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<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 style="padding-left: 40px;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>THOMAS DARDEN, et al.,</p> <p style="padding-left: 40px;">Defendants.</p> <p>-----x INDUSTRIAL HEAT, LLC, et al.,</p> <p style="padding-left: 40px;">Counter-Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>ANDREA ROSSI, et al.,</p> <p style="padding-left: 40px;">Counter-Defendants.</p> <p style="text-align: center;">and</p> <p>J.M. PRODUCTS, et al.,</p> <p style="padding-left: 40px;">Third-Party Defendants.</p> <p>-----x 600 Brickell Avenue, Suite 3300 Miami, Florida Friday, February 24, 2016 10:17 a.m. - 7:56 p.m.</p> <p>CONFIDENTIAL TRANSCRIPT PORTIONS OF TRANSCRIPT HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY</p> <p>VIDEO DEPOSITION OF LEONARDO CORPORATION 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>	<p style="text-align: center;">I N D E X</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%; text-align: center;">Witness</th> <th style="width: 25%; text-align: center;">Direct</th> <th style="width: 25%; text-align: center;">Cross</th> </tr> </thead> <tbody> <tr> <td>ANDREA ROSSI</td> <td style="text-align: center;">6</td> <td></td> <td style="text-align: center;">319</td> </tr> </tbody> </table>		Witness	Direct	Cross	ANDREA ROSSI	6		319																																																																																								
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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 JOHN W. ANNESSER, ESQ., Perlman Bajandas Yevoli &amp; 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., Jones Day 7 600 Brickell Avenue, Suite 3300 Miami, Florida 33131 8 on behalf of the Defendant.</p> <p>9</p> <p>10 RODOLFO NUNEZ, ESQ., Rodolfo Nunez, P.A. 255 University Drive 11 Coral Gables, Florida 33134 on behalf of Defendants J.M. Products, 12 Johnson and Bass</p> <p>13</p> <p>14 FRANCISCO J. LEON DE LA BARRA, ESQ., Aran Correa &amp; Guarch, P.A. 255 University Drive 15 Coral Gables, Florida 33134 on behalf of Defendant United States 16 Quantum Leap and Fabiani</p> <p>17</p> <p>18 ALSO PRESENT: Jason Stapleton, Videographer</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 EXHIBITS</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%; text-align: center;">Deposition</th> <th style="width: 25%; text-align: center;">For Ident.</th> <th style="width: 25%;"></th> </tr> </thead> <tbody> <tr> <td>3 Exhibit 1 Notice of Deposition</td> <td></td> <td></td> <td style="text-align: center;">8</td> </tr> <tr> <td>4 Exhibit 2 Rossi 00009285 to 9297</td> <td></td> <td></td> <td style="text-align: center;">14</td> </tr> <tr> <td>5 Exhibit 3 Rossi 00001387 to 1406</td> <td></td> <td></td> <td style="text-align: center;">37</td> </tr> <tr> <td>6 Exhibit 4 Color Photo</td> <td></td> <td></td> <td style="text-align: center;">73</td> </tr> <tr> <td>7 Exhibit 5 Color Photo</td> <td></td> <td></td> <td style="text-align: center;">73</td> </tr> <tr> <td>8 Exhibit 6 9 page document in Italian</td> <td></td> <td></td> <td style="text-align: center;">125</td> </tr> <tr> <td>9 Exhibit 7 IH-00016937, 5 pages</td> <td></td> <td></td> <td style="text-align: center;">134</td> </tr> <tr> <td>10 Exhibit 8 IH-00007019 to 7023</td> <td></td> <td></td> <td style="text-align: center;">164</td> </tr> <tr> <td>11 Exhibit 9 IH-00019103 to 19108</td> <td></td> <td></td> <td style="text-align: center;">175</td> </tr> <tr> <td>12 Exhibit 10 Color Photo</td> <td></td> <td></td> <td style="text-align: center;">181</td> </tr> <tr> <td>13 Exhibit 11 Color Photo</td> <td></td> <td></td> <td style="text-align: center;">181</td> </tr> <tr> <td>14 Exhibit 12 Color Photo</td> <td></td> <td></td> <td style="text-align: center;">188</td> </tr> <tr> <td>15 Exhibit 13 Order of Discovery</td> <td></td> <td></td> <td style="text-align: center;">192</td> </tr> <tr> <td>16 Exhibit 14 Second Amendment to License Agreement</td> <td></td> <td></td> <td style="text-align: center;">193</td> </tr> <tr> <td>17 Exhibit 15 IH-00091696 to 91697</td> <td></td> <td></td> <td style="text-align: center;">194</td> </tr> <tr> <td>18 Exhibit 16 Test Process (Page 7) 23 Apr 2013</td> <td></td> <td></td> <td style="text-align: center;">202</td> </tr> <tr> <td>19 Exhibit 17 Rossi 00003876</td> <td></td> <td></td> <td style="text-align: center;">215</td> </tr> <tr> <td>20 Exhibit 18 Rossi 00011387 to 11390</td> <td></td> <td></td> <td style="text-align: center;">223</td> </tr> <tr> <td>21 Exhibit 19 "Exhibit 25"</td> <td></td> <td></td> <td style="text-align: center;">228</td> </tr> <tr> <td>22 Exhibit 20 IH-00019055 to 19056</td> <td></td> <td></td> <td style="text-align: center;">240</td> </tr> <tr> <td>23 Exhibit 21 Color Photo</td> <td></td> <td></td> <td style="text-align: center;">261</td> </tr> <tr> <td>24</td> <td></td> <td></td> <td></td> </tr> <tr> <td>25</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Deposition	For Ident.		3 Exhibit 1 Notice of Deposition			8	4 Exhibit 2 Rossi 00009285 to 9297			14	5 Exhibit 3 Rossi 00001387 to 1406			37	6 Exhibit 4 Color Photo			73	7 Exhibit 5 Color Photo			73	8 Exhibit 6 9 page document in Italian			125	9 Exhibit 7 IH-00016937, 5 pages			134	10 Exhibit 8 IH-00007019 to 7023			164	11 Exhibit 9 IH-00019103 to 19108			175	12 Exhibit 10 Color Photo			181	13 Exhibit 11 Color Photo			181	14 Exhibit 12 Color Photo			188	15 Exhibit 13 Order of Discovery			192	16 Exhibit 14 Second Amendment to License Agreement			193	17 Exhibit 15 IH-00091696 to 91697			194	18 Exhibit 16 Test Process (Page 7) 23 Apr 2013			202	19 Exhibit 17 Rossi 00003876			215	20 Exhibit 18 Rossi 00011387 to 11390			223	21 Exhibit 19 "Exhibit 25"			228	22 Exhibit 20 IH-00019055 to 19056			240	23 Exhibit 21 Color Photo			261	24				25			
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1 Thereupon--  
 2 THE VIDEOGRAPHER: We're on the record.  
 3 This is media unit number one. We're here  
 4 today, February 24, 2017, at approximately 10:17  
 5 for the video depo of Andrea Rossi in the case  
 6 styled Andrea Rossi and Leonardo Corporation  
 7 versus Thomas Darden, et al, case number  
 8 1:16-cv-21199-CMA.  
 9 The videographer is Jason Stapleton. The  
 10 court reporter is Edward Varkonyi. At this time  
 11 would counsel please state their appearances for  
 12 the record.  
 13 MR. PACE: Can I make one correction  
 14 before I do that? Did you say the deposition of  
 15 Andrea Rossi?  
 16 THE VIDEOGRAPHER: I did. I'm sorry.  
 17 MR. PACE: It should be the deposition of  
 18 Leonardo Corporation. The representative is Dr.  
 19 Andrea Rossi.  
 20 And for the defendants my name is Chris  
 21 Pace of Jones Day and I actually have one of the  
 22 defendants present here with me today, John T.  
 23 Vaughn.  
 24 MR. ANNESSER: John Annesser on behalf of  
 25 the plaintiffs.

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1 MR. LEON DE LA BARRA: Francisco Leon de  
 2 la Barra on behalf of third party defendants  
 3 J.M. Products, Inc., Henry Johnson and James  
 4 Bass.  
 5 MR. NUNEZ: Rudy Nunez on behalf of  
 6 Fulvio Fabiani and United States Quantum Leap,  
 7 LLC.  
 8 Thereupon--  
 9 ANDREA ROSSI  
 10 was called as a witness by the Defendant and having  
 11 been first duly sworn responded as follows:  
 12 THE WITNESS: I do.  
 13 Can I say preliminarily one thing? To say that  
 14 I am sorry but I have delayed a surgery to the  
 15 throat that -- because I cannot swallow and so  
 16 during -- as happened in the former my  
 17 deposition sometime I will have to cough in this  
 18 glass. It is not a lack of respect.  
 19 It's just a necessity because I am not  
 20 able to swallow and I delayed the surgery  
 21 because after that surgery I will not be able to  
 22 talk for several weeks, so to make possible  
 23 these depositions I had to delay to the 1st of  
 24 April this surgery. I am sorry for that.  
 25 DIRECT EXAMINATION

IMP

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1 BY MR. PACE:  
 2 Q. Understood. And if at any time you need  
 3 to take a break for that purpose, it's certainly  
 4 fine.  
 5 A. Thank you.  
 6 Q. Dr. Rossi, we were together about a week  
 7 ago for your testimony, correct?  
 8 A. Correct.  
 9 Q. You understand that you're here today  
 10 testifying on behalf of Leonardo Corporation?  
 11 A. I understand.  
 12 Q. Okay. There are likely going to be  
 13 questions today where there might be a distinction  
 14 between what Dr. Andrea Rossi knows and what Leonardo  
 15 Corporation knows.  
 16 For example, if I were to ask something  
 17 from your childhood, you would know that answer,  
 18 Leonardo Corporation not necessarily because it  
 19 didn't exist at the time.  
 20 I will try to be clear if ever I'm asking  
 21 you a question in your personal capacity, I will try  
 22 to be clear that I am asking you in that role,  
 23 otherwise you're testifying as the corporate  
 24 representative of Leonardo Corporation.  
 25 Is that okay?

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1 A. Understood.  
 2 Q. All right. We have gone through the  
 3 rules of depositions last week but we also had a  
 4 little bit of an issue with I think, on both of our  
 5 sides, talking at the same time sometimes.  
 6 So to the extent that you have not  
 7 finished a response, please let me know and I shall  
 8 let you finish your response. For purposes of my  
 9 questions there are times I may take a pause in the  
 10 middle of a question.  
 11 If you can just give me a second to make  
 12 sure the question is finished and then you can start  
 13 providing your answer. Is that fine?  
 14 A. I will do my best.  
 15 Q. No one ever does it perfectly but you  
 16 just try to -- I think the best you can do is you try  
 17 to do the best you can.  
 18 (The document referred to was thereupon  
 19 marked Deposition Exhibit 1 for Identification, a  
 20 copy of which is attached hereto.)  
 21 BY MR. PACE:  
 22 Q. Let me hand you what's been marked as  
 23 Leonardo Exhibit 1. This is a 30(b)(6) -- the notice  
 24 for the 30(b)(6) topics for today.  
 25 Have you reviewed this previously?

<p style="text-align: right;">Page 9</p> <p>1 A. Yes.</p> <p>2 Q. All right. Without getting into the</p> <p>3 substance of any conversations you have had with your</p> <p>4 lawyers, I just want to understand in preparing for</p> <p>5 today's deposition to testify as the corporate</p> <p>6 representative of Leonardo did you -- other than</p> <p>7 counsel is there anyone else you spoke to to prepare</p> <p>8 yourself?</p> <p>9 A. No.</p> <p>10 Q. Okay. I remember when you testified last</p> <p>11 week, for example, issues relating to the merger</p> <p>12 between Leonardo Corporation of New Hampshire and</p> <p>13 Leonardo Corporation of Florida, you said would be --</p> <p>14 information on that would be known by persons other</p> <p>15 than yourself, correct?</p> <p>16 MR. ANNESSER: Object to form.</p> <p>17 THE WITNESS: Correct.</p> <p>18 BY MR. PACE:</p> <p>19 Q. Okay. And if you look here on page 2,</p> <p>20 topic 12. Topic 12 is -- sorry, let me let you get</p> <p>21 your glasses on.</p> <p>22 Do you see topic 12 there?</p> <p>23 A. Yes.</p> <p>24 Q. It's the merger of Leonardo Corporation</p> <p>25 of New Hampshire and Leonardo Corporation of</p>	<p style="text-align: right;">Page 11</p> <p>1 because I suppose that the issue was over. But</p> <p>2 no, I did not deepen this point, I'm sorry.</p> <p>3 BY MR. PACE:</p> <p>4 Q. So let's -- let me just make sure because</p> <p>5 I think this is going to apply cross the board, if I</p> <p>6 understood what you were saying a moment ago, which</p> <p>7 is you didn't speak to anyone -- in terms of</p> <p>8 preparing for your deposition, other than your</p> <p>9 counsel today, you didn't speak to any fact -- I'm</p> <p>10 sorry. You didn't speak to anyone else to prepare</p> <p>11 for today's deposition?</p> <p>12 MR. ANNESSER: Object to form.</p> <p>13 THE WITNESS: It is correct.</p> <p>14 BY MR. PACE:</p> <p>15 Q. All right. For purposes of preparing for</p> <p>16 today's deposition there is no document or set of</p> <p>17 documents that you reviewed to prepare for today's</p> <p>18 deposition?</p> <p>19 MR. ANNESSER: Object to form.</p> <p>20 THE WITNESS: Yes, with -- I did with my</p> <p>21 attorney.</p> <p>22 BY MR. PACE:</p> <p>23 Q. And this was after your last deposition,</p> <p>24 sometime between your last deposition and today?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 10</p> <p>1 Florida.</p> <p>2 Do you have any more information than you</p> <p>3 had last week --</p> <p>4 MR. ANNESSER: Object to form.</p> <p>5 BY MR. PACE:</p> <p>6 Q. -- about that transaction?</p> <p>7 MR. ANNESSER: Form.</p> <p>8 THE WITNESS: Honestly, no, because I --</p> <p>9 because I suppose to have already answer to this</p> <p>10 question so I did not deepen my knowledge about</p> <p>11 that.</p> <p>12 BY MR. PACE:</p> <p>13 Q. You recall from last week's deposition</p> <p>14 that you deferred to -- you said that information</p> <p>15 about this transaction would have to be obtained from</p> <p>16 others such as your accountants.</p> <p>17 MR. ANNESSER: Object to form.</p> <p>18 BY MR. PACE:</p> <p>19 Q. Do you recall that?</p> <p>20 A. My accountants -- I recall -- sorry. I</p> <p>21 recall my accountants and my attorney.</p> <p>22 Q. And you didn't talk to your accountants</p> <p>23 or your attorneys about that transaction?</p> <p>24 MR. ANNESSER: Object to form.</p> <p>25 THE WITNESS: Honestly no, attorney,</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. All right. Without telling me the</p> <p>2 specifics of the documents, can you tell me how many</p> <p>3 documents you reviewed to prepare for the deposition</p> <p>4 today?</p> <p>5 A. It's difficult to say because I did not</p> <p>6 count them, but I have gone together with my attorney</p> <p>7 through the issues that --</p> <p>8 MR. ANNESSER: Dr. Rossi, I am going to</p> <p>9 instruct you not to tell him the content of your</p> <p>10 conversations with counsel but listen to his</p> <p>11 question and answer his question.</p> <p>12 THE WITNESS: This stops me from going on</p> <p>13 with this answer.</p> <p>14 BY MR. PACE:</p> <p>15 Q. Okay. I think what your counsel was</p> <p>16 telling you though is you can give me an idea of the</p> <p>17 volume of documents.</p> <p>18 I am not asking you about what was in the</p> <p>19 documents. So I am just asking did you -- let me ask</p> <p>20 you a different way.</p> <p>21 To prepare for today's deposition to</p> <p>22 testify as the corporate representative of Leonardo</p> <p>23 how much time -- I don't want to get into the</p> <p>24 substance, but how much time did you spend with your</p> <p>25 counsel?</p>

3 (Pages 9 to 12)

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1 A. I didn't chronograph it. Any number I  
 2 could say would be very much in the ballpark.  
 3 Q. Can you provide me a ballpark?  
 4 A. Ballpark, I could say three hours,  
 5 something. Maybe one, maybe five. Something like  
 6 that.  
 7 Q. That helps us some with the documents,  
 8 correct, because --  
 9 A. Sorry?  
 10 Q. That might help us a little bit in terms  
 11 of the amount of documents you reviewed because there  
 12 is only so many documents you are going to be  
 13 reviewing in three hours, let's say, correct?  
 14 MR. ANNESSER: Object to form.  
 15 THE WITNESS: Yes and no. Because --  
 16 because maybe we pass some document that takes  
 17 few seconds because the issue there is faster to  
 18 be resolved or maybe a small page that takes  
 19 much time because there is an issue that is  
 20 important.  
 21 So any number I could say could be very  
 22 much -- very much in the ballpark.  
 23 BY MR. PACE:  
 24 Q. My apologies. That's my phone, just for  
 25 the record.

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1 A. It happens also to me to forget to turn  
 2 off the telephone.  
 3 Q. I believe I have some documents here. I  
 4 am not sure whether I used -- I think I might have  
 5 shown you this one the last time, but I might not.  
 6 (The document referred to was thereupon  
 7 marked Deposition Exhibit 2 for Identification, a  
 8 copy of which is attached hereto.)  
 9 THE WITNESS: Thank you.  
 10 BY MR. PACE:  
 11 Q. Let me hand you what I marked as Exhibit  
 12 Number 2. In fact, we did -- we did look at this  
 13 exhibit last week. It was I think towards the end of  
 14 the time during the deposition.  
 15 A few questions I wanted to ask because I  
 16 want to understand this. I had a chance to kind of  
 17 look at it a little bit better. First of all what I  
 18 marked here as Exhibit 2, these are -- these are your  
 19 handwritten notes, correct?  
 20 A. Yes, it is correct.  
 21 Q. These are notes that would be taken, if I  
 22 look on the left-hand column, for example, in the  
 23 first page, that's the date, correct?  
 24 There is a date in February on this first  
 25 page starting from the 23rd going to the 28th; is

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1 that correct?  
 2 A. It is correct.  
 3 Q. The second entry is a recording of the  
 4 temperature taken at 5 p.m. from the steam -- from  
 5 the output -- I'm sorry, let me take a step back.  
 6 Just define some terms.  
 7 I think we used these same terms last  
 8 week. I just want to make sure that there is no  
 9 confusion.  
 10 At the Doral location I will refer to the  
 11 E-Cat plant as probably just the E-Cat plant because  
 12 I know there is individual units within there called  
 13 the E-Cat units or reactors, correct?  
 14 A. Correct.  
 15 Q. Okay. And what I will probably refer to  
 16 as the J.M. Products side is the side where the  
 17 output from the plant, from the E-Cat plant was being  
 18 sent.  
 19 Is that okay?  
 20 A. Okay.  
 21 Q. All right. So there is -- there is  
 22 between the E-Cat plant and the J.M. Products side,  
 23 there is a -- or there was a pipe, correct, that  
 24 would take the output from the E-Cat plant and send  
 25 it over to the J.M. Products side of the warehouse,

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1 correct?  
 2 MR. ANNESSER: Object to form.  
 3 THE WITNESS: Can you repeat?  
 4 BY MR. PACE:  
 5 Q. Yes. At the Doral warehouse there was a  
 6 pipe that carried the output from the E-Cat plant  
 7 over to the J.M. Products side of the Doral  
 8 warehouse, correct?  
 9 A. Correct.  
 10 Q. All right. What we have here on Exhibit  
 11 2, column -- the second column here is a reading of a  
 12 thermocouple that was on that output pipe; is that  
 13 correct?  
 14 A. It is correct.  
 15 Q. Now, is this -- where would you get this  
 16 information?  
 17 Can you read it directly from the  
 18 thermocouple or do you have to read it from a  
 19 separate computer?  
 20 A. No, I read it by means of a manual  
 21 thermometer that was property -- was left there by  
 22 Engineer Penon, the ERV, what we define the expert  
 23 responsible of validation in the agreement, and he  
 24 gave me the task to read -- every day we agreed upon  
 25 to make the reading along my shift of work on the

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1 plant.  
2 My shift of work was from say about  
3 between 5 and 6 p.m. and between 10 and 11 a.m. of  
4 the next day. And so I have taken these lectures.  
5 Q. So this is -- so you're not reading the  
6 temperature of a thermocouple, you are actually  
7 putting a manual thermometer, so to speak, on the  
8 pipe?  
9 MR. ANNESSER: Object to form,  
10 mischaracterization.  
11 THE WITNESS: Can you repeat?  
12 BY MR. PACE:  
13 Q. I can, because I might have  
14 misunderstood.  
15 When you get this temperature data, let's  
16 take the first column here or the first line here  
17 which is we got 23 for February 23. We have --  
18 A. Yes.  
19 Q. We have 5 p.m. Yes, 5 p.m. which is the  
20 time that you are doing this reading. Then we have  
21 103.  
22 Is the 103, are you getting that -- is  
23 that information that is being taken out of the  
24 thermocouple that is on the pipe or is it information  
25 that is being obtained separately by using some

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1 separate measuring device?  
2 MR. ANNESSER: Object to form.  
3 MR. LEON DE LA BARRA: Join.  
4 THE WITNESS: There were more  
5 thermocouples inserted in the steam output in  
6 different position. Position, by the way, that  
7 had been agreed upon between -- also between the  
8 ERV, Engineer Penon and Mr. Tom Darden.  
9 BY MR. PACE:  
10 Q. You're saying Mr. Darden saw where the  
11 thermocouples were placed on the pipe and approved  
12 them?  
13 A. Yes.,  
14 Q. He saw the specific location?  
15 A. I saw Mr. Tom Darden talk with Engineer  
16 Penon, Fabio Penon to -- and I remember that Tom  
17 Darden said his opinions about the positions of the  
18 thermocouples and the Engineer Penon complied.  
19 Q. This was a personal meeting that they  
20 had?  
21 A. Yes.  
22 Q. Okay.  
23 A. That was -- I would not call it a  
24 meeting. They just were both there before the  
25 start-up of the plant.

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1 Q. I understand.  
2 A. In Doral and Mr. Tom Darden gave some  
3 recommendation that he had got from some consultant  
4 of him --  
5 Q. So if I understand correctly --  
6 A. -- T. Barker.  
7 Q. -- so prior to you starting the plant in  
8 Doral, the E-Cat plant in Doral, Tom Darden and Fabio  
9 Penon met and discussed where to place the  
10 thermocouples in the output pipe from the E-Cat?  
11 MR. ANNESSER: Object to form.  
12 THE WITNESS: This is what I recall.  
13 BY MR. PACE:  
14 Q. Okay. Okay.  
15 A. This is what I recall. I have in my  
16 brain this movie now.  
17 Q. Right.  
18 A. And this is what I recall.  
19 Q. A visualization of it?  
20 A. This is the visualization of what I  
21 remember.  
22 Q. Excellent.  
23 A. By the way -- okay.  
24 Q. Let me go back to my question originally,  
25 which is you are getting this measurement of 103 at 5

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1 p.m. on February 23rd.  
2 A. Yes.  
3 Q. You said you used a manual device to do  
4 so.  
5 Did you connect -- is this a manual  
6 device you connect to the thermocouple to find the  
7 reading of the thermocouple or is it a manual device  
8 that you connect elsewhere?  
9 MR. ANNESSER: Object to form.  
10 THE WITNESS: I have understood the  
11 question. The ERV --  
12 MR. ANNESSER: ERV.  
13 THE WITNESS: ERV, expert responsible for  
14 validation is the acronym.  
15 BY MR. PACE:  
16 Q. So the ERV?  
17 A. Had installed the thermocouples connected  
18 with his instrumentation. Among these thermocouples  
19 there was one specific that was hanging -- that was  
20 hanging from the steam pipe.  
21 He had put, if I were remember, that  
22 thermocouple in the lower part of the pipe at the  
23 exit of the steam to have the lower temperature  
24 because in a pipe the temperature could be equal  
25 across all the section of the pipe but could also

Page 21

1 have some difference in the sense that could be a  
 2 little bit warmer upside than downside.  
 3 Q. Dr. Penon -- Dr. Rossi, I am just asking  
 4 though, back to my question. It's a simple  
 5 question.  
 6 A. Yes.  
 7 Q. Let me try it again.  
 8 MR. ANNESSER: Chris --  
 9 MR. PACE: Okay.  
 10 BY MR. PACE:  
 11 Q. When you -- all I'm asking, you said that  
 12 you manually -- that this -- let's focus here.  
 13 A. I understand.  
 14 Q. Let's focus here just for a second.  
 15 There is a temperature reading here.  
 16 A. Yes.  
 17 Q. You testified that you manually checked  
 18 this with a device that was provided by Dr. Penon.  
 19 All I am asking is are you taking this  
 20 information -- it's a yes or no question. I will  
 21 make it yes or no. Is that information something  
 22 that you are getting by connecting a device, a manual  
 23 device to a thermocouple?  
 24 MR. ANNESSER: Object to form.  
 25 THE WITNESS: Yes.

Page 22

1 BY MR. PACE:  
 2 Q. All right. And this is a thermocouple  
 3 that Dr. Penon provided?  
 4 A. Yes.  
 5 Q. This is a thermocouple that you testified  
 6 on behalf of Leonardo that Dr. Penon installed?  
 7 A. Yes.  
 8 Q. Okay. And you -- and what was the  
 9 device -- if you recall, what was the device you used  
 10 to read the information from the thermocouple?  
 11 A. Yes, it was -- if I -- I could be wrong  
 12 because it is not mine and Penon has taken it back  
 13 when.  
 14 It was an Omega. Omega 3 was the name of  
 15 the instrument. Omega is the manufacturer, 3 the  
 16 model, but attorney, I could be wrong. This is what  
 17 I recall.  
 18 It was a red box electronic and it was  
 19 connected by -- the thermocouple had two ends. One  
 20 end was the real thermocouple that was inserted in  
 21 the pipe of steam. The other end was the plug to be  
 22 plugged to this instrument. So you push the button  
 23 and you read the temperature.  
 24 Q. Understood. And so what we have here is,  
 25 again looking at Exhibit 2, at three different times

Page 23

1 during the day, 5 p.m., 4 a.m. and 10 a.m. you would  
 2 take -- you would use this device -- may have been  
 3 Omega 3, may not, but you used this device to  
 4 determine the temperature that was being shown on the  
 5 thermocouple that Dr. Penon had installed on the  
 6 output pipe?  
 7 A. Correct.  
 8 Q. Okay. Now, if we go -- there is some --  
 9 well, let me keep going here.  
 10 Without getting into particular pages  
 11 yet, I will in a second, but do I understand  
 12 correctly that in the course of a day, let's say  
 13 again the 23rd, you would take -- the 5 o'clock  
 14 measurement you would take at 5 o'clock and you would  
 15 write it down on this piece of paper?  
 16 A. It is correct.  
 17 Q. Then at 4 a.m. you would go make a  
 18 measurement again and you would write it down here on  
 19 this piece of paper?  
 20 A. Correct.  
 21 Q. In other words, when I look at a line for  
 22 let's say the 26th of February --  
 23 A. Yeah. Sorry.  
 24 Q. It's not that you wait until you've  
 25 collected all the information elsewhere and then you

Page 24

1 filled in line -- you filled in the line for the 26th  
 2 of February all at once. You filled in each space --  
 3 let me try this again. That was poorly done.  
 4 I just want to make sure that I've got  
 5 this because your handwriting is very consistent, so  
 6 you can't really tell from the handwriting but if I  
 7 am looking at February 26th, the reading at 103.2 --  
 8 the reading of 103.2, the first one there, that was  
 9 written on or about 5 p.m. on February 26th; is that  
 10 correct?  
 11 MR. ANNESSER: Object to form.  
 12 THE WITNESS: As I recall, this has been  
 13 written at the moment when I -- you know, maybe  
 14 also that sometime I scribbled the number  
 15 somewhere and then reported in the log. I don't  
 16 recall.  
 17 BY MR. PACE:  
 18 Q. But would you do that the same day or  
 19 shortly afterwards?  
 20 A. Should be the same -- the same day.  
 21 Q. Okay.  
 22 A. Should be.  
 23 Q. So in most instances though you recall --  
 24 you would actually have this piece of paper with you  
 25 or these pieces of paper and you would write down the



Page 25

1 information --  
 2 A. Yes, it is correct.  
 3 Q. -- at that time?  
 4 A. Yes, it is correct.  
 5 Q. And again, all I am trying to establish  
 6 or make sure I understand is that when I look at the  
 7 row that represents February 26th --  
 8 A. 26th, yes.  
 9 Q. -- what I am getting here is the first  
 10 number is going to be the temperature reading that  
 11 you took somewhere around 5 p.m. on February 26th,  
 12 correct?  
 13 MR. LEON DE LA BARRA: Object to form.  
 14 THE WITNESS: Correct.  
 15 BY MR. PACE:  
 16 Q. And then the next line or the next  
 17 number, 103.2, is a temperature reading that you took  
 18 somewhere on or about 4 a.m. on February 26th?  
 19 MR. ANNESSER: Object to form.  
 20 MR. LEON DE LA BARRA: Join.  
 21 THE WITNESS: Yes, but it is not 103.2.  
 22 I don't see the .2. I see .6.  
 23 MR. ANNESSER: Chris, if I may.  
 24 BY MR. PACE:  
 25 Q. I apologize. You know what, I was

Page 26

1 reading the 26 and 24. I'm sorry, what you have  
 2 there is 24. I thought that was a 6. I apologize.  
 3 Let me do that question again then. That was my  
 4 mistake.  
 5 When we look at the row for February  
 6 26th.  
 7 A. Okay.  
 8 Q. The first number is 103.7; is that  
 9 correct?  
 10 A. It is correct.  
 11 Q. 103.7 represents the temperature  
 12 measurement you took for the output pipe on or about  
 13 5 p.m. on February 26th?  
 14 A. Correct.  
 15 Q. All right. The next number is 103.6; is  
 16 that correct?  
 17 A. It is correct.  
 18 Q. And that represents the temperature  
 19 reading you took on or about 4 a.m. on February 26th  
 20 or February 27th?  
 21 A. Correct. Correct.  
 22 MR. ANNESSER: Object to form.  
 23 BY MR. PACE:  
 24 Q. So we do have some -- if you can turn to  
 25 page -- let's see. Actually, looks like the time

Page 27

1 entry for June. The bottom corner says Rossi 9289?  
 2 A. Yes.  
 3 Q. Now, there is a fourth column here and  
 4 from the copy this is the way it was kind of produced  
 5 to us. It's very hard to read but I think that copy  
 6 says -- I think the fourth column the heading is  
 7 H2O.  
 8 A. The last column you say?  
 9 Q. Yes, the last column.  
 10 A. Yes, it is water. Yes.  
 11 Q. Okay. Sometimes there is percentages in  
 12 this column and sometimes there is just an F.  
 13 Is this a measure of the amount of water  
 14 that was in the water tank that was part of the E-Cat  
 15 plant?  
 16 MR. ANNESSER: Object to form.  
 17 THE WITNESS: I don't remember exactly.  
 18 BY MR. PACE:  
 19 Q. Do you know if F was short for full?  
 20 A. Yes, F means normal.  
 21 Q. Okay. We have percentages in here too,  
 22 correct, some of them are 30 percent or 10 percent?  
 23 MR. ANNESSER: Object to the form.  
 24 BY MR. PACE:  
 25 Q. I'm sorry, negative 30 percent, negative

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1 10 percent in that last column. Do you know what  
 2 that means or represents?  
 3 MR. ANNESSER: Object to form.  
 4 THE WITNESS: I -- you know, that could  
 5 be -- that could be a level. I don't remember  
 6 exactly what I meant with this because they were  
 7 my personal annotations.  
 8 These annotation did not go to the ERV.  
 9 I don't remember exactly if I meant a level or a  
 10 flow.  
 11 BY MR. PACE:  
 12 Q. Okay. These are -- so let's look at --  
 13 let's take a couple of days here.  
 14 A. Uh-huh.  
 15 Q. June. You see the entries there for June  
 16 8th and June 9th?  
 17 A. Okay.  
 18 Q. All right.  
 19 A. Uh-huh.  
 20 Q. Actually, let me ask you to look at June  
 21 7th, 8th and 9th.  
 22 A. Uh-huh.  
 23 Q. First thing is each of these rows of  
 24 information reflects data that you were collecting on  
 25 the day and time that is reflected in this document?

R

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1 In other words, when I look at this row for June 8th,  
 2 the first number of 103.4 is the number you collected  
 3 around 5 p.m. on June 8th using the device provided  
 4 by Dr. Penon, correct?  
 5 A. Yes, it is correct.  
 6 Q. So these are all contemporaneous  
 7 measurements that you were recording, correct?  
 8 A. What do you mean contemporary?  
 9 Q. I'm sorry, these are all measurements  
 10 that you were recording on that day that is reflected  
 11 here in the spreadsheet?  
 12 A. Yes.  
 13 Q. Then you were actually putting it into  
 14 this manual spreadsheet that same day?  
 15 MR. ANNESSER: Object to form.  
 16 THE WITNESS: Yes.  
 17 BY MR. PACE:  
 18 Q. Okay. So if we go to our third -- if we  
 19 go to the last column here for the 7th, 8th and 9th  
 20 of June.  
 21 A. 7th, 8th and 9th, okay.  
 22 Q. I have -- I see an F.  
 23 A. F and minus 30 percent.  
 24 Q. F, F and a minus 30.  
 25 Does that help in terms of understanding

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1 what was going on? Something has been reduced by 30  
 2 percent; is that what that signifies?  
 3 A. Yes, could be the level of -- could be  
 4 the level of the water in the -- could be the level  
 5 of the water in the tank.  
 6 Q. Okay. Does it help you at all if you  
 7 move up a few days to around the 5th of June and you  
 8 can see a minus 30 percent and then it looks like R4,  
 9 then the sign of omega?  
 10 A. Omega means resistance. It's the Greek  
 11 symbol for resistance. So means that -- that the  
 12 reactor number 4 had some problem to the  
 13 resistances. And this can have -- caused a variation  
 14 in the level of the tank.  
 15 Q. Now, I had -- if you can turn the page to  
 16 9290.  
 17 A. 9290, yes.  
 18 Q. I had another question here. If you can  
 19 look at the 27th, 28th and 29th of July.  
 20 A. 27th, 28th, 29th of July, yes.  
 21 MR. ANNESSER: What's the Bates number at  
 22 the bottom?  
 23 BY MR. PACE:  
 24 Q. 9290. Again, just so the record is  
 25 clear, these are -- these reflect the actual

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1 temperature measurements that you are drawing on the  
 2 days written here on July 28 -- July 27, July 28,  
 3 July 29th, correct?  
 4 MR. ANNESSER: Object to form.  
 5 THE WITNESS: Can you repeat the  
 6 question?  
 7 BY MR. PACE:  
 8 Q. Yes. Again, I am just trying to make  
 9 sure I get a clear record here.  
 10 A. Sure.  
 11 Q. This page we're looking at has three  
 12 temperature readings for each of July 27, July 28 and  
 13 July 29, correct?  
 14 A. Okay, correct.  
 15 Q. And each of those temperature readings is  
 16 a temperature reading you took on that particular  
 17 day, correct?  
 18 A. Correct.  
 19 Q. And you took it from the thermocouple  
 20 installed by Dr. Penon, correct?  
 21 A. Correct.  
 22 Q. Now, if we go to our fourth column after  
 23 the temperature readings there is a fourth column of  
 24 water level.  
 25 A. Yes.

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1 Q. For the 27th of July we have an F?  
 2 A. Yes.  
 3 Q. For the 28th and 29th we have a minus 20  
 4 percent Omega 3, minus 35 percent Omega 3?  
 5 A. Correct.  
 6 MR. ANNESSER: Object to form.  
 7 BY MR. PACE:  
 8 Q. But there is also for the 28th of July --  
 9 A. B.O.  
 10 Q. Right. I wasn't sure what that meant.  
 11 A. I don't remember, I am sorry, because  
 12 this is a note that I have put for me for something  
 13 that in this moment that I forgot.  
 14 It was related to something that I had to  
 15 make that day, but I don't remember.  
 16 Q. Does it somehow relate to the water  
 17 level?  
 18 A. I don't remember.  
 19 MR. ANNESSER: Object to form. I'm  
 20 sorry.  
 21 THE WITNESS: I don't remember this B.O.,  
 22 what was for.  
 23 BY MR. PACE:  
 24 Q. All right.  
 25 A. I don't remember it.



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1 Q. All right.

2 A. But in that moment was something

3 important because if I put this but then, you know --

4 Q. Because these are the notes you are

5 taking at the time that you are recording --

6 A. Yes, sir.

7 Q. -- this information?

8 MR. ANNESSER: Object to form.

9 THE WITNESS: I'm sorry.

10 MR. LEON DE LA BARRA: Join.

11 MR. ANNESSER: Please allow him to finish

12 his question so we don't mess up the court

13 reporter.

14 THE WITNESS: Sorry.

15 BY MR. PACE:

16 Q. So Dr. Rossi, if I can ask you to turn to

17 page 9293.

18 A. Okay.

19 Q. These are the temperature readings for

20 August of --

21 A. No, it is October.

22 Q. October, I apologize. So these are the

23 readings for October of 2015, correct?

24 A. Correct.

25 Q. These are the manual readings you were

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1 taking every day of the temperature for the output

2 pipe from the E-Cat plant, correct?

3 MR. ANNESSER: Object to form.

4 THE WITNESS: Correct.

5 BY MR. PACE:

6 Q. As well as our -- as well as the last

7 column that your recollection reflects somehow a

8 water level connected to the E-Cat plant?

9 MR. ANNESSER: Object to form.

10 THE WITNESS: Correct.

11 BY MR. PACE:

12 Q. And just if you can kind of take a look

13 over the entirety of the page, I am just going to

14 tell you there is a lot of -- most of these

15 temperatures are all between 103.7 and 103.6.

16 A. Uh-huh.

17 Q. Is the device you were using, did it read

18 only one digit or did it read more than one digit and

19 you rounded to the closest -- I'm sorry, that was a

20 terrible question. Let me ask it again.

21 Did the device that you were using to

22 read the temperature, did it show only four digits,

23 such as 103.7, or would it reflect more than four

24 digits but you would round it off so if it said

25 103.68 you would write it as 103.7?

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1 MR. ANNESSER: Object to form.

2 THE WITNESS: The instrument that I used

3 showed exactly the four digit, the 100s and the

4 one decimal.

5 If you are asking if it also indicated

6 the hundredth,, the answer is no.

7 BY MR. PACE:

8 Q. That's exactly what I was asking. Again,

9 to take a day out of here, October 12.

10 A. Yeah.

11 Q. The first manual reading you took shows a

12 temperature is at 103.7, correct?

13 A. Correct.

14 Q. This is for the output pipe going over to

15 Leonardo -- going over to the J.M. Products side of

16 the warehouse, correct?

17 A. Yes, it is correct.

18 Q. The next reading you took for that day

19 was 103.6, correct?

20 A. Correct.

21 Q. All right. And the last is 103.7,

22 correct?

23 A. Correct.

24 Q. All right. Dr. Rossi, can I ask you to

25 turn to the top of -- it's page 9295. I believe it

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1 reflects the entries -- the manual entries for

2 December.

3 A. Yes.

4 Q. If you look at the December 2nd, the last

5 column has a 30 percent and then I have to be honest

6 with you, I have a hard time figuring out what is

7 written after that. It looks like the word "Rich" is

8 in there.

9 MR. ANNESSER: Was there a question?

10 BY MR. PACE:

11 Q. Can you tell me -- I'm sorry. Can you

12 read that?

13 A. I'm trying to recall. "CU Rich J.M."

14 MR. ANNESSER: His question is can you

15 read that.

16 THE WITNESS: I can read, but I -- yes, I

17 can read it.

18 BY MR. PACE:

19 Q. Let's start with that because I actually

20 even have a hard time reading it. What does it say

21 after 30 percent there?

22 A. Should be -- should be the letter, but

23 what I do not remember because -- if I wrote this,

24 this was for me.

25 These notations were for me, not for

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1 Penon. You know, at the moment I put down something  
 2 to remember something.  
 3 Q. Okay:  
 4 A. And I don't remember what that was.  
 5 Q. I just want to write down some of these  
 6 days we were just looking at. I am going to mark the  
 7 next exhibit as Exhibit 3.  
 8 (The document referred to was thereupon  
 9 marked Deposition Exhibit 3 for Identification, a  
 10 copy of which is attached hereto.)  
 11 BY MR. PACE:  
 12 Q. So this I believe is information that you  
 13 were -- that Leonardo was recording. If you can see  
 14 there in the first page -- I'm sorry, let me start  
 15 this over again.  
 16 For Exhibit 3 on the first page it  
 17 references "logbook of the performance data." Is  
 18 this a logbook maintained by Leonardo Corporation?  
 19 A. This is much more than that. This is the  
 20 logbook that I maintained for the ERV. This logbook  
 21 was not for Leonardo Corporation because the ERV  
 22 asked me to send to him every day at approximately  
 23 the same time -- I don't remember if I have taken  
 24 these values at the -- at 5 p.m., surely not at 4  
 25 a.m., but either 10 a.m. or 5 p.m. I don't remember,

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1 but it's easy to reconstruct, make a comparison and  
 2 this is the log -- logbook that Penon asked to me to  
 3 update every day.  
 4 Every day I sent to him by e-mail as an  
 5 attachment this logbook with the new line every day.  
 6 So for example, this logbook was an attachment. The  
 7 first day of work of the plant had a logbook with  
 8 only one line because --  
 9 Q. The line there that says 20?  
 10 A. The line that says 20.  
 11 Q. Okay.  
 12 A. On the 21st I sent it to him the same  
 13 e-mail, but with the second line and so on and so on  
 14 and so on until the end.  
 15 Q. And what e-mail address did you use to  
 16 send that?  
 17 A. Sorry?  
 18 Q. What e-mail address did you use to send  
 19 that?  
 20 A. The e-mail address that Dr. Penon gave to  
 21 me.  
 22 Q. So that's what you sent it to. What  
 23 e-mail did you send it from, which of your e-mail  
 24 addresses?  
 25 A. This -- you know, this I don't remember.

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1 But usually I use ar.123@mail.com or could have been  
 2 libero -- eon333@libero.it. One of these two should  
 3 be.  
 4 Q. When we look at Exhibit 3, each line that  
 5 corresponds to a date, such as the line for February  
 6 20th or the line for February 21st, the line for  
 7 February 20th, that reflects data or information that  
 8 you actually record on February 20th?  
 9 A. Can you repeat the question? I'm sorry.  
 10 Q. Sure. The first line of data in here  
 11 under February is February -- there is a 2-0,  
 12 correct?  
 13 A. It's the 20th of February.  
 14 Q. The 20th of February. Then it has  
 15 numbers for water flow --  
 16 A. Yes.  
 17 Q. -- water, steam and P, which is short for  
 18 pressure, correct?  
 19 A. Correct.  
 20 Q. Each of those numbers reflects  
 21 information that you collected on February 20th,  
 22 wrote down on February 20th and sent to Dr. Penon  
 23 either on February 20th or February 21st, correct?  
 24 A. Correct.  
 25 Q. We'll come back and talk about this more

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1 generally.  
 2 Just for a second here, we're going to  
 3 jump up to June, just to go through. I am actually  
 4 not trying to compare this to Exhibit 2. I am just  
 5 trying to use some of the same reference dates. So  
 6 it's page 1393.  
 7 A. Yes.  
 8 Q. Okay. So we have here -- when we were  
 9 talking about Exhibit 2, we were talking about this  
 10 kind of June 7th, 8th, 9th.  
 11 What this reflects here, I have got a  
 12 line that has under June on page 1393, there is a  
 13 line that has 7 colon. This is information that you  
 14 collected on the 7th of June, correct?  
 15 A. Uh-huh.  
 16 Q. It shows that there is a flow meter  
 17 reading that you took on the 7th of June --  
 18 A. Uh-huh.  
 19 Q. -- there is a water temperature reading  
 20 you took on the 7th of June, there is a steam  
 21 temperature reading you took on the 7th of June --  
 22 A. Uh-huh.  
 23 Q. -- and there is a pressure reading you  
 24 took on the 7th of June?  
 25 A. Yes.

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1 Q. All right. Next -- the next paragraph  
 2 there has an 8 that reflects information you  
 3 collected on June 8th, correct?  
 4 A. Uh-huh.  
 5 Q. Information that you recorded on June  
 6 8th, correct?  
 7 A. Yes.  
 8 Q. Information you transmitted to Dr. Penon  
 9 on either June 8th or June 9th of 2015, correct?  
 10 A. Right.  
 11 MR. ANNESSER: Object to form.  
 12 BY MR. PACE:  
 13 Q. Line 9 is similar because it also -- this  
 14 reflects data you collected on June 9th, correct?  
 15 A. Sorry, can you repeat the question?  
 16 Q. Yes. You see the paragraph that starts  
 17 with 9 colon, on this page Rossi 1393? That  
 18 paragraph reflects data that you collected on June  
 19 9th, correct?  
 20 A. Correct.  
 21 Q. It has a water flow meter reading --  
 22 A. Uh-huh.  
 23 Q. -- a water temperature reading, a steam  
 24 temperature reading and a pressure reading, correct?  
 25 A. Correct.

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1 Q. Now, one of the things it has here also  
 2 making this line a little bit more unique, it says  
 3 reduced to three quarters -- I'm sorry, reduced to  
 4 3/4 maintenance.  
 5 A. Yes.  
 6 Q. That doesn't appear for June 7th or June  
 7 8th, correct?  
 8 MR. ANNESSER: Object to form.  
 9 THE WITNESS: No, it does not appear.  
 10 BY MR. PACE:  
 11 Q. What does that -- what does that mean,  
 12 reduced to 3/4s maintenance?  
 13 A. Means that the -- the flow of water has  
 14 been reduced for -- for maintenance in one of the  
 15 four reactors.  
 16 Q. Okay. Does that mean that one of the --  
 17 would that be because -- I'm sorry, you said one of  
 18 the four reactors.  
 19 A. Uh-huh.  
 20 Q. To make sure we're on the same page here,  
 21 you mean this is one of the four what you were  
 22 calling last week the big Frankies?  
 23 A. Yes, sir.  
 24 Q. In the E-Cat plant -- I know we talked  
 25 about this last week but we're here for the

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1 deposition of Leonardo Corporation. I just want to  
 2 make sure we're clear on this transcript.  
 3 In the E-Cat plant there were a number of  
 4 E-Cat units or E-Cat reactors, correct?  
 5 A. Correct.  
 6 Q. There were -- some of these E-Cat units  
 7 were assembled into one of four larger collections  
 8 which were called big Frankies --  
 9 A. Correct.  
 10 Q. Correct?  
 11 MR. ANNESSER: Object to form.  
 12 BY MR. PACE:  
 13 Q. I believe you testified previously that's  
 14 because sometimes these boxes, they would move a  
 15 little bit and people made the joke they were like a  
 16 Frankenstein, correct?  
 17 MR. ANNESSER: Object to form.  
 18 THE WITNESS: Correct.  
 19 BY MR. PACE:  
 20 Q. And I believe -- we can look at documents  
 21 to get the exact number but these big Frankies have  
 22 something in the neighborhood of 60 to 64 -- 60 to 65  
 23 E-Cat units total across the four; is that correct?  
 24 MR. ANNESSER: Object to form.  
 25 THE WITNESS: Correct.

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1 BY MR. PACE:  
 2 Q. In addition inside the E-Cat plant there  
 3 were another approximately 50 E-Cat units as well,  
 4 correct?  
 5 MR. ANNESSER: Object to form.  
 6 THE WITNESS: Correct.  
 7 BY MR. PACE:  
 8 Q. All right. Those additional 50 E-Cat  
 9 units were not producing power or steam during the  
 10 test that was being run in Doral; is that correct?  
 11 MR. ANNESSER: Object to form.  
 12 THE WITNESS: Sometime they have -- not  
 13 always. Sometime they have been turned it on.  
 14 BY MR. PACE:  
 15 Q. They were turned on?  
 16 A. Sometime. Sometime. But we had problems  
 17 with those.  
 18 Q. After -- do you recall whether those --  
 19 the E-Cat units other than the big Frankies were ever  
 20 operating in the E-Cat plant after April of 2015?  
 21 A. Yes. Now and again I tried to put them  
 22 at work but they had problems. I put them at work  
 23 now and again trying to -- trying to make them work  
 24 but with problems because they were unbalanced  
 25 because they had to work -- they were not easy to be

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1 synchronized in the -- I would say in the orchestra.  
 2 They had to be synchronized and to be  
 3 synchronized it was necessary that there were not  
 4 disharmonies between the groups. They were  
 5 subdivided in subgroups.  
 6 We had problems because I am -- my  
 7 sensation it will have to be analyzed, et cetera, et  
 8 cetera. Probably some or many of them have been for  
 9 some reason improperly charged. They had been  
 10 charged without my control from -- in the factory of  
 11 Industrial Heat. They had very strange behavior.  
 12 But I have put them in operation now and  
 13 again, trying to recombine, trying to put them in  
 14 equilibrium.  
 15 Q. Okay. So let me ask you one question. I  
 16 want to get back to the spreadsheet but I do want to  
 17 ask you one question about that.  
 18 The E-Cat units that were not part of the  
 19 big Frankies, those were -- those additional 50 units  
 20 roughly, those were not charged by you?  
 21 A. 52.  
 22 MR. ANNESSER: Object to form.  
 23 BY MR. PACE:  
 24 Q. 52. Those additional 52 units, those  
 25 were not charged by you?

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1 MR. ANNESSER: Object to form.  
 2 THE WITNESS: No, and I have to add  
 3 another thing, that the units had to be -- the  
 4 units had to be 54 or -- 54.  
 5 When the plant has been delivered from  
 6 Industrial Heat to the factory of Doral, because  
 7 all of the small E-Cats have been made -- remade  
 8 and charged from anew from Industrial Heat.  
 9 BY MR. PACE:  
 10 Q. Okay.  
 11 A. And I was not there. I was there during  
 12 the period in which they have been remade by  
 13 Industrial Heat only for a week or two or very rarely  
 14 because my work at that point was to stay in Doral to  
 15 prepare the factory.  
 16 Q. Were you there when they were charged or  
 17 no?  
 18 A. Can you repeat?  
 19 Q. Were you there when these additional  
 20 units were charged --  
 21 A. No.  
 22 Q. -- or fueled?  
 23 MR. ANNESSER: Object to form.  
 24 THE WITNESS: Some -- I want to be  
 25 precise. I was there for maybe ten of them --

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1 BY MR. PACE:  
 2 Q. Understood.  
 3 A. -- together with Tom Darden because the  
 4 charge has been made from me and Tom Darden initially  
 5 because I had also to teach him and after that -- but  
 6 they were 54.  
 7 Q. Do you know which of those ten -- out of  
 8 the 54 could you identify which of the ten were you  
 9 there for the fueling or would the answer be that you  
 10 don't know which of the ten are the ones that you  
 11 were there for fueling?  
 12 MR. ANNESSER: Object to form.  
 13 THE WITNESS: It's impossible because  
 14 they are equal.  
 15 BY MR. PACE:  
 16 Q. So in other words, when you walk in and  
 17 look at the 52 or 54 E-Cat units you'd say you don't  
 18 know?  
 19 A. Should I have known that a problem, I  
 20 could have identified them with a number or something  
 21 but I did not because I suppose that we should not  
 22 have problem.  
 23 Q. Let me ask you then, when we go back to  
 24 this Exhibit 9, this is how I am wrapping this  
 25 together. Reduced by 3/4s maintenance, obviously if

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1 all that's being --  
 2 MR. ANNESSER: You said Exhibit 9?  
 3 BY MR. PACE:  
 4 Q. I'm sorry, let me -- thank you.  
 5 Dr. Rossi, if you will turn back to Exhibit 3, page  
 6 1393.  
 7 The date entry for June 9th, when it says  
 8 reduced to 3/4s --  
 9 A. Sorry.  
 10 Q. No problem. When it says reduced to  
 11 3/4s-maintenance, I am trying to understand, does  
 12 that indicate that one of the big Frankie units was  
 13 not -- was offline for maintenance?  
 14 MR. ANNESSER: Object to form.  
 15 THE WITNESS: Yes, it is correct.  
 16 BY MR. PACE:  
 17 Q. That's why I was asking you about the  
 18 additional units because 3/4s -- four big Frankies,  
 19 3/4s would suggest one of the big Frankies was  
 20 offline?  
 21 A. Yes.  
 22 Q. All right. So if I am looking here now  
 23 to get -- go back and get a little bit more  
 24 information here, let's look at June 8th.  
 25 On June 8 there is a water flow meter

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1 reading. That's a reading that you manually took by  
 2 looking at the water flow meter that was on the line  
 3 coming from the Leonardo -- coming from the J.M.  
 4 Products side of the Doral warehouse over towards the  
 5 E-Cat plant --  
 6 MR. ANNESSER: Object to form  
 7 BY MR. PACE:  
 8 Q. -- is that correct?  
 9 A. Yes, it is correct.  
 10 Q. All right.  
 11 A. When you say manually -- sorry, just to  
 12 be more precise. When you say manually, I want to be  
 13 sure of the translation. When you say manually, you  
 14 mean by eyes?  
 15 Q. Yes. I'm sorry.  
 16 A. Yes.  
 17 Q. So you would -- let me just clear that.  
 18 A. Because I just read. You know, the flow  
 19 meter was like this watch. What time is it? It is  
 20 11:20. That's what I did.  
 21 Q. That's what I am asking. You would look  
 22 at --  
 23 A. I have gone there, read the number, put  
 24 the number in paper and give the number to Penon.  
 25 That was the idea.

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1 Q. So you would -- you would physically go  
 2 up to the meter on June 8th, looked at the number and  
 3 wrote down the number?  
 4 A. Yes.  
 5 Q. You did the same thing on June 7th for  
 6 the water flow meter reading, the same thing on June  
 7 8th for the water flow meter reading, correct?  
 8 A. Correct.  
 9 Q. Okay. Then we have got a water  
 10 temperature reading that is -- it says water "T 40 80  
 11 C", so I understand --  
 12 A. Yes.  
 13 Q. -- the 80 C is the 80 Celsius -- not 80  
 14 Celsius; is that right?  
 15 A. Yes, it is.  
 16 Q. So what -- why is it 40 space 80?  
 17 A. Because the temperature was taken in  
 18 different points of the tank and the temperature  
 19 was -- so we had a minimum and a maximum temperature  
 20 point.  
 21 So basically 80 Celsius was at the inlet  
 22 and 40 Celsius was in the colder position or maybe  
 23 the reason -- I'm sorry.  
 24 THE COURT REPORTER: The what position,  
 25 cold air?

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1 MR. ANNESSER: Dr. Rossi, one second, our  
 2 court reporter didn't get. The colder.  
 3 THE WITNESS: Colder, more cold. And  
 4 or -- or -- or -- let me correct myself.  
 5 Because now that I read here, because  
 6 also steam 103, 104, this is not (Speaking  
 7 Italian). This is the minimum and the maximum  
 8 that I have measured during -- during that day.  
 9 Because otherwise it does not -- because,  
 10 you know, the difference is too much to be in  
 11 two points.  
 12 BY MR. PACE:  
 13 Q. Right.  
 14 A. So this is the minimum and the maximum of  
 15 the period considered.  
 16 Q. So on June 8th -- just focusing on June  
 17 8th here.  
 18 A. Yes.  
 19 Q. You took more than one -- I'm sorry, took  
 20 is the wrong word. Let me start again.  
 21 On June 8th you read a water temperature  
 22 device. We'll get to what that was in a second but  
 23 you read a water temperature device that reflected  
 24 temperatures somewhere between 40 -- I'm sorry.  
 25 Reflected temperatures between 40 and 80 degrees

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1 Celsius?  
 2 A. It is correct.  
 3 Q. This -- the water T, the water  
 4 temperature here, this is from the tank that was  
 5 providing water into the E-Cat plant, correct?  
 6 MR. ANNESSER: Object to form.  
 7 THE WITNESS: Correct.  
 8 BY MR. PACE:  
 9 Q. And what -- how did you obtain this  
 10 temperature information? Was there -- what kind of  
 11 device did you use?  
 12 A. Good question. The same manual Omega  
 13 something that I used for the steam because, as I  
 14 explained it to you before, there was a plug. There  
 15 was a thermocouple.  
 16 This is the passage of the steam. So the  
 17 thermocouple is like this. Then you have a cable and  
 18 the cable goes down and at the end of the cable you  
 19 have a plug. The instrument is like this telephone  
 20 that here hosts the plug.  
 21 Q. You put the plug in it and it shows you?  
 22 A. Sorry, I am stealing your telephone to  
 23 make it clear. And so I take the plug from --  
 24 Q. Can you call long distance on this  
 25 temperature?

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1 A. Sorry, sir?  
2 Q. Nothing, sorry. Go ahead. I apologize.  
3 A little humor.  
4 A. So the plug, put the plug here and read  
5 the steam, for example, if it is the plug from  
6 thermocouple of the steam.  
7 Then unplug and go inside the container  
8 of the -- where there was the tank of the water and  
9 plug in the thermocouple inserted in the tank of the  
10 water, I had the temperature of the water.  
11 Q. Understood.  
12 A. Thank you for your precious sample.  
13 Q. So again, looking at June 8th, you  
14 measured on multiple occasions on June 8th the  
15 temperature of the water that was in the tank for the  
16 E-Cat plant, correct?  
17 A. Yes, it is correct.  
18 Q. And you measured multiple times on June  
19 8th the temperature in the output pipe from the E-Cat  
20 plant? That's what you have here.  
21 A. Attention, no. If you are talking of the  
22 water, you are talking of the input.  
23 Q. Correct. But then you have a steam  
24 temperature. The next thing is steam.  
25 A. The steam is the output, sure.

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1 Q. That's the output pipe?  
2 A. Yes, sir.  
3 Q. Multiple times a day you are measuring  
4 the temperature and then you are writing the range  
5 that it covers. Now, I am noticing here we don't  
6 have any decimal points.  
7 A. Yes, because I rounded because it was not  
8 significant.  
9 Also because -- this is a good question  
10 and it's a precious question because the information  
11 is important.  
12 There is an agreement between the ERV and  
13 me to take the -- he told me I will take the most  
14 conservative data, if you agree, and I agreed upon  
15 this.  
16 So this -- so basically when I -- when I  
17 rounded 103, 104, he considered for the calculation  
18 of the COP 103.  
19 Q. Understood.  
20 A. At that point to put the decimals was  
21 absolutely irrelevant.  
22 Q. We then have a bar reading here, a  
23 pressure reading?  
24 A. Yes, of course by the 4th as every  
25 expert -- I have interrupted you is my usual. I'm

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1 sorry, please complete your question.  
2 Q. Every day you would take a reading from  
3 the manometer for pressure?  
4 A. Yes, sir.  
5 Q. I assume this is a different device you  
6 had to use to read the manometer or could you  
7 physically read it? Was there a number you could see  
8 on the manometer?  
9 A. Can you kindly repeat the question?  
10 Q. Sure. When we were talking about the  
11 temperature readings and connected something into the  
12 thermocouples that Dr. Penon installed, you were  
13 telling us you had a little red box, right, that you  
14 would use to get the temperature readings both for  
15 the water for the input -- the water input as well as  
16 for the output pipe, correct?  
17 A. Yes.  
18 Q. When you wanted to get the pressure  
19 reading you had to go to a manometer; is that  
20 correct?  
21 A. It is correct, yes.  
22 Q. To read the manometer, is there a gauge  
23 on that that you can read directly or did you have to  
24 plug it into a device?  
25 A. Now it's clear. No, it was a direct

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1 reading. There was a small ladder, because the  
2 manometer was high and pushing a button appeared the  
3 value of the bar.  
4 And now I add what I was going to say  
5 before, when I interrupted you. Obviously by default  
6 as any expert of the art knows, when it is not  
7 specified it is always intended relative pressure,  
8 not absolute pressure.  
9 Obviously the absolute pressure was one  
10 plus some millibar. The relative pressure some  
11 millibar, so 0.0, because we had some millibar but  
12 this is the relative pressure.  
13 Q. Meaning atmospheric?  
14 A. No, the atmospheric pressure -- if you  
15 consider the atmospheric pressure that is the  
16 absolute pressure, which is the pressure that you  
17 have in the pipe plus the atmospheric pressure. That  
18 is the absolute pressure.  
19 The relative pressure is named relative  
20 because it is relative only to the difference between  
21 the pressure produced in the system and the  
22 atmospheric pressure. But any expert of the art,  
23 when writes P 0 bar, it is obvious by default that it  
24 is the relative pressure, not the absolute, otherwise  
25 to have a zero absolute you would have to make a



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1 vacuum.

2 Q. Understood. Then for this manometer I

3 guess it really applies to all devices but I will

4 just ask the manometer for now.

5 A. No, manometer is the correct definition.

6 Q. What I was going to say is so every day

7 you would read this device --

8 A. Yes.

9 Q. -- the manometer?

10 A. Yes.

11 Q. You would not otherwise -- other than

12 simply pressing the button every day on the

13 manometer, you didn't make any other change to the

14 manometer on any given day?

15 MR. ANNESSER: Object to form.

16 THE WITNESS: I did not understand the

17 question, I'm sorry.

18 BY MR. PACE:

19 Q. I am just trying to understand. So

20 you're interacting with this manometer every day,

21 correct?

22 A. Yes, sir.

23 Q. So I am just trying to understand, all

24 you did on those days -- all you ever did to the

25 manometer was press the little button and read the

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1 information?

2 A. Yes, sir.

3 Q. You never had to make any repairs to the

4 manometer?

5 A. No.

6 Q. You never replaced the manometer?

7 A. Not that I can recall.

8 Q. Well, I'm asking what you would do as

9 opposed to somebody else. Do you --

10 A. Not that I can recall, attorney,

11 honestly. Not that I can recall. But, you know, in

12 that plant so many events happened and so many things

13 happened from then to now but not that I can recall.

14 Q. Also here on June 8th you have "added 50

15 L", which I assume is liters, "distilled water"?

16 A. Yeah.

17 Q. That reflects water that was added to the

18 external tank --

19 A. Yes.

20 Q. -- for the E-Cat plant, correct?

21 A. Yes, because --

22 MR. ANNESSER: Object to form.

23 Dr. Rossi, please allow him to finish his

24 question before you answer.

25 THE WITNESS: I am sorry.

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1 BY MR. PACE:

2 Q. I actually had. I think he also wants to

3 have a chance to object too. Let me again.

4 The added 50 liter distilled water means

5 that's 50 liters of distilled water that was added to

6 what was being called the external tank to the E-Cat

7 plant, correct?

8 A. It is correct.

9 Q. Who added that? Would that be you?

10 Would that be Fulvio Fabiani? Would it vary?

11 MR. LEON DE LA BARRA: Object to form.

12 THE WITNESS: Normally it was me but I

13 cannot exclude that sometime also Barry did or

14 Fabiani did under my direction.

15 BY MR. PACE:

16 Q. And just for the record to be clear Barry

17 is a reference to Barry West?

18 A. Yes, sir.

19 Q. So I am going to jump to our other days

20 here just briefly. If you can go forward for me to

21 page 1396. I'm sorry, 1397.

22 A. Okay.

23 Q. The top --

24 A. August.

25 Q. The top three paragraphs there are --

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1 A. 27, 28, 29.

2 Q. Yeah. Uh-huh.

3 A. Okay.

4 Q. These are -- these are dates in July of

5 2015, correct, July 27, 28, 29?

6 A. I am sorry, attorney. I was reading and

7 I did not hear your question.

8 Q. No problem.

9 The first three paragraphs on this page,

10 1397, these are -- reflects dates -- data that you

11 collected on dates in July of 2015, correct, July 27,

12 28th and 29th?

13 A. Yes, it is correct.

14 Q. All right. So if we look here at July

15 28th.

16 A. 28th, okay.

17 Q. Just to see if I am understanding this

18 correctly, we have -- the first two lines are the

19 same kind of information we were seeing before, water

20 flow meter reading, water temperature, steam

21 temperature, pressure.

22 Then we have "N.B. Black out of the grid

23 from 5:30 a.m. through 7 a.m."

24 That means that the electrical power was

25 not being provided from 5:30 a.m. through 7 a.m. on

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1 the 28th of July; is that correct?  
 2 A. It is correct.  
 3 Q. So a reference there to the grid is a  
 4 reference to the power grid?  
 5 A. Can you repeat?  
 6 Q. Yes. The reference there to grid is a  
 7 reference to the power grid?  
 8 A. Yes, sir.  
 9 Q. Okay. Then it says: "No influence on  
 10 the data of T and P." That would be on the data of  
 11 temperature and pressure, correct?  
 12 A. Yes, it is correct.  
 13 Q. Then we have, "PCE 830 out of service  
 14 during the black out."  
 15 Was that the network power analyzer, if  
 16 you recall?  
 17 MR. ANNESSER: Object to form.  
 18 THE WITNESS: The PCE 830 was -- I prefer  
 19 to tell it with my words, so we are sure. Was  
 20 the instrument of Dr. Penon to measure the  
 21 amount of electric energy that was consumed by  
 22 the plant.  
 23 BY MR. PACE:  
 24 Q. Okay. Then we have on the 29th, we have  
 25 the same first two lines, same information we have

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1 seen on a lot of other days.  
 2 Then we have: "From 5 p.m. of yesterday  
 3 to 6 a.m. this morning one reactor was out of  
 4 service, therefore, the power has been reduced of  
 5 1/4th in the period."  
 6 Is this a reference -- when it says a  
 7 reference to power, is that the -- the amount of  
 8 electrical power that is going into the E-Cat plant  
 9 or the amount of power that's coming out of the E-Cat  
 10 plant, steam power coming out of the E-Cat plant?  
 11 A. I don't remember.  
 12 MR. ANNESSER: Object to form.  
 13 THE WITNESS: I don't remember what I  
 14 intended to say. Could be either way.  
 15 BY MR. PACE:  
 16 Q. Well, so if we look -- here is what I am  
 17 trying to -- maybe the next one will help you.  
 18 If you look at July 30th, you see the  
 19 third line for that paragraph says: "Power reduced  
 20 to 750 kilowatts to repair a reactor."  
 21 A. So this is the power of the plant.  
 22 Q. Okay. That's what I was thinking. So  
 23 for June --  
 24 A. Yes.  
 25 Q. The way to read this is for July 29th,

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1 the output power of the plant was reduced by a  
 2 quarter?  
 3 A. Yes.  
 4 MR. ANNESSER: Object to form.  
 5 BY MR. PACE:  
 6 Q. That's because one of the -- when it says  
 7 one reactor, that really means one big Frankie,  
 8 correct?  
 9 MR. ANNESSER: Object to form.  
 10 THE WITNESS: Could be, yes. Could be.  
 11 Now, precisely -- precisely, but should be, that  
 12 should be an explanation, yes.  
 13 BY MR. PACE:  
 14 Q. Well, let me explore that a little bit.  
 15 If one reactor meant only one of the E-Cat units, you  
 16 wouldn't expect the power level to be reduced by a  
 17 full quarter, would you?  
 18 MR. ANNESSER: Object to form.  
 19 THE WITNESS: Can you repeat the  
 20 question?  
 21 BY MR. PACE:  
 22 Q. I can. When we look at the 29th --  
 23 A. Yes.  
 24 Q. -- it says one reactor was out.  
 25 A. Uh-huh.

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1 Q. Therefore the power was reduced by one  
 2 quarter.  
 3 A. Yes, I think it was -- this should be the  
 4 power of the plant.  
 5 Q. I understand that. But also when it  
 6 references one reactor, that has to be one big  
 7 Frankie, correct?  
 8 A. Yes.  
 9 Q. All right. That's what I was getting at,  
 10 the collection of E-Cat units. Because if only one  
 11 E-Cat unit was down you wouldn't expect the plant's  
 12 capacity to drop by a quarter?  
 13 A. Yes, of course.  
 14 Q. Next, 31, July 31. We have -- I think  
 15 this supports the big Frankie argument -- repaired  
 16 the reactor number 4, or N.4.  
 17 That means repaired the what was called  
 18 big Frankie number 4, correct?  
 19 A. Yes, sir.  
 20 MR. ANNESSER: Object to form.  
 21 BY MR. PACE:  
 22 Q. You might have answered. I just didn't  
 23 hear you over Mr. Annesser. Is that correct?  
 24 A. Sorry, can you repeat?  
 25 Q. Yes. For July 31st we have the third

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1 line down in that paragraph says: "Repair the  
 2 reactor N.4., return to 100 percent power."  
 3 That means that what was repaired was big  
 4 Frankie number 4, correct?  
 5 MR. ANNESSER: Object to form.  
 6 THE WITNESS: As I can understand here,  
 7 yes.  
 8 BY MR. PACE:  
 9 Q. All right. And these are your notes --  
 10 A. Yes.  
 11 Q. -- so you are really the best person to  
 12 interpret them, correct?  
 13 A. Absolutely. Absolutely. But still --  
 14 but still these are notes that taken fresh at the  
 15 moment, you know, immediately I know what they are.  
 16 Right now at the distance of two years --  
 17 Q. Right.  
 18 A. -- have some spider net around in the  
 19 brain.  
 20 Q. Even your own notes read several years  
 21 later you might not remember?  
 22 A. Yeah.  
 23 MR. ANNESSER: Object to form.  
 24 BY MR. PACE:  
 25 Q. Let me -- I am just going to go to the

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1 other dates we already talked about in connection  
 2 with Exhibit Number 2. If you can go to page 1402.  
 3 MR. ANNESSER: Chris, whenever  
 4 convenient, I am going to ask you for just a  
 5 short break, any time.  
 6 MR. PACE: Less than two minutes.  
 7 MR. ANNESSER: No problem.  
 8 MR. PACE: Probably more like a minute.  
 9 BY MR. PACE:  
 10 Q. If you can look --  
 11 A. We can make a break also now.  
 12 MR. ANNESSER: Let him --  
 13 BY MR. PACE:  
 14 Q. Let me just finish this pretty quickly.  
 15 Unless somebody really needs a break I have like two  
 16 more minutes and then we can move on to something  
 17 more interesting than reading charts.  
 18 A. Okay.  
 19 Q. If you look at 140 -- page 1401, you can  
 20 see we're starting --  
 21 A. 1401.  
 22 Q. You can see we are starting here in  
 23 October.  
 24 A. October.  
 25 Q. Towards the bottom. Now turn to 1402.

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1 A. Okay.  
 2 Q. The paragraph that starts with 12, do you  
 3 see that kind of middle, top middle of the page?  
 4 A. Number 12, 12 of October.  
 5 Q. Okay. This is October 12th, correct?  
 6 A. Yes.  
 7 Q. And again, this is a date we looked at  
 8 when we were looking at Exhibit 2.  
 9 MR. ANNESSER: Object to form.  
 10 BY MR. PACE:  
 11 Q. We have got a -- the same thing. Again,  
 12 just to make sure we got a clear record, this water  
 13 flow meter reading is a water flow meter reading you  
 14 took by looking at the water flow meter on October 12  
 15 and writing down the number that you saw on that flow  
 16 meter?  
 17 A. Yes.  
 18 Q. Okay. The water T reading here is a  
 19 water temperature reading you took on that same day  
 20 or is the range of water temperature readings you  
 21 took on that day from the input tank for the E-Cat,  
 22 correct?  
 23 A. Correct.  
 24 Q. The steam T is the temperature readings  
 25 you took -- the range of temperature readings that

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1 you took during the -- on October 12th for the  
 2 pipe -- the output pipe from the E-Cat plant,  
 3 correct?  
 4 A. Correct.  
 5 Q. And then the P 0.0 bar, 0.0 bar is the  
 6 pressure reading that you would manually -- that you  
 7 would obtain by looking at the manometer and seeing  
 8 the relative pressure shown on that manometer?  
 9 A. (Nods head.)  
 10 Q. Then the last one, we talked about  
 11 December 2nd, so if you go to page 1405. You see  
 12 December 2 there?  
 13 It has water -- has a water flow meter  
 14 reading. Then it says: "Power reduced to 700 kW  
 15 upon request of J.M. Corporation from now on until  
 16 new order."  
 17 I don't want to get into -- we will talk  
 18 about J.M. Corporation later. But the only question  
 19 I want to ask before we break is how does Leonardo  
 20 reduce the power output from the E-Cat plant?  
 21 Is that by reducing the amount of  
 22 electrical power that goes in?  
 23 MR. ANNESSER: Object to form.  
 24 THE WITNESS: Can you repeat the  
 25 question?

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1 BY MR. PACE:  
 2 Q. Yes. It says -- for December 2nd it has  
 3 power reduced to 700 kilowatts.  
 4 How would you reduce the power of the  
 5 E-Cat plant from producing let's say one megawatt of  
 6 power down to producing 700 kilowatts of power? What  
 7 do you change in the plant to accomplish that?  
 8 A. To make this I operate on the system of  
 9 the resistances and the flow of the water.  
 10 So basically our necessary operations is  
 11 necessary to make a modification in the connections  
 12 of the resistances inside the reactors and at the  
 13 same time to maintain approximately constant the  
 14 temperature at the output, the flow of water must be  
 15 reduced.  
 16 Q. So you change -- when you say change --  
 17 well, there is a lot in there so why don't we take  
 18 our break and then I will come back to it, otherwise  
 19 I will go on for five more minutes. Why don't we  
 20 take a break.  
 21 MR. ANNESSER: If you need five more  
 22 minutes we can go five more minutes.  
 23 BY MR. PACE:  
 24 Q. Let me just ask this. We'll take a  
 25 break. Let me ask this one question, if I can. A

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1 few questions just following up.  
 2 When you said change the resistances,  
 3 does that mean changing the amount of electrical  
 4 power that is being provided to the E-Cat plant?  
 5 A. No, it's more complicated, the issue.  
 6 Q. Okay. So how -- well, let me come back  
 7 to that. Let me just ask about the water and then I  
 8 will come back to the resistances.  
 9 Changing the water flow to reduce the  
 10 power is just adding less water?  
 11 A. No --  
 12 Q. Using less --  
 13 A. -- it's not adding less water but  
 14 regulating the flow of water because there was a  
 15 recirculator and the recirculator could have been  
 16 modulated and so we could make the water flow in a  
 17 major or minor amount.  
 18 Q. My question was I think probably poorly  
 19 done then.  
 20 When I meant by reduced is reduce the  
 21 amount of water that was flowing through the E-Cat  
 22 plant?  
 23 A. Correct.  
 24 Q. Okay. So you would -- I understand the  
 25 water side. If you want to lower the power output of

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1 the E-Cat plant, you would reduce the amount of water  
 2 flowing through the E-Cat plant and then you would  
 3 make changes to the resistance.  
 4 So can you bring us into the break by  
 5 explaining to me a little bit more, what does that  
 6 mean to make changes to the resistance?  
 7 MR. ANNESSER: Object to form.  
 8 THE WITNESS: Well, maybe I have to talk  
 9 with my attorney about the limit of that.  
 10 MR. PACE: Okay. All right. We will  
 11 take a break and we will come back and talk  
 12 about that.  
 13 THE WITNESS: Thank you.  
 14 THE VIDEOGRAPHER: Time is 11:46. Off  
 15 the record.  
 16 (Thereupon a brief recess was taken,  
 17 after which the following proceedings were had.)  
 18 THE VIDEOGRAPHER: Time is 12:04. We're  
 19 back on the record.  
 20 MR. ANNESSER: Chris, this portion of the  
 21 deposition we're going to declare as highly  
 22 confidential, attorneys' eyes only.  
 23 MR. PACE: Okay. I assume that's in  
 24 reference to the last topic that I'm starting on  
 25 again.

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1 MR. ANNESSER: Correct.  
 2 BY MR. PACE:  
 3 Q. Which is in order to reduce the power  
 4 level of the E-Cat plant, there is a change on the  
 5 electrical side, let's just say, and there is a  
 6 change on the water side.  
 7 I believe I understand the change on the  
 8 water side, which is reducing the flow of water going  
 9 through the plant. Can you explain to me better what  
 10 changes are made on the electrical side to reduce the  
 11 power output of the E-Cat plant?  
 12 MR. ANNESSER: Object to form.  
 13 THE WITNESS: It's necessary to operate  
 14 on the resistances.  
 15 BY MR. PACE:  
 16 Q. And what does it mean to operate on the  
 17 resistances?  
 18 A. Change some connections.  
 19 Q. What does that mean?  
 20 A. Means -- what is it means? Change some  
 21 connections and -- and also there is a system to  
 22 upgrade or downgrade in combination the power  
 23 consumed by the resistances. The energy, pardon,  
 24 consumed by the resistances.  
 25 Q. So when you are talking about changing

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1 the resistances though, are you saying a change would  
 2 have to be made to the big Frankies or would a change  
 3 have to be made to some control panel?  
 4 MR. ANNESSER: Object to form.  
 5 THE WITNESS: Both.  
 6 BY MR. PACE:  
 7 Q. Okay. If you give me just a moment  
 8 here. This might be one of those areas where a  
 9 picture is worth a thousand words and it might not.  
 10 I am going to mark these as Exhibits 5 and 6. Sorry,  
 11 I am going to mark these as Exhibits 4 and 5,  
 12 please.  
 13 (The document referred to was thereupon  
 14 marked Deposition Exhibit 4 for Identification, a  
 15 copy of which is attached hereto.)  
 16 (The document referred to was thereupon  
 17 marked Deposition Exhibit 5 for Identification, a  
 18 copy of which is attached hereto.)  
 19 MR. PACE: I'll make you guys share but I  
 20 will dig out your own copy at a break. 4 is the  
 21 first one, the authorized.  
 22 BY MR. PACE:  
 23 Q. So Dr. Rossi, I have provided you two  
 24 exhibits here. Both of these are different views  
 25 inside the E-Cat plant; is that correct?

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1 A. Yes, it is correct.  
 2 Q. Exhibit 4 -- Exhibit 4 is actually --  
 3 that's -- the reactors we can see closest to the  
 4 camera here, these are the four big Frankie units,  
 5 correct?  
 6 A. Yes, it is correct.  
 7 Q. And if we looked at Exhibit 5 and wanted  
 8 to identify the big Frankie units in Exhibit 5, we're  
 9 actually -- it's at the far end of the container that  
 10 is reflected in Exhibit 5, and we're seeing the  
 11 backside of the big Frankie units; is that correct?  
 12 MR. ANNESSER: Object to form.  
 13 THE WITNESS: I am sorry, can you kindly  
 14 repeat the question?  
 15 BY MR. PACE:  
 16 Q. Yes, in the middle of Exhibit 5 --  
 17 A. Yes.  
 18 Q. -- is that essentially the backside of the  
 19 big Frankie units that we're seeing in Exhibit 4?  
 20 MR. ANNESSER: Object to form.  
 21 THE WITNESS: Yes, it is correct.  
 22 BY MR. PACE:  
 23 Q. All right. So you were just telling me  
 24 that you make a -- that you had to operate -- that  
 25 you had to make changes to the big Frankie units in

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1 order to lower the power output level of the one --  
 2 of the E-Cat plant.  
 3 Using either Exhibit 4 or Exhibit 5 can  
 4 you explain to me what kind of changes you had to  
 5 make to these E-Cat plants or to the individual E-Cat  
 6 units?  
 7 MR. ANNESSER: Object to form.  
 8 THE WITNESS: I can say -- what I can say  
 9 is that you see all those electronics. Take,  
 10 for example, Exhibit 4, you see all those boxes,  
 11 plastic boxes. Inside those plastic boxes there  
 12 are small computers.  
 13 You can see the same boxes also in the  
 14 Exhibit Number 5, that you correctly were -- you  
 15 correctly say that in the middle, between the  
 16 two left and right blocks of the small E-Cats,  
 17 you can see those three, four plastic boxes that  
 18 are the four brains of the big Frankies.  
 19 And also in the Exhibit 4 you can see all  
 20 the wirings and operating on these apparatuses  
 21 with the collaboration of the consultant of  
 22 Industrial Heat, the engineer Fulvio Fabiani,  
 23 and also with the collaboration of Barry West  
 24 was possible to react to the value situations  
 25 that we encountered.

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1 BY MR. PACE:  
 2 Q. Fulvio Fabiani, you have known him for  
 3 how long?  
 4 A. About -- yes, I knew Fulvio Fabiani in  
 5 2012.  
 6 Q. 2012.  
 7 A. And -- yes, in 2012. And I have been  
 8 very surprised, if you allow me an anecdote.  
 9 Q. No. There may be an opportunity later  
 10 with your counsel --  
 11 A. Very good.  
 12 Q. -- or even off the record.  
 13 MR. ANNESSER: Just answer his  
 14 questions. That's what we're here for.  
 15 BY MR. PACE:  
 16 Q. You were not going to answer -- you  
 17 weren't going to say something responsive to my  
 18 question. I might give you the opportunity later on,  
 19 who knows. I may ask a bad question later on, but  
 20 let's continue.  
 21 We're talking about -- would you actually  
 22 have to make a change to the E-Cat units themselves  
 23 other than the external wiring in order to reduce the  
 24 electrical -- in order to reduce -- in order to  
 25 change the resistance -- resistances for the E-Cats?

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1 A. No.

2 MR. ANNESSER: I am going to object to

3 form on that one. I'm sorry.

4 BY MR. PACE:

5 Q. Do you recall during the time that the

6 E-Cat plant was operating in Doral the number of

7 times that you intentionally reduced the power output

8 of the E-Cat units?

9 MR. ANNESSER: Object to form.

10 MR. LEON DE LA BARRA: Object to form.

11 THE WITNESS: Can you kindly repeat?

12 BY MR. PACE:

13 Q. Yes. Can you -- do you recall how many

14 times -- during the time that the E-Cat plant was

15 operating at the Doral warehouse, do you recall how

16 many times you intentionally reduced the power output

17 of that plant?

18 MR. ANNESSER: Object to form.

19 MR. LEON DE LA BARRA: Object to form.

20 THE WITNESS: I don't recall.

21 BY MR. PACE:

22 Q. We certainly saw it was at least once,

23 correct, in December of 2015?

24 A. Yes. As far as I can recall, yes.

25 Q. All right. And you don't recall ever

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1 reducing it at any other time?

2 MR. ANNESSER: Object to form.

3 THE WITNESS: You know, if you show me

4 situations in which I would have, I can answer

5 now. As a group though I am not able to answer

6 this question.

7 BY MR. PACE:

8 Q. That's kind of my point, I guess. Maybe

9 I should phrase it differently, which is I am

10 purposely talking about when you intentionally

11 reduced the power output of the plant as opposed to

12 it being reduced for some other reason.

13 So at least in terms of there were times

14 when the power output of the plant was reduced, but I

15 am only now talking about times when you

16 intentionally reduced the power output of the plant.

17 I am only aware of the one time in December, though

18 maybe there is others.

19 MR. ANNESSER: Object to form.

20 BY MR. PACE:

21 Q. So let me ask for -- the question is, do

22 you recall any other time during the operation of the

23 E-Cat plant in Doral, other than in December of 2015,

24 that you intentionally reduced the power output of

25 the E-Cat plant?

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1 MR. ANNESSER: Object to form.

2 THE WITNESS: To respond to this

3 questions I would have to go to my logbook.

4 BY MR. PACE:

5 Q. Absent going to your logbook the answer

6 would be you don't recall any other time?

7 MR. ANNESSER: Object to form.

8 THE WITNESS: It is correct.

9 BY MR. PACE:

10 Q. All right. Even if there was another

11 time, the process for intentionally reducing the

12 power output of the E-Cat plant would have been the

13 same?

14 MR. ANNESSER: Object to form.

15 THE WITNESS: Again, I must ask you to

16 repeat the question. I'm sorry.

17 BY MR. PACE:

18 Q. Sure. If there were another time when

19 you intentionally reduced the power output of the

20 E-Cat plant, you would have -- you would have

21 followed the same method you just described to us in

22 connection with the December reduction, correct?

23 A. I think so, yes.

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

25 There is one method for intentionally reducing the

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1 power output of the E-Cat plant and that's the method

2 you were just describing?

3 MR. ANNESSER: Object to form.

4 THE WITNESS: It's like to say there is

5 only one method to make a cure with the car.

6 You can say -- answer yes, but the answer is not

7 correct.

8 BY MR. PACE:

9 Q. I see what you're saying. Let me

10 rephrase it. There is only one approach to reducing

11 the power output of the plant. How you execute on

12 that approach might change over time?

13 A. Yeah.

14 Q. Okay. We were talking earlier today

15 about there being times when one or the other of the

16 big Frankie units was not operating for -- had some

17 kind of maintenance to it, correct?

18 A. Yes.

19 Q. All right. So looking here at Exhibit 4,

20 explain to me, if you can, how -- how would the

21 maintenance be done on just one of the big Frankies

22 compared to the other three?

23 Is there a way of removing that big

24 Frankie entirely out of the E-Cat plant?

25 MR. ANNESSER: Object to form.



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1 THE WITNESS: Yes.  
 2 BY MR. PACE:  
 3 Q. So is that what would happen when  
 4 maintenance had to be done on an E-Cat -- on a big  
 5 Frankie, that you would -- someone would pull the  
 6 entire big Frankie out of the container that housed  
 7 the E-Cat plant?  
 8 MR. ANNESSER: Object to form.  
 9 THE WITNESS: No, this does not happen  
 10 actually.  
 11 BY MR. PACE:  
 12 Q. So if you can -- help me understand.  
 13 There is entries -- we talked about at your last  
 14 deposition, we talked about it now today at this  
 15 deposition of Leonardo Corporation that there are  
 16 times when one or the other of these big Frankie  
 17 units that we see in Exhibit 4 was -- required  
 18 maintenance, correct?  
 19 A. It is correct.  
 20 Q. When it required maintenance it's also  
 21 correct that the water would not continue to flow  
 22 through that big Frankie, correct?  
 23 MR. ANNESSER: Object to form.  
 24 THE WITNESS: Not necessarily. Depends  
 25 on the issue.

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1 BY MR. PACE:  
 2 Q. So water would still be pumped through a  
 3 big Frankie while repairs were being made to the big  
 4 Frankie?  
 5 A. In certain cases it is possible.  
 6 Q. Do you recall whether --  
 7 A. In other cases, no.  
 8 Q. So your recollection is during the  
 9 operation of the 1MW -- during the operation of the  
 10 E-Cat plant in Doral there were times when people  
 11 were making repairs to a big Frankie unit without  
 12 stopping the flow of water or electricity into that  
 13 unit, correct?  
 14 MR. ANNESSER: Object to form. Chris --  
 15 THE WITNESS: Yeah --  
 16 MR. ANNESSER: Go ahead and answer and  
 17 then.  
 18 MR. PACE: Answer.  
 19 MR. ANNESSER: Go ahead and answer.  
 20 THE WITNESS: In some case it happened.  
 21 MR. PACE: Okay.  
 22 MR. ANNESSER: I just want a  
 23 clarification, when you ask about the operation  
 24 of the plant in Doral, are you talking about  
 25 during the purported test period or are we

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1 talking about at any time during the operation?  
 2 Because my understanding is there was  
 3 operation days before the test even started.  
 4 MR. PACE: I'm not sure it makes a big  
 5 distinction but I am certainly willing to draw a  
 6 the distinction, if you remember the day.  
 7 MR. ANNESSER: I don't know if it does or  
 8 doesn't.  
 9 BY MR. PACE:  
 10 Q. Fair enough. Let me ask. Do you -- let  
 11 me close out the last thing we were talking about.  
 12 There were also times when the input of  
 13 water and electricity would be turned off to a big  
 14 Frankie in order to make repairs, correct?  
 15 A. Yes.  
 16 Q. Okay. So sometimes yes, sometimes no, in  
 17 the sense of whether you had to turn off the water or  
 18 the electricity to make repairs to a big Frankie?  
 19 A. You are correct.  
 20 Q. And other than looking at your logbook,  
 21 do you recall -- do you recall any of the dates of  
 22 these repairs?  
 23 A. No, impossible.  
 24 Q. Yeah, I'm not going to get into --  
 25 A. You know for me that year is as if has

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1 been one day.  
 2 Q. It all ran together for you. Let me --  
 3 so let's talk about an instance where a repair had to  
 4 be done to a big Frankie unit and you would turn off  
 5 the electrical and the water.  
 6 A. Okay.  
 7 Q. Question -- my first question is what was  
 8 the process for redirecting the water to the  
 9 remaining big Frankies or redirecting the electrical  
 10 to the remaining big Frankies?  
 11 MR. ANNESSER: Object to form.  
 12 THE WITNESS: Every big Frankie had  
 13 independent valves -- valves. The correct  
 14 pronunciation, valve.  
 15 BY MR. PACE:  
 16 Q. Valves.  
 17 A. Valves for the water that could  
 18 partialize the flow.  
 19 Q. I'm sorry, that could what the flow?  
 20 A. Partialize, parzializzare.  
 21 Q. Partialize the flow.  
 22 A. Partialize the flow and also had  
 23 independent electric connections through -- no,  
 24 independent electric connections that ended with --  
 25 in a panel we can see -- the panels are very well

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1 shown in one of the exhibits that you gave me the  
 2 last -- during my first deposition.  
 3 And in those panels there were the  
 4 commands to give back or cut off the electric energy  
 5 to any single BF separately, big Frankie.  
 6 Q. There are days when according to the  
 7 record logs that there is maintenance being done on  
 8 one of the big Frankies and yet the output of the  
 9 plant stayed the same.  
 10 So if I can understand this correctly,  
 11 for that to happen, if you take one of the four big  
 12 Frankies offline, the other three have to be getting  
 13 more water and more electricity per big Frankie,  
 14 right, to keep the same level of output; is that  
 15 correct?  
 16 MR. ANNESSER: Object to form.  
 17 THE WITNESS: What you say is logic in a  
 18 normal plant but not here because for the water  
 19 you are correct, because -- because if the  
 20 temperature remains the same, the power of the  
 21 system is regulated by the amount -- by the mass  
 22 of water that is steam.  
 23 BY MR. PACE:  
 24 Q. Water.  
 25 A. In the case of the E-Cats it is not so

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1 far what concerns the electric energy because there  
 2 is a status that we call SSM, self-sustaining mode,  
 3 that can allow the energy be produced even if you are  
 4 not introducing electricity.  
 5 This is -- this a particularity of this  
 6 technology that Industrial Heat knows very well. So  
 7 this is the -- we call it SSM, self-sustaining mode.  
 8 Q. But when we're talking about -- the  
 9 instance we're talking about now though, let's just  
 10 focus on the water.  
 11 In order for the power level -- the power  
 12 output of the plant to stay constant even when one of  
 13 the big Frankies is taken offline and the water is no  
 14 longer flowing through that one big Frankie, what has  
 15 to happen is more water has to flow through the other  
 16 big Frankies, correct?  
 17 MR. ANNESSER: Object to form.  
 18 THE WITNESS: The -- in that case there  
 19 are -- there is possible to regulate the valves  
 20 of the inlet of the -- there are many, many ways  
 21 to regulate that. One --  
 22 BY MR. PACE:  
 23 Q. Right now I'm just asking -- I want to  
 24 talk to you about it, don't get me wrong. I want to  
 25 make sure that I understand.

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1 A. It's complex.  
 2 Q. I want to make sure I understand the  
 3 basic concept.  
 4 It is right that if you are going to  
 5 maintain the same power level from the plant when you  
 6 take off one of the big Frankie units, you had to  
 7 send more water through the remaining big Frankie  
 8 units, correct?  
 9 MR. ANNESSER: Object to form.  
 10 THE WITNESS: This is correct.  
 11 BY MR. PACE:  
 12 Q. And I want to come back to that in a  
 13 second, how that happened, but that's the general  
 14 principle.  
 15 Also, if you are sending more water  
 16 through the remaining big Frankies, you are actually  
 17 increase -- you also have to not just sustain a level  
 18 of electrical input, you actually have to increase  
 19 it, don't you?  
 20 A. No.  
 21 Q. Okay. So now let's -- I will ask you to  
 22 explain both of them but let me go one at a time. If  
 23 you can explain on the water.  
 24 A. The correct answer is not no. It's not  
 25 necessary.

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1 Q. Not necessarily. So let me break each of  
 2 those down.  
 3 So for the water, that seems the easier  
 4 one, one big Frankie unit is taken offline, the water  
 5 is stopped, the power is stopped to that big Frankie  
 6 unit.  
 7 The power level for the plant remains the  
 8 same or close to the same. That means more water was  
 9 redirected through the remaining big Frankies,  
 10 correct?  
 11 A. Correct.  
 12 MR. ANNESSER: Object to form.  
 13 BY MR. PACE:  
 14 Q. Now, how did you -- how would you execute  
 15 on that? How would you make that happen?  
 16 A. There are two ways to regulate that. One  
 17 is the intake of the water, that the intakes of the  
 18 water that can be regulated and the other is the  
 19 recirculator of the water that has to give more  
 20 energy because in that case you have a pressure drop  
 21 in the system, a hydraulic pressure drop.  
 22 Q. I'm a little bit confused in your first  
 23 example there. We're talking about more water going  
 24 to three of the big Frankies while water is not going  
 25 to one of the big Frankies.

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1 That has to come into play somewhere  
2 between the water tank and the actual big Frankies,  
3 correct? There has to be some adjustment to the way  
4 the water is flowing?  
5 A. Yes, sure.  
6 Q. So are there -- can you set -- would you  
7 have -- let me start with the easy question.  
8 Can you set the water level in each E-Cat  
9 unit separately?  
10 A. Yes.  
11 Q. When you took one of the big -- if we  
12 look at Exhibit 4.  
13 A. I'm sorry.  
14 Q. No problem. When we look at Exhibit 4 --  
15 A. Yes.  
16 Q. -- what are those red boxes we're seeing  
17 there at the very beginning of Exhibit 4? The  
18 closest thing to the camera. Are those --  
19 A. Pumps.  
20 Q. Those are the pumps. These are the  
21 individual pumps per E-Cat unit?  
22 A. Yes, sir.  
23 Q. So someone could individually change the  
24 level of each pipe -- each pump, correct?  
25 MR. ANNESSER: Object to form.

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1 THE WITNESS: Yes, it's correct.  
2 BY MR. PACE:  
3 Q. So when a big Frankie was taken offline  
4 and the water and the electrical was shut off to that  
5 big Frankie, did somebody have to manually change the  
6 pumps for the E-Cat units in the remaining three big  
7 Frankies?  
8 A. Yes.  
9 Q. All right. Who would do that?  
10 A. I.  
11 MR. ANNESSER: Object to form.  
12 THE WITNESS: I did.  
13 BY MR. PACE:  
14 Q. You would. Would anyone -- would it  
15 always be you?  
16 A. Always.  
17 Q. All right.  
18 A. Because it's a too delicate situation.  
19 Q. And how would you know -- when this  
20 happened -- let me start over again.  
21 When you would do this would each pump in  
22 the remaining three big Frankies be set to the exact  
23 same number or would it vary by E-Cat?  
24 A. Vary.  
25 Q. All right. So you had to make an

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1 individual judgement with each E-Cat unit how you  
2 would adjust it in order to account for the increased  
3 water flow?  
4 A. Yes, and it is a very delicate and  
5 sensible operation.  
6 Q. And how would you -- in terms of knowing  
7 how much water is in each E-Cat, either when you are  
8 turning up the water flow or turning down the water  
9 flow, what device would you use to determine how much  
10 water?  
11 A. Look at exhibit --  
12 MR. ANNESSER: Object to form.  
13 THE WITNESS: Look at Exhibit 4. Go from  
14 the top to the second from the top, BF. Now go  
15 to the left. You see that water column?  
16 BY MR. PACE:  
17 Q. Yes.  
18 A. That is a level.  
19 Q. I understand. But you don't have -- but  
20 each -- because each E-Cat is set separately don't  
21 you need a sight gauge or some kind of gauge for each  
22 E-Cat unit or could you just tell it from that one  
23 gauge?  
24 A. I just know -- sorry, can you repeat the  
25 question?

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1 Q. Sure. I believe what you just testified  
2 to is each E-Cat unit might get a different setting  
3 in terms of adjustments to the water level.  
4 So I understand you have a valve over  
5 here on the left-hand side of Exhibit 4, but that is  
6 not specific to each E-Cat unit. It tells me only  
7 the amount -- it's only a level for that entire big  
8 Frankie.  
9 MR. ANNESSER: Object to form.  
10 THE WITNESS: Sorry, but the big Frankie  
11 is considered a single unit.  
12 BY MR. PACE:  
13 Q. Oh, so I may have misunderstood. When  
14 you say you had to adjust each unit, you mean --  
15 A. Big Frankie.  
16 Q. So each big Frankie has -- let me look at  
17 this, if I can. Look at the top big Frankie.  
18 A. Yes.  
19 Q. There are six different pumps on the top  
20 big Frankie; is that correct?  
21 A. It is correct. It is correct.  
22 Q. And we can see them in this exhibit  
23 because they are the red boxes, each has its own  
24 digital readout in front of it?  
25 A. You are correct.

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1 Q. You can adjust each of those pumps  
 2 differently, correct?  
 3 A. Correct.  
 4 Q. Are you telling me that you would adjust  
 5 those pumps so that they would all read the exact  
 6 same for at least any individual big Frankie or would  
 7 you sometimes adjust them by pump?  
 8 MR. ANNESSER: Object to form.  
 9 THE WITNESS: No, because as you can see,  
 10 all of them send the water to the same  
 11 collector. You see?  
 12 BY MR. PACE:  
 13 Q. Uh-huh.  
 14 A. So basically adjust the pump -- the pumps  
 15 does not mean that each pump must have that specific  
 16 value.  
 17 But adjust the pump means to make the  
 18 amount of water go at the level that you want in the  
 19 big Frankie. So basically it is not -- each pump  
 20 connected with some specific resistance, it's not so.  
 21 Q. Understood. But each pump -- am I  
 22 just -- am I just reversing this? Each pump is  
 23 sending water into a big Frankie or pulling water out  
 24 of a big Frankie?  
 25 A. No, it's sending water to the big

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1 Frankie.  
 2 Q. To the big Frankie?  
 3 A. Pulls the water from the internal tank.  
 4 Q. So each -- each pump can send a different  
 5 amount of water into the one big -- the one E-Cat  
 6 unit to which it's attached, correct?  
 7 A. Correct.  
 8 MR. ANNESSER: Object to form.  
 9 BY MR. PACE:  
 10 Q. So the fact they may draw from a common  
 11 waterline doesn't mean that the first pump I see here  
 12 on the top left-hand corner of Exhibit 4, it can be  
 13 set differently than the second pump I see right next  
 14 to it on Exhibit 4, correct?  
 15 MR. LEON DE LA BARRA: Object to form.  
 16 THE WITNESS: Yes, it is correct.  
 17 BY MR. PACE:  
 18 Q. So my question to you though is simply  
 19 when you would set -- we're talking about a situation  
 20 here where one of the big Frankies has gone down, you  
 21 have to make adjustments to the water level going  
 22 into the remaining big three Frankies.  
 23 Would you set the pumps for a particular  
 24 big Frankie, would those pumps all be set the exact  
 25 same or could they be set differently per each E-Cat

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1 unit?  
 2 MR. ANNESSER: Object to form.  
 3 THE WITNESS: They can be set  
 4 differently.  
 5 BY MR. PACE:  
 6 Q. I understand they can be. I am asking  
 7 you would you?  
 8 A. Depends on the situation.  
 9 Q. So there is times when you would have to  
 10 adjust it by E-Cat unit, you would have to say, just  
 11 using my Exhibit 4, top row big Frankie, the very  
 12 first pump we see there in the left --  
 13 A. Okay.  
 14 Q. -- it may be that that pump feeding  
 15 into -- which feeds into its own individual E-Cat  
 16 unit, that might have been set differently than the  
 17 pump right next to it that's fed into a different  
 18 E-Cat unit, correct?  
 19 MR. ANNESSER: Object to form.  
 20 THE WITNESS: Yes, it is correct.  
 21 BY MR. PACE:  
 22 Q. And those -- that difference is something  
 23 that you would -- that would be up to you to make  
 24 that judgement of how much goes into the first E-Cat  
 25 unit, how much goes into the second E-Cat unit as

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1 part of that big Frankie, correct?  
 2 A. It is correct.  
 3 Q. All right. I understand what you've  
 4 referenced to me here on the left-hand side of  
 5 Exhibit 4 but I am still trying to understand.  
 6 Maybe it's just a feel for the units but  
 7 how would you know or how would you decide I'm going  
 8 to pump X amount of water into the first E-Cat in a  
 9 big Frankie and some different amount of water, maybe  
 10 even slightly, but some different amount of water  
 11 into the second E-Cat in a big Frankie?  
 12 A. From the level.  
 13 Q. From the level. This level doesn't  
 14 distinguish between from one pump to the next, does  
 15 it?  
 16 A. No, the levels are one for every -- for  
 17 every BF, big Frankie.  
 18 Q. I understand.  
 19 A. But it does not matter. No, the other  
 20 pumps do not matter if you activate the pump.  
 21 If we number the pumps from one to six,  
 22 one, two, three, four, six. One, two, three --  
 23 Q. Four, five, six.  
 24 A. Four, five.  
 25 Q. Six.

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1 A. Sorry. One, two, three, four, six is a  
 2 very big mistake.  
 3 Q. Just so the record is very clear, we're  
 4 talking Exhibit 4, there is a big Frankie at the top  
 5 of that picture. It's got -- we can count six red  
 6 pumps?  
 7 A. Yes, exactly. It doesn't matter if --  
 8 you know, the regulation between one pump and the  
 9 other is just to have a total that must fit with the  
 10 quantity that you want.  
 11 Q. Okay.  
 12 A. These pumps have a capacity. Each of  
 13 these pumps, we have calibrated them. I have  
 14 calibrated them together with -- with Barry and with  
 15 Fabiani when we started, just to be sure.  
 16 They have a capacity, if I remember well,  
 17 starts from zero to 100 liters per hour each. So  
 18 basically we had a capacity of 600 liters per hour  
 19 with all the six pumps in full -- in full power for  
 20 each BF.  
 21 So then you had to regulate to maintain  
 22 the level constant. The regulation had to be made  
 23 many times.  
 24 Q. And one of the reasons, if I understand  
 25 this correctly that it's important, is that if there

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1 is too much water flowing into an E-Cat unit, that  
 2 would -- would -- if the water is flowing through an  
 3 E-Cat unit too fast, the E-Cat unit would not have  
 4 time to adequately heat that water; is that correct?  
 5 If there is too much water flowing  
 6 through an E-Cat, one danger, one risk that could  
 7 occur is that the water would be going out too fast  
 8 before it had a chance to be adequately heated by the  
 9 E-Cat?  
 10 MR. ANNESSER: Object to form.  
 11 THE WITNESS: Well, let me put it in a  
 12 rigorous form. The power of a reactor at a  
 13 specific situation is constant. The temperature  
 14 is an integral that is function of the amount of  
 15 water in time.  
 16 So if in one hour I have a flow of 250  
 17 liters, just to say a number and at 250 liters I  
 18 get steam, so I am above 100 Celsius, okay. If  
 19 I pass through 500 liters, I will not have  
 20 steam, I will have hot water.  
 21 BY MR. PACE:  
 22 Q. That was the only point I was making.  
 23 A. Yes.  
 24 Q. Is you have to be careful in this  
 25 regulation because if you are sending too much water,

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1 if you are pumping too much water through an E-Cat  
 2 unit it doesn't have adequate time to heat up the  
 3 water and turn it into steam, correct?  
 4 A. Exactly. And turn it into steam,  
 5 exactly.  
 6 Q. And conversely if there is not enough  
 7 water going into an E-Cat unit it can -- the E-Cat  
 8 unit itself can burn out, right? Because doesn't --  
 9 the water actually kind of cools the E-Cat unit,  
 10 correct?  
 11 MR. ANNESSER: Object to form.  
 12 THE WITNESS: It is correct. If there is  
 13 no -- because the water for the reactor is a  
 14 coolant.  
 15 BY MR. PACE:  
 16 Q. Right.  
 17 A. It's a coolant.  
 18 Q. If you ran -- go ahead.  
 19 A. Basic on the first principle of  
 20 thermodynamic we have -- the first principle of  
 21 thermodynamic is based on the phenomenon that when  
 22 you put in contact -- in contact two bodies of which  
 23 one is warmer and one is colder, after due time the  
 24 temperature will be equal for both bodies.  
 25 This is the core -- the core of the first

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1 principle. So along the first principle it is clear  
 2 I send cold water inside a very hot reactor and I  
 3 send cold water into a hot reactor and I will -- the  
 4 first principle of thermodynamic will bring us to an  
 5 equilibrium, which means the reactor will become  
 6 colder and the water will become warmer.  
 7 If the water that in this case acts as a  
 8 coolant lacks the -- is less than the due amount, the  
 9 reactor continues to heat up, heat up, heat up, until  
 10 it can burn.  
 11 Q. Okay. So that's what I was getting at.  
 12 Like, for example, if you turned off a valve on an  
 13 E-Cat unit so no water was going in there and let the  
 14 E-Cat run, it would burn out?  
 15 A. Absolutely.  
 16 Q. So --  
 17 MR. ANNESSER: Object to form.  
 18 THE WITNESS: Not necessarily burn out.  
 19 BY MR. PACE:  
 20 Q. Shut down eventually?  
 21 A. Yes, it will shut down because in that  
 22 case there is a safety system that if the temperature  
 23 goes above a secure limit.  
 24 Q. So when a big Frankie is taken offline,  
 25 if I understand it correctly, you and only you would

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1 make adjustments to the amount of water that was  
 2 going into the remaining big Frankies?  
 3 MR. ANNESSER: Object to form.  
 4 THE WITNESS: Can you repeat?  
 5 BY MR. PACE:  
 6 Q. Yes. In the example when one of the big  
 7 Frankies was taken offline and the power and water  
 8 was turned off --  
 9 A. Yes.  
 10 Q. -- you and only you would make adjustments  
 11 to the pumps for the remaining big Frankies to  
 12 increase -- to increase by some amount the water  
 13 going through the remaining big Frankies, correct?  
 14 MR. ANNESSER: Object to form.  
 15 THE WITNESS: It is correct.  
 16 BY MR. PACE:  
 17 Q. And then I believe you testified that the  
 18 electrical -- the amount -- whether or not there had  
 19 to be changes to the electrical input varied?  
 20 A. I don't understand the question.  
 21 Q. I think you testified before -- my  
 22 example of one big Frankie being taken offline, the  
 23 remaining three big Frankies doing more of the work,  
 24 we were -- you explained that always means that there  
 25 is going to be more water going into those remaining

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1 big Frankies. It may not mean there is more  
 2 electrical power going into the big Frankies.  
 3 So how would you know whether the  
 4 remaining big Frankies needed more electrical power  
 5 or not?  
 6 MR. ANNESSER: Object to form.  
 7 THE WITNESS: From reading the  
 8 temperatures, reading the temperatures,  
 9 maintaining under control the temperatures and  
 10 the pressure and -- and the -- the temperature,  
 11 the pressure and -- can you repeat the  
 12 question?  
 13 BY MR. PACE:  
 14 Q. You know what, I might not be able to do  
 15 it any better than I did last time, so if you could  
 16 reread it for me, that would help.  
 17 A. I lost the other piece of the question.  
 18 Q. I'll redo it. Don't worry. I got it.  
 19 The way I asked before had a little bit -- it was a  
 20 little drawn out.  
 21 You testified that when one big Frankie  
 22 was taken offline and the power was turned off to it  
 23 and the remaining big Frankies were still operating,  
 24 you testified that you might have to change the  
 25 electrical input into the remaining big Frankies but

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1 you might not.  
 2 So my question was well, how did you know  
 3 whether you had to change the amount of electrical  
 4 power going into the remaining big Frankies?  
 5 A. Three parameters, yes. Go ahead. Now I  
 6 got it.  
 7 Q. Okay.  
 8 A. Three parameters that I had at my  
 9 disposal there, temperatures, pressure and level of  
 10 water.  
 11 Q. Okay. And temperature, you mean the  
 12 temperature on the output pipe?  
 13 A. Temperature in the steam, yes.  
 14 Q. So --  
 15 A. But also in the water. Also the  
 16 temperature of the water. Because -- yes.  
 17 Q. And so if I understand this correctly,  
 18 when one big Frankie was taken offline and the power  
 19 and water was turned off to that big Frankie, some  
 20 adjustments to the water pipes would be made and  
 21 those would be made by you, correct?  
 22 A. Yes.  
 23 Q. And then you would go to the -- then you  
 24 would monitor the temperature readings and the  
 25 pressure readings and decide whether an adjustment

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1 needed to be made to the amount of electricity that  
 2 was being sent to the remaining big Frankies,  
 3 correct?  
 4 MR. ANNESSER: Object to form.  
 5 THE WITNESS: I lost the second part of  
 6 your question. I'm sorry, please can you speak  
 7 a little bit slower?  
 8 BY MR. PACE:  
 9 Q. I can.  
 10 A. Thank you.  
 11 Q. I am just -- our example is one of the  
 12 four big Frankies is turned off for maintenance and  
 13 the water and the power is turned off to that big  
 14 Frankie, okay.  
 15 We have three big Frankies left. One  
 16 thing that occurs when this happens is that you make  
 17 adjustments to the amount of water that is flowing  
 18 into the remaining three big Frankies, correct?  
 19 A. Yes.  
 20 Q. And that's a process you do individually,  
 21 possibly changing each pipe for the remaining big  
 22 Frankies?  
 23 A. Correct.  
 24 Q. I'm sorry, for the remaining E-Cat  
 25 units.



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1 A. Correct.

2 Q. You also might have to make an adjustment

3 to the electrical power going into the remaining big

4 Frankie units, correct?

5 A. Correct.

6 MR. ANNESSER: Object to form.

7 BY MR. PACE:

8 Q. And you would determine whether that was

9 so by looking at the temperature readings --

10 A. Yeah.

11 Q. -- that you had available?

12 A. Yes, sir.

13 Q. The pressure reading you had available?

14 A. Yes, sir.

15 Q. And the water level in the input tank for

16 the E-Cat plant?

17 MR. ANNESSER: Object to form.

18 THE WITNESS: Correct.

19 BY MR. PACE:

20 Q. What would be the temperature gauge

21 indicator that would tell you you had to increase the

22 electrical power?

23 A. The temperature gauge is the -- the

24 temperature gauge is the one --

25 Q. Let me take the word gauge out. I'm

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1 sorry. I'm sorry. Let me do it again. That was a

2 bad question by me.

3 When you looked at the temperature

4 readings, we have got one of the E-Cat -- one of the

5 big Frankies is taken offline, the remaining three

6 are there, you've got to decide whether you have to

7 change the electrical input.

8 What are you looking for when you go read

9 the temperature readings? Are you looking for them

10 to increase, decrease?

11 A. The level of water. Because if a reactor

12 is -- has too much energy inside, the level of water

13 goes down and vice versa.

14 Q. Right.

15 A. So a very crucial instrument here is this

16 very, very simple and humble glass column that is

17 there that gives us the level of water inside.

18 Because that combined with the lecture of

19 the temperatures and also I had -- that was off the

20 record of the test, I had my personal infrared

21 thermometer and with that I did not have a precise

22 temperature but pointing the laser of the infrared to

23 same spot -- to some spots that I knew, I had not

24 exactly at the decimal, but I had with a margin of

25 error of say one percent, I had the temperature --

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1 the temperatures.

2 But at a glance what immediately gave the

3 information necessary to react along the issues that

4 you are raising were the water columns because they

5 immediately tell you which is going too fast and

6 which is going too slow. And this is an indication,

7 now you know that something is wrong, then you have

8 to detect.

9 Q. Then you have to make adjustments -- then

10 you make some kind of adjustment to the amount of

11 electrical power but --

12 A. Yes, but that is -- sorry. I'm sorry.

13 Q. How much of -- how do you decide -- how

14 do you decide how much of a change to make to the

15 electrical power?

16 A. Empirically. Empirically. Only you had

17 to modulate until the situation reentered in a

18 normal.

19 It is -- you know, attorney, this was

20 like -- in many cases this was a prototype. This was

21 like to play a violin. It's like to ask how do you

22 know when the sound of the violin is very good. You

23 have to play it and hear it.

24 Q. Right.

25 A. There is not a rule.

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1 Q. So it was a trial and error method, you

2 would make a little adjustment to the electrical, if

3 that wasn't the right number you would change it a

4 little more?

5 A. It was something in between trial and

6 error method, the Galilean method that you describe

7 it now and the tuning of a violin.

8 When a violinist has to tune the violin

9 there is not a rule three turns right clockwise and

10 half turn. No, he has to modulate it until his ear

11 says that's right.

12 Q. The right pitch?

13 A. Yeah.

14 Q. When the -- when an E-Cat unit was shut

15 down -- I'm sorry, a big Frankie unit was shut down

16 and the electrical and the water was stopped what

17 would happen with the water that was already inside

18 the E-Cats?

19 A. It usually evaporated during the cooling

20 down of the plant. Because it's like to leave --

21 also because situation here is very complex because

22 we have here a factor that is not in normal plants

23 that is the SSM. Here is not that simple.

24 Because, you know, in a normal heater you

25 turn off the electricity, it cools down.

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1 Q. Right.

2 A. Here it's not so because if you are in an

3 SSM mode to turn down takes time because the SSM mode

4 can go after -- after you take off the contribution

5 of the electrical resistances can go on also for

6 hours and you have just to wait.

7 Q. And so --

8 A. During that time -- during that time you

9 must also let the water flow because if not you risk

10 to destroy the reactor. So also in that case this is

11 a matter of experience.

12 Q. Where would the water -- you have decided

13 to take -- my hypothetical is you decided, whether

14 it's you or Fulvio or anyone else, but a decision has

15 been made to take one of these big Frankies offline.

16 As you said, there is time when a big

17 Frankie was taken offline, water and electrical were

18 turned off to it. I understand what you're saying

19 about electrical. When you turn off the electrical,

20 the electrical is we kind of turn off a switch,

21 right, and it's electrical, it stops.

22 MR. ANNESSER: Object to form.

23 BY MR. PACE:

24 Q. That's correct, isn't it? Like the

25 electrical -- turning off the amount of electricity

Page 110

1 going into the big Frankie wasn't very difficult,

2 correct?

3 MR. ANNESSER: Object to form.

4 THE WITNESS: As a matter of fact, if I

5 have understood properly your question, I did

6 not say exactly this.

7 I say that the situation on the electric

8 side was much complicated from the particular

9 factor that we have of the self-sustaining mode

10 that is --

11 BY MR. PACE:

12 Q. I think you might have misunderstood my

13 question. I am only asking now let's take the

14 example of turning off a big Frankie, not rerouting

15 the electrical anywhere now.

16 A. You mean not in SSM mode?

17 Q. Well, actually, if I can, just -- you

18 have a big Frankie unit that you want to turn off and

19 stop the electrical and the water flowing into it.

20 I understand it's going -- it's not so

21 easy to understand, there is going to be some issues

22 you and I are about to talk about in terms of the

23 water -- because you can't just turn the water off.

24 You can't just come in and turn all the water off.

25 Can't you just turn off the electrical

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1 that is flowing to one of the big Frankie units if

2 you wanted to shut it down? I am not saying that

3 would shut it down. I am just saying but you can

4 turn off the electrical, kind of like flicking a

5 switch, correct?

6 MR. ANNESSER: Object to form.

7 THE WITNESS: Depends. Depends on the

8 situation, because the electromagnetic fields

9 have a function inside that is also connected

10 with the safety.

11 So there are situations in which you can

12 just shut off. There are situations in which

13 you must do it gradually.

14 BY MR. PACE:

15 Q. Okay. And what distinguishes one

16 situation from the other?

17 A. Again, temperatures, pressure and level

18 of water.

19 Q. Let's take an example or let's talk a

20 little bit more, if we can, about the water issue.

21 So you want to turn off a big Frankie.

22 You can't just turn the water flow off into that big

23 Frankie, right?

24 A. No.

25 Q. You have to let the water keep flowing?

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1 A. Yes.

2 Q. Because that's one of the things --

3 A. Until the temperature has reached a level

4 that -- so that you can also stop the flow of the

5 water.

6 Q. And that would be a level of closer to

7 room temperature or maybe --

8 A. No, no, no.

9 MR. ANNESSER: Object to form. Go ahead,

10 you can answer.

11 THE WITNESS: When you are well below the

12 boiling point.

13 BY MR. PACE:

14 Q. What is well below the boiling point?

15 A. 80.

16 Q. 80 degrees Celsius?

17 A. Yes. Not eight, 80, 8-0.

18 Q. 8-0. But you are giving me a reading in

19 Celsius?

20 A. Yes, sir.

21 Q. Okay. I mean that's still pretty

22 dangerously hot water, right?

23 A. Yes, but too distant from -- when the

24 temperature goes down to that level but, you know,

25 you must associate this reading with the momentum.

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1 You understand me if I say momentum?  
 2 Q. It's going downward instead of upward.  
 3 A. Yeah, it's going down. It's not making a  
 4 roller coaster. It's going down. Once you reach the  
 5 80 it will never recover the energy because consider  
 6 that 4/5th of the energy is the vaporization  
 7 (phonetic).  
 8 So when you are in the 80s, you are not  
 9 only 20 degrees distant from 100, you are an ocean  
 10 distant from 100.  
 11 Q. I understand what you are saying. I just  
 12 want to -- so you have to keep flowing some water  
 13 through this big Frankie that you have otherwise  
 14 turned off. You are still flowing some water through  
 15 there to cool it down, to something around --  
 16 A. Yes.  
 17 Q. -- 80 degree Celsius area?  
 18 A. Yes.  
 19 Q. Then you can stop flowing water through  
 20 it?  
 21 A. Yes.  
 22 Q. All right. Two questions. One is, that  
 23 water that is flowing through the big Frankie when it  
 24 drops below 100 and before it gets below 100 Celsius  
 25 and before it gets to 80 Celsius, where is that water

Page 114

1 being discharged to?  
 2 A. Depends on the system. In this system we  
 3 did not discharge water. The water was always in  
 4 circulation.  
 5 When the -- the water was always in  
 6 circulation until the plant was in operation. When  
 7 the plant is not in operation the water is still.  
 8 Q. So while the plant is in operation --  
 9 A. Once the water is liquid it just -- if  
 10 nothing moves it, again, first principle of  
 11 thermodynamics, it is still.  
 12 Q. So the water -- we're looking at Exhibit  
 13 4. We've got this big Frankie on top.  
 14 A. Yes.  
 15 Q. The decision has been made to turn that  
 16 one off to make some repairs.  
 17 What happens is water is continued to be  
 18 pumped into those -- into each E-Cat unit while it  
 19 cools down, correct, and then that water passes --  
 20 whatever water goes into that E-Cat unit is passed  
 21 out, new water comes in, more cooling effect by the  
 22 new water; is that correct?  
 23 MR. ANNESSER: Object to form,  
 24 mischaracterization.  
 25 THE WITNESS: No, either I did not

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1 understand you or it is incorrect. Can you  
 2 kindly repeat slowly?  
 3 BY MR. PACE:  
 4 Q. I can.  
 5 A. Yes.  
 6 Q. Our hypothetical here -- I don't want to  
 7 say hypothetical because this actually occurred.  
 8 When you would turn off a big Frankie  
 9 unit and want to turn off the flow of water to it,  
 10 you didn't just turn it off entirely, you turned  
 11 it -- you turned it off over time, you let some water  
 12 continue to flow through that big Frankie while it  
 13 cooled down, correct?  
 14 A. Yes.  
 15 Q. That water that would go into the big  
 16 Frankie during that time period, would it stay in the  
 17 big Frankie or would it pass through the big Frankie?  
 18 A. No, it will pass through the other big  
 19 Frankies.  
 20 Q. Okay. And then does -- in what order  
 21 does the water flow through the big Frankies?  
 22 MR. ANNESSER: Object to form.  
 23 THE WITNESS: I did not understand the  
 24 question.  
 25 BY MR. PACE:

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1 Q. In what order does the water flow through  
 2 the big Frankies? In other words, does it start --  
 3 A. It can be regulated because they are  
 4 interconnected through valves.  
 5 Q. So there is --  
 6 A. I can decide, for example, if to send the  
 7 water partially -- partially to one and another, all  
 8 the other three. It depends on the situation.  
 9 Depends on the situation on the columns in that  
 10 moment. There is not a rule.  
 11 Q. So you can take water -- you can take the  
 12 output from big Frankie number 4 and route it through  
 13 big Frankie number 1?  
 14 A. Yes.  
 15 Q. Okay. And vice versa, you can take the  
 16 output of big Frankie number 1 and route it through  
 17 big Frankie number 4?  
 18 A. Yeah.  
 19 Q. Now, when you shut off one of these big  
 20 Frankies, the -- once it reached the point of let's  
 21 say 80 degrees Celsius, you would turn off the water  
 22 that was flowing into the big Frankie, correct?  
 23 MR. ANNESSER: Object to form.  
 24 THE WITNESS: Can you repeat?  
 25 BY MR. PACE:

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1 Q. I can. We're talking about times when  
 2 you would turn off a big Frankie.  
 3 A. Okay.  
 4 Q. As you have testified, you don't just  
 5 turn off the water, you have to let water keep  
 6 running until it reduces to a certain temperature  
 7 that's a little safer, correct?  
 8 A. Yes.  
 9 Q. So let's take one of these examples. The  
 10 water level -- the temperature within the E-Cat unit  
 11 and the water in there is no longer 100 degrees  
 12 Celsius, now it's 80 degrees Celsius.  
 13 A. You know, it is not a black and white  
 14 situation, turn on, turn off.  
 15 Here are 24 pumps, so we can regulate.  
 16 When I need that one reactor cools down, I can reduce  
 17 the water to that reactor to give just the water  
 18 necessary to cool down the reactor until it is  
 19 possible to operate on it because it is cold.  
 20 In the meantime gradually the amount of  
 21 water that decreases from it increases to the other.  
 22 It's like a violin, as I told you.  
 23 Q. No, I understand. My question was going  
 24 to be once you have cooled down that big Frankie unit  
 25 what do you do with that water?

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1 Is that water rerouted through one of the  
 2 other big Frankies?  
 3 MR. ANNESSER: Object to form.  
 4 THE WITNESS: You know, it is not -- if I  
 5 regulate the pumps of the other three to pump  
 6 more and I regulate the pump of the one that I  
 7 want to turn off, to pump less, just to give --  
 8 just to give the cooling -- the cooling water,  
 9 but at the same time the water that exits from  
 10 here goes to the tank and not to the others, I  
 11 can cool down a reactor while the other can  
 12 supply to his energy increasing the flow through  
 13 the other three.  
 14 BY MR. PACE:  
 15 Q. So you can --  
 16 A. Basically now I understand what you  
 17 are -- what you are saying.  
 18 Q. So you can route the water for the big  
 19 Frankie you want to turn down -- turn off, you can  
 20 route the water back into the tank?  
 21 A. Yes.  
 22 Q. And that's how you would --  
 23 A. So, you know, the water is always the  
 24 same but it's always different, like the river of  
 25 Heraclitus.

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1 Basically the water is always the same  
 2 but I just give less, less, less here, more, more,  
 3 more here, so that at the end the output does not  
 4 change within certain limits. Within certain  
 5 limits.  
 6 And this is a tuning that has no rules.  
 7 This is just experience in this prototype.  
 8 Obviously -- obviously one mandatory thing to do for  
 9 this technology is a much more sophisticated control  
 10 system to make all this tuning, something that does  
 11 not need a slave like me that stays there tuning, et  
 12 cetera, you know, like a guard. I can drive a car  
 13 without being --  
 14 Q. It doesn't need a personal touch, so to  
 15 speak?  
 16 A. Exactly.  
 17 Q. It doesn't need Andrea Rossi in every  
 18 plant?  
 19 A. But to arrive to that level we need a  
 20 control system much more sophisticated. Much, much  
 21 more sophisticated. This is a very simple control  
 22 system.  
 23 Q. And when the work is done on the big  
 24 Frankie -- on the big Frankie that has been turned  
 25 off -- well, let me ask you.

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1 For example, some of the records indicate  
 2 a big Frankie was turned off because of leaks.  
 3 A. Yes.  
 4 Q. When that would happen would you have to  
 5 speed up the shutdown?  
 6 MR. ANNESSER: Object to form.  
 7 THE WITNESS: I am sorry, I did not  
 8 understand the question.  
 9 BY MR. PACE:  
 10 Q. Sure. If a big Frankie has to be turned  
 11 off because it's leaking, what is it leaking?  
 12 MR. ANNESSER: Object to form.  
 13 THE WITNESS: If leaks, it leaks water.  
 14 It's just water that is leaking because -- maybe  
 15 also steam. Also steam can leak.  
 16 And, you know, if it leaks steam is  
 17 easier because it's just a matter to put a patch  
 18 if it is not a dramatic. But usually when --  
 19 you just put a rubber patch with clamps.  
 20 If it leaks water it depends. It has to  
 21 be analyzed, the situation, because usually the  
 22 leaks that we had have been small leaks, small  
 23 respect the mass in circulation.  
 24 But sometimes they can be worrying if  
 25 they are in critical points and, you know, a

IMP

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1 leak can become something much worse than that  
 2 if it is not treated immediately.  
 3 BY MR. PACE:  
 4 Q. And that's why I was kind of wondering  
 5 whether in connection with leaks there is a process  
 6 for shutting down a big Frankie faster because it's  
 7 either leaking steam, which is dangerous, right?  
 8 Because you're now saying this is coming out at 100  
 9 degrees Celsius, which can hurt someone.  
 10 MR. ANNESSER: Object to form.  
 11 BY MR. PACE:  
 12 Q. Or it's leaking water, which if it  
 13 continues might do more damage to the big Frankie and  
 14 also I would assume -- if it's like 80 degrees  
 15 Celsius water that's also pretty hot, right?  
 16 A. Yeah.  
 17 Q. I think -- I'm looking at John here out  
 18 of the corner of my eye. I think it's almost time  
 19 for us to take a break. Let me just wrap up this one  
 20 question.  
 21 Would it vary based on the type of  
 22 maintenance that needed to be done how fast you would  
 23 shut down a big Frankie, how fast you would turn it  
 24 off?  
 25 MR. ANNESSER: Object to form.

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1 THE WITNESS: Can you repeat me the  
 2 question in few words?  
 3 BY MR. PACE:  
 4 Q. Would the type of maintenance you had to  
 5 do on a big Frankie impact how fast or how slow you  
 6 turned off that big Frankie?  
 7 A. Yes.  
 8 Q. All right. So, for example, if there was  
 9 a water or steam leak, you would shut down the big  
 10 Frankie faster than if it was a normal maintenance  
 11 schedule?  
 12 MR. ANNESSER: Object to form.  
 13 THE WITNESS: Depends on the situation.  
 14 Depends on the situation always. Depends on the  
 15 situation.  
 16 MR. PACE: This is probably actually a  
 17 pretty decent breaking point if we want.  
 18 MR. ANNESSER: Yes.  
 19 MR. PACE: Do you want to plan on 2  
 20 o'clock?  
 21 MR. ANNESSER: I think that's  
 22 reasonable.  
 23 MR. PACE: Can people do it in 45  
 24 minutes? I'm not so sure. That's my only  
 25 concern. Do you want to say an hour?

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1 MR. ANNESSER: Let's say 2.  
 2 MR. LEON DE LA BARRA: Get here as quick  
 3 as possible.  
 4 MR. ANNESSER: If we can't, we can't but  
 5 let's say 2.  
 6 THE VIDEOGRAPHER: 13:11, off the  
 7 record.  
 8 (Thereupon a lunch recess was taken,  
 9 after which the following proceedings were had.)  
 10 THE VIDEOGRAPHER: Time is 14:19. We're  
 11 back on the record.  
 12 BY MR. PACE:  
 13 Q. Dr. Rossi, you understand that you are  
 14 still under oath?  
 15 A. Yes.  
 16 Q. Okay. I am going to ask you some  
 17 questions. I want you to answer yes, no and then  
 18 when I ask you a question that asks for a more  
 19 open-ended answer, I want you to give your lawyer a  
 20 chance to say object and perhaps instruct you not to  
 21 answer. We did this last time. I am going to do it  
 22 very briefly here.  
 23 During your break did you have a chance  
 24 to speak with your lawyer?  
 25 A. Yes.

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1 Q. During your break did you speak with any  
 2 of the other lawyers in the room?  
 3 A. Yes.  
 4 Q. When you spoke with your lawyer did you  
 5 speak about your testimony this morning? Just yes or  
 6 no.  
 7 MR. ANNESSER: Object to form. I am  
 8 going to instruct you not to answer, privilege.  
 9 THE WITNESS: Yes.  
 10 MR. ANNESSER: Dr. Rossi.  
 11 THE WITNESS: No, no, sorry. You were  
 12 not finished. Sorry. I thought you were  
 13 finished.  
 14 BY MR. PACE:  
 15 Q. I understand.  
 16 MR. ANNESSER: I am trying --  
 17 BY MR. PACE:  
 18 Q. Let me ask this question. Let your  
 19 lawyer respond before you say anything.  
 20 MR. ANNESSER: You need to listen to my  
 21 response, please.  
 22 BY MR. PACE:  
 23 Q. What did you discuss with your lawyer  
 24 this morning when we took our break, our lunchtime  
 25 break?

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1 MR. ANNESSER: Objection, privilege. I  
 2 am instructing the witness not to answer.  
 3 BY MR. PACE:  
 4 Q. Again, give your lawyer a chance to  
 5 object and this question is just a yes or no  
 6 question.  
 7 In speaking with the other lawyers in  
 8 this room, one or more of them, did you discuss your  
 9 testimony from this morning?  
 10 A. No.  
 11 Q. All right. Let me mark as -- 4 and 5  
 12 were the pictures. That's why.  
 13 Let me mark as Exhibit 6.  
 14 (The document referred to was thereupon  
 15 marked Deposition Exhibit 6 for Identification, a  
 16 copy of which is attached hereto.)  
 17 BY MR. PACE:  
 18 Q. This is a document that I believe you saw  
 19 at your last deposition.  
 20 We discussed this previously and I don't  
 21 want to go back through a lot of this but one thing I  
 22 wanted to ask you about, if you can do me a favor and  
 23 turn to the entry for June 11, 2015. Actually, I'm  
 24 sorry. Let me start, before I say that, do you  
 25 recognize this document?

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1 A. No.  
 2 MR. ANNESSER: I am going to object to  
 3 the form on that.  
 4 BY MR. PACE:  
 5 Q. Other than at your deposition last week  
 6 do you recall ever seeing this document?  
 7 A. No. As a matter of fact, I don't even  
 8 remember to have seen -- maybe if you have shown me  
 9 in the last deposition. Surely you have shown me in  
 10 the last deposition, if you say so, but I don't  
 11 remember it.  
 12 Q. Okay. This is a document that at least  
 13 appears to reflect different events relating to the  
 14 E-Cat plant.  
 15 And if you look for me on June 11th of  
 16 2015.  
 17 A. Yes.  
 18 Q. It looks like the statement there says  
 19 that there is a -- does this say that there was a  
 20 reboot of the system?  
 21 MR. ANNESSER: Object to form.  
 22 THE WITNESS: Sorry, where?  
 23 BY MR. PACE:  
 24 Q. For June 11.  
 25 A. June 11.

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1 Q. After 7.92, the statement there.  
 2 A. The statement, "riavviato completamente  
 3 con angolo di fase." I don't understand what is  
 4 written here. Because it's electric jargon that I  
 5 don't know.  
 6 Q. Okay. Is there -- is there such a thing  
 7 as a system reboot or a reboot of all of the big  
 8 Frankies?  
 9 A. Yes, it seem.  
 10 MR. ANNESSER: Object to form.  
 11 THE WITNESS: Where, you are still or on  
 12 June 11?  
 13 BY MR. PACE:  
 14 Q. Actually, let me take a step back away  
 15 from that document even and just ask you more  
 16 generally.  
 17 A. Okay.  
 18 Q. Is there such -- was it ever the case  
 19 when all of the big Frankies were restarted at the  
 20 same time?  
 21 A. I don't recall. I have to go through my  
 22 logbook.  
 23 MR. ANNESSER: I'm sorry, I am going to  
 24 go back and object to the form on that.  
 25 BY MR. PACE:

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1 Q. Are you familiar with the phrase a  
 2 reboot?  
 3 A. No.  
 4 Q. Okay. If you -- was there a process for  
 5 turning off and then turning back on either shortly  
 6 thereafter or even much later, the big Frankies?  
 7 MR. ANNESSER: Object to form.  
 8 THE WITNESS: It depends on the  
 9 situations. It depends on the situation.  
 10 BY MR. PACE:  
 11 Q. But you could turn off all the big  
 12 Frankies at the same time and then turn them back on  
 13 at the same time?  
 14 A. Yes, but there is an integral of start-up  
 15 and an integral of stop-down.  
 16 Q. Well, if you can go back to Exhibit 3,  
 17 maybe there is a terminology issue.  
 18 A. Which page?  
 19 Q. Page 1388.  
 20 A. Sorry?  
 21 Q. 1388.  
 22 A. Exhibit 3.  
 23 Q. We're on Exhibit 3. We're going back.  
 24 A. All right.  
 25 Q. Exhibit 3 reflects your language,



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1 correct?  
 2 MR. ANNESSER: Object to form.  
 3 THE WITNESS: Yes, Exhibit 3 is my  
 4 language. Page?  
 5 BY MR. PACE:  
 6 Q. 1388.  
 7 A. Yes. Okay.  
 8 Q. If you can look at the entry from March  
 9 9th, you see at the top of the page?  
 10 A. March 9, yes. Yes.  
 11 Q. The note says: "From 2 p.m. through 6  
 12 p.m. the plant has been shut down to repair the water  
 13 pipes of the 4 E-Cat 100 or 1000", correct?  
 14 A. Yes.  
 15 Q. And the E-Cat 1000 is a name for a big  
 16 Frankie?  
 17 A. Yes, it is correct.  
 18 Q. So this says that the plant was shut down  
 19 to repair the water pipes?  
 20 A. Yes.  
 21 Q. So I have two questions about that. One  
 22 is, is the process for shutting down the big  
 23 Frankies -- all four big Frankies similar to the  
 24 process for shutting down just one big Frankie?  
 25 MR. ANNESSER: Object to the form.

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1 THE WITNESS: Yes.  
 2 BY MR. PACE:  
 3 Q. And then what has to be done to restart  
 4 the big Frankies, following a shutdown such as this?  
 5 A. The procedure to shut up and shutdown, if  
 6 everything was all right, it's just to be turned it  
 7 on from the control panel, there are the switches to  
 8 restart the plant.  
 9 Q. Do you have to kind of reset or  
 10 recalibrate the water pumps for each of the E-Cat  
 11 units?  
 12 A. It depends. It depends. It depends.  
 13 For sure during -- during a start-up there is work to  
 14 do. You cannot just start up, and it's not like a  
 15 car. For sure a control must be made during the  
 16 start-up.  
 17 Q. Now, do you remember this event on March  
 18 9th?  
 19 A. No.  
 20 Q. Am I safe to conclude that if the -- if  
 21 the plant was shut down for four hours some part of  
 22 that four hours is the plant -- are the E-Cats  
 23 cooling down and part of that is the repair work  
 24 being done?  
 25 MR. ANNESSER: Object to form.

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1 THE WITNESS: It depends on the  
 2 situation. It depends on the situation.  
 3 BY MR. PACE:  
 4 Q. Well, this situation was to repair the  
 5 water pipes.  
 6 A. Yes, but I don't remember which water  
 7 pipes are we talking about, attorney. It depends  
 8 because there were a lot of water pipes.  
 9 Here, you know, this is a communication  
 10 that I gave to Penon, so Penon had nothing to do with  
 11 the maintenance. I just was communicating to him  
 12 this anomaly that we had, but without entering in  
 13 particulars because they were not his turf.  
 14 Q. Well, certainly on other occasions that  
 15 we looked at earlier today there were times when you  
 16 would say that three quarters of the plant was down?  
 17 A. Yes.  
 18 Q. I'm sorry, one quarter of the plant was  
 19 down --  
 20 A. Yes.  
 21 Q. -- you were working with three quarters?  
 22 MR. ANNESSER: Object to form.  
 23 Dr. Rossi, please allow him to finish his  
 24 question before answering.  
 25 THE WITNESS: Yes.

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1 BY MR. PACE:  
 2 Q. So this at least shows that the entire  
 3 plant was shut down for four hours?  
 4 MR. ANNESSER: Object to form.  
 5 THE WITNESS: Can you repeat the  
 6 question, please?  
 7 BY MR. PACE:  
 8 Q. Yes. It says -- what you wrote here was  
 9 from 2 p.m. through 6 p.m. the plant has been shut  
 10 down to repair the water pipes to the four E-Cat  
 11 1000s.  
 12 So that doesn't mean that a -- an  
 13 individual E-Cat or just an individual big Frankie  
 14 was shut down, but all of the big Frankies were shut  
 15 down to do the water pipe repair, correct?  
 16 A. Well, actually in -- while when I  
 17 communicated to Penon the water flow, the water  
 18 temperature, the steam temperature, the bars, et  
 19 cetera, I was rigorous.  
 20 When I gave him communication of  
 21 shutdown, et cetera, I was very synthetic because,  
 22 again, it was not his turf. I cannot answer to your  
 23 question not knowing precisely what happened that  
 24 day.  
 25 Q. Well, what you wrote though at least was,

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1 you know, from 2 p.m. through 6 p.m., so you gave  
 2 kind of a specific time period, correct?  
 3 A. Yes, it is correct.  
 4 Q. Okay. Then you say the plant has been  
 5 shut down to repair the water pipes, correct?  
 6 A. Correct.  
 7 Q. And then you identify the water pipes of  
 8 the four E-Cat 1000s, not one or another, but all  
 9 four?  
 10 MR. ANNESSER: Object to form.  
 11 THE WITNESS: You know, again, I am not  
 12 sure about that because this writing is pretty  
 13 much -- pretty much imprecise.  
 14 I just was communicating to Penon that I  
 15 had problems to the plant and that for this  
 16 reason he could have -- you know, from these  
 17 three lines I am not able to reconstruct the  
 18 situation, to synthetic and I did not conserve  
 19 any. I don't remember.  
 20 BY MR. PACE:  
 21 Q. All right. You don't remember that --  
 22 just to be clear though, you don't remember that the  
 23 plant wasn't shut down, you don't remember that it  
 24 was, you just don't remember? You have something  
 25 written here.

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1 MR. ANNESSER: Object to form.  
 2 THE WITNESS: I remember that if I have  
 3 written these two lines here some problem has  
 4 happened there, but I am not able to give a  
 5 precise description of which kind of pipes we  
 6 had to repair and which exactly, which  
 7 phenomenon happened.  
 8 MR. PACE: I am going to hand you what's  
 9 marked -- I apologize, I probably should have  
 10 stapled this. We will staple it at a break.  
 11 It's going to be Composite Exhibit 7.  
 12 (The document referred to was thereupon  
 13 marked Deposition Exhibit 7 for Identification, a  
 14 copy of which is attached hereto.)  
 15 BY MR. PACE:  
 16 Q. Can you take a moment to look through  
 17 Exhibit 7 for me.  
 18 MR. ANNESSER: The first page or all of  
 19 it?  
 20 MR. PACE: Through all the pages.  
 21 MR. ANNESSER: All right.  
 22 THE WITNESS: Okay.  
 23 BY MR. PACE:  
 24 Q. These are -- these are invoices that you  
 25 provided to -- that Leonardo Corporation provided to

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1 Industrial Heat or IPH International for  
 2 reimbursement for expenses, correct?  
 3 A. Yes. I am reading those. If you have  
 4 them, absolutely.  
 5 Q. Okay. And I apologize because I did give  
 6 them to you in a little bit out of order sequence.  
 7 A. The graphic is a little bit different but  
 8 I think that is a matter of photocopying. Because I  
 9 don't remember the graphic but the graphic can have  
 10 been changed by the photocopies.  
 11 Q. You mean the graphic, the Leonardo  
 12 Corporation --  
 13 A. Yes, exactly.  
 14 Q. -- you have a more interesting graphic?  
 15 A. Yes, yes, exactly.  
 16 Q. Let me -- I have not given them to you in  
 17 date order. I apologize.  
 18 A. No problem. No problem.  
 19 Q. Let me take them in date order.  
 20 A. Okay.  
 21 Q. If you can look at a document marked --  
 22 having the number 19062.  
 23 A. 19062.  
 24 Q. Should be at the back of that package.  
 25 A. Here it is.

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1 Q. Okay.  
 2 A. Yes.  
 3 Q. This says -- the description of the work  
 4 is: "Work to modify and upgrade the pumping system  
 5 and substitution of nozzles and Teflon pipes, plus  
 6 materials. Period February 23 through February 27."  
 7 And the total amount of that was \$2,750.  
 8 Do you recall what that work was -- what  
 9 work was done?  
 10 MR. ANNESSER: Object to form.  
 11 THE WITNESS: I do not recall but I can  
 12 read it what it was and make sense. It is what  
 13 is written.  
 14 BY MR. PACE:  
 15 Q. Do you recall anything beyond what was  
 16 written?  
 17 A. No, honestly. But probably we had  
 18 problems with the distribution system of the pumps  
 19 that had been made in Industrial Heat and the  
 20 connections had been made with very low quality  
 21 material and we had problems, leakages caused by that  
 22 so they had been substituted with higher quality  
 23 material.  
 24 Q. Who did that work?  
 25 A. Industrial Heat in their factory. This

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1 work?  
 2 Q. The work reflected in Exhibit 20 --  
 3 A. The substitution --  
 4 MR. ANNESSER: Object to form.  
 5 THE WITNESS: I don't remember.  
 6 BY MR. PACE:  
 7 Q. Let me finish the question.  
 8 A. Sure.  
 9 Q. I think I asked it in a poor way.  
 10 A. Sorry.  
 11 Q. Who performed the work that is described  
 12 here on page 19062?  
 13 MR. ANNESSER: Object to form.  
 14 THE WITNESS: I don't remember.  
 15 BY MR. PACE:  
 16 Q. Do you remember whether it was someone  
 17 who -- was it someone other than you, Fabiani or  
 18 Barry West?  
 19 MR. ANNESSER: Object to form.  
 20 THE WITNESS: I do not remember because  
 21 this is a work that could have been done by us  
 22 as well as by some contractor that always was  
 23 around there.  
 24 BY MR. PACE:  
 25 Q. And then if it was done by some

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1 contractor who was in the area, would you have been  
 2 the person on behalf of Leonardo Corporation who paid  
 3 for the work?  
 4 A. Can you kindly repeat the question?  
 5 Q. Yes. If it was done --  
 6 A. Few words.  
 7 Q. If this work was done by some independent  
 8 contractor --  
 9 A. Yes.  
 10 Q. -- who would have paid that independent  
 11 contractor?  
 12 MR. ANNESSER: Object to form.  
 13 THE WITNESS: Leonardo Corporation.  
 14 BY MR. PACE:  
 15 Q. And who at Leonardo Corporation would  
 16 have actually made the payment? Would that have been  
 17 you?  
 18 A. Yes.  
 19 Q. The next page in this, if we're going  
 20 sequentially -- or, I'm sorry, if we're going by date  
 21 is 18819. It's an invoice from March 11 of 2015.  
 22 A. Okay.  
 23 Q. This description says: "N.55  
 24 thermocouples not grounded. To be put in place of  
 25 the grounded thermocouples precedly installed to

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1 avoid short circuits, \$33.50 each, total for  
 2 thermocouples 1,842."  
 3 Then we have: "Work hours to complete  
 4 the substitution of all the pipes, pipes connectors,  
 5 thermocouples, plumbing."  
 6 My first question is do you recall  
 7 anything about the work that I just described or the  
 8 thermocouples that I just described beyond what is  
 9 here on page 18819?  
 10 A. No, I don't remember the particulars but  
 11 I have an idea of what happened.  
 12 Q. Is N.55, does that mean 55 thermocouples  
 13 were replaced or is that a type of thermocouple?  
 14 A. No, they had to be replaced because  
 15 also -- you know, sometime we had the suspect that  
 16 there had been some --  
 17 MR. ANNESSER: Dr. Rossi, I'm going to  
 18 help.  
 19 THE WITNESS: Okay.  
 20 MR. ANNESSER: You've got to listen to  
 21 his question and answer them and then you can  
 22 explain, if you need to, but this will go a lot  
 23 smoother if you listen to what he's asking you.  
 24 THE WITNESS: Can you kindly repeat?  
 25 BY MR. PACE:

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1 Q. I can. I am going to take it in pieces  
 2 here. The N.55, does that mean that --  
 3 thermocouples?  
 4 A. Yes.  
 5 Q. Is that a type of thermocouple or is that  
 6 a number? Does that mean 55 thermocouples were  
 7 replaced or that's a type of thermocouple?  
 8 A. No, it's 55 thermal, N is for number.  
 9 Q. Got it.  
 10 A. This number is the quantity.  
 11 Q. Okay.  
 12 A. It says that 55 thermocouples had to be  
 13 substituted.  
 14 Q. And the 55 thermocouples, those -- those  
 15 were not just in the piping leading into the E-Cat  
 16 plant, were some of those thermocouples in connection  
 17 with the actual E-Cat units?  
 18 A. I don't remember.  
 19 Q. And did this include the thermocouples  
 20 for Dr. Penon as well as thermocouples that Leonardo  
 21 or Fabiani installed or were they just for ones that  
 22 were installed by Leonardo?  
 23 MR. ANNESSER: Object to form.  
 24 THE WITNESS: I don't remember.  
 25 BY MR. PACE:

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1 Q. All right. The problem with the earlier  
 2 thermocouples, the ones that needed to be replaced,  
 3 is that they were grounded thermocouples, the result  
 4 of which they were causing short circuits, correct?  
 5 MR. ANNESSER: Object to form.  
 6 THE WITNESS: I am not able to answer  
 7 because this is -- it appears that it is an  
 8 electric problem and I remember that the two --  
 9 the two contractors of Industrial Heat, Fabiani  
 10 and Barry West, sometime came up to me saying  
 11 that there was material that was creating  
 12 problems, we had to substitute, et cetera, but I  
 13 don't remember the issues exactly, when here we  
 14 entered in a matter that is not my turf.  
 15 BY MR. PACE:  
 16 Q. There is \$3,250 paying for work hours.  
 17 Is that money that was paid to Fabiani or West or  
 18 would that be money paid to one of these independent  
 19 contractors you hired for a day or so?  
 20 MR. ANNESSER: Object to form.  
 21 THE WITNESS: I am very sorry, I don't  
 22 remember.  
 23 BY MR. PACE:  
 24 Q. If that amount of money was paid out to  
 25 workers, though, that would have been paid out by

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1 you?  
 2 A. No, by Leonardo Corporation.  
 3 Q. I'm sorry, by Leonardo Corporation. But  
 4 who at Leonardo Corporation would actually make the  
 5 money -- would actually make the payment?  
 6 A. Can you kindly repeat? I did not --  
 7 Q. Yes. So Leonardo Corporation --  
 8 A. Yes.  
 9 Q. -- it may come from their bank account,  
 10 its bank account, but some human being has to  
 11 actually deliver --  
 12 A. That's me.  
 13 Q. That's what I meant. So you would  
 14 actually deliver the money to the workers?  
 15 A. Yes, but not me as Andrea Rossi.  
 16 Q. Understood.  
 17 A. Me as the CEO of Leonardo Corporation.  
 18 Q. Understood. And do you recall anything  
 19 more about these workers other than -- do you recall  
 20 anything about the workers that did the work hours  
 21 reflected on page 18819?  
 22 A. No.  
 23 MR. ANNESSER: Object to form.  
 24 THE WITNESS: No.  
 25 BY MR. PACE:

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1 Q. Do you recall that the short circuits  
 2 were -- I guess my understanding is thermocouples  
 3 don't really short circuit.  
 4 Is the short circuit at the control panel  
 5 or, again, is that something you don't know?  
 6 MR. ANNESSER: Object to form.  
 7 THE WITNESS: I don't remember.  
 8 BY MR. PACE:  
 9 Q. Moving to the next in time, I believe the  
 10 document ends in 17341.  
 11 A. Got it.  
 12 Q. Okay. This is an August 24 invoice --  
 13 A. Yes.  
 14 Q. -- that Leonardo submitted to IPH  
 15 International. It says: "N.16 spare resistances to  
 16 be substituted in the reactor number 4, each \$450."  
 17 Let me see if I have this correct, which is N.16  
 18 means there were 16 units that were replaced,  
 19 correct?  
 20 MR. ANNESSER: Object to form.  
 21 THE WITNESS: No, attorney, spare. Spare  
 22 means spare parts.  
 23 This I remember because was a particular  
 24 thing. One day I reflecting I said since the  
 25 delivery term of this resistance is a little bit

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1 longer, I say if we lose resistances we have  
 2 problems because then it takes time to have  
 3 them.  
 4 So just as your car has a spare wheel, I  
 5 wanted to have 16 spare resistances, just to put  
 6 them there in case of necessity. Spare.  
 7 BY MR. PACE:  
 8 Q. I understand. After saying spare  
 9 resistances it says "to be substituted in the reactor  
 10 number 4", so it identifies a specific reactor,  
 11 correct?  
 12 A. Yes, it is correct because the reactor  
 13 number 4 was the one that inspired me to do so  
 14 because it had resistances that did not work properly  
 15 and did not -- did not have the necessity to be  
 16 substituted but I prefer to have a full change ready.  
 17 Q. And what were the issues that were  
 18 arising with the resistances for reactor number 4?  
 19 A. Can you repeat?  
 20 MR. ANNESSER: Object to form.  
 21 BY MR. PACE:  
 22 Q. You said that there was an issue with the  
 23 resistances for reactor number 4. I just wanted to  
 24 understand, what was that issue?  
 25 A. They had -- they sometime tended not to

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1 have regular absorption of current and not so much to  
 2 need a substitution but enough to induce me to  
 3 prepare spare parts.  
 4 Q. Would that -- would that problem result  
 5 in lesser output by the reactor number 4, or no?  
 6 A. No. No, because in that case that would  
 7 have been necessity of substitution and not those  
 8 spare parts.  
 9 Q. Turning to page 16777.  
 10 A. Got it.  
 11 Q. That's November 14. I'm sorry, November  
 12 17, 2015, invoice from Leonardo to IPH.  
 13 A. Okay.  
 14 Q. It says: "Electricians work to repair  
 15 the reactor number 2."  
 16 Do you recall what the work was done to  
 17 repair reactor number 2?  
 18 A. Absolutely not.  
 19 Q. Do you -- I am assuming, and correct me  
 20 if I am wrong, that these electricians are not --  
 21 this is not a reference to either Fulvio Fabiani or  
 22 Barry West, correct?  
 23 A. Correct.  
 24 MR. ANNESSER: Object to form.  
 25 BY MR. PACE:

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1 when we have changed the resistances to the number  
 2 4.  
 3 Q. And is that something that would take  
 4 eight hours a day for seven or eight days?  
 5 MR. ANNESSER: Objection to form.  
 6 THE WITNESS: If it is written so. If it  
 7 is written so, yes, because it was a very  
 8 delicate work.  
 9 Also because we had to operate without  
 10 disassembling, so it has been -- yes. If it is  
 11 written so it has been, yes.  
 12 BY MR. PACE:  
 13 Q. Well, let me ask you, independent of what  
 14 is written, just from your own knowledge of this  
 15 plant --  
 16 A. Yes.  
 17 MR. ANNESSER: Just for clarification are  
 18 you asking him as the rep of Leonardo --  
 19 MR. PACE: Yes.  
 20 MR. ANNESSER: -- or from his own personal  
 21 knowledge?  
 22 MR. PACE: Since this is work for  
 23 Leonardo, I think both are covered.  
 24 BY MR. PACE:  
 25 Q. So as a representative of Leonardo, I am

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1 Q. Do you recall who these electricians  
 2 were?  
 3 A. No, I do not recall. I do not recall.  
 4 Q. These electricians would have been paid  
 5 by Leonardo Corporation, correct?  
 6 A. Yes.  
 7 Q. And you would have been the person on  
 8 behalf of Leonardo Corporation to make the payment?  
 9 A. Yes.  
 10 Q. One more in this exhibit string, the one  
 11 we haven't touched on yet, the first page. September  
 12 16, 2015 invoice.  
 13 A. Number 6937.  
 14 Q. Yes, 16937, correct.  
 15 A. Yeah.  
 16 Q. This says -- the description of the work  
 17 here is: "Reparation of the reactor E-Cat 250 kW  
 18 number 4 from September 7 through September 15. Four  
 19 workers, 8 hours per day, TOT 32 HPD for a total of  
 20 224 hours at \$60 an hour."  
 21 A. Uh-huh.  
 22 Q. Do you recall what work was being done by  
 23 these workers from September 7 through September 15  
 24 of 2015?  
 25 A. I think, yes. I suppose this has been

R

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1 asking independent of this document what do you know  
 2 about the -- this work that was done? Do you recall  
 3 this work being done at all?  
 4 A. Yes, I recall that we had substituted the  
 5 resistances of the number 4, yes.  
 6 Q. And your recollection that it was -- do  
 7 you recall that it would take four workers working  
 8 eight hours a day for several days to do that?  
 9 A. I don't recall this particular but if it  
 10 is written so here, I suppose it was so.  
 11 Q. And the amount paid was \$13,440?  
 12 A. This is the amount that we have invoiced  
 13 to IPH.  
 14 Q. So that's the amount that was paid to the  
 15 four workers?  
 16 A. I suppose so, yes.  
 17 Q. And that's an amount that you would have  
 18 paid on behalf of Leonardo Corporation?  
 19 A. That -- yes, that Leonardo Corporation  
 20 has paid, yes.  
 21 Q. And you have no additional information on  
 22 what this work was that was done during that time  
 23 period?  
 24 A. No.  
 25 MR. ANNESSER: Object to form.

R

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1 THE WITNESS: No.  
 2 BY MR. PACE:  
 3 Q. And during the time period of this work  
 4 do you recall that the -- the big Frankie unit number  
 5 4 was not operating during that time?  
 6 A. During the time was not operating, yes.  
 7 Q. But it was still in the same -- it was  
 8 still in the container that housed big Frankie  
 9 units --  
 10 A. Yes.  
 11 Q. -- 1, 2 and 3?  
 12 A. Yes.  
 13 Q. I want to discuss a little bit in  
 14 connection with the operation of the plant in Doral,  
 15 Florida, the measuring equipment and the data that  
 16 was collected from the measuring equipment.  
 17 Some of the measuring equipment that was  
 18 used in connection with the plant was provided by  
 19 Engineer Penon, correct?  
 20 A. Yes.  
 21 Q. And then there was some measuring  
 22 equipment that was placed in there by -- that was --  
 23 either belonged to Fulvio Fabiani or Leonardo for  
 24 separate measurements; is that correct?  
 25 A. No, we must make a clear distinction here

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1 between Fulvio Fabiani and Leonardo Corporation.  
 2 Fulvio Fabiani was the consultant of  
 3 Industrial Heat, he was paid by Industrial Heat and  
 4 he operated also to help me by precise orders that  
 5 Industrial Heat gave to him, but he was dependent  
 6 from Industrial Heat.  
 7 Fulvio Fabiani I know that has installed  
 8 some instrumentation of his to take measurements, I  
 9 suppose under direction of Industrial Heat. Surely  
 10 not of me.  
 11 Q. You never told him to take any  
 12 measurements?  
 13 A. I never told him to make any measurements  
 14 but -- but of course I recommended to him -- I did  
 15 not order to him to take measurements but he told me  
 16 that he was installing his thermocouples, if I  
 17 remember, and I underline if I were remember because  
 18 I never have put -- I never have made any  
 19 intervention in the work of Fabiani for what concerns  
 20 of the measurements, let alone in everything that was  
 21 made from or on behalf of Dr. Penon.  
 22 Q. Just so I am clear, just to make sure I  
 23 am clear, and I think you testified to this already  
 24 this morning, so I don't think there is any conflict  
 25 here.

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1 In Exhibit 2 and Exhibit 3, which are  
 2 measurements that you took and provided -- either  
 3 took for yourself or provided to --  
 4 A. Dr. Penon.  
 5 Q. -- Dr. Penon, those were always from the  
 6 equipment that was installed by Dr. Penon?  
 7 A. It is correct.  
 8 MR. ANNESSER: Object. Object to form.  
 9 THE WITNESS: Sorry, sorry. It is  
 10 correct.  
 11 BY MR. PACE:  
 12 Q. And just so I am clear the -- so let's  
 13 call this the -- we will call it the Penon measuring  
 14 equipment for the equipment that Dr. Penon installed  
 15 and we'll call it the Fabiani measuring equipment for  
 16 the equipment that Fulvio Fabiani installed.  
 17 A. Correct.  
 18 Q. All right. So let me see. I might even  
 19 have this wrong in the second part.  
 20 As to the measuring -- what I am calling  
 21 the Fabiani -- yeah, the Fabiani measuring equipment,  
 22 he installed that, Fabiani?  
 23 A. Yes.  
 24 Q. And --  
 25 A. Maybe in collaboration with Barry West.

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1 I do not know because I am not aware of all that  
 2 stuff.  
 3 I do not know how that stuff worked. I  
 4 always told so to everybody that came there to begin  
 5 with to Mr. Tom Darden, to Mr. J.T. Vaughn, to Mr. T.  
 6 Barker and to all the persons and to all the visitors  
 7 that they brought there to promote their license with  
 8 their investors, I always said during these visits,  
 9 of all these people, for what concerns the control  
 10 system, the measurements, et cetera, et cetera, speak  
 11 with Engineer Fabiani because he is the man that  
 12 knows this stuff. I understand nothing of all this  
 13 stuff.  
 14 Q. Or speak with -- would you instruct them  
 15 to speak with Dr. Penon as to the equipment -- as to  
 16 the measuring equipment that Dr. Penon installed?  
 17 MR. ANNESSER: Object to form.  
 18 THE WITNESS: Can you kindly repeat the  
 19 question a little bit slower?  
 20 BY MR. PACE:  
 21 Q. Would you tell -- would you tell others  
 22 to speak with Dr. Penon as to the measuring equipment  
 23 that Dr. Penon installed?  
 24 A. To Tom Darden.  
 25 Q. I'm just asking. It's a yes or no



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1 question.  
 2 A. Yes or no question.  
 3 MR. ANNESSER: Object to form again.  
 4 THE WITNESS: Yes.  
 5 BY MR. PACE:  
 6 Q. Again, I am drawing my distinction  
 7 between the Penon measuring equipment and the Fabiani  
 8 measuring equipment.  
 9 A. Sure.  
 10 Q. You only took data either for your own  
 11 notes or for what you sent to Dr. Penon from the  
 12 Penon measuring equipment?  
 13 A. Absolutely.  
 14 Q. Did you ever look at or discuss the data  
 15 being -- did you ever look at the data that was being  
 16 collected by Fulvio Fabiani to check -- check it  
 17 against the data you were collecting from the Penon  
 18 measuring equipment?  
 19 MR. ANNESSER: Object to form.  
 20 THE WITNESS: So you asked me if I ever  
 21 told to Fulvio Fabiani to check if his data were  
 22 coherent with the numbers that I read? Is this  
 23 your question? Because this is what --  
 24 BY MR. PACE:  
 25 Q. It's a little different but I will get to

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1 that question next. So you're one step ahead of me.  
 2 My question right now was did you ever  
 3 actually look at the data that Fulvio Fabiani  
 4 collected to see whether it was consistent with the  
 5 data that you were collecting from the Penon  
 6 measuring equipment?  
 7 A. No, because -- no, because Fabiani  
 8 collected those data in a language that for me -- in  
 9 a particular language, so -- and I was not interested  
 10 honestly because for me what counted was what I read  
 11 in the instruments of Penon and that was all.  
 12 But, honestly, I told to Fabiani many  
 13 times, I told -- I am -- I am finding this  
 14 temperature between 103 and 104, blah, blah, does  
 15 this make sense with what you are measuring with your  
 16 instrument, and he always said yes, we are in the  
 17 same -- we are in the same range. At this level,  
 18 yes.  
 19 Q. So you would -- you would discuss with  
 20 Fabiani the data he was collecting but you didn't  
 21 actually look at his underlying data?  
 22 A. Yes, I did not discuss those data. I  
 23 just now and again randomly for curiosity and also  
 24 for -- you know, for serious curiosity, not curiosity  
 25 just joking.

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1 For curiosity I asked him does this data  
 2 that does this -- because the only thing that we  
 3 could confront about was the temperature, because  
 4 he -- because I was just measuring -- I was reading  
 5 the flow meter and there was nothing to discuss.  
 6 That was a seal at the thing with numbers  
 7 around and you have to read it, so there is nothing  
 8 to discuss. For the temperature there is the  
 9 situation is not just reading a running wheel, but  
 10 there are probes and so it is interesting to see if  
 11 the probes are coherent or not.  
 12 And I asked now and again and always --  
 13 it never happened that I said, are you between 103  
 14 and 104? It never happened that he said no, I am in  
 15 completely different on mine.  
 16 Q. The data that was collected from the  
 17 Penon measuring equipment, at least it was collected  
 18 electronically. Do you recall where that was stored?  
 19 MR. ANNESSER: Object to form.  
 20 THE WITNESS: Excuse me, I did not  
 21 understand the question.  
 22 BY MR. PACE:  
 23 Q. So thermocouples will generate data,  
 24 correct, that is stored electronically on a computer  
 25 somewhere or in a data log? Do you recall how that

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1 data was being stored in connection with the Penon  
 2 measuring equipment?  
 3 MR. ANNESSER: Object to form.  
 4 THE WITNESS: I never knew a bit about  
 5 that stuff and I was absolutely not interested  
 6 to that. It was not my turf.  
 7 BY MR. PACE:  
 8 Q. And so Leonardo Corporation has no  
 9 information on how or where that data was stored for  
 10 Penon?  
 11 A. Absolutely not.  
 12 Q. If Dr. Penon testified that Fulvio  
 13 Fabiani would send him -- would access that data and  
 14 send it to him every couple of months, Leonardo  
 15 Corporation doesn't have any information that is  
 16 contrary to that?  
 17 MR. ANNESSER: Object to form.  
 18 THE WITNESS: Absolutely. Sorry. I have  
 19 no information about that.  
 20 BY MR. PACE:  
 21 Q. Okay.  
 22 A. The only thing I knew was there was a  
 23 computer of Penon that was storing that. That's all  
 24 I know.  
 25 Q. Did you ever see Fulvio Fabiani accessing

IMP

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1 that computer?  
 2 A. Can you repeat?  
 3 Q. Did you ever see Fulvio Fabiani using  
 4 that computer?  
 5 A. Not that I can recall.  
 6 Q. I think you testified to this earlier but  
 7 I want to make sure I've covered it, which is do you  
 8 recall any of the Penon measuring equipment ever  
 9 being replaced?  
 10 A. Not that I can recall. But I remember  
 11 now this morning we have read somewhere in an exhibit  
 12 of yours that the PCE 830 had stopped.  
 13 I don't remember if that was for some --  
 14 maybe was a blackout, no. I don't remember. But  
 15 this morning during the deposition we have read  
 16 something about the PCE 830. I don't remember what  
 17 was that.  
 18 Q. Okay. And Leonardo Corporation doesn't  
 19 have any information on that?  
 20 A. It was a blackout. It was a blackout.  
 21 Now I remember. It was a blackout and it was written  
 22 during the blackout out the PCE 830 is going out of  
 23 service. That was it, yeah.  
 24 Q. So Leonardo Corporation doesn't have any  
 25 information on any of the measuring equipment ever

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1 being replaced during the testing in Doral,  
 2 Florida --  
 3 MR. ANNESSER: Object to form.  
 4 BY MR. PACE:  
 5 Q. -- of the E-Cat plant?  
 6 A. Not that I can recall.  
 7 Q. How about on a more mundane level? If in  
 8 connection with a measuring device it had to be oiled  
 9 or a battery had to be changed, was that -- was that  
 10 the responsibility of Dr. Penon when he would come  
 11 into town?  
 12 MR. ANNESSER: Object to form.  
 13 THE WITNESS: Nobody could touch his  
 14 instrumentation. The flow meter was sealed and  
 15 the Omega I used to read the temperature, yes,  
 16 it had batteries and I had to change batteries  
 17 once. It is true, I had to change but it was --  
 18 but it was not -- not recording.  
 19 BY MR. PACE:  
 20 Q. Right. That wasn't a recording device,  
 21 that was just a hand-held device?  
 22 A. Yes, I had to change the battery after  
 23 ten months or something like that because you  
 24 understand when it is time to change. I read the  
 25 instructions when you see the numbers --

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1 Q. Flash?  
 2 A. -- flash, you have to change the battery.  
 3 Q. But if there was a change to -- again, I  
 4 am trying to cover things that are, you know, not  
 5 dramatic.  
 6 If there was a need to replace batteries  
 7 in any of the measuring equipment, if there was a  
 8 need to check the seal on any of the measuring  
 9 equipment, that would only be done by -- I'm sorry,  
 10 let me start that over because I wasn't being clear.  
 11 If there was a need to do some work on  
 12 any of the Penon measuring equipment, such as  
 13 changing batteries, checking and cleaning --  
 14 maintaining a seal --  
 15 A. Yes.  
 16 Q. -- on any of the Penon measuring  
 17 equipment, that would only be done by Dr. Penon?  
 18 MR. ANNESSER: Object to form.  
 19 THE WITNESS: Yes, with the exception of  
 20 the battery of the manual thermometer.  
 21 BY MR. PACE:  
 22 Q. And the manual -- when you say manual  
 23 thermometer but really it's the manual reading  
 24 device --  
 25 A. Exactly.

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1 Q. -- that you would connect to the  
 2 thermometer?  
 3 A. That you have to plug every day.  
 4 Q. I wasn't counting that -- I should have  
 5 been more clear. I wasn't really counting that as a  
 6 Penon measuring device.  
 7 That is just able to read information  
 8 from the measuring device?  
 9 A. Sure.  
 10 MR. ANNESSER: Object to form.  
 11 THE WITNESS: The only thing that needed  
 12 battery was the instrument that I had because  
 13 all the rest, the flow meter was just a mechanic  
 14 thing and all the rest was via computer.  
 15 Computer was plugged.  
 16 BY MR. PACE:  
 17 Q. Right. I am not just limiting it to  
 18 changing batteries though. I am saying if a seal got  
 19 loose on a device --  
 20 A. Yes, sure, sure.  
 21 Q. -- all that was left -- that was the  
 22 responsibility of Penon to handle?  
 23 A. Absolutely.  
 24 Q. When Dr. Penon installed the Penon  
 25 measuring equipment, who assisted him?

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1 A. Fabiani, Barry West, and I observed -- I  
 2 recall that Tom Darden also came to check the work of  
 3 the ERV and also gave suggestions. And -- stop.  
 4 Q. Just to make sure I'm getting it right,  
 5 my time period too, we're talking about this is work  
 6 being done in either late --  
 7 A. February.  
 8 Q. In February of 2015?  
 9 A. Before -- before the start of the plant.  
 10 The plant, if I will recall well, started on maybe,  
 11 if I say 16, does make sense to you? Either 16, 20,  
 12 something like that.  
 13 Q. I think it may have been the 23rd.  
 14 A. 23rd, okay. All this has been made one  
 15 day or two days before the start.  
 16 Q. And this was physically on site, your  
 17 recollection is is Dr. Penon?  
 18 A. Yes.  
 19 Q. Fulvio Fabiani?  
 20 A. Yes.  
 21 Q. Barry West?  
 22 A. Yes.  
 23 Q. And Tom Darden?  
 24 A. And me.  
 25 Q. And you?

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1 A. Yes.  
 2 Q. And Tom Darden. So there is five of you  
 3 there when the measuring equipment was being  
 4 installed by Dr. Penon?  
 5 A. You are correct.  
 6 Q. But if I also --  
 7 A. At least. I do not remember if also J.T.  
 8 Vaughn was there. I do not remember J.T. Vaughn. I  
 9 do not recall if he was there.  
 10 And maybe -- and most likely was there  
 11 T. Barker, because T. Barker came to see the plant  
 12 immediately before it started, to check everything,  
 13 et cetera and he said that for him it was all right  
 14 and then he came several days after the start-up of  
 15 the plant and again, he said yes, he was satisfied of  
 16 what he said -- of what he saw.  
 17 Q. So T. Barker was there twice in February  
 18 of 2015?  
 19 A. Yes, attorney. Has been there few days  
 20 before -- at the end of the assembling of all the  
 21 stuff and I had a vision that also T. Barker was  
 22 there when was there Tom Darden and the ERV before  
 23 the start of the plant. Maybe I am wrong.  
 24 Q. Okay.  
 25 A. And I don't remember about J.T. Vaughn.

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1 Q. And in terms of the physical installation  
 2 of the Penon equipment --  
 3 A. Physical?  
 4 Q. The actual installing.  
 5 A. Installation.  
 6 Q. Installing of the Penon measuring  
 7 equipment --  
 8 A. Yes.  
 9 Q. -- that would have been done by Dr. Penon,  
 10 Fulvio Fabiani, Barry West and Tom Darden, but not by  
 11 you?  
 12 A. No, I assisted. I wanted not to have a  
 13 voice in that issue. I just said, do what you want.  
 14 Q. All right. Do you recall after the  
 15 measuring equipment was installed by Dr. Penon and  
 16 others, do you recall Dr. Penon doing a trial run?  
 17 A. Sir, can you repeat? Dr. Penon?  
 18 Q. Yes. Do you recall Dr. Penon doing a  
 19 trial run of the plant?  
 20 A. I don't understand the word trial. What  
 21 is trial?  
 22 Q. Well, there is a -- maybe --  
 23 A. It's one word I don't understand, trial.  
 24 I understood everything you said. Only one word I  
 25 miss.

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1 Q. I want to make sure that we're on the  
 2 same page. Just give me one second. I think I  
 3 can --  
 4 A. Of course.  
 5 (The document referred to was thereupon  
 6 marked Deposition Exhibit 8 for Identification, a  
 7 copy of which is attached hereto.)  
 8 BY MR. PACE:  
 9 Q. I have got marked for you here a  
 10 document. This is Leonardo Exhibit 8.  
 11 So do you recognize the attachment to  
 12 this e-mail as the test plan for the testing that was  
 13 going on in Doral?  
 14 A. Yes, it's -- yes. Yes.  
 15 MR. ANNESSE: Wait. Object to form.  
 16 BY MR. PACE:  
 17 Q. If you can turn to page -- there is a  
 18 page, the bottom number is 7023.  
 19 A. 7023, okay.  
 20 Q. It's the last page.  
 21 A. I am on it.  
 22 Q. At the very top of the page it says --  
 23 A. Before the plant.  
 24 Q. "Before the plant start up the ERV will  
 25 verify the compliance of the plant configuration and

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1 of the measuring chains with reference  
 2 documentation. He will carry out a trial run."  
 3 Did you understand what was meant?  
 4 A. Trial. Now I have understood the word.  
 5 You said trial. Sorry. I know the word but I did  
 6 not understand the pronunciation.  
 7 Q. I'm sorry, it was my pronunciation of  
 8 it.  
 9 A. A trial run. Yes, I do not remember  
 10 exactly the particular.  
 11 But as far as I can recall, yes, he  
 12 made -- we made a couple of days because Penon came  
 13 on the 16th and the plant has been started up. That  
 14 was the trial. And after that -- and that has been  
 15 when also I remember there T. Barker and Darden.  
 16 Q. And during this time --  
 17 A. Then -- sorry.  
 18 Q. I am just trying to figure out. If Penon  
 19 comes on the 16th, then the measuring equipment --  
 20 A. I recall.  
 21 Q. On or about the 16th. Then the measuring  
 22 equipment has to be installed, correct?  
 23 A. Yes.  
 24 Q. So the plant has to be stopped for that  
 25 to occur?

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1 A. No, the plant had not yet been put in  
 2 operation. The plant has been put in operation, as  
 3 you correctly say before, on the 22nd, 23rd,  
 4 something like that.  
 5 But the week before has been -- has  
 6 been -- has been a week of trial because Penon came,  
 7 installed his instrumentation. We run the plant.  
 8 Then we had to stop it. We had to make some start  
 9 and stop because -- because -- and that has been the  
 10 trial period.  
 11 Q. That's what I was trying to understand.  
 12 So what your testimony is is that after  
 13 the measuring equipment was installed, to do a trial  
 14 run you actually -- not you, but the group of people  
 15 who were there in Doral, Florida, had to turn on the  
 16 plant and run it for a little while with Dr. Penon  
 17 still being there --  
 18 A. Yes.  
 19 Q. -- so that he could see how the measuring  
 20 equipment was working, that it was doing what he  
 21 expected it to be doing?  
 22 MR. ANNESSER: Object to form.  
 23 THE WITNESS: This is what I recall. But  
 24 again, I cannot tell you that I am 100 percent  
 25 sure of this because too much time has passed,

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1 too many events have passed through my brain  
 2 since then about this argument and maybe I am  
 3 wrong.  
 4 This is what I recall. Because I recall  
 5 this trial also because during this trial I  
 6 found a lot of problems. So I remember the  
 7 problems. Because, for example, there were  
 8 heavy leaks of steam inside the container that  
 9 we had to fix.  
 10 So I remember that I had to struggle very  
 11 much because I had to work inside the container  
 12 where there was the steam that was pretty hot  
 13 and I had to stay there because I had to  
 14 understand things, see things.  
 15 Then turn it down, call Barry, Fabiani,  
 16 et cetera, fix this, do that, do that, et  
 17 cetera, et cetera. So has been pretty much  
 18 tough.  
 19 BY MR. PACE:  
 20 Q. And the idea of a trial run is that the  
 21 plant is somehow operated, right, and Penon --  
 22 A. Yes.  
 23 Q. -- and Dr. Penon gets to see the  
 24 operation?  
 25 A. Trial means that the official start of

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1 the plant had not been already made. So I had all --  
 2 he had all the chance to control his  
 3 instrumentation. Don't ask me what he did because I  
 4 don't know.  
 5 Q. I understand.  
 6 A. And I had my -- the possibility for  
 7 myself once the plant was down before communicating  
 8 to Industrial Heat, the test is started, I wanted to  
 9 check because -- and we had to make a lot of  
 10 reparations.  
 11 Q. So that's part of what Dr. Penon will  
 12 carry on a trial run, is the plant was actually run  
 13 and he got to see how his measuring equipment worked,  
 14 correct?  
 15 MR. ANNESSER: Object to the form.  
 16 THE WITNESS: It's what I said now.  
 17 BY MR. PACE:  
 18 Q. You just mentioned something to me. I  
 19 don't think we have talked about this before.  
 20 If steam is ever coming out of the -- you  
 21 said the container. I think I understand that means  
 22 like the E-Cat plant is -- or the E-Cat units are  
 23 inside a big container, correct, big steel container?  
 24 A. It is correct.  
 25 Q. And if steam would be -- would -- other

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1 than through the piping if steam would come out from  
 2 the E-Cat unit somehow from a leak in an E-Cat unit  
 3 or a pipe, you would -- the steam would actually kind  
 4 of come out through the container, correct?  
 5 MR. ANNESSER: Object to form.  
 6 THE WITNESS: Yes.  
 7 BY MR. PACE:  
 8 Q. All right. So when that -- if that  
 9 happened or whenever that happened --  
 10 A. Yes.  
 11 Q. -- that signifies a leak -- a leak  
 12 somewhere between the E-Cat -- either in an E-Cat  
 13 unit or units or the piping after the E-Cat units,  
 14 correct?  
 15 A. Yes.  
 16 Q. Okay. And would that require immediate  
 17 repair?  
 18 MR. ANNESSER: Object to form.  
 19 THE WITNESS: It depends on -- it depends  
 20 on the amount of the leak. Because if it is  
 21 just a dripping does not need immediate repair  
 22 but, you know, the sooner the better. If it is  
 23 a substantial leak it needs immediate  
 24 intervention.  
 25 BY MR. PACE:

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1 Q. I believe you testified to this a little  
 2 bit ago. I think you testified there were changes  
 3 that were made to the E-Cat plant by Industrial Heat  
 4 that you or that -- that either Leonardo Corporation  
 5 or somebody working with Leonardo Corporation had to  
 6 change -- had to change again or change back. I  
 7 don't know what the right phrase is. Am I correct  
 8 about that?  
 9 MR. ANNESSER: Object to form.  
 10 THE WITNESS: Can you kindly split --  
 11 BY MR. PACE:  
 12 Q. Yes.  
 13 A. -- in short pieces?  
 14 Q. Yes. There was -- the E-Cat plant was  
 15 sent by you in Italy, by Leonardo Corporation in  
 16 Italy to Industrial Heat in North Carolina, correct?  
 17 A. Correct.  
 18 Q. Later it was sent by Industrial Heat in  
 19 North Carolina down to Doral, Florida, correct?  
 20 MR. ANNESSER: Object to form.  
 21 THE WITNESS: Much later.  
 22 BY MR. PACE:  
 23 Q. In that interim period there were changes  
 24 that were made to the E-Cat plant, correct?  
 25 A. Correct.

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1 MR. ANNESSER: Object to form.  
 2 BY MR. PACE:  
 3 Q. After the E-Cat plant got down to Doral,  
 4 Florida some of those changes that were made in North  
 5 Carolina, Leonardo Corporation or someone working  
 6 with Leonardo Corporation either changed back to the  
 7 old version or at least made changes to; is that  
 8 correct?  
 9 MR. ANNESSER: Object to the form.  
 10 THE WITNESS: Yes and no, because it's a  
 11 little bit complex.  
 12 The complexity comes from the complexity  
 13 of the plant. Yes, repercurring (phonetic) what  
 14 you said from Italy, the original plant arrives  
 15 to North Carolina in the factory of Raleigh.  
 16 In the factory of Raleigh it has been  
 17 all -- it has been basically remade. Has been  
 18 remade along my direction. I suggested a lot of  
 19 things to improve it.  
 20 And also I wanted to -- you know, in the  
 21 original one the big Frankies were on the roof.  
 22 I wanted to put the four big Frankies in the  
 23 position that you can see here. If you look at  
 24 the old photographs of the plant that we  
 25 originally gave to Industrial Heat, you can see

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1 these four --  
 2 BY MR. PACE:  
 3 Q. Just so the record is clear, you are  
 4 pointing to Exhibit 4?  
 5 A. Yes, Exhibit 4. These four BF, big  
 6 Frankies that we jokingly call it, were above the  
 7 roof of the original container. In Industrial  
 8 Heat -- with Industrial Heat we have changed the  
 9 container, put in much longer container so that the  
 10 big Frankies from the roof have been put in this  
 11 position that is clearly here because now there was  
 12 the space.  
 13 So basically at that point we had two  
 14 plants instead of one, luckily, so this is the  
 15 modification that has been made.  
 16 Q. So I am actually now asking for, I think  
 17 a different time period.  
 18 I am asking after the plant and the water  
 19 tanks and the piping, after that was sent from North  
 20 Carolina to Doral, Florida, were there changes made  
 21 to that setup in Doral, Florida?  
 22 A. Initially, no.  
 23 Q. And when you say initially, let me -- the  
 24 plant was delivered in late 2014?  
 25 A. In late 2014, yes. But it was not

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1 complete.

2 Q. From North Carolina -- the plant goes

3 from North Carolina to Doral in late 2014?

4 A. Yes. In October, November maybe,

5 something like that.

6 Q. And --

7 A. Sorry.

8 Q. When you said initially changes were

9 made, do you mean up through the start of the testing

10 that you were doing in Doral, Florida or do you mean

11 before then?

12 MR. ANNESSER: Object to form.

13 THE WITNESS: When the plant arrived was

14 not ready to go, was not complete, so Industrial

15 Heat sent also their workers, you know, four,

16 six good workers, I must say, very good blue

17 collars and they completed the constructions.

18 And when the constructions has been

19 completed, at that point the plant has been

20 delivered to me for my direction. At that point

21 I -- at that point we were ready for the ERV to

22 come and put on -- of course everything had been

23 scheduled.

24 So when Barry West -- that Barry West --

25 mainly Barry West directed the completion of the

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1 plant, of course under my control.

2 BY MR. PACE:

3 Q. Can you tell me about when that is? Are

4 we still in 2014 or are we beginning 2015?

5 A. This is difficult to say. You must

6 consider that if the plant has been, let me say just

7 one number that could be wrong. Assume the plant

8 arrived the 1st of November.

9 Now we have from the 1st of November to

10 the 23rd of February, you know, inside the period

11 there was also Christmas, the Christmas holidays,

12 blah, blah, blah, so one month is gone in various

13 kinds of holidays.

14 So basically we had all November, half

15 December and half January to complete the -- because

16 much work had to be done yet.

17 At that point when we scheduled or when

18 we understood that more or less within ten days we

19 would have been completed, I phoned to the ERV and

20 said from the 15th of February we are ready, you can

21 come when you want.

22 Q. And did you -- well, let me -- let me see

23 if I can -- I believe this is an exhibit we used in

24 your last deposition but let me mark as Exhibit

25 Number 9.

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1 (The document referred to was thereupon

2 marked Deposition Exhibit 9 for Identification, a

3 copy of which is attached hereto.)

4 THE WITNESS: Thank you. Okay.

5 BY MR. PACE:

6 Q. Do you recall this -- there being an

7 e-mail exchange between you, Dr. Penon and Tom Darden

8 about how the test was going to operate in Doral?

9 A. No, I don't remember but I take advice of

10 this now from you. For sure it's genuine.

11 Q. You're actually I think going to answer

12 my question then because my question was really going

13 to be do you know anything about what is being

14 discussed in this e-mail --

15 A. I don't remember.

16 Q. -- beyond what is written in the e-mail?

17 A. Let me read the e-mail. If I read the

18 e-mails maybe something comes up. So they are in

19 reverse order of date. The last is the first, is

20 that correct?

21 Q. Yes, sir.

22 A. Okay. (Witness reading to himself.)

23 MR. ANNESSER: If you read allowed he has

24 to take it down.

25 THE WITNESS: I am sorry.

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1 MR. PACE: He has to write mumble,

2 mumble, mumble.

3 THE WITNESS: All right. Well, now your

4 question is if -- your question was?

5 BY MR. PACE:

6 Q. Do you recall this e-mail exchange about

7 questions about the test plan?

8 A. Now that I have read it, I recall it.

9 And I -- it seems to me it confirms what I said

10 before basically.

11 Q. If you look at page 19106.

12 A. Yes, got it.

13 Q. This actually is an e-mail from

14 Dr. Penon.

15 A. Dear Mr. Darden, yeah. From Fabio Penon,

16 yes.

17 Q. And if you look at the last full

18 paragraph there it starts with: "Following my

19 request."

20 A. Following.

21 Q. It says: "Following my request a few

22 weeks ago --

23 A. Yes.

24 Q. -- before the plant start up Dr. Rossi has

25 to apply a condensed steam collector at the bottom of



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1 the steam pipe before the plant start up."  
 2 A. Perfect.  
 3 Q. Do you recall having that conversation  
 4 with Dr. Penon?  
 5 A. I recall this perfectly.  
 6 Q. And he is accurately summarizing the  
 7 conversation that he had with you, that you were  
 8 agreeing to apply a condensed steam collector?  
 9 A. I recall perfectly.  
 10 Q. All right. I'm sorry, I understand you  
 11 recall the conversation perfectly. I guess my next  
 12 question is is his summary of that conversation  
 13 accurate?  
 14 A. No, this conversation is accurate.  
 15 Q. So you had -- at the request of  
 16 Dr. Penon --  
 17 A. Yes.  
 18 Q. -- you had agreed to install a condensed  
 19 steam collector at the bottom of the steam plant?  
 20 A. Sure.  
 21 Q. I'm sorry, steam pipe.  
 22 A. See here -- yes. Condensed steam, yes,  
 23 exactly.  
 24 Q. And then -- most of these e-mails are not  
 25 then -- that is the one e-mail where he was

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1 describing a conversation with you, so I wanted to  
 2 ask about that. There is also an e-mail in here from  
 3 you and it's on page 19104.  
 4 A. Sorry, 19104?  
 5 Q. Uh-huh.  
 6 A. 19104. Here we go. Yes.  
 7 Q. So the paragraph I'm interested in, do  
 8 you see a sentence about halfway down it starts  
 9 with: All those instruments for the measurement of  
 10 temperature -- I'm sorry.  
 11 A. And of the steam, of the pressure of the  
 12 steam and of the temperature of the water and the  
 13 water tank inside the container connected with a  
 14 computer of Engineer Penon, that he brought here and  
 15 registers the data 24 hours per day, as well as with  
 16 the control system -- am I mumbling enough clearly  
 17 for you? Obviously Penon will consider for his  
 18 calculations, blah, blah, blah. I think now he is  
 19 embarking, et cetera.  
 20 Q. Let me just -- I want to read one small  
 21 part of this and see if I can understand this  
 22 better. It talks about data going to the computer of  
 23 Engineer Penon.  
 24 A. Yes.  
 25 Q. But then says, "as well as with the

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1 control system of ours."  
 2 A. Sorry.  
 3 Q. Then a little bit later or then right  
 4 after that you say: "Obviously Penon will consider  
 5 for his calculations only the data registered by his  
 6 computer."  
 7 A. Yes.  
 8 Q. "But we can compare data that he will  
 9 find with the data that we will find."  
 10 So my question is, what is the data --  
 11 what are you referring to as the data we will find?  
 12 A. With this we was the team. In particular  
 13 these were the parallel measurements that Fabiani had  
 14 told me that had prepared under the direction of  
 15 Darden.  
 16 Q. And you are saying here that you -- you  
 17 and someone else, you and Fabiani, because it says  
 18 we, we can compare the data that he will find with  
 19 the data that we will find?  
 20 A. Yes.  
 21 MR. ANNESSER: Object to form.  
 22 BY MR. PACE:  
 23 Q. Do you recall ever comparing that data  
 24 with Fabiani, other than what you described earlier  
 25 today?

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1 MR. ANNESSER: Object to the form.  
 2 THE WITNESS: Other than what I described  
 3 before, no.  
 4 BY MR. PACE:  
 5 Q. All right. It says, data is collected  
 6 with -- data is collected in a computer of Engineer  
 7 Penon, as well as with the control system of ours.  
 8 Is that the control system that was  
 9 operated by Fulvio Fabiani?  
 10 A. Yes, sir.  
 11 Q. Where was the condensed steam collector  
 12 placed?  
 13 A. It was placed -- I set it up, I remember,  
 14 together with Tom Darden and it was basically a  
 15 rubber pipe with a cup at the bottom that had to  
 16 collect -- there is -- okay.  
 17 Along the pipe, the steam pipe that  
 18 exited from the one megawatt plant to go to the J.M.  
 19 plant, we have put this cup, this plastic cup sealed  
 20 with the bottom of the steam pipe so that any  
 21 dripping of water was visible at any time and it was  
 22 put inside the insulation, but the insulation was  
 23 made in a way that it could be easy displaced to pull  
 24 down the rubber pipe, open the valve that was at its  
 25 end and see if water was going down.

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1 And I remember perfectly that Darden  
 2 together with me and Fabiani all -- quite all the  
 3 times that Darden came down, he wanted to see the  
 4 dripping of the water from, and we never have seen  
 5 any dripping of water. And also the ERV. Also the  
 6 ERV during his -- during his -- during the days in  
 7 which he came controlled the dripping.  
 8 Q. So let me hand you what I will mark --  
 9 A. Yes, exactly.  
 10 Q. -- as Exhibit 10.  
 11 A. Yes, very good. Not that I can indicate  
 12 to you. Not there. You can see the dripping in --  
 13 MR. ANNESSER: Dr. Rossi, let him hand  
 14 you the exhibit and let me get a copy too.  
 15 THE WITNESS: Okay. Okay. Sorry, sorry,  
 16 sorry. You have a photo that is precise,  
 17 because you already gave it to me the last  
 18 time.  
 19 MR. PACE: That would be 10 and 11.  
 20 (The document referred to was thereupon  
 21 marked Deposition Exhibit 10 for Identification, a  
 22 copy of which is attached hereto.)  
 23 (The document referred to was thereupon  
 24 marked Deposition Exhibit 11 for Identification, a  
 25 copy of which is attached hereto.)

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1 THE WITNESS: No, this is not good.  
 2 BY MR. PACE:  
 3 Q. The first one is 10, the second one is  
 4 11. Dr. Rossi --  
 5 A. Yes.  
 6 Q. -- on Exhibits 10 and 11, can you --  
 7 A. No.  
 8 Q. -- can we this --  
 9 A. No.  
 10 Q. -- the condensed --  
 11 A. No.  
 12 Q. Let me finish my question.  
 13 A. You have the photo.  
 14 Q. Hold on a second. In pictures -- in  
 15 Exhibits 10 and 11 --  
 16 A. Yes.  
 17 Q. -- can you see the condensed steam  
 18 collector?  
 19 A. No.  
 20 Q. All right. Now, this is the steam --  
 21 this shows the pipe that is coming out of the --  
 22 A. Correct.  
 23 Q. -- E-Cat plant --  
 24 A. Correct. But -- sorry, sorry.  
 25 MR. ANNESSER: Dr. Rossi, let him finish

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1 please and then answer his question.  
 2 BY MR. PACE:  
 3 Q. Let's just do it in pieces.  
 4 A. I'm sorry.  
 5 Q. We will get to where you want to be.  
 6 Just give me a second here to make sure I get a clean  
 7 record.  
 8 A. Sure.  
 9 Q. Exhibit 10 and 11 show the pipe that  
 10 comes out of the E-Cat plant and carries over --  
 11 carries the output of the E-Cat plant over to the  
 12 J.M. Products side of the warehouse, correct?  
 13 A. Correct.  
 14 Q. All right. The condensed steam collector  
 15 was not connected to that pipe?  
 16 MR. ANNESSER: Object to form.  
 17 THE WITNESS: Yes, but you cannot see it  
 18 in this position because this pipe is longer  
 19 than this.  
 20 And to be more conservative, I have put  
 21 the cup to see if there was the dripping, if the  
 22 more distant point possible because, you know,  
 23 it was -- it was to advantage -- to the  
 24 advantage of Industrial Heat.  
 25 Because the closer you go to the heat

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1 source, the less likely is that you find  
 2 condensation. The more you go away from the  
 3 heat source the more is likely that you find  
 4 condensation. So this cup has been put in just  
 5 a few inches before the wall.  
 6 BY MR. PACE:  
 7 Q. The wall -- do we see the wall there in  
 8 Exhibit 10?  
 9 A. Well, maybe -- no, no, it is -- yes, but  
 10 it's too -- it is not in high -- no, you have a photo  
 11 that is perfect, but it is not this and it is not  
 12 this. It's a photo that you have shown me in the  
 13 last depo that we made.  
 14 Q. All right.  
 15 A. There is one that indicates exactly that.  
 16 MR. ANNESSER: Dr. Rossi, there is no  
 17 pending question.  
 18 THE WITNESS: I am sorry.  
 19 BY MR. PACE:  
 20 Q. When we take a break I have a bunch of  
 21 pictures here. So when we take a break I will find  
 22 it.  
 23 A. Yes.  
 24 Q. Let me put this here then.  
 25 A. May I help you off the record?

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1 MR. ANNESSER: Dr. Rossi, let him ask his  
 2 questions, please.  
 3 THE WITNESS: Okay.  
 4 BY MR. PACE:  
 5 Q. Before I forget, I meant to ask you this  
 6 this morning.  
 7 When did you first start working with  
 8 Dr. Penon?  
 9 A. Can you repeat the question?  
 10 Q. Yes. When did -- this is a question for  
 11 you as Dr. Andrea Rossi as opposed to Leonardo  
 12 Corporation.  
 13 A. Okay.  
 14 Q. When did you first start working with  
 15 Dr. Penon?  
 16 MR. ANNESSER: Object to form.  
 17 THE WITNESS: You mean when first I gave  
 18 consulting task to Dr. Penon?  
 19 BY MR. PACE:  
 20 Q. Yes.  
 21 A. Because he never worked with me.  
 22 Q. I see. Let me make it even easier.  
 23 A. He worked for me.  
 24 Q. When did you first meet Dr. Penon?  
 25 A. Okay. In 2008, I think. 2008, 2009,

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1 2008. More likely 2008. Because I had to certify a  
 2 plant that made electricity, electric power using  
 3 waste oil treated with a particular process that I  
 4 had patented and that plant that has nothing to do  
 5 with Leonardo or this stuff absolutely.  
 6 In that plant I had coupled my plant with  
 7 an alternator. If I say alternator you can  
 8 understand me?  
 9 Q. Uh-huh.  
 10 A. Very good. An alternator of about one  
 11 megawatt that had been produced by a big company of  
 12 Italy whose name Mecc Alte, M-E-C-C, A-L-T-E.  
 13 It a big company with about 1,000  
 14 employees. It's in Vicenza and they had Penon as the  
 15 certicator of that industrial alternator and --  
 16 Q. I'm sorry, I was just going to ask. What  
 17 company was this for?  
 18 A. Mecc Alte.  
 19 Q. I'm sorry, I meant for you. What  
 20 company -- which of your companies was this?  
 21 A. My company?  
 22 Q. Yes.  
 23 A. EON.  
 24 Q. EON?  
 25 A. EON. EON made plant to make energy with

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1 fuels derived from waste materials. I used to buy  
 2 the alternator from Mecc Alte.  
 3 Mecc Alte was directed by a very high  
 4 level engineer and they needed certification because  
 5 an alternator is very dangerous, of course. And they  
 6 -- I asked them I need a certicator to certify my  
 7 plant and they suggested to me Penon because he was  
 8 there, the certicator that made the safety  
 9 certifications for their alternators. This is how I  
 10 knew him.  
 11 Q. All right.  
 12 A. And I asked him to certify my plants.  
 13 Q. Again, I am letting this go for a little  
 14 bit but sometimes I'm asking pretty narrow questions  
 15 and I don't mind that you want to say something else  
 16 but kind of not on my time, so to speak, because  
 17 we're limited and we don't want to run out today. So  
 18 this is going to be just a narrow question.  
 19 Is the next time you worked with -- not  
 20 necessarily for, whatever. Is the next time you  
 21 worked with Dr. Penon in connection with your -- in  
 22 connection with the E-Cat?  
 23 MR. ANNESSER: Object to form.  
 24 THE WITNESS: Can you kindly repeat the  
 25 question?

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1 BY MR. PACE:  
 2 Q. Yes. You just told us about working with  
 3 Dr. Penon back in 2008, 2009.  
 4 A. Yes, because you asked me when I knew  
 5 him.  
 6 Q. Yes. So I am asking you after that  
 7 period is the next time you worked with Dr. Penon in  
 8 connection with the E-Cat?  
 9 A. Yes.  
 10 MR. ANNESSER: I object to the form on  
 11 the last one. Chris, if we can get a rest room  
 12 break sometime in the near future.  
 13 MR. PACE: Let's take it now. I am about  
 14 to change subjects so now is a good time.  
 15 THE VIDEOGRAPHER: Time is 15:52. Off  
 16 the record.  
 17 (Thereupon a brief recess was taken,  
 18 after which the following proceedings were had.)  
 19 THE VIDEOGRAPHER: Time is 16:07. We're  
 20 back on the record.  
 21 (The document referred to was thereupon  
 22 marked Deposition Exhibit 12 for Identification, a  
 23 copy of which is attached hereto.)  
 24 BY MR. PACE:  
 25 Q. Dr. Rossi, I put in front of you an

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1 Exhibit 12.  
 2 Right before the break there was -- you  
 3 were telling me there was a different picture angle  
 4 that showed the steam condenser line. Do you see it  
 5 here in Exhibit 12?  
 6 A. Yes.  
 7 Q. Have you --  
 8 A. This is -- sorry.  
 9 Q. Have you circled it on the Exhibit 12  
 10 that's in front of you?  
 11 A. Yes, I have put a circle.  
 12 Q. Can you do me a favor and just put an AR  
 13 next to that circle, just so that for future purposes  
 14 we know that that's not somebody else's handwriting,  
 15 but it's yours. All right.  
 16 And what you have circled on Exhibit 12,  
 17 that's the -- that's the water collector, the water  
 18 line collector?  
 19 A. That's the shape of the water collector  
 20 that when was not used, it was just incorporated  
 21 inside the insulation of the pipe.  
 22 As a matter of fact, you can see the  
 23 shape -- in the circle that I have made, you can see  
 24 the shape of a pipe, of a rubber pipe. When we had  
 25 to control if there was dripping, this part of the

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1 insulation was easy to remove because it was made in  
 2 a way that it was easy to remove to allow this pipe  
 3 that now you can see the shape, but it is hidden  
 4 under the insulation.  
 5 This pipe goes down and then with this --  
 6 this ladder -- this ladder that I have seen in  
 7 another -- here. With this ladder it was possible to  
 8 open a valve that was at the end of this pipe and it  
 9 was easy to see dripping, if there was dripping.  
 10 Q. So the pipe was contained within the  
 11 insulation?  
 12 A. Sorry?  
 13 Q. The pipe was contained within the  
 14 insulation on Exhibit 12?  
 15 A. If you observe this photo it is very  
 16 clear.  
 17 Q. And this insulation that covered the  
 18 pipe, it was pretty easy to open up that  
 19 insulation --  
 20 A. Correct.  
 21 Q. -- and access the pipe?  
 22 A. Correct.  
 23 Q. Then you could cover up the pipe with the  
 24 insulation again?  
 25 A. Correct.

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1 Q. I'm sorry. And what we're seeing here,  
 2 the bulge in Exhibit 12 --  
 3 A. Bulge, that's the --  
 4 Q. -- on the top pipe, it's like a cord or a  
 5 tube?  
 6 A. It's a tube of rubber.  
 7 Q. Okay.  
 8 A. It's a flexible tube that was connected  
 9 through a cup of plastic that was sealed to the pipe  
 10 of the steam and of course when you open the  
 11 insulation and let the rubber pipe fall down, you  
 12 know, just to hang -- just to hang, as I am showing  
 13 for -- with this pen, hanging from the pipe, if there  
 14 was any dripping you could see it.  
 15 And I remember perfectly that I had shown  
 16 it to Mr. Tom Darden and I remember perfectly that  
 17 also ERV Penon when he came there checked the  
 18 dripping of water. As a matter of fact, no water  
 19 ever dripped from there.  
 20 MR. PACE: All right. I should cover  
 21 this before we go -- move to the next topic.  
 22 John, there was an order on discovery  
 23 that required Leonardo to identify certain  
 24 documents before the 30(b)(6) and no such  
 25 documents were identified.

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1 This was a conversation that was had  
 2 with -- I think it was with Chris and with  
 3 Porpoise the other day. So I want that just to  
 4 be on the record that we never got the  
 5 identification of any documents.  
 6 MR. ANNESSER: Is this the order that you  
 7 are saying specifically?  
 8 MR. PACE: Yes.  
 9 MR. ANNESSER: Give me a second to review  
 10 this order.  
 11 MR. PACE: I'm going to mark this because  
 12 I'm referencing it now and then I will move on.  
 13 You don't need this, Mr. Penon. I am marking it  
 14 as Exhibit 13.  
 15 We can address it later off the record  
 16 but we were never provided the information.  
 17 Again, it was discussed with Porpoise Evans and  
 18 Chris, not with you.  
 19 MR. ANNESSER: I am not up to speed on  
 20 where that discussion was, so I am not familiar  
 21 with what discussions have been had.  
 22 (The document referred to was thereupon  
 23 marked Deposition Exhibit 13 for Identification, a  
 24 copy of which is attached hereto.)  
 25 BY MR. PACE:

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1 Q. I am going to mark now as Exhibit 14.  
 2 (The document referred to was thereupon  
 3 marked Deposition Exhibit 14 for Identification, a  
 4 copy of which is attached hereto.)  
 5 THE WITNESS: Thank you.  
 6 BY MR. PACE:  
 7 Q. No problem. The second exhibit number on  
 8 there is from an earlier deposition but this is now,  
 9 for our purposes, Exhibit 14.  
 10 Dr. Rossi, you are familiar with this  
 11 from seeing it I believe at your earlier deposition  
 12 but also for purposes of litigation, this was a  
 13 second amendment to the license agreement?  
 14 A. (Nods head.)  
 15 Q. Do you remember communicating with --  
 16 discussing this second amendment after you had signed  
 17 the second amendment on behalf of Leonardo  
 18 Corporation?  
 19 A. Can you kindly repeat the question?  
 20 Q. I certainly can. Let me start this over  
 21 again. Exhibit 14 is a second amendment for the  
 22 license agreement, correct?  
 23 A. Yes.  
 24 Q. All right. And on page 480, that  
 25 reflects your signature?

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1 A. 480. Yes, it is my signature.  
 2 Q. And there is no signature on this  
 3 document from Ampenergo, correct?  
 4 A. Yes, it is correct.  
 5 Q. Do you recall any discussions with  
 6 Ampenergo after you signed this second amendment  
 7 about their refusal or failure to sign the second  
 8 amendment?  
 9 A. Yes, I recall.  
 10 Q. I am going to hand you what's marked as  
 11 Exhibit 15.  
 12 (The document referred to was thereupon  
 13 marked Deposition Exhibit 15 for Identification, a  
 14 copy of which is attached hereto.)  
 15 THE WITNESS: Thank you. Sorry, I got  
 16 two. Maybe one copy is not mine.  
 17 BY MR. PACE:  
 18 Q. Yes, sorry about that.  
 19 A. It's okay.  
 20 Q. This is -- this contains on the first  
 21 page here -- that's what I want to ask you about.  
 22 This is an e-mail from you to a Craig Cassarino,  
 23 correct?  
 24 A. Attorney, I was reading. I did not get  
 25 your --

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1 Q. No problem.  
 2 A. Can you kindly repeat?  
 3 Q. I can. On the first page here there is  
 4 an e-mail from you to Craig Cassarino on April 30,  
 5 2014, correct?  
 6 A. Yes, it is correct.  
 7 Q. And Craig Cassarino is somebody who is  
 8 one of the managers or members of AEG?  
 9 A. It's the vice president of AEG.  
 10 Q. The vice president of AEG?  
 11 A. Yes.  
 12 Q. He also holds or at the time held some  
 13 position in LTI Global?  
 14 A. Yes. I suppose yes.  
 15 MR. ANNESSER: Object to form.  
 16 THE WITNESS: Yes, he was the vice  
 17 president of LTI.  
 18 BY MR. PACE:  
 19 Q. The last sentence of your e-mail reads:  
 20 "We had offered to make the test with the Hot Cat,  
 21 and we had sent to you an amendment, already signed  
 22 by me and by Tom Darden, but for reasons remained  
 23 mysterious to me Ampenergo did not sign and the  
 24 amendment has been cancelled."  
 25 Do you recall writing that to Craig

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1 Cassarino?  
 2 A. Yes.  
 3 Q. And that accurately reflects your -- your  
 4 recollection of the situation, your view of the  
 5 situation?  
 6 MR. ANNESSER: Object to form.  
 7 THE WITNESS: Well, I don't understand  
 8 exactly what your question implies, so what I  
 9 want --  
 10 BY MR. PACE:  
 11 Q. How about I will ask it again?  
 12 A. Yes.  
 13 Q. You wrote that because Ampenergo did not  
 14 sign the amendment the amendment had been cancelled,  
 15 correct?  
 16 A. Yes.  
 17 Q. That's what you wrote?  
 18 A. Yes.  
 19 Q. Okay.  
 20 A. I wrote -- I wrote this, yes.  
 21 Q. And that's a reference to what's been  
 22 marked as Exhibit 14, the second amendment to license  
 23 agreement, correct?  
 24 A. Correct.  
 25 Q. All right. And the second amendment to



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1 license agreement in fact contemplated that testing  
 2 would be done using a six cylinder unit, that is a  
 3 six cylinder unit containing Hot Cats, correct?  
 4 MR. ANNESSER: Object to form.  
 5 THE WITNESS: Yes, and this is because,  
 6 as I -- in this same e-mail, I explain we have  
 7 to put in operation the one megawatt plant that  
 8 we are ready to put in operation since when we  
 9 deliver it in August of 2013.  
 10 It has been delivered perfectly ready to  
 11 go, as it has been turned off after the May  
 12 test, the test made in 30 April, 1st of May  
 13 2013.  
 14 BY MR. PACE:  
 15 Q. Did you say after this you made  
 16 improvements to the -- Industrial Heat made changes  
 17 to the plant that you -- under your direction?  
 18 MR. ANNESSER: Object to form.  
 19 THE WITNESS: Later.  
 20 BY MR. PACE:  
 21 Q. Right. Okay.  
 22 A. Much later.  
 23 Q. Later than April 30 of 2014?  
 24 A. Yes, later has been taken a bigger  
 25 container, et cetera.

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1 But the issue is that the plant was ready  
 2 to go independently from those improvements. And I  
 3 write, it has not been possible to put in operation  
 4 the one megawatt plant as we delivered it, I  
 5 intended, for reasons independent from us,  
 6 location -- for example, location where to put it in  
 7 operation, authorization.  
 8 Q. I'm sorry, you just said for example. Am  
 9 I missing that word?  
 10 A. No, no, no, that was a comment of mine.  
 11 The exact text is: To put it in operation for  
 12 reasons -- it has not been possible to put it in  
 13 operation for reasons independent from us, location  
 14 where to put it in operation, authorizations, et  
 15 cetera. I inspected it a few days ago --  
 16 Q. Dr. Rossi, the e-mail is written as it's  
 17 written.  
 18 A. Sorry.  
 19 Q. You can read it. I am not really here to  
 20 have you read it all, okay?  
 21 MR. ANNESSER: Dr. Rossi.  
 22 BY MR. PACE:  
 23 Q. Let's just go. I understand the e-mail  
 24 says what it says. I am just trying to understand  
 25 the one sentence here that you are explaining to

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1 Craig Cassarino of AEG that because the second  
 2 amendment wasn't signed by AEG it had been  
 3 cancelled.  
 4 A. This is what Tom Darden told me.  
 5 Q. So that information that you have here,  
 6 you are saying that Tom Darden told you that the  
 7 amendment had been cancelled because it wasn't signed  
 8 by Ampenergo?  
 9 A. Yes, it is exactly what I am saying.  
 10 Q. And did Tom Darden also tell you to  
 11 communicate that to Craig Cassarino?  
 12 A. Sorry, can you repeat the question?  
 13 Q. Did Tom Darden -- is it your testimony  
 14 that Tom Darden told you to communicate that to Craig  
 15 Cassarino or no?  
 16 MR. ANNESSER: Object to form.  
 17 THE WITNESS: No.  
 18 BY MR. PACE:  
 19 Q. That was your -- you separately decided  
 20 to do that?  
 21 A. Yes.  
 22 Q. Do you recall what the AEG objection was  
 23 to signing the second amendment?  
 24 MR. ANNESSER: Object to form.  
 25 THE WITNESS: Yes, I remember.

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1 BY MR. PACE:  
 2 Q. It was going to change the unit -- it  
 3 changed the device that was going to be tested,  
 4 correct?  
 5 MR. ANNESSER: Object to form.  
 6 THE WITNESS: Both things, because the --  
 7 the -- this second amendment contains two  
 8 sections, two issues.  
 9 One issue is the one that you just said  
 10 correctly. The other issue is the delay of the  
 11 term to perform -- to begin the performance  
 12 test, due to the fact that we simply could not  
 13 put it in operation before for reasons not  
 14 dependent from us, because they have not been  
 15 able to get the necessary authorizations.  
 16 BY MR. PACE:  
 17 Q. So AEG had two objections to the second  
 18 amendment. One is that it was changing -- it would  
 19 have changed the license agreement to have the  
 20 testing being done of the six cylinder unit as  
 21 opposed to the 1MW plant, correct?  
 22 MR. ANNESSER: Object to the form.  
 23 THE WITNESS: No, AEG -- Mr. Craig  
 24 Cassarino simply he did not make any kind of  
 25 distinction.



1 When I asked him why the heck did you not  
 2 sign this amendment, he just answered me because  
 3 our attorney told us not to sign it and the  
 4 issue was over.  
 5 BY MR. PACE:  
 6 Q. But you just gave me two examples here.  
 7 I want to go back to them because I assume -- there  
 8 is a basis for them, right?  
 9 So one is -- I will use the second one.  
 10 I thought you were just testifying that the second  
 11 objection that AEG had to the second amendment to the  
 12 license agreement was that it delayed -- it left  
 13 open-ended when the guaranteed performance test would  
 14 begin.  
 15 Was that an objection that AEG ever  
 16 voiced to you?  
 17 A. No.  
 18 Q. You were just testifying that that was an  
 19 objection that AEG had to the second amendment.  
 20 MR. ANNESSER: Object to form.  
 21 THE WITNESS: Maybe I have not been able  
 22 to explain myself well, so I will do it.  
 23 BY MR. PACE:  
 24 Q. No, I don't need any more explanation.  
 25 We got your testimony. It will be whatever it is.

IMP

1 BY MR. PACE:  
 2 Q. Here is an exhibit, what we have marked  
 3 as 16. This e-mail reflects questions about --  
 4 questions directed to Dr. Penon about how the  
 5 validation test was going to occur in Italy, correct?  
 6 MR. ANNESSER: Object to form.  
 7 THE WITNESS: I am -- I would like to  
 8 finish.  
 9 BY MR. PACE:  
 10 Q. Please, finish reading. Let me know when  
 11 you are done.  
 12 A. Thank you. But I don't find a part where  
 13 here he says the only phrase is, for example, if we  
 14 did, you would measure water flow instead of steam  
 15 pressure -- pressure, so I assume you will need -- so  
 16 I assume you would need different equipment. You  
 17 know, it is very obscure to me, this.  
 18 Q. Let's go through some of this because I  
 19 am just trying to understand this in context which  
 20 is --  
 21 A. I don't understand what is written here.  
 22 Q. -- Tom Darden is asking, the fourth  
 23 paragraph down, for example, what specific  
 24 instruments will you use for the test?  
 25 A. Yeah. Okay.

1 A. Okay.  
 2 Q. I wanted to cover for a little bit the  
 3 validation test in Italy. I want to provide you --  
 4 well, I don't know if we need to look at the  
 5 exhibit.  
 6 Do you recall the validation testing in  
 7 Italy occurring in -- this was late April, beginning  
 8 of May of 2013, correct?  
 9 A. Yes.  
 10 Q. There were -- there were changes to the  
 11 protocol or there were changes to the way that the  
 12 validation test was being done before it actually was  
 13 performed, correct?  
 14 The plan for the validation test got  
 15 changed in the days preceding the test?  
 16 MR. ANNESSER: Object to form.  
 17 THE WITNESS: Can you exactly explain  
 18 what --  
 19 BY MR. PACE:  
 20 Q. I can. It's probably easier just to show  
 21 you.  
 22 A. Thank you.  
 23 (The document referred to was thereupon  
 24 marked Deposition Exhibit 16 for Identification, a  
 25 copy of which is attached hereto.)

1 Q. I am not saying that you have to disagree  
 2 with any of these questions, Dr. Rossi.  
 3 A. But I don't --  
 4 MR. ANNESSER: Dr. Rossi, wait for his  
 5 questions.  
 6 BY MR. PACE:  
 7 Q. Wait for my question. We're looking at  
 8 an e-mail here. Do you recall this e-mail?  
 9 A. No.  
 10 Q. Okay. Do you have any reason to doubt  
 11 that this e-mail was sent to Dr. Penon?  
 12 A. No, absolutely not. No, no.  
 13 Q. There are questions being asked about the  
 14 validation process. This e-mail does relate to the  
 15 validation test, correct?  
 16 A. Absolutely, yes. Sure.  
 17 Q. Okay. And, you know, I guess one of my  
 18 questions about this is do you know whether these  
 19 issues were addressed by Dr. Penon or not?  
 20 A. I do not know.  
 21 Q. You have no information?  
 22 A. Also because, you know, I received it,  
 23 just a copy, but I was not involved in the  
 24 discussion.  
 25 Q. Okay.

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1 A. This was between Industrial Heat and  
 2 Penon.  
 3 Q. And so some of the issues here, there is  
 4 a middle paragraph that starts with where will the  
 5 instruments be installed.  
 6 A. Okay.  
 7 Q. First, that's definitely a question  
 8 directed from Tom Darden to Fabio Penon, correct?  
 9 A. Yes.  
 10 Q. Do you recall whether he addressed that  
 11 issue or not?  
 12 MR. ANNESSER: Object to form.  
 13 THE WITNESS: Okay. Can you kindly  
 14 repeat the question?  
 15 BY MR. PACE:  
 16 Q. Yes. Do you recall whether Dr. Penon  
 17 addressed that question or issue?  
 18 A. I do not remember absolutely to be  
 19 involved in this -- in this exchange of e-mails.  
 20 Yes, I received them in copy but I ignored them  
 21 because it was Industrial Heat that with good reason  
 22 asked to Engineer Penon to give some clarifications.  
 23 It was between them. I was not involved because they  
 24 did not ask anything to me.  
 25 Q. Okay. You somewhat answered my question

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1 there. To the best of your recollection you never  
 2 discussed these questions with doctor -- how do  
 3 resolve these questions with Dr. Penon?  
 4 MR. ANNESSER: Object to form.  
 5 THE WITNESS: The only thing that I can  
 6 say is that I did not receive from Industrial  
 7 Heat any -- any complaint or observation  
 8 regarding any shortcoming in the proceeding of  
 9 these discussions, so I have to assume that  
 10 Penon has satisfactory answered because should  
 11 it not be the case, for sure Mr. Tom Darden  
 12 would have contacted me to say hey, Mr. Rossi, I  
 13 am not -- not glad about what is going on with  
 14 the ERV. He did not.  
 15 BY MR. PACE:  
 16 Q. Okay. And then from a timing standpoint  
 17 you had testified previously about reaching a  
 18 resolution with the neighbors over the sound issue  
 19 that may be connected to running the test in Italy.  
 20 That resolution with the neighbors, was  
 21 that reached, if you recall, one day before the test,  
 22 two days before the test, a week before the test? Do  
 23 you recall?  
 24 A. I don't recall exactly, but few -- I  
 25 don't know if it was a week or ten days or five

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1 days.  
 2 It was -- it was before the test because  
 3 I had put the plant in operation and it made a lot of  
 4 noise and I assumed that problems were brewing up.  
 5 Q. Problems were brewing. Do you recall  
 6 whether Tom Darden or J.T. Vaughn or anyone else  
 7 was -- I am trying to use this as a touchstone for  
 8 figuring out when you spoke with the neighbors.  
 9 Do you recall whether they were in town  
 10 yet or not?  
 11 A. No, no they were not in town yet.  
 12 Q. So they came into town -- someone from  
 13 Industrial Heat or IPH came into town probably a day  
 14 or two before the test?  
 15 A. Absolutely, yes.  
 16 Q. Okay.  
 17 A. Absolutely, yes.  
 18 Q. So the resolution was reached at least a  
 19 couple of days prior to that?  
 20 A. At least.  
 21 Q. I want to talk a little bit about  
 22 Leonardo Corporation and its dealings with J.M.  
 23 Products.  
 24 First, what agreements existed between  
 25 Leonardo Corporation and J.M. Products?

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1 MR. ANNESSER: Object to form.  
 2 MR. LEON DE LA BARRA: Join.  
 3 THE WITNESS: The main agreement between  
 4 Leonardo Corporation and J.M. Products was an  
 5 agreement based on which Leonardo Corporation  
 6 was going to buy from J.M. Products the  
 7 catalysts they were producing, in change of the  
 8 fact that Leonardo was going to pay all the  
 9 accessory expenses that J.M. was going to have  
 10 to pay for, besides to pay the well known \$1,000  
 11 per day to Industrial Heat and this is the only  
 12 written agreement that exists between -- that  
 13 has been made between Leonardo Corporation and  
 14 J.M.  
 15 BY MR. PACE:  
 16 Q. I want to talk about that agreement a  
 17 little bit more in a second but there is also a  
 18 license agreement or a sublicense agreement between  
 19 Leonardo Corporation and J.M. Products?  
 20 A. No, no, not that I can recall.  
 21 Q. There is also a loan of an employee from  
 22 Leonardo Corporation to J.M. Products, correct?  
 23 MR. ANNESSER: Wait. I'm sorry, state  
 24 that again.  
 25 BY MR. PACE:

R

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1 Q. There is a loan of an employee from  
 2 Leonardo Corporation to J.M. Products?  
 3 MR. ANNESSER: Object to form.  
 4 MR. LEON DE LA BARRA: Join.  
 5 THE WITNESS: Attorney, I would prefer to  
 6 rephrase in the answer because I don't know what  
 7 does mean exactly by the loan of an employee.  
 8 BY MR. PACE:  
 9 Q. Fair enough.  
 10 A. I can say that Leonardo Corporation paid  
 11 the expenses, paid the employee of J.M. Products in  
 12 the compensation agreement I had spoken just before  
 13 this question.  
 14 Q. Are you referring to James Bass?  
 15 A. Can you repeat?  
 16 Q. Are you referring to James Bass?  
 17 A. No -- yes. Well, if James Bass was a  
 18 consultant of J.M., was not an employee. While I was  
 19 talking of the employee of J.M., that was  
 20 Mr. Reinaldo Breto and was basically was a person  
 21 that has functions as janitor and guardian.  
 22 Q. And he -- your understanding of that  
 23 written document is that he -- he was an employee of  
 24 J.M. --  
 25 A. Yes.

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1 involving platinum sponge, correct?  
 2 A. Correct.  
 3 MR. ANNESSER: Object to form.  
 4 BY MR. PACE:  
 5 Q. And that was your idea to create this  
 6 product for J.M. Products?  
 7 MR. LEON DE LA BARRA: Object to form.  
 8 THE WITNESS: Yes.  
 9 BY MR. PACE:  
 10 Q. All right. And your idea was on behalf  
 11 of J.M. Products, you were going to -- you were going  
 12 to alter or treat platinum sponge that you were going  
 13 to buy from Johnson Matthey?  
 14 A. Correct.  
 15 Q. And then sell that platinum sponge, that  
 16 modified platinum sponge to Leonardo?  
 17 A. Correct.  
 18 Q. All right. And this, if I recall from  
 19 the testimony --  
 20 A. Also, may I? I have not finished the  
 21 answer.  
 22 Q. Okay.  
 23 A. I'm sorry. You know, the market of the  
 24 advanced platinum sponge was much wider than  
 25 Leonardo, but the buying of the platinum -- the

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1 Q. -- for whom Leonardo paid, not an employee  
 2 of Leonardo for whom J.M. Products paid?  
 3 MR. ANNESSER: Objection to the form.  
 4 MR. LEON DE LA BARRA: Object to the  
 5 form.  
 6 THE WITNESS: I recall, but I could be  
 7 wrong because, again, this is matter of papers  
 8 and accounting and it is not my strong side.  
 9 But what I recall is that the employee,  
 10 Mr. Reinaldo Breto, was an employee of J.M. and  
 11 Jim Bass was a consultant of J.M., and Leonardo  
 12 Corporation has paid for both of them, as well  
 13 as has paid all the bills, all the electricity,  
 14 as well as it has paid for many other things  
 15 that I don't remember, to compensate.  
 16 BY MR. PACE:  
 17 Q. And this was pursuant to the sales  
 18 agreement between Leonardo and J.M. Products, whereby  
 19 Leonardo was going to buy products from J.M.  
 20 Products?  
 21 A. It is correct.  
 22 Q. All right. Let's talk about those  
 23 products for a second.  
 24 The original product that was going to be  
 25 produced by J.M. Products was going to be something

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1 advanced platinum sponges made by J.M. was also part  
 2 of the agreement.  
 3 So between -- between the products that  
 4 Leonardo intended to buy from J.M. were also, but  
 5 Leonardo was -- did not intend to buy all the  
 6 production of J.M., if any.  
 7 Q. If any. So the agreement was Leonardo  
 8 would buy whatever -- if J.M. Products produced any  
 9 platinum sponge, modified platinum sponge, Leonardo  
 10 would buy it, unless J.M. Products was able to sell  
 11 it to someone else?  
 12 MR. ANNESSER: Object to form. I R, IMP  
 13 THE WITNESS: No.  
 14 MR. LEON DE LA BARRA: Form. I  
 15 THE WITNESS: It was not the agreement.  
 16 The agreement was Leonardo would buy it, at  
 17 least in an amount enough to allow J.M. to pay  
 18 for all its expenses, with exception of the  
 19 expenses to pay Industrial Heat.  
 20 BY MR. PACE:  
 21 Q. And Leonardo, if they had bought -- if  
 22 this modified platinum sponge had ever been created  
 23 and actually a transaction occurred where Leonardo  
 24 actually bought it, what was Leonardo going to do  
 25 with this modified platinum sponge?

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1 A. I'm sorry, can you --  
 2 Q. I'll start it over again.  
 3 A. Just divide this question in shorter  
 4 ones.  
 5 Q. I will. That's fair enough. Leonardo --  
 6 no modified platinum sponge was ever delivered by  
 7 J.M. Products to Leonardo, correct?  
 8 MR. ANNESSER: Object to the form.  
 9 MR. LEON DE LA BARRA: Object to the  
 10 form.  
 11 THE WITNESS: No, it is not correct.  
 12 BY MR. PACE:  
 13 Q. What modified platinum sponge was  
 14 delivered by J.M. Products to Leonardo?  
 15 MR. ANNESSER: Object to form.  
 16 THE WITNESS: A small amount.  
 17 MR. LEON DE LA BARRA: Join.  
 18 THE WITNESS: Sorry. A small amount.  
 19 BY MR. PACE:  
 20 Q. How much?  
 21 A. I don't remember exactly. I don't  
 22 remember exactly. I don't remember exactly.  
 23 Q. Are we talking grams?  
 24 A. We're talking of grams.  
 25 Q. Grams?

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1 A. And we're talking of grams that have been  
 2 worked upon. Because -- if you want, I repeat to you  
 3 all that I already told you.  
 4 Q. I am not asking you to repeat. You asked  
 5 me to break it down, so I am trying to break it  
 6 down.  
 7 A. Perfect.  
 8 Q. Does that platinum sponge -- modified  
 9 platinum sponge that you are testifying J.M. Products  
 10 sold to Leonardo, does Leonardo still have that  
 11 modified platinum sponge or has it sold it?  
 12 MR. ANNESSER: Object to form.  
 13 MR. LEON DE LA BARRA: Join.  
 14 THE WITNESS: Has used it.  
 15 BY MR. PACE:  
 16 Q. Leonardo has used it?  
 17 A. Has utilized it, yes.  
 18 Q. In what process would it utilize that  
 19 modified platinum sponge?  
 20 A. We have utilized it in -- we utilized it  
 21 in experiments that we made with a new product, not  
 22 connected with this situation.  
 23 Q. Okay. So at some point J.M. Products --  
 24 I believe your prior testimony was at some point J.M.  
 25 Products stopped working on trying to create some

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1 kind of modified platinum sponge and moved over to  
 2 creating a graphene product; is that correct?  
 3 A. It is correct.  
 4 MR. ANNESSER: Object to form.  
 5 MR. LEON DE LA BARRA: Join.  
 6 BY MR. PACE:  
 7 Q. I am trying to understand from a time  
 8 period here. I think I have -- right in front of  
 9 me. I going to mark as Exhibit 17.  
 10 (The document referred to was thereupon  
 11 marked Deposition Exhibit 17 for Identification, a  
 12 copy of which is attached hereto.)  
 13 BY MR. PACE:  
 14 Q. This is an e-mail from you to somebody  
 15 at --  
 16 A. Thank you.  
 17 Q. -- Johnson Matthey about buying --  
 18 A. Yes.  
 19 Q. -- some platinum sponge.  
 20 A. Yes.  
 21 Q. Okay. And this is for, I believe it's 10  
 22 kilograms of platinum sponge, correct?  
 23 A. Can you repeat the question to me?  
 24 Q. Yes. What we have here is Exhibit 17,  
 25 this is an e-mail from you?

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1 A. Yes. And the top, top manager of Johnson  
 2 Matthey.  
 3 Q. The top manager of Johnson Matthey. This  
 4 is for the -- a purchase of platinum sponge from  
 5 Johnson Matthey, correct?  
 6 A. That is correct.  
 7 Q. And you are telling him that you are  
 8 apologizing for a delay because you had -- they had  
 9 sent you an invoice or a proposal for buying some  
 10 platinum sponge a while ago?  
 11 A. That is correct.  
 12 Q. And is this the first purchase of  
 13 platinum sponge that you are making for or on behalf  
 14 of J.M. Products or Leonardo Corporation?  
 15 MR. LEON DE LA BARRA: Object to form.  
 16 THE WITNESS: As far as I remember I was  
 17 going to buy this platinum sponge. I don't  
 18 remember if my program at the moment was to make  
 19 J.M. directly buy from -- from Johnson Matthey  
 20 or -- or -- but since I signed here please have  
 21 the invoice and send the material to J.M.  
 22 Products Corporation, warm regards, Andrea  
 23 Rossi. In this moment I was talking as the  
 24 director of J.M. Products.  
 25 BY MR. PACE:

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1 Q. And as the director of J.M. Products at  
 2 this time, in March 22nd of 2015 --  
 3 A. Yes.  
 4 Q. -- the product that J.M. Products was  
 5 working on, according to your testimony, is going to  
 6 be some type of modified platinum sponge; is that  
 7 correct?  
 8 MR. LEON DE LA BARRA: Object to form.  
 9 THE WITNESS: The program was to buy the  
 10 basic platinum sponge from Johnson Matthey and  
 11 then upgrade them through a new process that I  
 12 wanted to experiment.  
 13 BY MR. PACE:  
 14 Q. I guess I'm really kind of asking about  
 15 the time period though. I am trying to figure this  
 16 out through looking at e-mails.  
 17 A. Yeah.  
 18 Q. This is March 22nd.  
 19 A. This is March 22nd, yeah.  
 20 Q. So sometime after March 22nd is when this  
 21 platinum sponge was delivered to J.M. Products to the  
 22 best of your knowledge?  
 23 MR. ANNESSER: Object to form.  
 24 MR. LEON DE LA BARRA: Join.  
 25 THE WITNESS: No, sir. The platinum

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1 sponge we worked with at the plant of Doral was  
 2 a residual of -- reserve of platinum sponge that  
 3 I had made in Italy when I worked for completely  
 4 different things.  
 5 BY MR. PACE:  
 6 Q. Okay.  
 7 A. Not -- so I brought with me that material  
 8 when I came in the United States and basically I gave  
 9 it to -- gave it in conto forniture. I don't  
 10 remember the English name.  
 11 When you are -- have a material, give it  
 12 to somebody that treat it, then you get back the  
 13 treated material and pay only the work made upon it.  
 14 What is the English?  
 15 Q. Consignment? No.  
 16 A. In Italian it's conto forniture.  
 17 Q. It's a contribution of it. I think I  
 18 understand what you're saying.  
 19 A. If you understood, I am fine.  
 20 Q. So J.M. products has platinum sponge from  
 21 prior to this date that was provided by you?  
 22 A. Exactly.  
 23 Q. And it was going to be provided later to  
 24 Leonardo Corporation?  
 25 MR. ANNESSER: Object to form.

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1 THE WITNESS: Yes.  
 2 BY MR. PACE:  
 3 Q. And it was going to be altered by being  
 4 placed in the cylinders and put into the -- what on  
 5 the J.M. Products side is in the input tube coming  
 6 into the -- coming over to the J.M. Products side; is  
 7 that correct?  
 8 A. Can you kindly repeat?  
 9 Q. Sure. I don't know if we need a picture  
 10 of it. We looked last time. There is a container on  
 11 the J.M. Products side, right?  
 12 A. Okay, sure. Now we're talking of J.M.  
 13 Products side?  
 14 Q. We're talking about J.M. Products side.  
 15 A. Okay.  
 16 Q. We're talking about this product that  
 17 eventually is going to be purchased by Leonardo  
 18 Corporation.  
 19 A. Yes. It's okay.  
 20 Q. This is the -- what you testified  
 21 earlier, this is the platinum sponge that you put  
 22 into cylinders --  
 23 A. Yes.  
 24 Q. -- correct?  
 25 A. Correct.

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1 Q. Then you insert it into the tubing on the  
 2 J.M. Products side of the Doral warehouse?  
 3 A. You are correct.  
 4 Q. Okay. And what was supposed to be -- and  
 5 the combination of the heat from the steam and the  
 6 pressure in the tubes was going to alter the platinum  
 7 sponge?  
 8 A. It's a pretty complex thing but in -- if  
 9 you want to say it in a very restricted nutshell,  
 10 yes.  
 11 Q. I'm not claiming I'm not using a  
 12 simplified approach.  
 13 A. It's okay.  
 14 Q. I'm just trying to understand.  
 15 A. It's okay.  
 16 Q. At some point J.M. Products changes over  
 17 to trying to create or work with a product that is  
 18 graphene, correct?  
 19 A. Correct.  
 20 Q. That change occurs because of the price  
 21 of -- well, why does that change occur? Why does  
 22 J.M. Products go from -- as a director of J.M.  
 23 Products why does it go from doing a platinum sponge  
 24 product to a graphene product?  
 25 MR. ANNESSER: Object to form. Are you

IMP



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1 now asking -- I just want to be clear for the  
 2 record you're no longer asking him as the  
 3 30(b)(6) of Leonardo.  
 4 BY MR. PACE:  
 5 Q. Yes, this is a question to you,  
 6 Dr. Rossi, in terms of what you know as opposed to  
 7 Leonardo, what Leonardo Corporation knows.  
 8 Just for the question, for that question,  
 9 why did J.M. Products switch from creating a product  
 10 that involved platinum sponge to a product that  
 11 involved graphene?  
 12 A. Practically your question, for economic  
 13 reasons. Because as you can see from this e-mail, I  
 14 was dealing with these guys cited here are not just  
 15 two salesmen of Johnson Matthey, they are top  
 16 level -- top level guys of Johnson Matthey.  
 17 So I was pretty much enthusiastic to work  
 18 with them. But when I asked to send me the pro forma  
 19 invoice I received a price that was basically not  
 20 acceptable and since --  
 21 Q. Not acceptable because it's too high or  
 22 too low? It could be both, right?  
 23 A. Sure, sure.  
 24 Q. Not acceptable --  
 25 A. My point of view not acceptable means too

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1 high.  
 2 Q. If you were going to resell it prices  
 3 being too low can be bad too.  
 4 A. Sure, sure.  
 5 Q. I'm sorry, I stopped. So you said they  
 6 quoted you too high?  
 7 A. It's welcome your --  
 8 MR. ANNESSER: Objection.  
 9 BY MR. PACE:  
 10 Q. Please resume. Sorry.  
 11 A. No problem. They made an offer that was  
 12 too expensive and the risk for us was very high  
 13 because that activity of J.M. was an experiment.  
 14 It was an invention of mine and the risk  
 15 that it could also not work was there and J.M. did  
 16 not accept my proposal of a friendly agreement  
 17 considering all the future possible developments and  
 18 at that point I broken with them.  
 19 And since that physical principle that  
 20 could have worked on the platinum sponges was  
 21 applicable I was studying on the issue, was  
 22 applicable also to graphite, to get graphene, a mix  
 23 powder of graphene and diamond powders, I wanted to  
 24 try that experiment that allowed us to work with a  
 25 raw material, very poor (phonetic), so the risk was

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1 very limited.  
 2 Q. And that was determined sometime after  
 3 this e-mail that we're looking at here in March 22nd?  
 4 A. I tried -- I tried -- as I can recall, I  
 5 tried for months to save the relationship with  
 6 Johnson Matthey because I liked very much their  
 7 products and I had strong ideas about that, but -- so  
 8 I asked to them okay, give me a small amount.  
 9 Because, you know, they have some kind of  
 10 a monopoly of that raw material. If you don't get  
 11 them from them you can't find it. And I tried.  
 12 Anyway, but I don't remember when at a certain point  
 13 I said all right, good bye.  
 14 Q. Then you switched over to the graphene  
 15 product?  
 16 A. Yes.  
 17 (The document referred to was thereupon  
 18 marked Deposition Exhibit 18 for Identification, a  
 19 copy of which is attached hereto.)  
 20 Q. Okay. So handing you what's been marked  
 21 as Exhibit 18. This is the written contract you were  
 22 just referring to between J.M. Products and Leonardo;  
 23 is that correct?  
 24 A. That is correct.  
 25 Q. And this calls for Leonardo to pay \$300 a

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1 gram --  
 2 A. Yes.  
 3 Q. -- for any graphene catalyzer that was  
 4 provided?  
 5 A. Yes, it is correct.  
 6 Q. Well, in fact, if you look at Exhibit 3  
 7 or Exhibit 18, I guess the third and fourth page --  
 8 this was produced in order -- is the gross sublease  
 9 between J.M. Products and Leonardo?  
 10 A. Yes.  
 11 Q. That's another written agreement,  
 12 correct?  
 13 A. Correct.  
 14 Q. And did you testify earlier that -- was  
 15 any graphene catalyzer ever provided by J.M. Products  
 16 to Leonardo?  
 17 A. Can you -- I was reading. Can you kindly  
 18 repeat your question?  
 19 Q. I think you testified -- I might be wrong  
 20 here. I thought you testified that some platinum  
 21 sponge -- some modified platinum sponge was delivered  
 22 to J.M. -- was delivered -- I'm sorry, I believe you  
 23 testified earlier --  
 24 A. Yes.  
 25 Q. -- that J.M. Products sold some modified



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1 platinum sponge to Leonardo?  
 2 A. Yes.  
 3 Q. Some grams of it?  
 4 A. Yes.  
 5 Q. Did J.M. Products ever sell any graphene  
 6 catalyzer to Leonardo?  
 7 A. Yes.  
 8 Q. And sold them pursuant to the terms of  
 9 this agreement?  
 10 A. Yes.  
 11 Q. And sold them for -- for the price of  
 12 \$300 per gram?  
 13 A. Yes.  
 14 Q. So net -- in light of all that Leonardo  
 15 has paid for J.M. Products am I correct that Leonardo  
 16 has lost money compared to how much -- compared to  
 17 the amount of graphene catalyzer it received,  
 18 Leonardo Corporation has paid much more than \$300 a  
 19 gram in terms of the cost for -- for Jim Bass and the  
 20 cost for the space that J.M. Products uses and  
 21 everything else?  
 22 A. Good question. Not -- I don't remember.  
 23 I don't recall. But if a difference there is, it is  
 24 not a big difference.  
 25 Because I think that the amount of

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1 graphene that Leonardo got from J.M. is not distant  
 2 from that sum, but --  
 3 Q. How much? How much have they gotten from  
 4 J.M. Products?  
 5 A. That I recall, ballpark, ballpark  
 6 numbers, something around 150 grams, something around  
 7 that.  
 8 Q. Okay. So you think they have gotten 150  
 9 grams.  
 10 Is there documentation reflecting the  
 11 delivery of that 150 grams from J.M. Products to  
 12 Leonardo?  
 13 A. There are the invoices.  
 14 Q. There are invoices. When was that  
 15 delivered?  
 16 A. I don't remember exactly, but I should  
 17 have to go to check. But, you know, we have -- the  
 18 first -- I am trying to answer to your question  
 19 reconstructing.  
 20 First we worked with a few grams of  
 21 platinum sponge that I had and then finished the work  
 22 with those, I had no more raw material, so in March I  
 23 had to change the issue and in March I switched to  
 24 graphene that was already an idea that I had in  
 25 mind. So it was not something that I already had my

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1 safety boat.  
 2 Q. And the idea for these products, even  
 3 though you're the CEO of Leonardo, it does come from  
 4 you, the idea for whatever product was created by  
 5 J.M. Products?  
 6 MR. ANNESSER: Object to form.  
 7 MR. LEON DE LA BARRA: Form.  
 8 THE WITNESS: I pray you to repeat the  
 9 question because I did not understand.  
 10 BY MR. PACE:  
 11 Q. Sure. Whatever this product was that  
 12 J.M. Products was creating, it was based on a process  
 13 or a method that you came up with?  
 14 MR. ANNESSER: Object to form.  
 15 THE WITNESS: Yes.  
 16 BY MR. PACE:  
 17 Q. All right. Not a process or method that  
 18 you ever put into place at Leonardo?  
 19 A. No.  
 20 Q. All right. So let me mark this as  
 21 Exhibit 25. Or Exhibit 19, I'm sorry. This is  
 22 actually an exhibit from our answer and counterclaims  
 23 which is why it's got the number 25 on it.  
 24 A. Thank you.  
 25 Q. For our purposes today we're going to

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1 refer to it as Exhibit 19.  
 2 (The document referred to was thereupon  
 3 marked Deposition Exhibit 19 for Identification, a  
 4 copy of which is attached hereto.)  
 5 BY MR. PACE:  
 6 Q. If you look at -- these are excerpts from  
 7 your blog, correct?  
 8 A. Yes.  
 9 MR. ANNESSER: Object to form.  
 10 THE WITNESS: Sorry.  
 11 BY MR. PACE:  
 12 Q. If you look down here on the last one,  
 13 April 14, 2016, this is actually kind of a generic  
 14 question as opposed to really driven by this posting  
 15 but you make a reference here: "Our customer spoke  
 16 his satisfaction with facts, not words. He bought  
 17 three units like the one he tested during this year  
 18 with the company set up specifically for this  
 19 purpose."  
 20 Is the customer you are referring to  
 21 there J.M. Products?  
 22 A. I want to underline that the answer to  
 23 this question is related to the activity of Leonardo  
 24 Corporation out of the territory of Industrial Heat,  
 25 for which Industrial Heat had been licensed.

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1 So my comment about this issue must be, I  
 2 think, I'm asking to my attorney, here is present  
 3 Mr. J.T. Vaughn of Industrial Heat, and I would like  
 4 not -- I think I have the right not to give him this  
 5 information.  
 6 Q. I think he's covered by the protective  
 7 order, so he has limitations based on the protective  
 8 order.  
 9 A. Yes, but if he listens what I'm saying he  
 10 gets information.  
 11 Q. How about this. Same thing would apply  
 12 to you whenever you look at any information that is  
 13 marked as confidential, but let me ask you this way.  
 14 MR. ANNESSER: Object to form, move to  
 15 strike.  
 16 BY MR. PACE:  
 17 Q. I asked a different question here. Maybe  
 18 you weren't focusing on my question.  
 19 A. Yeah.  
 20 Q. My question was is the customer of J.M.  
 21 Products?  
 22 A. To answer this question --  
 23 Q. You can't answer yes or no to that  
 24 question?  
 25 A. Sorry?

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1 Q. You can't answer yes or no to that  
 2 question without revealing confidential information?  
 3 A. I am under oath so basically I insist --  
 4 if possible I want to respect the law, I want to  
 5 respect the judge, I want to respect everybody.  
 6 I am -- I am asking if the law allows me  
 7 in this case to ask Mr. J.T. Vaughn to exit from  
 8 here.  
 9 MR. ANNESSER: Chris, may I? I don't  
 10 know the answer to this question. May I talk  
 11 with the client and find out what his concern  
 12 is?  
 13 MR. PACE: Go off the record. Why don't  
 14 we go off the record.  
 15 THE VIDEOGRAPHER: Time is 17:06. Off  
 16 the record.  
 17 (Thereupon a brief recess was taken,  
 18 after which the following proceedings were had.)  
 19 THE VIDEOGRAPHER: Time is 17:17. We're  
 20 back on the record.  
 21 BY MR. PACE:  
 22 Q. Dr. Rossi, I believe we left off, we were  
 23 looking at Exhibit 19. On the second page there is a  
 24 passage written by you that says: "Our customer  
 25 spoke his satisfaction with facts not words. He

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1 bought three units, like the one he tested during  
 2 this year with a company set up specifically for this  
 3 purpose."  
 4 So my first question is, this is kind of  
 5 the narrow one, which is the customer that you are  
 6 referencing here, is that J.M. Products?  
 7 A. Yes, but I am not sure that they will use  
 8 the same entity.  
 9 Q. So J.M. Products, the company --  
 10 A. Sorry.  
 11 Q. -- for whom the president is Henry  
 12 Johnson, that company has -- has agreed to buy three  
 13 E-Cat plants from Leonardo Corporation?  
 14 MR. ANNESSER: Object to form.  
 15 THE WITNESS: Yes.  
 16 MR. LEON DE LA BARRA: Object to form. **IMP**  
 17 BY MR. PACE:  
 18 Q. I'm sorry, I am not sure I heard your  
 19 answer, Dr. Rossi.  
 20 A. Yes.  
 21 Q. Is that documented anywhere?  
 22 A. Not yet.  
 23 Q. At what price?  
 24 A. That has been -- it's a complex contract  
 25 so it's not easy to answer this question.

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1 Q. Well, it's not written so it can't be  
 2 that complex, if everyone can remember it. **R**  
 3 A. Yes, but it's an agreement. It's an  
 4 agreement.  
 5 Q. Is it an agreement between you and -- you  
 6 as the CEO of Leonardo and Henry Johnson as the  
 7 president of J.M. Products?  
 8 MR. ANNESSER: Object to form.  
 9 THE WITNESS: No.  
 10 BY MR. PACE:  
 11 Q. Who is the agreement with or between?  
 12 A. With -- with Mr. Di Giovanni, that he is  
 13 the man of reference of the entity that will use  
 14 these three plants.  
 15 Q. So this is Francesco Di Giovanni -- you  
 16 are referring to Francesco Di Giovanni?  
 17 MR. ANNESSER: Object to form.  
 18 MR. LEON DE LA BARRA: Object to form.  
 19 THE WITNESS: Yes.  
 20 BY MR. PACE:  
 21 Q. And Francesco Di Giovanni is the  
 22 beneficiary of the Platinum American Trust?  
 23 A. Yes.  
 24 MR. ANNESSER: Object to form.  
 25 BY MR. PACE:

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1 Q. And the Platinum American Trust owns J.M.  
 2 Products?  
 3 MR. ANNESSER: Object to form.  
 4 MR. LEON DE LA BARRA: Object to form.  
 5 THE WITNESS: As far as I know and as far  
 6 as I recall, yes.  
 7 BY MR. PACE:  
 8 Q. And these three plants that you have  
 9 written are being bought, where will these plants be  
 10 built?  
 11 A. This has still to be decided.  
 12 Q. You blogged recently about a  
 13 manufacturing plant in the US as well as in Sweden.  
 14 A. This is our strategy.  
 15 MR. ANNESSER: Object to form. Are we  
 16 wearing the Leonardo hat or --  
 17 BY MR. PACE:  
 18 Q. Wearing the Leonardo hat. You as the CEO  
 19 of Leonardo has blogged that Leonardo is going to  
 20 have or has an agreement with someone to build two  
 21 manufacturing plants, one in the US and one in  
 22 Sweden, correct?  
 23 MR. ANNESSER: Object to form.  
 24 THE WITNESS: It is correct.  
 25 BY MR. PACE:

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1 Q. With whom is that agreement to build the  
 2 plants?  
 3 A. With nobody. This is a decision of  
 4 Leonardo Corporation.  
 5 Q. Okay. Some of the blog posts make it  
 6 sound like you are working with somebody else in  
 7 building the plants.  
 8 A. No.  
 9 Q. So where will the plant be in the United  
 10 States?  
 11 A. The factory will be here in --  
 12 MR. ANNESSER: I am going to object to  
 13 form. Go ahead.  
 14 THE WITNESS: Is in Miami.  
 15 BY MR. PACE:  
 16 Q. And where would the factory be in Sweden?  
 17 MR. ANNESSER: Object to form.  
 18 THE WITNESS: That has -- we have chosen  
 19 a locality, but has not yet been defined.  
 20 BY MR. PACE:  
 21 Q. And you just said we. Is that just  
 22 because you are referring to Leonardo or is there  
 23 somebody other than you?  
 24 A. In Sweden we are in a collaboration with  
 25 HydroFusion.

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1 Q. Again, in that context we meaning  
 2 Leonardo Corporation?  
 3 A. Yes, sir.  
 4 Q. Has the factory in Sweden -- has work on  
 5 the factory in Sweden begun?  
 6 A. No.  
 7 Q. Has work on the factory in the United  
 8 States begun?  
 9 A. No.  
 10 Q. You have blogged fairly recently that --  
 11 I'm sorry, I forgot to finish on an earlier issue.  
 12 The three plants that you have said the  
 13 customer has bought, which you have identified as  
 14 J.M. Products, where are they going to be operated?  
 15 MR. LEON DE LA BARRA: Object to form.  
 16 MR. ANNESSER: Object to form. You can  
 17 answer if you know.  
 18 THE WITNESS: This has to be defined.  
 19 BY MR. PACE:  
 20 Q. To where is Leonardo planning to deliver  
 21 the three plants?  
 22 MR. ANNESSER: Object to form.  
 23 MR. LEON DE LA BARRA: Object to form.  
 24 THE WITNESS: Depends on the will of the  
 25 customer.

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1 BY MR. PACE:  
 2 Q. The will of the customer being J.M.  
 3 Products?  
 4 MR. ANNESSER: Object to form.  
 5 MR. LEON DE LA BARRA: Object to form.  
 6 THE WITNESS: J.M. Products or another  
 7 entity.  
 8 BY MR. PACE:  
 9 Q. All right. So these are plants that  
 10 could be delivered in the United States?  
 11 A. Can you kindly repeat?  
 12 Q. These are plants that could be delivered  
 13 in the United states?  
 14 MR. ANNESSER: Object to form.  
 15 MR. LEON DE LA BARRA: Object to form.  
 16 THE WITNESS: No, because in the United  
 17 States the situation has to be defined.  
 18 BY MR. PACE:  
 19 Q. Are they plants that could be delivered  
 20 in Europe?  
 21 A. Could be.  
 22 Q. Does Leonardo still have some existing  
 23 licenses that its granted that apply to certain parts  
 24 of Europe?  
 25 A. Can you kindly repeat the question?

R

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1 Q. Sure. Are there licenses that  
 2 Leonardo -- are there territories in Europe that  
 3 Leonardo has licensed already to other companies?  
 4 A. We --  
 5 MR. LEON DE LA BARRA: Object to form.  
 6 THE WITNESS: Yes.  
 7 BY MR. PACE:  
 8 Q. You have testified that there is a  
 9 number -- I'm sorry, you have blogged -- sorry about  
 10 that.  
 11 You have blogged that there are -- that  
 12 you have received a number of pre-orders and that  
 13 Leonardo Corporation before accepting an order does a  
 14 due diligence into the customer and then afterwards  
 15 decides whether to accept the pre-order and has  
 16 accepted a number of pre-orders.  
 17 First of all, is that an accurate  
 18 process, that someone can make an order for an E-Cat  
 19 plant and Leonardo will conduct due diligence on that  
 20 customer?  
 21 MR. ANNESSER: Object to the form.  
 22 THE WITNESS: I did not understand the  
 23 question. I heard the question but I do not  
 24 understand the meaning.  
 25 BY MR. PACE:

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1 Q. Sure. I am just going to read you -- I'm  
 2 not going to give you these blog posts because there  
 3 is so many pages of them but you were asked a  
 4 question, you write about pre-orders.  
 5 "We send a precise offer to them who  
 6 make the pre-orders, with the price and the sale  
 7 terms along with an order form. If the potential  
 8 customer decides to buy, they send the order signed.  
 9 Leonardo Corporation before accepting the order makes  
 10 a due diligence about the customer to verify his  
 11 industrial and financial consistency. If the due  
 12 diligence is positive, we accept the order, otherwise  
 13 the order is not accepted."  
 14 Is that the accurate process, the way  
 15 that Leonardo Corporation has been handling  
 16 pre-orders for E-Cat plants?  
 17 MR. ANNESSER: Object to form.  
 18 MR. LEON DE LA BARRA: Join.  
 19 MR. ANNESSER: Are you referring to a  
 20 specific document?  
 21 MR. PACE: I am referring to a blog post.  
 22 MR. ANNESSER: Is that something that we  
 23 have got in discovery?  
 24 MR. PACE: Yes.  
 25 MR. ANNESSER: Can you tell me the Bates

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1 number?  
 2 MR. PACE: I cannot but it's June 28,  
 3 2016 blog post.  
 4 THE WITNESS: That is a procedure, if I  
 5 recall, because it's -- it's not a new thing but  
 6 that is the procedure that we intend to follow.  
 7 BY MR. PACE:  
 8 Q. Is it the procedure that Leonardo  
 9 Corporation has followed?  
 10 A. No, because -- well, so far we got many  
 11 pre-orders that are just in suspension because we are  
 12 not in a condition that we can deliver, so basically  
 13 nothing has been done yet.  
 14 Q. So no one has ever -- no potential  
 15 customer has ever, quote, sent the order signed?  
 16 A. No.  
 17 Q. And Leonardo has never conducted due  
 18 diligence on a customer yet?  
 19 A. Not yet.  
 20 MR. ANNESSER: Object to the form.  
 21 BY MR. PACE:  
 22 Q. And Leonardo has not -- if the due  
 23 diligence is positive, Leonardo has not accepted any  
 24 orders yet?  
 25 MR. ANNESSER: Object to form.

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1 THE WITNESS: No.  
 2 BY MR. PACE:  
 3 Q. You have also identified a blog post that  
 4 you have a new customer. At least different -- well,  
 5 compared to previous partners and licensees, how  
 6 important is the development of E-Cat to a new  
 7 partner?  
 8 Is there a new partner in developing  
 9 E-Cats with which Leonardo is working?  
 10 MR. ANNESSER: Object to form. If you  
 11 are going to refer to a specific document you  
 12 may want to show it to him.  
 13 BY MR. PACE:  
 14 Q. Let me just ask the question. Does  
 15 Leonardo Corporation have a new partner in the  
 16 development of E-Cat units?  
 17 MR. ANNESSER: Object to form.  
 18 THE WITNESS: No.  
 19 (The document referred to was thereupon  
 20 marked Deposition Exhibit 20 for Identification, a  
 21 copy of which is attached hereto.)  
 22 BY MR. PACE:  
 23 Q. I am going to hand you what has now been  
 24 marked as Leonardo Exhibit 20.  
 25 This is an e-mail you wrote to Tom Darden

R

R, IMP

R

R, IMP

R

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1 with a copy to J.T. Vaughn, T. Barker Dameron and  
 2 several others, correct?  
 3 A. You mean the first e-mail in the first  
 4 page?  
 5 Q. Yes.  
 6 A. Because here are several e-mails.  
 7 Q. You know what, in fact I am only going to  
 8 ask you about that first e-mail.  
 9 A. Okay. "Dear Tom", you mean?  
 10 Q. Yes.  
 11 A. Okay.  
 12 Q. Yes, sir. Actually, you know what,  
 13 contextually you should look at the whole document  
 14 because that way we can talk about any parts of it.  
 15 A. May I read it?  
 16 Q. Please. That's what I meant, please do.  
 17 A. Thank you. Thank you, I have read it.  
 18 Q. So let's start with the e-mail there that  
 19 is earliest in time.  
 20 A. Earliest in time?  
 21 Q. Yeah.  
 22 A. So from Andrea Rossi to Tom Darden of  
 23 February 27, 7:12 p.m.?  
 24 Q. Correct.  
 25 A. Okay.

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1 Q. First of all, there is a -- we're on page  
 2 19056.  
 3 A. Okay.  
 4 Q. There is a sentence there: "Today the  
 5 director of J.M. phoned me and said that they are  
 6 satisfied."  
 7 A. Okay.  
 8 Q. Who are you referring to as the director  
 9 of J.M. who phoned you?  
 10 A. Jim Bass.  
 11 Q. Jim Bass. And Jim Bass was not -- did  
 12 this phone call actually take place between you and  
 13 Jim Bass?  
 14 MR. ANNESSER: Object to form.  
 15 THE WITNESS: Sorry?  
 16 MR. LEON DE LA BARRA: Join.  
 17 BY MR. PACE:  
 18 Q. You're saying today the director of J.M.  
 19 phoned me and said they are satisfied.  
 20 A. I cannot remember.  
 21 Q. Later you talk about how the -- there  
 22 will be confirmation. Will be able to find  
 23 confirmation of the COP by what is invoiced to J.M.  
 24 Products versus what -- by Leonardo, versus what is  
 25 invoiced to J.M. Products for the electrical bill

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1 from FPL, correct?  
 2 A. Yes.  
 3 Q. It says, but the -- but J.M. Products  
 4 actually had no means of measuring the amount of  
 5 steam or power that they were receiving from  
 6 Leonardo, correct?  
 7 MR. LEON DE LA BARRA: Object to form.  
 8 THE WITNESS: No, it is not correct.  
 9 BY MR. PACE:  
 10 Q. How did J.M. Products measure the steam  
 11 or power they were receiving from Leonardo?  
 12 A. They had a flow meter and thermometers.  
 13 Q. They had a flow meter on the steam?  
 14 A. No, on the returning water.  
 15 Q. So they could measure --  
 16 A. The water -- the condensed water that run  
 17 back to the Leonardo plant and then they had a  
 18 thermometer that measured the temperature of the  
 19 steam at the inlet of their plant.  
 20 Q. Do you know who maintained that  
 21 information for the thermometer for the temperature  
 22 of the steam?  
 23 MR. ANNESSER: Object to form.  
 24 THE WITNESS: In collaboration, I and Jim  
 25 Bass.

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1 BY MR. PACE:  
 2 Q. Well, most days Jim Bass wasn't at J.M.  
 3 Products, correct?  
 4 MR. ANNESSER: Object to form.  
 5 MR. LEON DE LA BARRA: Object to form.  
 6 THE WITNESS: I did not understand the  
 7 question.  
 8 BY MR. PACE:  
 9 Q. Most days Jim Bass was not at the Doral  
 10 warehouse, correct?  
 11 A. I don't know if it is correct or not. He  
 12 was there two, three days a week, as I can recall,  
 13 something like that.  
 14 Q. So four to five days a week it was your  
 15 responsibility to check the temperature of whatever  
 16 was coming over to J.M. Products from Leonardo?  
 17 MR. ANNESSER: Object to form.  
 18 THE WITNESS: I did not -- yes. As a  
 19 matter of fact, I was able to have those data  
 20 also independent of Leonardo. But yes, I would  
 21 say that that task was both on Jim Bass and me.  
 22 BY MR. PACE:  
 23 Q. I understand, but on days when Jim Bass  
 24 wasn't there, you just said it's four or five days a  
 25 week --

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1 MR. ANNESSER: Object to form.  
 2 BY MR. PACE:  
 3 Q. -- Jim Bass was not there?  
 4 MR. LEON DE LA BARRA: Object to form.  
 5 THE WITNESS: I did not say that.  
 6 BY MR. PACE:  
 7 Q. You said he was there two or three days a  
 8 week, didn't you?  
 9 A. Yes.  
 10 Q. How many days in a week?  
 11 A. Seven, less three.  
 12 Q. Would be --  
 13 A. Is four.  
 14 Q. Less two would be five?  
 15 A. Yes.  
 16 Q. I mean, Dr. Rossi, I am not going to  
 17 claim your --  
 18 A. No, it's okay.  
 19 Q. You're great with math. I know you are.  
 20 I am not trying to make this a math game. I know  
 21 it's getting long today.  
 22 A. Okay, okay.  
 23 Q. It's fair. It's fair. I'm being cute  
 24 and I shouldn't be, so I apologize. Let me do this  
 25 again.

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1 Four or five days a week Jim Bass was not  
 2 the present at J.M. Products but you were, correct?  
 3 MR. ANNESSER: Object to form.  
 4 MR. LEON DE LA BARRA: Object to form.  
 5 THE WITNESS: Not always, because in some  
 6 periods his days per week was more than that, as  
 7 I recall.  
 8 BY MR. PACE:  
 9 Q. And for some periods he wasn't there  
 10 weeks at a time, correct?  
 11 A. I did not understand the question.  
 12 Q. There are e-mails between he and you  
 13 where he reflects that he is not going to be there  
 14 for a given week, Jim Bass. I won't be there for a  
 15 week. I won't be there for two weeks. You remember  
 16 that, correct?  
 17 A. No, I don't remember those e-mails.  
 18 Q. Okay. When Jim Bass wasn't there -- that  
 19 can be sorted out through e-mails.  
 20 When Jim Bass wasn't there would you  
 21 check the temperature on the J.M. Products side or  
 22 would you just rely on the temperature on the  
 23 Leonardo side?  
 24 A. No, I check it in both sides.  
 25 Q. Okay. So you would essentially go to a

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1 thermocouple on the Leonardo side, get down off a  
 2 ladder, walk over to the door between Leonardo and  
 3 J.M. Products --  
 4 A. Yes.  
 5 Q. -- and open the door --  
 6 A. Yes.  
 7 Q. -- walk back alongside the wall --  
 8 MR. ANNESSER: Object to form.  
 9 THE WITNESS: Yes.  
 10 BY MR. PACE:  
 11 Q. And get up and check a thermometer or a  
 12 thermocouple a few feet away from the one you just  
 13 checked?  
 14 MR. ANNESSER: Object to form.  
 15 MR. LEON DE LA BARRA: Object to form.  
 16 BY MR. PACE:  
 17 Q. Is that correct?  
 18 A. Yes.  
 19 Q. Did you consider that an independent  
 20 check on the measurements of Leonardo?  
 21 A. Yes, because -- yes, because I was as --  
 22 it was well known that I was also the director of  
 23 J.M. and when I was in the side of J.M. I was looking  
 24 at instruments that are not subjective object, are an  
 25 objective object and so I was -- when I looked at the

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1 instrumentation of J.M., obviously I was independent  
 2 from Leonardo because the plant of Leonardo was on  
 3 the other side and I was just reading gauges. I was  
 4 not -- I was not writing opinions.  
 5 Q. Right.  
 6 A. So that -- the reading of an instrument  
 7 is what it is, independently from who is looking the  
 8 instrument.  
 9 Q. Did you write down the numbers that you  
 10 saw on the flow meter on the J.M. Products side?  
 11 A. No, it was just -- since the number  
 12 correspond to the numbers that I had in Leonardo, I  
 13 did not have the necessity.  
 14 Q. So you wrote down pretty methodical every  
 15 number you read on the Leonardo side?  
 16 A. Yeah.  
 17 Q. And then when you would walk through the  
 18 door at the Doral warehouse on the J.M. Products side  
 19 you didn't write down the numbers that you read on  
 20 the thermometer in the J.M. Products side or the flow  
 21 meter on the J.M. Products side?  
 22 A. Not methodically.  
 23 MR. ANNESSER: Object to form.  
 24 MR. LEON DE LA BARRA: Object to form.  
 25 BY MR. PACE:



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1 Q. Is that correct?  
 2 A. Can you repeat the question?  
 3 Q. Sure. You systematically wrote down the  
 4 numbers for the thermometer readings on the Leonardo  
 5 side, correct?  
 6 A. Correct.  
 7 Q. You systematically wrote down some  
 8 assessment of the water level on the Leonardo side,  
 9 correct?  
 10 A. Correct.  
 11 MR. ANNESSER: Object to form. Dr. Rossi  
 12 please allow me to object before you answer.  
 13 BY MR. PACE:  
 14 Q. Once you went over -- through the door  
 15 over to the J.M. Products side of the Doral  
 16 warehouse, you would not write down the numbers that  
 17 you saw on the thermometer on the J.M. Products side,  
 18 correct?  
 19 MR. ANNESSER: Object to form.  
 20 MR. LEON DE LA BARRA: Object to form.  
 21 THE WITNESS: Not methodically because I  
 22 did not need it.  
 23 BY MR. PACE:  
 24 Q. Did you maintain -- any ones that you  
 25 wrote down not methodically, did you maintain any of

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1 those records?  
 2 A. Can you repeat the question?  
 3 Q. Sure. I just asked if you wrote down the  
 4 information when you were on the J.M. Products side  
 5 for the thermometer, you said not methodically --  
 6 A. Right.  
 7 Q. -- which suggests sometimes you wrote it  
 8 down.  
 9 A. Sometimes probably -- I don't recall  
 10 precisely this, but it is not impossible that I have  
 11 taken some note.  
 12 Q. Did you maintain any of it?  
 13 A. No.  
 14 Q. Okay. So the notes you took from the  
 15 Leonardo side you kept, the notes you took on the  
 16 J.M. Products side you discarded somehow?  
 17 MR. ANNESSER: Object to the form.  
 18 MR. LEON DE LA BARRA: Object to the  
 19 form.  
 20 MR. ANNESSER: Mischaracterization.  
 21 THE WITNESS: I would have taken note  
 22 should I have found differences, relevant  
 23 differences, because in that case that would  
 24 have been an event. But since --  
 25 BY MR. PACE:

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1 Q. That you would have reported to Penon?  
 2 A. No. To Penon, no, because Penon had  
 3 nothing to do with -- that would have been an event  
 4 for me.  
 5 Q. Understood.  
 6 A. For my study.  
 7 Q. Understood.  
 8 A. Because I was also the technical director  
 9 of the plant of J.M. and for me it would have been an  
 10 event should I have found relevant differences.  
 11 Until when there were -- and I never  
 12 found relevant differences. There is nothing --  
 13 there was no events to remark.  
 14 Q. And the same thing with the flow meter  
 15 that was on the J.M. Products side, your testimony is  
 16 that you didn't -- you didn't methodically write down  
 17 the readings on those flow meter -- that flow meter,  
 18 correct?  
 19 A. Correct.  
 20 Q. And this is a flow meter that you have  
 21 testified existed in the area between J.M. Products,  
 22 the container, and the wall that divided J.M.  
 23 Products and Leonardo?  
 24 A. Correct.  
 25 Q. All right. And to the extent that you

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1 did write down any of those flow meter readings for  
 2 whatever reason, you haven't maintained them?  
 3 A. Can you repeat?  
 4 MR. ANNESSER: Object to form.  
 5 THE WITNESS: I lost the question.  
 6 BY MR. PACE:  
 7 Q. Sure. To the extent that you did keep  
 8 any records of the meter readings on the J.M.  
 9 Products side, is it correct that you haven't kept  
 10 them?  
 11 A. Yes.  
 12 Q. All right. I want to go back to this  
 13 e-mail for a little bit here.  
 14 There is a part of Tom Darden's response  
 15 makes a reference to the smaller devices. That's the  
 16 E-Cat units that are not part of the big Frankies,  
 17 correct?  
 18 A. Correct.  
 19 MR. ANNESSER: Object to form.  
 20 BY MR. PACE:  
 21 Q. Is it correct that you -- you  
 22 individually or you -- let me rephrase that.  
 23 Is it correct that you fueled the big  
 24 Frankie E-Cats without Industrial Heat and that  
 25 Industrial Heat fueled the other E-Cats, some with

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1 your involvement, some without?  
 2 MR. ANNESSER: Object to form.  
 3 THE WITNESS: I am not able to answer  
 4 this question because the plant remained for  
 5 almost -- for a very long time in the -- the big  
 6 Cats remained for many months in full hands of  
 7 Industrial Heat.  
 8 So I do not know if they have  
 9 disassemble, recharge, because they had -- for  
 10 sure all the Cats, the big Frankies and the  
 11 small Cats had been charged from us in Italy  
 12 before being delivered to the United States.  
 13 BY MR. PACE:  
 14 Q. By us in that context you mean Leonardo  
 15 Corporation?  
 16 A. Can you repeat?  
 17 Q. When you said were charged by us in  
 18 Italy, you mean us, Leonardo Corporation?  
 19 A. Well, I mean Andrea Rossi.  
 20 Q. Okay.  
 21 A. Okay. Because I made the charges.  
 22 Q. Okay.  
 23 A. Personally with my hands. And -- because  
 24 I couldn't trust anybody to do that kind of work.  
 25 And what -- I cannot know what happened

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1 to all the E-Cats, big and small, during the many  
 2 month during which the plant has not been under my  
 3 control while I was in Miami or in Doral and they  
 4 were working there.  
 5 So I cannot know this because they could  
 6 have disassembled also the big and recharged them or  
 7 not. I do not know.  
 8 Q. Did you ever have any discussions with  
 9 Tom Darden about whether Industrial Heat cared about  
 10 whether the big Frankies were being operated or the  
 11 smaller units were being operated in Florida?  
 12 Did they ever draw a distinction between  
 13 the two, in other words saying we want to see the big  
 14 Frankies operate or we want to see the smaller units  
 15 operate, or did it make no difference to them?  
 16 MR. ANNESSER: Object to form.  
 17 MR. VAUGHN: Sorry, sorry.  
 18 MR. ANNESSER: He's got a foot out the  
 19 door already.  
 20 THE WITNESS: Sorry. I'm sorry.  
 21 BY MR. PACE:  
 22 Q. Let me ask the question again.  
 23 A. Yes, thank you.  
 24 Q. When you -- there is both big Frankie  
 25 units and smaller E-Cat units in the E-Cat plant in

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1 Doral, correct?  
 2 A. Correct.  
 3 Q. Did Industrial Heat ever tell you that it  
 4 was important to it that the smaller E-Cat units be  
 5 functioning, operating correctly or did they not care  
 6 which units were operating?  
 7 A. I don't recall. I don't recall. I do  
 8 not recall if yes or not but the issue is this, that  
 9 the small did not work because they have been charged  
 10 improperly, because the imbalance between them.  
 11 Because when I started, the initial  
 12 strategy was to use the small ones.  
 13 Q. Dr. Rossi, it's fair. I understand you  
 14 want -- that's actually independent of my question.  
 15 I was just asking the question.  
 16 A. You're right and I'm sorry.  
 17 Q. I am right on that one. John was looking  
 18 down so he wasn't focused on it.  
 19 A. My answer is I do not recall.  
 20 Q. Fair enough. I may even ask you about  
 21 what you were about to get into, but let me keep this  
 22 thing moving here a little bit.  
 23 I have kind of a list of things to get  
 24 through, if I can.  
 25 A. I'm sorry.

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1 Q. The platinum sponge cylinders that were  
 2 put into the tubes on the J.M. Products side, was  
 3 there a specific time period that they were supposed  
 4 to be in those tubes?  
 5 MR. ANNESSER: Object to form. Are we  
 6 wearing our Leonardo hat now or --  
 7 BY MR. PACE:  
 8 Q. I think he's been wearing his Leonardo  
 9 hat for quite a while now. So this  
 10 one is -- I will ask if Leonardo knows and then I  
 11 will ask if you know as a 30(b)(1) witness. But this  
 12 is the product that Leonardo was going to buy.  
 13 How long was -- are you familiar with the  
 14 phrase in terms of talking about meat -- you hear  
 15 about curing meat? Have you heard of that before?  
 16 A. No.  
 17 Q. So I won't use that phrase. I assume  
 18 there is some period of time that the platinum sponge  
 19 in these cylinders were supposed to be in the tube  
 20 that's to be carrying the steam over from the  
 21 Leonardo Corporation to the J.M. Products side. Is  
 22 there a period of time that they were supposed to be  
 23 in that tube?  
 24 MR. ANNESSER: Object to form.  
 25 THE WITNESS: I try to rephrase your

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1 question to be sure that I have understood it.  
 2 Because did you ask -- sorry, if I put it.  
 3 So I have understood your question this  
 4 way. You are asking me that -- you are asking  
 5 me if I had an idea how much time the reactors  
 6 with the platinum sponge inside had to remain  
 7 under treatment. Is this your question?  
 8 BY MR. PACE:  
 9 Q. It's close. I am asking you how much  
 10 time they remained, not just did you have an idea.  
 11 A. Same thing.  
 12 Q. How much time did you, in fact, have them  
 13 in there?  
 14 MR. ANNESSER: Object to form.  
 15 THE WITNESS: So my supposition -- it was  
 16 an experiment.  
 17 BY MR. PACE:  
 18 Q. I understand.  
 19 A. There was not a scheduling. There was an  
 20 experiment.  
 21 My supposition was that for the platinum  
 22 sponge the period of treatment should have been at  
 23 least six months before -- before, but I did not know  
 24 so it has -- had to be experienced.  
 25 Q. So when did you first take the -- so when

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1 you would first take out the reactors or the  
 2 cylinders, would you take them out of the tube, take  
 3 them out of the pipe and run like a test on them and  
 4 decide whether you had to put them back or not?  
 5 A. Yes.  
 6 Q. When did that occur?  
 7 MR. ANNESSER: Object to form.  
 8 THE WITNESS: I don't recall now. I  
 9 don't recall now. But if I recall well, I --  
 10 because in a certain -- so the question -- can  
 11 you repeat the question, please?  
 12 BY MR. PACE:  
 13 Q. Let me break it down. I will talk about  
 14 the graphene -- the cylinders with the graphene in it  
 15 next. I am just asking right now about the platinum  
 16 sponge cylinders that were in the piping.  
 17 You would have to remove the platinum  
 18 sponge cylinders or cylinders, run some tests and  
 19 decide do I need to put it back in there or not. I  
 20 am asking -- first question is whether -- do you  
 21 recall when those -- when you removed the platinum  
 22 sponge cylinders from the piping?  
 23 MR. ANNESSER: Object to form.  
 24 THE WITNESS: The first check, if I  
 25 recall correctly, has been after two, three

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1 months.  
 2 BY MR. PACE:  
 3 Q. So are we talking about --  
 4 A. May.  
 5 Q. May of 2015?  
 6 A. May, June.  
 7 Q. May, June. Was the platinum sponge  
 8 adequately treated by then or did you have to put it  
 9 back in?  
 10 MR. ANNESSER: Object to form.  
 11 THE WITNESS: I had to put it back in.  
 12 BY MR. PACE:  
 13 Q. When did you remove it again?  
 14 MR. ANNESSER: Object to form.  
 15 THE WITNESS: Again, maybe -- maybe after  
 16 another three months.  
 17 BY MR. PACE:  
 18 Q. Okay.  
 19 MR. ANNESSER: Chris, just for the record  
 20 for this entire line of questioning regarding  
 21 the J.M. side, I am going to object on the basis  
 22 that he's here as Leonardo's 30(b)(6) not  
 23 J.M.'s.  
 24 BY MR. PACE:  
 25 Q. After the few more months did you then

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1 keep the platinum cylinders out?  
 2 A. Yes.  
 3 Q. In other words, were they done?  
 4 A. Sorry?  
 5 Q. Were the platinum sponge cylinders  
 6 completed at that point, the second time you checked?  
 7 A. Honestly, the quality of the product that  
 8 we obtained was not good. Again, that was an  
 9 experiment that needed time. As a matter of fact,  
 10 the program, as I also say to Di Giovanni, was  
 11 consider the first year just experimental and I  
 12 expected in the second year to have good results.  
 13 Q. How about the graphene cylinders, those  
 14 would have been put in later in time, right, sometime  
 15 in mid or late 2015?  
 16 A. I don't remember exactly, no, but also  
 17 before, because they -- for a certain period they  
 18 coexisted. They were not an alternative.  
 19 Q. So in the pipeline coming over from  
 20 Leonardo, and if we're looking at -- if I ask you to  
 21 look at -- -- if we're looking at Exhibit 12.  
 22 A. Yes.  
 23 Q. In this -- in the top -- that's the steam  
 24 pipe in which the cylinders were placed --  
 25 A. No, no, no.

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1 Q. -- not on this side, but on the other  
 2 side, over on the J.M. Products side?  
 3 A. Well, it is not that -- the -- this is  
 4 the pipe of the steam, end of the story.  
 5 Then the steam entered -- made a course  
 6 through a series of bypass and is going where it had  
 7 to interact with the reactors.  
 8 Q. So let me -- this is the picture we were  
 9 using before --  
 10 A. Yes.  
 11 Q. -- so I think this might help.  
 12 A. Yes.  
 13 (The document referred to was thereupon  
 14 marked Deposition Exhibit 21 for Identification, a  
 15 copy of which is attached hereto.)  
 16 BY MR. PACE:  
 17 Q. Dr. Rossi, that's an exhibit marked as  
 18 Number 21. I think it was an exhibit we may have  
 19 used during your last deposition as well.  
 20 Can we see from this picture the steam --  
 21 this is from inside the container on the J.M.  
 22 Products side, correct?  
 23 A. Yes.  
 24 Q. The steam from Leonardo Corporation is  
 25 coming directly into this container?

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1 A. No, through a bypass. Yes, through a  
 2 bypass that -- yes, in any case, yes, the steam  
 3 arrived -- this is the steam that run inside these  
 4 pipes arrived from the Leonardo -- Leonardo's plant,  
 5 yes, sir.  
 6 Q. So the cylinders you were just referring  
 7 to or the reactors, can we see where in the piping --  
 8 just where in the piping they would be here? Can you  
 9 tell me which pipe they would be in?  
 10 A. All the insulated pipes that you can see.  
 11 Q. Okay. So there is reactors on four  
 12 levels of pipes that show up --  
 13 MR. ANNESSER: Object to form.  
 14 MR. LEON DE LA BARRA: Join.  
 15 THE WITNESS: When this photos has been  
 16 taken, yes.  
 17 BY MR. PACE:  
 18 Q. Okay. In those reactors were containers,  
 19 they might have graphene in them or they might have  
 20 platinum sponge in them?  
 21 MR. ANNESSER: Object to form.  
 22 THE WITNESS: There was only -- there was  
 23 only a couple of them with the platinum sponge  
 24 and --  
 25 BY MR. PACE:

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1 Q. How many of them with graphene?  
 2 MR. ANNESSER: Object to form.  
 3 MR. LEON DE LA BARRA: Join in that  
 4 objection.  
 5 THE WITNESS: Around 30.  
 6 BY MR. PACE:  
 7 Q. And you removed -- you removed and  
 8 checked at least the platinum sponge containers but  
 9 for the cylinders that had the graphene in them, is  
 10 it the same situation, which is every so often you  
 11 had to pull them out of this tubing and check them?  
 12 A. Yes.  
 13 Q. All right. And to do that did anyone  
 14 ever assist you in checking the cylinders?  
 15 A. No.  
 16 Q. Was anyone ever in the container with you  
 17 when you checked the cylinders?  
 18 MR. ANNESSER: Object to form.  
 19 MR. LEON DE LA BARRA: Object to form.  
 20 THE WITNESS: No.  
 21 BY MR. PACE:  
 22 Q. How did you turn off the steam coming  
 23 over to J.M. Products so you could check the  
 24 cylinders?  
 25 MR. ANNESSER: Object to form.

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1 MR. LEON DE LA BARRA: Object to form.  
 2 THE WITNESS: Can you repeat the  
 3 question?  
 4 BY MR. PACE:  
 5 Q. Sure. You couldn't physically go in  
 6 there and remove the cylinders while what you have --  
 7 you are saying is 103 or 100 degree Celsius steam  
 8 coming through those pipes, you can't reach in there  
 9 and take a cylinder out of it and then put it back  
 10 in, can you?  
 11 A. Yes.  
 12 Q. The steam -- so --  
 13 A. No, the steam was bypassed.  
 14 Q. Bypassed how?  
 15 A. It was bypassed. We had a bypass.  
 16 Q. There was a bypass located up where the  
 17 steam was coming into the container?  
 18 A. Yes. The bypass was located in -- just  
 19 behind the wall there was a bypass.  
 20 Q. Behind -- if we look at Exhibit 12 --  
 21 A. Yes.  
 22 Q. -- behind the gray wall?  
 23 A. Yes, behind this we had a bypass and the  
 24 bypass allowed the steam in part or in total to the  
 25 plant or all the steam out from the plant.

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1 Q. So the steam would be bypassed, it would  
 2 either just be released into the warehouse or it  
 3 would be circled back into the --  
 4 MR. LEON DE LA BARRA: Object to form.  
 5 MR. ANNESSER: Object to form.  
 6 THE WITNESS: No, it could not be  
 7 released in the warehouse. The steam was sent  
 8 to the heat exchanger that we had, that I  
 9 explained to you the last time when I -- in my  
 10 former deposition.  
 11 So we had a bypass there that could  
 12 either allow part or total -- on total the steam  
 13 because I did not know how much -- how much  
 14 steam it could be necessary in the various  
 15 phases so we had a bypass that --  
 16 BY MR. PACE:  
 17 Q. Who?  
 18 A. Sorry.  
 19 Q. Who built the bypass?  
 20 A. We did it, because the bypass is made by  
 21 pipes with a butterfly.  
 22 Q. But who is we?  
 23 A. I, with the help of contractors.  
 24 Q. And are they the same contractors who  
 25 built the heat exchanger?

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1 A. You know, there was not the same  
 2 contractors because sometime we had some contractor  
 3 that -- that we call it from outside, but in that  
 4 industrial area mainly in that period every day  
 5 arrived guys with trucks that were ambulant --  
 6 ambulant workshops, you know, with welders, et  
 7 cetera.  
 8 And they knocked at the door saying you  
 9 need help, et cetera, et cetera and I use it many,  
 10 many times those guys because they are very well  
 11 skilled, very good and I -- and also the advantage is  
 12 they were not curious. They just wanted to work. So  
 13 under -- I myself, I work with them and we made this  
 14 piping system. I bought pipes and we made all the  
 15 connections.  
 16 Q. And pipes as well as fans, correct? You  
 17 had fans for your heat exchanger?  
 18 A. Yes.  
 19 Q. You had to have the heat exchangers  
 20 themselves, correct?  
 21 A. Yes.  
 22 Q. Who paid for that?  
 23 A. Leonardo Corporation.  
 24 Q. Leonardo Corporation?  
 25 A. Yes.

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1 Q. Are there records reflecting those  
 2 purchases by Leonardo Corporation?  
 3 MR. ANNESSER: Object to the form.  
 4 THE WITNESS: I suppose so, yes.  
 5 BY MR. PACE:  
 6 Q. So there is records you assume that  
 7 reflect purchasing heat exchangers?  
 8 A. No, the heat exchangers are pipes. I  
 9 bought pipes.  
 10 Q. How about the fans, are there records  
 11 reflecting the fans?  
 12 A. Yes.  
 13 Q. Because those would have to be pretty big  
 14 fans that were done, correct?  
 15 A. I had two fans with a total capacity  
 16 of -- within the fan of the heat exchanger.  
 17 Q. The fans for the heat exchanger, those  
 18 would be pretty bag fans?  
 19 A. They had the capacity necessary to move  
 20 the air that had to be moved.  
 21 Q. And did you testify before that the way  
 22 of getting the heat out was through the second story  
 23 office?  
 24 A. No, it was not an office.  
 25 MR. ANNESSER: Object to form.

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1 BY MR. PACE:  
 2 Q. Office. Second story space?  
 3 A. Now it's becoming an office. Then was  
 4 a -- basically was a pretty big -- pretty big, I  
 5 would say workshop that we had in the second level.  
 6 Q. You said we had. We had being that  
 7 second level?  
 8 A. We is --  
 9 Q. Is there no distinction really in this  
 10 context between Leonardo and J.M. Products --  
 11 MR. LEON DE LA BARRA: Object to form.  
 12 BY MR. PACE:  
 13 Q. -- just space you worked?  
 14 MR. ANNESSER: Object to form.  
 15 THE WITNESS: No, no. When I say we is  
 16 because I worked with the contractors with, you  
 17 know, when I -- I was not alone there. So when  
 18 I say we, it's because it was -- there was not  
 19 only me. I was with contractors, et cetera.  
 20 And Jim Bass also sometimes for other  
 21 things, et cetera, et cetera. So I say we for  
 22 my -- it is my custom to say we and not I.  
 23 BY MR. PACE:  
 24 Q. And up in this second story your  
 25 testimony I think was that to get the heat out you --

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1 you or somebody knocked out the window on the second  
 2 story?  
 3 A. Yes, the second floor we had big windows  
 4 and we had to remove it completely one. Now we have  
 5 reset everything because we're making offices there.  
 6 Q. So Leonardo paid for the piping --  
 7 A. Yes.  
 8 Q. -- that was used for the heat exchanger?  
 9 Leonardo paid for the workers that did the work?  
 10 A. Yes.  
 11 MR. ANNESSER: Object to the form.  
 12 BY MR. PACE:  
 13 Q. Leonardo paid for the fans that were used  
 14 for the heat exchanger system?  
 15 MR. ANNESSER: Object to form.  
 16 THE WITNESS: Yes.  
 17 BY MR. PACE:  
 18 Q. And this heat exchanger, the bypass, I am  
 19 just trying to understand. We have both a bypass --  
 20 I'm sorry.  
 21 Is it your testimony -- is the testimony  
 22 that the piping for this heat exchanger ran along the  
 23 side of the wall where the -- essentially this wall  
 24 here that we see in Exhibit 12, but just on the J.M.  
 25 Products side?

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1 A. Yes.  
 2 Q. Did it go straight up and then straight  
 3 over to the --  
 4 A. It's impossible --  
 5 Q. -- loft?  
 6 A. -- to answer this way because there was a  
 7 design and the bypass was run along the -- if we look  
 8 at this wall from the side of Leonardo, if we look  
 9 from here on, this run through the right -- yeah.  
 10 Q. So if we're looking at Exhibit 10 now?  
 11 A. Yeah, this run along the -- this run down  
 12 and then along the right side of the plant of J.M.,  
 13 with the transmissions to the bypass. To the bypass  
 14 that was on the flank and also -- and also there was  
 15 the frontal connection for the inlet of the steam.  
 16 Q. So by this picture that you have there  
 17 that is Exhibit 10, is this after the heat exchanger  
 18 was removed from the warehouse or before?  
 19 A. I cannot -- I cannot say from this  
 20 photos. It could be -- no, this photo has been made  
 21 before.  
 22 Q. Before the heat exchanger was put into  
 23 place?  
 24 A. No.  
 25 MR. ANNESSER: Object to the form.

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1 THE WITNESS: No, this photo has been  
 2 made before it has been dismantled. This photo  
 3 has been made -- this photo has been made when  
 4 the heat exchanger was in operation.  
 5 BY MR. PACE:  
 6 Q. So the heat exchanger was in operation  
 7 when that photo was made. You recognize that photo  
 8 having been made when?  
 9 MR. ANNESSER: Object to form.  
 10 THE WITNESS: I don't know, you did it.  
 11 BY MR. PACE:  
 12 Q. How do you know the heat exchanger was in  
 13 place then? That's what I don't understand.  
 14 A. Because we had the plant in operation  
 15 because when the plant stopped to be in operation all  
 16 this piping has been removed.  
 17 Q. I understand. I will actually come to  
 18 that in just a second. Simply because the pipe is  
 19 there --  
 20 A. I suspect that this photos have been made  
 21 the last day of the test. I suspect.  
 22 Q. You understand the last day of the test  
 23 the heat exchanger was still there?  
 24 A. Of course.  
 25 Q. Who removed that piping?

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1 A. I did.  
 2 Q. When did you remove that piping?  
 3 A. After the end of the test.  
 4 Q. Where is that piping now?  
 5 A. We use it to make other things. I  
 6 recovered all the pieces that were not -- no more  
 7 necessary to make other things and the heat  
 8 exchanger -- all the pipes of the heat exchanger have  
 9 been recovered to make other things and that space  
 10 now is becoming offices.  
 11 Q. Let's see if I understand. You are  
 12 looking there at Exhibit 10, there is a pipe there in  
 13 Exhibit 10 that we see that is the pipe you are  
 14 saying was carrying the output of the E-Cats over to  
 15 the J.M. Products side of the Doral warehouse,  
 16 correct?  
 17 MR. ANNESSER: Object to the form.  
 18 BY MR. PACE:  
 19 Q. That's what we see there?  
 20 A. You should repeat speaking if possible a  
 21 little bit slower.  
 22 Q. Sure, certainly will. There in Exhibit  
 23 10 we see insulated pipe --  
 24 A. Yeah.  
 25 Q. -- that is carrying the output of the



1 E-Cat plant over to the J.M. Products side of the  
 2 Doral warehouse, correct?  
 3 A. Yes.  
 4 Q. That has now been -- you removed that  
 5 pipe after -- sometime after February 16 of 2016,  
 6 correct?  
 7 MR. ANNESSER: Object to form.  
 8 THE WITNESS: Correct.  
 9 BY MR. PACE:  
 10 Q. And you have repurposed that piping or  
 11 you now are using that piping for another purpose?  
 12 MR. ANNESSER: Object to the form.  
 13 THE WITNESS: It's correct.  
 14 BY MR. PACE:  
 15 Q. And you didn't maintain the pipe, you  
 16 didn't maintain the insulation, it's been put to  
 17 another use?  
 18 MR. ANNESSER: Object to form.  
 19 THE WITNESS: (Nods head.)  
 20 BY MR. PACE:  
 21 Q. The heat exchanger no longer exists at  
 22 the Doral location, correct?  
 23 A. Correct.  
 24 Q. The piping that was used for the heat  
 25 exchanger you have now put to another use, you didn't

1 question?  
 2 BY MR. PACE:  
 3 Q. I will.  
 4 A. A little bit slower.  
 5 Q. Sure. You said that the heat exchanger  
 6 was pushing the heat out the window on the second  
 7 story --  
 8 A. Yes.  
 9 Q. -- on the J.M. Products side, correct?  
 10 A. Yes, correct.  
 11 Q. Once -- as long as the heat exchanger was  
 12 in place --  
 13 A. Yes.  
 14 Q. -- that window had to be removed, correct?  
 15 A. Correct.  
 16 Q. Otherwise that room would have turned  
 17 into an absolute furnace?  
 18 MR. LEON DE LA BARRA: Object to form.  
 19 THE WITNESS: Of course.  
 20 BY MR. PACE:  
 21 Q. Of course, notwithstanding the form. So  
 22 after you took -- after the plant was turned off and  
 23 you took the heat exchanger down, you could replace  
 24 the window on that second story, in that second story  
 25 room, correct?

AA, R

R

R

1 maintain any of the piping for the heat exchanger?  
 2 MR. ANNESSER: Object to form.  
 3 BY MR. PACE:  
 4 Q. Is that correct?  
 5 A. Correct.  
 6 Q. The -- I assume you replaced the window  
 7 on the J.M. Products side, Leonardo paid for that?  
 8 MR. ANNESSER: Object to form.  
 9 THE WITNESS: We have represented as it  
 10 was before we have installed the --  
 11 BY MR. PACE:  
 12 Q. What's your testimony as to when that  
 13 window was put back in? Was it February 16th or 17th  
 14 of 2016?  
 15 A. Sorry, can you repeat the question?  
 16 Q. Sure. Your testimony is that the heat  
 17 exchanger was in place and functioning all the way  
 18 through at least February 16 of 2016, correct?  
 19 A. Correct.  
 20 Q. So up until February 16 of 2016 that  
 21 window in the second story was removed, correct?  
 22 MR. ANNESSER: Object to the form.  
 23 MR. LEON DE LA BARRA: Object to the  
 24 form.  
 25 THE WITNESS: Can you repeat the

1 MR. ANNESSER: Object to form.  
 2 THE WITNESS: Correct.  
 3 BY MR. PACE:  
 4 Q. So sometime after February 16 of 2016 is  
 5 when you replaced the window on the second story?  
 6 A. No, the window as it was before has been  
 7 replaced not much time ago. Not much time ago when I  
 8 decided to make offices. Because --  
 9 Q. And do you recall who you paid to put the  
 10 window back in?  
 11 A. Yes.  
 12 Q. Who was that?  
 13 A. Was a contractor.  
 14 Q. Do you recall --  
 15 A. Together with -- together with me, yes.  
 16 Q. When we talk about contractor, is this  
 17 again somebody who -- like a day laborer?  
 18 A. Yes.  
 19 Q. Somebody who you -- there is no records  
 20 of who this person is that Leonardo Corporation  
 21 maintains?  
 22 A. Yes.  
 23 Q. You are not aware of any records that  
 24 anyone maintains as to who this person is?  
 25 A. No.

AA, R

R

R

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1 MR. ANNESSER: Object to form.  
 2 BY MR. PACE:  
 3 Q. And that person worked with you to  
 4 replace the window, correct?  
 5 A. Yeah, yeah.  
 6 Q. No one else was present at the time?  
 7 MR. ANNESSER: Object to form.  
 8 THE WITNESS: No.  
 9 BY MR. PACE:  
 10 Q. And what happened to the fans?  
 11 A. The fans are still there.  
 12 Q. The fans are still in the warehouse?  
 13 A. Yeah.  
 14 Q. And what happened to the cylinders?  
 15 A. The cylinders have been -- I have used  
 16 them for other things. I have recovered them for  
 17 other things. Can we cut five minutes?  
 18 Q. Certainly.  
 19 A. Only call my wife.  
 20 Q. Please. We will go off the record.  
 21 A. Five minutes.  
 22 THE VIDEOGRAPHER: The time is 18:16.  
 23 Off the record.  
 24 (Thereupon a brief recess was taken,  
 25 after which the following proceedings were had.)

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1 THE VIDEOGRAPHER: Time is 18:58. We're  
 2 back on the record.  
 3 MR. PACE: Should we put our agreement on  
 4 the record to start?  
 5 MR. ANNESSER: Sure.  
 6 MR. PACE: Okay. What we have agreed  
 7 to -- I'm sorry, what time is it right now?  
 8 18:58.  
 9 What we have agreed then in lieu of me  
 10 asking Dr. Rossi on the record for the energy  
 11 catalyst formula, that it will be provided in a  
 12 sworn declaration by Dr. Rossi to a limited  
 13 group of people, limited at least to either Tom  
 14 Darden and myself or Tom Darden, myself and a  
 15 third person and that those -- either Tom Darden  
 16 or myself, if limited to that or Tom Darden  
 17 myself and the third person, if limited to that,  
 18 may not disclose it further. Is that accurate?  
 19 MR. ANNESSER: Well, I want to just --  
 20 MR. PACE: What did I miss?  
 21 MR. ANNESSER: -- clarify with respect to  
 22 the third person.  
 23 We are agreeing today that it will be  
 24 disclosed to yourself and Mr. Darden, with a  
 25 narrowing or a specification under the

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1 protective order that it remain with the two of  
 2 you, unless we can agree upon otherwise, either  
 3 party can take it before the court if we cannot  
 4 agree to the disclosure to a third person for  
 5 the right to do so.  
 6 MR. PACE: Fair enough. So that if we  
 7 can't agree on a third person, my remedy is to  
 8 go to the court and say I'm entitled to have a  
 9 third person or your remedy is -- and your  
 10 remedy is to oppose it.  
 11 MR. ANNESSER: Correct.  
 12 MR. PACE: Just so it's also clear, the  
 13 issue relating to the third person is somebody  
 14 who would have to be either with the law firm or  
 15 one of the parties, as opposed to -- we're not  
 16 contemplating it being an outsider.  
 17 MR. ANNESSER: No. And just for further  
 18 clarification, we will work towards getting a  
 19 drafted narrowing of that protective order for  
 20 this purpose solely, correct?  
 21 MR. PACE: Perfect.  
 22 MR. ANNESSER: Very good.  
 23 BY MR. PACE:  
 24 Q. Dr. Rossi, I have a few categories that I  
 25 want to ask you about covered within, I think what is

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1 Exhibit 1, is the deposition topics for today.  
 2 Actually, let me ask. When I refer to  
 3 the energy catalyst formula or the E-Cat formula,  
 4 without telling me any of the components, just I want  
 5 to see if we're on the same page, which is that is  
 6 the fuel that goes into E-Cat reactors? Period.  
 7 A. Yes.  
 8 Q. Okay. The E-Cat formula, with whom have  
 9 you -- to whom have you provided that, other than --  
 10 let me say it that way. To whom have you provided  
 11 that?  
 12 A. To nobody but Tom Darden.  
 13 Q. When you provided it to Tom Darden was  
 14 there anyone else present?  
 15 A. I don't think so. I don't remember  
 16 but -- I remember only Tom Darden.  
 17 Q. Was it an in person meeting?  
 18 A. Sorry?  
 19 Q. Was it at a face-to-face meeting with Tom  
 20 Darden?  
 21 A. Yes.  
 22 Q. Have you ever provided it to, for  
 23 example, anyone at HydroFusion?  
 24 A. No. HydroFusion is a commercial licensee  
 25 of us. It's not a full licensee like Industrial

IMP

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1 Heat.

2 Q. Okay. Is there anyone else you have

3 provided it to for security purposes, in other words,

4 like, you know, your wife if you were to pass away or

5 your brother-in-law or something like that?

6 A. In case -- in case of my unforeseeable

7 death there is a notary in Italy that will pass it to

8 my wife.

9 Q. Okay.

10 A. But in Italy notary is not a light thing

11 as in the United States.

12 Q. Right.

13 A. It's something much more heavy. A notary

14 has the same range of an attorney but maybe more

15 because it depend from the minister -- well, a notary

16 basically in Italy is a very top figure, just to give

17 an idea.

18 In the United States to notarize a

19 signature, you pay \$10, \$20. In Italy you pay

20 \$2,000.

21 Q. No, I understand the process in Italy.

22 The merger of Leonardo Corporation of New

23 Hampshire and Leonardo Corporation of Florida, first

24 question is why was that done?

25 A. I don't remember. Because was something

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1 that my accountant said to do and I did.

2 Q. And to prepare for this deposition you

3 didn't consult with your accountants or review any of

4 the documents relating to the Leonardo -- the merger

5 of the two companies with Leonardo?

6 A. Honestly, no.

7 MR. ANNESSER: Object to form.

8 BY MR. PACE:

9 Q. Why was the Leonardo of Florida formed in

10 the first place?

11 A. I -- it was formed because my former

12 accountant told me that since I was in Florida it was

13 opportune to make also the official address in

14 Florida.

15 Here I misunderstood because in Italy --

16 I did not understand that in the United States when

17 you open -- close one and open another company

18 because in Italy, you are in Milan. If you open also

19 an address in Rome, the companies are always the same

20 company.

21 Q. Okay.

22 A. So when I made under suggestion of my

23 accountant that at those time was Jim Travis of New

24 Hampshire, somewhere New Boston, New Hampshire.

25 When he told me it is better to do this I

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1 said all right. For me it was something

2 absolutely -- I did not understand that I was closing

3 one company and opening another. I did not

4 understand that.

5 As soon as I knew that this was what

6 happened, immediately we made the melding to resolve

7 the problem.

8 Q. Because you --

9 A. Sorry.

10 Q. Because you controlled both Leonardos,

11 right?

12 A. Yes.

13 Q. Both Leonardo of New Hampshire --

14 A. Yes, of course.

15 Q. -- and Leonardo of Florida?

16 A. Of course, 100 percent. I was the CEO of

17 both.

18 MR. ANNESSER: There is no question

19 pending.

20 THE WITNESS: Sorry.

21 BY MR. PACE:

22 Q. Were you the shareholder of -- you were

23 shareholder of either of those companies?

24 A. Of course.

25 Q. You were the sole shareholder of both

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1 companies?

2 MR. ANNESSER: Object to form.

3 THE WITNESS: Yeah. As a matter of fact,

4 I did not understand that I had two companies.

5 For me I had still one company with two

6 addresses.

7 BY MR. PACE:

8 Q. I understand. Well, they were both --

9 actually they both used the same business address,

10 right?

11 A. Yes.

12 Q. In Miami?

13 A. Yes.

14 Q. I think you testified earlier that

15 Leonardo of Florida is actually owned by a trust; is

16 that correct?

17 MR. ANNESSER: Object to form.

18 THE WITNESS: It is correct.

19 BY MR. PACE:

20 Q. Then you are the beneficiary of that

21 trust?

22 A. Yes.

23 Q. Leonardo of New Hampshire was actually

24 owned by you?

25 A. Yes.

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1 Q. Okay. Do you have any agreements with --  
 2 does Leonardo have any agreements with Di Giovanni?  
 3 A. No.  
 4 Q. I'm sorry, I should say Francesco  
 5 Di Giovanni.  
 6 A. I had understood.  
 7 Q. And does Leonardo have any agreements  
 8 with Platinum American Trust?  
 9 A. No.  
 10 Q. Has Leonardo ever made payments to the  
 11 trust that owns Leonardo? Does it pay any money to  
 12 that trust?  
 13 A. No.  
 14 MR. ANNESSER: Object to form.  
 15 BY MR. PACE:  
 16 Q. Is any money paid to that trust on behalf  
 17 of Leonardo?  
 18 A. No.  
 19 Q. All right. So the trust doesn't have any  
 20 income?  
 21 MR. ANNESSER: Object to form.  
 22 THE WITNESS: No.  
 23 BY MR. PACE:  
 24 Q. And the same question in terms of the  
 25 Platinum American Trust. Does the Platinum American

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1 Trust -- I'm actually going to say -- I'm not asking  
 2 into. I'm asking does the Platinum American Trust  
 3 make any payments to Leonardo?  
 4 A. No.  
 5 MR. ANNESSER: Object to form.  
 6 BY MR. PACE:  
 7 Q. And Leonardo doesn't make any payments to  
 8 Platinum American Trust?  
 9 A. No.  
 10 Q. Are you aware that at some point in 2016  
 11 Leonardo was asked to transfer or assign the license  
 12 patents under the licensing agreement to Industrial  
 13 Heat or IPH?  
 14 A. Can you kindly repeat --  
 15 MR. ANNESSER: Object to form.  
 16 THE WITNESS: -- the question because it's  
 17 heavy.  
 18 BY MR. PACE:  
 19 Q. I can. It is. I'll rephrase it. I will  
 20 see if I can break it down a little bit. That might  
 21 make it easier.  
 22 A. Thank you.  
 23 Q. Are you aware that under the license  
 24 agreement there is a provision that says upon the  
 25 request of either Industrial Heat or IPH, that

R

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1 Leonardo and Rossi shall assign to Industrial Heat or  
 2 IPH what are called the licensed patents; are you  
 3 familiar with that?  
 4 MR. ANNESSER: Object to form.  
 5 THE WITNESS: Yes. Yes.  
 6 BY MR. PACE:  
 7 Q. Are you aware that in 2016 IPH and  
 8 Industrial Heat requested that such an assignment  
 9 occur?  
 10 MR. ANNESSER: Object to form.  
 11 THE WITNESS: I don't recall exactly but  
 12 if you have any document about that. I don't  
 13 recall exactly what happened in 2016 on this  
 14 matter.  
 15 BY MR. PACE:  
 16 Q. Okay.  
 17 A. So if -- if you have some document to  
 18 show me, I will be glad to take a look at it.  
 19 Q. I think it's actually an attachment to  
 20 the complaint, but I don't have it here but I am  
 21 going to make the easier part to it which is whether  
 22 or not that was sent, Leonardo has -- Leonardo  
 23 Corporation or yourself individually have not  
 24 assigned any of your patents -- let me start that  
 25 over again.

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1 Leonardo Corporation has not assigned any  
 2 patents it owns to anyone else in the year 2016; is  
 3 that correct?  
 4 A. Absolutely.  
 5 Q. Dr. Andrea Rossi has not assigned any  
 6 patents he owns to anyone else in the year 2016?  
 7 MR. ANNESSER: Object to form.  
 8 THE WITNESS: Correct.  
 9 BY MR. PACE:  
 10 Q. And would the answers be the same also  
 11 for the year of 2017? In other words, Leonardo has  
 12 not made any such assignment in 2017, correct?  
 13 A. Correct.  
 14 MR. ANNESSER: Object to form.  
 15 BY MR. PACE:  
 16 Q. And Dr. Rossi has not made any such  
 17 assignment in 2017?  
 18 A. Correct.  
 19 MR. ANNESSER: Same objection. **R, IMP**  
 20 BY MR. PACE:  
 21 Q. For the temporary workers that you would  
 22 hire on different occasions at -- for work at the  
 23 Doral location, is there any identifying information  
 24 that you have as to any of those individuals?  
 25 MR. ANNESSER: Object to form.

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1 THE WITNESS: Can you repeat?  
 2 BY MR. PACE:  
 3 Q. Yes. There were a number of temporary  
 4 workers --  
 5 A. Yes.  
 6 Q. -- that were hired for work to be done at  
 7 the Doral warehouse, correct?  
 8 A. Correct.  
 9 Q. Do you have any identifying information  
 10 as to any of those individuals?  
 11 MR. ANNESSER: Object to form.  
 12 THE WITNESS: The information that I had,  
 13 for the ones of which I had information, I  
 14 already provided you with the discovery because  
 15 you asked -- you asked in some phase of this  
 16 litigation to be informed about all the supply,  
 17 blah, blah, et cetera, and I supplied.  
 18 So the ones of which I have the  
 19 possibility to have a track, I already have  
 20 informed you.  
 21 BY MR. PACE:  
 22 Q. That's the information that you're aware  
 23 that your attorney put into a interrogatory response  
 24 and then you signed?  
 25 A. Can you please speak slower?

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1 Q. I can.  
 2 A. Thank you.  
 3 Q. That's information that your attorney put  
 4 into -- put in writing and then you signed and swore  
 5 that that was accurate?  
 6 A. Correct.  
 7 MR. ANNESSER: Object to form.  
 8 THE WITNESS: Correct.  
 9 BY MR. PACE:  
 10 Q. We talked about this earlier today but I  
 11 don't think -- I am not quite sure if I really closed  
 12 the loop on this.  
 13 What alterations were made to the E-Cat  
 14 plant in Doral as compared to how it existed when it  
 15 was shipped from Raleigh to Doral?  
 16 MR. ANNESSER: Object to form.  
 17 BY MR. PACE:  
 18 Q. Do you want me to do that again?  
 19 A. Yes.  
 20 Q. At some point in November, December -- at  
 21 some point between October and December of 2014 the  
 22 E-Cat plant was shipped from Raleigh to Doral.  
 23 My question is after that occurred what  
 24 changes were made to the plant in Doral?  
 25 A. Now I have understood perfectly. Well,

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1 let me think.  
 2 As I said before, when the plant -- of  
 3 course we're talking of the one megawatt plant has  
 4 been delivered from Raleigh to Doral it was  
 5 incomplete. It was not ready to go.  
 6 It was still incomplete and so Industrial  
 7 Heat sent to Doral not only the plant but also, if I  
 8 were recall, six workers, very good ones I must say,  
 9 very well skilled and they worked for two months to  
 10 complete everything, because it was very incomplete,  
 11 the plant.  
 12 And there was to make pipings,  
 13 connections, et cetera, et cetera. So I would not  
 14 say -- if I remember well in your question was  
 15 contained the word altered, but nothing has been  
 16 altered. It has been completed.  
 17 Q. Okay.  
 18 A. Like you receive a kit and you have to  
 19 complete it. So which works did they do? A lot  
 20 because they mounted the tank. They mounted a lot of  
 21 pipings. They made a lot of connections.  
 22 Q. Can I ask it slightly differently?  
 23 Because this will help, just a word, which is what  
 24 you are saying is that these workers, they  
 25 reassembled the plant along with the piping that was

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1 shipped down from North Carolina?  
 2 A. Yes, sir.  
 3 Q. Because in North Carolina, for example,  
 4 the pipe that went from the plant over to the J.M.  
 5 Products side was put together in North Carolina, it  
 6 just had to be reconnected to the plant down in  
 7 Florida?  
 8 A. No.  
 9 MR. ANNESSER: Object to form.  
 10 THE WITNESS: The plant that connected  
 11 the J.M. plant to the Leonardo plant was not of  
 12 our property. Was of J.M.  
 13 BY MR. PACE:  
 14 Q. Okay.  
 15 A. But -- but many pipings have been  
 16 delivered from -- from Industrial Heat from Doral --  
 17 from Raleigh to Doral in Florida that have been  
 18 assembled because there are -- there is a kilometer  
 19 of pipings inside the plant.  
 20 Q. That's what I meant. So when you were  
 21 talking about these six workers though, what they  
 22 were doing is essentially reassembling the plant and  
 23 the related equipment, like the water tanks and the  
 24 tubing or the piping that was initially put together  
 25 in Raleigh?

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1 MR. ANNESSER: Object to the form.  
 2 THE WITNESS: Reassembling is the wrong  
 3 word. To reassemble means first disassemble,  
 4 then reassemble.  
 5 BY MR. PACE:  
 6 Q. Right.  
 7 A. It is not so. The plant has been  
 8 delivered at the state -- in the state it had arrived  
 9 to be in Raleigh.  
 10 Together with this there was another  
 11 truck full of a lot of components that -- parts that  
 12 had to be still connected, installed.  
 13 Q. I think I may know where we're differing  
 14 here a little bit which is when you say the plant,  
 15 are you referring only to the container and not to,  
 16 for example, the -- there was another container right  
 17 next to it, right, that had all the electrical  
 18 equipment?  
 19 A. Correct, the computer.  
 20 Q. The computer and everything. Those are  
 21 the things that had to be assembled when everybody  
 22 got down to Doral?  
 23 MR. ANNESSER: Object to form.  
 24 THE WITNESS: Same thing. You are right,  
 25 the containers were two. One, the bigger one

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1 contained the reactors, the E-Cats. The other,  
 2 shorter, contained the control systems, also the  
 3 one that we call the computer container. Also  
 4 it was not -- sorry. Sorry.  
 5 Also it had to be completed and so arrive  
 6 in parts to be still connected, et cetera. In  
 7 the computer container mainly the electricians  
 8 worked, like Barry West, Fabiani. In the other  
 9 worked mainly the workers, I would say all of  
 10 them under my direction.  
 11 BY MR. PACE:  
 12 Q. Okay. What payments has Leonardo  
 13 Corporation made to Fabio Penon?  
 14 A. The same that Industrial Heat made. We  
 15 received invoices from the ERV and we paid the  
 16 invoices.  
 17 Q. Well, Penon -- Dr. Penon also -- he did  
 18 do a test for Leonardo Corporation back in 2012,  
 19 didn't he, before the license agreement?  
 20 A. Yes. No test. He made the  
 21 certifications.  
 22 Q. Made the certification?  
 23 A. The safety certification because he  
 24 worked with Bureau Veritas and with SGS also. And he  
 25 is the certifier. As I said before, we knew him

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1 to certificate my power plants in Italy in 2008, et  
 2 cetera.  
 3 At that point I knew him as a  
 4 certifier and I trusted him. So when I had the  
 5 necessity to make the safety certification for the  
 6 one megawatt plant of Leonardo, I called him again to  
 7 make the safety certification, so yes.  
 8 Q. So Leonardo paid him for those, whatever  
 9 work was done for the safety certification?  
 10 A. Yes, it is correct.  
 11 Q. And then other than that the only money  
 12 that Leonardo has paid Penon is for -- is pursuant to  
 13 the invoices that Penon has sent to both Industrial  
 14 Heat and Leonardo; would that be correct?  
 15 A. Correct, as the ERV. He sent the  
 16 invoices, same sum, it was 50/50, as per agreement,  
 17 and he invoiced to Industrial Heat and to Leonardo  
 18 Corporation. I don't remember exactly.  
 19 If I don't remember in total it was  
 20 something more than \$100,000 divided in two, 50  
 21 percent paid by Leonardo Corporation, 50 percent paid  
 22 by Industrial. I don't remember if Industrial Heat  
 23 has paid or not the last. I don't think Industrial  
 24 Heat paid the last invoice and I had to pay on behalf  
 25 because in Italy there is a law that we say in

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1 Italian is a Latin allocation is in solido, means if  
 2 Mr. A and Mr. B made an agreement with Mr. C and  
 3 Mr. C is paid from Mr. A, but is not paid from Mr. B,  
 4 Mr. A has to pay also for Mr. B.  
 5 So at that point since Industrial Heat  
 6 did not pay the last invoice of the ERV, I had to pay  
 7 for it.  
 8 Q. What payments has Leonardo Corporation  
 9 made to Fulvio Fabiani?  
 10 A. To Fulvio Fabiani, I -- he was a  
 11 consultant of mine. He was a consultant of mine. I  
 12 knew him in 2012. It's completely false that he was  
 13 adopted by the mother of my wife, as J.T. said. This  
 14 is completely invented.  
 15 He was a client of the brother of my wife  
 16 who is an attorney like you and we knew Fabiani  
 17 through the brother of my wife because he was a  
 18 client.  
 19 Q. I'm only asking you just again --  
 20 A. No, no. Sorry, sorry.  
 21 Q. We're getting near the end of the day.  
 22 It's hard, I know.  
 23 A. You are right.  
 24 Q. What money has Leonardo Corporation paid  
 25 Fulvio Fabiani?



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1 A. Correct. I have retained him as a  
 2 consultant in 2012. I don't remember exactly how  
 3 much I paid him in the period.  
 4 I think I paid him something around 40,  
 5 \$50,000. After that when I -- sorry, I end up the  
 6 answer.  
 7 Q. Since that time in 2012 has Leonardo  
 8 Corporation paid anything to Fulvio Fabiani?  
 9 A. No.  
 10 Q. Has Leonardo Corporation -- has Leonardo  
 11 Corporation paid anything to United States Quantum  
 12 Leap?  
 13 A. No, same thing.  
 14 Q. Am I correct that Fulvio Fabiani lived  
 15 when he was in Miami in a unit that you or a company  
 16 of yours owned?  
 17 A. No, he rented -- no, when he was in Miami  
 18 he rented an apartment that belongs to a company of  
 19 which I am the CEO.  
 20 Q. That's what I meant.  
 21 A. But he rented.  
 22 Q. He rented?  
 23 A. Yes.  
 24 Q. I think that's what I said too though,  
 25 maybe poorly.

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1 A. Maybe I poorly understood.  
 2 Q. Where he lived -- where Fulvio Fabiani  
 3 lived in Miami Beach --  
 4 A. Yes.  
 5 Q. -- he was in the same building that you  
 6 lived in?  
 7 A. Yes, it is correct.  
 8 Q. And his condo unit was owned by a company  
 9 that you own?  
 10 A. Not a company that I own but a company of  
 11 which I am a CEO, the CEO.  
 12 Q. Sorry. Who owns that company?  
 13 A. A trust.  
 14 Q. A trust. And who are the beneficiaries  
 15 of that trust?  
 16 A. It's not me.  
 17 Q. Is it somebody -- is it a relative of  
 18 yours?  
 19 MR. ANNESSER: Object to form.  
 20 BY MR. PACE:  
 21 Q. I won't get beyond the relative.  
 22 A. I don't remember exactly who is the  
 23 beneficiary.  
 24 Q. Okay. Did Mr. Fabiani pay rent?  
 25 A. Yes.

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1 Q. To whom?  
 2 A. To Refc, to the company that rented the  
 3 apartment.  
 4 Q. I was just thinking more logistically.  
 5 Was there an agent who controls that company?  
 6 A. We have a property manager, yes.  
 7 Q. Who is the property manager?  
 8 A. Sorry?  
 9 Q. Who is the property manager?  
 10 A. Mr. --  
 11 MR. ANNESSER: Object to form.  
 12 THE WITNESS: Mr. Michael Dubas.  
 13 BY MR. PACE:  
 14 Q. What work did Fulvio Fabiani perform for  
 15 you or at your direction -- actually, let me rephrase  
 16 it.  
 17 What work did Fulvio Fabiani perform at  
 18 the Doral location to your knowledge, whether it was  
 19 for you or otherwise?  
 20 MR. ANNESSER: Object to form.  
 21 THE WITNESS: Fulvio Fabiani has been  
 22 hired for --  
 23 BY MR. PACE:  
 24 Q. I am asking for the work he did. I am  
 25 not asking who hired him. I am not asking --

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1 MR. ANNESSER: He can answer in any way  
 2 he wants to.  
 3 MR. PACE: I'm just asking what was the  
 4 tasks he was doing. I know where this is  
 5 going.  
 6 MR. ANNESSER: He can answer any way he  
 7 wants to.  
 8 MR. PACE: I'm just asking for the actual  
 9 work he was doing.  
 10 MR. ANNESSER: Dr. Rossi, you can answer  
 11 however you deem appropriate.  
 12 THE WITNESS: Sorry, I did not  
 13 understand.  
 14 BY MR. PACE:  
 15 Q. The question is -- here is my question.  
 16 We can get into for who he was doing it. I am asking  
 17 the physical work, what was the work he was doing  
 18 while he was at the Doral location?  
 19 MR. ANNESSER: Object to form.  
 20 THE WITNESS: Control the plant during  
 21 the performance test.  
 22 BY MR. PACE:  
 23 Q. Was there any other work that he was  
 24 doing during that time period?  
 25 A. In the same period he also helped, under

Page 301

1 my request, helped Jim Bass because I had asked Jim  
 2 Bass to study robotization to make a better control  
 3 of the plant in the side J.M. and for this  
 4 robotization --  
 5 Q. I missed what you said. I apologize, I  
 6 just missed. Did you say on the side of J.M.?  
 7 A. Yes, sir.  
 8 Q. Okay. That was my fault. Please, I  
 9 apologize.  
 10 A. I say that. And so now and again Fabiani  
 11 making the tour because I wanted not that Fabiani  
 12 cross the area of J.M., because I wanted not that  
 13 he -- I wanted that nobody had to enter in the area  
 14 of J.M. from the side of Leonardo, as prepared term  
 15 sheet and Fabiani worked with -- helped Jim Bass to  
 16 study a robotized control system.  
 17 Q. Is this the thing we have seen about in  
 18 referencing the BeagleBone?  
 19 A. Sorry?  
 20 Q. The BeagleBone?  
 21 A. Yes, I -- I heard that definition for the  
 22 first time together with you when Jim Bass described  
 23 in detail because, you know, I am not an electronic  
 24 man.  
 25 So I just say, you know, my -- with them

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1 I just say I need this.  
 2 Q. Right.  
 3 A. Do it.  
 4 Q. So you -- you directed or requested for  
 5 Jim Bass to work on a new control system that would  
 6 be used by J.M. Products?  
 7 A. Correct.  
 8 Q. And then you requested or directed that  
 9 Fulvio Fabiani assist Jim Bass in that project?  
 10 A. Yes, because they are complimentary,  
 11 because where ends Fabiani begins Bass and vice  
 12 versa. They together make a good couple, electronic.  
 13 Q. I will let that side.  
 14 A. Electronically speaking.  
 15 Q. A good electronic couple. And the work  
 16 that they did together was sometimes done -- was  
 17 sometimes done over at J.M. Products, correct?  
 18 A. Can you explain the question? I don't  
 19 get the English.  
 20 Q. Sure. They would meet together?  
 21 A. Yes.  
 22 Q. Jim Bass and Fulvio Fabiani --  
 23 A. Yes.  
 24 Q. -- on this product -- on this project?  
 25 A. Yes.

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1 Q. When they would do so would they meet  
 2 over at the offices that are on the J.M. Products  
 3 side of the warehouse?  
 4 MR. ANNESSER: Object to form.  
 5 THE WITNESS: Yes.  
 6 BY MR. PACE:  
 7 Q. What you would have is you would have  
 8 Fulvio instead of going through that door that  
 9 directly connects Leonardo to J.M. Products, you  
 10 would have him walk around the building and walk in  
 11 the front door of J.M. Products, correct?  
 12 A. Yes, it is correct.  
 13 Q. There he would meet with Jim Bass?  
 14 A. Yes.  
 15 Q. And so that was so anyone else in the  
 16 warehouse, such as a Barry West, would not see Fulvio  
 17 crossing over from the Leonardo side of the warehouse  
 18 to the J.M. Products side of the warehouse?  
 19 MR. ANNESSER: Object to form.  
 20 MR. LEON DE LA BARRA: Object to form.  
 21 THE WITNESS: Correct. But attention, I  
 22 say correct and I hope so, but consider that I  
 23 was in the factory from 5, 6 in the afternoon to  
 24 10, 11 of the day after. During the day I was  
 25 not there. I assume that they respected the

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1 rule.  
 2 BY MR. PACE:  
 3 Q. So the rule that you gave to Fulvio  
 4 Fabiani was don't walk right through the door --  
 5 A. Exactly.  
 6 Q. -- that goes from Leonardo to J.M.  
 7 Products, always walk around the building when you  
 8 are going to go to the J.M. Products?  
 9 MR. ANNESSER: Object to form.  
 10 THE WITNESS: Correct, and the same  
 11 symmetrical rule I gave to Jim Bass. Jim Bass  
 12 was absolutely forbidden to enter in the area of  
 13 Leonardo, for any reason.  
 14 BY MR. PACE:  
 15 Q. Right. He would -- he was to stay on the  
 16 J.M. Products side?  
 17 A. Yes.  
 18 Q. Okay.  
 19 A. Yes. So the area that they had in common  
 20 was the office of Jim Bass that was separated because  
 21 when you -- as you will see when you will come there,  
 22 you will see that you enter in the office and there  
 23 are the offices.  
 24 Q. Understood.  
 25 A. Then there is a door, you enter through

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1 the door and you are in the J.M. area.  
 2 Q. Did J.M. Products pay Fulvio Fabiani for  
 3 that work or was that -- was that pursuant to what he  
 4 was already being paid under his USQL contract?  
 5 MR. LEON DE LA BARRA: Object to the  
 6 form.  
 7 BY MR. PACE:  
 8 Q. Let me start that over again. We have  
 9 gotten a little away from it.  
 10 This project you are talking about that  
 11 Fabiani worked on with Jim Bass, did J.M. Products  
 12 pay him for working on that project?  
 13 A. No.  
 14 Q. Is the only compensation he got for  
 15 working on that project the money he was making under  
 16 his USQL agreement with Industrial Heat?  
 17 MR. ANNESSER: Object to the form.  
 18 MR. LEON DE LA BARRA: Object to the  
 19 form.  
 20 THE WITNESS: Can you repeat the  
 21 question?  
 22 BY MR. PACE:  
 23 Q. Yes. Is the only money that Fabiani was  
 24 making for working on this project with Jim Bass the  
 25 payments he was getting from Industrial Heat under

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1 his USQL agreement?  
 2 A. Understood the question. No, there are  
 3 two completely separated thing.  
 4 Q. What money was Mr. Fabiani being paid for  
 5 working on that project?  
 6 A. He was hoping that once J.M. had  
 7 consolidated a production they could make a good  
 8 consulting agreement with Fabiani. Because  
 9 Fabiani -- as the professional Fabiani is to make the  
 10 consultant and he was working exclusive for nobody.  
 11 So he was working for Industrial Heat,  
 12 was paid for Industrial Heat to make what he had to  
 13 make for Industrial Heat.  
 14 Q. Okay.  
 15 A. But then he was helping Jim Bass, hoping  
 16 because -- because -- hoping that he could get a good  
 17 consulting contract with Industrial Heat because  
 18 Industrial Heat -- the program was from Industrial  
 19 Heat before the litigation loomed, the prospective  
 20 was that Industrial Heat had to go ahead with that.  
 21 Q. I'm sorry, I missed the very end of that,  
 22 the prospective --  
 23 A. The prospective was that Industrial Heat  
 24 had not to close on February 2016. The prospective  
 25 was to go ahead.

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1 Q. Understood. I have a couple of questions  
 2 here. What income tax did Leonardo Corporation  
 3 either of New Hampshire or of Florida pay in the year  
 4 2012?  
 5 MR. ANNESSER: Object to form. Hold on  
 6 one second. If you know the amount, you can  
 7 answer.  
 8 THE WITNESS: I don't know because all I  
 9 know of taxes is that my accountants give me the  
 10 tax report and I don't remember how much I  
 11 paid.  
 12 The only thing that I can assure you is  
 13 that whomever had to pay taxes paid the taxes.  
 14 So either Andrea Rossi or Leonardo Corporation  
 15 paid all the taxes that the accountant told them  
 16 to pay.  
 17 BY MR. PACE:  
 18 Q. Who is the accountant for Leonardo  
 19 Corporation of New Hampshire taxes in 2012?  
 20 A. It was Jim Travis.  
 21 Q. Did you talk to Jim Travis to prepare for  
 22 today's deposition?  
 23 A. Can you repeat?  
 24 Q. Did you speak with Jim Travis to prepare  
 25 for today's deposition?

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1 A. I don't hear Jim Travis since years.  
 2 Q. Same question for Leonardo Corporation of  
 3 New Hampshire for 2013.  
 4 A. Yes.  
 5 Q. The person who would have that  
 6 information is Jim Travis?  
 7 A. Yes.  
 8 MR. ANNESSER: Object to form.  
 9 BY MR. PACE:  
 10 Q. Does Leonardo Corporation maintain -- let  
 11 me close out the loop here. Leonardo Corporation of  
 12 Florida, the accountant for that company in 2012  
 13 would have been Jim Travis?  
 14 A. I need you repeat the question, sorry.  
 15 Q. Was the accountant who prepared any tax  
 16 returns filed by either Leonardo Corporation of New  
 17 Hampshire or Leonardo Corporation of Florida --  
 18 A. Yes.  
 19 Q. -- for the years 2012 or 2013 --  
 20 MR. ANNESSER: Object to form.  
 21 BY MR. PACE:  
 22 Q. Who was that -- is there just one  
 23 accountant who would have filed all those tax returns  
 24 or multiple accountants?  
 25 A. For 2012 was Jim Travis. 2013, I don't

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1 remember if it has been Jim Travis or Jim Travis and  
 2 the accountant that I had eventually or something  
 3 like that. I don't remember.  
 4 I don't remember exactly if the -- about  
 5 the 2013 I don't remember. About 2012 I am sure it  
 6 was Jim Travis, no question about that.  
 7 Q. Who is the current accountant for  
 8 Leonardo Corporation? Who handles the tax returns?  
 9 A. Ms. Diane Annesser.  
 10 Q. Does Leonardo Corporation maintain copies  
 11 of its tax returns?  
 12 A. Can you repeat the question?  
 13 Q. Sure. Does Leonardo Corporation maintain  
 14 copies of its tax returns?  
 15 A. Yes.  
 16 Q. Does Leonardo Corporation have the copies  
 17 or does -- are they in the hands of its accountant or  
 18 accountants?  
 19 MR. ANNESSER: Object to form.  
 20 THE WITNESS: I am not able to answer  
 21 because something is in the office of Leonardo  
 22 Corporation, something is in the office of the  
 23 accountant.  
 24 Because, you know, in accounting I just  
 25 do whatever the accountants tell me to do and I

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1 do it.  
 2 BY MR. PACE:  
 3 Q. Okay.  
 4 A. Never happened that they told me to pay a  
 5 tax and I did not pay for it. Never happened.  
 6 You know, I can understand him because  
 7 when it comes to accounting to get bored is normal.  
 8 Q. Ten minutes left. I have a variety of  
 9 wrap-up questions. I may have asked you this before  
 10 but I am not sure I did, so I want to make sure I got  
 11 it clear.  
 12 I know you testified that the E-Cat 1000  
 13 were the big Frankies?  
 14 A. Yes.  
 15 Q. The E-Cat 100s are the smaller E-Cat  
 16 units?  
 17 MR. ANNESSER: Object to form.  
 18 THE WITNESS: You know, all this, there  
 19 is not a precise definition. Usually, yes, yes,  
 20 we say the 1000 was the big ones. I don't  
 21 remember to have defined 100 maybe.  
 22 Usually I defined E-Cats by the photo or  
 23 the smaller units, while the big ones were  
 24 either big Frankies. The correct denomination  
 25 should be 250 E-Cats, because it's the rating.

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1 BY MR. PACE:  
 2 Q. That's how many kilowatts the big Frankie  
 3 can put out?  
 4 A. It's the rating.  
 5 MR. ANNESSER: Object to form,  
 6 mischaracterization.  
 7 BY MR. PACE:  
 8 Q. You testified earlier today that there is  
 9 an ability to regulate the power output of the big  
 10 Frankie by regulating the amount of electricity or  
 11 the amount of water that goes into the big Frankie.  
 12 But am I correct that there is no way --  
 13 that you didn't have a way of -- let me rephrase  
 14 this. That you never attempted to regulate or modify  
 15 the COP of one of the big Frankies?  
 16 A. Can you just either split the question?  
 17 Q. Break apart?  
 18 A. Yes.  
 19 Q. I am trying to separate between power and  
 20 COP. You testified earlier today that the amount of  
 21 power that a big Frankie puts out or an E-Cat unit  
 22 puts out can be regulated by controlling the amount  
 23 of water that would go in there or the amount of  
 24 electricity, correct?  
 25 A. Yes.

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1 Q. Okay. And then at times at least in  
 2 connection with some of the big Frankies you would do  
 3 that, you would regulate the amount of water or  
 4 electricity going into them.  
 5 But do I understand correctly that in  
 6 terms of the COP being created by one of the E-Cat  
 7 units, you never took any methods to regulate that,  
 8 to lower that or to increase it above, like you kind  
 9 of tried to get the best you could, the best COP you  
 10 could out of each unit all the time; is that  
 11 correct?  
 12 MR. ANNESSER: Object to form.  
 13 THE WITNESS: Yes.  
 14 BY MR. PACE:  
 15 Q. Okay. I am talking about the difference  
 16 between the power output. So you can regulate the  
 17 power output but you didn't regulate the COP?  
 18 A. COP is -- it's still a known harnessed  
 19 horse. A known harnessed horse. To harness.  
 20 MR. LEON DE LA BARRA: Harness.  
 21 BY MR. PACE:  
 22 Q. A hard to harness horse?  
 23 A. Yes.  
 24 Q. Wow. At the end of a deposition you  
 25 should try for much easier phrases like hello kitty.

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1 It's hard to regulate the COP of an E-Cat?  
 2 A. If not impossible.  
 3 Q. If not impossible?  
 4 A. In good and in bad.  
 5 Q. I think my only other questions are  
 6 during the course of the testing that was being done  
 7 in Doral, Florida, did you ever change the fuel or  
 8 charge in any of the E-Cat reactors?  
 9 A. I made tests. I did.  
 10 Q. You changed the fuel in some of the  
 11 reactors?  
 12 A. Not changed but made some test, some  
 13 injections.  
 14 Q. I'm not quite sure what that means. Does  
 15 that mean you took samples of it or did you make --  
 16 A. No, the contrary. The contrary. I have  
 17 injected some materials to make tests, to make  
 18 experiments.  
 19 Q. You have extracted some of the fuel from  
 20 the E-Cat reactors to run other experiments?  
 21 MR. ANNESSER: Object to form.  
 22 THE WITNESS: No.  
 23 BY MR. PACE:  
 24 Q. I'm missing it. I'm sorry.  
 25 A. The contrary. I have injected. To

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1 inject, English.  
 2 MR. LEON DE LA BARRA: Injected.  
 3 BY MR. PACE:  
 4 Q. Oh, I'm sorry. I'm sorry.  
 5 A. No, I am sorry.  
 6 Q. I thought you said enacted. I'm thinking  
 7 of the Constitution.  
 8 MR. ANNESSER: You don't know what  
 9 injecting is?  
 10 THE WITNESS: Sorry. My fault.  
 11 BY MR. PACE:  
 12 Q. No, we're two minutes away from being  
 13 done or one minute away from being done so don't  
 14 worry about it. Let's start again.  
 15 A. No, injected. Because in Italian it's  
 16 iniettare.  
 17 Q. So iniettare. You iniettare, you added  
 18 something into the fuel of some of the E-Cat  
 19 reactors?  
 20 A. To make experiment.  
 21 MR. ANNESSER: Object to form.  
 22 THE WITNESS: I did to make an  
 23 experiment, yes.  
 24 BY MR. PACE:  
 25 Q. Were those big Frankie reactors, were

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1 those the smaller E-Cats?  
 2 A. The big Frankies.  
 3 MR. ANNESSER: Objection.  
 4 BY MR. PACE:  
 5 Q. When did you do that?  
 6 A. Toward -- when -- when I -- when we  
 7 repaired the fourth reactor, I made this experiment  
 8 to see if -- just to test the new materials.  
 9 Q. I'm trying to figure out how to deal with  
 10 the new material.  
 11 Will you either tell me what the new  
 12 material is or include the new material as an  
 13 additional disclosure pursuant to the agreement that  
 14 we've already made on the record? You can do either  
 15 one.  
 16 A. The second is better.  
 17 Q. All right. So you want to include it in  
 18 the disclosure.  
 19 That new material, did it improve the  
 20 performance of the big Frankie, the fourth big  
 21 Frankie?  
 22 A. I have not the time to see this  
 23 because -- I had not the time because to know that I  
 24 would have needed more time.  
 25 Do not forget that before we decided to

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1 litigate this -- this plant had to work there at  
 2 least two years.  
 3 Q. Understood.  
 4 A. The performance test was 350 days, but --  
 5 but -- but the -- the term sheet between Industrial  
 6 Heat and J.M. was of two years.  
 7 Q. Understood.  
 8 A. Without impossibility to renew it because  
 9 the program was to go ahead.  
 10 Q. And my final question is you testified  
 11 that the -- that you had the piping removed at the  
 12 Doral warehouse, the pipe that went from the E-Cat  
 13 plant over to the J.M. Products side.  
 14 You testified that the -- you had the  
 15 heat exchanger removed from the J.M. Products side.  
 16 What other -- what other things have been removed  
 17 from the warehouse at the Doral location? I am not  
 18 talking about adding to. I am talking about removed  
 19 from.  
 20 MR. ANNESSER: Object to form.  
 21 THE WITNESS: What do you mean for Doral  
 22 location?  
 23 BY MR. PACE:  
 24 Q. That you are aware of. At the warehouse  
 25 you have already testified that there was piping that

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1 came from the E-Cat plant over to the J.M. Products  
 2 plant. That's been removed, that's been taken  
 3 down --  
 4 A. Correct.  
 5 Q. -- and pipes used for another purpose.  
 6 There are heat exchangers you testified that all  
 7 that, the heat exchangers, all that piping have been  
 8 taken down and use for other purposes?  
 9 A. Right.  
 10 Q. So I am asking what other changes have  
 11 been made at the Doral warehouse location?  
 12 MR. ANNESSER: Object to form and --  
 13 well --  
 14 THE WITNESS: The plant of J.M. has been  
 15 completely redesigned because now it's destined  
 16 to do another work.  
 17 So basically all the material around has  
 18 been represented, reassembled, cut, welded, et  
 19 cetera.  
 20 BY MR. PACE:  
 21 Q. How about what you see there in Exhibit  
 22 21, does that still exist?  
 23 A. No.  
 24 Q. No. Do you remember looking before the  
 25 filter that's in that same container, has that been

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1 removed?  
 2 MR. ANNESSER: Object to form.  
 3 MR. LEON DE LA BARRA: Join.  
 4 THE WITNESS: No, has been removed.  
 5 BY MR. PACE:  
 6 Q. Any other changes that have been made at  
 7 the warehouse?  
 8 MR. ANNESSER: Object to form.  
 9 THE WITNESS: For example, now we are  
 10 making offices where there was the heat  
 11 exchanger and we are -- I am -- I think that we  
 12 will prepare it to become a factory. Once  
 13 freed, et cetera, that will be a factory at that  
 14 the Doral location.  
 15 BY MR. PACE:  
 16 Q. How about any other changes on the  
 17 Leonardo side of the warehouse?  
 18 A. The Leonardo side has not been touched.  
 19 Q. Other than the piping being removed?  
 20 MR. ANNESSER: Hey, Chris, we're out of  
 21 time.  
 22 BY MR. PACE:  
 23 Q. Other than the piping being removed?  
 24 A. Other than the piping that has been  
 25 removed because it was property of J.M.

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1 MR. PACE: Understood. No further  
 2 questions. I think my time is up. I appreciate  
 3 it.  
 4 THE WITNESS: Thank you.  
 5 CROSS EXAMINATION  
 6 BY MR. ANNESSER:  
 7 Q. Okay. Just on the record I've got two  
 8 quick questions for you, just to clarify two things.  
 9 One is you were talking about the big  
 10 Frankies and I believe you said that they're properly  
 11 called the 250 unit and Mr. Pace asked is that  
 12 because they put out 250 kilowatts.  
 13 Are the big Frankie units capable of  
 14 putting out more than 250 kilowatts each?  
 15 A. Yes.  
 16 Q. And then the other thing I wanted to  
 17 clarify was Mr. Pace was asking you about Mr. Fabiani  
 18 having to walk out of the Leonardo side and around  
 19 the building to the J.M. side. I want to make sure I  
 20 understand correctly.  
 21 He asked you whether the purpose of  
 22 making him walk around was so Barry West would not  
 23 see you -- or, I'm sorry, would not see Mr. Fabiani  
 24 go through that door.  
 25 A. No, no was not this. Because I -- no, I

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1 did not understand this this way. I understood that  
 2 the question was that Fabiani had not to see the area  
 3 of J.M.  
 4 Q. Okay.  
 5 A. So I prohibited to Fabiani to go through  
 6 the door that separated J.M. from Leonardo because I  
 7 wanted not that Fabiani crossed the space of J.M.  
 8 This is why. So I forced -- I demanded  
 9 him to make the tour there because I wanted not that  
 10 Fabiani could see inside the area of J.M., as well as  
 11 I wanted that Jim Bass did not -- could not enter in  
 12 there in the area of Leonardo.  
 13 MR. ANNESSER: Okay. That's all the  
 14 questions I have. I think we're good.  
 15 MR. PACE: Could have been a one sentence  
 16 response if you put him together with your  
 17 translator.  
 18 MR. ANNESSER: We will read.  
 19 THE VIDEOGRAPHER: Time is 19:56.  
 20 Deposition adjourned. Off the record.  
 21 (Thereupon the taking of the deposition  
 22 was concluded.)  
 23  
 24  
 25



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1  
2 Deponent  
3  
4  
5 Sworn to and subscribed before me this  
6  
7 day of 2017.  
8  
9  
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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 320, 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 6th 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 6th  
12 day of March 2017.  
13  
14  
15 <%signature%>  
16  
17 \_\_\_\_\_  
18 Notary Public, State of Florida at  
19 Large; my commission expires  
20 February 26, 2019. Bonded through  
21 Troy Fain Insurance, Inc.  
22  
23  
24  
25

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1 \_\_\_\_\_, 2017  
2  
3  
4  
5 JOHN W. ANNESSER, ESQ.,  
6 Perlman Bajandas Yevoli & Albright, P.L.  
7 283 Catalonia Avenue, Suite 200  
8 Coral Gables, Florida 33134  
9  
10 RE: Rossi v. Darden  
11  
12 Dear Mr. Annesser,  
13  
14 With reference to the deposition of Andrea Rossi  
15 taken on February 24, 2017 in connection with the  
16 above-captioned case, please be advised that the  
17 transcript of the deposition has been completed  
18 and is awaiting signature.  
19  
20 Please arrange to have the deponent stop by our  
21 office at Two South Biscayne Boulevard, Suite  
22 2250, Miami, Florida, for the purpose of reading  
23 and signing the transcript.  
24 If this is not taken care of, however, within the  
25 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  
3 DEPO OF: Leonardo Corporation/Andrea Rossi  
4 TAKEN : 2/24/16  
5 ASSG# : 2534814  
6 DO NOT WRITE ON TRANSCRIPT, ENTER ANY CHANGES HERE

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

21 State of Florida)  
22 County of )

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

25 \_\_\_\_\_  
Date Signature