. I don't want to keep
 13 you for lunch.
 14 A. I don't need it.
 15 Q. Unfortunately I think I do need lunch.
 16 This e-mail is dated March 22nd and it
 17 talks about an order or potential order of 10
 18 kilograms of platinum sponge.
 19 The first question is, your recollection
 20 that there was an actual purchase of platinum sponge
 21 from Johnson Matthey, that transaction occurred
 22 subsequent to this e-mail?
 23 A. No.
 24 Q. Prior to this e-mail?
 25 A. Can you repeat the question?

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1 Q. Yeah. Maybe use of the word subsequent
 2 was a bad one. I think what you were just telling me
 3 was sometime after this e-mail you, either on behalf
 4 of Leonardo Corporation or on behalf of J.M.
 5 Products, bought some platinum sponge from a Johnson
 6 Matthey subsidiary in the United States; is that
 7 correct?
 8 A. I bought from Johnson Matthey a sample of
 9 a -- of a particular filter, from which I could take
 10 off platinum sponges because they do not sell
 11 platinum sponges in small quantities and I needed a
 12 small quantity to make one experiment and so I bought
 13 from -- I bought -- yes, indirectly I bought platinum
 14 sponges, but directly what I bought was a particular
 15 filter that I knew because I used it in Italy for
 16 other things. It's a catalyst.
 17 It's a catalyst that contains platinum
 18 sponges and I knew how to take off from that catalyst
 19 the platinum sponge that I need to make the
 20 experiment, to make an experiment.
 21 Q. Let me walk backwards, if I can. First
 22 of all, when you bought these filters, you bought
 23 them from a Johnson Matthey subsidiary in the United
 24 States?
 25 A. Yes.

1 Q. Second is you bought them sometime after
 2 the date of this e-mail, which is March 22nd of 2015,
 3 correct?
 4 A. Yes.
 5 Q. In response to this e-mail where you were
 6 looking to buy ten kilograms of platinum sponge, did
 7 Johnson Matthey inform you they weren't willing to
 8 sell ten kilograms -- simply ten kilograms of
 9 platinum sponge?
 10 A. They sent an offer.
 11 Q. You said that you needed a small amount
 12 of platinum sponge for the experiment you wanted to
 13 run.
 14 What do you mean by a small amount? Are
 15 we talking a few grams? Are we talking a kilogram?
 16 A. We're talking a few grams.
 17 Q. A few grams. And you obtained those few
 18 grams from the -- from removing them from filters you
 19 bought from the Johnson Matthey subsidiary?
 20 A. Correct.
 21 Q. And you don't recall sitting here today
 22 whether it was J.M. Products or Leonardo that bought
 23 those filters?
 24 A. Correct.
 25 Q. When J.M. Products -- actually, before I

1 get into that subject, let me just see if I can wrap
 2 things up with Johnson Matthey.
 3 R So you received order -- orders or
 4 proposed orders from Johnson Matthey for either J.M.
 5 Products or Leonardo to buy platinum sponge, but
 6 those orders were never completed, the platinum
 7 sponge pursuant to those orders was never bought; is
 8 that correct?
 9 A. You say order, but you mean offers.
 10 Q. Offer. I'm sorry, I didn't know if there
 11 was a phrase used for it. Yes, so let me rephrase my
 12 question.
 13 You received offers or proposals --
 14 A. Yes.
 15 Q. -- from Johnson Matthey to sell to either
 16 Leonardo Corporation or J.M. Products some quantity
 17 of platinum sponge, correct?
 18 A. Correct.
 19 Q. Those proposals or offers were never
 20 accepted by either J.M. Products or Leonardo,
 21 correct?
 22 A. Correct. In that case from J.M.
 23 because -- yes, okay. No. The answer is correct.
 24 Q. All right. Either J.M. Products or
 25 Leonardo did obtain some platinum sponge from a

Third Party:
(110:3-12)
Confusing

1 Johnson Matthey subsidiary, but it obtained it by
 2 purchasing filters from Johnson Matthey, the Johnson
 3 Matthey subsidiary, correct?
 4 A. Yes, it is correct.
 5 Q. So that transaction is not reflected in
 6 Exhibit 7?
 7 A. No, sir.
 8 Q. Okay. But it occurred sometime after
 9 Exhibit 7?
 10 A. Yes, sir.
 11 Q. All right. Other than proposals --
 12 proposals or offers from Johnson Matthey to buy --
 13 I'm sorry, to sell platinum sponge and aside from the
 14 transaction whereby either Leonardo or J.M. Products
 15 bought filters from a Johnson Matthey subsidiary,
 16 have there been -- are there any other agreements
 17 or -- are there any other agreements between J.M.
 18 Products and Johnson Matthey?
 19 A. No, sir.
 20 Q. Okay. Have there been any other
 21 potential agreements negotiated between J.M. Products
 22 and Johnson Matthey?
 23 A. I don't understand the question.
 24 Q. It was a poor question. Other than a
 25 proposal or offer to sell platinum sponge by Johnson

1 Matthey to J.M. Products, and other than the
 2 transaction whereby certain filters were bought by
 3 either J.M. Products or Leonardo from a Johnson
 4 Matthey subsidiary, have -- are there any other
 5 business transactions that were negotiated or
 6 discussed between Johnson Matthey and J.M. Products?
 7 A. No.
 8 MR. PACE: Why don't we go off the
 9 record.
 10 THE VIDEOGRAPHER: Sure. Off the
 11 record. The time is 12:44 p.m.
 12 (Thereupon a lunch recess was taken,
 13 after which the following proceedings were had.)
 14 THE VIDEOGRAPHER: We're back on the.
 15 Record the time is 1:52 p.m.
 16 BY MR. PACE:
 17 Q. Dr. Rossi, we have gone through this --
 18 well, first of all you recognize you are still under
 19 oath, correct?
 20 A. Yes.
 21 Q. We have gone through this exercise before
 22 so I think you know the drill but I am going to ask
 23 you a series of questions.
 24 I'd ask kind of yes, no answers, give
 25 your lawyer a chance to object and at some point your

R

Third
Party:
R

3rd
Party - R

R

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1 lawyer I suspect is going to instruct you not to
 2 answer, so just -- we have done this before.
 3 Which is at your -- during the break with
 4 whom did you meet or discuss or have conversations?
 5 A. With my attorneys.
 6 Q. And those attorneys are?
 7 A. Attorney Aran.
 8 Q. Aran and attorney Chaiken?
 9 A. Yeah.
 10 Q. And just answering yes or no, did you
 11 discuss at all your testimony from earlier today?
 12 A. Yes.
 13 Q. With both of the attorneys or with just
 14 one or the other attorney?
 15 A. With both of my attorneys.
 16 Q. Okay. Again, give your lawyer a chance
 17 here. But what did you discuss?
 18 MR. ARAN: Objection, privileged.
 19 MR. CHAIKEN: Instruction not to answer.
 20 MR. ARAN: And instruction not to answer.
 21 THE VIDEOGRAPHER: Counsel, microphone,
 22 please.
 23 MR. PACE: Hit it again, just so they
 24 hear it on the record.
 25 MR. ARAN: Objection, privileged and

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1 instruct him not to answer.
 2 BY MR. PACE:
 3 Q. And Dr. Rossi, you are going to follow
 4 that instruction?
 5 A. Yes.
 6 Q. I want to start off talking a little bit
 7 about the heat exchanger we were discussing earlier
 8 today. I want to start by just laying a little bit
 9 of groundwork.
 10 (The document referred to was thereupon
 11 marked Deposition Exhibit 8 for Identification, a
 12 copy of which is attached hereto.)
 13 BY MR. PACE:
 14 Q. I am handing you what is marked as
 15 Deposition Exhibit 8.
 16 Do you recognize Exhibit 8 as a picture
 17 of the Doral warehouse taken from the Leonardo side
 18 of that warehouse?
 19 A. Yes.
 20 Q. All right. Can you tell just by looking
 21 at the picture any time period when it was taken?
 22 A. After -- I can take that this has been
 23 taken after the closing of the plants.
 24 Q. After the closing. Now, you just said
 25 plants. So let's just make sure we're defining that

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1 correctly or we're on the same page. Sorry, I
 2 shouldn't say defining correctly. That we're on the
 3 same page.
 4 Plants means -- ones of those plants is
 5 the -- is the E-Cat plant by Leonardo, correct?
 6 A. Yes, it is correct.
 7 Q. And this picture that we have as Exhibit
 8 8, that's reflected in the small piece of the red
 9 container that we can see on the right-hand side of
 10 the picture?
 11 A. Yes, it is correct.
 12 Q. All right. And the other plant is the
 13 J.M. Products plant and that we can see in this
 14 picture is the -- the top of the black box that we
 15 see on the right-hand side of the picture; is that
 16 correct?
 17 A. Yes, it is correct.
 18 Q. All right. Between those two plants --
 19 I'm sorry, I may sometimes call them containers
 20 instead of plants. Is that okay with you?
 21 A. No problem.
 22 Q. That's because both of these, the E-Cat
 23 plant -- yeah, the E-Cat plant is in like a shipping
 24 container; is that correct?
 25 A. Yes, the red shipping container.

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1 Q. And the J.M. Products plant is also in a
 2 shipping container that is just wrapped in
 3 insulation?
 4 A. Yes, sir.
 5 Q. So the black we see there is actually the
 6 insulation?
 7 A. Yes, sir.
 8 Q. All right. And between the two is a --
 9 is a gray wall that looks like it's probably in the
 10 range of, you know, six, seven feet high. Is there a
 11 name you are comfortable referring to that wall?
 12 A. Absolutely, okay.
 13 Q. As contrasting the large walls that go up
 14 to the roof in this warehouse, what can we call this
 15 small wall? Can we call it a dividing wall?
 16 A. Very good.
 17 Q. Okay. So there is a dividing wall
 18 between the Leonardo container and the J.M. Products
 19 container?
 20 A. It is correct.
 21 Q. And you said that this picture was --
 22 what you can conclude from this picture in terms of
 23 timing is it was taken after the operations of J.M.
 24 Products had ended.
 25 Why -- what about this picture shows that

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1 to you?

2 A. Because there is not the steam pipe.

3 From this perspective we should necessarily see

4 between the red container that is in the right of

5 this photography and the black container that looms

6 up on the top of the dividing wall at the left of the

7 red ship container. We should see the pipe of the

8 steam that brought -- that conveyed the steam

9 produced in the red container that is the E-Cat, to

10 the black container that is the J.M. plant. Here is

11 not that pipe and obviously the plants were not in

12 operation.

13 Q. I am going to mark here as actually

14 Exhibit 9 and 10, because we're going to have one --

15 I am going to start with 9, and 10 is going to be the

16 exact same version but I am going to let you draw on

17 10, which is why I am doing the difference, the

18 distinction.

19 (The document referred to was thereupon

20 marked Deposition Exhibit 9 for Identification, a

21 copy of which is attached hereto.)

22 (The document referred to was thereupon

23 marked Deposition Exhibit 10 for Identification, a

24 copy of which is attached hereto.)

25 BY MR. PACE:

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1 Q. Handing you what's marked as Exhibit 9

2 and 10. Actually, give one each to everybody because

3 I've got a couple of extra in case any get messed

4 up.

5 One of these I am going to ask, the

6 Exhibit 9, that we not draw on and then Exhibit 10 I

7 am going to let you draw on. This is by no means to

8 scale. I am not trying to claim it's to scale.

9 A. Okay.

10 Q. What I have tried to do is kind of create

11 a simple diagram that has -- it's almost like an

12 overview of the Doral warehouse.

13 It doesn't have everything in it but it's

14 meant to show that there is a portion of the Doral

15 warehouse that is for J.M. Products, that's the

16 square that is the upper right corner of this diagram

17 and then there is the area where Leonardo was

18 operating, which is the bottom part of the Exhibit

19 9.

20 I tried to draw in the little hallway we

21 see in Exhibit 8 that takes you back to the bathroom

22 in the back and then I put a box in here to represent

23 the J.M. Products plant.

24 A. Okay.

25 Q. Again, not drawn to scale, but is that

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1 position wise roughly correct?

2 A. Yes, but I do not -- sorry, I miss the

3 difference between the Exhibit 9 and the Exhibit 10.

4 Q. Absolutely none.

5 A. They look absolutely the same.

6 Q. They are the exact same.

7 A. Okay.

8 Q. The reason I gave you both of them is I

9 want you then to put Exhibit 9 to the side because

10 that way we know if you draw on Exhibit 10, we will

11 be able to show the difference --

12 A. I understand.

13 Q. -- here is what Dr. Rossi drew because

14 look at the difference between 9 and 10. So let's

15 take 9 away from you so that you don't have an

16 incentive to draw on 9. We will just put it under

17 the pile, but we're not taking it away.

18 A. Okay.

19 Q. I actually -- if we need additional ones

20 I actually have a few extra copies, we can create

21 additional exhibits.

22 I want to talk to you -- if you can keep

23 Exhibit 10 with you, I want to see if I can set

24 something up here. I am going to give you pictures

25 you have seen before in a second. I am going to mark

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1 here as Exhibit 11 and 12.

2 (The document referred to was thereupon

3 marked Deposition Exhibit 11 for Identification, a

4 copy of which is attached hereto.)

5 (The document referred to was thereupon

6 marked Deposition Exhibit 12 for Identification, a

7 copy of which is attached hereto.)

8 BY MR. PACE:

9 Q. This is getting a little on the

10 interactive side. This is Exhibit 11.

11 A. Thank you.

12 Q. This is Exhibit 12. You have seen each

13 of these photographs before fairly recently?

14 A. Yes, I have seen these photographs

15 during my -- I think my first deposition or the

16 second. I don't remember exactly. One of the two.

17 Q. Right. It might even have been both. I

18 don't remember now either.

19 A. Yeah.

20 Q. These are pictures of the inside of what

21 you have identified as the J.M. Products plant or

22 container, correct?

23 A. Yes, it is correct.

24 Q. And if I understand it correctly, if we

25 put these pictures side by side, if you put Exhibit

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1 11 to your left and Exhibit 12 to your right, that
 2 kind of -- that's the way they would appear in the
 3 container, correct?
 4 If you came into the container from the
 5 door we see in Exhibit 11, you would see these pipes
 6 in Exhibit 11 closest to that door, and then as you
 7 kept looking down or walking down the container, you
 8 would then see the equipment that is shown in Exhibit
 9 12?
 10 A. No.
 11 Q. Can you explain to me how I got that
 12 wrong?
 13 A. Here is a missing -- there is a gap.
 14 Q. There is a gap between them?
 15 A. Yes, between 11 and the 12 you should
 16 need an 11-B because as you can really see, you can
 17 easily see, they don't combine.
 18 Q. Right. I'm sorry, I wasn't trying to say
 19 that and you said that previously, so let me just do
 20 this again.
 21 Which is, if you came in the door that we
 22 see on the left side of Exhibit 11 --
 23 A. Okay. That's the entrance, okay.
 24 Q. The first thing you would see are these
 25 pipes that are shown in Exhibit 11?

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1 A. Yes, it is correct.
 2 Q. Then you would see some additional space
 3 and additional equipment in between the picture in
 4 Exhibit 11 and the picture in Exhibit 12?
 5 A. Correct.
 6 Q. And then on the far side of the container
 7 you would see the equipment we see in Exhibit 12?
 8 A. Yes, it is correct.
 9 Q. Okay. At the top of Exhibit 12 we see a
 10 pipe that's got some blue and looks like silver tape
 11 around it; is that correct?
 12 A. You mean this?
 13 Q. Yes, a tan colored pipe.
 14 A. Yes, it is correct.
 15 Q. That pipe is carrying the heated fluid
 16 from the Leonardo plant over -- into the J.M.
 17 Products plant, correct?
 18 A. Correct.
 19 Q. And that -- is that the same pipe as the
 20 one we see on the top of Exhibit 11? Recognizing
 21 there is a gap between them.
 22 A. Yes, there is a gap between them and --
 23 yes. In any case, yes.
 24 Q. Okay. And you're familiar with the
 25 equipment that was in the J.M. Products container

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1 from your work for J.M. Products, correct?
 2 A. Yes.
 3 Q. Okay. I'm just making sure that you're
 4 knowledgeable about what we're looking at here.
 5 A. I am.
 6 Q. Okay. So looking at Exhibit 11, the way
 7 this system operated, the heated fluid coming from
 8 Leonardo -- coming from the E-Cat container would
 9 flow into these pipes, the first four pipes that we
 10 see here on Exhibit 11, the top four pipes we see on
 11 Exhibit 11?
 12 A. The insulated pipes, yes.
 13 Q. And I believe your testimony was very
 14 clear that that's steam that's coming through those
 15 pipes, correct?
 16 A. Yes, sir.
 17 Q. And so it remains steam as it's going
 18 through these four pipes?
 19 A. Yes, sir.
 20 Q. And then between Exhibit 11 and Exhibit
 21 12 there is a -- we will get into more detail on it
 22 but there is a mechanism in place to carry the heated
 23 fluid out of the container -- out of the J.M.
 24 Products container to a heat exchanger; is that
 25 correct?

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1 A. Yes, there is a bypass.
 2 Q. There is a bypass, okay.
 3 A. Yes.
 4 Q. And then after the heated fluid goes into
 5 the heat exchanger, it comes back as cooled fluid?
 6 A. The cold fluid, yes.
 7 Q. The cold fluid. And it comes into the
 8 pipe that we see on Exhibit 12, which is the -- it
 9 looks like it's a pipe wrapped in white insulation
 10 with some tan tape on it?
 11 A. Yes.
 12 Q. Okay. And, I'm sorry, just to be clear,
 13 it comes into this pipe somewhere on -- outside of
 14 the image, but on the left-hand side of Exhibit 12?
 15 A. Can you repeat?
 16 Q. Yes. When the -- when the cold fluid
 17 comes back into the container after it has gone
 18 through the heat exchanger, it would come into the
 19 pipe that is wrapped in white insulation with tan
 20 tape somewhere on the left-hand side of Exhibit 12,
 21 or what's not seen on the left-hand side of Exhibit
 22 12?
 23 A. Yes, it is -- yes, relatively cold.
 24 Relatively respect the steam, because it was still
 25 warm, but yes.

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1 Q. Then it would flow through this pipe
 2 that's covered in white insulation and tan tape out
 3 through the -- what we see here on the right-hand
 4 side of Exhibit 12?
 5 A. Uh-huh.
 6 Q. And that would then flow back to the
 7 Leonardo side of the Doral warehouse?
 8 A. Yes.
 9 Q. Okay. Just so I understand also, then I
 10 want to talk about our diagram that's Exhibit 10.
 11 Just so I understand, the heat -- the
 12 bypass that you referenced, the bypass goes out
 13 the -- how does the bypass carry the steam out from
 14 the J.M. Products -- out from the J.M. Products
 15 container? Is there a device that pushes the steam
 16 out or does it just flow naturally?
 17 A. I did not understand the question.
 18 Q. It was not a very good question by me.
 19 You testified that between Exhibit 11 and Exhibit 12
 20 there is a -- there is a bypass and that takes the
 21 steam over to the heat exchanger, correct?
 22 A. Yes.
 23 Q. All right. What does that bypass look
 24 like?
 25 A. A bypass is -- is a sort of a Y. So

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1 basically --
 2 Q. Before you write on something, just
 3 because I see a little note on the top. I just want
 4 you to write on a clean page because we're going to
 5 mark it as an exhibit. I don't want to have your
 6 lawyers notes or whatever might be up there.
 7 A. A bypass is basically something that
 8 conducts -- if we have an arrival and then we want to
 9 separate the flows, this is a bypass, sort of a Y,
 10 and here you will have a -- we call it a valve -- let
 11 me call it a valve.
 12 Normally in this case it will be a disk,
 13 with the possibility to go in this position, which is
 14 open, or in this position, looking from the top.
 15 When it is closed you will see a line. When it is
 16 open you will see a circumference.
 17 The same here, the same here. In this
 18 case this is closed, so this must be open, so this
 19 will be like that, okay. So this will be in this
 20 case like that and alternate here, and this is a
 21 bypass.
 22 Q. Right. So the bypass carries -- let's
 23 just -- we will go ahead and mark that as Exhibit
 24 12.
 25 MR. ARAN: 13.

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1 MR. PACE: 13, sorry.
 2 (The document referred to was thereupon
 3 marked Deposition Exhibit 13 for Identification, a
 4 copy of which is attached hereto.)
 5 THE WITNESS: This is 13?
 6 MR. PACE: Yes.
 7 THE WITNESS: So this has been noted by
 8 you?
 9 BY MR. PACE:
 10 Q. Pardon.
 11 A. It was a scratch. Now you have upgraded
 12 it.
 13 Q. Yes, I have upgraded it to a --
 14 A. So I am proud of that. It is the first
 15 time that a drawing made by me is upgraded. Normally
 16 they are despised.
 17 Q. They are downgraded and now they have
 18 been upgraded. And this is the bypass that would
 19 take the heated fluid out of the JMP container and
 20 allow the fluid to come back into the JMP container?
 21 A. You know, a bypass is a device that can
 22 deviate a flow. So basically here we had a series of
 23 bypass that deviated the flow depending on our
 24 necessities.
 25 Q. And when you say depending on -- you said

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1 a series of bypasses.
 2 A. Yes.
 3 Q. Is there -- you have identified -- are
 4 all of those bypasses, would they all be contained in
 5 the area that is not covered by Exhibit 12 or Exhibit
 6 11, the area in between?
 7 A. We had another bypass outside the box.
 8 Q. So there is a -- so we have the pipe that
 9 brings the heated fluid from Leonardo Corporation
 10 over to -- the Leonardo container to the J.M.
 11 Products container?
 12 A. Yeah.
 13 Q. One bypass existed on that tube before it
 14 went into the J.M. Products container?
 15 A. Yes.
 16 Q. Okay. Another bypass existed, when we're
 17 looking at Exhibit 11 and 12, between the bottom
 18 insulated pipe that is white insulation that we see
 19 on Exhibit 11, and the white insulated pipe we see
 20 coming from the left-hand side of Exhibit 12, in
 21 between those two there was also a bypass?
 22 A. In between these two photographs there
 23 is another bypass, yes.
 24 Q. Okay. Now, if I can ask you to look --
 25 looking at Exhibit 10, you are going to have a second

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1 drawing that makes into that -- gets elevated to
 2 court exhibit.
 3 Can you identify for me -- you don't have
 4 to draw on it if you don't want to. I thought it
 5 might be easier. Where would the -- the heat
 6 exchanger involves pipes that would carry the heated
 7 fluid out of the J.M. Products container up to the
 8 second floor of the Doral warehouse, correct?
 9 A. Can you please rephrase for me?
 10 Q. Yes.
 11 A. If possible cutting into phrases.
 12 Q. I will.
 13 A. Thank you. Because I was confused.
 14 Q. The heat exchanger --
 15 A. Yes.
 16 Q. -- involved pipes that carried the heated
 17 fluid out of the JMP container, correct?
 18 A. Correct.
 19 Q. And the pipes went up to the second floor
 20 of the Doral warehouse, correct?
 21 A. Correct.
 22 Q. All right. On that Exhibit 10 can you
 23 show me where the pipes came out of the container,
 24 approximately? Again, this is not drawn to scale.
 25 A. In this position.

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1 Q. Okay. And would the pipe then go to the
 2 wall? Would they run up to the wall?
 3 A. Yes, the pipe run -- the pipe run -- yes,
 4 through the wall and go on here until we arrived to
 5 the end, to go up and go to the heat exchanger.
 6 Q. And the pipes were not actually in the
 7 wall, they were against the wall; is that correct?
 8 A. Yes.
 9 Q. So if we look back here on our Exhibit 8,
 10 the -- I know I'm bouncing around here a little bit.
 11 A. Where is Exhibit 8?
 12 Q. That's it, Exhibit 8.
 13 A. 8, okay.
 14 Q. We can see on the right-hand side kind of
 15 a grayish, looks like it's a concrete wall?
 16 A. It is a concrete wall, yes.
 17 Q. The pipes would run along that wall?
 18 A. Yes.
 19 Q. To the back of the -- I don't know if
 20 it's the back or the front of the warehouse. To the
 21 part of the warehouse where the second story unit
 22 was?
 23 A. Yes.
 24 Q. And then they would run up the wall --
 25 A. Yes.

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1 Q. -- to the second story?
 2 A. Yes.
 3 Q. And then over to the door?
 4 A. Yes.
 5 Q. All right. So just -- if we can, in the
 6 diagram you are looking at there, Exhibit 10, the --
 7 A. Exhibit 10, yes.
 8 Q. The door would be -- again, it's a second
 9 story, so this doesn't show you second story.
 10 A. Yeah. Let -- no, sorry. I interrupted
 11 you. I am very sorry.
 12 Q. I am going to see if I can -- if we're on
 13 the same page here. This wall --
 14 A. Yes.
 15 Q. -- would be essentially this side of the
 16 paper, correct?
 17 A. Yes, exactly.
 18 Q. This wall would be this side of the
 19 paper?
 20 A. Yes, sir.
 21 Q. And I am not sure how that is going to
 22 show up on video, so I will do my best.
 23 A. No, but I have understood perfectly what
 24 you are saying.
 25 Q. Can you just draw a line or lines that

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1 would show the path of the pipes?
 2 A. Very approximately.
 3 Q. Yes, this is not drawn to scale.
 4 A. Around like this, arrived here, go up
 5 here, in this position, now this is hidden and enter
 6 inside to go to the heat exchanger.
 7 Q. Would the pipes go up -- did they go up
 8 like right underneath the door and then enter?
 9 A. Yes.
 10 Q. Then they --
 11 A. Underneath the door, yes. Yes, exactly.
 12 Q. I don't think I actually have a picture
 13 of that. I should have done one that was top to
 14 bottom. All right.
 15 Let me see if I can kind of talk this
 16 through so it's clear on the record. I should have
 17 brought something you can mark up.
 18 On Exhibit 8 we can see --
 19 A. Exhibit 8.
 20 Q. 8.
 21 A. Yes.
 22 Q. We can see on the far wall a door, a
 23 second story door, correct?
 24 A. Correct.
 25 Q. That's -- the pipe that brought -- the

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1 pipe that brought up the heated fluid to the second
 2 story came up from the first story right underneath
 3 where that door is?
 4 A. Yes.
 5 Q. And then entered --
 6 A. Underneath means from the bottom.
 7 Q. Uh-huh.
 8 A. Yes, okay.
 9 Q. Yes. And then entered the second story
 10 through --
 11 A. From the low left corner of this door.
 12 Q. Low left corner.
 13 A. Low left corner looking at this photo.
 14 Q. Okay. Got it. Got it.
 15 A. If this is the door that entered
 16 underneath here.
 17 Q. Okay. And did it enter -- I think I
 18 understood what you just said. Let me make sure I am
 19 clear, which is the piping -- the piping didn't enter
 20 through the door, it actually came up the wall and
 21 then entered underneath the door?
 22 A. I did not understand what you said.
 23 Q. The -- I'm going to mark this. I'm
 24 sorry, I'm throwing a bazillion exhibits at you.
 25 A. That's okay.

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1 Q. This is from doctor -- this is a
 2 composite exhibit, I guess we'll call it. This is
 3 exhibits that Dr. Wong included with his expert
 4 report.
 5 A. Uh-huh.
 6 (The document referred to was thereupon
 7 marked Deposition Exhibit 14 for Identification, a
 8 copy of which is attached hereto.)
 9 BY MR. PACE:
 10 Q. I have marked it as Deposition Exhibit
 11 14.
 12 A. Okay.
 13 Q. If you look at page A -- what is Wong
 14 Exhibit A-3, so I think it's the -- probably the
 15 fourth page of Exhibit 14.
 16 A. Okay.
 17 Q. We see a doorway there.
 18 A. Yes.
 19 Q. Would the pipe come -- when the pipe came
 20 up to the second story for this heat exchanger, did
 21 it come through this door or did it come underneath
 22 the door?
 23 A. Comes after underneath the door. You
 24 know, under -- comes after the bottom corner of the
 25 door.

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1 Q. And on this one, as we're looking at it,
 2 because we're looking at it from inside the room on
 3 the second story --
 4 A. Yes.
 5 Q. -- on this image it would actually -- the
 6 bottom right-hand corner of this image? I'm sorry,
 7 the bottom right-hand corner of the door because
 8 we're looking at it from the other side?
 9 A. Yes.
 10 Q. All right. And if I can -- again, I
 11 apologize because I am making you go through --
 12 juggle a lot of exhibits here, but if we can put that
 13 one to the side for just a second, I want to go back
 14 to my Exhibit 10, our drawing there.
 15 A. Exhibit 10, okay.
 16 Q. Yes. When -- the pipes that you have
 17 drawn for -- that you have drawn in there already,
 18 that's -- that's the piping that would come from
 19 the -- from the bypass that was inside the J.M.
 20 Products container, correct?
 21 A. Yes, sir.
 22 Q. I am going to mark -- we'll just go ahead
 23 and mark this, so we don't write over everything. I
 24 am going to mark this as Deposition Exhibit 15.
 25 (The document referred to was thereupon

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1 marked Deposition Exhibit 15 for Identification, a
 2 copy of which is attached hereto.)
 3 BY MR. PACE:
 4 Q. Exact same as Deposition Exhibit 10 but
 5 now I am going to ask you --
 6 A. Okay. So 15, we put it here?
 7 Q. Yes, we'll put 10 to the side.
 8 A. Not to make confusion.
 9 Q. I know I'm making you juggle a lot.
 10 A. All right.
 11 Q. On Exhibit 15 can you show me where the
 12 piping ran that was from the bypass on the heated
 13 fluid pipe that came from Leonardo to J.M. Products,
 14 when you wanted to operate the bypass?
 15 A. Here we had a bypass, in this position.
 16 Q. Okay.
 17 A. In this position.
 18 Q. You can mark an X or a star, whatever you
 19 want. Okay.
 20 A. In this position we had a bypass. This
 21 bypass conveyed -- could convey the steam either or
 22 both in this direction, this direction that is the
 23 pipe that we have seen entering in the plant in the
 24 Exhibit Number 12.
 25 And then we have another line that --

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1 another line, now it is in plant, so you see a
2 circle, otherwise you should see a pipe that made a
3 down -- down and go here and go here, making the line
4 of steam where the bypass from inside also conveyed.
5 So now --
6 Q. I understand.
7 A. -- if we complete this, we could make
8 here --
9 Q. Actually --
10 A. Sorry, sorry.
11 Q. It's okay.
12 A. I just was trying to help you.
13 Q. No, no, I am trying to -- so keep it
14 separate.
15 A. So we have bypass BP-1, BP-1, BP-2.
16 Q. Got it.
17 A. This arrives and this goes. This way we
18 did could regulate -- we could make the choice,
19 convey as much steam as we needed here. Because
20 please always consider that this plant was an
21 experiment, an experiment that I did not know if it
22 could have even worked when I started and this was
23 clear to everybody there.
24 It was clear to Di Giovanni and was clear
25 to Industrial Heat. It was clear to everybody. This

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1 was an experiment. And so I put the things in a way
2 that I could have wheels in my hands.
3 The famous violin, I wanted to play any
4 cord, any possible cord to have any possible tuning.
5 So I could -- I could modulate the amount of steam
6 that I was sending inside this. Why these pipes are
7 insulated while, for example, this area was designed
8 to cool down in some particular cases?
9 When I put insulating means I need heat.
10 So why I needed heat here? Because inside here I had
11 the reactors. I needed the heat here. How much
12 heat, I did not know. I did not know. So basically
13 I have made so that I could regulate.
14 Q. Can we be clear for the record, what you
15 were just talking about was Exhibit 11?
16 A. Yes.
17 Q. You are talking about the pipes we see in
18 Exhibit 11?
19 A. Yes, sir.
20 Q. Just doing it for the record.
21 A. This one.
22 Q. Understood.
23 A. So regulating this bypass, because the
24 bypass as I -- which this kind of bypass is called --
25 in the jargon of this kind of technology it's called

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1 a butterfly. Why butterfly? Because it is like a
2 wing. It is like a wing.
3 When you turn the wing in one sense it
4 closes the pipe. You turn it 90 degrees in the
5 other -- you turn it clockwise, for example, it
6 becomes open. You turn it counterclockwise, it
7 becomes closed.
8 Being a wing, it call it butterfly. So
9 we had a butterfly here and butterfly here, so that
10 we could modulate the steam. Why we foresaw a
11 powerful heat exchanger at the end? Because I did
12 not know how much heat I was going to consume, but I
13 knew that I had to produce one megawatt power per
14 hour for the performance test, so at that point I
15 made that system. And foreseeing that the excess
16 heat were going to be dumped in the -- dump heat in
17 our jargon means to cool down without work, just to
18 cool down. And this is it.
19 Q. And so the first bypass, what you have
20 labeled as BP-1 --
21 A. Yeah.
22 Q. -- it would take the heated fluid from the
23 pipe over to the exact same -- over to the same
24 piping that is -- that is bypassed -- that bypass 2
25 led into?

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1 A. Yes.
2 Q. Then from there they would run against
3 the far -- run against the wall to what I am calling
4 the back of the warehouse? I don't know if you call
5 it the back or the front of the warehouse. The part
6 of the warehouse where the second story was?
7 A. Correct.
8 Q. Okay.
9 A. Sorry.
10 Q. Who purchased the butterfly bypasses?
11 A. No, we did it. We did it.
12 Q. You created it yourself?
13 A. Yes, because it is just -- please
14 remember that I have very big experience in making
15 this kind of stuff because I started when I was 22
16 years old to make incinerators with heat recovery,
17 manufacturing them in my factory. In fact, also
18 manufacturing using also my hands.
19 I had 20 years of experience in that
20 plant. A butterfly valve can be easily made with
21 very few money. It's just a pipe with a disk inside,
22 a shaft in the middle and outside a lever to maneuver
23 it counterclockwise or clockwise, and that is a
24 butterfly.
25 Q. I understand.

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1 A. If you buy a butterfly you spend \$5,000.
 2 If I make a butterfly for you it cost \$100.
 3 Q. Understood. You may have been kind of
 4 using the royal plural, but you said we made the
 5 butterfly pass.
 6 A. Yes.
 7 Q. Did you make it or did you make it with
 8 somebody else?
 9 A. I needed the help of some contractor.
 10 Q. Do you know the name of that contractor?
 11 A. No, I don't remember because as I told
 12 you in a former deposition of mine I don't remember
 13 it's the first or the second, I used -- there was --
 14 there were always around contractors in that area.
 15 Also because under my direction it's easy
 16 because it's just a matter of cutting and welding,
 17 so.
 18 Q. Would you do any of the cutting and
 19 welding?
 20 A. No, I did not cutting and welding with my
 21 hands specifically. I am able to but I did not.
 22 Q. Right. I didn't think so. So the
 23 contractor was the person who did the cutting and
 24 welding. And the equipment used for the cutting and
 25 welding, was that equipment that the contractor

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1 brought with him or her?
 2 A. The welder, yes, because we do not have a
 3 welder. For the cutting we have -- we have the tools
 4 necessary to cut.
 5 Q. Aside from the bypass was there any --
 6 was there any diverter pump that was used in
 7 connection with the heat exchanger?
 8 Was there any pump in let's say in the
 9 J.M. Products container to push the heated fluid out?
 10 A. We had a recirculator.
 11 Q. Yes, a recirculator.
 12 A. Which is a pump.
 13 Q. And who bought the recirculator?
 14 A. I bought it. Leonardo bought it.
 15 Q. If I concentrate hard I can actually
 16 write okay with my left hand now.
 17 Where did you buy the recirculator?
 18 A. I don't remember.
 19 Q. Did you save any purchase receipts from
 20 buying the recirculator?
 21 A. Can you repeat the question?
 22 Q. Did you save any receipts from buying the
 23 recirculator?
 24 A. I don't take the accounting, so I am not
 25 able to answer. I did not take the accounting but

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1 yes, I should have it.
 2 Q. Okay. In fact, when you say you should
 3 have it, your accountant should have it?
 4 A. Yes. Yes.
 5 Q. The heat exchanger on the J.M. Products
 6 side, that was one that you designed?
 7 A. Can you kindly repeat?
 8 Q. Yes. The heat exchanger that you have
 9 been drawing in these diagrams there on Exhibit 10,
 10 and it doesn't show all the heat exchanger --
 11 A. Here I design nothing.
 12 Q. That's what I was going to ask you. The
 13 heat exchanger has pipes that carry -- that carry the
 14 heated fluid from let's just say in the case of when
 15 you are using bypass number 2, out of the J.M.
 16 Products container --
 17 A. Yes.
 18 Q. -- up to the second story --
 19 A. Yes.
 20 Q. -- of the Doral warehouse --
 21 A. Yes.
 22 Q. -- and then the cooled fluid --
 23 A. Yes.
 24 Q. -- relatively speaking comes back?
 25 A. Yes.

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1 Q. Who created that design?
 2 A. I did.
 3 Q. Okay. And for that design you needed a
 4 lot of pipe, correct?
 5 MR. CHAIKEN: Object to form.
 6 THE WITNESS: I don't know what you mean
 7 by a lot. I needed about 100 and something
 8 meters of pipe.
 9 BY MR. PACE:
 10 Q. Fair enough. I was going to say over 100
 11 meter of pipe?
 12 A. Over 100 meters of pipe. A lot --
 13 Q. Relative concept, it depends on who you
 14 are, right?
 15 A. 100 meters is very small respect, you
 16 know.
 17 Q. If you're building a skyscraper a hundred
 18 meters is not very much.
 19 A. Correct. Exactly.
 20 Q. So the heat exchanger that you designed
 21 and built involved over a hundred meters worth of
 22 pipe.
 23 From where did you buy that hundred
 24 meters worth of pipe?
 25 A. From Home Depot and from -- because there

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1 were two different kinds of pipes. I bought them
 2 from Home Depot and from a supplier I don't remember
 3 the name of. A supplier of steel pipes. I don't
 4 remember the name of him.
 5 Was some -- it was a company in New
 6 Jersey, if I were remember or something like that or
 7 in Florida. I don't remember, sir, but for sure I
 8 have accounting of that.
 9 Q. And would that be accounting -- is that
 10 J.M. -- were they bought -- was it bought by J.M.
 11 Products or was it bought by Leonardo, the pipes?
 12 A. As far as I recall they have bought by
 13 Leonardo along the compensation agreement that
 14 Leonardo had with J.M.,. But maybe, again, by
 15 default it is Leonardo.
 16 I don't remember particular situations
 17 for which J.M. could have bought, but I think it was
 18 Leonardo.
 19 Q. Okay. And the --
 20 A. You know, when I prepared for this
 21 deposition, attorney, I did not go to find for
 22 distinction about this invoice, because for me it was
 23 one bundle.
 24 Q. You didn't look for a distinction between
 25 J.M. Products and Leonardo?

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1 A. For what concerns who paid what, no,
 2 because the compensation agreement, you know, by
 3 default covered everything.
 4 So what had not been paid -- what had not
 5 been paid by J.M. automatically it was paid by
 6 Leonardo and vice versa.
 7 Q. Just so I understand, Leonardo uses the
 8 same accountant as J.M. Products, correct?
 9 A. Yes, it is correct.
 10 Q. So there is -- the parts for this heat
 11 exchanger, there is a recirculator, there is over 100
 12 meters of pipe. Was it -- what inch pipe was it?
 13 A. Sorry?
 14 Q. What inch pipe was it?
 15 A. I do not understand the question. Sorry.
 16 Q. What was the diameter of the pipe or the
 17 type of pipe?
 18 A. The steam pipes were about -- the
 19 diameter was 15 centimeters. So 15 centimeters, it
 20 is six inches. (Speaking Italian) Yes, about six
 21 inches the steam, and 16 inches. And the water pipes
 22 were of different -- depending on the position.
 23 Q. Let me -- I might have asked my question
 24 poorly so let me try again or I am just not
 25 understanding.

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1 The -- I'm asking about the pipes that
 2 are outside of the J.M. Products container but they
 3 are part of this heat exchanger. The pipes that
 4 carried the heated fluid were six inches in diameter?
 5 A. Please specify. That carried the heated
 6 fluid from where to where?
 7 Q. This is where I may be having a problem.
 8 A. Because the diameter changes.
 9 Q. How about the pipes that carried the
 10 heated fluid out of the J.M. Products container to
 11 the wall where the -- to the back wall and then up to
 12 the second story, was that all the same diameter?
 13 A. Yes, six inches.
 14 Q. So those were -- that's six inch pipe?
 15 A. Yes, sir.
 16 Q. Now, once the -- those pipes connected --
 17 that piping connected to pipes that were laid out on
 18 the second floor, correct?
 19 A. Yes, yes.
 20 Q. What was the diameter of those pipes?
 21 A. Six inches.
 22 Q. Six inches. The idea as the -- we'll get
 23 to this in a second. But as the heated fluid flows
 24 through those pipes on the second story and there is
 25 fans running, that it cools down, correct?

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1 A. Can you repeat the question?
 2 Q. Yes. So the heated fluid comes up to the
 3 second story, it flows through pipes on the second
 4 story, these six inch pipes you were just
 5 describing. Eventually it cools down, it
 6 condensates, it cools down before it goes back to the
 7 first floor, correct?
 8 A. Right.
 9 Q. The piping that is taking the cooled
 10 fluid from the second story --
 11 A. Cooled fluid.
 12 Q. -- back down to the first story and back
 13 down to the J.M. Products container, what's the
 14 diameter of those pipes?
 15 A. That is the water pipes.
 16 Q. Yes.
 17 A. The water pipes had diameter maybe -- I
 18 don't remember exactly, sir, but could be --
 19 (Speaking Italian) could be between two and three
 20 inches. I don't remember if -- because there was --
 21 there were tracks with two inches, tracks with three
 22 inches and depends on the position, but more or less
 23 this.
 24 Q. Okay. The other -- another component for
 25 this heat exchanger that you have described is that

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1 it has fans that were up on the second story,
 2 correct?
 3 A. Yes.
 4 Q. Who purchased those fans?
 5 A. Leonardo Corporation.
 6 Q. From where?
 7 A. From -- from a company that makes fans.
 8 Q. Would there -- sorry.
 9 A. To give you the -- I can provide you the
 10 names of the manufacturer or I can give it to you
 11 now, if I can go to see my papers, as you refer.
 12 Q. You can look at your papers and I'm not
 13 going to ask to otherwise see the papers. Why don't
 14 you take a look at it. I am not going to then claim
 15 you have to mark that paper as an exhibit. Look at
 16 it, leave it there, come back. Why don't we take a
 17 real quick break. People can grab some water, if
 18 they want as well.
 19 THE VIDEOGRAPHER: We're off the record.
 20 The time is 2:44 p.m.
 21 (Thereupon a brief recess was taken,
 22 after which the following proceedings were had.)
 23 THE VIDEOGRAPHER: We're back on the
 24 record. The time is 2:54 p.m.
 25 BY MR. PACE:

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1 Q. I'm sorry, Dr. Rossi, you had -- you took
 2 a look at some notes to identify the model of the
 3 fans that were used in the heat exchanger you have
 4 been testifying about. What was the model?
 5 A. No, the manufacturer is Multifan.
 6 Q. I'm sorry?
 7 A. M-U -- Multifan, M-U-L-T-I-F-A-N.
 8 Q. Multifan?
 9 A. Multifan.
 10 Q. And I forget if I asked you this
 11 already. Where did you buy the fans?
 12 A. From Multifan.
 13 Q. Directly, you bought it directly from --
 14 Multifan is the manufacturer?
 15 A. Yes.
 16 Q. And you bought them directly from the
 17 manufacturer?
 18 A. Yes.
 19 Q. Is it safe to say you don't recall
 20 whether you bought them on behalf of Leonardo or J.M.
 21 Products?
 22 A. Most likely Leonardo, but could be -- I
 23 think Leonardo.
 24 Q. And you believe that your -- your
 25 accountant would have the records of the purchase of

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1 those fans?
 2 A. Yes.
 3 Q. And how many fans did you buy?
 4 A. Two.
 5 Q. Do you still have those fans?
 6 A. They have been modified. They have been
 7 modified because I had used them for another purpose
 8 now.
 9 Q. Without getting into the detail, can you
 10 explain to me what the other purpose is of the fans?
 11 MR. ARAN: Objection to the extent --
 12 BY MR. PACE:
 13 Q. What's the purpose you are using the
 14 fans?
 15 A. Can you repeat?
 16 Q. Sure. You just said that you still have
 17 the fans but you are -- they have been modified
 18 because you are using them for another purpose,
 19 correct?
 20 A. Yes.
 21 Q. Are the fans being used in connection
 22 with the container, the J.M. Products container?
 23 A. Yes, but for a completely different
 24 purpose because the kind of technology we have there
 25 is a completely different thing.

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1 Q. How have the fans been modified?
 2 A. Can you repeat?
 3 Q. How have the fans been modified?
 4 A. I deem this confidential information
 5 because the modification of those fans reenters in
 6 this new technology.
 7 So if you are more specific and ask me
 8 something. How have been modified is too generic to
 9 answer. Because I should have to explain things that
 10 I deem not information to give to my competitor
 11 and -- but --
 12 Q. Were the fans modified by somebody on
 13 behalf of J.M. Products or somebody on behalf of
 14 Leonardo Corporation?
 15 A. Leonardo Corporation.
 16 Q. Who made -- who modified the fans?
 17 A. I did.
 18 Q. To modify the fans did you have to
 19 disassemble them?
 20 A. Yes.
 21 Q. Do they still operate as fans?
 22 A. Fan is a very generic -- anything that
 23 moves a fluid -- anyway, yes. I would say yes.
 24 Q. Are they still used to move air?
 25 A. Yes.

R

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1 Q. Do they operate inside the container, the
 2 J.M. Products container?
 3 A. Yes.
 4 MR. ARAN: Objection to form.
 5 BY MR. PACE:
 6 Q. This heat exchanger that you have been
 7 testifying about, when was it put into place at the
 8 Doral warehouse?
 9 A. Kindly can you repeat? I was distracted.
 10 Q. Okay.
 11 A. I was thinking to something. Sorry, it's
 12 my fault.
 13 Q. I believe you have already testified that
 14 this heat exchanger about which you are testifying
 15 was removed sometime between mid February and very
 16 early April of 2016, correct?
 17 A. Correct.
 18 Q. All right. When was it installed?
 19 A. It has been installed before the
 20 beginning of the test.
 21 Q. If the test that you are describing was
 22 in late February of 2015 --
 23 A. Correct.
 24 Q. -- can you tell me was it installed by
 25 January of 2015? Was it installed in mid --

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1 A. I would say the end. Has been made at
 2 the very end, so I would say half February.
 3 Q. The middle of February 2015?
 4 A. Yes, just -- we completed it just before
 5 the start-up of the plant. Has been the last thing
 6 we made.
 7 Q. And when you say we made, it was you and
 8 independent contractors, correct?
 9 A. Yes. As I told you during I think my
 10 first deposition, I never say I. I always say we.
 11 It is also -- it is because I have been
 12 told when I was a child never say I because it's a
 13 concentric, et cetera. Always we because everything
 14 is merit of everybody, so I have this attitude. I
 15 tend to say always we.
 16 Q. That's why I'm asking. When you say we,
 17 I want to make sure that you are not referring to
 18 just yourself, that there is somebody else involved.
 19 A. Yes.
 20 Q. So in this case to install the heat
 21 exchanger how many people were involved?
 22 A. I don't remember. Maybe one, two
 23 because -- I don't remember exactly.
 24 Q. How long did it take to install the heat
 25 exchanger?

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1 A. 15 days.
 2 Q. Okay. If it was completed before the
 3 test -- before the end of February when the test you
 4 have described began --
 5 A. Yes.
 6 Q. -- you must have begun work on it by the
 7 early part of February?
 8 A. Maybe, yes. I believe makes sense.
 9 Q. Okay. So 15 days for the installation,
 10 approximately.
 11 A. Yeah.
 12 Q. How much were you paying the workers, if
 13 you recall?
 14 A. I don't remember. I absolutely don't
 15 remember.
 16 Q. Did you pay them --
 17 A. You know, usually they were paid by the
 18 day cash because that's how things go there. And --
 19 so I have not recall of this.
 20 Q. It sounds like you would be paying
 21 several hundred dollars a day though to these workers
 22 or are they less expensive than that?
 23 A. Might be, yes. I would say yes.
 24 Q. And there is -- there is an element of
 25 this bypass -- I'm sorry. There is an element of

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1 this heat exchanger that you've described that we
 2 have not addressed yet, which is the -- these pipes
 3 that go up to the second floor are laid out in kind
 4 of a serpentine pattern on the second floor, a back
 5 and forth pattern?
 6 A. Can you kindly rephrase?
 7 Q. Yes.
 8 A. Thank you.
 9 Q. For the heat exchanger that goes up --
 10 the pipes that are on the second floor --
 11 A. Yes.
 12 Q. -- those are laid in kind of a serpentine
 13 pattern, correct, a back and forth pattern?
 14 A. You know, the part of pipe that goes up
 15 to the heat exchanger is just straight.
 16 Q. Right. I am talking about the pipes that
 17 are in the heat exchanger.
 18 A. That was confusing. The pipe inside is a
 19 serpentine, yes.
 20 Q. And those serpentine pipes were -- your
 21 testimony has been that those serpentine pipes were
 22 contained within a wooden -- some kind of wooden
 23 enclosure?
 24 A. Yes, we made -- to make it very fast and
 25 very cheap we made a wooden frame to sustain the

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1 serpentine and frame and the box even wooden, with a
 2 particular technique that I learned in my past to
 3 also to eliminate the acoustic energy and that's it.
 4 Q. Who built the wooden box?
 5 A. Carpenters. Carpenters that I got,
 6 contractors.
 7 Q. Same answer, which is these are people
 8 who you don't have the names of any?
 9 A. The same people. The same people.
 10 Q. You don't know their names?
 11 A. No, I don't.
 12 Q. And you paid them in cash?
 13 A. Yes. Mostly, not always. Some of them
 14 has been -- has made -- because some contractor that
 15 work with me in all the plant made invoice and I paid
 16 by invoice.
 17 Now I don't remember if the ones that
 18 worked in the second floor, if among them there was
 19 somebody. No, I don't think so. The ones that came
 20 to work there were just people that were there around
 21 with their trucks and I paid them cash.
 22 Q. Okay. Where did you buy the wood for
 23 this enclosure box?
 24 A. There was -- there is a shop that's Home
 25 Depot part and some wood also from -- from a wood

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1 seller that is not far from our factory. I don't
 2 remember the name of it.
 3 Q. If you look at exhibit -- what we have
 4 here marked as Exhibit 14 and these are photographs
 5 that Dr. Wong took and submitted with his expert
 6 report.
 7 A. Okay, yes.
 8 Q. Exhibit A-1 --
 9 A. Yes.
 10 Q. -- is the second story of the Doral
 11 warehouse, correct?
 12 A. Yes, it is correct.
 13 Q. This is a picture that was taken sometime
 14 this past month of February 2017?
 15 A. This photo has been taken by Dr. Wong
 16 when he visited our plant.
 17 Q. And that was in February of -- February
 18 of this year, correct?
 19 A. Yes.
 20 Q. All right. The serpentine pipes would be
 21 laid on the floor, this kind of concrete floor we see
 22 here?
 23 A. Yes. Yes, upon a frame of wood, yes.
 24 Q. That was one of the things I was going to
 25 ask. So the pipes were on top of a wood frame,

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1 correct?
 2 A. Yes, we have put kind of lumbers, upon
 3 the lumbers the pipe, the steam pipes.
 4 Q. And then --
 5 A. So the steam pipes were not in contact
 6 with the floor.
 7 Q. Understood. And then the wood would
 8 also -- this was a box, so it would actually also
 9 cover up the steam pipes, correct?
 10 A. Yes, not in contact with them through the
 11 frame because there had to be some distance between
 12 the wood cover and pipes, and the steam pipes.
 13 Q. So how tall was the box?
 14 A. The tall was -- I get the dimensions.
 15 The dimensions should be in the report.
 16 Q. Actually, I don't have Wong's. You
 17 provided the dimensions to Dr. Wong?
 18 A. Yes, I provided the dimensions to
 19 Dr. Wong and more or less you make about one meter of
 20 it, more or less. One meter is three feet.
 21 Q. And then the -- were the fans -- were the
 22 fans inside the box?
 23 A. The fans were outside the box blowing air
 24 inside the box at a rate such that we had very
 25 consistent exchange of air inside the box, inside the

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1 box, not to allow the air to heat up too much.
 2 Q. And the -- so the fans are drawing air
 3 from outside --
 4 A. Yes.
 5 Q. -- into the second story of the Doral
 6 warehouse and then they are going over these pipes,
 7 if I understand how the system works, because the
 8 pipes are warm, that air is getting warmed up and it
 9 has to be circulated back out of the second story?
 10 A. Right.
 11 Q. And it circulates back out of the second
 12 story through the windows?
 13 A. Yes.
 14 Q. So if you look at Exhibit A-1, when we
 15 look on -- we can see light coming through two
 16 openings here. Are those both windows or am I
 17 looking somehow at doors?
 18 A. No, are both windows.
 19 Q. Was the air being pushed out of both
 20 those windows or just one?
 21 A. No, just one. The one with the two guys
 22 there because we were substituting the -- we were
 23 making substitution of -- of the glasses there. The
 24 second one has been the window that we used.
 25 Q. Okay. So A-2, is that the -- is it your

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1 testimony that's the window that was used to push the
 2 air out?
 3 A. I think so, yes.
 4 Q. Okay. And just so I understand --
 5 A. I think so. Sorry to interrupt. I think
 6 so because, you know, I am not -- I don't remember
 7 exactly looking out of that window, if this is the
 8 panorama.
 9 In any case, yes, I think so. Because
 10 this window is equal to another -- there are three
 11 windows basically. Yes, three windows there are and
 12 we used for this purpose the central one.
 13 Q. So just so I understand that too, if you
 14 are walking into J.M. Products there is a window
 15 right above the door for J.M. Products?
 16 A. Sorry, I do not understand what you are
 17 saying.
 18 Q. Sure. When you walk into the J.M.
 19 Products building, the side of the Doral warehouse,
 20 there is a window above the door that you come in,
 21 correct?
 22 A. Correct. And that is -- yes, correct.
 23 Q. And then there is two -- if you are
 24 facing the building, to your left there is another
 25 set of second story windows?

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1 A. Yeah.
 2 Q. And then if you keep going to your left
 3 there is a third set of second story windows?
 4 A. Yes, correct.
 5 Q. And your testimony is it's that second
 6 set of second story windows that was used?
 7 A. Yes, it is correct.
 8 Q. And the fan was -- the fans were pulling
 9 air in through the bottom of that window and then the
 10 air was being pushed out through the top of the
 11 window?
 12 A. No.
 13 Q. Where were the fans?
 14 A. No, the fans were put at the opposite
 15 side of box, pulling air inside the box, to allow the
 16 air exit from the windows.
 17 Q. I see. So the fans were -- the fans were
 18 not in the windows, the fans were on the other side
 19 of the box?
 20 A. Correct.
 21 Q. So was the door -- the door into that
 22 second story, was that always kept open?
 23 A. Sorry, now I am not understanding your
 24 English.
 25 Q. Sure.

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1 A. The door has nothing to do with the
 2 blowers and with the windows.
 3 Q. Was the --
 4 A. The door is in the opposite side but, you
 5 know, this locale is pretty much big. The door is at
 6 the -- if you go inside -- this is the door.
 7 Q. I understand. Uh-huh.
 8 A. Now I am inside.
 9 Q. Yes.
 10 A. At the left of the door there is the
 11 wall -- the door is pretty close to the wall.
 12 Q. Uh-huh.
 13 A. At the right of the door there is a lot
 14 of space.
 15 Q. I understand.
 16 A. There is a lot of space. So the blower
 17 were set in that space. They blown the air inside
 18 the box. They blown about 50,000 cubic meters per
 19 hour. 50,000 cubic meters per hour in the volume of
 20 that box change it, with very high speed, the air
 21 inside and the air exited from the window.
 22 So it was just -- and the window, that's
 23 it. So the window was --
 24 Q. How was new air getting into the room? I
 25 am trying to understand.

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1 A. The room was not tight. The room had
 2 this door open and --
 3 Q. That's what I was asking. That's what I
 4 was trying to understand.
 5 A. The room had this door open. The local
 6 was open. We had vents also in the factory. We
 7 had --
 8 Q. You have answered my -- that's what I was
 9 trying to understand. I think my question was was
 10 the door open or closed. The door was normally open
 11 so that air could come in also from like the
 12 warehouse --
 13 A. Yes.
 14 Q. -- for the circulation?
 15 A. Yes.
 16 Q. Because the one window that is -- that
 17 you are testifying has been removed, the glass was
 18 removed so that the air could go --
 19 A. The glasses was removed.
 20 Q. The glass was removed.
 21 A. We could not remove the window because I
 22 asked the permission to the landlord, because the
 23 building is not of ours. We were just renting it.
 24 I asked the permission to eliminate the
 25 window but making another secure, but they did not

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1 give us the permission to change the aesthetics so we
 2 had to preserve the aesthetics.
 3 Q. Understood.
 4 A. So we left the same frame, et cetera. So
 5 from outside if you look toward the facade you did
 6 not understand that we had made modifications there.
 7 Q. But through that window where the glass
 8 was removed, there was a pretty amount -- by your
 9 testimony there is a pretty good amount of air that
 10 is going out of that window, correct?
 11 A. Yes, that's correct.
 12 Q. So there is not that much room for air to
 13 be coming in from that window, it was mostly being
 14 used to push air out?
 15 A. No, that window was to exhaust the air,
 16 not to get the air.
 17 Q. So as that air is moving out, there is
 18 other air has to move into the room?
 19 A. The air entered -- sorry. Italian
 20 typical error. The air entered from all the air
 21 inlet of the factory, that were many.
 22 Q. That's what I was trying to understand.
 23 That's why I was asking you a question about the door
 24 being open or closed.
 25 If the door was closed it would have been

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1 harder for the air to enter from the rest of the
 2 factory?
 3 A. No, the door was normally -- it had to be
 4 normally open. But also, you know, anyway, this room
 5 in the second floor is not airtight.
 6 Q. Were the fans in the inside or outside of
 7 the box?
 8 A. They were -- they were applied to the
 9 side of the box.
 10 Q. Okay.
 11 A. In the opposite side of -- you think to a
 12 box.
 13 Q. Before we start --
 14 A. This is my box.
 15 MR. CHAIKEN: That's correct, that one
 16 too.
 17 MR. PACE: I'm thinking about it.
 18 THE WITNESS: This is the window, all
 19 right. This is the window. And the fans were
 20 here and here, right.
 21 BY MR. PACE:
 22 Q. I am actually not going to mark that as
 23 an exhibit because I think it's basic enough but I
 24 understand what you're saying.
 25 A. Also because there are cookies and that

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1 would be a waste.
 2 MR. CHAIKEN: Got trademark issues
 3 there.
 4 BY MR. PACE:
 5 Q. I have limits. I will make some of your
 6 drawings exhibits but I not going to elevate a cookie
 7 drawing.
 8 Was there anything else in the second
 9 floor, in the second floor room?
 10 A. No.
 11 Q. You have identified dates -- dates -- at
 12 least approximate date for the exhibit that is Number
 13 14. I want you to go back, if you can, to -- and for
 14 Exhibit 8.
 15 Exhibit 8 you've told us is sometime
 16 after the -- after the middle of February 2016.
 17 A. This is after -- this is after the
 18 closing of the plant because there is not the pipe of
 19 the steam.
 20 Q. So if you can look at Exhibits 11 --
 21 A. 11.
 22 Q. Uh-huh. And 12.
 23 A. Okay.
 24 Q. Can you tell me -- from looking at those
 25 exhibits, can you give me an idea when those pictures

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1 were taken?
 2 I guess I should start with did you take
 3 those pictures?
 4 A. Do you want me to talk about that, are
 5 you sure? Because --
 6 Q. Did you take the pictures?
 7 A. I tell you when they have been taken but
 8 you will not like it, attorney. I advise you, you
 9 will not be glad.
 10 Q. When were they taken? There is a lot of
 11 things that make me not glad nowadays.
 12 A. All right.
 13 Q. Let me ask, did you take these pictures?
 14 A. No.
 15 Q. When were the pictures taken?
 16 A. These pictures have been fraudulently
 17 taken when -- fraudulently.
 18 Q. Fraudulently taken.
 19 A. Taken in the following occasion.
 20 Q. The following occasion.
 21 A. Just what a coincidence two or three days
 22 before the end of the test so --
 23 Q. Mid February 2016?
 24 A. No, no, no. Yes, February 2016.
 25 Q. Correct.

R, S, Arg.

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1 A. The test finished, let me assume the 17th
 2 of February. I am not sure but --
 3 Q. I think 16th, but okay.
 4 A. So four days before -- what a
 5 coincidence, four day before, a guy that -- whose
 6 name is Frederick Zoepfl, that for a very strange
 7 coincidence works in 3D Phoenix that for another
 8 strange coincidence --
 9 Q. I'm sorry, 3D?
 10 A. Phoenix, P-H-E-N-I-X.
 11 Q. Oh, Phoenix.
 12 A. Phoenix.
 13 Q. Sorry.
 14 A. Sorry. Because it is Phoenix in Latin.
 15 It's a famous Phoenix.
 16 Which is another strange coincidence, the
 17 company of engineer Murray, the well known senior,
 18 senior, senior, senior engineer -- they say senior,
 19 senior, senior in deposition, engineer of Industrial
 20 Heat.
 21 This Zoepfl made an extremely high energy
 22 pressure on the health care office of Florida to come
 23 immediately to stop the plant of Leonardo Corporation
 24 in Doral because there were -- there was radioactive
 25 reactions of course because we were emitting

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1 radioactive waves, et cetera, et cetera.
 2 After this pressure of this Mr. Frederick
 3 Zoepfl, all this is in the inventory -- no. What is
 4 this discovery. All this is in the discovery, so I
 5 am talking of documents that we have in the discovery
 6 that we got, thanks to the documents that we got
 7 during the discovery period.
 8 So the health care office of Florida
 9 pushed by Zoepfl came to us and came to us, without
 10 obviously any pre-advice, also because Zoepfl wrote
 11 to them you must go immediately because this plant
 12 will close within four days.
 13 So if you wanted to get Mr. Rossi with
 14 the hands in the jam you must go immediately now and
 15 see all the horrible things that he is doing. They
 16 came and we are talking of two days before the
 17 arrival of the ERV to close the test.
 18 Q. Can I stop you for just one second?
 19 A. Yes.
 20 Q. They is the --
 21 A. The health care office. The health care
 22 office of the State of Florida.
 23 Q. Do you recall somebody named James
 24 Stokes?
 25 A. James Stokes for sure. James Stokes that

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1 you deposited, by the way. James Stokes, and other two
 2 guys with him that were of the financial office of
 3 the State of Florida because Mr. Zoepfl had the
 4 kindness to tell to the State of Florida that I not
 5 only was dealing with radioactive materials, but also
 6 that I was making a big commercial or financial
 7 fraud, so they came also to see this enormous
 8 financial fraud.
 9 When they arrived they arrived with the
 10 sole duty, they were allowed only control that I had
 11 not radioactive material inside the factory I was the
 12 director of and that I did not emit ionizing
 13 radiations. The ionizing radiations are the gamma
 14 rays that are typically produced from radioactive
 15 materials.
 16 Now, we are not talking of LENR that can
 17 also not have radioactive gamma rays, as the gamma
 18 rays are thermalized, but we're talking of
 19 radioactive material, so uranium, plutonium, this
 20 kind of stuff.
 21 Now, when they came I was not there
 22 because they arrived around 11 a.m. on the 14th of
 23 February. If it was not the 14, was the 14 or the 13
 24 but it was one or two days before the arrival of the
 25 ERV to finish the one year performance test.

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1 When they arrived I was sleeping because,
 2 you know, my turn of work is from 5 p.m. to 10:30
 3 p.m. of the day after so during the night I had to
 4 work and I slept during the morning. I was
 5 sleeping.
 6 Fulvio Fabiani telephoned to me and say
 7 Andrea, here we have the State of Florida that says
 8 that they want to enter and make all the -- they say
 9 we have radioactive materials here, that if I do not
 10 let them in they call the police.
 11 And I told him, no problem, let them come
 12 and have fun, we do not have any radioactive
 13 material, we never produced any kind of gamma rays
 14 and let them come in and have fun. So they entered
 15 in the -- I was not there and they say -- but also
 16 tell them I am arriving. I had to make a shower to
 17 dress. I was in the bed. I was sleeping.
 18 And I -- where I live, which is 1331
 19 Lincoln Road, blah, blah, is about 30 minutes of
 20 driving from Doral, from the factory, so I needed 40,
 21 60 minutes to arrive there.
 22 So I said tell them that I am arriving in
 23 one hour, but in the meantime let them in and let
 24 them have all the fun they want, to make all their
 25 measurements that they wanted to make. I have

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1 nothing to hide, so let them go. And tell them if
 2 they want to talk with me, I will be there within one
 3 hour.
 4 Q. So these pictures weren't taken by them?
 5 A. These pictures have been taken when they
 6 entered in -- because after -- first of all, they
 7 measured -- I have been told, because I was not
 8 there.
 9 I have been told from Fabiani, Barry West
 10 that were there that first of all they controlled the
 11 one megawatt plant. They controlled the radiation.
 12 They were equipped with very good instrumentation
 13 because they are high -- highly -- highly -- highly
 14 specialized in taking measurement of radiations and
 15 they have seen that in the Leonardo area there were
 16 absolutely no ionizing radiations, no presence of
 17 radioactive material whatsoever and at that point
 18 they asked to go inside the J.M. area.
 19 Again Fabiani phoned to me and asked they
 20 want to go to see also the plant of J.M. and I said
 21 all right, let them go have fun.
 22 Q. So Fabiani brought them into the other
 23 side?
 24 A. Fabiani accompanied at that point in
 25 violation of the taxative order that I have given for

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1 Fabiani never to go inside J.M., but in that case I
 2 was not there and I said yes, okay, call Reinaldo
 3 there, ask him to open this door.
 4 Q. The container?
 5 A. This door. No, this door because they
 6 were here in Leonardo.
 7 Q. Got it.
 8 A. Through this door that was always closed,
 9 locked from the inside, because so nobody could --
 10 and Reinaldo opened the door and they entered in the
 11 area and they wanted to go inside here.
 12 Q. Inside here, the black container?
 13 A. Yes, and I say please have fun.
 14 Q. Right.
 15 A. And we have taken off all the
 16 cohobentation (phonetic) that is the front of the
 17 container.
 18 Q. The insulation, the black insulation?
 19 A. Yes, exactly.
 20 Q. Mr. Breto had to remove the black
 21 insulation?
 22 A. Yeah, insulation.
 23 Q. So somebody could access the container?
 24 A. Yes. You know, this -- you see this is
 25 the black face here. The other end has the same

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1 black face because it's what you call insulation,
 2 more cohobentation.
 3 Q. You are pointing to Exhibit 8?
 4 A. Yes.
 5 Q. That's the container in Exhibit 8.
 6 A. Basically they entered but they were
 7 absolutely not authorized to take any photography
 8 because they had to measure the radiations, not to
 9 take photographs.
 10 Q. So did they take these pictures?
 11 A. They take -- yes, they have taken these
 12 pictures and --
 13 Q. How did you get copies of them?
 14 A. Because you gave them to me.
 15 Q. No, you produced them in discovery. Your
 16 lawyers produced them in discovery.
 17 A. No, no, these photos have been produced
 18 by you. I bet with you \$1,000 you will lose. You
 19 produced these, not me.
 20 Q. Andrea Rossi, I can show you that they
 21 have been produced by your lawyers.
 22 A. Okay. If we have produced them it's
 23 because we got them from you and you will have -- you
 24 want to bet me \$1,000? You want to bet? I will win.
 25 Q. It's probably not good for us to bet

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1 money, but I will bet you a thousand dollars.
 2 A. These photographs --
 3 MR. CHAIKEN: Put it on the record.
 4 BY MR. PACE:
 5 Q. We got it on the record.
 6 A. Attorney, I swear. I swear.
 7 Q. He's doing it. I'm not doing it.
 8 A. I swear. I swear. I swear that these
 9 photographs come from your --
 10 Q. From Industrial Heat?
 11 A. From Industrial Heat.
 12 Q. Or the people who were there on that day,
 13 you're saying --
 14 A. These photographs come from Industrial
 15 Heat.
 16 Q. Okay.
 17 A. And these photographs had not to be
 18 made. Has been made, not by Stokes because -- not by
 19 Stokes.
 20 I have been told from Fabiani that was
 21 there that to take photographs, click, click,
 22 click, were the other two guys that were together
 23 with Stokes.
 24 Q. They took pictures?
 25 A. They took pictures. And Fabiani told me

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1 they took pictures and I said all right, patience,
 2 but in any case there are pictures in the office of
 3 the health care office, they -- I suppose they will
 4 have -- they will remain confidential, et cetera.
 5 The first day -- attorney, the first day
 6 when you came there together with the senior, senior,
 7 senior engineer Joe Murray to make the last two days
 8 of test, performance test, I think Murray told to my
 9 attorney we have the photographs of inside the --
 10 of inside the container and we know that inside the
 11 container there is nothing.
 12 My attorney came to me and said Andrea,
 13 they said they had the photographs of inside and I
 14 say how the heck they can -- so the only way they can
 15 have these photographs is that -- obviously Zoepfl
 16 had those photographs from the guys that he sent to
 17 us and then he gave them to Murray. This is
 18 speculation from me.
 19 But honestly, I don't see any other
 20 possibility through which they could have this
 21 photographs. This is why I asked you if you were
 22 sure that I wanted to tell you.
 23 Q. No, I am happy.
 24 A. These photographs are --
 25 Q. Are you talking about Exhibit 8?

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1 A. These photographs --
 2 Q. Dr. Rossi.
 3 A. I'm talking of exhibit --
 4 Q. Let's make sure the record is clear.
 5 A. -- 11 and 12.
 6 Q. You're kind of rambling on here a little
 7 bit.
 8 A. These --
 9 Q. Exhibits 11 and 12?
 10 A. Yes.
 11 Q. Your testimony is -- hold on a second.
 12 Your testimony is Exhibits 11 and 12 are pictures
 13 that were taken by the people from the State of
 14 Florida, the agents of the State of Florida?
 15 A. Yes.
 16 Q. And they were then provided to, you
 17 believe, to Fred Zoepfl?
 18 A. Yes.
 19 Q. Who you believe then provided them to
 20 Industrial Heat?
 21 A. Yes.
 22 Q. And you are convinced these are not
 23 pictures that were taken by you or by somebody on
 24 behalf of Leonardo Corporation?
 25 A. I swear on God that they are not.

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1 Q. I understand. And that your testimony is
 2 that those pictures were not produced -- could not
 3 have been produced by Leonardo Corporation?
 4 A. I am not saying this because maybe that
 5 my attorney, John Annesser, had from you these
 6 photographs, for you guys. Not for you person, for
 7 your guys.
 8 Q. I see.
 9 A. What I am swearing is that these photos
 10 come from Industrial Heat. Now, if they had been
 11 produced in the litigation from you or from John
 12 Annesser or from Brian Chaiken, I don't know, but
 13 that is a technical issue related to the litigation.
 14 But before the litigation these
 15 photographs originated from the two guys that were
 16 together with Stokes. Stokes cannot be because he
 17 had both hands engaged to make his measurements. The
 18 other two guys that had free hands were taking
 19 photographs.
 20 They made the photographs and the day
 21 after these photographs were in possession of
 22 Industrial Heat, as the senior, senior, senior
 23 engineer Murray told to John Annesser.
 24 Q. And Dr. Rossi, you keep hitting Exhibit 8
 25 there, but you're not trying to exclude Exhibit 8 in

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1 from theory, correct?
 2 Your conspiracy theory doesn't involve
 3 Exhibit 8, does it, right in front of you, Dr. Rossi?
 4 A. No.
 5 Q. How about let's stop --
 6 A. No, no.
 7 Q. How about this. We will stop touching
 8 that and we will make sure you limit yourself --
 9 A. I'm talking about exhibits --
 10 Q. Right there. They have the numbers on
 11 them.
 12 A. I'm talking about Exhibits 12, 11 and
 13 there is another. Three photos you have --
 14 Q. That has been provided to you?
 15 A. -- that was fraudulent. No, this is all
 16 good. This is legitimate.
 17 Q. Dr. Rossi, stop. You just said three.
 18 Find me the third. Come on.
 19 A. It has been produced. Has been given to
 20 you during a deposition of mine.
 21 Q. It was given to you. So you are not
 22 saying you saw it today?
 23 A. Not today.
 24 Q. You are saying there is a third one?
 25 A. No, sir. No, sir.

R

R

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1 Q. I will find the third one so I can put it
 2 in front of you.
 3 A. Okay.
 4 Q. So your testimony is by looking at these
 5 pictures though you can tell they were taken on the
 6 day before or the day that -- wait, don't shake your
 7 hand.
 8 A. One day or two.
 9 Q. They were taken the day that James Stokes
 10 was at the JMP location, the J.M. Products location?
 11 A. This is correct and absolutely true.
 12 Q. And that's exactly the way that they
 13 looked on that day?
 14 A. Exactly. Yes, sure. Of course.
 15 Q. And explain for me, there is -- you did
 16 say that there is an area in between Exhibit 11 and
 17 Exhibit 12, correct --
 18 A. Yes --
 19 Q. -- in that container?
 20 A. -- it is correct, sir.
 21 Q. How big is that bypass?
 22 A. The bypass was outside.
 23 Q. Well, but something -- wasn't there a
 24 bypass inside that you said you could redirect the
 25 heated fluid out of the container?

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1 A. The bypass -- yes, sir. The bypass was
 2 in the side of the container behind the pipes. You
 3 know, let us now pretend that the bypass was here,
 4 okay.
 5 Let us pretend to make it easier.
 6 Because between here and here there is a block that
 7 is equal to this basically. So you just imagine that
 8 this -- after this frame -- after this wood frame we
 9 had another section equal to this, okay.
 10 MR. ARAN: Pointing to the exhibit.
 11 BY MR. PACE:
 12 Q. Understood. Equal to the piping we see
 13 here. I understand.
 14 A. Just to show. So imagine that between
 15 this and this there is a block that is just the twin
 16 of this.
 17 Q. Okay.
 18 A. So now let us pretend to make me easier
 19 to explain to you. Let us pretend that this is this,
 20 okay, that now we are in the hidden block from --
 21 Q. Understood.
 22 A. -- your two photos.
 23 Q. Between Exhibits 11 and 12?
 24 A. Yes, because the guy did not make a good
 25 job. He could have made a better job. Just that he

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1 made all this photo, had to photograph also this
 2 part. The senior, senior engineer should complain.
 3 Now, assume this --
 4 Q. No, you're entertaining me. Just explain
 5 to me where the hole is.
 6 A. Here.
 7 Q. Or where the valve is.
 8 A. It's behind this.
 9 Q. How big would it be?
 10 A. Between this and the steel wall.
 11 Q. And how large would it be?
 12 A. It could be say --
 13 Q. It's got to carry --
 14 A. As much large as one pipe. But -- some
 15 more. Could be say six inches --
 16 Q. Six inches in diameter?
 17 A. -- time ten inches, something like that.
 18 Q. So the bypass would be a six inch
 19 diameter pipe?
 20 A. Six -- no, the pipe is smaller.
 21 Q. The pipe is smaller, okay.
 22 A. The pipe is smaller here. It's not six
 23 inches. The pipe is not six inches. If this is six
 24 inches with the insulation. The pipe inside here, if
 25 I remember well, it's this basically. It's this.

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1 Q. Three inch pipe?
 2 A. I think it's three inch, yes.
 3 Q. So the bypass, it's a three inch pipe and
 4 then --
 5 A. It's three, but in effect it's not
 6 three. It's six, because you must give space. You
 7 must leave a little bit of play.
 8 So the opening, let me call it the window
 9 of the bypass. The clearance, clearance of the
 10 bypass, could be six inches time ten inches.
 11 Q. But the pipe is a three inch pipe that is
 12 then -- that the bypass is this valve -- is the
 13 butterfly valve that you described before?
 14 A. Yes, and the butterfly was out. So here
 15 you have just the pipe that goes out, the pipe
 16 that -- the bypass is out.
 17 Q. The Y part of the bypass takes it
 18 outside?
 19 A. Yes.
 20 Q. And then there is next to it the pipe
 21 that comes back in?
 22 A. Yes.
 23 Q. So there is two pipes. So the whole
 24 one --
 25 A. No, sir, wait a moment. The pipe that

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1 comes in is the water that is another issue. The
 2 water enters from -- entered from a lower clearance.
 3 You must not -- you must distinguish.
 4 Q. I understand.
 5 A. Here we're talking of the bypass that
 6 can -- that can send the -- the steam outside or that
 7 can send the steam inside. Then you have the
 8 condensed water that reenters.
 9 Q. And the condensed water that reenters, I
 10 think you already testified at least as to Exhibit
 11 12, after it's already come back into the container,
 12 it's coming through the white -- the pipe --
 13 A. Yes.
 14 Q. -- that is white with the tan tape on it?
 15 A. Yes.
 16 Q. Okay. So it's coming in around the
 17 middle point of the container?
 18 A. Yes.
 19 Q. So when these pipes are -- what you have
 20 claimed, when these pipes are carrying steam through
 21 them, then the -- the heated fluid exits the
 22 container several feet off the ground where that
 23 white pipe is?
 24 A. Sir, the heated -- the heated fluid
 25 arrives from Leonardo, okay.

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1 Q. Right.
 2 A. Let me just -- sorry, you did not
 3 complete. Sir, I am making the usual mistake. Serve
 4 the question, please, okay.
 5 Q. Let me -- we will do this again.
 6 A. Sorry, but --
 7 Q. No, no, it's fine.
 8 A. -- I was taken in the -- you know.
 9 Q. We're going to come back.
 10 A. When I get in the fire in the discussion.
 11 Q. We're going to come back to the
 12 conspiracy theory in just a little bit. Let me just
 13 kind of go through here.
 14 You testified earlier that from Exhibit
 15 11 we see some pipes with insulation, that the heated
 16 fluid -- you're saying there is steam. Steam would
 17 be traveling through the insulated pipes in Exhibit
 18 11 and then exiting the container, so it could go up
 19 to your heat exchanger, correct?
 20 MR. ARAN: Objection to form.
 21 THE WITNESS: Once the steam has made the
 22 work here, here the steam works.
 23 BY MR. PACE:
 24 Q. Once it's done that.
 25 A. This is why it is insulated, otherwise we

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1 have to leave it naked.
 2 Q. So once it has done that --
 3 A. After that since -- I repeat, that was an
 4 experiment.
 5 Q. I understand.
 6 A. I did not know how much if the reaction
 7 inside here would have eaten. And so I said maybe I
 8 will have excessive heat going out.
 9 Q. Right, so you needed a heat exchanger.
 10 A. At that point I have a bypass. What does
 11 the bypass? Either --
 12 Q. Before you get into the bypass let me
 13 just ask. I am just trying to understand kind of
 14 from a dimension standpoint.
 15 You have pointed to the pipe that's got
 16 the white insulation covering it, correct?
 17 A. Yes.
 18 Q. The bypass is at that level of a
 19 container?
 20 A. Yes.
 21 Q. That's not the very top pipe, it's not
 22 the very bottom pipe. I am saying it's roughly the
 23 middle. I know it's not quite the middle but several
 24 feet up off the ground.
 25 A. Yes.

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1 Q. The heated fluid that came through that
 2 white pipe would then go to your bypass and into your
 3 heat exchanger?
 4 A. Yes, correct. Correct.
 5 Q. Then when --
 6 A. Otherwise --
 7 Q. Dr. Rossi, if I can. I know there is an
 8 explanation. I am just trying to get a clean record
 9 here.
 10 A. Okay.
 11 Q. Then the cooled fluid that would come
 12 back would come back into the container at around the
 13 level of what we see in Exhibit 12, the white piping
 14 in the middle?
 15 A. Yeah.
 16 Q. Correct?
 17 A. Correct.
 18 Q. Now, that white piping in the middle
 19 looks to me to be about the same height, maybe it's
 20 not and you'll tell me, as the white insulated pipe
 21 on Exhibit 11; is that incorrect?
 22 A. Can you repeat the question?
 23 Q. Yes. If you look at the white -- the
 24 pipe covered in white insulation on Exhibit 12 --
 25 A. Yes.

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1 Q. -- and the pipe covered in white
 2 insulation in Exhibit 11, they look to me to be at
 3 about the same height within the box, so that would
 4 mean the bypass would take the heat -- the heated
 5 fluid out and would bring back the cooled fluid in at
 6 around the same level of the box, but that might not
 7 be accurate.
 8 Let me try to explain this a different
 9 way. If -- I'm not saying this is accurate. I am
 10 just saying if the white insulated pipe you see in
 11 Exhibit 11, let's just assume for these purposes that
 12 that was four feet high.
 13 A. Yes.
 14 Q. It looks to me like the pipe in Exhibit
 15 12 would have been the same four feet high, in other
 16 words they would have been on the same level.
 17 So since the white insulated pipe on
 18 Exhibit 11 would have the heated fluid coming through
 19 it and the white insulated pipe on Exhibit 12 would
 20 have the cooled fluid coming through it, it seems to
 21 me to suggest that your heat exchanger brought the
 22 heated fluid out of the container and brought the
 23 cooled fluid back into the container around the same
 24 level. Is that accurate or not?
 25 A. More or less, yes.

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1 Q. Okay. That's all I was trying to
 2 understand from there.
 3 A. Yes.
 4 Q. So the opening in the container on the
 5 side was big enough to have both the three inch or
 6 six inch pipe?
 7 A. No, because it is not -- no, because the
 8 water reentered before, not at the same length of the
 9 container.
 10 Q. I see.
 11 A. The opening -- the opening to allow the
 12 steam out was in this -- in this area, between this
 13 and this, you know, was in the blind side that the
 14 friend of Industrial Heat forgot to photograph.
 15 But -- sorry, I wanted to say --
 16 Q. You can keep going. Your theory is your
 17 theory. I'm okay with it.
 18 A. It was fraudulent. But -- but the water
 19 reentered in this side of the plant, okay. So they
 20 were displaced.
 21 Q. Okay.
 22 A. They were not piled up.
 23 Q. If you can do me a favor. We have got
 24 Exhibit 10. I am going to actually give you a chance
 25 to draw a little bit more.

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1 A. Exhibit 10.
 2 Q. Right there, it's in your hand. It's in
 3 your hand, Dr. Rossi. No, no, hand.
 4 A. Here, sorry.
 5 Q. So Exhibit 10, if you take your pen.
 6 A. Yes.
 7 Q. Do me a favor, draw -- on the line that
 8 you put in there, put just a couple of arrows, so it
 9 shows the direction that that line is flowing.
 10 A. Can you repeat?
 11 Q. Yes. You have drawn a line in there that
 12 represents the heat exchanger, the pipe carrying the
 13 heated fluid out of the container.
 14 A. Yes.
 15 Q. Draw some directional arrows so it shows
 16 the direction the fluid is in that pipe. Okay.
 17 Now, draw me the pipe that is bringing
 18 the cooled fluid back and where it enters into the
 19 container.
 20 A. Could be interesting to have another
 21 color of pen. Is that a red pen?
 22 Q. No, but I can get you one.
 23 A. If you give me another color it becomes
 24 easier. Are you going to sell these drawings?
 25 Q. I don't know. We'll make images of them

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1 and we'll see if we can sell them.
 2 A. After this upgrading from scratch to
 3 deposition exhibit they could become something to go
 4 in auction in Sotheby's or something.
 5 Q. Here we go. There is a red one.
 6 A. So we have approximately -- this is a
 7 scheme. It's not a design. We have the water.
 8 As a matter of fact the hot should be red
 9 and the cold should be --
 10 Q. Yeah, but we're --
 11 A. This is creative. This adds value under
 12 a numismatic point of view. So the water reenters
 13 and reenters in this position.
 14 Q. Understood. So the red line reflects the
 15 piping from your heat exchanger that came back into
 16 the box?
 17 A. The small pipe of water coming back and
 18 this is the big pipe of steam coming up.
 19 Q. And then if we're looking back at Exhibit
 20 12 or, I'm sorry, Exhibit 11 --
 21 A. Yes, in this area.
 22 Q. -- would it come before this area or would
 23 it come between the door and where the pipes start?
 24 A. It becomes -- no, no, no, no. It was
 25 annexed directly in the piping so it entered in this

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1 area.

2 Q. Okay. It enters right directly into the

3 piping from the side of the container?

4 A. Yes.

5 Q. So there was a hole in the container for

6 the pipe to flow out?

7 A. Correct.

8 Q. And there was a hole in the container for

9 another pipe to come back in?

10 A. Yes.

11 Q. All right.

12 MR. CHAIKEN: Can we take a short break

13 at some point if you're done with this line of

14 questioning?

15 MR. PACE: Sure. Yeah, why don't we take

16 a break now.

17 MR. CHAIKEN: Thank you.

18 THE VIDEOGRAPHER: We're off the record.

19 The time is 3:47 p.m.

20 (Thereupon a brief recess was taken,

21 after which the following proceedings were had.)

22 THE VIDEOGRAPHER: We're back on the

23 record. The time is 4:00 p.m.

24 (The document referred to was thereupon

25 marked Deposition Exhibit 16 for Identification, a

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1 copy of which is attached hereto.)

2 BY MR. PACE:

3 Q. Dr. Rossi, I am going to mark here as

4 Exhibit 16. Is this the -- a picture of the section

5 between Exhibit 11 and 12?

6 A. Yes. This is a piece, yes. Yes, this is

7 the piece. Let me -- yes, this is a piece of it.

8 Q. Does this appear to be part of the same

9 series then as Exhibit 11 and 12 and taken at the

10 same time?

11 A. Yes, this is a piece of it.

12 Q. And -- but just so I am clear, Exhibit 16

13 is -- does not show the bypass that is in the

14 container?

15 A. No, the bypass -- you can't see the

16 bypass because it's behind the pipes.

17 Q. So the bypass is behind the pipes --

18 A. It's behind the pipes.

19 Q. -- you wouldn't see it through this

20 picture?

21 A. It is hidden.

22 Q. It's hidden. So the bypass isn't

23 reflected, you can't see the bypass in Exhibit 16

24 either?

25 A. No, you cannot see it, no.

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1 Q. And --

2 A. This was the missing -- the missing one,

3 yes.

4 Q. This is the missing one. So the

5 continuation -- you can actually even tell it from

6 the little tape hanging down on Exhibit 12. Exhibit

7 11 goes to Exhibit 16, goes to Exhibit 12 and in fact

8 you can tell if you look at the tape --

9 A. Yes, yes.

10 Q. -- on Exhibit 12 to the left-hand side is

11 hanging down there, it's the exact same type hanging

12 down on the right-hand side on Exhibit 16, correct?

13 A. Yes.

14 Q. All right. I told you I would find the

15 picture for you. And this is -- your theory all of

16 these pictures had to have been taken by one of the

17 officials from the Florida agencies that were at the

18 Doral warehouse sometime around but before February

19 16 and 17?

20 A. Attorney, inside this container only and

21 exclusivity two person were authorized to go. These

22 two persons were me and Jim Bass.

23 No other person was allowed inside here.

24 And I am 100 percent -- and the only other persons

25 that entered inside this container have been the

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1 three guys of the health care office on the day that

2 they made the well known visit to us that you know

3 very well because you have deposed Mr. Stokes.

4 Therefore -- also Fabiani did not enter

5 because I asked to Fabiani, "Did you enter in the

6 container?" He said, "No, I stayed out," but because

7 I asked did you take photos, et cetera.

8 He said no, but the photos have been

9 taken by the two guys that were together with Stokes,

10 because Stokes was making the measurements and the

11 other -- of the two guys, one of the two guys, I must

12 say -- I have been told one of the other two guys is

13 going inside to take pictures.

14 Q. And who told you that?

15 A. Fabiani.

16 Q. Fabiani?

17 A. Fabiani because he was there. He was

18 outside the -- he is the man that has lead the three

19 officers of the health care office inside the J.M.

20 area and then he -- conducted them to the head, where

21 there was the entrance that we can see in the Exhibit

22 11, the entrance.

23 So that if I remember well, they asked

24 the two worker to Reinaldo to take off the

25 cohobentation, the -- sorry, the insulation, to be

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1 more clear, and allow them in obviously to take the
 2 measurements of the radiations, to control that
 3 inside there was no -- because the theory of Zoepfl
 4 is I had hidden some plutonium or uranium somewhere
 5 in the circuit.
 6 Q. I'm sorry, you said plutonium or what?
 7 A. Uranium.
 8 Q. Uranium.
 9 A. Uranium.
 10 Q. Got it.
 11 A. Uranium or something radioactive to heat
 12 up the water.
 13 Q. I don't think I've asked this already but
 14 let me ask.
 15 Fulvio Fabiani in 2000 and -- just during
 16 the time period that the Doral plant was being
 17 operated, let's say very late 2014 through early
 18 2016, did either J.M. Products or Leonardo pay Fulvio
 19 Fabiani or US Quantum Leap or was he only paid by
 20 Industrial Heat?
 21 A. Can you kindly repeat your question,
 22 sir?
 23 Q. I can.
 24 A. I did not get all the English.
 25 Q. Let me -- I probably made it too long.

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1 From the time that the E-Cat plant arrived in Doral
 2 to present has J.M. Products or Leonardo paid money
 3 to either Fulvio Fabiani directly or to US Quantum
 4 Leap?
 5 A. J.M. for sure not. About Leonardo
 6 Corporation, honestly I do not remember. I do not
 7 remember. Maybe -- maybe yes, maybe no, because I am
 8 not able to collocate in time because Leonardo
 9 Corporation has paid Fabiani, because Fabiani gave to
 10 Leonardo Corporation much of consulting.
 11 Now I am not able to tell you if the --
 12 if the payments -- payments have been made to him
 13 also after the -- after the Industrial Heat
 14 connection. Maybe yes. I don't remember.
 15 Maybe yes, because he continued to give
 16 to Leonardo Corporation consulting for the -- for
 17 example, for the robotization. I am not -- I am
 18 not -- I do not remember. It is possible, but I do
 19 not remember.
 20 Q. So no as to J.M. Products, possible as to
 21 Leonardo?
 22 A. J.M. Products, surely not.
 23 Q. And just so we were clear, because I
 24 think you may have covered a broader time period than
 25 I intended. The starting point I asked for was when

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1 the E-Cat plant arrived in Doral, which would have
 2 been in late 2014.
 3 A. Yes.
 4 Q. Does that change your answer as to
 5 Leonardo? Are you still maybe, maybe not?
 6 A. (Nods head.)
 7 Q. Okay. Just you had made a reference to
 8 North Carolina. That's why I was trying to
 9 understand.
 10 A. Let me give you some more. Should it be
 11 I would not be surprised, but because it is not
 12 impossible. But I don't specifically remember but it
 13 is not impossible because he continued to give to me
 14 consulting.
 15 Q. As to J.M. Products though, J.M. Products
 16 has not made any payments to Fabiani or US Quantum
 17 Leap and J.M. Products has not had any agreements
 18 with Fabiani or US Quantum Leap?
 19 MR. CHAIKEN: Object to form.
 20 MR. ARAN: Object to form.
 21 BY MR. PACE:
 22 Q. Let me start over again. That was a long
 23 question and these people are getting annoying.
 24 MR. ARAN: Two.
 25 MR. PACE: It was seven questions,

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1 actually. You missed five of them.
 2 MR. CHAIKEN: That's true.
 3 BY MR. PACE:
 4 Q. What you just testified is that J.M.
 5 Products has not made any payments to Fabiani or US
 6 Quantum Leap, correct?
 7 A. Yes.
 8 Q. Is it also true that J.M. Products has
 9 not had any agreements with either Fabiani or US
 10 Quantum Leap?
 11 A. It is true. You know, sir, not that I am
 12 aware of. I don't know if behind me and without my
 13 knowledge there has been some agreement. I don't
 14 think so. I don't know and I don't think so.
 15 Q. One of the reasons I asked is you are
 16 familiar with these -- with the work that was done
 17 with the BeagleBone processor and the Banana Pro
 18 processor, these documents we looked at before,
 19 correct?
 20 A. Yes.
 21 Q. These are all --
 22 A. Familiar, it depends what you mean by
 23 familiar.
 24 Q. Let me define that. I'm not saying
 25 you're familiar with the electronics behind it.

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1 A. Exactly.

2 Q. I am just saying you are aware that

3 Fulvio Fabiani and Jim Bass were working together on

4 a project that involved a control system?

5 MR. ARAN: Objection.

6 THE WITNESS: Yes, because I did direct

7 them to do it.

8 BY MR. PACE:

9 Q. And my only -- the thing I was trying to

10 understand is, if I understood the earlier testimony,

11 at one point that was a project being done for J.M.

12 Products and then later became a project being done

13 for Leonardo. Is that accurate or inaccurate?

14 A. This is accurate.

15 Q. Okay. While that project was being done

16 for J.M. Products, J.M. Products was not paying

17 Fulvio Fabiani or US Quantum Leap for the work on

18 that project?

19 A. No.

20 Q. Okay. That's what I was trying to

21 understand. I think you referenced -- I'm sure you

22 have identified this in a prior exhibit, but since

23 you are here as a representative of J.M. Products,

24 let me make sure.

25 A. Thank you.

R

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1 that is marked as Exhibit 18, correct?

2 A. Yes.

3 Q. And this was completed by Henry Johnson

4 as the president of J.M. Chemical products?

5 MR. ARAN: Objection, form.

6 THE WITNESS: I am reading that, yes.

7 BY MR. PACE:

8 Q. Do you recognize that as Henry Johnson's

9 signature?

10 A. Honest --

11 Q. If you don't recognize it, you don't.

12 A. Yeah, but I have no doubt -- I don't

13 recognize it because I am not familiar with his

14 signature.

15 Q. Okay.

16 A. But I am pretty sure that this has been

17 signed by him.

18 Q. Okay. And the J.M. Chemical Products is

19 what today is known as J.M. Products, correct?

20 A. Yes, it is correct.

21 Q. One statement in here is that JMC, which

22 is short for J.M. Chemical Products, is owned by an

23 entity formed in the United Kingdom. That's not --

24 that's not, in fact, accurate, correct?

25 A. No, it is not accurate. May I explain?

M, Confusing

R

IMP

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1 (The document referred to was thereupon

2 marked Deposition Exhibit 17 for Identification, a

3 copy of which is attached hereto.)

4 BY MR. PACE:

5 Q. That is the -- that is the agreement you

6 have referenced before about the compensation

7 agreement between J.M. Products and Leonardo

8 Corporation, correct?

9 A. Yes.

10 Q. And this is signed by Henry Johnson for

11 J.M. Products and by you for Leonardo?

12 A. Correct.

13 Q. All right. I just wanted to make sure we

14 got that kind of clear on the record, so that was

15 17. Exhibit 17.

16 (The document referred to was thereupon

17 marked Deposition Exhibit 18 for Identification, a

18 copy of which is attached hereto.)

19 BY MR. PACE:

20 Q. I have marked here as Exhibit 18.

21 A. Yes, I know what is this.

22 Q. In connection with -- in connection with

23 Industrial Heat entering the term sheet with J.M.

24 Products or J.M. Chemical Products, Industrial Heat

25 asked J.M. Chemical products to complete this form

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1 Q. Yes.

2 A. Okay. From the beginning Di Giovanni

3 told us that he was going to make for this business a

4 partnership that would end up -- that would end up

5 with a UK entity and this remained -- and this

6 remained through various documents that follow it up

7 and at the end Di Giovanni did not -- did not make an

8 agreement with those people -- with those people and

9 remained this -- this thing that eventually turned

10 out not to have been made and it remained -- it

11 remained --

12 Q. It remained? Finish.

13 A. It remained.

14 Q. Owned by Platinum American Trust?

15 A. American Trust, whose beneficiary is an

16 Italian.

17 So what was foreseen, also for me, also

18 from me, I had understood that the beneficiary would

19 become eventually a UK entity and that -- the

20 beneficiaries of Di Giovanni was provisional.

21 Q. So at the time this was signed J.M.

22 Chemical products was owned by Platinum American

23 Trust, correct?

24 A. At the time this has been -- what is the

25 time this has been signed, please?

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1 Q. August -- the middle of August 2013 --
 2 2014. The middle of August 2014.
 3 A. So the Platinum Trust had already been
 4 made, am I correct?
 5 Q. Correct.
 6 A. Yes. So yes, when it has been signed
 7 still there was the conviction from all that
 8 Di Giovanni was going to eventually merge in a UK
 9 entity.
 10 Q. So let me type out the date this was
 11 signed.
 12 So on the day this was signed J.M.
 13 Chemical Products was owned by Platinum American
 14 Trust, correct?
 15 A. Correct.
 16 Q. On the day this was signed the sole owner
 17 of Platinum -- the sole beneficiary of Platinum
 18 American Trust was Giovanni, correct?
 19 A. Correct.
 20 Q. And Giovanni was an Italian human being,
 21 not a United Kingdom entity?
 22 A. Yes, it is correct.
 23 Q. Okay.
 24 A. But Di Giovanni --
 25 Q. Let me just --

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1 A. Di Giovanni told to me and to the
 2 attorney Johnson this.
 3 Q. So that's all -- there is no documents
 4 that reflect it, it's just oral communications?
 5 A. Not that I am aware of.
 6 Q. Understood. And do you know the -- the
 7 supposed entity, the UK entity to which Di Giovanni
 8 was having some kind of communications?
 9 A. Can you kindly repeat?
 10 Q. Sure. You have said that orally
 11 Di Giovanni told you that he was having discussions
 12 with selling his beneficial interest in J.M. Products
 13 to a UK entity.
 14 A. No, he told me that he was going to make
 15 a partnership with a UK entity.
 16 Q. Make a partnership. Did he tell you the
 17 UK entity? Did he identify it for you?
 18 A. Sorry?
 19 Q. Did he identify the UK entity for you?
 20 A. No.
 21 Q. Did you ever ask him?
 22 A. No, it was not my business.
 23 Q. I'm sorry, I don't know if I've ever
 24 asked this before. How did you first meet
 25 Di Giovanni?

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1 A. Sorry.
 2 Q. Let me do this by steps.
 3 A. Sure.
 4 Q. But your testimony is what you understood
 5 was that Di Giovanni was looking to transfer his
 6 beneficial interest in the trust to a UK entity,
 7 correct?
 8 A. Yes, it is correct.
 9 Q. And you say that -- and you have said
 10 that there are documents that reflect that this
 11 transaction was being contemplated, correct?
 12 MR. CHAIKEN: Object to form.
 13 THE WITNESS: I did not understand this.
 14 BY MR. PACE:
 15 Q. I thought I heard you make a reference
 16 that there are documents that reflect that
 17 Di Giovanni was -- was contemplating selling his
 18 beneficial ownership to a UK entity.
 19 MR. CHAIKEN: Object to form.
 20 THE WITNESS: No, sir, I did not say
 21 that.
 22 BY MR. PACE:
 23 Q. Okay. I misunderstood.
 24 A. Di Giovanni told to us that --
 25 Q. He told that to you?

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1 A. You asked me before in the first
 2 deposition.
 3 Q. I did. The first one. I am just getting
 4 forgetful in my old age.
 5 A. No problem. I knew him in Italy
 6 initially when I was working, pretty much
 7 notoriously, in the field to make fuel from waste and
 8 that's how I knew him because he was in contact with
 9 some fertilizer production company and he was
 10 interested to that, et cetera and is borne from
 11 that -- if you want a friendship, and that's it.
 12 Then he followed all -- all the follow-up of my
 13 profession when he knew it.
 14 Q. So --
 15 A. Sorry.
 16 Q. So he was originally -- you originally
 17 met him as a potential business partner?
 18 A. Yes, sir.
 19 Q. And --
 20 A. I would not say potential business
 21 partner. As a customer. As a potential -- as a
 22 person that could -- that had the necessary
 23 acquaintances to allow us to make important plans.
 24 Q. Okay. And then is the first -- is the
 25 first transaction you have done with him J.M.

AA, Cum.

Confusing, M, MT

AA

R

IMP

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1 Products?
 2 MR. CHAIKEN: Object to form.
 3 BY MR. PACE:
 4 Q. Let me rephrase that. You said that he
 5 was a potential customer for this other business
 6 which made me think he never became an actual
 7 customer.
 8 Have you done any transactions with
 9 Di Giovanni prior to him becoming the beneficiary of
 10 the Platinum American Trust, that in turn owned J.M.
 11 Products?
 12 A. No.
 13 Q. There was testimony earlier in a prior
 14 deposition, I think even your testimony, as well as
 15 Jim Bass, that there was a -- on the J.M. Products
 16 side of the Doral warehouse there was a flow meter.
 17 Is that correct?
 18 A. Yes, it's correct.
 19 THE VIDEOGRAPHER: Counsel, your
 20 microphone, please.
 21 BY MR. PACE:
 22 Q. I'm sorry. I'm sorry. Let me do that
 23 again.
 24 There has been testimony previously that
 25 on the J.M. Products side of the Doral warehouse

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1 there was a flow meter on the pipe that took the
 2 water from the J.M. Products container back to the
 3 Leonardo side of the warehouse, correct?
 4 A. Yes, it is correct.
 5 Q. All right. Do you know the model of that
 6 flow meter?
 7 A. You know, it is an old flow meter. I
 8 have looked at it because you have put this fact in
 9 the paper related to my deposition of today and there
 10 is written M -- M Flow Meters is the manufacturer.
 11 M, as in Mary, Flow Meter, followed by a series of
 12 numbers.
 13 And again, if you want I have these
 14 numbers in the same papers from where I have got the
 15 name Multifan before. So if you want I can go in my
 16 briefcase and out this. Also because -- no. Okay.
 17 If you allow me I can bring it out from my
 18 briefcase.
 19 Q. Sure. We can even stay on the record if
 20 you can do it quickly.
 21 A. Okay, I can do it quickly.
 22 Q. I won't ask you to mark that as an
 23 exhibit. Let me make your life easier.
 24 A. It's this.
 25 Q. Yeah, but I don't want to be -- those are

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1 your notes and you may have talked to your lawyers
 2 about them. You can read me --
 3 A. Model.
 4 Q. M Flow Meter number.
 5 A. Flow meter is --
 6 THE VIDEOGRAPHER: Doctor, if you can,
 7 your microphone, please.
 8 THE WITNESS: I am so sorry. I have
 9 written this just in the behind of the paper for
 10 which I am here today, so it's nothing secret.
 11 So this is -- the flow meter is --
 12 yeah -- M, as in Mary, B as in Bob. M is the
 13 name of the manufacturer. That's all is written
 14 in the display.
 15 The model is B, as in Bob, 80 317.11 and
 16 in a second line below A, as in apple, H as in
 17 hotel, dash B Pu, P, capital P. All the letters
 18 I said up to now are capital letters.
 19 Then P capital, u small, 16. This is the
 20 flow meter.
 21 BY MR. PACE:
 22 Q. If you can do, A H-B PuP --
 23 A. No, let's restart from A. A, as in
 24 apple, H, as in hotel, minus B or dash B. When I say
 25 minus is the --

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1 Q. Hyphen?
 2 A. Hyphen B, then capital P, small u, 16.
 3 Q. Okay.
 4 A. And this is the flow meter. Do you want
 5 already the thermometer that you are going for sure
 6 to ask me? Because you put here that you want to
 7 know the flow meter, the thermometer, so I wrote
 8 both.
 9 Q. Sure.
 10 A. The thermometer is Digital Thermometers,
 11 is the manufacturer, K probe. K, as in Kursaal.
 12 Q. K as in Curacao did you just say?
 13 A. Yes, K, Kursaal.
 14 Q. I would have said kangaroo, but okay.
 15 A. Kangaroo, all right.
 16 Q. K as in Curacao.
 17 A. Kursaal is a well known --
 18 Q. In Italian it might be spelled with a K.
 19 In English it's spelled with a C.
 20 A. In Italian the K does not exist as a
 21 matter of fact. We do not use the K in our
 22 alphabet.
 23 So we say Kursaal because it's a well
 24 known chain like Macy's, so we say Kursaal.
 25 Q. Digital K Probe?

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1 A. K Probe, then model T, as in Ted, 210666
 2 and that's it.
 3 (The document referred to was thereupon
 4 marked Deposition Exhibit 19 for Identification, a
 5 copy of which is attached hereto.)
 6 BY MR. PACE:
 7 Q. I want to show you what's been marked as
 8 Exhibit 19. This is an e-mail from Jim Bass. Well,
 9 the bottom is an e-mail from Jim Bass to you. The
 10 top is your response.
 11 This is an e-mail exchange from May of
 12 2016, correct?
 13 A. Yes.
 14 Q. And James Bass is identifying for you
 15 that Reinaldo has made a large hole in the chamber
 16 wall. The chamber wall is the J.M. Products
 17 container, correct?
 18 A. Yes.
 19 Q. And this is to vent the hot air from the
 20 chamber. Then he says -- he's talking about making
 21 an opening on the other end of the chamber as well,
 22 correct?
 23 A. Yes.
 24 Q. Do you know if that opening was made in
 25 the other end of the chamber as well?

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1 A. You know, we are talking of a technology
 2 that is not connected with the E-Cat and -- and this
 3 reenters in the technology that I consider
 4 confidential.
 5 So this is -- in fact, this e-mail is of
 6 May 23, 2016, so we're completely out of the period
 7 of collaboration with Industrial Heat. This has
 8 nothing to do with that.
 9 Q. I understand. Let me ask my question
 10 again though.
 11 A. Yes.
 12 Q. Because I don't think whether there is a
 13 second hole in the container is a trade secret, so
 14 let me ask again.
 15 A. No, no.
 16 Q. I asked you a narrow question, so if you
 17 just answer my question we can make this easy.
 18 A. Yes.
 19 Q. This says -- this identifies that
 20 Reinaldo has already made a large hole in the J.M.
 21 Products container, correct?
 22 A. Yes.
 23 Q. All right. Jim Bass is proposing that a
 24 second opening be made in the J.M. Products
 25 container, correct?

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1 A. Yes.
 2 Q. That second opening was, in fact, made in
 3 the J.M. Products container, correct?
 4 MR. ARAN: Objection to form.
 5 BY MR. PACE:
 6 Q. Fair enough.
 7 A. No, it has not been made.
 8 Q. It has not been made?
 9 A. No, no, because he had not understood
 10 what was the scope of all, so no. No.
 11 Q. There is a -- then you have -- you
 12 probably got into my next question because there is
 13 also a reference in here to an exhaust fan.
 14 Was the exhaust fan installed or not
 15 installed?
 16 A. It has been installed, but sorry, but --
 17 Q. Is that the same fan that was used for
 18 the heat exchanger that you have testified about?
 19 A. Yes. Modified, yes.
 20 Q. Modified by you?
 21 A. Yes.
 22 Q. Was there ever a time when J.M. Products
 23 had the need to buy -- let me start broadly, then we
 24 can go more narrowly.
 25 Was there ever a time when J.M. Products

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1 had a need to buy any -- any types of materials or
 2 substances, whether it's platinum, gold, nickel, you
 3 name it? I'm just asking generally. Elements. I am
 4 not sure what the right phrase is.
 5 Was there ever a time when J.M. Products
 6 had a need to purchase any of that?
 7 A. Yes.
 8 Q. So I think you have already testified
 9 that J.M. Products was looking into purchasing
 10 platinum sponge.
 11 A. Yes.
 12 Q. What else did J.M. Products look to or,
 13 in fact, purchase?
 14 A. Graphite.
 15 Q. Graphite.
 16 A. Nickel.
 17 Q. Nickel.
 18 A. Basically this.
 19 Q. And for what purpose would J.M. Products
 20 be using nickel?
 21 A. Because of the process involved in the
 22 reactors of J.M.
 23 Q. The reactors of J.M. These are the --
 24 these are the cylinders that you placed in the -- in
 25 the pipes that appear in Exhibit 11?

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1 A. Yes, it is correct.
2 Q. Those pipes contained -- at one point I
3 know you testified you put platinum sponge in those
4 pipes, the containers. At least some of the
5 containers had platinum sponge.
6 Would those same containers -- what else
7 would go -- let me start this over. In a container
8 that included nickel what else would be included?
9 A. Can you repeat the question? I did not
10 understand.
11 Q. Yes, I can. I am just asking on the J.M.
12 Products side. You said J.M. Products had a need for
13 acquiring and using nickel, correct?
14 A. Yes.
15 Q. And you said that that nickel would be
16 used in these cylinders that were placed into the
17 pipes that are in the J.M. Products container.
18 A. Yes.
19 Q. What else would be in a cylinder that
20 contained nickel or would it just be nickel by
21 itself?
22 MR. CHAIKEN: Object to form.
23 THE WITNESS: This is proprietary because
24 this is part of the confidential part of the
25 technology of J.M.

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1 BY MR. PACE:
2 Q. Well, I think under the protective order
3 I am still entitled to receive it. We don't have any
4 lay -- we don't have any non-attorneys in the room so
5 what is the additional substance that was put in with
6 the nickel?
7 MR. CHAIKEN: Object to the form.
8 MR. ARAN: Object to the form. To the
9 extent --
10 MR. PACE: Perhaps I can --
11 MR. ARAN: To the extent you believe it's
12 a trade secret, confidential, that you don't
13 want to make.
14 THE WITNESS: Can you repeat, attorney?
15 I did not hear it.
16 MR. ARAN: To the extent that you think
17 it is a trade secret or confidential information
18 that should not be revealed to your competitor
19 then so state and then we will make it part of
20 the confidentiality order that only allows it to
21 be to the lawyers, or if you're not comfortable
22 with that then don't answer.
23 THE WITNESS: We have one problem here,
24 that Industrial Heat now at any fact is a
25 competitor of us.

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1 They have published everywhere that they
2 are working with 12 competitors of us, of which
3 they have bought they say the technology. So at
4 this point, confidential or not, Industrial Heat
5 will have access to everything that I am saying
6 today through the attorney.
7 So, you know -- and so whatever I am
8 saying now goes to the ear of Tom Darden because
9 obviously --
10 BY MR. PACE:
11 Q. Dr. Rossi, let's get back to the
12 deposition. You can talk to your lawyer separately
13 and off the record. By the way, you shouldn't really
14 be doing that on the record.
15 MR. ARAN: I think he's talking to all of
16 us, not just to me.
17 MR. PACE: Then move to strike and that's
18 really not responsive.
19 MR. ARAN: He's explaining the reason he
20 said that.
21 MR. PACE: Let's ask the question again.
22 MR. ARAN: Move on.
23 MR. PACE: First of all, we get the time
24 period -- no, you instruct him not to answer or
25 we can go off the record.

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1 MR. ARAN: Listen, I was talking and you
2 were talking over me and that doesn't allow him
3 to take it. I thought we had agreed that we
4 would allow each other to finish talking.
5 MR. PACE: Are you done? So all I am
6 going to say is I'm happy to go off the record
7 if you want to have a discussion about it, but
8 that wasn't responsive to my question at all.
9 I wasn't asking about what Tom Darden
10 would see. I asked you a question of what was
11 used with the nickel. So --
12 THE WITNESS: I'm --
13 MR. PACE: I move to strike all that, to
14 the extent you feel it's on the record. To the
15 extent it was meant to be a discussion with your
16 attorney, I would say you should not do that on
17 the record. You should do that at a break.
18 THE WITNESS: Okay.
19 BY MR. PACE:
20 Q. Just to be careful. So back to my
21 question. And we can designate it as highly
22 confidential. Let me start with the time period.
23 At some point you were putting nickel
24 into cylinders that you were then putting into the
25 pipes that were in the J.M. Products container,

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1 correct?
2 A. It is correct.
3 Q. At what time period was that occurring?
4 Was that during 2015? Was it during 2016? When can
5 you tell me?
6 A. Yes, this has been in 2015, during the
7 test.
8 Q. Okay. What other substance was included
9 in those cylinders?
10 MR. CHAIKEN: Object to form.
11 THE WITNESS: I would like to talk with
12 my attorneys to decide if I can answer to you or
13 not. It is not your --
14 BY MR. PACE:
15 Q. I understand.
16 A. I am answering to Industrial Heat now,
17 not to attorney base.
18 Q. I understand. Can we go off the record.
19 THE VIDEOGRAPHER: Off the record. The
20 time is 4:38 p.m.
21 (Thereupon a brief recess was taken,
22 after which the following proceedings were had.)
23 THE VIDEOGRAPHER: We're back on the
24 record. The time is 4:48 p.m.
25 MR. PACE: Can you do me a favor and just

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1 reread my last question.
2 (The question referred to was read by the
3 reporter as above recorded.)
4 THE WITNESS: I am sorry, but I must say
5 that I consider this industrial secret.
6 BY MR. PACE:
7 Q. I understand that. Are you refusing to
8 answer the question?
9 A. I'm sorry. I say I'm sorry, but I -- I
10 consider this an industrial secret, considering that
11 Industrial Heat is a competitor of us.
12 Q. And you know that there is a protective
13 order in this case; you are familiar with that,
14 correct?
15 A. You know, it is --
16 Q. Dr. Rossi, I am just asking you a yes or
17 no. I just want to make sure that you are aware of a
18 protective order in this case, correct?
19 A. I am aware of that but --
20 Q. I'm not saying you have to view it as
21 controlling or not but let me just say you have had a
22 chance to read that protective order?
23 A. Can you repeat?
24 Q. Have you had a chance to read that
25 protective order?

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1 A. Yes, but a protective order does not
2 protect me from the fact that it is obvious that you
3 being the attorney --
4 Q. Dr. Rossi --
5 A. -- that we --
6 Q. Dr. Rossi, I am not going to let you give
7 a speech on the record. You can refuse to answer and
8 we can deal with it separately, okay. That's an
9 issue that we can bring with the judge.
10 So rather than waste your time and my
11 time, I wanted to make sure you were aware of the
12 protective order so that you weren't saying well, I
13 didn't realize there was a protective order. You are
14 aware of that, nevertheless --
15 A. I --
16 Q. -- nevertheless my question that I have
17 asked, and you're simply going to refuse to answer,
18 is what did you include in the cylinders along with
19 nickel when you would place those cylinders in the
20 pipes in the J.M. Products container?
21 MR. CHAIKEN: Object to form.
22 THE WITNESS: I want not to answer this
23 question because Industrial Heat will have
24 access to my answer.
25 BY MR. PACE:

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1 Q. Okay.
2 A. And I will not give --
3 Q. There you go. Dr. Rossi, again, we don't
4 need the speech about why at this point.
5 A. Okay.
6 Q. It's simply a refusal.
7 A. All right.
8 Q. Just so I am clear on your answer,
9 because you said I want not to respond.
10 A. Okay.
11 Q. Let me make sure you're clear. You will
12 not respond?
13 A. I will not respond.
14 Q. Again, we can deal with this with the
15 court separately.
16 A. I'm sorry for that.
17 Q. No, I understand that. Again, I am not
18 getting into the further detail on the issue.
19 MR. ARAN: And also for the record I am
20 going to object as to relevancy now that he's
21 already made his decision.
22 MR. PACE: Fair enough.
23 (The document referred to was thereupon
24 marked Deposition Exhibit 20 for Identification, a
25 copy of which is attached hereto.)

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1 BY MR. PACE:
 2 Q. Dr. Rossi, I am going to hand you what's
 3 been marked as Exhibit 20. This is an e-mail
 4 exchange between you and Jim Bass in June of 2016,
 5 correct?
 6 A. You know, we are talking of June 17,
 7 2016. Now, we are in a period that is five months
 8 after the end of the test and we are talking of
 9 things that have nothing to do with Industrial Heat,
 10 nothing to do with this litigation.
 11 Again, this information is completely out
 12 of the field of application of the paper I am here to
 13 discuss about, so I refuse to talk of this document.
 14 Sorry, attorney. June 17 --
 15 Q. Wait, Dr. Rossi. Look at the -- on Jim
 16 Bass's e-mail, his fourth paragraph down. "As you
 17 said, you will be paying me \$1,000 a month to remain
 18 loyal and to return to work when the litigation is
 19 concluded."
 20 You're telling me that has nothing to do
 21 with this case?
 22 A. Let me read.
 23 Q. How about you read the document and then
 24 you can give me a speech if you want to. Is that
 25 okay? Is that fair?

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1 A. You are right.
 2 Q. Okay.
 3 A. Okay.
 4 Q. I am trying to do that with you.
 5 A. No, you are right.
 6 Q. Just take a second.
 7 A. I just started from the date June 17,
 8 2016.
 9 Q. I understand but I can call the court
 10 when you refuse to answer a question. I am not going
 11 to because I don't want to do it that way but how
 12 about you at least look at the document before you
 13 give a speech.
 14 A. Okay.
 15 Q. Take him off my Christmas card list.
 16 A. I confirm. I confirm. I confirm,
 17 attorney. This e-mail has nothing to do with the
 18 litigation and have nothing to do with the reason why
 19 I am here today to answer to your questions.
 20 Because this -- the content of this
 21 e-mail from the first word to the last word has
 22 nothing to do with this litigation.
 23 Q. Is the reference to --
 24 MR. ARAN: Let me get my objection.
 25 MR. PACE: Please.

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1 MR. ARAN: He's here as a designee of
 2 J.M. in response to a 30(b)(6) deposition, which
 3 has areas of inquiries and the areas of
 4 inquiries have to do with J.M. and its operation
 5 of the plant and things related to the dispute.
 6 This is an e-mail that if you really
 7 wanted to use it you should have used it either
 8 in Mr. Rossi's personal deposition, which was
 9 taken recently, but he's not here, at least not
 10 as a representative of J.M. Products, to testify
 11 about his relationship with Jim Bass after the
 12 J.M. Products plant was over. It's way above.
 13 We look at every single one of these
 14 inquiries that you put on topics of discussion,
 15 it has nothing to do with any of this. We
 16 prepared based on the 16 issues or 16 areas of
 17 inquiry or topics that appear in your notice.
 18 MR. PACE: Fair enough. Are you going to
 19 instruct him not to answer questions?
 20 MR. ARAN: I am not going to instruct
 21 him. If he doesn't want to answer, this has
 22 nothing to do with J.M. Products.
 23 MR. PACE: Well, I don't actually know
 24 that yet so I am actually going to find out here
 25 or you can refuse to answer.

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1 THE WITNESS: What does -- what has --
 2 MR. CHAIKEN: There is no question
 3 pending.
 4 THE WITNESS: I'm sorry.
 5 MR. CHAIKEN: Let him ask the question.
 6 BY MR. PACE:
 7 Q. Let me ask the question and then you can
 8 decide whether you are going to respond to it or
 9 not.
 10 A. Okay.
 11 Q. So the first question is the litigation
 12 that is referenced in this document, that's your
 13 current litigation with Industrial Heat, correct?
 14 A. Yes, correct.
 15 Q. Okay. The payment here is to remain --
 16 is \$1,000 a month payment to Jim Bass, is that
 17 correct, an ongoing thousand dollar a month payment?
 18 A. You know, again --
 19 Q. You can refuse to answer or not.
 20 A. -- that relationship --
 21 Q. If you don't want to answer the question
 22 you don't have to. I don't need a speech. You can
 23 either say yes or no.
 24 A. I refuse to answer because I am here as
 25 the representative of J.M. and the relationship

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1 between Leonardo Corporation and Jim Bass as the
 2 consultant of Leonardo Corporation and the conditions
 3 of this relationship have nothing to do with the
 4 reason I am here today.
 5 Q. So your testimony is though -- or is that
 6 this payment -- well, I mean, Dr. Rossi, hold on a
 7 second.
 8 Payments being made on behalf of J.M.
 9 Products are being made on occasions by you,
 10 correct? You make payments to Jim Bass?
 11 A. Sorry, sorry, I did not understand the
 12 question.
 13 Q. Have you ever made a payment to Jim Bass
 14 in the year 2015? Did you ever make a payment to Jim
 15 Bass in the year 2015?
 16 A. Yes, on behalf of J.M.
 17 Q. Aha.
 18 A. So what?
 19 Q. You can make payments on behalf of Jim
 20 Bass or on behalf of J.M. Products in 2015. I know
 21 it's 2016, Dr. Rossi.
 22 A. Yes.
 23 Q. But I think --
 24 A. It's not on behalf of J.M.
 25 MR. CHAIKEN: Wait for the question.

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1 BY MR. PACE:
 2 Q. Here we go.
 3 A. Go ahead.
 4 Q. You are jumping ahead of yourself. Slow
 5 down.
 6 A. Okay.
 7 Q. I am allowed to ask that question.
 8 A. All right.
 9 Q. You just like to get ahead of yourself
 10 here.
 11 A. All right.
 12 Q. Ready?
 13 A. So what's the question?
 14 Q. Hold on. It's coming. Wait.
 15 A. Good. I'm happy.
 16 Q. Slow down. I am concerned about your
 17 blood pressure.
 18 A. I'm still. You can see.
 19 Q. Okay.
 20 A. Yes.
 21 Q. Ready?
 22 A. Sure.
 23 Q. Are you sure?
 24 A. Yeah.
 25 Q. Okay. Is this payment made by -- I

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1 know. Just making sure you calm yourself down here a
 2 little bit. It's a Wednesday. High blood pressure,
 3 I don't want you to have a heart attack on me.
 4 Is this payment made on behalf of J.M.
 5 Products?
 6 A. No.
 7 Q. Okay.
 8 A. This -- what do you mean, this one?
 9 Q. The thousand dollar a month payment to
 10 remain loyal.
 11 A. Absolutely not.
 12 MR. CHAIKEN: Glad we were able to work
 13 through that.
 14 THE WITNESS: Sorry?
 15 MR. CHAIKEN: I said I'm glad we were
 16 able to work through that.
 17 BY MR. PACE:
 18 Q. I think he saw this.
 19 (The document referred to was thereupon
 20 marked Deposition Exhibit 21 for Identification, a
 21 copy of which is attached hereto.)
 22 BY MR. PACE:
 23 Q. Dr. Rossi, I am going to mark as Exhibit
 24 21 a picture of the outside of J.M. Products. You
 25 identified for us three -- that there were three sets

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1 of windows over the J.M. Products part of the Doral
 2 warehouse, correct?
 3 A. Yes, sir.
 4 Q. And of those three sets of windows you
 5 said it was the middle set of windows where the air
 6 was being pushed out of the --
 7 A. Yes.
 8 Q. -- second story of the Doral warehouse?
 9 A. Yeah.
 10 Q. I am just trying to identify it here in
 11 this picture. That would be -- I'm going to give
 12 you -- I'm going to let you play artist again.
 13 Actually, do you have something a little stronger?
 14 Can you circle on Exhibit 21 --
 15 A. Yes. Sorry.
 16 Q. You know what, we're going to do it this
 17 way. Let's do that. We can go right ahead, because
 18 we will know what the marking is. There is no
 19 marking -- markers -- let me just start.
 20 Other than the exhibit number on Exhibit
 21 21 there is no other markings on Exhibit 21 right
 22 now, correct?
 23 A. I did not understand the question.
 24 Q. I am just trying to make sure I've got a
 25 clean record, which is as to Exhibit 21, other than

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1 the exhibit sticker on there, there is no other
 2 markings on that document, it's just a picture?
 3 A. Yes.
 4 Q. Okay. So the marking you are about to
 5 make will be the only marking on that?
 6 A. Yes.
 7 Q. Can you do me a favor and circle the
 8 window from which the heat was being exhausted from
 9 the second floor. All right. Can you just put an AR
 10 next to that, or however you initial something.
 11 Perfect. Has J.M. Products ever had a
 12 customer -- I'm not asking about potential customer.
 13 I am asking about an actual customer.
 14 Has J.M. Products ever had a customer
 15 other than Leonardo?
 16 A. No.
 17 Q. I'm going to mark as Exhibit 22.
 18 (The document referred to was thereupon
 19 marked Deposition Exhibit 22 for Identification, a
 20 copy of which is attached hereto.)
 21 BY MR. PACE:
 22 Q. This is what at least purports to be
 23 another sale contract between J.M. Products and
 24 another entity.
 25 A. What is your question, attorney?

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1 may think it was done by somebody in the State of
 2 Florida.
 3 A. I believe you. I believe you because if
 4 you gave me this is because somebody has gave it to
 5 you.
 6 I don't -- I absolutely don't recall this
 7 document and the fact that J.M. starts selling
 8 products on March 30, 2014 is a little bit bizarre.
 9 Q. Just as a reference to James Wolff would
 10 be a little bit bizarre in that other document?
 11 A. I don't remember of this document, sir.
 12 Q. I understand. I'm saying that could be a
 13 typo, who knows how that occurred?
 14 A. Redacted, redacted, redacted, redacted,
 15 redacted, no signatures, sir.
 16 Q. This is how we have it as well.
 17 A. What the heck is this?
 18 Q. You can look at somebody else at the
 19 table than me. We can deal with it afterwards.
 20 MR. CHAIKEN: Dr. Rossi, wait for a
 21 question, please.
 22 BY MR. PACE:
 23 Q. The question is --
 24 MR. ARAN: You are making a statement
 25 without a question.

R

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1 Q. When you look at this agreement, is there
 2 a -- do you know what happened with this agreement?
 3 This looks like it's supposed to be an agreement with
 4 a second purchaser, a customer but --
 5 A. Can I read it?
 6 Q. Yes. The question is --
 7 A. Let me continue to read it because I am
 8 trying to find a clue. So far I am not -- sir, I do
 9 not remember this document and I do not absolutely
 10 remember and, by the way, here is also a very strange
 11 thing, because I am reading here -- sorry, what's
 12 your question about this?
 13 Q. What was the strange thing that you were
 14 seeing in this document?
 15 A. The seller, which appears to be J.M.
 16 Products Corporation, will invoice an amount equal to
 17 US dollar per month starting from March 30, 2014.
 18 Excuse me, but on March 30, 2014 J.M. did not exist.
 19 Q. I understand. This is not a
 20 document that --
 21 A. What the heck is this?
 22 Q. I know you don't believe me when I tell
 23 you that other parties have produced documents but I
 24 am going to represent to you that J.M. Products has
 25 produced this document. You may not believe me. You

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1 BY MR. PACE:
 2 Q. Do you know who the buyer is for this
 3 contract?
 4 A. No. I never have seen this contract
 5 before.
 6 Q. Okay. And your testimony --
 7 A. And it makes no sense.
 8 Q. Right, I was going to say --
 9 MR. ARAN: There is no question.
 10 MR. CHAIKEN: Wait for the question.
 11 BY MR. PACE:
 12 Q. Why does it makes no sense, because of
 13 the date?
 14 A. Sure. March 30, 2014, J.M. did not
 15 exist.
 16 Q. Is there anything else that makes it make
 17 no sense?
 18 A. Again, gram 1,500 of, redacted. Name
 19 redacted, mailing address redacted, phone redacted,
 20 e-mail redacted, signature redacted. But it is
 21 highly confidential. Looks like a clownery.
 22 Q. Dr. Rossi, for once you and I actually
 23 seem to be pretty close to being in agreement.
 24 A. Yeah.
 25 Q. It's not a highly confidential document.

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1 A. I don't know what this is.
 2 Q. You don't know. Fair enough. We can
 3 find out from J.M. Products directly.
 4 Notwithstanding seeing this document was
 5 one of the reasons I wanted to show and see if it
 6 refreshes your recollection.
 7 A. Looks like maybe it's some draft.
 8 MR. CHAIKEN: Dr. Rossi, there is no
 9 question pending.
 10 THE WITNESS: You're right. I am sorry.
 11 BY MR. PACE:
 12 Q. Notwithstanding seeing this Exhibit 22,
 13 your testimony remains the same, that the only actual
 14 customer of J.M. Products was Leonardo Corporation?
 15 A. Yes.
 16 Q. Okay. I believe I've asked this in a
 17 prior deposition. I don't think I've asked it today
 18 and testifying here as a corporate representative of
 19 J.M. Products, let me just ask.
 20 Other than -- other than -- other than
 21 Platinum American Trust owning the shares of J.M.
 22 Products, are you aware of any agreements or payments
 23 between Platinum American Trust and J.M. Products?
 24 A. No, not that I am aware of.
 25 Q. Other than whatever Platinum American

R

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1 A. So this is --
 2 Q. Other than the trust agreement.
 3 A. Okay.
 4 Q. So one agreement was the trust
 5 agreement.
 6 A. This is the only one I am aware of.
 7 Q. Let me ask my question again though.
 8 Other than the trust -- the Platinum American Trust
 9 trust agreement, are you aware of any agreements
 10 between J.M. Products and Francesco Di Giovanni?
 11 A. Not that I am aware of.
 12 Q. Are you aware of any payments between
 13 J.M. Products and Francesco Di Giovanni?
 14 A. No, I am not aware of.
 15 Q. As the corporate representative of J.M.
 16 Products are you aware of any documents that record
 17 or reflect readings from the thermometer that was
 18 operated on the J.M. Products side of the Doral
 19 warehouse in 2015?
 20 A. Can you kindly repeat the question?
 21 Q. Let me break --
 22 A. I think I have understood but I'm not
 23 sure.
 24 Q. I'm going to ask you a series of
 25 questions as the representative of J.M. Products.

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1 Trust paid for the shares of J.M. Products, are you
 2 aware of any payments between J.M. Products and
 3 Platinum American Trust?
 4 MR. ARAN: Objection, form.
 5 THE WITNESS: Can you repeat the
 6 question?
 7 BY MR. PACE:
 8 Q. It was a long question. Let me simplify
 9 it. Are you aware of any payments between Platinum
 10 American Trust and J.M. Products either going from
 11 J.M. Products to Platinum American Trust or going
 12 from Platinum American Trust to J.M. Products, are
 13 you aware of any payments?
 14 A. Understood. Understood. No, I am not
 15 aware of.
 16 Q. Let me ask about Francesco Di Giovanni,
 17 same type of questions. Are you aware of any
 18 agreement between J.M. Products and Francesco
 19 Di Giovanni?
 20 A. Agreement?
 21 Q. Yes.
 22 A. Francesco Di Giovanni -- J.M. Products
 23 and Francesco Di Giovanni was practically the
 24 beneficiary of the trust that owned J.M.
 25 Q. Let me rephrase it.

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1 A. Yes, okay.
 2 Q. In each case it's going to be about
 3 whether documents exist reflecting certain
 4 measurements from the different measuring devices on
 5 the J.M. Products side. I believe I know the answer,
 6 you have told me your response individually, I have
 7 heard this from other people that I have deposed but
 8 I want to have a clean record for J.M. Products.
 9 A. Yes.
 10 Q. So on the J.M. Products side of the Doral
 11 warehouse during the time period from February 2015
 12 to February 2016 there was a flow meter, correct?
 13 A. Yes, sir.
 14 Q. Is there any document that reflects or
 15 identifies the readings that anyone made off of that
 16 flow meter during that time period?
 17 A. Now the question is clear. No, there is
 18 not because basically -- no, there is not.
 19 Q. Because I want to go through all these
 20 before I have to keep repeating the question.
 21 I want to ask the same question as to the
 22 thermometer on the J.M. Products side of the Doral
 23 location. During that time period, February '15 to
 24 February 2016, are there any documents that reflect
 25 or identify the readings off of that thermometer?

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1 A. No.
2 Q. All right. I feel like I'm forgetting
3 one. Were there -- I'll ask you. Were there any
4 other measuring devices in operation on the J.M.
5 Products side of the Doral warehouse from February
6 2015 to February 2016?
7 A. No.
8 Q. All right. Without getting into the
9 details of what other substance was involved, I am
10 going to refer just for a second here. I am going to
11 refer to the -- whatever product J.M. Products was
12 working on that involved platinum sponge, and I
13 understand there is a product that involved graphene
14 and then a third product that involved -- somehow
15 involved nickel.
16 I want to ask for just a time period --
17 some time period questions. Was J.M. Products
18 working on -- first on a product that involved
19 platinum sponge, then a product that involved nickel,
20 then a product that involved graphene?
21 Was it one after the other or were they
22 all going on at the same time?
23 A. I have understood. Initially we worked
24 only with platinum sponges, initially. Eventually I
25 added the other matters and they have been treated

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1 together in different reactors inside the steam
2 line.
3 Q. Okay.
4 A. They were not alternative. Alternative.
5 Q. Okay, got it. Got it.
6 A. Okay.
7 Q. The time period that -- we saw an e-mail
8 earlier today that was from, I think like March of --
9 March 22nd of 2015.
10 It's sometime after that that you -- that
11 J.M. Products went from working only on a product
12 involving platinum sponge to these other potential
13 products?
14 A. Sir, I did not understand.
15 Q. Fair enough.
16 A. I am sorry.
17 Q. I believe what you just testified was
18 that initially J.M. Products was just working on
19 producing a product that involved the platinum
20 sponge.
21 A. Correct.
22 Q. Eventually J.M. Products started working
23 on -- on different products that didn't necessarily
24 contain platinum sponge?
25 A. Correct.

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1 Q. Diversified the products it was trying to
2 develop?
3 A. Correct.
4 Q. I am just trying to -- I am trying to
5 identify that time period when J.M. Products,
6 according to your testimony, went from working only
7 with platinum sponge to the possibility of creating a
8 product that did not involve platinum sponge or did
9 not only involve platinum sponge, and I was using the
10 reference as the e-mail that was from late March of
11 2015 that you had with J.M. Products.
12 I don't know if that's -- that's helpful
13 to identify when you --
14 A. You said J.M. Products or Johnson
15 Matthey?
16 Q. Johnson Matthey.
17 A. Okay.
18 Q. So can you tell me --
19 A. Yes, now I got it.
20 Q. Can you give me some time frame, when did
21 J.M. Products go from working on a product that
22 involved platinum sponge to working on a product that
23 might have involved graphene? Let's try it that
24 way.
25 A. I have understood now the question

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1 perfectly.
2 Q. Okay.
3 A. Well, I would say I have not a precise
4 recollection of it. I cannot be precise but I can
5 give you a ballpark distinction.
6 I started for sure with the platinum
7 sponges that I had brought with me from Italy. They
8 were in-house already and they -- they -- and this
9 has been immediately. So I started with them when
10 the plant has been started, so we're talking of about
11 16, 17 February 2015, 2-0-1-5.
12 I would say that I have looked for
13 diversifications when I felt that the agreement with
14 Johnson Matthey was becoming shaky and so I would
15 place -- between the end of March -- and I don't
16 remember exactly when I bought graphite but I think
17 it has been end of March, beginning of April,
18 something like that.
19 After that date I could be wrong. I
20 cannot be precise but the ballpark is this and after
21 that I continued. Also I bought, as I told you this
22 morning, I bought some platinum sponge from Johnson
23 Matthey from another product that I bought from them
24 from their United States subsidiary.
25 So I -- I wanted to continue with all

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1 these materials because that was an experiment.
 2 Again, I want to repeat that that was an experiment
 3 and I wanted to try to test all the possible outputs
 4 of that experiment.
 5 Q. And of those -- of those experiments
 6 the -- the one product that -- that J.M. Products
 7 ultimately did sell to Leonardo, that did not involve
 8 platinum sponge; is that correct, or incorrect?
 9 A. You are correct.
 10 Q. In --
 11 A. Because the work with the platinum sponge
 12 was not -- was not completed. We did not have good
 13 results and we had better results with the graphite.
 14 Q. There was some testimony previously, and
 15 I might be using the wrong terms here. I am trying
 16 to remember the phrase you used.
 17 I think you referred to them as heated --
 18 heated -- heat cords or heat coils and somebody else
 19 referred to them as heat strips. Are you aware of
 20 some kind of heating device used to keep pipes warm?
 21 Is it called a heat -- what do you call it? Did you
 22 call it a heat cord?
 23 A. I did not call them. They have been
 24 cited probably from Jim Bass.
 25 Q. Well, he called them a heat strip.

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1 A. Somebody called it heat strip, et
 2 cetera.
 3 Q. What would you call it?
 4 A. Well, they can also -- the technical name
 5 is heating cables.
 6 Q. Heating cables.
 7 A. And they are -- or heaters.
 8 Q. There were heating cables installed in
 9 the -- in the container at the J.M. Products side,
 10 correct?
 11 A. Yes, it is correct.
 12 Q. They were installed in those insulated
 13 pipes that we saw back in Exhibit 11?
 14 A. Yes, it is correct.
 15 Q. When were those -- when were the heating
 16 cables installed?
 17 A. From the beginning.
 18 Q. And were they there through the end,
 19 through the --
 20 A. Yes, yes.
 21 Q. Let me ask the question again.
 22 A. Through the end of the test.
 23 Q. Through the end always ends up being
 24 unclear, right?
 25 A. Yes, of course.

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1 Q. Were they there until you removed those
 2 pipes from the J.M. Products container?
 3 A. Correct.
 4 Q. All right. Are those -- those heating
 5 cables, were those purchased by J.M. Products or by
 6 Leonardo, if you know?
 7 A. I think Leonardo.
 8 Q. And I have asked similar question to what
 9 I asked before, as the other devices. If there are
 10 any records of that purchase they would be with your
 11 accountant?
 12 A. Yes.
 13 Q. Do you recall where you bought them?
 14 A. Yes or no.
 15 Q. Did you just say yes or no?
 16 A. Yes or no, because -- because -- no, I
 17 was thinking to a company but I am not sure, so I
 18 just delayed to the accountant.
 19 But maybe -- maybe I bought them from a
 20 company whose name was Extreme or something like
 21 that, but I am not sure. In any case, surely --
 22 surely this is accounted for.
 23 Q. Extreme --
 24 A. Because this was not -- this was not a
 25 flying -- a freelance contractor. This was a

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1 company.
 2 Q. When you said Extreme, could that have
 3 been Extreme Plumbing?
 4 A. No. No, no, no, no, no, it was not a
 5 plumber. Has nothing to do with plumbers this.
 6 These are heaters.
 7 MR. PACE: Why don't we -- I think we're
 8 pretty close to the end. Why don't we take a
 9 break and give me about five minutes to try to
 10 figure out -- let's make it ten. Give me ten
 11 minutes to figure out any closing questions and
 12 we'll be done.
 13 THE WITNESS: Okay.
 14 THE VIDEOGRAPHER: We're off the record.
 15 The time is 5:24 p.m.
 16 (Thereupon a brief recess was taken,
 17 after which the following proceedings were had.)
 18 THE VIDEOGRAPHER: We're back on the
 19 record. The time is 5:38 p.m.
 20 BY MR. PACE:
 21 Q. Dr. Rossi, I just had a handful of kind
 22 of wrap-up questions.
 23 From February 2015 to February 2016 J.M.
 24 Products made no use of the heated fluid provided by
 25 Leonardo, other than whatever use was made within

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1 what we have been calling today the J.M. Products
 2 container; is that correct?
 3 A. Yes, it is correct.
 4 MR. ARAN: Object to form.
 5 BY MR. PACE:
 6 Q. You identified -- thus far you have
 7 identified -- you referenced four groups of potential
 8 investors who came to the Doral location. You
 9 referenced Tom Darden and J.T. Vaughn either together
 10 or separately coming to the Doral location.
 11 Are there any other -- were there any
 12 other visitors -- I'm sorry, I am going to exclude
 13 the temporary workers that either J.M. Products or
 14 Leonardo would occasionally hire.
 15 Were there any other individuals or
 16 groups that visited the Doral warehouse?
 17 A. Yes.
 18 Q. Who?
 19 A. Ampenergo. Ampenergo visited the plant
 20 twice. The first --
 21 Q. Go ahead. Sorry.
 22 A. The first time in March or April '15 and
 23 the second time September/October '15.
 24 Q. Anyone else? Any other visits to the
 25 Doral warehouse?

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1 A. Not that I recall.
 2 Q. All right. And then just to be clear,
 3 when -- in connection with both visits by AEG did
 4 they ever go on the J.M. Products side of the
 5 warehouse?
 6 A. Can you kindly repeat? Was confusing the
 7 first time.
 8 Q. So there is two visits by somebody --
 9 somebody -- let me restart this. There is two visits
 10 to the Doral warehouse by people from AEG, correct?
 11 A. Yes, it is correct.
 12 Q. Okay. In connection with either of those
 13 visits did anyone from AEG go over to the J.M.
 14 Products side of the Doral warehouse?
 15 A. No, absolutely.
 16 Q. Did any of those individuals from AEG
 17 meet with Jim Bass?
 18 A. No, not that I can recall.
 19 Q. With whom did these individuals from AEG
 20 meet, other than yourself?
 21 A. Fabiani and Jim Bass, because they
 22 entered in the plant during the time -- I am not sure
 23 that -- yeah, yeah, yeah, Fabiani and Jim Bass. Yes,
 24 yes, yes, both.
 25 Q. All right. The AEG people met both

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1 Fabiani and Jim Bass?
 2 A. Yes.
 3 Q. Okay. On both occasions or on at least
 4 one occasion?
 5 A. This is a good question. I don't
 6 recall. I don't recall. I think that -- no, I don't
 7 recall, attorney.
 8 Q. Okay.
 9 A. I don't recall exactly.
 10 Q. I may have asked this, but just -- just
 11 in case I did not, we talked about -- I'm going back
 12 to the heat exchanger that you testified about
 13 installing on the J.M. Products side of the Doral
 14 warehouse.
 15 Do there exist any -- are you aware of
 16 whether there exists any photographs of that heat
 17 exchanger?
 18 A. No.
 19 Q. Do there exist any diagrams of the heat
 20 exchanger?
 21 A. What do you mean by diagram?
 22 Q. A drawing of the heat exchanger, maybe
 23 either before it was put in place or after.
 24 A. Yeah, I made sketches for me because, you
 25 know -- I made sketches for me but then I scratch

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1 them once, because it was not a product. It was
 2 just --
 3 Q. Let me see if I can get that defined
 4 because you said you scratched them. Does that mean
 5 you threw them away, the sketches?
 6 A. Yes. I did not conserve them, so I --
 7 Q. Are there any -- any -- any records of
 8 testing done on the heat exchanger?
 9 A. What do you mean by testing?
 10 Q. To see if it worked.
 11 A. Oh, yeah, sure. Of course.
 12 Q. Are there any records of it? Are there
 13 any documents reflecting testing that you did on the
 14 heat exchanger?
 15 A. You know, I was -- no, because I was
 16 working for myself in that moment and I had nothing
 17 to produce to anybody. And again, as for what
 18 concerns the sketches, for sure I have taken numbers
 19 for me while the temperature was going on, was
 20 raising, I observed the behavior of the temperature
 21 of the piping with my infrared thermometer and for
 22 sure I have taken notes, et cetera, but I did not
 23 conserve them. Because once I have reached the
 24 performance I needed, for me was stable.
 25 MR. PACE: No further questions.

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1 MR. ARAN: I don't have any questions.
 2 MR. CHAIKEN: Read.
 3 MR. ARAN: We -- what's the policy with
 4 him?
 5 MR. CHAIKEN: Read.
 6 MR. ARAN: Read.
 7 MR. PACE: Yes.
 8 THE VIDEOGRAPHER: Off the record. The
 9 time is 5:46 p.m.
 10 (Thereupon the taking of the deposition
 11 was concluded.)
 12
 13 Deponent
 14
 15
 16 Sworn to and subscribed before me this
 17
 18 day of 2017.
 19
 20
 21
 22
 23
 24
 25

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1 CERTIFICATE OF REGISTERED PROFESSIONAL REPORTER
 2
 3 I, EDWARD VARKONYI, and Registered
 4 Professional Reporter and a Notary Public for the
 5 State of Florida at Large, do hereby certify that I
 6 reported the deposition of ANDREA ROSSI; that the
 7 foregoing pages, numbered from 1 to 253, inclusive,
 8 constitute a true and correct transcription of my
 9 shorthand report of the deposition by said witness on
 10 this date.
 11 I further certify that I am not an
 12 attorney or counsel of any of the parties, nor a
 13 relative or employee of any attorney or counsel
 14 connected with the action, nor financially interested
 15 in the action.
 16 WITNESS my hand and official seal in the
 17 City of Miami, County of Dade, State of Florida, this
 18 13th day of March 2017.
 19
 20
 21
 22
 23
 24
 25

<%signature%>

Notary Public, State of Florida at
 Large; my commission expires
 February 26, 2019. Bonded through
 Troy Fain Insurance, Inc.

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1 CERTIFICATE OF OATH
 2
 3 STATE OF FLORIDA:
 4 SS:
 5 COUNTY OF DADE:
 6
 7
 8 I, the undersigned authority, certify that
 9 ANDREA ROSSI personally appeared before me and was
 10 duly sworn.
 11 WITNESS my hand and official seal this 13th
 12 day of March 2017.
 13
 14
 15 <%signature%>
 16
 17 Notary Public, State of Florida at
 18 Large; my commission expires
 19 February 26, 2019. Bonded through
 20 Troy Fain Insurance, Inc.
 21
 22
 23
 24
 25

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1 March 13, 2017
 2
 3
 4
 5 FERNANDO ARAN, ESQ.,
 Aran Correa & Guarch, P.A.
 255 University Drive
 Coral Gables, Florida 33134
 RE: Rossi v. Darden
 Dear Mr. Aran,
 With reference to the deposition of Andrea Rossi
 taken on March 1, 2017 in connection with the
 above-captioned case, please be advised that the
 transcript of the deposition has been completed
 and is awaiting signature.
 Please arrange to have the deponent stop by our
 office at Two South Biscayne Boulevard, Suite
 2250, Miami, Florida, for the purpose of reading
 and signing the transcript.
 If this is not taken care of, however, within the
 next 30 days, we shall conclude that the reading
 and signing of the deposition has been waived and
 shall then process the original of the transcript
 for filing with the Clerk of the Court by counsel
 without further notice.
 Sincerely,
 Edward Varkonyi,
 Registered Merit Reporter

1 ERRATA SHEET

2 RE : Rossi v. Darden

DEPO OF: Andrea Rossi

3 TAKEN : 3/1/17

ASSG# : 2553727

4 DO NOT WRITE ON TRANSCRIPT, ENTER ANY CHANGES HERE

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

21 State of Florida)
County of)

22 Under penalties of perjury, I declare that I have
23 read my deposition transcript, and it is true and
24 correct subject to any changes in form or substance
entered here.

25 _____

Date

Signature