

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:16-cv-21199-CMA/O'Sullivan

ANDREA ROSSI, et al.,

Plaintiffs,

v.

THOMAS DARDEN, et al,
LLC,

Defendants

PLAINTIFFS' PROPOSED VOIR DIRE QUESTIONS

Plaintiffs, Andrea Rossi and Leonardo Corporation respectfully submit the following voir dire questions:

1. I am about to read to you the names of the lawyers in this case. If any of you are personally acquainted with any of these lawyers or their firms or if anyone in your family is acquainted with anyone on the list please raise your hand. For those of you who have raised your hand, what is the nature and extent of your relationship with any of these individuals?

2. The Plaintiffs in this case are Dr. Andrea Rossi and Leonardo Corporation. Do you or any member of your immediate family or any close friend, know or have any relationship, personal or professional, with Dr. Rossi or Leonardo Corporation? If yes, what is the nature and extent of that relationship? Is there any reason you would give more or less weight to the Plaintiffs' evidence than to the Defendants' evidence in this case?

3. The Defendants in this case are Thomas Darden, John T. Vaughn, Industrial Heat, LLC, IPH International, B.V., and Cherokee Investment Partners, LLC. Do you or any member of your immediate family or any close friend, know or have any relationship, personal or professional, with any of these Defendants? If yes, what is the nature and extent of that relationship? Is there any reason you would give more or less weight to the Defendants' evidence than to the Plaintiffs' evidence in this case?

4. There are other Defendants in this case which are referred to as Third Party Defendants. They are J.M. Products, Inc., Henry Johnson, United States Quantum Leap,

LLC, Fulvio Fabiani and James Bass. Do you or any member of your immediate family or any close friend, know or have any relationship, personal or professional, with any of these Defendants? If yes, what is the nature and extent of that relationship? Is there any reason you would give more or less weight to these Defendants' evidence than to that of other witnesses in this case?

5. I am now going to read to you the names of a number of witnesses that are expected to testify in this case. (See Plaintiffs' and Defendants' Witness Lists Attached). If any of you are personally acquainted with any of these witnesses or if anyone in your family is acquainted with anyone on the list please raise your hand. For those of you who have raised your hand, what is the nature and extent of your relationship with any of these individuals? Is there any reason you would give more or less weight to the testimony of any one particular witness to that of another witness in this case?

6. Do you know any other persons who have been called for jury duty in this case? If so, who? How do you know this person? Is this someone you interact with regularly?

7. Does anyone have a financial interest in the outcome of this trial? If so, what is your interest?

8. Has anyone heard of the "E-Cat" or "Low Energy Nuclear Reactions ("LENR")". What have you heard? Have you formed an opinion as to whether these devices are possible? How did you hear about LENR or the E-Cat?

9. Has anyone heard the term "Cold Fusion"? Do you believe it is possible? Able to remain objective? Etc.

10. Has anyone seen the 60 Minutes Episode Titled "Cold Fusion Hot Again"; Did that effect your opinion of the state of the technology?

11. This case will take approximately five (5) weeks. We have estimated that the trial will end on or about July 26th. Your presence will be required for the entire five (5) weeks. We will begin trial no earlier than 9:30 each morning and end no later than 4:00 each afternoon. There will be a lunch break and two (2) ten (10) minute comfort breaks each day. That being said, would anyone find it a hardship, for personal, health, or occupational reasons, to serve on the jury in this case? If yes, please tell us, why?

12. Does anyone have hearing difficulties, vision problems, a medical condition affecting attention, difficulty sitting for long periods of time, or another problem of a medical or personal nature that would make it difficult for you to serve as a juror? If yes, what is your situation?

13. Does anyone have any difficulty reading, speaking, or understanding English?

14. Where do you live? Do you own or rent your residence? How long have you lived at your current address? Where have you lived previously? Where did you grow up? What is your first language? What other languages do you read, speak or understand?

15. Does anyone have any bias against people from foreign countries? Does anyone believe that foreigners are less trustworthy than U.S. citizens?

16. Tell us about your education. Where did you go to school? What was your major or area of study? What degrees if any did you obtain?

17. What is your current occupation? Who is your current employer? What do you do in your job? Do you work full-time or part-time? How long have you worked for this employer? How long have you worked in this occupation? Do you continue to receive compensation from your employer during jury service? Are you currently working any other jobs? What other jobs have you had within the last 10 years?

18. Do you work primarily on your own or as part of a team that works together on projects?

19. Have you ever owned a business or been self-employed? What type of business? When? How many people do/did you employ? How long have you been/were you self-employed? How do you feel about being self-employed? Has your business ever been sued? What was the suit about? How did you feel about it? How will your experience as a business owner/ self-employed person influence your decision-making in this case?

20. Do you currently supervise or manage others in your job? Have you ever managed or supervised others as part of your job? How long have you supervised or managed people at work?

21. Who are the members of your household? What is your marital status? What are or were the occupations of your family members, spouse, significant other, and/or partner?

22. Have you, or has anyone close to you, ever been a director or an officer of a company? What type of business? When? How many employees worked for this company? How long were you an officer/director? What did you do as an officer/director? How will that experience influence your decision-making in this case?

23. Have you ever served in the military? What branch? Rank? Where? When?

Where you ever stationed in Europe?

24. Do you belong to any civic, professional, fraternal, social, political, or religious organizations? Are you active in that organization? Do you now hold, or have you ever held, any office in that organization? How long have you been involved with this organization?

25. What are your hobbies or interests outside of work? Recreational activities, memberships?

26. Do you own a personal computer? Do you use a computer at work? How often do you use the Internet? Do you have a blog or website? Tell me about it. Do you view or follow blogs of others regularly? Which blogs? How often do you visit social networking sites such as Facebook, MySpace, Twitter etc.? Do you visit chat rooms? Which chat rooms? Do you visit work related websites? How often? Why? Do you visit law-related websites? Which law-related websites do you visit? How often do you visit these sites?

27. Do you watch any courtroom or law-related television shows? Where do you go to learn about the news? Television, radio, newspaper?

28. Have you ever studied law? Have you or any member of your family ever worked in the legal field or a law related field? What did you do? How will that experience affect your jury service in this case?

29. Have you ever served on a jury before? What type of case was it, civil, criminal, both? Was it in federal court, state court, or both? Did you reach a verdict? Were you the foreperson? How did you feel about your jury service? Was it a positive, negative or neutral experience? Why do you feel that way? Were you satisfied with the outcome? How do you feel about your jury service now? How will that experience affect your view of this case?

30. Have you ever been involved in a civil lawsuit that involved a breach of contract or claims of fraudulent inducement or the misappropriation of trade secrets? What happened? What was the outcome? Were you satisfied with the outcome? How will that experience affect your decision-making in this case?

31. Have you or someone close to you ever consulted with a lawyer? Were you satisfied with the services provided? Have you, or has anyone close to you, ever had a bad experience with the legal system? How do you feel about that experience now? Have you ever filed a lawsuit, grievance, or arbitration claim? What was the nature of the claim? Were you satisfied with the outcome?

32. Have you or someone close to you ever been a party in a lawsuit, court case or other legal proceeding? Were you the Plaintiff or Defendant? What type of case was it? Were you satisfied with the outcome? Did that experience affect your attitude or opinion of the legal system? Do you think the court system and legal process was fair to you? Why or why not?

33. Have you or anyone close to you ever testify at a trial or given a deposition? Did that experience influence your opinion of the legal system?

34. In this case you will hear conflicting testimony from experts about the technical aspects of this case, which will include patented technology used for the production of energy by and through an energy plant known as Energy Catalyzer or E-Cat. Do you have any understanding of thermodynamics or expertise in thermal engineering?

35. Have you ever taken any courses in business ethics, finance or management?

36. Have you or anyone close to you ever worked in the investment banking or finance industry?

37. Do you or anyone close to you have any experience in business valuation?

38. Do you or anyone close to you have any experience in the valuation of new technology?

39. Have you or anyone close to you ever solicited investors to invest in business ventures including new technology?

40. Have you or anyone close to you ever performed work auditing individuals or businesses?

41. Have you or anyone close to you ever been trained in accounting?

42. Have you or anyone close to you ever felt taken advantage of in a financial or business matter?

43. Have you or anyone close to you ever signed a business-related

contract? What were the circumstances of that contract? Were you represented by a lawyer? Did you feel bound by the terms of that agreement?

44. Do you have any experience or education/training in negotiating or renegotiating contracts, enforcing contracts, monitoring performance under the terms of a contract, or interpreting the meaning of a contract? What was the nature of your experience? What types of contracts were you involved with? How do you feel about those experiences? Have you or has anyone close to you ever had a bad experience with a contract? Tell me about that experience.

45. Have you ever been involved in a contract in which the other party did not live up to its obligations under the contract? What were the circumstances? How was the matter resolved?

46. Have you ever been involved in a contract in which the other party said you did not live up to your obligations under the contract? What were the circumstances? How was the matter resolved?

47. Have you or has anyone close to you ever felt taken advantage of in a contractual agreement?

48. Have you ever tried to break a contractual agreement? What were the circumstances? Have you or has anyone close to you ever been involved in a dispute that resulted from the failure to uphold an agreement?

49. Have you ever been involved in a lawsuit that involved a breach of contract? What were the circumstances? What role did you play in the lawsuit? Did you actively participate in the lawsuit? What was the outcome? How satisfied were you with the outcome?

50. Have you ever been on a jury that decided a case involving breach of contract?

51. Have you or has anyone close to you ever felt like the victim of a fraud?

52. Have you or has anyone close to you ever been accused of fraud?

53. Have you ever filed a lawsuit that involved fraud? What were the

circumstances? What was the outcome? How satisfied were you with the outcome?

54. Have you ever been on a jury that heard a case involving fraud? Were you satisfied with the outcome of the case?

55. In this case, Dr. Rossi and Leonardo Corporation are going to ask you to award them 89 million dollars for the Defendants fraudulent conduct and for breach of contract. How do you feel about awarding someone a substantial amount of money for financial damages caused by another?

56. Do you have any moral or philosophical beliefs that would make it uncomfortable or difficult for you to compensate Dr. Rossi and Leonardo Corporation with money damages if the evidence justified it?

57. If you were a party to this lawsuit, would you want someone like you sitting in judgment on this case?

58. Do you have any experiences, beliefs, or feelings that might affect the way you look at and decide this case?

59. Is there anything more I should know about you that might affect your ability to serve on the jury in this case?

60. Is there any reason you might not be a fair and impartial juror in this case?

Dated: June 19, 2017

Respectfully submitted,

s/ John W. Annesser, Esquire

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 19, 2017, the foregoing document was served on all counsel of records identified on the attached Service List via the manner specified.

/s/John W. Annesser, Esquire

John W. Annesser, Esquire

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