

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

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In re:

Bankruptcy Case No.

JOHN (NMI) SMITH

(Chapter ____)

Debtor

JOHN SMITH,
Plaintiff

Adversary Proceeding

v.

RICHARD ROE,
Defendant

DIRECT TESTIMONY OF JOHN SMITH

1. My name is John Smith and I am the Plaintiff in this action.
2. On February 1, 1983, Richard Roe and I entered into a written agreement bearing the same date and marked as Plaintiff's Exhibit 1.
3. At the time of signing the agreement, I gave the Defendant, Richard Roe, my personal check for \$50,000.00.
4. One week before we signed the contract, Mr. Roe showed me a special carburetor attachment which he claimed he had invented and had a patent therefor. At that time, Mr. Roe said to me that the attachment would reduce by 50% gasoline consumption of any engine to which it was attached.
5. At the same time, Mr. Roe said that he was negotiating with General Motors, who had offered \$20,000,000.00 for an exclusive license to use and manufacture the patented device. However, Mr. Roe said he felt he was negotiating for a non-exclusive license to use and manufacture the patented device so that the product could subsequently be licensed to Ford, Chrysler, and other automobile manufacturers.
6. Three months after the contract was signed, I still had not received assignment of one-half interest in the patent rights to the device and in fact Mr. Roe has stopped returning my calls; his phone was disconnected and he had moved out of the apartment where he had been residing.

7. I next saw Mr. Roe on August 31, 1983, at the United States District Court in Miami, Florida, where he was being arraigned on charges of using the United States Mail to defraud. I spoke to him briefly at which time he admitted to me that the entire story about his inventing and patenting the carburetor device was false, including his purported negotiations with General Motors. He did, however, promise at the time that he would somehow or other pay back to me my \$50,000.00, plus interest.

Executed at Miami, Florida, August 4, 1987. I declare under penalty of perjury that the foregoing is true and correct.

John Smith

APPROVED AS TO FORM:

ATTORNEY FOR _____