

HIGHLY CONFIDENTIAL PORTIONS- ATTORNEYS' EYES ONLY

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 1:16-cv-21199-CMA

ANDREA ROSSI, et al.,

Plaintiffs,

v.

THOMAS DARDEN, et al.,

Defendants.

-----x
INDUSTRIAL HEAT, LLC, et al.,

Counter-Plaintiffs,

v.

ANDREA ROSSI, et al.,

Counter-Defendants.

and

J.M. PRODUCTS, et al.,

Third-Party Defendants.

-----x
283 Catalonia Avenue, Suite 200
Coral Gables, Florida
Tuesday, February 21, 2017
9:06 a.m.- 4:05 p.m.

CONFIDENTIAL TRANSCRIPT
PORTIONS OF TRANSCRIPT HIGHLY CONFIDENTIAL
ATTORNEYS' EYES ONLY

VIDEO DEPOSITION OF JOHN DEWEY WEAVER, III

Taken before Edward Varkonyi, Registered
Merit Reporter and Notary Public for the State of
Florida at Large, pursuant to Notice of Taking
Deposition filed in the above cause.

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1 IH-74035 and it's two e-mails on the page. The first
2 one is from you to Bo Hoistad. The second one is
3 from Bo Hoistad to you.

4 A. Uh-huh.

5 Q. Do you recall, is this the e-mail you
6 were just referring to?

7 A. It's one of them, I believe. I didn't
8 recall the date, obviously.

9 Q. And what was your intent in writing this
10 first e-mail to Bo Hoistad?

11 A. So I wanted to learn more about how they
12 reached their conclusions in the Lugano report.

13 Q. And were you tasked with this job by
14 Industrial Heat?

15 A. We decided that -- yes, that I should
16 reach out and to try to get -- engage in some
17 discussion with Hoistad.

18 Q. And was it your intent to try to get him
19 to recant his support for the Lugano report?

20 A. No, we wanted to know more about how they
21 reached their conclusions.

22 Q. Did you want him to review what his
23 findings were at that time?

24 A. I did.

25 Q. And to what end?

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1 mean between the time of Exhibit 55, which was in
2 June, and February 2017.

3 A. I don't remember. I thought I was
4 recalling I sent this earlier but it was in February,
5 not January.

6 So Mats had given an interview to David
7 Neubauer and mentioned the ongoing replication work
8 of the Uppsala people and I thought it would be a
9 good opportunity to reach out to him to see where
10 they were.

11 Q. So you write in your e-mail, second
12 paragraph: "We are in process of learning previously
13 unknown facts about Andrea Rossi, his E-Cat research
14 and test methodologies as part of the ongoing
15 litigation effort. We have learned that the material
16 test of Lugano reactor with an XRD system at The
17 university of Bologna was conducted on the reactor
18 plug, not a piece from the main reactor body." How
19 did you learn that?

20 A. It's in the report, the Lugano report.

21 Q. So that wasn't a previously unknown fact,
22 that was a known fact, right?

23 A. Sitting right out there in the open
24 apparently but that was pointed out to me by Alan
25 Smith of LENR Forum, one of the moderators.

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1 Q. Then you wrote: "As you may know, the
2 plug results came back 99 percent pure alumina and
3 did not match the reactor body, which was made from
4 Durapot 810."

5 How did you learn that?

6 A. Because I have the can that it was made
7 from and I talked to the person that made them.

8 Q. And who is that?

9 A. T. Barker Dameron.

10 Q. So T. Barker Dameron made the reactor
11 body?

12 A. Yes. And we have -- we still have some
13 of this Durapot 810.

14 Q. Did you ever provide a sample of that to
15 the Lugano professors?

16 A. Did not.

17 Q. Is there a reason?

18 A. I offered to send over the remaining
19 reactor, as you noticed earlier, and they were not
20 interested in that.

21 Q. And he writes, top of the next page: "We
22 have also learned that the reactor was painted with
23 an off-white high temp paint and that information is
24 not accurately reflected in the Lugano report as
25 well."

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1 Is that something -- the off-white high
2 temp paint, was that something you learned after the
3 fact?

4 A. I learned that from J.T., who got that
5 information from Fulvio Fabiani during the test,
6 along with the paint make -- brand, make and model
7 number.

8 Q. So wasn't that all known at the time of
9 the test?

10 A. It was known, but didn't register.

11 Q. And what is the significance of that?

12 A. Because the emissivity settings reflected
13 99 percent pure alumina, not alumina cement that was
14 75 to 80 percent alumina that, per Cotronics and
15 their support group or a painted surface, an
16 off-white painted surface.

17 It's substantially different
18 characteristics, versus what is claimed is a 99
19 percent pure alumina setting that was plugged into
20 the Optris camera readings.

21 Q. Now, when you make these statements, are
22 these statements that were told to you or are these
23 statements that you know because you actually saw the
24 reactors and held them in your hands and did tests
25 yourself?