

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
 2 FOR THE DISTRICT OF UTAH, CENTRAL DIVISION  
 3  
 4 UNITED STATES OF )  
 AMERICA, ) Deposition of:  
 )  
 5 Plaintiff, ) NELDON JOHNSON  
 )  
 6 vs. )  
 )  
 7 RAPOWER3, LLC, ) Case No. 2:15-cv-00828 DN  
 INTERNATIONAL )  
 8 AUTOMATED SYSTEMS, ) Judge David Nuffer  
 9 INC., LTB1, LLC, R. )  
 10 GREGORY SHEPARD, )  
 11 NELDON JOHNSON and )  
 12 ROGER FREEBORN, )  
 13 )  
 14 Defendant. )  
 15  
 16  
 17  
 18 October 3, 2017 \* 9:10 a.m.  
 19  
 20 Location: United States Attorney's Office  
 21 111 South Main Street, Suite 1800  
 22 Salt Lake City, Utah  
 23  
 24 Reporter: Dawn M. Perry, CSR  
 25 Notary Public in and for the State of Utah

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 AUTOMATED SYSTEMS, INC., LTB1, LLC, AND NELDON  
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 11  
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 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

**Plaintiff  
Exhibit**

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Page 3

1 I N D E X  
 2 NELDON JOHNSON PAGE  
 3 Examination by Ms. Healy Gallagher 4  
 4 Examination by Mr. Snuffer 225  
 5  
 6 \* \* \*  
 7  
 8 E X H I B I T S  
 9 NO. DESCRIPTION PAGE  
 10  
 11 Exhibit 643 Expert Report of Neldon Johnson 9  
 12 Exhibit 644 IAS Solar Dish Technology Evaluation 20  
 13 by Thomas R. Mancini, PhD  
 14 Exhibit 645 Photographs 200  
 15 Exhibit 646 Checks 202  
 16 Exhibit 647 Check to NP Johnson Family Limited 203  
 17 Partnership for \$3,933.47  
 18 Exhibit 648 Checks 204  
 19 Exhibit 649 Check to Howard County Tax Office 207  
 20 for \$2,227.57  
 21 Exhibit 650 Check to Randy Johnson for \$30,000 214  
 22  
 23 \* \* \*  
 24  
 25

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1 P R O C E E D I N G S  
 2  
 3 N E L D O N J O H N S O N ,  
 4  
 5 called as a witness, being first sworn,  
 6 was examined and testified as follows:  
 7  
 8 E X A M I N A T I O N  
 9 BY MS. HEALY GALLAGHER:  
 10 Q. All right. We're on the record in the  
 11 case of United States versus RaPower3 on October 3rd  
 12 about 10 after 9:00 a.m.  
 13 My name is Erin Healy Gallagher of the  
 14 U.S. Department of Justice Tax Division, appearing on  
 15 behalf the United States.  
 16 Counsel, please make your appearance.  
 17 MR. SNUFFER: Yeah. Denver Snuffer here  
 18 on behalf of Neldon Johnson in his capacity as a  
 19 expert witness.  
 20 MS. HEALY GALLAGHER: And, Mr. Snuffer,  
 21 you also now represent all of the defendants in this  
 22 case; is that right?  
 23 MR. SNUFFER: I believe that I haven't yet  
 24 entered an appearance, but people from my office have  
 25 entered an appearance also on behalf of Shepard and

<p style="text-align: right;">Page 5</p> <p>1 the other fellow, but I don't know that -- that I've  2 entered an appearance just yet.  3 MS. HEALY GALLAGHER: Okay.  4 MR. SNUFFER: All right.  5 MR. MORAN: And I'm Christopher Moran  6 appearing on behalf of the United States.  7 And with us on the phone is Erin Hines,  8 back in our office in Washington, D.C.  9 MS. HEALY GALLAGHER: And also in the room  10 is Ms. Glenda Johnson.  11 Q. All right. This deposition will be  12 governed by the Federal Rules of Civil Procedure and  13 the local rules of the District of Utah.  14 I believe for today all exhibits will be  15 marked and kept by the court reporter.  16 MR. MORAN: Yes.  17 MS. HEALY GALLAGHER: Any other  18 stipulations we will address as the need arises.  19 Q. Mr. Johnson, we've met before. As I've  20 just said, my name is Erin Healy Gallagher, and I  21 will be taking your deposition today.  22 You've given four depositions so far in  23 this case, but I'm going to go over the ground rules  24 again just so we're all on the same page.  25 A. Okay.</p>	<p style="text-align: right;">Page 7</p> <p>1 your task for today is to give full and complete  2 answers.  3 Do you understand that obligation?  4 A. Yes.  5 Q. Now, it's my obligation to ask  6 understandable questions to you. So if you don't  7 understand a question for any reason, please let me  8 know. Will you do that?  9 A. Yes.  10 Q. Sometimes it will happen that you will  11 give an answer as completely as you can but then  12 later in the deposition you may remember additional  13 information or be able to clarify something about  14 your previous answer. When that occurs, if it  15 occurs, please tell me that there is something you  16 would like to add or clarify about an earlier answer  17 and we will take care of that right away.  18 Will you do that?  19 A. Yes. Thank you.  20 Q. I'll try to take -- I'll try to remember  21 to take a break every 90 minutes or so, but if you  22 need a break at any time, please let me know.  23 Will you do that?  24 A. Yes.  25 Q. If there is a question pending, though, I</p>
<p style="text-align: right;">Page 6</p> <p>1 Q. So in this deposition I will ask you  2 questions. My questions and your answers will be  3 recorded by the court reporter sitting here. So  4 please speak loudly enough for her to hear you, and  5 answer my questions verbally.  6 Will you do those things?  7 A. Yes.  8 Q. She cannot record a nod or a shake of your  9 head. And words like "uh-huh" are not clear on the  10 transcript that will be created.  11 A. Okay.  12 Q. So if we have any of those situations, I  13 will stop and make sure the record is clear. Okay?  14 A. Fine. I almost said "uh-huh." I'm just  15 kidding.  16 Q. Also, we have a tendency in casual  17 conversation to sometimes speak over one another, to  18 answer a question before it's finished being asked.  19 Here, please wait until I am finished asking my  20 question before you start your answer, because the  21 court reporter cannot take down the words of more  22 than one person talking at the same time.  23 Do you understand?  24 A. Okay. Yes.  25 Q. When I do finish asking each question,</p>	<p style="text-align: right;">Page 8</p> <p>1 will ask that you complete your answer first and then  2 we can take a break. Okay?  3 A. Okay.  4 Q. Similarly, if you want to talk to your  5 attorney, Mr. Snuffer, that's fine; however, if there  6 is a question pending or if you're in the middle of  7 an answer, you will need to finish the answer or give  8 it in the first place before you confer with him.  9 Do you understand?  10 A. Yes.  11 Q. So we're here to get as accurate a record  12 as we can of the facts of the case as you remember  13 them. So I have to ask, is there anything that would  14 prevent you from understanding and answering my  15 questions with the full capacity of your  16 recollection?  17 A. No.  18 Q. Are you taking medications or drugs of any  19 kind that might interfere with your memory?  20 A. No.  21 Q. Have you had anything alcoholic to drink  22 in the past eight hours?  23 A. No.  24 Q. Are you currently under a doctor's care  25 for any illness that may interfere with recollection</p>

<p style="text-align: right;">Page 9</p> <p>1 or comprehension?</p> <p>2 A. No.</p> <p>3 Q. Is there any other reason you can think of</p> <p>4 why you might not be able to answer my questions</p> <p>5 fully and accurately today?</p> <p>6 A. No.</p> <p>7 Q. All right, Mr. Johnson. Would you please</p> <p>8 face the court reporter?</p> <p>9 A. You bet. Thank you.</p> <p>10 Q. Thank you.</p> <p>11 We're here today because you have</p> <p>12 submitted an expert report in this case.</p> <p>13 Do you understand that?</p> <p>14 A. Yes. Uh-huh.</p> <p>15 Q. Okay. So as part of your expert report</p> <p>16 you attached -- well, here, I can just hand it to</p> <p>17 you. We'll just do it right now.</p> <p>18 (EXHIBIT643 WASMARKED.)</p> <p>19 Q. Mr. Johnson, you've been handed what's</p> <p>20 been marked Plaintiff's Exhibit643.</p> <p>21 A. Okay.</p> <p>22 Q. Do you recognize Plaintiff's Exhibit643?</p> <p>23 A. I do.</p> <p>24 Q. Is this the expert report of</p> <p>25 Neldon Johnson that you submitted to the United</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. Let's turn to the page marked</p> <p>2 Qualifications, please.</p> <p>3 A. Okay.</p> <p>4 Q. The second sentence at the start of the</p> <p>5 Qualifications page is, "Mr. Johnson is the primary</p> <p>6 inventor of the Self-Check system, AFIM, and the DWM</p> <p>7 technologies."</p> <p>8 Did I read that correctly?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. What, if anything, does the</p> <p>11 self-check system have to do with the solar energy</p> <p>12 technology at issue in this case?</p> <p>13 A. Well, there's lots of programing</p> <p>14 available, and there's a lot of technology that is</p> <p>15 associated with the various ways that -- that</p> <p>16 interact with computer systems.</p> <p>17 Q. Well, let's start with this. What is the</p> <p>18 self-check system?</p> <p>19 A. You've seen those self-checkouts in</p> <p>20 Walmart where you check your own self out.</p> <p>21 Q. Sure. So you're talking about --</p> <p>22 A. Those are my patents.</p> <p>23 Q. At grocery stores there is the option to</p> <p>24 go in a traditional check-out line with a cashier</p> <p>25 that totals up your purchase, correct?</p>
<p style="text-align: right;">Page 10</p> <p>1 States in this case?</p> <p>2 A. I did.</p> <p>3 Q. If you look at page 26 of 26 of the</p> <p>4 report --</p> <p>5 A. Okay.</p> <p>6 Q. -- your signature appears about a third of</p> <p>7 the way down the page, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Then we have a page that says</p> <p>10 Qualifications, correct?</p> <p>11 A. Yes. Yes.</p> <p>12 Q. And then what follows after Qualifications</p> <p>13 is a listing out of various patents on your</p> <p>14 inventions; is that right?</p> <p>15 A. Which page?</p> <p>16 Q. The page that follows Qualifications.</p> <p>17 A. Okay. It lists out some patents. Okay.</p> <p>18 Okay, yes.</p> <p>19 Q. Okay. So, Mr. Johnson, the patents that</p> <p>20 follow the page marked Qualifications, those are the</p> <p>21 only documents that you identified as supporting your</p> <p>22 expert witness report.</p> <p>23 A. Okay.</p> <p>24 Q. Is that right?</p> <p>25 A. Yes. Uh-huh. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. That's correct, yeah.</p> <p>2 Q. And then there is the option to do</p> <p>3 self-checkout --</p> <p>4 A. That's correct.</p> <p>5 Q. -- where you scan your own items and total</p> <p>6 up your own purchase?</p> <p>7 A. That's correct.</p> <p>8 Q. Okay. So the self-check system is that</p> <p>9 self-checkout?</p> <p>10 A. That's correct.</p> <p>11 Q. So I'm just not clear, Mr. Johnson, on how</p> <p>12 the self-checkout system relates to the solar energy</p> <p>13 technology at issue in this case.</p> <p>14 A. Well, in order -- in order to do a lot of</p> <p>15 the patents and a lot of the items that we use, we --</p> <p>16 we -- we use a lot of -- a lot of computers, you</p> <p>17 know, for various applications.</p> <p>18 Q. Okay. Aside from general use of computers</p> <p>19 in both, what relationship is there?</p> <p>20 A. Well, it's not just that because we were</p> <p>21 the first ones to invent the system where computers</p> <p>22 could talk to each other.</p> <p>23 We also -- we also were the first ones to</p> <p>24 do what's called the screens where today, in</p> <p>25 Microsoft, where you have -- what do you call them?</p>

<p style="text-align: right;">Page 13</p> <p>1 I can't remember the name. Where they -- where you  2 can have multiple screens.  3 Q. All right. You know what, Mr. Johnson?  4 I'm going stop you there, actually.  5 A. And so that's -- anyway, that's what we  6 did.  7 Q. Thanks. Please turn to the first page of  8 your report.  9 A. Okay.  10 Q. The first sentence of the second  11 paragraph.  12 A. Second what?  13 Q. Actually, let's start with the first  14 sentence of your report.  15 "I have prepared this expert report to  16 explain the several components to the energy  17 production system designed and operated by  18 International Automated Systems, Inc. (hereafter 'IAS  19 System')."  20 Did I read that portion of the sentence  21 correct?  22 A. Correct.  23 Q. Okay. So, Mr. Johnson, in broad strokes,  24 what is the IAS system?  25 A. I'm not sure I know. I -- I -- I'm not</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Well, in this context, we were only  2 referring to the limited system that is developed  3 around the solar energy-capturing system, along with  4 the -- some of the components that are used in  5 conjunction in the operation of the solar -- solar  6 system.  7 However, we don't mean it to mean that  8 this is the only system that the lenses in particular  9 could be used for. This is just a subset of the  10 things -- of the items that we use at this particular  11 time, but it's not limited to only just that --  12 this -- this system. So the solar energy system can  13 be used in -- by various technologies, including a  14 traditional turbine see, so we're --  15 Q. I'm going to stop you there. Thank you,  16 sir.  17 A. Okay.  18 Q. What I would like to know is what  19 components are a part of the IAS system that you  20 identify in this first sentence of your report.  21 A. Okay. That's what -- I'm trying to  22 explain that to you because what -- what I'm saying  23 is the IAS system could include --  24 Q. No, no, no, sir.  25 A. -- all of the systems.</p>
<p style="text-align: right;">Page 14</p> <p>1 sure in what context the IAS is -- we have 35 patents  2 -- 28 patents and 35 patent pendings.  3 Q. Mr. Johnson, you wrote this sentence --  4 A. Right.  5 Q. -- so I want to know what you mean by "the  6 energy production system designed and operated by  7 International Automated Systems, Inc. (hereafter, IAS  8 system.)"  9 A. Okay. So this is the several components  10 to the energy production system designed and operated  11 by International Automated Systems, hereafter the  12 systems. So that would include all the various  13 technologies that are associated with a particular  14 type of energy system, but not all-inclusive. This  15 is just the -- just the minimal amount of the system  16 that is -- is -- we haven't explained all the systems  17 in this report that we have patents or patent  18 pendings on. All -- all we're -- all we're  19 explaining is just the -- a small portion that was  20 reviewed by -- by Mancini. So it doesn't -- it's not  21 all inclusive.  22 Q. Mr. Johnson --  23 A. Yes.  24 Q. -- what do you mean by the phrase "IAS  25 system"?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. Stop.  2 A. Okay.  3 Q. Listen to my question.  4 Please read it back.  5 (Record was read as follows: "What I  6 would like to know is what components are a part  7 of the IAS system that you identify in this  8 first sentence of your report.")  9 A. Well, this -- this critique is -- is --  10 Q. Sir, non -- I object to the responsiveness  11 of the answer.  12 A. Okay.  13 Q. I'm not interested in what could be a part  14 of the system. I'm not interested in what you might  15 imagine could someday be part of the system. What  16 components are a part of the system of this IAS  17 system that you identify in the first sentence of  18 your report? Are, sir. Not could.  19 A. Yeah. Well, this -- this system is  20 basically -- the system that we're talking about is  21 basically a response to the Mancini report, and so  22 we're basically --  23 Q. Stop. I object to the responsiveness of  24 the answer.  25 A. Okay. I'm not sure exactly what we're</p>

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1 going to get out of this because I don't know what  
 2 you're talking about.  
 3 Q. Sir, I think the problem is nobody knows  
 4 what you're talking about.  
 5 A. Well --  
 6 Q. So we're going to read back the question  
 7 one more time. Listen to it carefully and answer the  
 8 question.  
 9 A. The IAS --  
 10 Q. No. Listen to the question.  
 11 THE WITNESS: Okay, I'm sorry.  
 12 (Record was read as follows: "What I  
 13 would like to know is what components are a part  
 14 of the IAS system that you identify in this  
 15 first sentence of your report.")  
 16 A. Okay. From -- from my -- from my  
 17 perspective, okay, the IAS system is the total system  
 18 of all the components that are possibly available to  
 19 us to use in producing energy, including the limited  
 20 system that we use -- are currently in the process of  
 21 using, but not limited to those items. The system  
 22 itself includes all of the products that are  
 23 available and have been produced or in patent  
 24 pendings.  
 25 And so from my standpoint, when we're

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1 talking about the energy system, that would include  
 2 the lenses, all of the components that describe the  
 3 lenses, all of the components that comprise where the  
 4 system is located, including the towers, the metal  
 5 structures, including the piping, including the  
 6 hydraulic system, but not limited to the hydraulic  
 7 system. That system can change according to the  
 8 things that we may have available to us later -- at  
 9 some later time that we identify in some of our  
 10 patent pendings.  
 11 Also, we have a turbine system that we  
 12 have developed, but it's not limited to the use of  
 13 the turbine system. Other systems can be used, such  
 14 as the systems to reconcentrate sulfuric acid or  
 15 reconcentrate some other -- some other item to -- to  
 16 heat or -- or -- or use the system to heat a  
 17 structure such as a greenhouse. A system that could  
 18 operate the -- with -- within all the confines of  
 19 heat -- relative to heat or any kind of other energy  
 20 production, including we have two patent pendings --  
 21 three patent pendings in the area of nuclear fu --  
 22 fissure reactors and one or two patent pendings in  
 23 the form of -- of fusion reactors. All of these  
 24 components are part of the International Automated  
 25 Systems.

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1 However, this report is basically to -- to  
 2 critique or -- the report of Mancini, not to have --  
 3 not to identify the total system, but only those  
 4 portion of the system that were relative to the  
 5 report in the system that Mancini reported upon.  
 6 Does that help?  
 7 Q. Mr. Johnson, your expert report in this  
 8 case is intended solely to rebut Dr. Mancini's  
 9 report; is that correct?  
 10 A. That is correct.  
 11 Q. And in Dr. Mancini's report he talked  
 12 about -- he described a system that he saw on a  
 13 couple of site visits to Delta, Utah; isn't that  
 14 right?  
 15 A. He saw some of the components of the  
 16 system that is developed down in the Delta, Utah,  
 17 area; that is correct.  
 18 Q. Right, and thank you for clarifying that.  
 19 He saw components of the system, correct?  
 20 A. Correct.  
 21 Q. He didn't see a whole system working,  
 22 correct?  
 23 A. No, he saw the whole system working as far  
 24 as the -- the solar energy production system. He has  
 25 not seen this -- there's two different components.

Page 20

1 There's the solar energy system, and then there's the  
 2 solar energy -- then there's the energy IAS system.  
 3 He has seen --  
 4 Q. I'm going to --  
 5 A. He has seen the entire -- he has saw the  
 6 solar energy system working, both producing  
 7 electricity and producing heat.  
 8 Q. And let me -- let me be clear. So what he  
 9 saw -- and, in fact, let's just mark his -- we'll go  
 10 next.  
 11 (EXHIBIT 644 WAS MARKED.)  
 12 Q. Mr. Johnson, you've been handed  
 13 Plaintiff's Exhibit 644. Do you recognize  
 14 Plaintiff's Exhibit 644?  
 15 A. I do.  
 16 Q. It is the expert report of Dr. Thomas  
 17 Mancini, correct?  
 18 A. Correct.  
 19 Q. So in Dr. Mancini's report, among the  
 20 components he saw were solar Fresnel lenses, correct?  
 21 A. That's correct.  
 22 Q. They were installed in towers, correct?  
 23 A. That's correct.  
 24 Q. And, Mr. Johnson, it's your position that  
 25 when solar radiation passes through a lens and



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1 concentrates that heat, that is a system, correct?  
 2 A. Correct.  
 3 Q. So it is your position, sir, that that  
 4 concentrated heat does not need to go anywhere in  
 5 order for that to be a system.  
 6 A. Correct.  
 7 Q. And it's your position, sir, that that  
 8 concentrated heat does not have to do anything to  
 9 create a system.  
 10 A. It depends -- it depends on the term  
 11 "system." What -- a system can be a component of --  
 12 of a system, such as this computer is a system, but  
 13 without other components it will not operate this  
 14 system. So when you add this system to this system,  
 15 it creates a different system.  
 16 Q. Mr. Johnson, I'm going to object to the  
 17 responsiveness of the answer.  
 18 A. Well, then define what you mean by the  
 19 word "system" so I can know what you are talking  
 20 about.  
 21 Q. You know what, sir? I'm trying to  
 22 understand what you are talking about. So --  
 23 A. Well, we lack a lot of information because  
 24 of our different knowledges and technologies. And so  
 25 I'm dealing with a -- I'm dealing with a cross

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1 section of what your knowledge is and what knowledge  
 2 is it that you are going to present from this  
 3 point -- point of an attorney, and so I have to make  
 4 sure that the system is defined across -- across the  
 5 two -- the two areas of -- of -- of our -- of what  
 6 we've learned. So the term "system" in the terms of  
 7 what an attorney would refer to a system and what a  
 8 system of technology is pretty hard to define. And  
 9 so to make sure that the word makes sense to both of  
 10 us, I need to know exactly what you're defining as a  
 11 system.  
 12 Are you saying that the system that we're  
 13 talking about, for example, a mirror in -- in --  
 14 Q. Mr. Johnson, stop. I'm going to object to  
 15 the responsiveness of the answer. Sir, this  
 16 deposition is to get your understanding of what a  
 17 system is. And I have other things I'm going to ask  
 18 you in this deposition. So I'm going to make a  
 19 recommendation here, just answer my questions. And  
 20 if you need to clarify, I may give you an  
 21 opportunity, but answer my questions. That's why  
 22 we're here.  
 23 I want to know, sir, is it your  
 24 position -- actually, I'll withdraw that. We're  
 25 going to move on.

Page 23

1 Mr. Johnson, in looking through your  
 2 report I believe I have found a few opinions that you  
 3 purport to offer the court. Can you tell me what  
 4 your opinions are in this case?  
 5 A. What are you referring to?  
 6 Q. Have you formed any opinions in this  
 7 matter that you would like to share with the court?  
 8 A. These are -- these are not -- are these  
 9 not opinions; these are facts in this report.  
 10 Q. Well, Mr. Johnson, typically expert  
 11 witnesses testify to their opinions. And we can go  
 12 through the report, and I can try to pick out  
 13 opinions that I've identified that you state.  
 14 A. -- then, fine, we can address those  
 15 opinions.  
 16 Q. Well, I'd like you to tell me at the  
 17 outset what your opinions are that you would like to  
 18 share with the court in this case.  
 19 A. From -- from what I -- what I feel like  
 20 this report is, is mainly just a rebuttal against  
 21 Mancini's, which is -- which is a fact -- a fact  
 22 issue. And from that -- from my understanding this  
 23 isn't my -- this isn't my opinion; these are these  
 24 facts in response to Mancini's report.  
 25 Now, I -- I -- I may express some opinions

Page 24

1 on -- on -- on some things, but this isn't what this  
 2 report was designed to do.  
 3 Q. Okay. So with this report, Mr. Johnson,  
 4 you are not attempting to explain to the court how  
 5 the IAS system works?  
 6 A. No.  
 7 Q. Okay.  
 8 A. I mean, there are elements in there  
 9 discussing those, but that's not the primary reason  
 10 for the addressing of these particular items. We're  
 11 not -- not for that reason. If I were to go into an  
 12 in-depth explanation of this, it would be several  
 13 hours.  
 14 Q. Okay. Let's flip back to your  
 15 qualifications, please. All right. What is the AFIM  
 16 that you identify in the second sentence of your  
 17 qualifications?  
 18 A. That's an automatic figure -- well, it's  
 19 just -- it's an automatic fingerprint identification  
 20 system or body biometric -- body. We were the first  
 21 ones to develop the automated way of determining  
 22 fingerprints, facial recognition, iris scanning. And  
 23 I have a patent on that. And we were the first one  
 24 to actually automate that -- automate that system.  
 25 Q. What is the DWM technology?

Page 25

1 A. That is a new kind of modulation system.  
 2 It's -- it's a -- it's -- it's around electromagnetic  
 3 spectrum modulation. It's a new -- it's a  
 4 different -- you have the AFIM, and now we have DWM  
 5 systems there. We have several patents issued on  
 6 that project.

7 Q. What, if anything, does the DWM technology  
 8 have to do with the purported solar energy technology  
 9 IAS has put out?

10 A. I don't know that it has anything directly  
 11 to do but indirectly it explains my capability to  
 12 cross the whole spectrum of the technologies that we  
 13 -- exist today.

14 Q. What, if anything, does the AFIM  
 15 technology have to do with the purported solar energy  
 16 technology that the IAS has put out?

17 A. It doesn't have anything directly to -- to  
 18 have to do with anything with the solar energy  
 19 technology. It just, again, identifies my abilities  
 20 to cross all the technologies and understand and  
 21 comprehend all the technologies that exist around us  
 22 and that I have been involved in -- in developing new  
 23 and ex -- new technologies around all of these  
 24 various technologies that exist in our society.

25 Q. In the first sentence of paragraph two,

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1 Mr. -- it says, "Mr. Johnson has taken training  
 2 courses and has taught courses in electronics  
 3 programing, microwave and wave switch programs."

4 Did I read that correctly?

5 A. Correct.

6 Q. What courses in electronics programing  
 7 have you taken?

8 A. I was probably the first -- the first  
 9 actually programmer in the state of Utah and I -- I  
 10 took a -- a home study class from the university on  
 11 programing in 1966, I believe. And that was when  
 12 computers were -- were -- very first started to be  
 13 used. And it was in conjunction with my work with  
 14 AT&T in -- in developing a way to eliminate -- help  
 15 eliminate the use of operators in long distance  
 16 calling rather than using the computer systems. So I  
 17 was involved in learning -- learning about that --  
 18 that system, and it's somewhat to do with my work.

19 Q. Real quick, what is electronics  
 20 programing? What does that mean?

21 A. Well, it's just computer programing. It's  
 22 the same thing but it's not -- but back then it  
 23 was -- wasn't defined as computer programing so much  
 24 as using discrete components of electronics to  
 25 program different applications. So it's -- it

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1 evolved from -- from these segments of -- of  
 2 programing electronics into what we call integrated  
 3 circuits today.

4 Q. And what, if any, other courses besides  
 5 the home study course you took in 1966 have you taken  
 6 in electronics programing?

7 A. I believe -- I believe I've taken some in  
 8 college from Brigham Young University, so -- I can't  
 9 remember any of them -- specifically the name, but it  
 10 seemed like it was a COBOL programing course.

11 Q. Any other courses that you have taken in  
 12 electronics programing?

13 A. Not that I'm aware of.

14 Q. Okay. What, if any, courses have you  
 15 taught in electronics programing?

16 A. We've just taught those that I --

17 Q. No, sir, not "we." Who is "we"?

18 A. Myself. I taught to the various employees  
 19 that I've had. It -- so that they could be  
 20 programers themselves. And so I taught mostly just  
 21 my employees.

22 Q. Did you follow any curriculum from any  
 23 outside source in teaching your employees?

24 A. I did.

25 Q. What curriculum did you follow?

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1 A. We followed --

2 Q. Sir, we or I?

3 A. I -- followed the curriculum of -- I'm  
 4 trying to think of the name. C, C++, C Sharp. The  
 5 older -- the older ones are -- I'm trying to think of  
 6 the name. It's Delphi, I think. Delphi. And some  
 7 of those others.

8 Q. Mr. Johnson, the things you've just listed  
 9 off are computer languages, correct?

10 A. Correct.

11 Q. And what I asked you about was following a  
 12 curriculum to teach your employees, meaning a set  
 13 course of study as prescribed by some outside entity  
 14 other than yourself. Did you follow any curriculum  
 15 in teaching your employees?

16 A. Yes, we followed the curriculum that was  
 17 given -- that I bought in all those different  
 18 programing languages.

19 Q. What entity provided that curriculum?

20 A. I think there were several companies at  
 21 that time that were involved in programing. I  
 22 think -- but I don't know the names. I don't  
 23 remember the names. But Delphi is a specific form of  
 24 programing that was developed by a company that was,  
 25 at that time, before Microsoft got involved with the

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1 languages.  
 2 And then we did some of the languages that  
 3 were developed by Microsoft, which would be the --  
 4 the C Sharp. And then the C++ were developed by  
 5 several different companies. And I'm not familiar  
 6 with -- I don't remember the names of the various  
 7 companies that developed the curriculum.  
 8 Q. Mr. Johnson --  
 9 A. But that's what I did.  
 10 Q. -- have you taught any other courses in  
 11 electronics programing other than to your employees?  
 12 A. No, I have not.  
 13 Q. For any of the companies whose curriculum  
 14 you purchased, did you have to obtain any credentials  
 15 in order to teach on behalf of those companies?  
 16 A. No, I don't.  
 17 Q. Did you ever submit any lesson plans to  
 18 these companies?  
 19 A. No, I have not.  
 20 Q. Did you ever submit any -- any work by  
 21 your student employees to any of these companies for  
 22 grading or review?  
 23 A. No, I have not. However, there is one  
 24 clarification you may want. In 1979, in the process  
 25 of developing the self-service checkout system, I

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1 developed my own language for that particular  
 2 computer system, including the compilers and the  
 3 language and the various language components of that  
 4 system. So I did write my own language. I did write  
 5 my own software programing system, because there  
 6 wasn't anything available at that time in -- in that  
 7 area of -- on that particular computer that was  
 8 available to be used in the programing. And so I  
 9 developed the very first compilers for some of these  
 10 systems myself before these other -- other companies  
 11 developed their systems.  
 12 Q. Mr. Johnson, did you ever submit any  
 13 curriculum to any accrediting entity for this  
 14 language that you came up with?  
 15 A. No.  
 16 Q. Mr. Johnson, what training courses have  
 17 you taken in microwave and wave switch programs?  
 18 A. When I worked for AT&T they were -- I have  
 19 a -- I received a license in -- from -- from -- the  
 20 federal government was -- was allowing people to test  
 21 out at that particular time --  
 22 Q. Mr. Johnson, I'm going to stop you.  
 23 A. -- and so I --  
 24 Q. No. Stop. Stop. I asked you what  
 25 training courses you have taken in microwave and wave

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1 switch programs, and that's the answer that I want.  
 2 A. I -- I took several courses with AT&T on  
 3 their microwave. That's what I did. I was in RF  
 4 engineering. I was an RF electrical engineer at 19  
 5 years.  
 6 Q. Mr. Johnson, stop.  
 7 A. I took all these classes, and I took the  
 8 classes that were provided by the company to learn  
 9 their particular microwave systems.  
 10 Q. How many classes did you take regarding  
 11 microwave and wave switch programs?  
 12 A. Well, there were some we took when I went  
 13 to school --  
 14 Q. Sir. No, stop.  
 15 A. -- UVU --  
 16 Q. Stop. Stop.  
 17 How many classes did you take to do with  
 18 microwave and wave switch programs?  
 19 A. Oh, I can't remember how many. There is a  
 20 lot of them.  
 21 Q. More than five?  
 22 A. More than five.  
 23 Q. More than ten?  
 24 A. I don't know.  
 25 Q. Between five and ten?

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1 A. I don't know. I really don't know. It's  
 2 a long time ago.  
 3 Q. When did you take these microwave and wave  
 4 switch?  
 5 A. Between 1965 and 1974.  
 6 Q. What is -- what was the end result of  
 7 these classes in microwave and wave switch programs?  
 8 What were you able to do after you were done?  
 9 A. I was working for AT&T and so what  
 10 happened was is -- actually, what happened is, is I  
 11 had gone to several classes and -- and I had already  
 12 demonstrated that I had the capacity to understand  
 13 them before I went, and so they decided that I  
 14 wasn't -- I wasn't needed to go to all the class,  
 15 that I was qualified.  
 16 Q. My question was not clear, so I'm going to  
 17 stop you there.  
 18 A. Okay.  
 19 Q. So what was the skill that you acquired as  
 20 a result of the microwave and wave switch program  
 21 courses that you took?  
 22 A. I had already acquired them by studying  
 23 the material before I ever went. And so I had -- I  
 24 had qualified myself -- I am probably the only one at  
 25 AT&T that had qualified themselves on every product



<p style="text-align: right;">Page 33</p> <p>1 that AT&amp;T had. And I qualified myself by taking  2 their books home and reading them and studying them  3 on my own.  4 I then -- then they sent me to some  5 classes. They found out that I didn't need to go to  6 those classes in order to work on their equipment.  7 They decided that I was qualified on all their  8 equipment and I could work on all their equipment. I  9 was in the top ten engineers in the whole country at  10 AT&amp;T.  11 Q. Okay. Sir, what courses have you taught  12 in microwave and wave switch programs?  13 A. Well, I -- I was given an assignment at  14 the -- at the -- AT&amp;T to take -- take new employees  15 and train them and teach them how their systems  16 worked and operated.  17 Q. How many times did you teach that class?  18 A. Hundreds of times. I don't know. There  19 were a lot of -- there was a lot of times.  20 Q. Let me finish my question before you  21 answer.  22 A. Okay. I'm sorry.  23 Q. How many times did you teach that course?  24 A. I don't know. There were lots of times,  25 because I -- I had an assignment to teach new</p>	<p style="text-align: right;">Page 35</p> <p>1 answer.  2 Mr. Johnson, the answer is you don't know  3 whether any curriculum that you taught about  4 microwave and wave switch programs was submitted to  5 any accrediting agency.  6 A. It wouldn't be my responsibility, so I  7 would not know.  8 Q. And you don't know?  9 A. No, I don't.  10 Q. And, Mr. Johnson, your tenure at AT&amp;T  11 ended in 1968, correct?  12 A. I don't remember, but it seemed like it  13 was right around there.  14 Q. Well, that's what your qualifications say.  15 A. Well, okay. It's probably true, then. I  16 don't know. I didn't look them up.  17 Q. So the last course you taught for AT&amp;T  18 would have been in 1968, right?  19 A. Probably.  20 Q. Mr. Johnson, what, if anything, does  21 microwave and wave switch programing have to do with  22 anything involved in solar energy technology that IAS  23 has put out?  24 A. It's the same. It's just to demonstrate  25 that I have the capacity to go beyond various</p>
<p style="text-align: right;">Page 34</p> <p>1 employees how to develop -- how to -- how to work on  2 particular equipment. I knew all the equipment. And  3 so they assigned me to teach on almost all their  4 equipment to various applications.  5 Q. Sir, I'm going stop you there.  6 Was the curriculum for these courses in  7 microwave and wave switch programs -- was that  8 submitted to any accrediting entity?  9 A. It was AT&amp;T's programs that I taught.  10 Q. Object to the responsiveness of the  11 answer.  12 A. Okay.  13 Q. Was the curriculum that you taught for the  14 microwave and wave switch programs submitted to any  15 accrediting agency?  16 A. AT&amp;T, I imagine they did. I don't know.  17 Q. So you don't know?  18 A. I imagine AT&amp;T would have had --  19 developed -- developed the A -- the microwave  20 systems. And all of the curriculum being taught in  21 all the colleges would have had -- probably been some  22 application that AT&amp;T developed. I do not know for  23 myself by personal knowledge how many universities  24 actually taught those courses.  25 Q. Object to the responsiveness of the</p>	<p style="text-align: right;">Page 36</p> <p>1 technologies, and I understand and comprehend those  2 technologies.  3 Q. Mr. Johnson, is there any direct link  4 between the microwave and wave switch programing and  5 the purported solar energy knowledge that IAS has put  6 out?  7 A. We probably have some -- some crossover,  8 because we use the same components.  9 Q. What components?  10 A. Transistors, integrated circuits and a  11 variety of different things that I would understand  12 through one system and then could be used in other  13 systems.  14 Q. So we're talking about general  15 electronics, correct?  16 A. That's correct, yes.  17 Q. Other than teaching new AT&amp;T employees,  18 have you taught any other courses involved in  19 microwave and wave switch programs?  20 A. No, I haven't. No.  21 Q. Mr. Johnson, your qualifications page says  22 from 1965 to 1968 you served as an engineer at AT&amp;T.  23 A. Correct.  24 Q. What were your job tasks as an engineer at  25 AT&amp;T?</p>

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1 A. Well, we -- mostly we were to maintain the  
2 equipment. And then I did drawings for introducing  
3 new equipment, checking out what new equipment's been  
4 available, helping develop a few new concepts on  
5 various equipment. Just normally what an engineer  
6 does.

7 Q. What equipment did you maintain?

8 A. From -- I actually maintained all of it,  
9 from crossbar to the local switching offices, to all  
10 the way up to all of the modulation systems that are  
11 developed before you hit the microwave side,  
12 including FM, AM, modulation systems, multiplex  
13 systems.

14 Then microwave modulation is including the  
15 -- including the latest. And the last one that was  
16 developed was -- I'm trying to think of the name.  
17 Anyway, it was a -- it was a new system, just out,  
18 and I was probably the first one to install it and  
19 maintain it and put one online.

20 Q. And we're talking about telephone systems,  
21 correct?

22 A. Well, the communication systems, but it  
23 goes -- yeah, it goes way beyond -- way beyond  
24 telephones.

25 Q. What else besides telephones did the

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1 communication system involve in 1965 to 1968?

2 A. All the communications, including  
3 broadband communications of -- of your televisions.

4 We even got involved in some areas of --  
5 of new technologies such as sensing when -- when a  
6 communication wire was active and not active in order  
7 to share communications and to create a denser  
8 communication system by taking out the pauses in a  
9 person's sentences to develop a system to utilize  
10 long lines in a way that we could put more  
11 information over, including microwave.

12 MS. HEALY GALLAGHER: Off the record,  
13 please.

14 (Discussion off the record.)

15 MS. HEALY GALLAGHER: Back on, please.

16 Q. Mr. Johnson, all the technology you just  
17 described has to do with communications, correct?

18 A. That is correct, yes.

19 Q. What, if anything, does it have to do with  
20 the purported solar energy technology that IAS has  
21 put out in this case?

22 A. Well, when you want to reference  
23 something, we do it through a communication link  
24 that -- so that we can see what's going on from a  
25 distance. We don't have to be there. It helps

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1 automate the use of the energy systems in a way that  
2 we can reduce employees to monitor the -- the way  
3 that different components are acting and if they're  
4 acting properly, or if they need to be maintained for  
5 any particular reason.

6 Q. What, if anything, does the communications  
7 technology that you worked on at AT&T from 1965 to  
8 1968 have to do with how solar radiation purportedly  
9 may move through any system to generate electricity?

10 A. Oh, just to monitor the movements, making  
11 sure that they're tracking properly and -- and  
12 tracking the sun properly.

13 (Discussion off the record.)

14 Q. Mr. Johnson, from 1965 to 1968 at AT&T,  
15 what, if any, time did you spend on solar energy  
16 technology?

17 A. We -- we -- we helped -- we were  
18 working -- and it's part of the education system --

19 Q. Sir, stop right there. We or I?

20 A. I. I. I'm sorry. I.

21 Q. I.

22 A. I -- I was involved in some of the  
23 technology that developed the -- actually, the solar  
24 cells.

25 Q. What solar cells?

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1 A. The solar cells that capture solar energy.

2 Q. So your testimony, sir, is that from 1965  
3 to 1968 AT&T was developing solar cells to capture,  
4 what, solar radiation?

5 A. That's part of it, but we were using it --  
6 using it for other reasons. That's the first time we  
7 were -- we were beginning to use a light for  
8 communication.

9 And part of the solar cell system was  
10 developed through AT&T's work on developing this type  
11 of communication. And I had -- I got in -- I got to  
12 where I was just briefly involved in some of the area  
13 that -- that indicated how the system would -- how  
14 solar cells would work and how solid state physics  
15 actually create the ability for a -- a solar panel  
16 to -- to change light to electricity.

17 And from that we were able, then, to  
18 communicate changing -- by changing light to  
19 electricity which -- which is the forefront --  
20 forerunner of today's communication where we use  
21 light -- well, I call them light waves; they call  
22 them something else, but we called them light waves  
23 back then.

24 Q. Are you talking about a predecessor to  
25 photovoltaic?

<p style="text-align: right;">Page 41</p> <p>1 A. Both that and the -- the cabling. What do 2 they call that? Candlelight -- the laser light that 3 we use in communication today was the forerunner to 4 that.</p> <p>5 MR. SNUFFER: Fiber optics.</p> <p>6 THE WITNESS: Fiber optics. That's what 7 I'm looking -- the name is. I'm sorry. It's the 8 forerunner to fiber -- the fiber optics 9 communications. And the isolation circuits on solid 10 state, isolating circuits -- using light to isolate 11 high-voltage circuits from other circuits in order to 12 make those able to communicate back and forth without 13 damaging equipment.</p> <p>14 Q. (BY MS. HEALY GALLAGHER) Mr. Johnson, in 15 your three years at AT&amp;T, imagine that as a whole pie 16 of 100 percent, about how much time of that pie did 17 you spend on anything to do with solar energy 18 technology?</p> <p>19 A. Other than what I just told you, I don't 20 know. It would be just a small alternative.</p> <p>21 Q. Ten percent?</p> <p>22 A. Less than -- probably less than ten 23 percent.</p> <p>24 Q. Five percent?</p> <p>25 A. Probably one or two percent.</p>	<p style="text-align: right;">Page 43</p> <p>1 working on the early distant warning system is 2 not relevant to the content of your report in 3 this case?")</p> <p>4 A. Well, I only felt like it was a 5 duplication of what I had done with AT&amp;T so it -- 6 the -- the experience I had with AT&amp;T indicated that 7 I had the ability to -- to cross various technologies 8 and understand various components. And it was a 9 similar -- a similar experience with the -- it wasn't 10 any more -- it was less in-depth doing this -- this 11 system up in Alaska than it was with AT&amp;T. And AT&amp;T 12 covered mainly the same -- the same material, the 13 same technologies.</p> <p>14 Q. What were your job tasks for the seven 15 years that you were working on the early distant 16 warning system in Alaska?</p> <p>17 A. I only -- I only worked -- I only worked 18 there for about seven months, eight months.</p> <p>19 Q. All right. Well, Mr. Johnson, I asked you 20 about the gap from 1968 to 1975 and you identified 21 the early distant warning system.</p> <p>22 A. Right. We only got started. That's...</p> <p>23 Q. Uh-huh. Okay. What else is in that gap 24 between 1968 and 1975?</p> <p>25 A. Well, mainly I was developing my own -- my</p>
<p style="text-align: right;">Page 42</p> <p>1 Q. One or two percent of three years?</p> <p>2 A. Right. Yeah.</p> <p>3 Q. Mr. Johnson, the next sentence in your 4 qualifications starts with 1975. So can you explain, 5 what were you doing between 1968 and 1975?</p> <p>6 A. Yeah. Yes. I -- I had an opportunity to 7 go to work with the early distant warning system that 8 was put up in Alaska along the Arctic Circle for 9 protection against nuclear attacks by Russia, 10 particularly.</p> <p>11 Q. Is there any reason you didn't include 12 that in your report?</p> <p>13 A. I didn't find it relevant.</p> <p>14 Q. So, Mr. Johnson, from your position, your 15 time working on the early distant warning system is 16 not relevant to the content of your report in this 17 case?</p> <p>18 A. It was mostly microwave rad --</p> <p>19 Q. Sir, that's not my question. Stop. 20 Object to the responsiveness.</p> <p>21 Please read back my question.</p> <p>22 A. Sorry. I didn't understand what you were 23 saying.</p> <p>24 (Record was read as follows: "So, 25 Mr. Johnson, from your position, your time</p>	<p style="text-align: right;">Page 44</p> <p>1 own businesses. Let's see. What did I do? I 2 attended some classes at Brigham Young University, I 3 believe in physics. There may have been some -- some 4 additional higher-level mathematics above calculus. 5 We had taken some calculus before that.</p> <p>6 And so that was -- and some mathematical 7 -- mathematics on Einstein's physics.</p> <p>8 Let's see. What other class did I take? 9 Just -- just mostly -- mostly classes in upper 10 division. I took some chemistry classes, I believe. 11 I took some -- mostly it was mathematics that I was 12 interested in at that time to develop my -- my -- to 13 expand my mathematical capabilities and -- and 14 Lanzoid [sic] physics. So that's probably the two 15 areas I spent most of my time in. And chemistry. I 16 enjoyed chemistry.</p> <p>17 Q. Anything else in the gap between 1968 and 18 1975?</p> <p>19 A. Oh, mainly I -- I developed, like I said, 20 several businesses that -- that we did, I think. And 21 then I think we was involved in the grocery store 22 business and something like that, so...</p> <p>23 Q. All right. Let's talk about -- you said 24 seven months at the Distant Early Warning system?</p> <p>25 A. Correct, I believe about that.</p>

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1 Q. What were your job tasks?

2 A. Mine was probably to oversee the  
3 installation of some of the microwave systems and the  
4 maintenance. And mostly teaching other people how to  
5 maintain those equipment -- that equipment. So  
6 that's my tasks.

7 Q. When you say "microwave systems," what do  
8 you mean by that?

9 A. Well, when -- when we had -- we had a big  
10 radar system, okay, that overlooked Russia from an  
11 island on Shemya and around -- the installations  
12 around the Arctic Circle, from Canada, clear -- clear  
13 across the -- Alaska, and then out to the Aleutian  
14 island chain.

15 And from the Aleutian island chain we had  
16 a huge -- the biggest radar system was on the  
17 Aleutian island chain. We could see from -- from the  
18 islands clear into Moscow above the -- anything could  
19 be tracked above the mountains. Anything that came  
20 above the height of the mountains we could track from  
21 the islands -- the Aleutian island chain.

22 And from that, then we would send that  
23 information to, I think, NORAD down in -- most of it  
24 went to the Denver mountain in -- in Denver, to be  
25 able to track all of the planes and -- if there was a

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1 missile to be launched, that we tracked as well. And  
2 so we -- mostly in communications and radar systems.  
3 So that's what I did.

4 Q. So, Mr. Johnson, you were installing,  
5 maintaining and training on radar equipment?

6 A. That's correct, yes. Radar and  
7 communication systems.

8 Q. Were you a government employee?

9 A. No. I worked for a -- a contractor for  
10 the government.

11 Q. Do you recall what that contractor's name  
12 was?

13 A. I'm not sure. It's been a long time ago.

14 Q. Mr. Johnson, what, if anything, did your  
15 work regarding radar equipment have to do with solar  
16 energy technology?

17 A. Mainly just to show that I have the  
18 ability to cross -- cross to -- and comprehend across  
19 technologies.

20 Q. Is there any other connection?

21 A. I don't believe so.

22 Q. And exactly when were you working on the  
23 Distant Early Warning system?

24 A. Right after I left AT&T, so it would be  
25 between '68 and '69, I think. I believe that -- the

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1 dates are -- I don't remember. You can't get me on  
2 the exact dates. It's been a long time ago.

3 Q. All right. We'll talk about your classes  
4 in a moment, but you said that between 1968 and 1975  
5 you developed businesses, right?

6 A. Right. Right. Yeah.

7 Q. What businesses were those?

8 A. There was electronics -- there was  
9 electronic businesses that I got involved with. And  
10 there were some work that I did on some patents -- or  
11 patent pendings that I was getting involved with.

12 One of those was a -- a voice-recognition  
13 lie detector that I was developing and marketing  
14 and -- and utilizing in various applications. And we  
15 developed a new voice lie detector system. And then  
16 I got involved in using that for some oil companies  
17 to monitor their employees at various locations  
18 across the country.

19 Q. Between 1968 and 1975 did you develop any  
20 other businesses besides this electronics business  
21 and a business regarding the voice recognition-lie  
22 detector?

23 A. Oh, we could have got involved in some  
24 insurance -- health insurance companies or -- and we  
25 did -- and I could have got involved with some real

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1 estate.

2 Q. Stop.

3 A. But I don't know.

4 Q. I don't know -- I don't want to know what  
5 you could have gotten involved with.

6 A. I can't remember.

7 Q. I want to -- sir, stop. What I want to  
8 know is what businesses you developed between 1968  
9 and 1975.

10 A. I developed a cattle-feeding -- feeding  
11 company, and I made -- I lucked out and got involved  
12 right -- I'm not going to give you that, but I made a  
13 lot of money off of that. And that's what kind of --  
14 the cattle company that I developed funded some other  
15 companies that I got involved with.

16 Q. So we've got an electronics business, a  
17 voice recognition, lie detector business, something  
18 to do with health insurance, a cattle-feeding  
19 business. Any other businesses?

20 A. No, I think that covers it.

21 Q. Okay. What did you do with your  
22 electronics business?

23 A. Sold it.

24 Q. No, no, no. What was the business purpose  
25 of the electronics business?

<p style="text-align: right;">Page 49</p> <p>1 A. It was to develop new technologies,  2 mainly. And, also, then we -- we repaired other  3 technologies. We got involved with other -- with  4 three -- with the repairs -- we got in -- some of  5 it was in medical equipment; some was in consumer --  6 consumer equipment. It was a variety of technologies  7 that we maintained for other people.  8 Q. What, if anything, about your electronics  9 business has a direct relationship with any of the  10 solar energy technologies that IAS purports to put  11 out in this case?  12 A. Well, I think there is some knowledge  13 base. Like I said, the base that the system uses  14 electricity, electronics and -- in the controlling of  15 the circuits, including the -- the voltage control  16 board, the -- the patents on new photovoltaics.  17 Q. Sir, other than the fact -- other than the  18 fact that both involve the use of electricity, is  19 there any other direct connection between your  20 electronics business and the purported solar energy  21 technology that IAS has put out in this case?  22 A. See, that's a -- that's kind of a -- kind  23 of a weird kind of a question, because this computer  24 system over here doesn't use anything different than  25 a radio.</p>	<p style="text-align: right;">Page 51</p> <p>1 function to create a different outcome. But the  2 circuits themselves don't change, see.  3 Q. Mr. Johnson, other than the fact that both  4 use electronics components, is there any direct  5 connection between your electronics business and the  6 purported solar energy technology that IAS holds out  7 in this case?  8 MR. SNUFFER: I'm going to object. It's  9 been asked and answered.  10 But go ahead, if you can?  11 THE WITNESS: Well --  12 Q. (BY MS. HEALY GALLAGHER) And if the  13 answer is "no," Mr. Johnson, just say no.  14 A. Well, it -- I use a capacitor in a circuit  15 that I use my voltage control board for which also  16 was used in my circuit that I use, say, for my  17 voice-recognition system. So in that instance, see,  18 the knowledge that -- that I have to use the  19 capacitor in this circuit is the same knowledge I  20 would have to use that same capacitor in this  21 circuit, because they follow the same laws and the  22 same mathematics. So in the terms of using the  23 mathematics to derive the various patents, then they  24 are equivalent.  25 If you're saying that they are directly</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. Object to responsiveness of the answer.  2 A. So is that related?  3 Q. Mr. Johnson, other than the fact that both  4 use electricity, is there any other direct  5 relationship between your electronics business and  6 the solar energy technology that IAS purports to have  7 in this case?  8 A. Well, that's -- like I said, that's a  9 question that -- because you're an attorney and  10 asking me questions and I'm a technician asking [sic]  11 a question -- from that standpoint, I would say they  12 have a direct correlation between the two because  13 they use the same components.  14 Q. What components?  15 A. And the components are related in how they  16 go to operate in both those systems. In other words,  17 a capacitor is going to operate as a capacitor no  18 matter what technology that we use it in, including  19 transistors, integrated circuits. They work the same  20 in a computer system or a new circuit that I just got  21 a patent on. But the primary -- the primary -- the  22 primary technology isn't -- doesn't change. It's  23 just how the -- how the system is -- is developed and  24 the different programs -- or the different methods  25 that these circuits actually work in and actually</p>	<p style="text-align: right;">Page 52</p> <p>1 involved, the -- the -- if you are saying directly  2 that the -- the -- the same concept of recognizing a  3 person's voice and looking at the stress components,  4 and looking at a solar receiver or a voltage control  5 board, then you would have to say they are not  6 directly compatible. But the same circuitry, the  7 same mathematics, the same laws that exist to do this  8 circuit are the exact same laws and technology that  9 are used to create this circuit. And so from that  10 aspect they are identical, and I do use those -- that  11 knowledge across both -- all the lines.  12 Q. Any other direct connections?  13 A. No.  14 Q. Aside from what you've described, are  15 there any other direct connections between your  16 business involving the voice-recognition lie detector  17 and the solar technology IAS purports to have in this  18 case?  19 A. No.  20 Q. What, if any, connection is there between  21 the insurance business you had and the purported  22 solar energy technology IAS claims to have in this  23 case?  24 A. Well, I don't think there is any to the  25 technology, but from the standpoint of operating a</p>



<p style="text-align: right;">Page 53</p> <p>1 business and operating IAS and utilizing all the  2 business skills that I've learned, they have a direct  3 connection on the profitability of the company.  4 Q. So the answer is no direct connection on  5 the technology?  6 A. No, direct connection to the technology.  7 Q. What, if any, direct connection does the  8 cattle-feeding business have with the purported solar  9 energy technology IAS holds out in this case?  10 A. Well, it's just the same as the technology  11 that you learn in -- in learning how to make proper  12 choices at the proper times in ordered to maximize  13 profits. And I have --  14 Q. Mr. Johnson, stop.  15 A. -- unique skill in doing that.  16 Q. I object to the response. Stop.  17 A. Sorry.  18 Q. I object to the responsiveness of the  19 answer.  20 A. Okay.  21 Q. Please read back my question.  22 Mr. Johnson, listen carefully --  23 A. Okay.  24 Q. -- and then answer what I actually ask.  25 A. Okay.</p>	<p style="text-align: right;">Page 55</p> <p>1 is there between the cattle-feeding business that you  2 had and the purported solar energy technology that  3 IAS holds out in this case?  4 A. See, that's a -- see, your question, then,  5 is -- is -- is hard to explain from a -- a person  6 like -- like I'm inventor, okay?  7 Q. Stop. Object to the responsiveness.  8 A. You don't even know what I was going to  9 ask [sic] the question yet. You can object after I  10 answer.  11 Q. I object to the responsiveness of your  12 answer.  13 What, if anything, did your cattle-feeding  14 business have to do with solar energy technology?  15 A. I draw on all of my experiences and all  16 the knowledge --  17 Q. Stop. No. Mr. Johnson --  18 A. -- that I have to develop new  19 technologies.  20 Q. Stop.  21 A. So from that standpoint it does create a  22 link to all of the information that I acquired in any  23 of my life experiences in order to develop new  24 technologies. Inventions are not -- are not isolated  25 things. They utilize the whole creative process. My</p>
<p style="text-align: right;">Page 54</p> <p>1 (Record was read as follows: "What, if  2 any, direct connection does the cattle-feeding  3 business have with the purported solar energy  4 technology IAS holds out in this case?")  5 A. Well, I think directly it -- it -- it --  6 it introduced me to the ability to get -- to create a  7 situation where I can utilize capital to create a  8 business --  9 Q. Mr. Johnson --  10 A. -- and from that capital I was able then  11 to develop the technology.  12 Q. Object to the responsiveness of the  13 answer.  14 A. Okay. I don't know what you are looking  15 for. I'm sorry.  16 Q. Well, you've managed to figure it out for  17 my prior question, so try hard this time.  18 A. Okay, I'll try.  19 Q. I'm talking about the solar energy  20 technology that IAS purports to have in this case.  21 And that technology, Mr. Johnson, am I correct,  22 purports to convert solar radiation from the sun into  23 some useable end product, correct?  24 A. Correct.  25 Q. Okay. So, what, if any, direct connection</p>	<p style="text-align: right;">Page 56</p> <p>1 whole creative process of learning how to work the  2 cattle feed are the same creative process that I used  3 in developing the new technologies, including solar  4 energy technologies.  5 Q. Any other direct connection, sir?  6 A. No.  7 Q. Okay. All right. You say that from 1975  8 to 1990 you were employed at Ream's grocery store,  9 correct?  10 A. Yeah, kind of. Yeah.  11 Q. Yes or no?  12 A. Yes. Yes.  13 Q. Who owned Ream's grocery store?  14 A. J.R. Jolley.  15 Q. Excuse me?  16 A. J.R. Jolley.  17 Q. J.R. Jolley was your former father-in-law,  18 correct?  19 A. Yeah, that's correct. Yes.  20 Q. In broad strokes, what were your tasks at  21 Ream's grocery store?  22 A. I don't know. Making sure it made money,  23 I guess. I guess that's basically what my job was.  24 Q. What concrete tasks did you perform for  25 Ream's grocery store?</p>

<p style="text-align: right;">Page 57</p> <p>1 A. I don't know. Mostly management, I guess.  2 They -- I -- if you want a long -- you want a long  3 answer or the short answer? You tell me.  4 Q. Did you manage people?  5 A. I did.  6 Q. Did you manage product?  7 A. I did.  8 Q. Did you do anything else at Ream's grocery  9 store?  10 A. Yes.  11 Q. What else?  12 A. You want the long answer, I can see that.  13 Okay. We are going to be here all day. That's fine.  14 It doesn't have anything to do with -- it had nothing  15 to do with the solar energy project.  16 It has to do with the -- it has to do -- I  17 used that -- that -- that area to develop my -- my  18 self-service checkout lanes. I also owned a video  19 store, and I owned some other -- other stuff that I  20 owned at the same time. So I just didn't put that  21 down because I didn't think it was relevant.  22 Q. Okay. And, Mr. Johnson, you just said  23 that your employment at Ream's grocery store does not  24 have anything to do with the solar energy technology  25 in this case.</p>	<p style="text-align: right;">Page 59</p> <p>1 my cattle-feeding business. I actually made money.  2 Q. Mr. Johnson, in your qualifications you  3 say you have real estate holdings, one of which was a  4 supermarket of approximately 285,000 square feet in  5 Salem, Utah.  6 Correct?  7 A. That's correct, yes.  8 Q. What, if anything, do your real estate  9 holdings have to do with the purported solar energy  10 technology that AIS holds out in this case?  11 A. Other than just the experiences of using  12 cross -- to cross boundaries in -- in -- being an  13 inventor, there isn't any.  14 Q. So there is no direct connection?  15 A. No, there is no direct correction,  16 probably.  17 Q. Please remember to speak up, sir.  18 A. I'm sorry. I get lazy. I'm sorry.  19 Q. Mr. Johnson, you identify that the  20 supermarket was called U-Check, correct?  21 A. Correct.  22 Q. And you used the self-check system that we  23 talked about a few minutes ago?  24 A. Correct.  25 Q. Mr. Johnson, in your qualifications you</p>
<p style="text-align: right;">Page 58</p> <p>1 A. Other than just giving me the experience  2 to draw on from an inventing point of view.  3 Q. Any other connection?  4 A. No.  5 Q. Mr. Johnson, are you familiar with the  6 name Walter J. Hoyt?  7 A. No. I don't think so.  8 Q. Ever heard that name in the course of your  9 cattle-feeding business?  10 A. I don't know. I could have heard it. I  11 don't remember names that well. So it sounds  12 familiar, but I don't know. I can't think of the  13 name. I can't think of the relationship.  14 Q. Mr. Johnson, in your cattle-feeding  15 business, what, if anything, did you have to do with  16 any tax benefits relating to those cattle?  17 A. None that I know of.  18 Q. Did you ever tell anyone that there were  19 tax benefits that may be allowable to them as a  20 result of any connection with your cattle-feeding  21 business?  22 A. No.  23 Q. Do you know if anybody else did?  24 A. Not that I know of. I don't know. I  25 didn't use any -- I didn't use any tax benefits for</p>	<p style="text-align: right;">Page 60</p> <p>1 say that you graduated from Utah Technical College's  2 electronics technology program in 1964, correct?  3 A. Yeah, that's a mistake then. I didn't  4 graduate. We can cross that out.  5 Q. Mr. Johnson, did you write your  6 qualifications page or did someone else write it?  7 A. Somebody else wrote it.  8 Q. Who wrote it?  9 A. I don't know. Somebody wrote it and put  10 it on the Internet. But that's a mistake.  11 Q. Somebody wrote your qualifications page  12 and put it on the Internet?  13 A. I didn't do it. I don't do that kind of  14 stuff.  15 Q. You don't know who did?  16 A. I don't. I can't remember who did, but  17 somebody researched it out and they put down some  18 stuff that they felt was interesting. But that's a  19 mistake.  20 Q. Did you read your qualifications page?  21 A. Oh, I probably read it, but there's --  22 there's always something that you can't read --  23 Q. All right, Mr. Johnson. Hang on. Stop.  24 I need to you stop. Put the pen down --  25 A. Oh, sorry.</p>

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1 Q. -- because you will not mark on this  
 2 exhibit. Do you understand?  
 3 A. Oh, sorry. Okay. Yes.  
 4 Q. Mr. Johnson, who gave you this  
 5 qualifications for your review?  
 6 A. Well, I wrote them and then -- and then  
 7 these -- I didn't write these, but I think Denver or  
 8 one of his attorneys -- one of the attorneys in his  
 9 office gave me that stuff to review. I never -- but  
 10 I never read this part of it. I only read -- I only  
 11 read this part.  
 12 Q. You're gesturing to Plaintiff's  
 13 Exhibit 643 --  
 14 A. Yeah, I only went over this part. I  
 15 really didn't -- I didn't pay any attention to this  
 16 part. I didn't -- I've never even looked at it.  
 17 Q. Okay. Stop for a second, please.  
 18 A. Okay.  
 19 Q. We're going to slow this down.  
 20 You were holding Plaintiff's Exhibit 643  
 21 and you were holding the chunk of pages that's  
 22 numbered page 1 through 26, correct?  
 23 A. That's correct.  
 24 Q. And you said that you reviewed pages 1  
 25 through 26?

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1 A. That's correct.  
 2 Q. But then pointing to the page that starts  
 3 with "qualifications" --  
 4 A. Right.  
 5 Q. -- you said you did not read this page  
 6 before submitting your report. Is that right?  
 7 A. That's correct. I assumed they got that  
 8 from the things that the attorneys had or something  
 9 that was on the Internet that's -- and I didn't  
 10 realize there was a mistake. So I'll have to correct  
 11 that.  
 12 Q. So, Mr. Johnson, do you know where the  
 13 content in this qualifications page came from?  
 14 A. No, I do not. I think it came from the  
 15 Internet, but I don't know.  
 16 Q. Why do you think it came from the  
 17 Internet?  
 18 A. I don't know. I never read that either so  
 19 I don't know. I really don't know. I don't know  
 20 where it came from.  
 21 Q. So just focusing on the qualifications  
 22 page right now --  
 23 A. Correct.  
 24 Q. -- who is it that gave you this  
 25 qualifications page?

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1 A. I don't know. I think I wrote it. There  
 2 was a bit -- I think it was written -- part of it had  
 3 been written since 1987, and from various -- various  
 4 translations -- or various people rewriting it, I  
 5 think that there's -- there's -- introduced a mistake  
 6 in -- in the original document that was put out in  
 7 '87.  
 8 Q. Object to the responsiveness of the  
 9 answer.  
 10 A. Okay.  
 11 Q. Mr. Johnson, I know you don't know who  
 12 wrote this qualifications page. I got it.  
 13 A. Okay.  
 14 Q. I want to know who gave this to you.  
 15 A. This particular document was given to me  
 16 by Denver or Denver's office.  
 17 Q. And are you talking about the entirety of  
 18 Plaintiff's Exhibit 643?  
 19 A. That's his, correct.  
 20 Q. Who at Mr. Snuffer's office, do you know?  
 21 A. It was either Denver or Dan or Steven  
 22 Paul.  
 23 Q. So Denver --  
 24 A. I think it was Steven. Was it Steven?  
 25 Yeah, I think it was -- Steven Paul I think is the

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1 one who gave it to me.  
 2 Q. So you think Steven Paul gave you  
 3 Plaintiff's Exhibit 643?  
 4 A. Yeah, at a meeting there they gave me this  
 5 document, I believe.  
 6 Q. When was that meeting?  
 7 A. Last week. I can't remember the day.  
 8 Friday, I believe. Friday. Yeah, I think it was  
 9 Friday.  
 10 Q. So, Mr. Johnson, I'm going to -- is that  
 11 the first time they gave you Plaintiff's Exhibit 643?  
 12 A. Yes, I think so.  
 13 Q. Had you ever seen pages 1 through 26 of  
 14 Plaintiff's Exhibit 643 before last week?  
 15 A. I wrote the draft of this. And it was  
 16 originally, like, a hundred pages.  
 17 And so they went through it and made it --  
 18 took out the things that they didn't think was  
 19 relevant and -- and then they prepared this document  
 20 from the draft that I wrote. So the original draft  
 21 is much longer than this here is. And so then they  
 22 gave me the draft, and I looked it over, and it  
 23 looked like it was adequate, so I didn't feel like  
 24 there needed to be any changes made.  
 25 Q. When did you provide them your draft?

<p style="text-align: right;">Page 65</p> <p>1 A. Let's see. Three days after that -- I got 2 this. 3 Q. So you're pointing to Plaintiff's 4 Exhibit 644? 5 A. Right. He gave that to us on -- I don't 6 know what date, but about three days later I had the 7 draft all done. 8 Q. I just want to make sure I understand and 9 it's clear for the record. So, Mr. Johnson, 10 Mr. Snuffer -- somebody in Mr. Snuffer's office gave 11 you Plaintiff's Exhibit 644, correct? 12 A. That's correct. 13 Q. And three days later you provided 14 Mr. Snuffer's office your response? 15 A. That's correct. 16 Q. Okay. And your response was about a 17 hundred pages long? 18 A. Correct. 19 Q. Then Mr. Snuffer's office edited your 20 draft, right? 21 A. That's correct, yes. 22 Q. And how long did their edits take? 23 A. About a month. It could have taken a 24 little bit longer. I don't know, but it was about 25 that long.</p>	<p style="text-align: right;">Page 67</p> <p>1 MR. SNUFFER: Okay. 2 Q. (BY MS. HEALY GALLAGHER) Mr. Johnson, in 3 your communications with Mr. Snuffer's office did 4 they identify any facts or data that you considered 5 in forming your opinions? 6 MR. SNUFFER: Object to the extent it 7 calls for attorney-client communication. 8 If you can answer without talking about 9 attorney-client communication, go ahead. 10 MS. HEALY GALLAGHER: So, actually, 11 Mr. Snuffer, that's an explicit carveout in Federal 12 Rule of Civil Procedure 26 that facts or data 13 provided by an attorney to an expert is available for 14 examination. So I'm going to ask Mr. Johnson to 15 answer the question. 16 MR. SNUFFER: So you're not talking about 17 conversations with the lawyer; you're mentioning 18 facts. You're mentioning data. 19 If you can identify facts, if you can 20 identify data, go ahead. 21 THE WITNESS: So -- so let me see if I can 22 understand where you're coming from, okay? Is that 23 okay? 24 Q. (BY MS. HEALY GALLAGHER) Uh-huh. 25 A. So if I'm acting as an expert witness,</p>
<p style="text-align: right;">Page 66</p> <p>1 Q. When you received their edits, did you 2 just sign off or did you have questions or push back 3 on their changes? What happened? 4 MR. SNUFFER: Object to the extent that it 5 calls for attorney-client communications. 6 THE WITNESS: You're right. 7 MR. SNUFFER: So if you can answer without 8 discussing conversations you had with Steven Paul 9 or... 10 THE WITNESS: Well, how do I answer that 11 without opening a door for more -- more communication 12 in that area? I don't know how to answer that 13 without -- without opening a wedge in the door for 14 violation of... 15 MR. SNUFFER: Yeah, to the extent it 16 involves communications between attorney and 17 client -- and the problem is that even Lisa, the -- 18 THE WITNESS: Uh-huh (affirmative). 19 MR. SNUFFER: -- secretary is covered by 20 the same privilege. 21 THE WITNESS: Okay. So I just won't 22 answer that question. 23 MR. SNUFFER: Yeah, if you can't answer 24 that attorney-client communication, you can't answer. 25 THE WITNESS: I can't answer.</p>	<p style="text-align: right;">Page 68</p> <p>1 okay -- so I'm separate from all my other -- other 2 dealings with -- with the attorney in this respect, 3 other than the -- the -- me, in this position, as an 4 expert witness, okay? 5 Q. So, here -- let me -- 6 A. Well, let me just finish so I can -- so I 7 can get this thing through. 8 So as long as -- as long as I'm doing that 9 and I'm not -- and I'm not going to be opening the 10 door saying that I'm operational as Mr. Johnson or 11 IAS or anything else, just -- just from the 12 standpoint of what you are just saying in the rules, 13 that is -- it's specific to the operation and 14 qualifications or dealings with the expert witness 15 testimony. Is this correct? 16 Q. So here is what I want you to think about, 17 okay? 18 A. Okay. 19 Q. All right. You said that they gave you 20 Plaintiff's Exhibit 644? 21 A. That's correct. 22 Q. In the course of drafting your response -- 23 A. Okay. 24 Q. -- to Plaintiff's Exhibit 644 -- 25 A. Okay.</p>



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1 Q. -- did anyone at Mr. Snuffer's office give  
 2 you facts or data to consider?  
 3 A. No.  
 4 Q. Did anyone at Mr. Snuffer's office give  
 5 you any assumptions to rely upon in drafting your  
 6 response to Dr. Mancini's report?  
 7 A. No.  
 8 Q. Okay. Let's return, please, to Utah  
 9 Technical College.  
 10 A. Okay.  
 11 Q. Did you attend Utah Technical College?  
 12 A. I did.  
 13 Q. At what time?  
 14 A. 19 -- May of 1964.  
 15 Q. For one month you attended Utah Technical  
 16 College?  
 17 A. No, it was -- no, it was longer than that,  
 18 but that's when I started.  
 19 Q. From May of 1964 to when?  
 20 A. I think it was January of -- the first of  
 21 '65, I think, right around that date.  
 22 Q. Did you get any degree from Utah Technical  
 23 College?  
 24 A. No, I did not.  
 25 Q. What -- is there such a thing as the

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1 electronics technology program at Utah Technical  
 2 College?  
 3 A. I don't know; that was a long time ago.  
 4 I'm not sure what they called it. It was either  
 5 electrical engineering or electronic engineering or  
 6 something like that.  
 7 Q. What classes did you take at Utah  
 8 Technical College?  
 9 A. I took all of the tube theories, all the  
 10 state theory, the mat -- electrical engineering  
 11 mathematics, the mathematics -- various mathematics  
 12 classes, various physics classes, various  
 13 technologies in -- in communication -- electrical  
 14 communicat -- RF communications.  
 15 They let -- the class were half over, okay  
 16 when, I started and so I talked them into letting me  
 17 come in and I could catch up --  
 18 Q. Mr. Johnson --  
 19 A. -- so --  
 20 Q. -- I'm going to stop you there.  
 21 A. So the classes --  
 22 Q. No, stop.  
 23 A. -- I'm trying to figure out --  
 24 Q. Sir, stop. Stop.  
 25 A. Okay.

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1 Q. You did a good job of listing out  
 2 different classes, and that's all I want to know.  
 3 A. Okay. I think -- I can't remember any  
 4 more. I didn't take any filler classes. I only  
 5 took -- I only took the engineering classes.  
 6 Q. And, Mr. Johnson, we have talked about, in  
 7 some of your background, the fact that electronics  
 8 cross over between what you've done in the past and  
 9 the solar energy technology that IAS purports to have  
 10 in this case.  
 11 A. Correct.  
 12 Q. So other than that crossover with these  
 13 courses, is there any direct link between the  
 14 purported solar energy technology that IAS has in  
 15 this case and the classes that you took at Utah  
 16 Technical College?  
 17 A. Well, the physics classes obviously were  
 18 in optics. We had a lot of optics classes in  
 19 physics. And, yes, I guess that is a direct  
 20 correlation between the optics that we developed for  
 21 those lenses. And so in physics we studied Fres --  
 22 Fres -- Fresnel lenses and op -- various optics. And  
 23 so from that standpoint, yes.  
 24 Q. Okay. So the optics have specifically to  
 25 do with the lenses, correct?

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1 A. Correct, yes, ma'am.  
 2 Q. Did the optics classes have anything else  
 3 to do with the purported solar energy technology at  
 4 issue in this case?  
 5 A. No.  
 6 Q. All right. Other than the optics, was  
 7 there any other direct link from the classes that you  
 8 took at Utah Technical College to the purported solar  
 9 energy technology in this case?  
 10 A. Well, not as far as the optics go, no.  
 11 Q. I said other than the optics, sir.  
 12 A. Oh, yeah. Various -- various mathematical  
 13 courses in -- including some physics and mechanical  
 14 engineering courses that would have designed the  
 15 relationships to mechanical structures and the  
 16 mathematics that are required to build those. There  
 17 wasn't any direct connection that I know of.  
 18 Q. What, if anything, did you learn at Utah  
 19 Technical College regarding the engineering stages of  
 20 technology development?  
 21 A. The mathematics that designed the -- the  
 22 various optics, including -- and the various  
 23 mechanical structures that -- that are employed at  
 24 the site.  
 25 Q. Would you take a look, please, at



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1 Plaintiff's Exhibit 644? That's Dr. Mancini's  
 2 report.  
 3 A. Okay.  
 4 Q. And take a look, please, at page 9.  
 5 A. Okay.  
 6 Q. All right. There Dr. Mancini lays out the  
 7 stages of engineering technology development.  
 8 Do you see that?  
 9 A. Uh-huh (affirmative).  
 10 Q. Yes?  
 11 A. Right.  
 12 Q. Did you ever learn these stages or  
 13 something like this at Utah Technical College?  
 14 A. Either that or in -- in BYU, some of the  
 15 studies there, yes.  
 16 Q. Okay. So you learned that the first stage  
 17 has to do with research? Yes?  
 18 A. Well, the first stages have to do with  
 19 developing your abilities in -- and he's left that  
 20 out. The first stages have to -- developing yourself  
 21 in the various technology curriculums or knowledge of  
 22 the -- of the various technologies. And that's the  
 23 first stages of developing a new technology.  
 24 Q. Well, sir, we're talking about specific --  
 25 A. He left it out. That's specific in the --

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1 that's specific. He's left that out.  
 2 Q. Okay. What's the next step, in your mind?  
 3 A. Well, obviously, he doesn't know it  
 4 because he's never developed a new technology.  
 5 Q. So what's the next step in developing a  
 6 new technology?  
 7 A. The next step that I employ?  
 8 Q. What's the next step?  
 9 A. Well, it depends on the product. When I  
 10 developed the tills, for example, the automatic  
 11 front-end system, we evaluated a need. We evaluated  
 12 the -- the possibility that there was a better way  
 13 of -- of producing front-end scanning that was going  
 14 to be less labor-intensive and more automatic.  
 15 And we evaluated -- then from there we  
 16 evaluated how the -- the product would be impacted.  
 17 We also then took studies -- we also  
 18 employed -- employed groups to study the possibility  
 19 of -- of how this thing would be regarded, how the  
 20 people would -- the customers would take it, how  
 21 would it impact my -- the grocery store itself, and  
 22 what would be the best way to market the product if  
 23 it would become suitable arrangements, what kind of  
 24 markets that we could compare that to. For example,  
 25 we compared automatic -- utilizing -- we -- we -- we

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1 took the idea of --  
 2 Q. All right, stop. No, sir, I'm going to  
 3 stop you there. Stop.  
 4 A. Well, then you can't answer the question.  
 5 If you're not going to let me answer, you can't ask  
 6 the question.  
 7 Q. I object to the responsiveness.  
 8 Mr. Johnson, you testified a moment ago  
 9 that you learned the stages of engineering technology  
 10 development at either Utah Technical College or at  
 11 BYU, right? That's what you said.  
 12 A. I said I learned these items, not the  
 13 idea -- not the ability to -- you can't teach it.  
 14 You don't -- there are no classes in teaching  
 15 inventing. I said --  
 16 Q. Stop, stop.  
 17 A. -- these are the things that are taught.  
 18 Q. Stop, sir.  
 19 A. And he left out one.  
 20 Q. Stop. You were pointing specifically to  
 21 engineering tools on Dr. Mancini's chart. Is that  
 22 what you mean you learned at Utah Technical College  
 23 and/or BYU?  
 24 A. In reference to your question -- you want  
 25 to read the question on that particular issue back

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1 again?  
 2 Q. Stop, Mr. Johnson.  
 3 A. I'm not going to answer that until I can  
 4 see that question, because I -- if I misunderstood  
 5 the question, then we've misunderstood the answer.  
 6 Q. All right. Mr. Johnson, you're pointing  
 7 specifically to engineering tools on Dr. Mancini's  
 8 chart. Is that right?  
 9 A. Yes.  
 10 Q. Okay. So are you saying that you learned  
 11 the items in the engineering tools column at Utah  
 12 Technical College and/or BYU? Is that what you are  
 13 saying?  
 14 A. Well, yeah, they -- specifically on a  
 15 project that you're given -- you're given -- you're  
 16 given an assignment. And any assignment in the labs,  
 17 you are given a procedure to follow in order to  
 18 accomplish the -- the lab requirements. And in that  
 19 system you were taught how to take the notes, how to  
 20 write down the things that you're -- that are all  
 21 right here and to -- and to demonstrate.  
 22 However, all of these are not fully --  
 23 fully done in the business side of it. So the  
 24 business side has to do with the whole concept. This  
 25 is just merely suggesting that you have a concept

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1 that you're going to evaluate. This isn't -- this  
2 isn't designed to develop new products. This is  
3 designed to develop a product mainly that's already  
4 been done. And that's all he's ever done.

5 And you can't teach what I do in --  
6 inventing you can't teach in a college. Otherwise  
7 you would have a whole bunch more people doing  
8 exactly what I do, and they don't do it.

9 Q. Mr. Johnson --

10 A. Nobody has. Well, you wanted the answer.  
11 That's the answer. These are simple things that you  
12 are given to -- in classes 101. This is nothing new.  
13 This -- you are put in a lab -- you go to a lab, you  
14 say here -- they give you an assignment. Here is  
15 some pages to fill out. Okay, you are following  
16 these particular things.

17 And then we want to go on and say, Can we  
18 now develop this into a product? That's silly.

19 Q. So, Mr. Johnson, the stages of engineering  
20 technology development, that's in early classes,  
21 right?

22 A. Correct. Yeah. That's base -- one of  
23 your first lab classes.

24 Q. That's basic engineering 101.

25 A. Right. There is nothing there new,

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1 nothing simple. Anybody who had gone to college has  
2 got to learn that. The same thing you do when you go  
3 to -- go to -- the first thing you learn in your  
4 attorney's classes is how to fill out the plaintiff's  
5 forms. It's just no different. It's not -- it's  
6 not -- it's not rocket science. It's filling out a  
7 form.

8 Q. All right, Mr. Johnson. Let's talk about  
9 what it says here on your qualifications page, that  
10 you studied physics and mathematics at Brigham Young,  
11 correct?

12 A. Correct.

13 Q. How long were you at Brigham Young?

14 A. Maybe a year. Maybe two. I don't know.

15 Q. From when to when?

16 A. I don't even know. I can't even tell you  
17 that.

18 Q. Well, you talked about it initially in the  
19 gap between 1968 and 1975. Does that ring a bell?

20 A. Probably, yeah. I probably spent some  
21 time there. I didn't go to school to -- to -- to --  
22 to gain a -- a degree to go out and get a job, where  
23 most people do. I was making more money than  
24 engineers make when I went to school. I didn't need  
25 to go to school to develop my skills of making a

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1 living, like most people do. I went there to learn  
2 something. The reason why I went to school was  
3 because I wanted to learn. That's different than  
4 going to school and getting a degree and just  
5 memorizing everything there.

6 I wanted to learn what the concepts were,  
7 how they were developed, how the mathematics were  
8 actually defined, how the proofs were working, how to  
9 develop a proof.

10 I went back east and they -- I -- I had --  
11 they -- I went back in -- to -- to -- they invited me  
12 back to Washington, D.C.

13 Q. Stop, Mr. Johnson. No. We're talking  
14 about Brigham Young. That's it.

15 A. Well, that's why I went to school. I  
16 didn't go there to get a degree. I went there to  
17 learn.

18 Q. Okay.

19 A. So I took classes.

20 Q. What classes did you take?

21 A. I took physics classes. I didn't take --  
22 I didn't take basket weaving and -- and all this  
23 stuff. I took --

24 Q. Mr. Johnson, I'm not interested in what  
25 class -- stop, stop. Mr. Johnson, stop. I'm not

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1 interested in what classes you didn't take. I'm  
2 interested in classes you did take. So you said  
3 physics. What else?

4 A. Well, I took English. I took basic skills  
5 writing and developing my writing skills, my  
6 communication skills. I felt those were very  
7 important in dealing with people and dealing with  
8 business relationships.

9 I took mathematics to make sure that I  
10 understood the mathematical principles upon which the  
11 sciences were based.

12 I then took the various sciences which  
13 applied those mathematics in those various forms,  
14 such as physics, electrical engineering classes,  
15 programming classes. And whatever classes were in the  
16 technical field, I utilized those mathematical skills  
17 to -- to work in -- to learn all these various  
18 technologies. That's why I went to school. I didn't  
19 go for the purpose of getting a degree. I didn't  
20 need one.

21 Q. Okay. You say you were at Brigham Young  
22 for only a year, but you've just listed off a whole  
23 lot of classes that you took.

24 A. Well, I took a lot of hours. And I worked  
25 full-time when I took those hours. I did the same

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1 thing at Utah Technical school; I did a lot of hours.  
 2 So I did a lot of classes. But the classes were easy  
 3 for me. I didn't have to worry about it. I didn't  
 4 have to study. I never studied in my whole life.  
 5 Never had to.  
 6 Q. So other than what we've already talked  
 7 about with the electronics connection to the  
 8 purported solar energy technology, what, if any,  
 9 aspect of your courses at Brigham Young have a direct  
 10 impact on the purported solar energy technology that  
 11 IAS holds out in this case?  
 12 A. Well, mathematics, obviously, and some of  
 13 the optics classes and physics. Some of the  
 14 electronics classes and so all of the mechanical  
 15 engineering classes. So all the class that we took  
 16 had some bearing, and we draw from all of those to  
 17 develop a -- a new concept or a new invention.  
 18 Q. And, Mr. Johnson, you did not receive a  
 19 degree from Brigham Young, correct?  
 20 A. No. I didn't want one. Didn't care.  
 21 Wasn't interested in it. I could get one today. I  
 22 could probably go over there, and they would probably  
 23 give me one. I don't know.  
 24 Q. What on earth is your basis for that,  
 25 Mr. Johnson?

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1 A. I just give them \$50,000. Well, not that  
 2 organization, another one, and they offered me a  
 3 degree. So you can buy degrees if you want them.  
 4 MS. HEALY GALLAGHER: Off the record,  
 5 please.  
 6 (A break was taken from 11:04 a.m. to.  
 7 11:14 a.m.)  
 8 Q. Mr. Johnson, we have just taken a brief  
 9 break. Did you speak with anyone about the facts of  
 10 this case on that break?  
 11 A. No.  
 12 Q. Are there any answers to my questions that  
 13 you would like to change or modify at this time?  
 14 A. Not -- no.  
 15 MR. SNUFFER: Do you need to leave?  
 16 MRS. JOHNSON: I just have a question.  
 17 The last time we were here we went to lunch at 11:30.  
 18 MR. SNUFFER: Oh, yeah.  
 19 MRS. JOHNSON: And I don't know if she  
 20 wants to do the same thing.  
 21 MR. SNUFFER: Yeah, we beat the noon rush.  
 22 MS. HEALY GALLAGHER: Off the record,  
 23 please.  
 24 (Discussion off the record.)  
 25 MS. HEALY GALLAGHER: Back on, please.

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1 Q. All right, Mr. Johnson. We will turn to  
 2 the purported solar energy technology that IAS has  
 3 held out in just a moment, but I want to hear from  
 4 you. For all the background and experience and  
 5 qualifications that we've talked about so far, has  
 6 there ever been a time that you have worked  
 7 specifically with generating electricity from solar  
 8 radiation?  
 9 A. Other than my own company?  
 10 Q. Correct.  
 11 A. No, I haven't. No.  
 12 Q. Okay. So your only experience with that  
 13 is through IAS?  
 14 A. That is correct, yes.  
 15 Q. Other than your experience with IAS, have  
 16 you had any experience generating heat from solar  
 17 radiation?  
 18 A. Not for -- not for a commercial  
 19 application, no.  
 20 Q. For any other application?  
 21 A. Well, just for fun maybe. You know, we  
 22 were probably exploring some other things when I was  
 23 young --  
 24 Q. Like what?  
 25 A. -- just for fun, you know.

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1 Well, I was on my own at 14 and so I -- I  
 2 was on the streets a lot, and there were times when I  
 3 thought that I could use a solar thing to create some  
 4 heat that would help out in my living -- living  
 5 spaces that I -- that I lived. So, you know, it's a  
 6 different experience; you probably wouldn't  
 7 understand that, but...  
 8 Q. What kinds of things did you experiment  
 9 with at that time, Mr. Johnson?  
 10 A. Oh, plastics and different things that I  
 11 could find in a junkyard, you know, just -- I  
 12 couldn't afford anything. I just lived in -- close  
 13 to a junkyard where I could get things and play with  
 14 them and do what I wanted with them.  
 15 Some of those were developed areas where  
 16 you could heat things and extend some growing seasons  
 17 and various applications and stuff, so -- that was  
 18 just to try to make my life a little easier, so...  
 19 Q. So around the time that you were 14 -- I  
 20 want to understand, like, what you were doing. So  
 21 were you using materials to amplify the sun's light  
 22 for warmth?  
 23 A. We were doing -- yeah, I did -- I did  
 24 various -- various experiments with ways to increase  
 25 the concentration of the sun in order to create an

<p style="text-align: right;">Page 85</p> <p>1 environment that would -- would heat some objects  2 that would last through the -- through the evening a  3 little bit, and stuff like that. To make my life a  4 little bit more comfortable, yes.  5 Q. And you used that for your living space?  6 A. I used it -- mostly just placed it -- lay  7 down sometimes and get a lead sometime in the  8 wintertime. It gets cold back then in this area. It  9 was cold so, yeah.  10 Q. You mentioned amplifying the sun's heat to  11 extend a growing season. Were you growing things to  12 eat or for any other reason at this time?  13 A. Yeah, I tried to experiment on things that  14 I could maybe utilize and extend, like I said, the  15 growing season.  16 Here it used to -- it used to freeze in  17 the first part of September, and so you wouldn't get  18 any, you know, fresh vegetables past that particular  19 time. And so we just -- I just looked at ways of  20 extending that and using some water as a -- as a --  21 as a heat seek, and rocks at the bases of the water,  22 and hopefully to extend the -- by the evaporation of  23 the water into creating a more dense -- a dense air  24 atmosphere that holds the heat longer.  25 I learned back then that -- we live in a</p>	<p style="text-align: right;">Page 87</p> <p>1 A. No, I didn't.  2 Q. Sorry, let me finish the question.  3 Did you do any other sorts of  4 experimentation with solar radiation around the time  5 that you were 14?  6 A. Not really, no. Not really. It was --  7 from 14 on is when I was doing -- it was a long time.  8 (Discussion off the record.)  9 A. It was beyond 14. It was for several -- I  10 was on my own from then on, so...  11 Q. Mr. Johnson, now I'd like to walk through  12 your report a little bit more. So we're turning back  13 to Plaintiff's Exhibit 643.  14 A. Okay.  15 Q. The first sentence of this third paragraph  16 is fairly lengthy, so we're going to take it in  17 parts.  18 A. Okay.  19 Q. Part of that sentence says, "I have formed  20 an opinion, based on practical trials, engineering  21 and research and development."  22 Do you see that?  23 A. That's correct.  24 Q. All right. I'd like to ask you about the  25 practical trials part of that.</p>
<p style="text-align: right;">Page 86</p> <p>1 very dry climate and so the cold penetrates deeper.  2 So by adding water and rocks and things during the  3 day into a confined space, what you get is a warm --  4 warmer atmosphere that lasts a lot longer than it  5 does if you don't have that exper -- have that same  6 experience. I used -- I used all the knowledge that  7 I had capable of using that -- to -- you know, to  8 create a better living place. So we did. And  9 extending the growing seasons and stuff, it helped  10 several times, you know.  11 And in the springtime you could get an  12 extra, you know, springtime dew. I used to eat  13 dandelions for the Vitamin C components and --  14 because they were the first plants to come out. And  15 if you put a warm environment around them, you would  16 then gain a few months and increase your Vitamin C  17 intake, so...  18 Q. So do you mean sort of like a greenhouse?  19 A. That, but it was more -- more than that.  20 It was -- it was -- it was just some kind of a way to  21 help evaporate the water and -- using some kind of  22 application where you could develop some kind of  23 heating source for us.  24 Q. Did you do anything else, any other sorts  25 of experiments with solar --</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Okay.  2 Q. Oh, actually, first -- let's see. I'll  3 withdraw that. We'll take a step back.  4 A. Okay.  5 Q. So this -- in this sentence here, this  6 first sentence of the third paragraph of your  7 report --  8 A. Okay.  9 Q. -- you're talking solely about the Fresnel  10 lenses; is that right?  11 A. In this statement it looks like that I'm  12 talking about the Fresnel lenses, yes.  13 Q. Okay. So I'm confining my questions right  14 now to questions to do with the Fresnel lenses in  15 this sentence, okay?  16 A. Okay.  17 Q. Can you tell me about the practical trials  18 that the Fresnel lenses have undergone?  19 A. Well, if you're going to start, it's --  20 it's the practical trials and engineering and  21 research development that evolved into the  22 development of the Fresnel lens. It's more  23 complicated than just what we did on the testing. So  24 if that's not what you want, then I'm not going to go  25 there.</p>

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1 Q. Well, this sentence says "practical  
2 trials."  
3 A. Okay. The practical trials that led me to  
4 develop the Fresnel lens is what this is referring  
5 to.  
6 Q. So when were they?  
7 A. From 2003 to 2005 or '06.  
8 Q. And how many practical trials did you have  
9 between '03 and '05?  
10 A. Well, the -- I don't know how -- how to  
11 evaluate those because it was an ongoing, everyday  
12 thing, but -- but the -- that's not -- that's not how  
13 the Fresnel lens evolved into what it is today.  
14 The -- the first things that we started with was the  
15 idea and concept of developing an alternative energy  
16 than coal, natural gas or any --  
17 Q. Mr. Johnson --  
18 A. -- and fuels.  
19 Q. -- I want to stop you there.  
20 This sentence says "practical trials."  
21 A. Right. That's what I'm trying -- that's  
22 what I'm trying to tell you, what the practical  
23 trials existed of and what they are -- the purpose of  
24 those trials were.  
25 Q. Okay. What specifically were you testing

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1 for in the practical trials?  
2 A. We were looking for an alternative to --  
3 to other energy -- other energy other than the  
4 traditional energy sources that are available today.  
5 Q. What did you do in these practical trials?  
6 A. Well, the first thing that we did is we  
7 went out and evaluated what was already in existence  
8 for an alternative. So we went to places like --  
9 that are out by Barstow. They are not in Barstow but  
10 they --  
11 Q. Mr. Johnson, I'm actually going to stop  
12 you. So I want to make sure I understand.  
13 So when this sentence says the Fresnel  
14 lens, okay -- it says the Fresnel lens that are sold  
15 by RaPower3.  
16 A. Right.  
17 Q. Okay. So I'm talking about those. I'm  
18 not talking about any Fresnel lenses that are not  
19 sold by RaPower3. So for the Fresnel --  
20 A. Well, no, you're talking -- you're talking  
21 about how I formed my opinion based on the practical  
22 trials and engineering and research and the  
23 development, that the Fresnel lens that are sold by  
24 RaPower and are specifically designed were basically  
25 brought into -- brought into fruition.

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1 Q. Okay. Well, let me clarify --  
2 A. So the opinion -- the opinion -- the  
3 opinion is what the clarifying state is, is how --  
4 why -- why did I come to that opinion.  
5 Q. No, that's -- that's actually not my  
6 question, so let's --  
7 A. That's -- that's -- but that's the  
8 sentence.  
9 Q. Let's start a new question.  
10 A. Okay.  
11 Q. Okay? So in this case we are talking  
12 about Fresnel lenses that RaPower3 sells, okay?  
13 A. Right.  
14 Q. Stop. Stop. Okay. Good. All right. So  
15 I would like to know from you, sir, what practical  
16 trials have those Fresnel lenses been subject to.  
17 A. Thousands of hours of testing. I mean,  
18 they have -- it's not something -- but -- but, there  
19 again --  
20 Q. Stop, stop. You said "thousands of hours  
21 of testing" --  
22 A. Okay.  
23 Q. -- correct?  
24 A. Correct. At least.  
25 Q. All right. What kind of testing?

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1 A. Well, the final product we evaluated  
2 that's -- if you're talking about the final -- what  
3 product -- are you talking about the development --  
4 Q. Sir --  
5 A. -- the concept or the final product?  
6 Q. Stop.  
7 A. Well, you have to identify which one  
8 you're talking about.  
9 Q. I already have.  
10 A. You didn't.  
11 Q. It's the Fresnel lenses that are sold by  
12 RaPower3. And I want to know --  
13 A. But what --  
14 Q. Stop.  
15 A. -- part of the development are you talking  
16 about; the initial part, the middle part, the end  
17 part? What are you -- what are you -- what are you  
18 trying to get at? I'm not -- I mean, I'm trying to  
19 help you. I'm not -- I'm not trying to be  
20 belligerent; I'm not trying to be evasive. I'm  
21 trying to make sure that I understand exactly what  
22 you're looking for.  
23 Q. Let's shift to this.  
24 A. Okay.  
25 Q. Okay. What, if any, data do you have from



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1 any testing that any Fresnel lens has been subject  
 2 to?  
 3 A. I've got probably thousands of books. The  
 4 problem is is nobody can read them but me and so --  
 5 Q. Mr. Johnson --  
 6 A. -- but they're fine; I -- I can read them.  
 7 Q. Where are those books?  
 8 A. You have them. You have all the data.  
 9 You just probably won't know how to read them. And I  
 10 probably couldn't go back and read them after I --  
 11 after I did them. They weren't designed -- other --  
 12 they weren't designed to -- for any other engineering  
 13 firm or any other company. They were designed  
 14 specifically for my research and development. I  
 15 don't have any way of keeping things secret. I don't  
 16 have a huge staff that has high security on all of  
 17 this data. I do not write any of my patents down and  
 18 keep track of them in a way that anybody else could  
 19 read them or do any research from them.  
 20 And I give those to my patent attorney and  
 21 he holds them in his patent office that relate to the  
 22 patents. But I personally do not keep any data on  
 23 any of the research that I do for the purpose of, I  
 24 do not -- people have stolen my patents. The federal  
 25 government has stolen one of my patents. The AFIM

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1 unit was stolen by the federal government. And they  
 2 took that and gave that to Boeing to develop around  
 3 my system. After I showed it to them, after they  
 4 came out and visited with me, spending hours with me,  
 5 offering me to come back there and tell me how it  
 6 worked, and then they went around me and took  
 7 millions of dollars --  
 8 Q. Mr. Johnson, I'm going to --  
 9 A. -- and gave that to Boeing. I have to --  
 10 Q. -- stop you right here.  
 11 A. I have to have --  
 12 Q. No.  
 13 A. I have to have the secrets. Then from  
 14 then on we didn't do that again. And so most of the  
 15 technology that I have is protected for myself. And  
 16 when I get it to the market, then people can see how  
 17 it operates. It's not -- it's not hard to see how  
 18 the Fresnel lens work. My grandmother would know how  
 19 to see that.  
 20 Q. Mr. Johnson, you mentioned books. Did you  
 21 hand write data?  
 22 A. Yes, I did, but not in a way that anybody  
 23 could read it.  
 24 Q. So, Mr. Johnson, can you describe the  
 25 tests that you did on the Fresnel lenses?

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1 A. Yes.  
 2 Q. What did you do?  
 3 A. The first thing we did is we analyzed what  
 4 was going to be necessary to create a -- Fresnel  
 5 lenses that weren't -- that were going to compete and  
 6 be cost effective in developing energy. It wasn't --  
 7 we didn't go out there to make a project so that we  
 8 could steal government -- money from the government.  
 9 We actually were out there developing a new project  
 10 to make a profitable -- an alternative energy source  
 11 that we could live on. This is before we had any --  
 12 any -- any -- any kind of tax credits at all.  
 13 So what we did is we analyzed what was  
 14 going to be required to make that. And we found out  
 15 that the only way -- the traditional way of making  
 16 large lenses was using granite -- granite tops and  
 17 casting these lenses. They were very expensive.  
 18 They couldn't ever compete in -- in the marketplace  
 19 for producing electrical solar energy or heat or any  
 20 other kind of energy.  
 21 So what we did is took that data and we  
 22 decided to go to a Fresnel lens, because we studied  
 23 mirrors, and mirrors were the same problem. Mirrors  
 24 cannot be mass produced for a solar energy project.  
 25 And I know you don't understand that, but that's a

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1 fact. And I could go for hours and tell you why, and  
 2 I'm not going to.  
 3 So we started right there. And then we  
 4 said, okay, if we develop this project, what do we  
 5 have -- what kind of a cost do we have to meet before  
 6 we get going with this product?  
 7 Q. Okay. Mr. Johnson, I'm going to back you  
 8 up a little bit.  
 9 A. Okay.  
 10 Q. So are you saying that no one could  
 11 re-create the testing that you did on the Fresnel  
 12 lenses?  
 13 A. No, everybody can -- everybody can do it  
 14 now, but they couldn't do it at the time, because the  
 15 problem wasn't the Fresnel lens; it never was. The  
 16 Fresnel lens has been around since 1600.  
 17 Q. But, Mr. Johnson, no one can replicate  
 18 your testing with the lenses using your data,  
 19 correct?  
 20 A. No, they were never designed to. I didn't  
 21 want anybody to. That wasn't what it was designed  
 22 for. It was designed for internal work. Just like  
 23 if -- if you were making an atomic bomb, you wouldn't  
 24 share that information with the Korean people, if you  
 25 were smart, which we did anyway, but, I mean -- but

<p style="text-align: right;">Page 97</p> <p>1 normally you wouldn't do that, no. And most -- most  2 companies don't reveal what they are doing outside of  3 the company. Mancini has never worked for a company.  4 That's his problem.  5 Q. Mr. Johnson, did you ever publish any of  6 the data from your tests on the Fresnel lens?  7 A. Of course not. You don't want anybody to  8 be able to duplicate your stuff and then have -- they  9 have more money, and then they go around and steal it  10 from you. No, you don't do that. It's silly.  11 Q. Mr. Johnson, I'd actually like you to take  12 a look back at your Qualifications page in your  13 report here.  14 A. Okay.  15 Q. Under the heading Publications, about  16 halfway down the page, it says, "Mr. Johnson has not  17 been published in the previous ten years."  18 Did I read that correctly?  19 A. That's correct.  20 Q. Have any of your writings ever been  21 published?  22 A. No, I wouldn't do it. I wouldn't -- I  23 don't want people stealing my stuff. It would be  24 silly. My purpose of writing this stuff -- or  25 developing this stuff wasn't to make myself look good</p>	<p style="text-align: right;">Page 99</p> <p>1 A. Okay.  2 Q. "This heat is then transferred into the  3 power generation system to heat the working fluid,  4 normally water, that will be used to turn the  5 turbine."  6 A. Okay.  7 Q. "The solar process heat raises the  8 temperature of the working fluid and drives the  9 turbine, providing for the generation of  10 electricity."  11 A. Okay.  12 Q. "These two components (turbine and solar  13 lens arrays) have been working for some time, and we  14 have been using them for research and development to  15 make sure all the systems function adequately."  16 A. Okay.  17 Q. Did I read those sentences correctly?  18 A. Okay.  19 Q. All right, Mr. Johnson. For the first  20 sentence --  21 A. Okay.  22 Q. -- what are the facts that you are relying  23 on to write that first sentence?  24 A. "The solar process heat generated in solar  25 arrays using" --</p>
<p style="text-align: right;">Page 98</p> <p>1 in the academic world. It has no value to me, how I  2 look in the ac -- the academic world. There is no --  3 there is no profit to it.  4 Q. All right. When we take a look at the  5 heading that says Other Expert Testimony, it says,  6 "Mr. Johnson has not given testimony as an expert at  7 trial or by deposition in the previous four years."  8 Is that right?  9 A. That is correct.  10 Q. Have you ever given expert testimony?  11 A. No, this is a new experience for me.  12 Q. All right. Mr. Johnson, I'm going to turn  13 your attention to page 8 of 26 of your report.  14 A. Okay.  15 Q. I'm looking at the first paragraph --  16 A. Okay.  17 Q. -- the first few sentences, which I'm  18 going to read.  19 A. Okay.  20 Q. "The solar process heat generated in solar  21 array using the Fresnel lenses can be captured and  22 the resulting heat energy, in the form of BTUs  23 generated by the solar lenses, can be regulated by  24 the rate at which the heat source fluid is pumped  25 through the solar receiver system."</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Please don't reread it.  2 A. Yeah. I just want to make sure that --  3 okay, then I won't reread it.  4 Okay. The solar lenses produce heat in  5 the form of -- in the British thermal units, is BTUs.  6 We could have used other sources -- names for  7 energy --  8 Q. Sir, stop, stop. I asked you for the  9 facts that you have to support that first sentence.  10 A. The fact -- the fact is is the British  11 thermal units were developed by British people to  12 measure heat sources. And they used the British  13 thermal unit for so much energy developed by the sun.  14 The metric system uses a different form of  15 energy measurement, which is called --  16 Q. Stop, sir.  17 A. -- joules or kilowatts.  18 Q. I'm going to stop you there.  19 Other than information about what a BTU  20 is, what facts do you have to support that sentence?  21 A. The fact is that the solar energy -- the  22 solar lens produces heat. You saw that.  23 Q. All right. Well, then what I'm going to  24 ask you, then, sir, is what, if any, data have you  25 collected to support this first sentence.</p>

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1 A. We use a -- I use a -- a -- a light  
 2 measuring meter that measures the light  
 3 concentrations. And from that we are -- develop the  
 4 BTU content that comes from the light that's  
 5 concentrated.  
 6 Q. Is any of this data written down?  
 7 A. Yeah, it's -- it's written down for me,  
 8 but not for anybody else.  
 9 Q. Where is this data written down?  
 10 A. I don't know. It's probably in -- in one  
 11 of my patents in -- in Dave's office. I don't keep  
 12 anything like that where anybody can get at it.  
 13 Again, I don't -- I don't hold that stuff around so  
 14 people can look at it. It's not against the law to  
 15 do that, by the way.  
 16 Q. How did you perform the testing to  
 17 establish this data?  
 18 A. I used a light meter. And we also then  
 19 used -- we also then used a measurement device --  
 20 Q. We or I?  
 21 A. I used a measurement device that would --  
 22 we could measure how fast the heat would -- would  
 23 heat, say, a fluid, to determine the rate on which  
 24 energy is transferred from the solar energy  
 25 concentrated into a fluid. And determine that rate

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1 would determine how many BTUs per second or a minute  
 2 or an hour that the BTUs would be transferred from  
 3 the light source into a fluid and transferred.  
 4 Q. Where did you do these tests?  
 5 A. We did it down in Delta.  
 6 Q. So on site at the R & D site?  
 7 A. We did them in Delta. We did them in  
 8 Mesquite. We did them in Salem. We did -- most of  
 9 the original data was developed in Salem.  
 10 Q. Was that next to the grocery store?  
 11 A. Yes, it was.  
 12 Q. So these are all real-world conditions?  
 13 A. That's right.  
 14 Q. Do you ever do any computer modeling?  
 15 A. Yes, we did.  
 16 Q. Okay. Where is the data from that?  
 17 A. Same place. I don't keep it. I don't  
 18 store it. But I do the data from the modeling before  
 19 we ever started the project. That's what I tried to  
 20 tell you. In order to develop a Fresnel lens and to  
 21 make sure that it was going to operate, the first  
 22 thing we did was -- is we -- we tried to identify  
 23 what heat source would be the best way to do that.  
 24 We started with mirrors.  
 25 Q. That's fine.

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1 About how many times would you say you  
 2 engaged in this testing?  
 3 A. Thousands of hours.  
 4 Q. Who else was present as you did this  
 5 testing?  
 6 A. My employees at times.  
 7 Q. Anyone else?  
 8 A. No. Well, there was maybe friends, but I  
 9 didn't ever keep track of them.  
 10 Q. What, if any, error rate did you account  
 11 for in this testing?  
 12 A. What do you mean by "error rate"?  
 13 Q. Do you know what error rate means?  
 14 A. I know what error rate means. What are  
 15 you talking about?  
 16 Q. Tell me what error rate means.  
 17 A. It depends on what you're talking about.  
 18 If you are talking about it from an attorney's  
 19 perspective or a technology --  
 20 Q. Mr. Johnson --  
 21 A. -- perspective.  
 22 Q. -- I want to know what you consider an  
 23 error rate.  
 24 A. The error rate was -- in order to develop  
 25 the lenses we had to determine what was already out

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1 there, what kind of errors we were going to  
 2 experience if we use mirrors.  
 3 For example, a mirror system has an error  
 4 rate of almost 90 percent when it gets dirty. And so  
 5 the error rate of a mirror is 90 percent. And so we  
 6 didn't want to -- we didn't want to have that error  
 7 rate in -- because that creates more labor in  
 8 developing solar energy. So we wanted to reduce the  
 9 cost of solar energy by reducing the error rate in  
 10 the system that we were developing. And so we  
 11 analyzed the error rates from all the different  
 12 varieties of ways to generate concentrated solar  
 13 energy. Mirrors are the worst. It took -- do you  
 14 want me to tell you why?  
 15 Q. No.  
 16 A. Okay. I just want to make sure.  
 17 Q. Mr. Johnson, is it possible for anyone to  
 18 re-create the testing you did to support this first  
 19 sentence with the data you collected?  
 20 A. Yeah. You can do down and do it any time  
 21 you want to.  
 22 Q. With the data collected?  
 23 A. No. But if anybody did it, they would get  
 24 to the same conclusions --  
 25 Q. And --

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1 A. -- that the solar energy project creates  
 2 concentrated heat.  
 3 Q. Mr. Johnson, you don't know where the data  
 4 is, correct?  
 5 A. Well, we had an evaluation -- now  
 6 you're -- if you're talking about --  
 7 Q. Stop.  
 8 A. -- an external evaluation --  
 9 Q. Stop, Mr. Johnson.  
 10 Your data from the tests you ran to  
 11 support this first sentence on page 8 of 26, where is  
 12 that data?  
 13 A. It's probably in Dave -- Dave -- Dave's  
 14 office.  
 15 Q. Dave Nelson?  
 16 A. Dave Nelson's office.  
 17 Q. Why do you think that?  
 18 A. Because I don't have it. I gave it to him  
 19 to write the patent, so that's where it would be at.  
 20 I don't keep stuff like that. I never have.  
 21 Q. All right, Mr. Johnson. Turning to the  
 22 next sentence, which is the heat. Let me start that  
 23 again.  
 24 So the next sentence says, "This heat is  
 25 then transferred into the power generation system to

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1 heat the working fluid, normally water, that will be  
 2 used to turn the turbine."  
 3 Did I read that correctly?  
 4 A. Correct.  
 5 Q. All right. So this heat refers back to  
 6 the heat that is generated by the Fresnel lenses,  
 7 correct?  
 8 A. Correct.  
 9 Q. Okay. Mr. Johnson, what, if any, tests  
 10 have you performed to support the idea that heat from  
 11 the Fresnel lenses is actually transferred to a  
 12 working fluid?  
 13 A. We use several -- several measuring  
 14 devices. One is we have the flow rate of the fluid.  
 15 We have a temperature measuring device that measures  
 16 the temperature of the fluid. We have the  
 17 specifications of the fluid, of what the specific  
 18 heat of that fluid is.  
 19 And by determining the flow rate, the heat  
 20 temperature and the specific heat we can determine  
 21 how many BTUs that fluid handles. We then can  
 22 transfer that -- that -- heat from that fluid to  
 23 another fluid using heat exchangers.  
 24 Q. I'm only talking the first transfer of  
 25 heat.

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1 A. Okay.  
 2 Q. Okay. So -- so, Mr. Johnson, what data do  
 3 you have that supports the statement that heat from  
 4 the Fresnel lenses is, in fact, transferred to a  
 5 working fluid?  
 6 A. You are kidding me, right? I just told  
 7 you what I did. And I wrote it down and then I  
 8 probably destroyed it. But I -- I just don't have --  
 9 I don't keep that kind of data. Anybody can  
 10 reproduce that data. I can re -- I can re -- I can  
 11 produce that data any time I choose. And the heat  
 12 rate there is there.  
 13 And then we have an independent study on  
 14 the Fresnel lenses in our white papers.  
 15 (Discussion off the record.)  
 16 Q. How many times, Mr. Johnson, did you test,  
 17 under real-world conditions, whether heat was being  
 18 transferred from the Fresnel lens array into a  
 19 working fluid?  
 20 A. Thousands of times.  
 21 Q. Thousands of times, did you say?  
 22 A. We started -- we started with an original  
 23 Fresnel lens built by someone else. Okay. And we  
 24 determined --  
 25 Q. Stop.

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1 A. -- the same thing. And then we tested our  
 2 system and compared the two.  
 3 Q. Mr. Johnson --  
 4 A. Okay.  
 5 Q. -- you said you had tested that transfer  
 6 of heat from the Fresnel lens array to the working  
 7 fluid under real-world conditions thousands of times.  
 8 A. Thousands of times. At least that, yes.  
 9 Q. And what I would like to know is, did you  
 10 keep any data from those thousands of times?  
 11 A. No. I had an outside -- I had an outside  
 12 source come in and evaluate that, and that's in our  
 13 white papers.  
 14 Q. Object to responsiveness of the answer.  
 15 Would you please read back the question?  
 16 A. Okay. I didn't. No, I didn't. I gave  
 17 them to Dave. Dave probably has them. I don't know  
 18 where they are. I don't keep that kind of -- I don't  
 19 need to. I'm not looking for an academic pat on the  
 20 shoulder or pat on the head, so I don't keep them. I  
 21 don't like to do that because I like to keep things  
 22 secret because people steal new technologies.  
 23 Q. Please read back my question.  
 24 A. I'm trying to help you out the best I can.  
 25 Q. Mr. Johnson, what will help me out is if

<p style="text-align: right;">Page 109</p> <p>1 you answer my questions.</p> <p>2 A. I don't know how to answer them. I'm not</p> <p>3 as smart as you are.</p> <p>4 (Record was read as follows: "And what I</p> <p>5 would like to know is, did you keep any data</p> <p>6 from those thousands of times?")</p> <p>7 A. No.</p> <p>8 Q. Mr. Johnson, you mentioned an independent</p> <p>9 review, someone having come in. Did that independent</p> <p>10 reviewer evaluate the transfer of heat from a Fresnel</p> <p>11 lens array into a working fluid?</p> <p>12 A. Yeah, I think they did. They wrote a</p> <p>13 report on it. And I wasn't there when they did it.</p> <p>14 So I assume that they wrote the report based upon</p> <p>15 some factual information that they -- that they</p> <p>16 developed.</p> <p>17 Q. Who performed --</p> <p>18 A. The reason why I wasn't there is because I</p> <p>19 didn't want to influence anything in their -- in</p> <p>20 their report.</p> <p>21 Q. Who performed this independent review?</p> <p>22 A. I don't know. It's in there. Their names</p> <p>23 are in the white paper. I don't know who they are.</p> <p>24 Q. Mr. Johnson, there are no names in the</p> <p>25 white paper.</p>	<p style="text-align: right;">Page 111</p> <p>1 A. Thousands.</p> <p>2 Q. Thousands.</p> <p>3 A. I did one just last week.</p> <p>4 Q. Have you kept any data from these</p> <p>5 thousands of times?</p> <p>6 A. I take some pictures. I don't think I've</p> <p>7 kept any data. Is data pictures? Pictures are data,</p> <p>8 aren't they? I don't know. I guess they are.</p> <p>9 Q. Have you kept any other records of such</p> <p>10 tests?</p> <p>11 A. No, I haven't. Just pictures, I think.</p> <p>12 Q. Have these tests been performed in the</p> <p>13 laboratory, under real-world conditions? How?</p> <p>14 A. Both. We've also made it simulated by</p> <p>15 computer program, mathematics, to see just how -- how</p> <p>16 close we came to the -- the actual mathematics</p> <p>17 compared with what the real data was.</p> <p>18 Q. Do you have any record of the mathematics</p> <p>19 modeling?</p> <p>20 A. No, I don't.</p> <p>21 Q. Please face the court reporter so she can</p> <p>22 be sure to hear you.</p> <p>23 A. No, I don't.</p> <p>24 Q. In which laboratories was this tested?</p> <p>25 A. In IAS's laboratories.</p>
<p style="text-align: right;">Page 110</p> <p>1 A. Well, they are somewhere. I don't -- I</p> <p>2 assume you have them. I don't know.</p> <p>3 Q. Why do you assume we have them?</p> <p>4 A. Because if I had them, you got them.</p> <p>5 That's all I know.</p> <p>6 Q. You said that this independent reviewer,</p> <p>7 whose name you don't remember, wrote a report?</p> <p>8 A. Yes, it's in the white -- it's in that</p> <p>9 paper that you -- I know you have the paper. I don't</p> <p>10 know -- I can't remember what it's called, but I know</p> <p>11 you have the document, because you referred to it</p> <p>12 before.</p> <p>13 Q. When did this independent review happen?</p> <p>14 A. Right around 2005, 2006. I don't know</p> <p>15 exactly.</p> <p>16 Q. All right. Let's turn, please, to the</p> <p>17 next sentence which says, "The solar process heat</p> <p>18 raises the temperature of the working fluid and</p> <p>19 drives the turbine, providing for the generation of</p> <p>20 electricity."</p> <p>21 Did I read that correctly?</p> <p>22 A. That's correct, yes.</p> <p>23 Q. Mr. Johnson, how many times have you</p> <p>24 tested a Fresnel lens array heating a working fluid</p> <p>25 that is then sent to a turbine?</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. Any others?</p> <p>2 A. No.</p> <p>3 Q. Do you have any data from the laboratory</p> <p>4 tests?</p> <p>5 A. No.</p> <p>6 Q. And under real-world conditions, are we</p> <p>7 talking about in Delta, Utah?</p> <p>8 A. A lot of places like Mesquite, Salem,</p> <p>9 Delta. Probably other places too, but yes.</p> <p>10 Q. Any other places you can name?</p> <p>11 A. Not that I can remember, but I'm sure</p> <p>12 there is.</p> <p>13 Q. Why are you sure there were?</p> <p>14 A. Because I don't usually keep track of them</p> <p>15 and I do a lot of testing, so -- so that's something</p> <p>16 I would have done.</p> <p>17 We did -- oh, we did some -- yeah, Milford</p> <p>18 and -- well, not on the solar lenses. That wasn't</p> <p>19 there, so -- okay, that's probably enough.</p> <p>20 Q. The next sentence starts -- I'll withdraw</p> <p>21 that.</p> <p>22 Have any -- has any third party reviewed</p> <p>23 the testing that you did to show that the solar</p> <p>24 process heat raises the temperature of the working</p> <p>25 fluid and drives the turbine?</p>



<p style="text-align: right;">Page 113</p> <p>1 A. No, I allow them to do their independent 2 testing. 3 Q. And who is that? 4 A. Just the people that did the report. We 5 have -- we've had several expert witnesses that we've 6 hired to come and evaluate the system. 7 Q. Who are they? 8 A. I don't know. You would have to talk to 9 Dave about that. I don't know their names. Dave is 10 the -- Dave is usually the one that arranges all of 11 my expert witnesses. I don't really even keep track 12 of them, nor am I there when they do it. 13 Q. How many expert witnesses do you think you 14 have retained in any fashion? 15 A. I don't know. Three, five. Three to 16 five. 17 Q. Okay. Why aren't any of them testifying 18 in this case? 19 A. Didn't feel like I needed to. 20 Q. Any other reason? 21 A. Nope. No. Sorry. 22 Q. The next sentence says, "These two 23 components, turbine and solar lens arrays, have been 24 working for some time." 25 That's the start of that sentence,</p>	<p style="text-align: right;">Page 115</p> <p>1 gave them to, I think, Denver's office. I -- and I 2 don't know whether they did get to him or not, but 3 that's where they were -- I was told that they were 4 sent, so -- that's all I know. 5 Q. And did you provide the names of people 6 who could provide affidavits? 7 A. No, I did not. 8 Q. Do you know who did? 9 A. I think Greg Shepard did. I'm not 10 positive, but I think him or his son, Matt. Probably 11 Matt. Matt did. Yeah, Matt was the one who got the 12 data. 13 Q. Do you happen to know how Mr. Shepard 14 selected these 30 names for affidavits? 15 A. I don't know. I didn't ask him. 16 Q. So aside, Mr. Johnson, from pictures and 17 potentially other people, what, if any, data do you 18 have to support the idea that the turbine and solar 19 lens arrays have been working for some time? 20 A. Well, like I said, the expert witnesses. 21 Did you include those? I mean, the other ex -- I 22 mean, the other people that I would classify expert 23 in their fields evaluated the system independently 24 and collectively. Besides that, no. 25 Q. Mr. Johnson, please turn to page 6 of 26.</p>
<p style="text-align: right;">Page 114</p> <p>1 correct? 2 A. Where are you at? Oh, okay, I've got it. 3 Okay. I'm there. Okay. 4 Q. All right, Mr. Johnson. What data do you 5 have to support that part of the sentence? 6 A. Pictures. 7 Q. Anything else? 8 A. Other people. You could probably get 9 affidavits from a lot of other people. I think we 10 have 30, I think, we -- we gave to Dave or -- I don't 11 know. I thought -- 12 Q. Who are those people? 13 A. I don't know. I didn't -- I didn't get 14 them. I asked for somebody to go find me all the 15 people, and he got 30 of them. There is more than 16 that, but there's -- we have 30. 17 Q. Other than pictures and other people, what 18 data do you have to support that first part of that 19 sentence? 20 A. I don't have any. 21 Q. Mr. Johnson, did you say you have 22 affidavits from 30 people? 23 A. I don't have. The people that I asked to 24 get them, I think they gave them -- they told me they 25 gave them to -- they didn't give them to me; they</p>	<p style="text-align: right;">Page 116</p> <p>1 I'm looking at the first sentence of the second 2 paragraph -- the second full paragraph. 3 A. Six of 26? And what paragraph? 4 Q. Second full paragraph, the first sentence. 5 A. Okay. 6 Q. It says: -- 7 A. "The Johnson turbine"? 8 Q. I will read it. 9 "The Johnson turbine uses superheated 10 steam or superheated water, but does not necessarily 11 require a boiler." 12 Did I read that correctly? 13 A. That's correct. 14 Q. Okay. What data do you have to support 15 that sentence? 16 A. We have the three NASA -- the people that 17 work, I think, for -- related to -- somehow to a NASA 18 -- the NASA group. Rocket scientists, I guess. 19 Q. Who are they? 20 A. I don't have their names. 21 Q. When did they provide any input to you? 22 A. Oh, way back in -- before, I think, 23 2000 -- I don't know exactly. 24 Q. Did they provide you anything in writing? 25 A. Yes, they did, and you have it.</p>

<p style="text-align: right;">Page 117</p> <p>1 Q. Do you have any other support for that</p> <p>2 sentence?</p> <p>3 A. Not that I've kept. I did my own</p> <p>4 evaluation, obviously. And I did my own evaluation</p> <p>5 into create the -- the turbine in order to -- before</p> <p>6 I built it, I developed all the mathematics that</p> <p>7 developed that turbine. And then I built the turbine</p> <p>8 from that mathematical model.</p> <p>9 Q. Do you still have the information</p> <p>10 generated by that mathematical model?</p> <p>11 A. I do not.</p> <p>12 Q. Do you have --</p> <p>13 A. But I have the turbine.</p> <p>14 Q. Do you have any data supporting your own</p> <p>15 evaluation?</p> <p>16 A. No, I do not. Other than the patents.</p> <p>17 There is, I think, three or four patents on that</p> <p>18 turbine. So that data would be there. That's</p> <p>19 permanently there. That's available to you.</p> <p>20 Q. Any other data to support that sentence?</p> <p>21 A. No.</p> <p>22 Q. Then I would like you to turn to page 9 of</p> <p>23 26, please. I'm looking at a sentence in the middle</p> <p>24 of the first full paragraph --</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 119</p> <p>1 testing, information from experts, one in NASA, one</p> <p>2 from Pennsylvania --</p> <p>3 A. Right.</p> <p>4 Q. -- as data that you have to support this</p> <p>5 sentence that your turbine does not need a cooling</p> <p>6 process as part of the turbine.</p> <p>7 A. Correct.</p> <p>8 Q. What, if any, data did -- have you kept</p> <p>9 from your own testing?</p> <p>10 A. I haven't kept any other than what would</p> <p>11 be involved in the patents.</p> <p>12 Q. What, if any, data did the NASA scientists</p> <p>13 provide?</p> <p>14 A. They finished a -- a report, which you</p> <p>15 have.</p> <p>16 Q. What was the name of the NASA scientist?</p> <p>17 A. I don't know.</p> <p>18 Q. When did that person purportedly provide a</p> <p>19 report?</p> <p>20 A. I don't know the date -- the dates either.</p> <p>21 I didn't keep track of those.</p> <p>22 Q. The person from Pennsylvania, what, if</p> <p>23 any, data do you have in support of that person's</p> <p>24 analysis?</p> <p>25 A. I don't have any, but I -- I do believe</p>
<p style="text-align: right;">Page 118</p> <p>1 Q. -- that says, "The Johnson turbine does</p> <p>2 not need a cooling process as part of the turbine."</p> <p>3 Do you see that sentence?</p> <p>4 A. Correct.</p> <p>5 Q. What, if any, data do you have to support</p> <p>6 that sentence?</p> <p>7 A. I don't have any data. I just did my own</p> <p>8 testing, and we don't -- it isn't required. But</p> <p>9 there's been several experts in the field that have</p> <p>10 came to the same conclusions.</p> <p>11 Q. Who are those experts?</p> <p>12 A. Well, the NASA scientists. And then</p> <p>13 there -- the people that developed -- there is a guy</p> <p>14 that was in Pennsylvania that was the -- he taught</p> <p>15 thermo -- turbine technology. And he wrote a book on</p> <p>16 turbine technology.</p> <p>17 And the fact is we have a -- he had a</p> <p>18 contract with him to develop a project in Hawaii.</p> <p>19 And I think he might have said something in his</p> <p>20 writings, but I don't -- I never kept them. But I</p> <p>21 think somebody did. I don't know who. But he -- he</p> <p>22 determined my -- he evaluated my turbine against the</p> <p>23 fin-type turbine and evaluated mine superior in every</p> <p>24 way.</p> <p>25 Q. Mr. Johnson, you identified your own</p>	<p style="text-align: right;">Page 120</p> <p>1 somebody does have some, but I don't know who. I am</p> <p>2 trying to figure out who had that.</p> <p>3 Q. Why do you think that someone else would</p> <p>4 have it?</p> <p>5 A. Because someone else would keep a lot of</p> <p>6 things that I wouldn't keep.</p> <p>7 Q. Who?</p> <p>8 A. Oh, I don't know. One of my sons could</p> <p>9 have kept some. I don't know. But I'm not sure he</p> <p>10 did. I'm just assuming that he might have done.</p> <p>11 Q. All right, Mr. Johnson. Do you have any</p> <p>12 other source for information that the Johnson turbine</p> <p>13 does not need a cooling process?</p> <p>14 A. I've never used a cooling process on a --</p> <p>15 and it's -- it has run for thousands of hours. Is</p> <p>16 that a correct word?</p> <p>17 Q. Stop.</p> <p>18 (Discussion off the record.)</p> <p>19 A. I'm sorry.</p> <p>20 Q. Mr. Johnson, I understand that you believe</p> <p>21 you have run it for hours and it does not require a</p> <p>22 cooling process?</p> <p>23 A. Yeah.</p> <p>24 Q. And what I'm asking you is what data you</p> <p>25 have to support --</p>

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1 A. I don't have any. I don't keep it.  
 2 Q. Please take a look at the next sentence  
 3 which says, "The discharge from the rocket nozzles  
 4 can be collected and merely subjected to a typical  
 5 heat exchange condenser to recover and recycle the  
 6 water."  
 7 Did I read that correctly?  
 8 A. That's true.  
 9 Q. Do you have any support for that sentence  
 10 that is different than the support that you have for  
 11 the prior sentence?  
 12 A. Do you want me to tell you the difference  
 13 between the two -- the two sentences?  
 14 Q. Well, I'll withdraw that question.  
 15 Mr. Johnson, what, if any, support --  
 16 factual support do you have for the sentence that the  
 17 discharge from the rocket nozzles can be collected  
 18 and merely subjected to a typical heat exchange  
 19 condenser to recover and recycle the water?  
 20 A. Probably every -- every scientific book  
 21 that's been out -- that's been published on  
 22 condensing steam.  
 23 Q. Have you ever tested the turbine with any  
 24 system to recover and recycle the water, as you  
 25 describe here?

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1 A. Yes, we've done it in several ways. One,  
 2 we use traditional heat exchangers.  
 3 But the -- the secondary is we had  
 4 developed our own heat exchanges, which we have now  
 5 patented, which is much more efficient and much  
 6 smaller and a lot cheaper and -- and requires less  
 7 maintenance.  
 8 And that also, then, works as a heat  
 9 exchanger to -- to condense steam back to an electric  
 10 form of water.  
 11 Q. Okay. What, if any, data have you kept  
 12 from testing the turbine with traditional heating  
 13 exchangers?  
 14 A. We haven't kept any data. I haven't kept  
 15 any data. Excuse me.  
 16 Q. To your knowledge, has anyone other than  
 17 you ever tested your turbine with traditional heat  
 18 exchangers?  
 19 A. Well, my employees test it and -- and --  
 20 and, you know -- yes. So, yeah. I mean yes. Excuse  
 21 me.  
 22 Q. Anyone other than your employees?  
 23 A. I don't know. We've had a lot of people  
 24 come through, and whether they were involved in that  
 25 or not, I'm not sure. But I'm sure they were, but

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1 I -- I just don't remember.  
 2 Q. If any third party has tested your turbine  
 3 with a traditional heat exchanger, have you kept any  
 4 data?  
 5 A. No, I haven't. No.  
 6 Q. From the tests of your turbine with your  
 7 own heat exchanger, have you kept any of the data  
 8 resulting from those tests?  
 9 A. Other than what's in my patents and what  
 10 is in the office of Dave's -- Nelson's, I haven't.  
 11 Q. Is it possible for someone to re-create  
 12 your tests with your data?  
 13 A. No. But they can with the actual  
 14 equipment.  
 15 Q. Has anyone ever done that?  
 16 A. Yes.  
 17 Q. Who?  
 18 A. My employees.  
 19 Q. Anyone else?  
 20 A. I don't think so. Not the new heat  
 21 exchangers; I kept that kind of a secret. I didn't  
 22 want somebody stealing it from me.  
 23 Q. Have you kept any of the data from any  
 24 testing by your employees of your turbine with your  
 25 own heat exchanger?

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1 A. They never -- I never allowed them to  
 2 write data down.  
 3 Q. So the answer is no?  
 4 A. No.  
 5 Q. Mr. Johnson, I'm looking at the last  
 6 sentence of that section on page 9, which says, "We  
 7 expect to get many times the useful life expected in  
 8 the Rankine cycle from the Johnson turbine."  
 9 Did I read that correctly?  
 10 A. Where are you, on page 9?  
 11 Q. Yes. Above the second heading -- above  
 12 the heading.  
 13 A. Okay.  
 14 Q. "We expect to get many times the useful  
 15 life expected in the Rankine cycle from the Johnson  
 16 turbine."  
 17 A. Okay.  
 18 Q. Did I read that correctly?  
 19 A. Right.  
 20 Q. What, if any, data do you have to support  
 21 that statement?  
 22 A. Well, you have all the -- all the books  
 23 that require you to look at a boiler and to see what  
 24 kind of fluid that is asked to go through it, what  
 25 kind of chemicals that you have to add to that fluid

<p style="text-align: right;">Page 125</p> <p>1 in order to maintain the integrity of the boiler, and  2 the rate at which the boiler expires due to the fluid  3 passing through it, including -- including the fact  4 that if you use fluid that is dirty in any respect,  5 you can expect to have so much damage done to the  6 boiler in basically the dirt and stuff that comes out  7 of that water and goes into the boiler.  8 If you were to use water that I use in my  9 turbine, you would last three days in a Rankine cycle  10 boiler.  11 Q. Do you have any other sources of data to  12 support that sentence?  13 A. No, but it's all in the books. It's all  14 in your -- it's all in your technology books. It's  15 available to you.  16 Q. Which books?  17 A. All your textbooks on -- on -- on all  18 the -- on all of the -- all the books that describe  19 the Rankine cycle boiler system and -- and the  20 qualifications required to operate one.  21 Q. So what, Mr. Johnson, data do you have to  22 support your assertion that the Johnson turbine will  23 exceed a typical useful life?  24 A. Same -- same thing. When you take a --  25 take a fluid and you don't evaporate the fluid into a</p>	<p style="text-align: right;">Page 127</p> <p>1 Q. Do you have any data from those tests?  2 A. We don't think we needed them. No, we  3 don't -- I don't, but it does work.  4 Q. On page 10 of 26, the last sentence of the  5 paragraph at the top of the page.  6 A. What page again?  7 Q. 10 of 26.  8 A. Okay.  9 Q. It says, "We have tested the Johnson  10 turbine above 1,000 degrees, and it worked very well  11 at that temperature."  12 A. Correct.  13 Q. What, if any, data do you have to support  14 that statement?  15 A. I didn't keep any data.  16 (Discussion off the record.)  17 Q. Would you please turn to page 7 of 26?  18 A. Okay.  19 Q. I'm looking at the -- the sentence starts  20 on page 6 at the bottom.  21 A. Page 6?  22 Q. At the bottom.  23 A. Okay.  24 Q. But I'm interested in the phrase that's on  25 page 7 --</p>
<p style="text-align: right;">Page 126</p> <p>1 steam, then you don't -- the particulates in the  2 solvent -- in the fluid solvent do not precipitate  3 out. In so doing they don't create a -- damage to  4 your piping. And so the fluid, when it's dirty and  5 it's already saturated will go to the point where it  6 evaporates into a steam, which only happens at the  7 nozzle after it's -- after it's passed through the  8 entire engine, which -- which leaves no residue  9 inside the piping or the engine. Therefore, that --  10 and that is -- that is recognized in all the data  11 that you want -- chemistry data. You'll find that  12 all through the chemistry books that tell you when  13 the saturation points of liquid will change, causing  14 the saturation of the material in the fluid to  15 precipitate out.  16 Q. Can you point me to any specific sources?  17 A. No, but you can go look it up yourself.  18 There is plenty of them. Every book that talks about  19 evaporation will tell you that.  20 Q. Aside from general theories of  21 evaporation, do you have any other support for that  22 statement?  23 A. I don't think there needs to be any  24 others, but, no. Other than we tested it ourselves,  25 and it does work.</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Okay.  2 Q. -- which says, "Temperature into the  3 finless Johnson turbine does not need to exceed  4 450 degrees Fahrenheit and 90 PSI.  5 Do you see that?  6 A. Yes, I do.  7 Q. What, if any, support do you have for that  8 statement?  9 A. We tested this at BYU, first of all, with  10 dry steam from a Rankine cycle boiler system, and the  11 temperature was 300 degrees Fahrenheit at 90 PSI.  12 And there was a professor there and several other  13 people, including Dave Nelson. We were evaluating  14 our patents, and we were having real testing done at  15 the university.  16 We then tested the same turbine at  17 Sulphurdale, in Utah, which is a geothermal plant,  18 using geothermal to generate electricity. We used  19 the water directly from the well. It was 90 PSI  20 pressure, to keep the water at liquid at 300 degrees.  21 And we turned that in -- we drove that  22 into our -- our turbine. And so we operated the  23 turbine at 300 degrees, 90 PSI.  24 We also tested the nozzles then  25 independently. We then tested the different thrusts</p>

<p style="text-align: right;">Page 129</p> <p>1 of the nozzles using the dry steam and the -- the  2 nozzles using the saturated liquid.  3 And the saturated liquid produces more  4 energy at 300 degrees water temperature, and it gets  5 300 degrees steam, the steam being several times  6 less -- producing less thrust than the water directly  7 from the well.  8 Q. All right. I'm going to stop you there,  9 Mr. Johnson --  10 A. Okay.  11 Q. -- because I asked you what data.  12 A. I didn't keep any data.  13 Q. Okay.  14 A. But we have pictures.  15 Q. Do you have anything other than pictures?  16 A. No.  17 Q. When was the test at BYU?  18 A. 2002, I think.  19 Q. What was the name of the professor?  20 A. I don't know.  21 Q. Did anyone at BYU provide you anything in  22 writing after that test?  23 A. No.  24 Q. When was the test at Sulphurdale?  25 A. 2002.</p>	<p style="text-align: right;">Page 131</p> <p>1 Q. Please remember to speak up so that the  2 court reporter can hear you.  3 A. I'm sorry.  4 Q. Did that person who you believe worked for  5 Rocky Mountain Power in Milford provide you with  6 anything in writing after any test at Milford?  7 A. They actually wanted a contract with me to  8 buy power from me --  9 Q. Sir --  10 A. -- with my -- and I think that there is a  11 writing -- there is a paper that they produced that  12 someone might still have. I don't know.  13 Q. What's that --  14 A. I don't know.  15 Q. What is that writing?  16 A. I don't know, but some kind of a contract  17 that they wanted to buy electricity using my turbine,  18 if I would set it all up for them. And the price of  19 the electricity I -- I didn't want to do it at that  20 price. But that was -- that was a long time ago.  21 Q. Before or after 2000?  22 A. It was after 2000, but it was right around  23 2002, 2003.  24 Q. Okay. But you never signed that contract,  25 correct?</p>
<p style="text-align: right;">Page 130</p> <p>1 Q. Who was there?  2 A. My two sons. An employee, Curtis Snow, I  3 believe was there. Myself. And I don't know if  4 there was anybody else there or not but there could  5 have been more people, but I can't remember.  6 Q. Did anyone --  7 A. We have pictures of it too --  8 Q. Did anyone, other than someone connected  9 with you, provide you with anything in writing after  10 that test?  11 A. No, they did not, no.  12 Q. So what, if any, data have you kept to  13 support the idea that the Johnson turbine works at  14 300 degrees Fahrenheit and 90 PSI?  15 A. Well, then we took it to Milford --  16 Q. Sir, stop.  17 A. I don't have any data. I don't keep data  18 on that, but I did take it to Milford and did the  19 same thing.  20 And there with the Rocky Mountain eng --  21 Rocky Mountain electrical engineer who worked for  22 Rocky Mountain Power, he was there.  23 Q. What's his name?  24 A. I don't know a name, but it was --  25 happened in 2002.</p>	<p style="text-align: right;">Page 132</p> <p>1 A. I don't know if I did or not. There was a  2 dispute on something. I may have signed it, and  3 there was dispute and I backed away from the --  4 the -- what we agreed to. I didn't think we agreed  5 to what they agreed to. So I think I -- either I  6 backed away from it or something happened with it,  7 but I didn't go through with it.  8 Q. Have you ever sold power to Rocky Mountain  9 Power?  10 A. No, I don't believe I did, no.  11 MS. HEALY GALLAGHER: Off the record,  12 please.  13 (A break was taken from 12:29 p.m. to  14 1:31 p.m.)  15 MS. HEALY GALLAGHER: Back on the record,  16 please.  17 Q. Mr. Johnson, we're back on the record  18 after a lunch break.  19 A. Thank you.  20 Q. Did you speak with anyone about the facts  21 of this case on the lunch break?  22 A. I don't know. We might have made  23 something -- said something, and then he says, "Don't  24 tell them this question I'm going to ask."  25 I said, "Okay, I'll wait until you ask."</p>



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1 Q. Did that have anything to do with the  
2 facts of this case, Mr. Johnson?  
3 A. I don't know. It had to do with the case.  
4 I mean, I -- he's going to ask me a question. He  
5 said to answer. To clarify something, so -- what --  
6 what the question was to ask me, he didn't tell me.  
7 He said he was going to ask me a question. That's  
8 all I know.

9 Q. So did you talk with anybody about the  
10 facts of this case on the break?

11 A. Nope. Nope, I haven't.

12 Q. Are there any answers to my questions that  
13 you wish to clarify or amplify?

14 A. Not at this time.

15 Q. Mr. Johnson, let's take a look back,  
16 please, at page 8 of your report.

17 A. Okay.

18 Q. The first sentence. It starts with the  
19 phrase, "The solar process heat."

20 Mr. Johnson, what's your understanding of  
21 solar process heat?

22 A. Well, what I understand it to be, it's any  
23 heat that can be used for a commercial or a home heat  
24 that will -- will heat -- will -- will -- will  
25 substitute for any other heat generated by any other

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1 source, such as -- if a -- if you use solar energy to  
2 heat your home with and you can replace a certain  
3 amount of that heat with -- that was generated by a  
4 natural gas, say, or a carbon heat source, then that  
5 would qualify, then, for the tax credit. So process  
6 heat would be something that would replace any amount  
7 of -- of other types of -- other types of heat  
8 source, whether it be bio -- biometrics -- not  
9 biometrics -- bi -- anyway. Coal or -- or -- or wood  
10 or -- or any kind of heat used for the purpose of  
11 doing anything with. So the definition would be  
12 that, from my point of view.

13 Q. Any other aspect of your understanding of  
14 solar process heat, or was that it?

15 A. Well, I think it's pretty clear that any  
16 time you replace any other source of generating heat  
17 with solar, that would be classified as process heat,  
18 whether it's for residential or for a commercial  
19 application.

20 Q. Turn, please, to page 10. The last full  
21 sentence on page 10 says, "The customer leases their  
22 Fresnel lens to a leasing company, LTB O&M, LLC, or  
23 other appropriate entity -- entities yet to be  
24 formed."

25 Do you see that?

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1 A. Uh-huh (affirmative).

2 Q. Yes?

3 A. Yes. Uh-huh.

4 Q. Mr. Johnson, do you recall testifying on  
5 July 1st of this year?

6 A. Uh-huh (affirmative).

7 Q. Yes?

8 A. Uh-huh (affirmative).

9 Q. Yes?

10 A. Yes. Oh, excuse me. Pardon me.

11 Q. You testified on July 1st, or around then,  
12 that LTB O&M, LLC, had never undertaken any activity.  
13 Do you recall that?

14 A. Yes, I do.

15 Q. From July 1st to the present date has LTB  
16 O&M, LLC, undertaken any activity?

17 A. I don't know if they have or not. There  
18 has been discussion of -- of -- with the accountants  
19 to see if there is an appropriate requirement that I  
20 have to disburse some -- some funds, whether it's  
21 from LTB or some other company. So I don't know  
22 whether that's -- we haven't done any yet, but I  
23 think they are anticipating doing something like  
24 that.

25 Q. And, Mr. Johnson, you are the manager for

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1 LTB O&M, LLC, correct?

2 A. Yes, I am.

3 Q. So if LTB O&M was going to undertake any  
4 activity, you would either do it or know about it,  
5 correct?

6 A. That is correct, yes.

7 Q. So other than conversations with  
8 accountants, has LTB O&M undertaken any activity  
9 since July 1st?

10 A. I don't believe so, no.

11 Q. Has the entity LTB1, LLC, undertaken any  
12 activity since July 1st?

13 A. No, they haven't.

14 Q. Has the entity LTB, LLC, undertaken any  
15 activity since July 1st?

16 A. No, they have not.

17 Q. The first sentence of the last paragraph  
18 on page 10 starts with, "The primary purpose of the  
19 solar field is to produce BTUs that are sold for the  
20 purpose of heating water or other working fluid that  
21 goes to the turbines."

22 Did I read that portion of the sentence  
23 correctly?

24 A. Correct.

25 Q. Mr. Johnson, have any BTU's from the solar

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1 field been sold for the purpose of heating water or  
 2 other working fluid that goes to the turbines?  
 3 A. No.  
 4 Q. Then that first sentence goes on to say --  
 5 and I'm paraphrasing a little bit, but let me know if  
 6 you disagree -- the primary purpose of the solar  
 7 field is to produce concentrated solar radiation that  
 8 is sold for irradiating concentrated photovoltaic  
 9 receivers.  
 10 Do you see that?  
 11 A. Yes.  
 12 Q. Has any concentrated solar radiation  
 13 actually been sold for irradiating concentrated  
 14 photovoltaic receivers?  
 15 A. Yes. Not by LTB, though.  
 16 Q. Who or what entity has sold concentrated  
 17 solar radiation?  
 18 A. Myself.  
 19 Q. Neldon Johnson?  
 20 A. Uh-huh (affirmative).  
 21 Q. Yes?  
 22 A. Yes.  
 23 Q. To whom did you sell it?  
 24 A. To the -- to my customers.  
 25 Q. Who are they?

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1 A. Just the RaPower or any other customer  
 2 that's bought -- bought equipment in the bonus  
 3 program. And what it is, is I use that for  
 4 developing the solar energy for research and  
 5 development in developing much of the patents that  
 6 we've developed.  
 7 They have had an increase in their  
 8 potential profitability because of the patents that  
 9 have been issued by the research and development of  
 10 the system, making it much more profitable --  
 11 potentially profitable than it would be without that  
 12 kind of research and development.  
 13 And so what we've done is created a bonus  
 14 program that they can participant in the -- in the  
 15 gross sales of AIS, but they're -- the actual money  
 16 -- the bonus program is based upon the amount of  
 17 money that I -- that I participate in. And I share  
 18 that with my customers. And I do the research and  
 19 development separate -- from a separate position than  
 20 International Automated Systems.  
 21 Q. Mr. Johnson, what, if any, money has  
 22 changed hands from you to any other person for the  
 23 sale of concentrated solar radiation?  
 24 A. We haven't, but the contracts have --  
 25 Q. Stop.

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1 A. Okay. Fine.  
 2 Q. So the answer, Mr. Johnson, is that no  
 3 money has changed hands between you and any other  
 4 person for the sale of concentrated solar radiation,  
 5 correct?  
 6 A. Correct.  
 7 (Discussion off the record.)  
 8 Q. With respect to the solar field --  
 9 Mr. Johnson, are you awake?  
 10 A. I'm awake. Go ahead.  
 11 Q. With respect to the solar field that you  
 12 referred to at the beginning of this sentence, has  
 13 any money changed hands between any person or any  
 14 entity for concentrated solar radiation?  
 15 A. Yes. I --  
 16 Q. Who is that?  
 17 A. I have paid money to International  
 18 Automated Systems for their participation in the  
 19 development process of some of my patents. And in  
 20 doing so, the money that was the -- the solar  
 21 radiation that was being generated by all of the  
 22 panels that had been -- been -- had been in  
 23 production for the research and development -- and I  
 24 have then paid International Automated Systems --  
 25 hired them to participate in some of the research and

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1 development of the solar panels.  
 2 Q. Mr. Johnson, did you pay IAS for the heat  
 3 that was produced?  
 4 A. Yes.  
 5 Q. How much did you pay IAS?  
 6 A. Millions of dollars or something like --  
 7 total -- total, probably 10 or \$15,000,000 so far.  
 8 Q. Did you pay the owner of any lens any  
 9 money for their lens having contributed to the  
 10 production of concentrated solar radiation?  
 11 A. Not at this time.  
 12 Q. So, Mr. Johnson, what, if any, data do you  
 13 have to support the idea that the solar field will  
 14 produce BTUs for the purpose of heating water or  
 15 other working fluid that will go to the turbine?  
 16 A. From the -- from the sciences that have  
 17 been developed over the years. And from those  
 18 sciences and the books that have been published there  
 19 are many articles and many calculations, many  
 20 scientific proofs that a Fresnel lens will, in fact,  
 21 produce electricity, or produce heat, or produce a  
 22 hot fluid, or produce other heat sources that will  
 23 replace any other heat source. All these are  
 24 reproducible. All these -- all these actions are  
 25 provable. They have been proved by scientific

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1 research for the last 400 years.

2 Q. Mr. Johnson, I'm talking about your solar  
3 field. Your solar field.

4 A. My solar fields are the same as every  
5 other Fresnel lens and can be proven as such, and can  
6 be duplicated by any person that chooses to do that.

7 Q. So what I'm asking you about is how is  
8 your solar field going to produce BTUs that are sold.  
9 What data do you have to support that idea?

10 A. The same data that has shown in every  
11 other Fresnel lens, that it will produce heat. And,  
12 in fact --

13 Q. Can you give me anything specific?

14 A. -- it has produced heat, and it can be  
15 proven scientifically by anybody independent of me  
16 choosing to go down and do the proper tests to make  
17 sure that it works the same exact way that every  
18 other solar Fresnel lens will work.

19 In fact, we have an expert witness that  
20 has drawn out the fact of the lens, the way the lens  
21 was produced and is -- is factual in its mathematical  
22 conception of a Fresnel lens. And we have duplicated  
23 that mathematically. And anybody can go down with  
24 the proper training and proper books and proper test  
25 equipment and prove that this is a Fresnel lens. And

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1 because it is a Fresnel lens, the proof --  
2 mathematical proof is that if you can prove that it  
3 is a Fresnel lens, then every other test ever made on  
4 a Fresnel lens is applicable to my Fresnel lens --

5 Q. Mr. Johnson --

6 A. -- period.

7 Q. -- who is the expert witness?

8 A. Me.

9 Q. Anyone else?

10 A. No. I'm -- in this case, I'm the only  
11 expert witness. But the fact of the matter is that  
12 every -- every test that I have purported in here is  
13 reproducible by any independent individual if they --  
14 if this Fresnel lens -- if this is a Fresnel lens,  
15 which it is, then all the tests that I have performed  
16 are reproducible by any other expert in their field  
17 and it will, in fact, produce it.

18 And we have documented that fact by the  
19 fact is that all of the -- all of the information in  
20 the technical datas that have shown that a Fresnel  
21 lens does work, and it works under these conditions,  
22 then our Fresnel -- because our lens is a Fresnel  
23 lens, will, in fact, then, reproduce all of the same  
24 characteristics as every other Fresnel lens. And  
25 it's been proven by independent people, and one of

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1 those has, in fact, wrote down exactly what it is.

2 Q. And who is that?

3 A. I don't know, but it's in your daughter --  
4 it's in your data. I don't know.

5 Q. Who are these independent people?

6 A. I don't know. They're -- they're -- the  
7 textbooks are from -- from the French, and that's why  
8 it's called Fresnel, because of -- Fresnel is a  
9 Frenchman who developed it. And he developed that  
10 and -- and the mathematical formulas that he has  
11 developed have not changed in 400 or 500 years.

12 Q. Mr. Johnson, you testified this morning  
13 that you tested components and components connected  
14 to one another thousands of times.

15 A. I have.

16 Q. Do you remember the testing conditions for  
17 each of those thousands of tests?

18 A. I do not. But I do know this, that if the  
19 sun comes up and there's not a cloud covering the  
20 sun, and if the Fresnel lens is in the -- is in a  
21 90-degree angle to the sun, that that Fresnel lens  
22 will concentrate the light into a focal point that  
23 anybody can reproduce. And it is mathematically  
24 certain.

25 Q. Are the testing conditions for these

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1 thousands of times you claim to have tested these  
2 things -- are the testing conditions in the data that  
3 you may have recorded?

4 A. Yes, they are. They all have made it  
5 clear that the sun is out and it has a certain angle  
6 to the Fresnel lens, and it does -- after you -- if  
7 you produce this angle of the Fresnel lens, you will  
8 get a focal point based upon the optics of the  
9 material being used to get the right angle. And that  
10 angle, then, will give you the proper focal point,  
11 which is reproducible.

12 Q. So I want to make sure, Mr. Johnson. I'm  
13 asking you now about not just the Fresnel lenses but  
14 the tests that you said you've done thousands of  
15 times with respect to many different components of  
16 this purported system.

17 A. It's not this sys -- you're not saying --  
18 I'm not saying of this system. I will not say that  
19 it's a separate system which have been placed  
20 together to -- to perform a -- a new system, but the  
21 Fresnel lens by itself is a system.

22 And you can take that -- and if you took  
23 that home and you put one of those little tubes that  
24 I showed you, and you put it in a place and you put  
25 your Fresnel lens that you brought from me and you

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1 made your own little stand, you'll heat that water in  
2 that little tube and that will then heat -- that will  
3 be a higher temperature by 300 times what you'll get  
4 out of a standalone. So, yeah, 300 to 1. And you  
5 can take that home and use that in your home to heat  
6 your hot water for your domestic hot water, where the  
7 thing on its own will not, but the thing on its own  
8 already qualifies.

9 And so you -- the Fresnel lens does, in  
10 fact, concentrate those sunlight, and it's  
11 reproducible and you can take it home and you can use  
12 it by yourself. So it's --

13 Q. Mr. Johnson, I'm going to stop you --

14 A. -- an independent system.

15 Q. I'm going to stop you there. I understand  
16 your testimony, that you believe a Fresnel lens is an  
17 independent system.

18 A. It is.

19 Q. I understand that you believe that.

20 A. Well, I don't care whether you do or not.

21 It's a fact, because it -- it's independent --

22 Q. We're going to --

23 A. -- because it's independent --

24 Q. We are going to move on. We are going to  
25 move on.

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1 A. It's an independent process of -- of  
2 concentrated heat and that --

3 Q. There is no question pending --

4 A. -- replaces --

5 Q. -- Mr. Johnson. Stop talking.

6 You talked about this morning other  
7 components, including the turbine, the heat transfer  
8 fluid and interconnections among the different  
9 components that you've tested thousands of times.

10 Do you remember that?

11 A. That's correct.

12 Q. Okay. For the testing of components, not  
13 just the Fresnel lens but other components, do you  
14 remember the testing conditions for each of those  
15 thousands of tests?

16 A. Yes.

17 Q. Okay. Did you write them down anywhere?

18 A. Yes.

19 Q. Is that with the data that you claim to  
20 have recorded from these tests?

21 A. I don't keep that data, and I don't keep  
22 it for a particular reason. And the reason is is  
23 because I do not want people stealing my data and  
24 reproducing my equipment before I'm ready to market  
25 that product.

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1 Q. Let's turn to page 12 of 26, please.

2 Please take a look at the last sentence of the last  
3 full paragraph on page 12.

4 A. Okay.

5 Q. It says, "The tracking system is  
6 engineered for very slow incremental changes while  
7 maintaining the hydraulic pressure on both sides of  
8 the towers. This maintains accurate positioning and  
9 avoids jerky or sudden movements that might misalign  
10 or damage the solar array."

11 Did I read those two sentences correctly?

12 A. Yes.

13 Q. What, if any, data do you have to support  
14 those two sentences?

15 A. Again, we've had a lot of data on that  
16 particular issue. And I did that -- the math -- I  
17 did it mathematically to start with and to prove that  
18 if you take a hydraulic cylinder and -- and you  
19 have -- you have oil on one side of the pressure --

20 Q. Mr. Johnson, I'm going to stop you here.  
21 I'm going to stop you here because I asked you what,  
22 if any, data you have to support this -- these  
23 sentences?

24 A. I don't keep that data and I -- for the  
25 reasons I told you, because we don't want people to

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1 duplicate our -- our equipment.

2 Q. Okay. So at first you said you have lots  
3 of data --

4 A. I do.

5 Q. -- and now you're saying you have no data.

6 A. Well, I don't have any that -- I don't  
7 have in -- in -- at Dave Nelson's possession. There  
8 is a patent pending on that particular thing, or a  
9 patent issued. I don't know.

10 Q. Mr. Johnson, your testimony is that if any  
11 data supporting these two sentences exist, Mr. David  
12 Nelson has that data?

13 A. That's correct.

14 Q. You mentioned math. With respect to this  
15 data, did you engage in mathematical modeling for  
16 this?

17 A. Yes, and anybody that would dupli -- do  
18 the same mathematics will come up with the same  
19 answer. Anybody doing the same testing on my product  
20 will come up with the same answer. And that is, when  
21 you put a -- a hydraulic cylinder with -- you have --

22 Q. Stop.

23 A. -- pressure on both sides, it does work.

24 Q. Stop. Stop.

25 A. Sorry.

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1 Q. What, if any, other testing, besides  
 2 mathematical modeling, did you do to get the data  
 3 that supports those two sentences?  
 4 A. We built then -- we built a -- a model  
 5 that would reproduce the characteristics that we are  
 6 involved in making a commercial -- the commercial  
 7 application.  
 8 Q. Where is that model?  
 9 A. It's in the off -- you saw it down there  
 10 in the -- in the Oasis building. You saw it work.  
 11 It had a little -- it had a cylinder this big, and it  
 12 had a cylinder this big on top. And it had all the  
 13 hydraulic system right there. It had the computer  
 14 system right there. It had all the references and  
 15 all the -- all the technology that referenced it. We  
 16 hooked it up and made it work for you.  
 17 Q. Mr. Johnson, are you talking about the  
 18 moment on our site tour where one of the Fresnel  
 19 arrays moved at the top of a tower?  
 20 A. No, that was after that. It was in the  
 21 office. When we walked through the office, you  
 22 walked through it. You wanted to look at everything.  
 23 We showed you that. And we showed you how the -- how  
 24 the hydraulic systems turned the mechanisms, making  
 25 it very accurate.

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1 You even have a -- if you go back on your  
 2 cameras, you should be able to find it.  
 3 Q. And if it's not on our site visit video  
 4 then it may not have happened on our visit; isn't  
 5 that right?  
 6 A. Well, it may not, but I don't know that he  
 7 got everything there, but we showed it to you. It  
 8 was right at -- right in -- you had to see it as you  
 9 walked through the door. It was right there. You  
 10 couldn't even miss it. But I would have showed you  
 11 that, as well as when I showed you the new -- the  
 12 other turbine and the other -- the mechanisms around  
 13 there.  
 14 Q. So what, if any, testing did you do with  
 15 this model that you described?  
 16 A. We then tested it, and we made sure that  
 17 mathematically it was accurate with the mathematics  
 18 that we had designed.  
 19 We then designed a computer program that  
 20 would automatically track the sun.  
 21 Q. Does "we" mean you, Mr. Johnson?  
 22 A. My son wrote the program for the --  
 23 Q. Who is your son?  
 24 A. -- actual tacking.  
 25 Randy. Randle Johnson.

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1 Q. Okay. And was this model ever connected  
 2 to any other component in model form?  
 3 A. We didn't need to on the -- on the -- on  
 4 the -- on the Oasis plant. It was designed to  
 5 demonstrate that, in fact, the system does work. It  
 6 does track the sun.  
 7 Q. Okay. And, Mr. Johnson, what, if any,  
 8 data do you have from any testing on the model of the  
 9 tracking system?  
 10 A. Again, I do not keep any of the data.  
 11 Q. All right. You talked about mathematical  
 12 modeling and a physical model.  
 13 A. Right.  
 14 Q. Have you done any other testing that  
 15 provided data that supports these two sentences?  
 16 A. All of the -- all the towers out in the  
 17 field have that mechanism on it, and they do operate.  
 18 And you saw one of them operating there while you  
 19 were there.  
 20 Q. And what, if any, data do you have from  
 21 the actual towers out on the R&D site that supports  
 22 these two sentences?  
 23 A. We don't have any actual data, but we --  
 24 anybody can reproduce those.  
 25 (Discussion off the record.)

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1 I don't -- I don't have any data, no. But  
 2 we -- but it's reproducible by anybody that deals --  
 3 that's trained in the field of hydraulics and would  
 4 understand the principle of hydraulics -- would  
 5 understand that the data that we -- that we could, in  
 6 fact, use can be reproduced by anybody trained and an  
 7 expert in the field of hydraulics.  
 8 Q. Sir, do you recall the testing conditions  
 9 for any of the tests that you did on the towers out  
 10 in the field?  
 11 A. Yes. We've tested them under several  
 12 conditions; some under wind loads as high as 35, 40  
 13 miles an hour, and some -- some without any wind,  
 14 some with the lenses in any particular configuration  
 15 so that we could tell what kind of pressures and what  
 16 kind of damage we could expect from any kind of wind  
 17 load. And when we want to move the lenses away from  
 18 the wind load to see what the damages would come and  
 19 what kind of a preparation we would have to do in  
 20 order to anticipate a windstorm coming through and  
 21 when to put the lenses in a position where they  
 22 wouldn't be damaged by the wind.  
 23 And so, yes, there is a -- there is a --  
 24 there's lots of things that we tested those things  
 25 for. And they are reproducible by anyone.



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1 Q. Let's turn, please, to page 16. We are  
 2 still on Plaintiff's Exhibit 643. In this section,  
 3 Mr. Johnson, you're talking about solar receivers,  
 4 correct?  
 5 A. Yeah, which -- which place?  
 6 Q. On this page generally.  
 7 A. No. Not ex -- not exactly, no. Huh-uh.  
 8 Q. Okay. So the second sentence of the first  
 9 paragraph says, "Accordingly, the Johnson turbine  
 10 version of the IAS system may utilize a variety of  
 11 solar receivers that are capable of receiving the  
 12 concentrated solar energy from the collectors of each  
 13 tower and transferring that energy to a heat source  
 14 fluid."  
 15 Did I read that correctly?  
 16 A. Right, but the theory -- but you left out  
 17 the first sentence.  
 18 Q. Okay, but the sentence I read talks about  
 19 solar receivers, correct?  
 20 A. Right, but you talked about the whole  
 21 paragraph. The whole paragraph does not exclusively  
 22 talk about the receivers.  
 23 Q. Okay. Let's move on. All right. So  
 24 we're talking about solar receivers. That same  
 25 paragraph also says -- I'm sorry. Actually,

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1 returning to the sentence that I read.  
 2 A. Okay.  
 3 Q. So, Mr. Johnson, you have not decided  
 4 which solar receiver to use? Is that the case?  
 5 A. Well, whether we have or whether we  
 6 haven't isn't the issue.  
 7 Q. That's my question to you, sir. Have you  
 8 decided which to use?  
 9 A. Yes, we have. Yes.  
 10 Q. Which one?  
 11 A. We are using the -- the one that has the  
 12 coils of copper with -- sandwiched in the glass. And  
 13 we've decided that probably is going to be the most  
 14 efficient and cost-effective system.  
 15 And, again, the heat source is -- the heat  
 16 source that heats that solar collector is developed  
 17 by the process heat developed by the solar collector,  
 18 which is the process heat that you could also use --  
 19 if you wanted to, you could use a fire of any kind  
 20 and heat the same -- the same thing using  
 21 hydrocarbons.  
 22 Q. So are you talking about the vacuum tube  
 23 system that you describe in the next paragraph on  
 24 that page?  
 25 A. No.

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1 Q. No. Are you talking about the solar  
 2 receiver similar to the type used with parabolic lens  
 3 collectors --  
 4 A. No.  
 5 Q. -- in the consequent paragraph?  
 6 A. No.  
 7 Q. No.  
 8 A. Those would all work. They're not as cost  
 9 -effective as the one that we later developed. We  
 10 were anticipating using one of these, but we decided  
 11 that from a cost standpoint it was better to utilize  
 12 something different.  
 13 Q. Okay. So, Mr. Johnson, what, if any, data  
 14 do you have that reflects the testing you did with  
 15 the vacuum tube system?  
 16 A. We gave that to you, I believe. That --  
 17 that information was given -- we purchased that and  
 18 we gave that information over to you.  
 19 Q. Mr. Johnson, I object to the  
 20 responsiveness of the answer.  
 21 Please read back my question.  
 22 (Record was read as follows: "So,  
 23 Mr. Johnson, what, if any, data do you have that  
 24 reflects the testing you did with the vacuum  
 25 tube system?")

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1 A. It's on our computer system and -- and --  
 2 and we reproduced that for you.  
 3 Q. What computer system is this on?  
 4 A. Just my laptop and other computers that we  
 5 have available to us.  
 6 Q. Is there any other place that data about  
 7 the testing that you engaged in for the vacuum tube  
 8 system is housed?  
 9 A. No, I don't believe so.  
 10 Q. What kinds of testing did you engage in to  
 11 produce the data that's stored on your laptop?  
 12 A. We placed the vacuum tube in the field of  
 13 the -- of the Fresnel lens optics focal point and it  
 14 generated a tremendous amount of heat, and it held  
 15 that heat for almost a full day.  
 16 Q. When did you perform these tests with the  
 17 vacuum tube system?  
 18 A. Over the past six months we've -- we've  
 19 conducted several -- several tests using various  
 20 fluids, various types of heat exchangers that will  
 21 fit down inside the tubes so we could use a -- a  
 22 different fluid from the fluid that would be actually  
 23 in the glass. We tried an oil. We capped the fluid.  
 24 It -- the temperature -- the flash point on the oil  
 25 was at 750 degrees, and it got to such a high

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1 temperature that the pressure on the -- on the oil  
 2 broke the glass tube.  
 3 We then decided that we would use a molten  
 4 salt, which does not have any vapor pressure. And  
 5 then we used a collector system to put oil through  
 6 the -- the -- the molten salt to collect the heat.  
 7 And that worked very well. And the -- that's been  
 8 over the past six months. But since that time we've  
 9 decided that I wanted to change into a more  
 10 economical way of producing a receiver for the -- for  
 11 the solar conduct -- concentrated system.  
 12 Q. Mr. Johnson, you said that you had  
 13 collected data for the past six months?  
 14 A. Yes.  
 15 Q. Did you have any data for testing of the  
 16 vacuum system before the past six months?  
 17 A. Only what we had online. And we validated  
 18 that their -- that their equipment was accurate.  
 19 Q. What do you mean, "online"?  
 20 A. It was a company that made those. We  
 21 validated that their system did, in fact, produce --  
 22 we weren't sure of the temperature that their -- they  
 23 didn't indicate what temperatures their glass  
 24 tubes -- or what kinds of pressures that their glass  
 25 tubes would encase. And so we had to re -- we had to

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1 make our own determination of whether or not we could  
 2 use their glass tubes or we would have to develop our  
 3 own glass tubes using a better glass than what they  
 4 had, because their temperatures were only between 124  
 5 degrees and 154 degrees. And so we needed to know  
 6 whether or not that glass would -- would take the  
 7 temperatures and operate within the temperature  
 8 limits of our system.  
 9 And it didn't. And so what happened is,  
 10 is even though the second demonstration, using molten  
 11 salt, did, in fact, work, it -- the -- the -- the  
 12 actual glass become plastic, because of the  
 13 temperatures reached, and we felt like -- that it  
 14 would be dangerous then to have something like that  
 15 in operation where it may become plastic and then  
 16 slip out of its -- its proper place and maybe cause  
 17 some harm.  
 18 So that was the biggest reason why we  
 19 decided that probably that wouldn't be the best  
 20 system. In fact, that's when we decided that we  
 21 would move toward the other system that we had  
 22 available to us. This system we had available to us  
 23 has been in operation for over five years.  
 24 Q. Stop. Stop, stop, stop.  
 25 A. Okay.

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1 Q. When did you first start testing the  
 2 vacuum tube system?  
 3 A. About six months ago. Six to eight months  
 4 ago.  
 5 Q. So the only testing that you've done with  
 6 the vacuum tube system has been in the past six to  
 7 eight months?  
 8 A. That's correct.  
 9 Q. What about the solar receiver similar to  
 10 the type used with parabolic lens collectors, when  
 11 did you start testing that receiver?  
 12 A. About two or three years ago.  
 13 Q. And where, if at all, is the data that you  
 14 kept from those tests?  
 15 A. I did not keep any.  
 16 Q. When you say you didn't keep any, do you  
 17 mean you sent the data to Mr. Nelson?  
 18 A. No, I don't think I even kept any. We  
 19 decided that it was not practical.  
 20 Q. How long did you test the second type of  
 21 solar receiver before you decided it was not  
 22 practical?  
 23 A. Oh, a period of maybe three months.  
 24 Q. What was wrong with this one?  
 25 A. The biggest concern we had was because of

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1 the way the piping had to be placed, there was a gap  
 2 between the actual light and the receivers, and it  
 3 was creating a problem for us to get the efficiencies  
 4 from the system. The same -- the same thing applies  
 5 to the system being used in the -- in the parabolic  
 6 mirror system, where you have a -- a problem with the  
 7 light coming on an angle that's different from a  
 8 90-degree angle. The -- the glass itself becomes  
 9 a -- a refractory -- creates a retractive angle and  
 10 moves the energy around the pipe rather than through  
 11 it. And that's the biggest problem that the -- the  
 12 parabolic mirrors have, is that same system. And  
 13 we've decided that because of the gap that was  
 14 required and the angles that the light could  
 15 penetrate into the receiver would -- would actually  
 16 refract around the system and not produce the -- not  
 17 deliver the energy in the proper place.  
 18 Q. So, Mr. Johnson, around when did you  
 19 reject the second type of solar receiver for use in  
 20 your system?  
 21 A. It was -- it was several years ago. We  
 22 just had it around for this length of time. We  
 23 wanted to show it, but we never anticipated using it.  
 24 Q. Did you say several years ago?  
 25 A. Yeah. Yes. Excuse.

<p style="text-align: right;">Page 161</p> <p>1 Q. So the third type of receiver that you 2 describe is on page 17 of your report, correct? 3 A. Okay. 4 Q. So the second sentence of the only full 5 paragraph on that page says, "This heat exchanger is 6 created by using three layers of glass enclosing a 7 container with a coiled piping system." 8 Is that right? 9 A. Correct. 10 Q. And when did you start testing with this 11 third type of solar receiver? 12 A. These -- this variety of system that 13 was -- has been in the development process for over 14 eight -- eight or nine years, this is the first one 15 we used. We used a variety -- we used a -- a similar 16 system in Mesquite in 2005. 17 Q. Mr. Johnson, where, if at all, is the data 18 that was generated by testing this third type of 19 solar receiver? 20 A. Again, I don't keep the data. If I feel 21 like there is a patent that might be applicable to 22 it, we -- then I turn it over to Dave. If not, I 23 just -- I just get rid of it. I usually put it 24 through a -- what do you call it? Anyway, I destroy 25 the data.</p>	<p style="text-align: right;">Page 163</p> <p>1 this exact exchanger, but similar. The ones we've 2 been testing for the past ten years or -- 3 Q. Sir, I'm asking about this. In your 4 report, this third type of solar receiver. 5 A. No, it's been tested in -- it was firstly, 6 like I said, doing mathematical models. 7 Secondly, then it was tested in the inside 8 to make sure that the heat -- the transfer fluid 9 would transfer through the system economically, with 10 the -- with the least amount of restrictions placed 11 upon it, to use the least amount of energy and still 12 get the same heat transfer. 13 We were using a different heat source 14 other than the solar heat source to -- to heat the 15 system to see what kind of heat exchange would take 16 place within the piping, the size, the area, the 17 space of the total area of the heat exchangers. And 18 then by doing that we were able then to create the 19 heat exchanger in the proper dimensions and the 20 proper sizing of the pipe in order to get the least 21 amount of restrictions. 22 Then we -- then we placed the glass over 23 the heat exchangers, and then we determined how the 24 heat loss was from the -- from the manufacturer's 25 heat specs on their -- on their new glass that they</p>
<p style="text-align: right;">Page 162</p> <p>1 Q. Do you believe you've sent any data from 2 the testing of this third type of solar receiver to 3 Mr. Nelson? 4 A. I don't believe I have, but I don't really 5 know. We do have pictures of it, though. We have -- 6 we have pictures of it being in use. 7 Q. Mr. Johnson, how many of these third type 8 of heat exchangers do you currently have? 9 A. Right now, the final version we only -- we 10 only produced one to get the final test of. But the 11 actual -- the actual product is ready to be mass 12 produced. And all of the drawings are complete 13 and -- and will be sent to China to have them made 14 in -- in the quantities that we will -- we need, 15 other than the small quantities we'll use out in our 16 Delta site. But the drawings are all complete. 17 Q. Mr. Johnson, currently you have one of 18 this third type of receiver, correct? 19 A. That is correct, yes. 20 Q. For the testing you performed on this 21 third type of solar receiver, was it only out in 22 real-world conditions or what were the testing 23 conditions? 24 A. No, we could -- we -- we originally did 25 all the testing in -- inside, over a similar -- not</p>	<p style="text-align: right;">Page 164</p> <p>1 gave us, and we figured those from -- mathematically 2 using the trans -- what do you call it? The trans -- 3 heat transfer coefficients and see whether those heat 4 transfer coefficients were accurate, and then what 5 kind of insulations we could use around that that 6 would substitute for that and get -- 7 Q. Mr. Johnson -- 8 A. -- the same kind of heat. 9 Q. -- I'm going to stop you. I'm not asking 10 for a litany of everything you have ever done with 11 the heat exchanger. 12 A. Sorry. 13 Q. Where are the mathematical models that you 14 generated to test out this receiver? 15 A. Again, I don't keep those. 16 Q. You don't have them? 17 A. I don't keep them, no. 18 Q. Where did you test this third type of 19 solar receiver indoors? 20 A. At my Oasis building there, in one of the 21 rooms there that we have available for that very 22 purpose. 23 Q. What was the heat source that you used? 24 A. High-intensity light. 25 Q. Have you ever tested this third type of</p>

<p style="text-align: right;">Page 165</p> <p>1 solar receiver out on a tower?</p> <p>2 A. Yes.</p> <p>3 Q. When?</p> <p>4 A. Two weeks ago we placed it in the tower</p> <p>5 and -- we have a video of it. And it has, in fact,</p> <p>6 produced the same amount of efficiencies that we --</p> <p>7 that we gain in our -- in our mathematical models as</p> <p>8 well as the -- the actual testing using the high</p> <p>9 temperature, high -- high temperature light and --</p> <p>10 and so we -- we did that.</p> <p>11 And we also showed --</p> <p>12 Q. Okay, stop, stop.</p> <p>13 Had you ever, before two weeks ago, tested</p> <p>14 this third type of solar receiver on a tower?</p> <p>15 A. We had tested similar models --</p> <p>16 Q. Sir --</p> <p>17 A. -- but not this exact.</p> <p>18 Q. -- listen to my question --</p> <p>19 A. Okay.</p> <p>20 Q. -- and answer my question.</p> <p>21 A. Okay.</p> <p>22 Q. Please read it back.</p> <p>23 (Record was read as follows: "Had you</p> <p>24 ever, before two weeks ago, tested this third</p> <p>25 type of solar receiver on a tower?")</p>	<p style="text-align: right;">Page 167</p> <p>1 Q. -- that you describe in your report --</p> <p>2 A. Right.</p> <p>3 Q. -- the first time you tested it was two</p> <p>4 weeks ago, correct?</p> <p>5 A. If you count that as the -- if the -- if</p> <p>6 the difference is -- is glass, yes. We have tested</p> <p>7 it with glass but not this type of glass.</p> <p>8 Q. What, if any, data did you generate from</p> <p>9 the test two weeks ago?</p> <p>10 A. We -- we took some videos --</p> <p>11 Q. Any other data?</p> <p>12 A. -- in the process.</p> <p>13 No.</p> <p>14 Q. In the course of the testing two weeks</p> <p>15 ago, was the receiver then connected to any tubes or</p> <p>16 other piping to move the heat transfer fluid anywhere</p> <p>17 other than the receiver?</p> <p>18 A. No. Well, it came out of the receiver,</p> <p>19 obviously, and went into a heat exchanger too so we</p> <p>20 could measure the temperatures of the fluid. But,</p> <p>21 no, it didn't get to the turbine, if that's what</p> <p>22 you're saying. It got to a different -- a different</p> <p>23 place. We were able to transfer heat from that fluid</p> <p>24 into another fluid. If that's what you are saying,</p> <p>25 then, yeah, we did that.</p>
<p style="text-align: right;">Page 166</p> <p>1 A. The only difference between this tower --</p> <p>2 Q. Sir --</p> <p>3 A. -- and the last tower is --</p> <p>4 Q. Yes or no?</p> <p>5 A. Okay. No. We haven't tested this one</p> <p>6 because we only got the glass -- the special glass</p> <p>7 to -- to mai -- to maintain the temperature. And</p> <p>8 that was the reason why we went to this, is we</p> <p>9 finally found a glass that would operate --</p> <p>10 Q. Stop, sir.</p> <p>11 A. -- with the temperatures.</p> <p>12 Q. Stop.</p> <p>13 A. But similar -- we did the glass -- we have</p> <p>14 used glass --</p> <p>15 Q. Mr. Johnson --</p> <p>16 A. -- glass panes in the --</p> <p>17 Q. -- stop. I'm not -- I'm not interested</p> <p>18 in --</p> <p>19 A. -- but not this glass pane.</p> <p>20 Q. -- in the glass.</p> <p>21 A. Okay. Well, that's the only difference.</p> <p>22 Q. Okay.</p> <p>23 A. Okay.</p> <p>24 Q. This third type of solar receiver --</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. What heat transfer fluid did you use?</p> <p>2 A. We used an oil that the specifications are</p> <p>3 that it has a -- has an ignition point of 750</p> <p>4 degrees.</p> <p>5 Q. What oil?</p> <p>6 A. It's a special oil that -- that's used for</p> <p>7 solar energy fields.</p> <p>8 Q. Who produces it?</p> <p>9 A. I think Exxon does. I'm not positive,</p> <p>10 though. I think it's an Exxon product.</p> <p>11 Q. Do you know the brand name?</p> <p>12 A. No, I don't. It's -- it's on the -- it's</p> <p>13 on the container that it came in, though.</p> <p>14 Q. Do you keep track of what the temperature</p> <p>15 of the oil was inside the receiver?</p> <p>16 A. Yes, we did.</p> <p>17 Q. How did you do that?</p> <p>18 A. With a thermometer.</p> <p>19 Q. You had a thermometer inside the receiver?</p> <p>20 A. Yes.</p> <p>21 Q. What was the temperature?</p> <p>22 A. It was right around 800 -- 800 to</p> <p>23 900 degrees, at which time we got out of the way. We</p> <p>24 don't know how high the temperature went after that,</p> <p>25 because it blew all of the oil out of it.</p>

<p style="text-align: right;">Page 169</p> <p>1 Q. Sir, say again.</p> <p>2 A. It blew all the -- it got so hot that it</p> <p>3 blew all the oil out of it, evaporated it. Caused it</p> <p>4 to go into a vapor.</p> <p>5 Q. Doesn't sound like a very successful test</p> <p>6 to me.</p> <p>7 A. Sounds like a perfect test to me.</p> <p>8 Q. So it's successful when components blow</p> <p>9 up?</p> <p>10 A. Well, all we were doing is just testing</p> <p>11 where the point is of how fast you have to maintain</p> <p>12 the fluid in order to keep the fluid below that</p> <p>13 critical temperature point. We wanted to see what</p> <p>14 temperatures it would reach, and then we can</p> <p>15 calculate from that how fast the fluid has to go, the</p> <p>16 specific heat of the oil and how -- and how fast the</p> <p>17 fluid has to be transported. And then if something</p> <p>18 breaks, what is required to have a -- have a position</p> <p>19 where it would flash and -- and the vapor pressure</p> <p>20 would expand into a safe area without causing any</p> <p>21 damages.</p> <p>22 Q. Mr. Johnson, what's the aperture size of</p> <p>23 the solar receiver?</p> <p>24 A. About six inches, something like that.</p> <p>25 Six to eight inches.</p>	<p style="text-align: right;">Page 171</p> <p>1 receiver --</p> <p>2 A. Correct.</p> <p>3 Q. -- in the receiver's aperture, which is</p> <p>4 two feet by two feet?</p> <p>5 A. Correct.</p> <p>6 Q. How big is the receiver itself? What are</p> <p>7 its dimensions?</p> <p>8 A. It's two feet by two feet.</p> <p>9 Q. Turn your attention, please, to</p> <p>10 Plaintiff's Exhibit 644, Dr. Mancini's report on</p> <p>11 page 24. Is the receiver that we've been talking</p> <p>12 about the picture that we see in image 5(c)?</p> <p>13 A. No, it's 5(a). It's the -- it's the</p> <p>14 coils.</p> <p>15 Q. Take a look at 5(c), please.</p> <p>16 A. 5(c) is the vacuum tubes -- the evacuated</p> <p>17 tubes.</p> <p>18 Q. So where do those go?</p> <p>19 A. They were just used for testing. I don't</p> <p>20 use them.</p> <p>21 Q. Oh. So those vacuum tubes in 5(c) are the</p> <p>22 vacuum tube system that we discussed as your first</p> <p>23 option for a solar receiver?</p> <p>24 A. Well, actually, it was the first one. We</p> <p>25 just -- we were looking for a better -- a better</p>
<p style="text-align: right;">Page 170</p> <p>1 Q. Six inches square?</p> <p>2 A. No, it's round. Six to eight inches.</p> <p>3 Oh, the -- the size of the receiver?</p> <p>4 Q. The size of the aperture in the receiver.</p> <p>5 A. Well, that's two feet by two feet.</p> <p>6 Q. The aperture of the receiver, so that's a</p> <p>7 square?</p> <p>8 A. Uh-huh (affirmative).</p> <p>9 Q. Yes?</p> <p>10 A. Yes.</p> <p>11 Q. So what is six to eight inches in</p> <p>12 diameter?</p> <p>13 A. That's the focal point of the -- the focal</p> <p>14 point where the major light -- the energy is -- is</p> <p>15 concentrated at is the focal point. That -- that</p> <p>16 would be the aperture of the lens itself.</p> <p>17 Q. Well, sir, I believe what you are</p> <p>18 describing is the solar image.</p> <p>19 A. Exactly.</p> <p>20 Q. Yes, so the solar image --</p> <p>21 A. About six inches.</p> <p>22 Q. -- of the concentrated solar radiation</p> <p>23 from the Fresnel lens array is six to eight inches?</p> <p>24 A. Correct.</p> <p>25 Q. And that, right, hits the solar</p>	<p style="text-align: right;">Page 172</p> <p>1 glass --</p> <p>2 Q. Stop, Mr. Johnson. I just want to</p> <p>3 understand what we're looking for. And if you look</p> <p>4 back at your report on page 16. Page 16 --</p> <p>5 A. Okay.</p> <p>6 Q. -- of Plaintiff's Exhibit 643.</p> <p>7 A. Okay.</p> <p>8 Q. You say here, "The first is a vacuum tube</p> <p>9 system."</p> <p>10 Do you see that?</p> <p>11 A. That was just a reference to that first --</p> <p>12 what I'm going to explain.</p> <p>13 Q. I understand that.</p> <p>14 A. It isn't the first one I'm using.</p> <p>15 Q. I understand that, sir. But is the vacuum</p> <p>16 tube system that you identify on page 16 of 26 of</p> <p>17 your report the same thing that we see in 5(c) of</p> <p>18 Dr. Mancini's report?</p> <p>19 A. Correct, but that's not the one you're</p> <p>20 talking about.</p> <p>21 Q. I understand that.</p> <p>22 A. Okay.</p> <p>23 Q. I understand that.</p> <p>24 A. All right.</p> <p>25 Q. Okay. So now, Mr. Johnson, your testimony</p>



<p style="text-align: right;">Page 173</p> <p>1 is that the image in 5(a) of Dr. Mancini's report,  2 Plaintiff's Exhibit 644, is the third type of solar  3 receiver that you address in your report.  4 A. Except for the type of glass we use.  5 Q. Mr. Johnson, please take a look at page 18  6 of your report, which is Plaintiff's Exhibit 643.  7 A. Okay.  8 Q. The -- there is a paragraph that started  9 on the previous page and continues on this page.  10 Do you see that?  11 A. Okay.  12 Q. The last two sentences -- oh, and let me  13 check this with you first. This paragraph is still  14 talking about the third type of solar receiver in  15 your report, right?  16 A. Correct.  17 Q. The last two sentences of this paragraph  18 say, "This system is approximately 95 percent heat  19 absorbent."  20 A. Okay.  21 Q. "It retains between 95 to 98 of the  22 heat" -- excuse me -- "95 to 98 percent of the heat  23 put into the system and loses a minimal amount of  24 heat."  25 A. Right.</p>	<p style="text-align: right;">Page 175</p> <p>1 source of data to support your assertion that the  2 receiver is approximately 95 percent heat absorbent.  3 A. Right.  4 Q. And you talked about actual measurements  5 of the device.  6 A. Right.  7 Q. Okay.  8 A. Both of which are reproducible by anybody.  9 Q. Any other source of data to support your  10 assertion that the solar receiver is approximately  11 95 percent heat absorbent?  12 A. I don't have any idea how else you would  13 test it.  14 Q. Did you keep the results of your  15 mathematical modeling?  16 A. Oh, probably some, but I don't -- it's --  17 like I said, I don't -- I don't normally keep them,  18 so I don't know.  19 Q. Did you keep it or not?  20 A. It may still be around. I'm still not  21 through with it, so it possibly would still be around  22 in one of my folders, but it's just done recently.  23 It won't be for very long, so...  24 Q. So you're planning to destroy it soon?  25 A. I do, yes.</p>
<p style="text-align: right;">Page 174</p> <p>1 Q. Did I read those sentences correctly?  2 A. Yes.  3 Q. What, if any, data do you have to support  4 the first sentence, that the solar receiver is  5 approximately 95 percent heat absorbent?  6 A. That's -- that's mathematically provable  7 by the -- by the -- by the material that we used and  8 the heat condition -- heat trans -- heat transfer  9 co -- coefficients to define those characteristics.  10 So that this, when it was done  11 mathematically, to start with, to demonstrate that  12 the -- that the material itself was capable of -- of  13 retaining at least that much, and possibly more,  14 because of the heat transfer character coefficients.  15 The second tests were done by an actual  16 measurement of the device for a period of, say, one  17 hour, and it retained its heat between 95 and  18 90 percent of the system. So that would make it so  19 it would be possible, even if the system moves  20 slightly, and even got out of -- out of focus --  21 Q. Stop, sir.  22 A. -- it would still retain --  23 Q. Stop.  24 A. -- the heat.  25 Q. That's okay. You talked about math as one</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. Uh-huh. Where, if at all, are you keeping  2 any data regarding the actual measurement of  3 temperatures in the device?  4 A. I don't keep those. Again, I don't keep  5 that kind of information.  6 Q. What kind of tools do you use to measure  7 the temperature in the device?  8 A. Electronic temperature measuring devices.  9 Q. Are those installed on the inside of  10 these --  11 A. Some are on the inside; some are outside.  12 Q. Let me finish the question.  13 A. Oh, sorry.  14 Q. So some of the thermometers are installed  15 on the inside of the receiver; yes?  16 A. Yes.  17 Q. And some are on the outside?  18 A. Correct.  19 Q. How were the thermometers connected  20 back -- let me withdraw that question.  21 How are the thermometers on the inside of  22 the solar receiver connected back to a place where  23 you can read the temperature?  24 A. We use it -- for the electronic side we  25 use a thermal insulated wire.</p>

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1 Q. Where does that wire end so that you can  
2 read the temperature?  
3 A. Just goes to the -- to a place where I can  
4 stand and watch it. If we need to move on it, we  
5 have a lift that we can get up to where the receiver  
6 is and -- and measure the temperatures right there at  
7 the lift.  
8 Q. So is the readout of the temperature  
9 somewhere installed on the outside of the receiver  
10 itself?  
11 A. It's installed where I can hold it so I  
12 can look at it.  
13 Q. And what I want to understand is where is  
14 that, like, in physical space.  
15 A. Just wherever I happen to be with -- with  
16 the device. And if I use a lift, I use a lift to get  
17 up to the point where the -- where the length of the  
18 wires are such that I can -- I can watch the  
19 temperature and still maintain a safe distance  
20 between me and the heat source. It's called a man  
21 lift.  
22 Q. So, Mr. Johnson, you testified about a  
23 thermal insulated wire --  
24 A. Uh-huh (affirmative).  
25 Q. -- that is inside the receiver.

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1 A. Well, I stick it up the tube. It goes up  
2 the tube, and I can cap it off and then put oil into  
3 it, and I can get a temperature reading on it.  
4 Q. Yeah. How do you maintain the integrity  
5 of the system if you are sticking a probe into a tube  
6 in the receiver?  
7 A. Well, the tube has to come out somewhere  
8 in order to transfer the heat to the fluid somewhere  
9 else. And where that comes out, that's where I put  
10 the probe.  
11 Q. So if you put a probe in where the heat  
12 transfer fluid would come out --  
13 A. Right.  
14 Q. -- then when you're doing the temperature  
15 readings inside the receiver --  
16 A. Right.  
17 Q. -- it's not connected to anything  
18 elsewhere where it would send the heat transfer  
19 fluid, correct?  
20 A. No. You put a little T in it and you put  
21 the -- your measuring device through the T and then  
22 the fluid comes out. I mean that's --  
23 Q. Speak up, sir, please. She needs to hear  
24 you.  
25 A. I'm sorry. My voice is getting wore out.

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1 I -- I just put a T on there and put a  
2 temperature measuring device in the T. That's fairly  
3 common. I don't think that's a -- I don't think  
4 that's an issue. I think that's the silliest thing  
5 I've ever heard.  
6 Q. Have you -- have you kept track of the  
7 various temperatures you've recorded inside the solar  
8 receiver?  
9 A. Not pertinent. I -- I use it for my own  
10 information, but I keep those things where no one  
11 else can see them.  
12 (Discussion off the record.)  
13 Q. How do you know, Mr. Johnson, that the  
14 receiver loses a minimal amount of heat only?  
15 A. Well, you can measure the temperature when  
16 you're -- when you're fully -- when the system is  
17 fully heated. And then you cap it all off and you  
18 don't have any transfer fluid moving. And then the  
19 heat that's captured in that area then will stay --  
20 stay there. And as long as your insulation factor on  
21 your -- on your piping is -- is such that it -- they  
22 have minimal heat loss on your piping structure, the  
23 rest of your heat loss then would come from the  
24 degradation of the heat leaving the area of the -- of  
25 the system. And it doesn't.

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1 Q. Well, and you agree, though, Mr. Johnson,  
2 that a -- it's important for efficiency of any solar  
3 energy system that heat losses be minimized, correct?  
4 A. Yeah, not according to the -- not  
5 according to the IRS --  
6 Q. Excuse me?  
7 A. -- it isn't. Yes. You have -- you have  
8 down in Ivanpah --  
9 Q. No, no.  
10 A. -- the system down in Ivanpah --  
11 Q. No, sir.  
12 A. Now, you asked the question.  
13 Q. No. Mr. Johnson --  
14 A. Ivanpah does not have any insulation --  
15 Q. I object to the responsiveness of the  
16 answer.  
17 A. It has 60 percent less --  
18 THE REPORTER: Hold on. I can't -- stop.  
19 I can't get you both at the same time.  
20 (Discussion off the record.)  
21 Q. Mr. Johnson, stop.  
22 A. You said was it relevant to the IRS, and I  
23 said no, and you said why.  
24 Q. Sir --  
25 A. And I said the reason why is because you

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1 allow the -- the -- the tax credits to be given to  
 2 Ivanpah, which they have no way of insulating that  
 3 heat source, and they lost 70 percent of what they  
 4 predicted they were going to get.  
 5 Q. Object to the responsiveness of the  
 6 answer.  
 7 A. And they are going broke.  
 8 Q. Stop, Mr. Johnson.  
 9 A. No, I'm not going to stop. When you ask a  
 10 question that stupid, then you deserve the answer.  
 11 Q. Would you please read back my question?  
 12 (Record was read as follows: "Well, and  
 13 you agree, though, Mr. Johnson, that a -- it's  
 14 important for efficiency of any solar energy  
 15 system that heat losses be minimized, correct?")  
 16 A. And I said not according to the IRS.  
 17 Q. Sir, the IRS --  
 18 A. And I demonstrated the proof of that by a  
 19 fact, that the Ivanpah system -- and you can go down  
 20 there right now and fly from here to Salt Lake and go  
 21 down there and see it. They don't have any  
 22 insulating around their -- their piping at all that  
 23 receives their heat.  
 24 Q. Object to the responsiveness of the  
 25 answer.

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1 A. And that's why it's not efficient.  
 2 Q. Stop talking about Ivanpah, Mr. Johnson.  
 3 A. I am not going to stop talking about  
 4 Ivanpah. I'm going to talk about it until I die.  
 5 That's the stupidest thing I ever heard, and this guy  
 6 was involved in doing it.  
 7 MR. SNUFFER: We've been going a little  
 8 over an hour and a half. Why don't we take a  
 9 bathroom break.  
 10 MS. HEALY GALLAGHER: By all means.  
 11 THE WITNESS: Okay. All right. No, I  
 12 will not stop talking about something that you people  
 13 have done and have never corrected it, and it is  
 14 costing the public thousands and millions and  
 15 hundreds of millions of dollars. And it's still  
 16 costing the government. And me, personally, my tax  
 17 dollars is going to fund that still.  
 18 MS. GALLAGHER: Please take your client on  
 19 a break, Mr. Snuffer.  
 20 THE WITNESS: So you want to bring up that  
 21 issue again, go ahead.  
 22 (A break was taken from 2:44 p.m. to  
 23 2:51 p.m.)  
 24 MS. HEALY GALLAGHER: Back on the record  
 25 after a short break.

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1 Q. Mr. Johnson, did you talk to anybody about  
 2 the facts of this case on the break?  
 3 A. Yeah, I talked to your other attorney.  
 4 Complained about me to you.  
 5 Q. What did you talk about?  
 6 A. He yelled at my attorney and told me not  
 7 to stop yelling at him -- I mean to stop talking to  
 8 him.  
 9 MR. MORAN: Yes. Mr. Johnson persisted in  
 10 talking to me about the case.  
 11 THE WITNESS: I didn't know it was the  
 12 case. I was talking about Ivanpah.  
 13 MR. MORAN: I expressed to him and his  
 14 attorney, who was in the bathroom at the time, that  
 15 Mr. Johnson needed to cease talking to me without his  
 16 attorney present.  
 17 MS. HEALY GALLAGHER: Mr. Snuffer, do you  
 18 have anything to add?  
 19 MR. SNUFFER: Yeah, I was in the bathroom,  
 20 and I told him to tell my client to be quiet.  
 21 THE WITNESS: Whereupon he did and I  
 22 almost shut up. I mean, I tried too. Okay. I  
 23 apologize. Let's go on.  
 24 Q. (BY MS. HEALY GALLAGHER) And I would also  
 25 ask on the record, Mr. Johnson, that you do not talk

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1 to any attorney for the United States with your  
 2 attorney not present, okay?  
 3 A. All right. We won't talk about skiing  
 4 anymore. I'm sorry. That's the end of that. I was  
 5 trying to be nice and -- this time I was just trying  
 6 to get my point across but wasn't doing a very good  
 7 job of it.  
 8 Q. Mr. Johnson, I'm going to ask you again --  
 9 and this question has nothing to do with the IRS.  
 10 But for any solar energy system, efficiency is  
 11 maximized when heat loss in the system is minimized;  
 12 isn't that right?  
 13 A. Correct.  
 14 Q. So how did you minimize heat losses from  
 15 the solar receiver?  
 16 A. Okay. What you do is you have a system, a  
 17 cavity, where the -- the -- the piping of the heat  
 18 receiver goes. And within that cavity, then you  
 19 insulate that with various insulating properties.  
 20 The one we use has a heat transfer  
 21 coefficient of .0664 watts per meter-K. And so then  
 22 the insulation can be then mathematically determined  
 23 of how much heat flow will transfer through that  
 24 cavity, through that insulating properties to the  
 25 outside -- the outside environment.

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1 Whereupon, we also then have a -- a glass  
2 cover that also then reduces the amount of heat that  
3 can be transported through the glass into the outside  
4 environment. This is accomplished by placing two  
5 insulated glasses with an insulation of Zeon, which  
6 has a -- I don't see the coefficient, but it's about  
7 .0016 or 64.

8 And -- so multiplying all those figures  
9 together, then we get the heat transfer from that  
10 cavity into the atmosphere.

11 The piping then is totally insulated from  
12 the environment which is inside the cavity.

13 And so when heat is not being introduced  
14 to the system through the solar energy, the heat will  
15 still maintain a -- will still stay into the -- into  
16 the cavity because of the insulative capacities of  
17 the material used to isolate the coils -- heat coils  
18 or heat pipes from the outside environment.

19 At .064 you would get less than one  
20 percent out of that. So this is -- this is --  
21 we're -- we're obviously a little bit higher. But --  
22 so we -- we have approximately said 95 percent, which  
23 is actually -- it is a -- retains even a higher  
24 amount than 95 percent.

25 Q. And, Mr. Johnson, what, if any data, have

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1 you kept to track the ways that you have decreased  
2 heat loss from the solar receiver?

3 A. Again, because this is proprietary  
4 information, we do not share that, and it's  
5 proprietary the way we do things. We do not share  
6 this information. And so we keep it separate. And  
7 I -- and I do not have to -- I do not keep it,  
8 because we do not have the security necessary to keep  
9 my information from being taken or given out to the  
10 other people, so -- therefore, I -- I usually destroy  
11 that information.

12 However, it is reproducible, both  
13 mathematically and experimentally, by anybody that --  
14 that has the capacity to understand the system.

15 Q. So, Mr. Johnson, you do not keep data on  
16 what you've done to minimize the heat losses from the  
17 receiver, correct?

18 A. No, because I can -- I can -- I know what  
19 it is and I can reproduce it.

20 Q. So you do not keep data regarding the  
21 efforts that you've taken to reduce heat losses from  
22 the solar receiver, correct?

23 A. No, because it's not necessary.

24 Q. Is my statement correct?

25 A. Yes, your statement is correct.

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1 Q. Let's take a look, please, towards the  
2 bottom of page 18 of 26 of your report.

3 A. Okay.

4 Q. In the midst of the first sentence is the  
5 phrase, "IAS is in the final stage of developing a  
6 converter system of concentrated thermal solar energy  
7 using the Fresnel lens system for a concentrated  
8 photovoltaic system (CPV system)."

9 Do you see that?

10 A. Right.

11 Q. What, if any, data do you have regarding  
12 the CPV system?

13 A. It's in the patents, I think, that have  
14 just been issued.

15 Q. Mr. Johnson, what, if any, data do you  
16 have regarding the CPV system?

17 A. Well, I have the patents.

18 Q. So your answer is the only data you have  
19 is the patents?

20 A. That's the only thing necessary. I have  
21 the patents.

22 Q. Okay. So other than the patents, what, if  
23 any, data do you have from testing of the CPV system?

24 A. I think the patent has quite a bit of data  
25 associated with it. In order to get the patent, it

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1 had to work.

2 Q. Object to the responsiveness of the  
3 question -- of the answer.

4 Would you please read back my question?

5 (Record was read as follows: "So other  
6 than the patents, what, if any, data do you have  
7 from testing of the CPV system?")

8 A. I don't actually keep any data on hand.  
9 If I have any data it's in Dave's -- Nelson's hands,  
10 and he keeps that for me if I need it to refer to it  
11 all.

12 Q. So, Mr. Johnson...

13 A. Oh -- excuse me. There is one other thing  
14 that I might add to this.

15 We do have a report -- an expert report, a  
16 white paper you might call it, from BYU, that has  
17 validated the -- the CPV system and the voltage  
18 control board. So you have that.

19 Q. Mr. Johnson, who at BYU wrote a white  
20 paper regarding your CPV system?

21 A. It was the dean of the electrical  
22 engineering department, but I don't know his name.

23 Q. When did this person provide you the white  
24 paper?

25 A. Probably two years ago or so. I don't

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1 know. I mean -- it was some time ago.

2 Q. Do you know if that person is still the

3 dean of the electrical engineering school at BYU?

4 A. I don't know. He's older than I am, so

5 maybe not. I don't know if he does.

6 Q. Do you have any other data besides the

7 patents and this writing from BYU regarding the CPV

8 system?

9 A. We have pictures and we have the layout of

10 the circuits. The actual circuit is -- is available

11 to us. And the design that shows what the test --

12 how to set up the test is available. And because of

13 that, then the whole thing is reproducible.

14 Q. Okay. And where is that data?

15 A. I suppose you have it. I don't know if

16 you have the drawings. You probably do. Or the

17 patents.

18 Q. Mr. Johnson, you said a couple things that

19 make me curious about what your belief is regarding

20 what it means to receive a patent. So when you

21 receive a patent on a particular technology, what

22 does that mean to you?

23 A. What does it mean to me?

24 Q. Yes.

25 A. It means the patent office has decided

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1 that this is a very unique and new way of performing

2 whatever it is you're getting the patent about, and

3 they have -- and no one else has been able to do

4 that.

5 Q. Do you believe that the patent office has

6 made sure that that technology works?

7 A. In most cases it does. It doesn't allow

8 you to patent something that doesn't work. These are

9 very intelligent people and they are -- they are

10 specialists in their field. And so when they -- when

11 they evaluate the circuit they would understand just

12 how the circuit would work.

13 And when I defy that -- because they would

14 have to know because they -- they have to know how

15 the thing works in order to evaluate it and compare

16 it with other systems or products in the same -- in

17 the same area of expertise. And so, yes, they

18 would -- they would definitely know whether it would

19 work or not.

20 Q. Why do you think the Patent and Trademark

21 Office would try to figure out whether a technology

22 would work?

23 A. They would have to know whether the

24 technology works or not in order to make sure that it

25 wasn't -- it wasn't -- it wasn't creating some kind

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1 of an infringement on someone else's technology or

2 patents. They have to know that.

3 Q. Why do you think that?

4 A. Because I get the reports on my product.

5 And they tell me what -- what -- what other products

6 are close to it and describe their functions and

7 applications, and see whether or not mine -- my

8 applications or functions are within the realms of

9 theirs. And so they would have to understand the

10 difference. If they couldn't, they could not have

11 evaluated whether or not my patent would infringe on

12 theirs.

13 Q. Do you think, Mr. Johnson, that the Patent

14 and Trademark Office engages in testing of the

15 technology that you submit for patents?

16 A. In some aspects you have to -- you have to

17 give them information of what -- what you've done and

18 how you've developed the product and what information

19 is required to make the thing operational.

20 Q. Object to the --

21 A. And from that they would have to then

22 understand how the thing would work.

23 Q. Object to the responsiveness -- stop,

24 Mr. Johnson.

25 A. I'm not -- I'm not going to argue with you

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1 about the damn patent office.

2 Q. Mr. Johnson --

3 A. If you want to go argue, go argue with the

4 patent office.

5 Q. Object to the responsiveness of the

6 answer.

7 Would you please read back my question?

8 A. You asked me what I believed and you want

9 an argument. I told you what I believed, and now you

10 want to say that I don't.

11 Q. Mr. Johnson, we need to give the court

12 reporter a moment to look back at my question so that

13 she can read it to you again.

14 A. You said, "Do you" -- "do you believe,"

15 and I said, "Yes."

16 Q. Sir --

17 A. And I described why I believed that. And

18 now you want to say that -- that isn't the way it is.

19 If you want to be over on my side, then you come over

20 and answer the questions. I gave you the response

21 that you asked for, and now you're telling me I'm

22 full of shit, and I'm not. And that's exactly what

23 it is.

24 Now, if you want to believe something else

25 about the patent office, that's your prerogative.



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1 What I believe about the patent office is my  
2 prerogative. And I've had a lot of experience with  
3 it. And that has been my experience. And I just  
4 demonstrated why I believe what I believe.

5 Now, if you have some other belief, keep  
6 it to yourself, because it doesn't bother me.  
7 Otherwise, get over here.

8 Q. Sir, please stop talking so the court  
9 reporter --

10 A. Okay.

11 Q. -- can read back my question.

12 A. Go ahead.

13 (Record was read as follows: "Do you  
14 think, Mr. Johnson, that the Patent and  
15 Trademark Office engages in testing of the  
16 technology that you submit for patents?")

17 A. Yes, they do. Did you know that a -- a  
18 mathematical formula is considered a test on a  
19 product?

20 Q. Object to responsiveness of the answer.

21 A. Well, you asked me what I believed and  
22 why, and I just answered that question, so don't be  
23 crossing it out. That was exactly the question you  
24 just asked.

25 Q. Object to the responsiveness --

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1 A. Then cross out the whole damn question.  
2 MS. HEALY GALLAGHER: Off the record,  
3 please.

4 (Discussion off the record.)

5 MS. HEALY GALLAGHER: Back on.

6 Q. So, Mr. Johnson, you just testified that  
7 you believe that the Patent and Trademark Office  
8 tests the technologies that you submit for patent.

9 A. Yes, according to the testing --

10 Q. Yes or no. Answer it yes or no.

11 A. No.

12 Q. Yes, sir, I will give you a chance. The  
13 answer is yes or no.

14 A. Yes, they do.

15 Q. Yes. Okay. Why do you believe that?

16 A. Because it states in there that they -- a  
17 person has to be able to reproduce your product from  
18 the patent. And if it's not reproducible and doesn't  
19 do the same things as contained in your patent, your  
20 patent is not valid. It states right in your patent  
21 office.

22 Q. So what makes you believe, sir, that the  
23 Patent and Trademark Office itself is reproducing the  
24 technology -- stop -- that you submit for a patent?

25 A. Because -- because engineering and

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1 electronics is a highly developed skill and -- and  
2 technology, and the mathematics that it represents is  
3 full and highly developed, and it can be reproduced  
4 mathematically. And from the mathematics, that  
5 circuit works. And if it works mathematically, it  
6 works. And there isn't any question about the fact  
7 if it works mathematically that it will work  
8 according to the mathematics that you put together on  
9 it.

10 And the patent office understands that  
11 principle. And so if I developed a circuit that  
12 claims to do certain things and I explain the  
13 mathematics behind that circuit, that circuit will  
14 function exactly like the mathematics it defines.  
15 And that's how everything in this country is --  
16 everything in electronics and engineering is built,  
17 from the mathematics.

18 Q. Do you have any --

19 A. It's perfect models.

20 Q. Do you have any other reason to believe  
21 that the Patent and Trademark Office is reproducing  
22 your technology that you submit for a patent and  
23 determining that the technology works?

24 A. Look, I've answered that question enough,  
25 and I'm not going to get into whether the patent

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1 office are smart people or not. I understand that  
2 the government employees -- and government  
3 employees -- you understand what government  
4 employees' level of intelligence is, then you  
5 determine what their intelligence is. I think  
6 they're highly intelligent people or they wouldn't be  
7 doing what they are doing. If you choose to believe  
8 whatever you want to about them, I don't care.  
9 Q. Mr. Johnson, if, in fact, the Patent and  
10 Trademark Office does not make sure that technology  
11 is submitted in support of patents work, does that do  
12 anything to your --

13 A. It would invalidate the patent.

14 Q. Stop.

15 Does that do anything to your belief that,  
16 in fact, your technology works?

17 A. I never based my technology working on my  
18 patents. I never said that I did. I said that they,  
19 themselves -- if you -- if you have a piece of  
20 equipment that I can prove will not function  
21 according to the demonstrations that you've defined  
22 in your patent, and I cannot reproduce that system  
23 using that information gained in that patent, your  
24 patent is invalid. And that's a fact, and it says  
25 right in the regs that's a fact.

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1 Q. Mr. Johnson, you also just said that if an  
2 electronics idea works mathematically, then it works  
3 in the real world.

4 A. That's correct.

5 Q. Do you believe the same is true for  
6 principles underlying the transfer of solar radiation  
7 from the sun through a system to a turbine to produce  
8 electricity?

9 A. Yes. It's a mathematical certainty.  
10 There is no question about it. We've -- we've  
11 operated our whole -- our whole intellectual property  
12 rights on that very foundation.

13 Q. Is there any circumstance where real-world  
14 conditions might interfere with that perfect  
15 mathematical precision and operation?

16 A. It depends on the technology that has been  
17 fully developed. But there is no question about the  
18 fact that Fresnel lenses -- the mathematics on  
19 Fresnel lenses have fully worked.

20 None of them have been challenged in any  
21 kind of a physics potential and said anything that  
22 they don't work. Neither has anybody else been able  
23 to challenge the Fresnel lens laws of physics, that  
24 there are certain laws that will bend light. If that  
25 light bends, they -- the prism -- the prism effect on

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1 lenses have been well documented throughout history.  
2 They've never been challenged, never been disproven,  
3 and the mathematics that define those have never been  
4 shown that they are without any -- without any way of  
5 saying that they don't work.

6 If you make a model that represents that  
7 Fresnel lens with the mathematics that it defines, it  
8 will work, and that my system does work. And it has  
9 been proven it works. And -- and so we could go back  
10 and say, yeah, we proved it -- we proved that Fresnel  
11 was accurate. If that's what you want to hear, fine,  
12 I don't care, but that's a fact.

13 Q. Mr. Johnson, please turn to page 23 of 26  
14 of your report, Plaintiffs Exhibit 423.

15 A. Okay.

16 Q. Let's see. I'm looking at the last full  
17 paragraph on this page. And the first sentence  
18 starts, "The IAS system has been selling for several  
19 years."

20 Do you see that?

21 A. Yes.

22 Q. By "IAS system," do you mean your Fresnel  
23 lens -- lenses?

24 A. Yes.

25 Q. Has IAS been selling anything else for

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1 several years?

2 A. No.

3 Q. Turn, please, to page 24 of 26. The last  
4 paragraph on this page starts -- or is completely,  
5 "Lastly, RaPower3 has been selling its system in the  
6 open market for many years."

7 Did I read that correctly?

8 A. Correct.

9 Q. In this sentence, "system" also means  
10 lens, correct?

11 A. Correct.

12 Q. Mr. Johnson, why use system in these two  
13 places when what you mean is lens?

14 A. Because the lenses are a system. They are  
15 a system to concentrate solar energy. And by that  
16 definition they are a complete system. The lens  
17 angles on every curve is a component of the -- of the  
18 lens and the -- and the total -- the total curves on  
19 that real lens system makes up the total system.  
20 There are millions -- there is thousands of  
21 components in a Fresnel lens system, and those  
22 components are derived from a mathematical formula  
23 that spaces them differently as they go toward the  
24 outer curvature of the lens itself. That creates a  
25 system of components built into a system called a

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1 Fresnel lens. Those lenses are prisms. And they  
2 follow the same laws of physics that every other  
3 prism system does. And if you can define the prism  
4 system and the coefficient that's based upon the  
5 material which it goes through, you can then predict  
6 the curvature and how much -- how much that will  
7 curve that lens array as it passes through that  
8 particular -- particular system -- that particular --  
9 what do you call it? I'm getting tired. I am  
10 forgetting what I'm talking about.

11 The prism. And it's -- it's mathe -- it's  
12 a mathematical certainty that the lens -- the light  
13 waves at that particular frequency will curve at this  
14 angle, and they will spread mathematically according  
15 to the wave length of each -- of the light source  
16 that goes through it, and that's where you get a  
17 spread in a prism. And that prism then creates a  
18 small -- if you design it properly, you will get,  
19 then, a small portion of the lens to scatter down at  
20 the focal point based upon the coefficients of -- of  
21 the system itself. So that creates a system.

22 (EXHIBIT 645 WAS MARKED.)

23 Q. Mr. Johnson, you've been handed what's  
24 been marked as Plaintiff's Exhibit 645. It's  
25 actually got two pages, so make sure you see both.

<p style="text-align: right;">Page 201</p> <p>1 A. Okay.</p> <p>2 Q. Do you recognize Plaintiff's Exhibit 645?</p> <p>3 A. Yes, I do.</p> <p>4 Q. What is it?</p> <p>5 A. It's a transformer.</p> <p>6 Q. And this transformer is at the back of the</p> <p>7 house on the construction site, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And when I say "this," I'm talking about</p> <p>10 the first page of Plaintiff's Exhibit 645.</p> <p>11 A. Okay.</p> <p>12 Q. Right?</p> <p>13 A. Okay.</p> <p>14 Q. The second page of Plaintiff's Exhibit 645</p> <p>15 is the label on that transformer, correct?</p> <p>16 A. Okay.</p> <p>17 Q. Is that right?</p> <p>18 A. Correct.</p> <p>19 Q. And you see, Mr. Johnson, the time and</p> <p>20 date stamp on each of these screenshots?</p> <p>21 A. Okay.</p> <p>22 Q. It's April 4, 2017, right?</p> <p>23 A. Okay.</p> <p>24 Q. Yes?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 203</p> <p>1 A. Correct.</p> <p>2 Q. From International Automated Systems?</p> <p>3 A. Correct.</p> <p>4 Q. And the first three checks are to you,</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. All from February 25th, 2005.</p> <p>8 A. Okay.</p> <p>9 Q. Yes?</p> <p>10 A. Yes.</p> <p>11 (EXHIBIT 647 WAS MARKED.)</p> <p>12 Q. Mr. Johnson, you've been handed what's</p> <p>13 been marked Plaintiff's Exhibit 647. For the record,</p> <p>14 the Bates number is Zions_Bank-000396.</p> <p>15 A. Okay.</p> <p>16 Q. Do you recognize Plaintiff's Exhibit 647?</p> <p>17 A. Well, I know what it is. I mean, it's a</p> <p>18 check.</p> <p>19 Q. It's a check from International Automated</p> <p>20 Systems, Inc., correct?</p> <p>21 A. That's correct.</p> <p>22 Q. To the NP Johnson Family Limited</p> <p>23 Partnership, right?</p> <p>24 A. Correct.</p> <p>25 Q. And that limited partnership was owned by</p>
<p style="text-align: right;">Page 202</p> <p>1 Q. Is Plaintiff's Exhibit 645 a true and</p> <p>2 accurate representation of what was visible on our</p> <p>3 site visit on April 4, 2017?</p> <p>4 A. I believe it to be so.</p> <p>5 Q. Mr. Johnson, do you recall the first date</p> <p>6 that IAS purchased lenses from Plaskolite?</p> <p>7 A. I don't. It was a long time ago.</p> <p>8 Q. Mr. Johnson, you own a portion of</p> <p>9 International Automated Systems, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And, Mr. Johnson, at least in the past,</p> <p>12 International Automated Systems has paid you money,</p> <p>13 correct?</p> <p>14 A. Well, they may have paid me a little bit</p> <p>15 of money. Not much.</p> <p>16 (EXHIBIT 646 WAS MARKED.)</p> <p>17 Q. I'm showing you, Mr. Johnson, what's been</p> <p>18 marked Plaintiff's Exhibit 646.</p> <p>19 A. Okay.</p> <p>20 Q. Do you recognize Plaintiff's Exhibit 646?</p> <p>21 A. Correct.</p> <p>22 Q. Yes?</p> <p>23 A. Yes.</p> <p>24 Q. The first -- it's a series of checks,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 204</p> <p>1 you and members of your immediate family, right?</p> <p>2 A. Correct.</p> <p>3 Q. And this check is dated January 27, 2012,</p> <p>4 right?</p> <p>5 A. Correct.</p> <p>6 Q. International Automated Systems has also</p> <p>7 paid money to members of your family, right?</p> <p>8 A. I think they paid wages to some members,</p> <p>9 and some members they've reimbursed for activities</p> <p>10 that they've done for the company.</p> <p>11 (EXHIBIT 648 WAS MARKED.)</p> <p>12 Q. I'm handing you what's been marked</p> <p>13 Plaintiff's Exhibit 648, Bates-marked</p> <p>14 BankofAmericanFork-000195.</p> <p>15 Mr. Johnson, Plaintiff's Exhibit 648 has</p> <p>16 four checks on it, correct?</p> <p>17 A. Yes, uh-huh.</p> <p>18 Q. The second check is to LaGrand Johnson.</p> <p>19 Do you see that?</p> <p>20 A. Uh-huh (affirmative).</p> <p>21 Q. Yes?</p> <p>22 A. Yes.</p> <p>23 Q. From International Automated Systems,</p> <p>24 dated January 17, 2005, right?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">Page 205</p> <p>1 Q. And below that is a check to  2 Glenda Johnson dated January 26th, 2005, correct?  3 A. Yes.  4 Q. From International Automated Systems?  5 A. Correct.  6 Q. LaGrand Johnson is your son?  7 A. Correct.  8 Q. Do you know, Mr. Johnson, what other  9 source of income LaGrand Johnson had in 2005?  10 A. In 2005?  11 Q. Yes.  12 A. Well, he's a doctor too, and so he could  13 be practicing some medicine at that time. But I  14 think that he did get paid from International  15 Automated Systems for keeping track of the books and  16 things.  17 Q. Uh-huh. is LaGrand Johnson a practicing  18 doctor now?  19 A. He does when he wants to. He does it when  20 he wants to, so...  21 Q. Does he have an office -- a medical  22 office?  23 A. No, not right now, but he has had.  24 Q. When is the last time he had a medical  25 office?</p>	<p style="text-align: right;">Page 207</p> <p>1 family limited partnership probably did something for  2 them, so they got paid. It's in the -- it's a public  3 company, and there's public accounting records of it.  4 I do not know what it is, but I'm sure there's a --  5 there's a receipt for it somewhere. I wouldn't know  6 where it is, but that's what it would be.  7 I'm sure if we did anything illegal, I'm  8 sure that we would have been caught by now. We  9 don't -- we don't break the law. Never have.  10 (EXHIBIT 649 WAS MARKED.)  11 Q. I'm handing you what's been marked  12 Plaintiff's Exhibit 649, Bates number WF-001470.  13 A. Uh-huh (affirmative).  14 Q. Mr. Johnson, Plaintiff's Exhibit 649 is a  15 check from Cobblestone Center to the Howard County  16 Tax Office.  17 Do you see that?  18 A. Sure.  19 Q. And the memo has some numbers in there.  20 And then it says, "For Johnson NP Family Limited  21 Partner."  22 Do you see that?  23 A. Uh-huh (affirmative).  24 Q. Yes?  25 A. Right.</p>
<p style="text-align: right;">Page 206</p> <p>1 A. Well, the last time he -- I don't know --  2 I don't know. I have no idea, but he's a licensed  3 doctor so he makes -- he can make money -- he worked  4 for the government one time. The government hired  5 him for -- to be a -- some kind of a doctor for them.  6 Q. What, if any, employment does  7 Randy Johnson have currently?  8 A. None.  9 Q. None?  10 A. He works for the company. He works -- he  11 did work for International Automated Systems.  12 Q. When is the last time Randy Johnson had  13 any employment outside of one of your businesses?  14 A. I don't think he ever has. He has a  15 degree in programing, though. He could have if he  16 wanted to.  17 Q. To your knowledge, are your businesses  18 Randy Johnson's only source of income?  19 A. Yes. It doesn't mean he does anything. I  20 mean -- I shouldn't say that. I'm just kidding.  21 That's a joke.  22 Q. Going back to Plaintiff's Exhibit 647, do  23 you have any idea why IAS would have been paying your  24 family limited partnership?  25 A. Yeah, they probably owed it -- they -- the</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Why was Cobblestone Center paying  2 something for the NP Johnson Family Limited  3 Partnership?  4 MR. SNUFFER: You know, I --  5 THE WITNESS: Without going --  6 MR. SNUFFER: Hold on, hold on. I've been  7 patient, and I'm trying to get this over with, but I  8 don't see how any of this relates to the expert  9 report, expert opinion. I think this is the sort of  10 thing that ought to have been asked before, during  11 one of the prior depositions.  12 You can answer this question if you know.  13 THE WITNESS: No, I'm not going to answer  14 the question. It's not required.  15 MR. SNUFFER: But I object. I think it's  16 beyond the scope of the purpose that we are here  17 today.  18 THE WITNESS: This isn't -- this isn't  19 part of my expert testimony.  20 MS. HEALY GALLAGHER: So, Mr. Snuffer, you  21 agree, don't you, that bias is a fair area of inquiry  22 for any expert witness?  23 THE WITNESS: You already know my bias.  24 You already know that it's not -- you don't even have  25 to go into it. You know that I'm the president of</p>

<p style="text-align: right;">Page 209</p> <p>1 IAS.</p> <p>2 MR. SNUFFER: Hold on. Hold on. She's</p> <p>3 asked me a question.</p> <p>4 THE WITNESS: I'm sorry. I didn't -- I</p> <p>5 didn't mean to interrupt.</p> <p>6 MR. SNUFFER: Yeah. And -- and that's why</p> <p>7 I thought it was a fair question when you asked</p> <p>8 him -- it was back here -- when you asked him about</p> <p>9 his ownership. He owns part of IAS, and he's</p> <p>10 acknowledged that IAS has paid a little, but not a</p> <p>11 lot, to him. And I even thought it was fair to use</p> <p>12 Exhibit 646. But we're now into something called</p> <p>13 Cobblestone Center, and we're talking about a tax</p> <p>14 office, and I don't know how that shows bias.</p> <p>15 MS. HEALY GALLAGHER: Well, you are</p> <p>16 welcome to make relevance objections. I would like</p> <p>17 an answer to my question from Mr. Johnson.</p> <p>18 MR. SNUFFER: My objection is not to</p> <p>19 relevance; it's to the scope of the deposition for</p> <p>20 which we've produced this witness here today to talk</p> <p>21 about his report, and I can see no connection. I can</p> <p>22 see no probable connection at all between Cobblestone</p> <p>23 paying a tax bill and bias.</p> <p>24 If you want to impeach his testimony in</p> <p>25 his expert report because he has an ownership</p>	<p style="text-align: right;">Page 211</p> <p>1 Q. And, Mr. Johnson --</p> <p>2 A. So there you go.</p> <p>3 Q. -- my question is, why is Cobblestone</p> <p>4 Center making a payment to a county tax office that</p> <p>5 has anything to do with the NP Johnson Family Limited</p> <p>6 Partnership?</p> <p>7 A. That has nothing to do with me owning or</p> <p>8 bias. All it has to do with, whether or not I have</p> <p>9 the right to write a check. I have the right to</p> <p>10 write a check to whoever I choose to because of my</p> <p>11 position as manager of Cobblestone Center.</p> <p>12 I do not have to account to that check to</p> <p>13 you unless you can show a relevance to my being</p> <p>14 biased or something to do with my expert testimony.</p> <p>15 Q. Objection to the responsiveness of the</p> <p>16 answer.</p> <p>17 Would you please read it back?</p> <p>18 A. The fact is I don't know what the check is</p> <p>19 for. I'd -- I'd have to go back and look anyway. I</p> <p>20 don't know what that is for. It might be that we --</p> <p>21 Q. Stop.</p> <p>22 A. We have a little --</p> <p>23 Q. Stop. Stop. Stop. Please let the court</p> <p>24 reporter search back in this transcript.</p> <p>25 A. I think I do know what that's for. I</p>
<p style="text-align: right;">Page 210</p> <p>1 interest in AIS, I think that's fair.</p> <p>2 MS. HEALY GALLAGHER: Mr. Snuffer, do you</p> <p>3 know how Cobblestone Center is involved in this whole</p> <p>4 situation?</p> <p>5 MR. SNUFFER: No clue.</p> <p>6 MS. HEALY GALLAGHER: Okay. Well, I</p> <p>7 happen to know that it is involved, and I happen to</p> <p>8 know from Mr. Johnson's testimony earlier this year</p> <p>9 that he has at least an indirect ownership of</p> <p>10 Cobblestone and supposedly it's the entity that's</p> <p>11 installing all these towers.</p> <p>12 Q. So it is a fair question, and I will have</p> <p>13 an answer to it, Mr. Johnson.</p> <p>14 A. You can ask me if I have an ownership in</p> <p>15 Cobblestone, and I do have. Whether or not that</p> <p>16 check has any bearing on whether or not I have an</p> <p>17 ownership in Cobblestone, that check doesn't prove</p> <p>18 one thing to ownership of my company. So this is,</p> <p>19 again, irrelevant to your question of showing</p> <p>20 ownership.</p> <p>21 If you want to show ownership, ask me and</p> <p>22 I'll tell you. I do own -- I do have a relationship</p> <p>23 with Cobblestone Center. I do not know what it is,</p> <p>24 but I do know that there is -- is some way that I own</p> <p>25 a little, small piece of it.</p>	<p style="text-align: right;">Page 212</p> <p>1 don't know for sure, but I --</p> <p>2 MR. HEALY GALLAGHER: Mr. Snuffer, you're</p> <p>3 the one who wants to get out of here.</p> <p>4 MR. SNUFFER: Yeah, I am.</p> <p>5 THE WITNESS: I don't care. I can sleep</p> <p>6 here as well as I can at home.</p> <p>7 MR. SNUFFER: Yeah, but every time you</p> <p>8 talk she is writing it down when she is trying to go</p> <p>9 back and reread a question.</p> <p>10 THE WITNESS: Oh, I'm sorry. Excuse me.</p> <p>11 I apologize. That's very -- that's not very nice of</p> <p>12 me. I apologize for that.</p> <p>13 There is --</p> <p>14 MS. HEALY GALLAGHER: Stop.</p> <p>15 THE WITNESS: I'm just trying to finish</p> <p>16 off the question.</p> <p>17 MR. SNUFFER: Look, if you want to be</p> <p>18 polite, say nothing. Let her do the research.</p> <p>19 THE WITNESS: All right. I'm sorry. I'm</p> <p>20 sorry. I apologize. When I get tired, I get a</p> <p>21 little mouthy.</p> <p>22 MR. SNUFFER: I'm serious.</p> <p>23 THE WITNESS: Okay.</p> <p>24 (Record was read as follows: "My question</p> <p>25 is, why is Cobblestone Center making a payment</p>



<p style="text-align: right;">Page 213</p> <p>1 to a county tax office that has anything to do  2 with the NP Johnson Family Limited  3 Partnership?")  4 MR. SNUFFER: To which I object because  5 it's beyond the scope of the deposition scheduled for  6 today.  7 If you know an answer and you're certain  8 of it and you think it relates to your bias, you can  9 answer.  10 MS. HEALY GALLAGHER: I object to that  11 instruction.  12 Q. Mr. Johnson, answer the question.  13 A. I don't know the answer to it. I have not  14 a clue. I don't even know what the -- I've never  15 seen the check before. So I don't even know what it  16 is. Whether it's relevant or whether it's not  17 relevant, I wouldn't know.  18 I have accounting people that take care of  19 all of that nonsense for me.  20 Did I say the same thing about the judge?  21 Where does the judge get his paycheck from?  22 MR. SNUFFER: There is no pending  23 question.  24 THE WITNESS: Oh. I'm just asking. If  25 you are looking at bias --</p>	<p style="text-align: right;">Page 215</p> <p>1 do I think that a payment to Randy Johnson for  2 commission or anything has any reflection of bias  3 related to an expert report for which today's  4 deposition was scheduled.  5 Q. (BY MS. HEALY GALLAGHER) Mr. Johnson,  6 what is this commission for from Cobblestone Center?  7 A. I don't know that. You would have to go  8 to my accountants for all of that. I -- you'd have  9 to see the -- what the background is on it. I don't  10 have it.  11 Q. Well, is Cobblestone Center a sales  12 entity?  13 A. I don't have it. They are -- I -- what  14 Cobblestone does or doesn't do is Cobblestone's  15 prerogative, according to the bylaws, and it can sell  16 product if it chooses to.  17 Q. And, Mr. Johnson, you are the manager for  18 Cobblestone Center; isn't that right?  19 A. That is correct.  20 Q. So what, if anything, does Cobblestone  21 center sell?  22 MR. SNUFFER: I'm objecting because he's  23 not in here today in his capacity as a manager of  24 Cobblestone to be deposed about anything related to  25 the business of Cobblestone. He's here today to</p>
<p style="text-align: right;">Page 214</p> <p>1 MRS. JOHNSON: Neldon.  2 MR. SNUFFER: I'm just saying, they are  3 worried about bias --  4 MRS. JOHNSON: Neldon, stop. You are  5 tired. Stop.  6 THE WITNESS: I'm just saying. Okay.  7 Q. (BY MS. HEALY GALLAGHER) In fact,  8 Cobblestone Center also makes payments to your son,  9 LaGrand Johnson, correct?  10 A. Correct. He works for the company.  11 Q. Cobblestone Center makes payments to  12 Randy Johnson, correct?  13 A. Correct. They work for the company.  14 (EXHIBIT 650 WAS MARKED.)  15 Q. Mr. Johnson, you've been handed what's  16 been marked Plaintiff's Exhibit 650. 650 is  17 WF-001219. This exhibit is a check from Cobblestone  18 Center to Randy Johnson, correct?  19 A. Yes.  20 Q. For \$30,000?  21 A. Correct.  22 Q. And the memo says, "Commission for July 1,  23 2014, to December 31, 2014," correct?  24 MR. SNUFFER: Objection. I don't think  25 this is related to the scope of the deposition, nor</p>	<p style="text-align: right;">Page 216</p> <p>1 testify about an expert report that he prepared.  2 THE WITNESS: They sell pipe.  3 Q. (BY MS. HEALY GALLAGHER) I'm sorry, what  4 did you say?  5 A. They could have sold pipe. I don't know.  6 MRS. JOHNSON: Neldon, stop.  7 THE WITNESS: He knows. I asked -- he  8 asked -- I have to answer the question. Anyway. But  9 I do not know what it's about. I don't know what  10 it's for. I would -- I would have to go to the  11 accountants and find out. If it's pertinent to the  12 case, I will; if it's not, I won't.  13 Q. (BY MS. HEALY GALLAGHER) \$30,000 is a big  14 check, sir. You don't know what that's for?  15 A. \$30,000 to an employee of his quality  16 isn't very much, according to other people. Your --  17 your wages are much probably higher than his. So if  18 you want to go by that, then -- I don't know how you  19 would do that. So your wages is a big check, so,  20 okay. So how he gets paid and what he gets paid for  21 is not part of the case.  22 Q. But you don't know what that check's for?  23 A. Near a hundred thousand dollars a month  24 probably goes out of that account. I -- I do not  25 keep track of it. I don't write the checks. I have</p>

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1 accounting firms that go over it, make sure that  
 2 everything is being taken care of appropriately and  
 3 sometimes, you know, they make mistakes. We -- and  
 4 sometimes accounting firms make mistakes. In fact,  
 5 they did at IAS, and it cost me a lot of money, okay?  
 6 Q. What mistakes --  
 7 A. But I do not --  
 8 Q. -- did they make for IAS?  
 9 A. But I do not -- but I do not go back into  
 10 it. If they make a mistake in the accounting of my  
 11 companies, then I have to pay -- then I pay penalties  
 12 for those mistakes. But I personally do not do the  
 13 accounting, but I still review the accounting and see  
 14 that most things that come to my attention are  
 15 properly accounted for.  
 16 Q. What mistakes did the accountants make  
 17 with IAS's books?  
 18 A. I don't know. It's been a long time ago.  
 19 They have made mistakes, and we've had to correct  
 20 them on our accounting. And that is expensive. To  
 21 make that correction is expensive.  
 22 Q. Mr. Johnson, RaPower3 pays members of your  
 23 family as well, correct?  
 24 A. It's fine. It's legally, do it. If  
 25 it's -- if you have a problem with it, then take it

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1 up with someone else.  
 2 Q. That's correct, isn't it?  
 3 A. It's correct, yes.  
 4 Q. RaPower3 writes checks to Glenda Johnson,  
 5 right?  
 6 A. Yes. She works -- she does all the  
 7 booking. You see her -- you see her signatures on  
 8 the bottom of those checks.  
 9 Q. And RaPower3 pays LaGrand Johnson.  
 10 A. I'm entitled to pay him. I could pay him  
 11 a million dollars a year. What difference does it  
 12 make? There's not -- nothing illegal about what I  
 13 pay certain people to work for me. What's the -- so  
 14 what's the point?  
 15 Q. RaPower3 pays Randy Johnson also, right?  
 16 A. What's the point?  
 17 Q. Is that correct?  
 18 A. That's correct. What's the point?  
 19 Q. In fact, another company that you have  
 20 ownership and manage is XSun Energy, correct?  
 21 A. Yes.  
 22 Q. And XSun Energy writes checks to your  
 23 family members too.  
 24 A. I'm sure that Google writes the checks to  
 25 his son and kids and wives and grandkids and all

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1 kinds of things.  
 2 Q. Object to the responsiveness of the  
 3 answer.  
 4 Would you please read back my question?  
 5 (Record was read as follows: "And XSun  
 6 Energy writes checks to your family members  
 7 too.")  
 8 THE WITNESS: Will you object to that  
 9 again?  
 10 MR. SNUFFER: Well, yeah. It's not  
 11 related to the purpose we're here for a deposition  
 12 today, the ex -- the expert report prepared by Neldon  
 13 Johnson.  
 14 Can you anchor it somewhere in the report,  
 15 somewhere in what he's written? Because I don't see  
 16 the connection. We will stipulate that members of  
 17 the Neldon Johnson family get paid to do work for  
 18 IAS, RaPower, XSun Energy, Cobblestone Center.  
 19 There's no question the family works and incurs costs  
 20 and gets paid for their work and gets reimbursed for  
 21 their costs. And -- and that's -- that's unrelated  
 22 to his report.  
 23 Q. (BY MS. HEALY GALLAGHER) And, in fact,  
 24 Mr. Johnson, if this injunction case is successful  
 25 and shuts down the sale of lenses from RaPower3, your

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1 family will be cut off from a major income source,  
 2 won't it?  
 3 A. No, that's -- it hasn't been profitable.  
 4 I can make money other places. We have a lot of  
 5 patents. So I don't think we're -- we're not too  
 6 afraid of whether or not you win or whether you lose.  
 7 We have sales overseas and other products that we  
 8 have. And we're making deals all the time with other  
 9 products and patents we own. Those patents and  
 10 those -- the last patent is very valuable. So your  
 11 -- your statement is un -- un -- un -- is -- it's not  
 12 even reliable. I mean, the voltage control board is  
 13 worth billions of dollars. I can't -- it's worth  
 14 more than Tesla Motors. We just haven't tried to  
 15 develop it with anybody yet, but we are going to. We  
 16 are doing that now.  
 17 (Discussion off the record.)  
 18 Q. (BY MS. HEALY GALLAGHER) Mr. Johnson,  
 19 how, if at all, has any of your behavior with respect  
 20 to the sale of solar lenses changed since our last  
 21 set of depositions?  
 22 A. Well, we changed one -- two -- two areas.  
 23 We changed one, the way we were marketing the solar  
 24 lenses and -- and, secondly, we introduced another  
 25 product line that we're just starting to produce now.

<p style="text-align: right;">Page 221</p> <p>1 Q. How did you change the marketing of the 2 solar lenses? 3 MR. SNUFFER: Objection. It's not related 4 to your expert opinion. 5 THE WITNESS: That's right; it's not 6 related. 7 MR. SNUFFER: But go ahead and answer if 8 you can. 9 THE WITNESS: I don't know. I just 10 decided to change. I just thought it was a better 11 business model and would create a better way to 12 market the product. 13 Q. (BY MS. HEALY GALLAGHER) Are you talking 14 about no longer promoting depreciation as part of the 15 package? 16 A. I never did promote depreciation as part 17 of the package. 18 Q. So you think you changed the marketing but 19 you don't know how? 20 A. People can still take depreciation if they 21 buy it correctly. 22 Q. Sir -- 23 A. It's nothing to do with me. 24 Q. Object to the responsiveness. 25 Please read back my question.</p>	<p style="text-align: right;">Page 223</p> <p>1 the public without having been convicted of anything. 2 But it still -- it still interrupts my way of selling 3 the product. We've had to adjust, and we have. We 4 are making less money. Well, we're making more 5 money, actually. I didn't make any money on the 6 other way. So it helped. So good. I'm glad. I'm 7 glad you did what you did. 8 Q. And what did you change the price to? 9 A. Six -- we changed it from a down payment 10 of 1,050 down to 650. 11 Q. Okay. But the total price still, sir, is 12 \$3,500, correct? 13 A. That's correct. We haven't changed that. 14 Q. Okay. So you changed the amount of the 15 down payment? 16 A. Correct. Which is a considerable amount 17 of money loss to me, personally. 18 Q. Did you change anything else about how you 19 market the lenses? 20 A. We don't do the bonus program anymore. 21 That was -- that was just to do the -- to do -- 22 something to do with the -- so I could -- so I could 23 get the R&amp;D done. So that's all that was for. 24 Q. Any other changes? 25 A. I don't know. I -- there might be some</p>
<p style="text-align: right;">Page 222</p> <p>1 A. Well, you accuse me of floating a 2 depreciation, and I'm saying I never did. The 3 statement was a statement. It wasn't a question. It 4 was saying, did you promote depreciation, and I said 5 I never did. 6 Q. Okay. Stop talking. She is going to 7 review the question and read it back. 8 A. Okay. Read it back. 9 (Record was read as follows: "So you 10 think you changed the marketing but you don't 11 know how?") 12 Q. Is that correct? 13 A. No, that was -- I says I -- I know I -- we 14 changed it because we felt like this was a better -- 15 a better model. 16 Q. And I asked you how you changed it. 17 A. We changed the price -- the price schedule 18 on it. 19 Q. How did you change the price schedule? 20 A. We reduced the price, because -- the 21 reason why we reduced the price is because you people 22 are causing me trouble in the marketplace and you are 23 creating a bad image for me, and so I've had to make 24 some changes in the way I market the product because 25 of how you are -- or how you are representing me in</p>	<p style="text-align: right;">Page 224</p> <p>1 minor things in there, but I don't know what they 2 would be. 3 Q. Between our -- 4 A. Without having the contract here, I don't 5 know. 6 MS. HEALY GALLAGHER: Let's take a 7 five-minute break, please. 8 (A break was taken from 3:47 p.m. to 9 3:49 p.m.) 10 MS. HEALY GALLAGHER: All right. We're 11 back on the record after a quick break. 12 Q. Mr. Johnson, did you talk to anybody about 13 the facts of this case on that break? 14 A. Yes, I did, and I said that I am not going 15 to talk -- I am here as Neldon Johnson. I am not 16 here as the manager of Cobblestone. I'm not here as 17 the manager of RaPower. I'm not here as the CEO of 18 any other company. And I will not answer any other 19 questions that have to do with the operation of those 20 companies. I am here has an expert witness, and that 21 is entirely the dilemma of this conversation and the 22 limit of this hearing -- or this meeting that 23 we're -- or deposition, and I will not answer any 24 questions. 25 If you want to get the judge on line, I'll</p>

<p style="text-align: right;">Page 225</p> <p>1 appeal it, and we will be here for two more years,  2 and I don't really care.  3 Q. Mr. Johnson, since July 1st, which was our  4 last deposition, have you been arrested at all?  5 MR. SNUFFER: That's a fair question  6 because it goes to impeachment. An impeachment is  7 true -- relevant even in an expert witness --  8 THE WITNESS: Most -- most of the time I'm  9 pretty easy to get along with, and I try to be very  10 nice. And I hardly ever yell at a police officer.  11 MR. SNUFFER: But you haven't been  12 arrested since then?  13 THE WITNESS: No, I haven't been arrested.  14 Q. (BY MS. HEALY GALLAGHER) Since July 1st  15 of this year have you been convicted of any crimes?  16 A. No.  17 MS. HEALY GALLAGHER: At this time I will  18 pass the witness.  19 EXAMINATION  20 BY MR. SNUFFER:  21 Q. I just want to clarify a couple of points.  22 You may have covered this with statements that you  23 made, but I wanted to make sure.  24 Could Mr. Mancini have performed tests and  25 determined what the heat transfer performance of the</p>	<p style="text-align: right;">Page 227</p> <p>1 Q. (BY MR. SNUFFER) Could anybody?  2 MS. HEALY GALLAGHER: Mr. Johnson, you  3 need to stop and let me make my objection so that the  4 court reporter is not taking two people at once.  5 THE WITNESS: Sorry.  6 Q. (BY MR. SNUFFER) Could anyone measure the  7 Fresnel lens's ability to produce heat?  8 MS. HEALY GALLAGHER: Objection. Leading.  9 THE WITNESS: Yes.  10 Q. (BY MR. SNUFFER) If they made the  11 measurement of the lens's ability to produce heat,  12 would they achieve the same result -- or get the same  13 result as you did?  14 MS. HEALY GALLAGHER: Objection. Leading.  15 THE WITNESS: Yes.  16 Q. (BY MR. SNUFFER) Can anyone measure the  17 flow rate?  18 MS. HEALY GALLAGHER: Objection. Leading.  19 THE WITNESS: Yes.  20 Q. (BY MR. SNUFFER) If they measured it,  21 would they get the same result as you got?  22 MS. HEALY GALLAGHER: Objection. Leading.  23 THE WITNESS: Yes.  24 Q. (BY MR. SNUFFER) Can anyone read the  25 fluid specifications?</p>
<p style="text-align: right;">Page 226</p> <p>1 IAS system was?  2 A. If he was qualified in his area of  3 expertise he could have -- if he was a qualified  4 person and an expert in his particular field that  5 would qualify him in rocket science or -- or  6 photovoltaics --  7 Q. I'm only asking about the heat transfers.  8 Just let me take it one bite at a time.  9 A. I'm sorry.  10 Q. On the heat transfer, could he measure the  11 system the same way you measure the system?  12 A. If he underst -- if he has the expert  13 opinion -- if he's able to do that in his expertise,  14 yes.  15 Q. So the answer is yes?  16 A. Yes.  17 Q. Would he get the same results that you get  18 by performing the same tests that you did?  19 A. He would, yes.  20 MS. HEALY GALLAGHER: Objection. Leading.  21 Q. (BY MR. SNUFFER) Could he have measured  22 the lens -- the Fresnel lens's ability to produce  23 heat the same way you did?  24 A. Yes.  25 MS. HEALY GALLAGHER: Objection. Leading.</p>	<p style="text-align: right;">Page 228</p> <p>1 MS. HEALY GALLAGHER: Objection. Leading.  2 THE WITNESS: Yes.  3 Q. (BY MR. SNUFFER) Does the manufacturer  4 provide the fluid specifications?  5 MS. HEALY GALLAGHER: Objection. Leading.  6 THE WITNESS: Yes.  7 Q. (BY MR. SNUFFER) Can anyone measure the  8 heat exchanger's capacity?  9 MS. HEALY GALLAGHER: Objection. Leading.  10 THE WITNESS: Yes.  11 Q. (BY MR. SNUFFER) If they measured it,  12 would they reach the same result as you did?  13 MS. HEALY GALLAGHER: Objection. Leading.  14 THE WITNESS: Yes.  15 Q. (BY MR. SNUFFER) Can anyone test and  16 measure the turbine out -- your turbine output?  17 MS. HEALY GALLAGHER: Objection. Leading.  18 THE WITNESS: Yes.  19 Q. (BY MR. SNUFFER) If they measured it,  20 will they achieve the same result as you achieved?  21 MS. HEALY GALLAGHER: Objection. Leading.  22 THE WITNESS: Yes.  23 Q. (BY MR. SNUFFER) Can anyone measure the  24 electrical output of the turbine?  25 MS. HEALY GALLAGHER: Objection. Leading.</p>

<p style="text-align: right;">Page 229</p> <p>1 THE WITNESS: Yes.</p> <p>2 Q. (BY MR. SNUFFER) Did Mr. Mancini ask to</p> <p>3 perform any of those tests on your system?</p> <p>4 MS. HEALY GALLAGHER: Objection. Leading.</p> <p>5 THE WITNESS: No.</p> <p>6 Q. (BY MR. SNUFFER) As far as you know, did</p> <p>7 Mr. Mancini perform any of the tests on your system?</p> <p>8 MS. HEALY GALLAGHER: Objection. Leading.</p> <p>9 THE WITNESS: No.</p> <p>10 Q. (BY MR. SNUFFER) You testified that --</p> <p>11 that you had not paid any money to anyone for the use</p> <p>12 of the IAS system. Do you recall that?</p> <p>13 A. Yes.</p> <p>14 Q. With respect to the Salem U-Check store</p> <p>15 use for three months of the generator to power the</p> <p>16 store, was anything paid?</p> <p>17 A. Yes.</p> <p>18 Q. Did you forget that when you testified</p> <p>19 earlier?</p> <p>20 MS. HEALY GALLAGHER: Objection. Leading.</p> <p>21 THE WITNESS: No, I -- I'm here on behalf</p> <p>22 of myself, and I personally did not pay anybody. As</p> <p>23 a manager of one of the companies or the CEO of one</p> <p>24 of the companies, there was money paid, but not as</p> <p>25 myself personally, as referenced in this deposition</p>	<p style="text-align: right;">Page 231</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2 STATE OF UTAH )</p> <p>3 ) ss.</p> <p>4 COUNTY OF SALT LAKE )</p> <p>5</p> <p>6 I, Dawn M. Perry, Certified Shorthand</p> <p>7 Reporter and Notary Public in and for the State of</p> <p>8 Utah, do hereby certify:</p> <p>9</p> <p>10 That prior to being examined, the witness,</p> <p>11 NELDON JOHNSON, was by me duly sworn to tell the</p> <p>12 truth, the whole truth, and nothing but the truth;</p> <p>13</p> <p>14 That said deposition was taken down by me</p> <p>15 in stenotype on October 3, 2017, at the place therein</p> <p>16 named, and was thereafter transcribed and that a true</p> <p>17 and correct transcription of said testimony is set</p> <p>18 forth in the preceding pages.</p> <p>19</p> <p>20 I further certify that, in accordance with</p> <p>21 Rule 30(e), a request having been made to review the</p> <p>22 transcript, a reading copy was sent to Denver C.</p> <p>23 Snuffer, Attorney at Law, for the witness to read and</p> <p>24 sign under penalty of perjury and then return to me</p> <p>25 for filing with Erin Healy Gallagher, Attorney at</p> <p>Law.</p> <p>I further certify that I am not kin or</p> <p>otherwise associated with any of the parties to said</p> <p>cause of action and that I am not interested in the</p> <p>outcome thereof.</p> <p>WITNESS MY HAND this 16th day of October,</p> <p>2017.</p> <p style="text-align: right;">Dawn M. Perry, CSR</p>
<p style="text-align: right;">Page 230</p> <p>1 that I -- at the beginning of the deposition I made</p> <p>2 it clear that I was only going to answer questions or</p> <p>3 be responsible for things that I have personally done</p> <p>4 as an expert in these fields.</p> <p>5 MR. SNUFFER: Okay. With that</p> <p>6 clarification, I don't have any other questions.</p> <p>7 MS. HEALY GALLAGHER: No further questions</p> <p>8 from us. We're off the record.</p> <p>9 Actually, first off, we'd like to ask that</p> <p>10 the witness read and sign. And with that, we are off</p> <p>11 the record.</p> <p>12 (Deposition concluded at 3:54 p.m.)</p> <p>13 * * *</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</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 232</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3 I, _____, do hereby</p> <p>4 acknowledge that I have read and examined the</p> <p>5 foregoing testimony, and the same is a true, correct</p> <p>6 and complete transcription of the testimony given by</p> <p>7 me, and any corrections appear on the attached Errata</p> <p>8 Sheet signed by me.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 _____</p> <p>15 (DATE) NELDON JOHNSON</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>



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