

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**In re: Oil Spill by the Oil Rig
“Deepwater Horizon” in the Gulf
Of Mexico, on April 20, 2010**

Applies to: All Cases.

* MDL No. 2179
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* SECTION: J
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* JUDGE BARBIER
* MAGISTRATE SHUSHAN

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**ALL PARTIES OBJECTIONS TO DEPOSITION DESIGNATIONS OF
ROGER DUGAS**

<u>From</u>		<u>To</u>		<u>Objecting Party</u>	<u>Objection</u>	<u>Ruling</u>
<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>			
70	15	70	24	BP	Colloquy	
86	2	86	7	BP	Compound; Vague	
95	7	98	2	Anadarko	Irrelevant, Lacks foundation/No personal knowledge/Calls for speculation, Prejudicial/confusing/cumulative	
100	4	100	20	Anadarko	Irrelevant, Lacks foundation/No personal knowledge/Calls for speculation, Prejudicial/confusing/cumulative	
138	25	139	17	BP	Non-responsive	

139	24	140	14	HESI	<p>Repetitive; foundation: Counsel asks Dugas whether he believes his previous role as account representative was to tell his client if he believed the customer was proceeding too soon after a cement job. As indicated by counsel's question ("I want to know, because I think you said it already two times earlier"), the question is repetitive and has been asked and answered. Further, his testimony is that his customers are small and medium-sized independent accounts in land, shelf, and inland water (35:14-36:4) and that he is not familiar with deepwater cementing, including the time it would take to proceed to the next step in the well operations. (143:21-144:14). Therefore, there is no foundation for him to testify as to deepwater cementing.</p>
140	18	141	3	HESI	<p>Repetitive; foundation; compound; vague and ambiguous: Counsel again asks Dugas whether he would tell his client if he believed the customer was proceeding too soon after a cement job. The question is repetitive of questions over the last three pages and has been asked and answered. Further, his testimony is that his customers are small and medium-sized independent accounts in land, shelf, and inland water (35:14-36:4) and that he is not familiar with deepwater cementing, including the time it would take to proceed to the next step in the well operations. (143:21-144:14). Therefore, there is no foundation for him to testify as to deepwater cementing. The question is also vague, compound, and ambiguous; as worded, it is confusing and unclear as to what information is actually sought.</p>

144	23	145	22	HESI	<p>Argumentative; repetitive; speculation; foundation; assumes facts not in evidence; vague and ambiguous: The questioning is argumentative and repetitive, as the witness has previously testified that he is not familiar with deepwater. (143:21-144:14). Counsel's questioning calls for speculation and lacks foundation. Additionally, counsel sets forth an improper hypothetical regarding the role of Dugas in informing the customer regarding cement couched in terms outside his recognized competence: "" . . .if you're managing an Account Representative, and you're in charge of their technical work, which I know you're not, but if you were. . ."" (145:1-4). Dugas has already stated that he was not familiar with deepwater cementing in a manner that would permit him to testify on the issue. (See 35:14-36:4; 143:21-144:14). Further, the question assumes facts not in evidence and is vague and ambiguous; it is confusing and unclear as to what information is being sought. The objection extends to lines 13-25 because the following question refers to the improper hypothetical above ("as the Cement Expert, that's what he believed, based on his review of the test results and his knowledge of the operations, shouldn't he at least inform the customer that that is his opinion?").</p>	
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169	15	169	22	HESI	Compound; vague and ambiguous; argumentative; foundation; assumes facts not in evidence; misstates the evidence: Counsel asks Dugas a compound, argumentative question in which counsel states, "If Halliburton, as a company, had research or believed that the Best Practice for a customer would be to wait 24, 48 hours before pumping operations after cement had been pumped...don't you agree that Halliburton should inform its customers of that?" The witness was not designated as a 30(b)(6) witness; thus it is improper to question him regarding matters outside his knowledge. Further, there is no foundation for him to testify in this regard, and the facts in question are not in evidence and/or were misstated by counsel. The question, as worded, is vague and ambiguous; it is confusing as to what information is being sought.
208	17	209	6	HESI	Assumes facts not in evidence; misstates the evidence; speculation; foundation; vague and ambiguous: Counsel asks Dugas to agree "that as far as you were concerned as [Gagliano's] Supervisor, you had no knowledge that the request of a customer to utilize six centralizers instead of twenty-one centralizers was not considered irregular, unusual, or controversial." Counsel then continues the question, "Based on your knowledge as his Supervisor during that time period," and "No knowledge of it being irregular, unusual, or controversial, correct?" These questions assume facts not in evidence and misstate the evidence, as the record is clear that BP did not "request" the use of six centralizers in the face of Halliburton's recommendation to use twenty-one. BP unilaterally decided to do so. Further, the witness repeatedly testifies that he did not supervise Gagliano on technical issues. Therefore, the questioning calls for speculation, and there is no foundation for him to testify on this matter. The

					questioning is also vague and ambiguous; it is unclear if counsel is asking about utilization in modeling or in the actual cementing job, and the question at 209:3-4 contradicts the question at 208:19-22.	
244	19	245	14	Anadarko	Irrelevant, Lacks foundation/No personal knowledge/Calls for speculation, Nonresponsive	
245	15	246	11	Anadarko	Irrelevant, Lacks foundation/No personal knowledge/Calls for speculation, Prejudicial/confusing/cumulative	
252	25	253	16	Anadarko	Irrelevant, Prejudicial/confusing/cumulative	
253	21	254	14	Anadarko	Irrelevant, Lacks foundation/No personal knowledge/Calls for speculation, Prejudicial/confusing/cumulative	
262	1	265	3	Anadarko	Irrelevant, Prejudicial/confusing/cumulative	
270	14	274	15	Anadarko	Irrelevant, Prejudicial/confusing/cumulative	
294	7	295	11	HESI	Speculation; foundation: Counsel reads a lengthy passage from an email to which Dugas was not a party, then asks, "[W]hat does it mean when he says 'Spacer volume was sufficient to sweep entire annulus volume?'" This question calls for speculation as to what some other person meant, and there is no foundation for this witness to testify on the matter. (See Ex. 4352).	
295	12	295	24	HESI	Speculation; foundation; counsel is testifying/argumentative: After reading the lengthy passage from an email to which Dugas was not a party referred to above, counsel states her interpretation of the email's meaning and asks the witness to agree. This question calls for speculation as to what some other person meant, and there is no foundation for this witness to testify on this matter (See Ex. 4352). Also, counsel is testifying by stating her interpretation, which is argumentative.	
337	2	337	6	BP	Vague; Leading	