

# Deposition Testimony of:

## **Philip Lee**

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Page 11:15 to 11:18

00011:15 PHILLIP EARL LEE,  
16 after having been first duly sworn by the  
17 above-mentioned court reporter, did testify  
18 as follows:

Page 11:25 to 12:04

00011:25 Would you state your full name  
00012:01 and your residence address for the record,  
02 please  
03 [REDACTED]  
04 [REDACTED].

Page 12:08 to 12:10

00012:08 Q. Now, you go by Earl or you go by  
09 Phillip?  
10 A. Earl.

Page 12:16 to 13:16

00012:16 Q. All right, sir. And in April of  
17 2010, the date, of course, that we're here  
18 about in the explosion and sinking of the  
19 DEEPWATER HORIZON in April of 2010, you  
20 were a well site leader for BP, correct?  
21 A. That's correct.  
22 Q. All right, sir. Do you still  
23 maintain that employment, or are you still  
24 a well site leader for BP?  
25 A. Yes, sir.  
00013:01 Q. We're going to talk about your  
02 work history and so forth, but suffice it  
03 to say that you are -- well, first of all,  
04 what rig are you working on currently?  
05 A. Currently I am not assigned to a  
06 rig.  
07 Q. All right.  
08 A. I am not working on one. I just  
09 recently got an assignment to the DD3, but  
10 I've not gone to it.  
11 Q. All right. During the time  
12 between April 20th of 2010, and today, were  
13 you assigned to any rig at all?  
14 A. During the recovery effort, I  
15 worked on the Helix Q4000, but I didn't  
16 work on a rig.

Page 17:24 to 20:24

00017:24 Q. All right. Let's talk about

25 your education background. What was the  
00018:01 highest level of education that you  
02 attained?  
03 A. 12.  
04 Q. All right. And where did you go  
05 to school?  
06 A. High school was Northwest Jones  
07 outside of Laurel, Mississippi.  
08 Q. All right. Did you go to work  
09 immediately after you left high school?  
10 A. I did.  
11 Q. And who did you go to work for?  
12 A. Went to work for a company  
13 called Sharp Gulf Drilling Company in  
14 August of '68.  
15 Q. What is your age and date of  
16 birth, please?  
17 A. 61 years; March 15, 1950.  
18 Q. So in 1968 you went to work in  
19 the oil field?  
20 A. Yes, sir.  
21 Q. Did you -- were you working land  
22 or water?  
23 A. It was a inland bay barge rig.  
24 They call it a barge rig, bay barge rig.  
25 Q. Understood. And you went to  
00019:01 work in what capacity?  
02 A. As a floor hand, roughneck.  
03 Q. All right. And how long did you  
04 work in that capacity?  
05 A. The company sold out about a  
06 year after I went to work for them, and so  
07 about a year later I sought a different  
08 company to go to work for.  
09 Q. Understood. And what did  
10 you -- where did you go to work?  
11 A. Went to work for Diamond M  
12 Drilling Company on a platform rig in the  
13 Gulf.  
14 Q. And how long did you work for  
15 Diamond M?  
16 A. It was a couple of years. Let's  
17 see. Up till '71, as I recall.  
18 Q. Okay. And when you worked for  
19 them, what capacity or capacities did you  
20 work in?  
21 A. Worked as a floor hand and  
22 derrickman.  
23 Q. Okay. You worked as a  
24 derrickman?  
25 A. Yes, sir.  
00020:01 Q. Okay. And when you left Diamond  
02 M, where did you go?  
03 A. Went to work for a company  
04 called -- I can't remember the -- I don't

05 remember the -- couple of months after I  
06 went to work for this company, the company  
07 Atlantic Pacific Marine Corporation bought  
08 those rigs. So I would just say around '71  
09 I went to work for Atlantic Pacific Marine  
10 Corporation.

11 Q. All right, sir. And then you  
12 were obviously working for them in the  
13 '80s.

14 Did you stay working for them  
15 for a long period of time, that is,  
16 Atlantic Pacific?

17 A. I left in '74. I was a driller  
18 in '74 and had a derrickman that got killed  
19 that worked for me on my crew, and I left  
20 and went back to work for Diamond M in '73  
21 or '74. Stayed with Diamond M about three  
22 more months -- about three months, and I  
23 left Diamond M and went back to Atlantic  
24 Pacific Marine Corporation.

Page 22:03 to 22:07

00022:03 Q. All right. So -- but after a  
04 while back at Diamond M, you decided to go  
05 back to A&P, as it were?

06 A. I did. I hired out to Diamond M  
07 as a driller.

Page 23:08 to 24:01

00023:08 Q. Understood. So -- now, did --  
09 but when you left, you left voluntarily  
10 there?

11 A. Yes, sir.

12 Q. They didn't terminate you or  
13 anything. And I take it that Atlantic and  
14 Pacific had a position waiting for you?

15 A. Yes, sir. Well, it wasn't  
16 waiting, but they gave me a job there.

17 Q. Gave you a job. What did  
18 they -- what did they give you a job doing?

19 A. Drilling.

20 Q. And what rig?

21 A. I -- I went to -- they had a rig  
22 in Brazil called the Gulf Commander working  
23 28 and 28 in Brazil, and I went on it as a  
24 driller. They were needing a driller on  
25 it. That was in '75. And I went

00024:01 to -- started working overseas 28 and 28.

Page 24:19 to 26:12

00024:19 Q. Now, what kind of work was the  
20 Gulf Commander doing? Was it exploratory  
21 work? Was it --  
22 A. Yes, sir. Everything in '75 was  
23 pretty well exploratory in South America.  
24 Q. Understood. So you went to  
25 Trinidad and did you continue your work as  
00025:01 a driller or had you been elevated to a  
02 higher position?  
03 A. I was still working as a  
04 driller.  
05 Q. Okay. Let's talk about your  
06 next job.  
07 I mean, after -- when did you  
08 leave Atlantic and Pacific?  
09 A. It was a few years after that.  
10 We brought the Gulf Commander back to the  
11 states, and the tool pusher that was on it  
12 had -- he preferred working international,  
13 28 and 28, a guy named Stan McKee from  
14 Oklahoma.  
15 Q. Okay.  
16 A. And when Stan decided he was  
17 going to leave and -- and find himself a  
18 job working 28 and 28, that left a tool  
19 pushing job open. That was '77, and I was  
20 offered a job as a tool pusher and I took  
21 it.  
22 The rig was back in the states  
23 at that time. So from there on, I -- I  
24 stayed with Atlantic Pacific Marine --  
25 Atlantic Pacific Marine was owned by Maersk  
00026:01 out of Copenhagen, Denmark.  
02 Q. Okay.  
03 A. And in 1980, I left the Gulf  
04 Commander, and I started working a 28 and  
05 28 rotation on Maersk rigs in various  
06 bodies of water around the world.  
07 Q. As a tool pusher?  
08 A. Yes, sir.  
09 Q. Okay.  
10 A. And then in '85, I was back in  
11 the Gulf. Things had slowed down during  
12 that -- in the mid-'80s in the industry.

Page 27:18 to 28:07

00027:18 A. The rigs that I would go on  
19 would have a tool pusher and have the drill  
20 crews and people like that, all the crews  
21 it took to run a rig, and I was assigned to  
22 be the company man or the one that was over  
23 the turnkey drilling part of it just like  
24 it would be if we were working it for Exxon  
25 or Shell or Mobil or whomever that would

00028:01 have a representative onboard.  
02 Q. Yes.  
03 A. So I started doing that job in  
04 '85. And for seven and a half years we  
05 drilled turnkey wells up until around '93,  
06 and Maersk sold APMC. They sold the rigs  
07 off.

Page 30:25 to 31:22

00030:25 A. So I decided I wanted to be a  
00031:01 company man. And I went to work for a  
02 consultant firm out of Lafayette, Stokes &  
03 Spiehler, as a contractor/consultant. And  
04 Stokes & Spiehler had a contractor. Had  
05 some guys that was working for Arco, and  
06 they sent me on a -- a rig that was working  
07 Arco.  
08 And from there, Arco spun off,  
09 the lower 48, everything in the Gulf of  
10 Mexico, about a year after that and created  
11 a company called Vastar.  
12 Q. We're about 1994 or so?  
13 A. '4 or '5, somewhere in there.  
14 Q. Okay.  
15 A. So I was working as a contract  
16 hand or a consultant, very little time for  
17 Arco and then for Vastar. A couple of  
18 years after it became Vastar, they offered  
19 me a job and I took it.  
20 Q. As a company man?  
21 A. Yes, sir. A well site leader  
22 now, but, yes, sir.

Page 32:08 to 33:03

00032:08 Q. Yes, sir. Now -- so you -- you  
09 mentioned that the name "company man" kind  
10 of changed and that became well site  
11 leader, correct?  
12 A. Yes, sir, various companies call  
13 them different things. I have a friend  
14 that's a company man for Chevron. I think  
15 they call them managers. And so it's all  
16 the same job. If you were on the drilling  
17 rig and -- all the guys on the drilling rig  
18 going to yell out for the company man  
19 so --  
20 Q. Got you.  
21 A. -- same job.  
22 Q. Now, but -- but with BP the well  
23 site leader is a well-recognized  
24 nomenclature, right? I mean, we're going  
25 to talk about the hierarchy and so forth,

00033:01 but they call you well site leaders,  
02 correct?  
03 A. BP does, yes, sir.

Page 33:10 to 33:16

00033:10 Q. All right. Now, not that that's  
11 all that important, but I want to make sure  
12 you and I are talking about the same thing  
13 when I ask you -- you have, therefore, been  
14 a well site leader/company man for -- well,  
15 what? Since the early '90s?  
16 A. '85.

Page 33:20 to 34:03

00033:20 Q. Yes. And -- and okay.  
21 Understood.  
22 Now, however, when you went to  
23 work for Vastar, which eventually, as part  
24 of Arco, became BP, you -- obviously,  
25 you -- the nature of the work may not have  
00034:01 changed, but your employer changed  
02 beginning with that, correct?  
03 A. Yes, sir.

Page 34:16 to 39:17

00034:16 Q. Yeah. I mean, what I'm getting  
17 at -- and that's fair.  
18 What I'm getting at, when you  
19 came to work for Vastar, was there some  
20 kind of break in your employment where you  
21 went to a school and -- and -- and studied  
22 their procedures and policies or did you do  
23 that on the job?  
24 A. The Vastar procedures and  
25 policies were a holdover from Arco.  
00035:01 Q. Yeah.  
02 A. So it -- but it wasn't like  
03 creating a new company.  
04 Q. Got you. So when -- when you  
05 went from the previous employer, I guess  
06 that was Atlantic and Pacific to Arco, was  
07 there a break where you received special  
08 training on procedures and policies when  
09 you went to work for Arco?  
10 A. Yes, sir. There's -- there  
11 was -- and I assume still is on most  
12 companies -- there was a policies manual  
13 and a safety manual.  
14 Q. Did you receive training on  
15 those, or did you just get them on the job?

16 A. I read it on the job.  
17 Q. Okay. Understood. I'm  
18 not -- I'm not being critical of that. I  
19 just wanted to see whether or not there was  
20 a break and you went to school or something  
21 like that. Because as I understand it,  
22 you'd have to recertify.  
23 To be a well site leader, you  
24 have to do some training at least every two  
25 years, correct?  
00036:01 A. As far as well control, yes,  
02 sir, we do. Now, one thing that -- that  
03 Vastar did, they had a competency test that  
04 they gave with some 300 questions on it,  
05 various areas of concern. And I don't  
06 remember the year, but it was -- a couple  
07 of years after -- after it became Vastar, I  
08 had to take the competency test. I don't  
09 know about everyone else, but I had to take  
10 the competency test.  
11 Q. Okay. Tell me about the  
12 training that since then you had to do.  
13 Among other things, do you have to  
14 recertify as a well control individual? In  
15 other words, in your job as well site  
16 leader, you have to do some  
17 recertifications on a biannual or every  
18 two-year basis, correct?  
19 A. It's every two years now, yes,  
20 sir.  
21 Q. And you have done that --  
22 A. Yes, sir.  
23 Q. Continuously since you went to  
24 work for Arco at least, correct?  
25 A. I have done it continuously  
00037:01 since '74.  
02 Q. All right. And what is -- where  
03 do you go -- let's say in the last ten  
04 years, where do you actually go to take  
05 that schooling?  
06 A. The -- the school that I go to  
07 is WCS, Well Control Schools. They have  
08 branches of it. The one I go to is in  
09 Laurel, Mississippi.  
10 Q. All right.  
11 A. The one I went to last June.  
12 Q. When you do that, go to have  
13 that recertification, orientation, do you  
14 spend a day or a week or how long do you  
15 spend doing that?  
16 A. It's a week.  
17 Q. It's a week. All right. And  
18 just, I mean, very briefly and generally,  
19 what is entailed in that? Do you study  
20 recent developments or do you study problem



21 cases or what?

22 A. There is exercises to show that

23 you're proficient in doing the math, the

24 calculations it takes to calculate

25 circulating around the kill mud weight.

00038:01 There's exercises for that on case-type

02 wells where they have -- they'll give you a

03 paragraph that gives you the casing sizes,

04 the bit size, the hole depth and the drill

05 pipe sizes, and you do the math and you

06 fill out a kill sheet and -- to get on a

07 simulator. And the instructor gives you a

08 simulated kick, which is fairly realistic,

09 with pressure gauges increasing, and you go

10 through the -- use your own kill sheet that

11 you had prepared yourself, and you choke it

12 out, kill the well.

13 Q. Okay. All that because that's

14 part of the function of a -- of a well site

15 leader in the well control aspect of the

16 job, correct?

17 A. I don't understand the --

18 Q. That's okay. That's part of

19 what you have to do as a well site leader

20 is well control?

21 A. Yes, sir.

22 Q. And so those exercises and that

23 evaluation and then finally a certification

24 at the end of the week, all is related to

25 the actual job that you do as a well site

00039:01 leader?

02 A. Yes, sir.

03 Q. Now, when was the last time,

04 prior to the explosion and sinking of the

05 DEEPWATER HORIZON, that you recertified, if

06 you recall?

07 A. My certification expired last

08 June, so it would have been two years prior

09 to that, so '97. Oh, I got '87. No.

10 2007.

11 Q. 2007. Yeah, I do that all the

12 time. I'm still in the 20th, 20th century.

13 That --

14 MR. MONICO:

15 '07 or '08?

16 THE WITNESS:

17 '8, be '08.

Page 40:17 to 41:21

00040:17 Q. That's okay. All right. Now,

18 in addition to the recertification that you

19 do every couple of years, while you worked

20 for Arco and BP, did you take other

21 training other than on-the-job work?

22 A. Yes, sir.  
23 Q. Give me an idea of what you  
24 actually have done over the past few years.  
25 A. I have gone to Baroid's two-week  
00041:01 mud program school, mud school. I have  
02 done Arco specific, and it was a carryover  
03 to BP, ASA training event, safety audit  
04 training, SOC card or SOC training.  
05 Q. What is SOC?  
06 A. Safety observation.  
07 Q. Okay. And you said ESA training  
08 or A --  
09 A. ASA, Advance Safety Audit.  
10 Q. Advance Safety Audit. Got you.  
11 Give me that SOC again. I'm --  
12 A. Safety observation card. It's a  
13 stop-program-type thing.  
14 Q. Who gave you that course,  
15 safety, from which you got your safety  
16 observation card?  
17 A. That was in-house. I don't  
18 recall the lady's name that did that. ASA  
19 training was at Total Safety in Broussard,  
20 Louisiana. I'm sure there's numerous  
21 others. I just can't recall.

Page 42:10 to 43:01

00042:10 When did you first go onboard  
11 the DEEPWATER HORIZON?  
12 A. It was August 2009.  
13 Q. Where had you been before that?  
14 A. I worked on a jack-up rig called  
15 the Bob Palmer owned by Rowan Drilling  
16 Company.  
17 Q. And what was the Bob Palmer  
18 doing in August of -- and before that of  
19 '09?  
20 A. It drilled a -- we used it to  
21 drill a deep gas prospect that we had on  
22 the shelf.  
23 Q. And what depth were you drilling  
24 at?  
25 A. 28,000-something feet. I don't  
00043:01 remember the exact depth.

Page 43:15 to 44:07

00043:15 All right. The Bob Palmer. So  
16 what kind of -- is it like the Deepwater  
17 Horizon, a MODU or is it a -- what -- what  
18 is it?  
19 A. The Deepwater Horizon and the  
20 Bob Palmer are MODUs, which is Mobile

21 Offshore Drilling Units.  
 22 Q. Yes, sir.  
 23 A. The Bob Palmer is a jack-up.  
 24 It's supported on the bottom by three legs.  
 25 It's got legs. You jack it up.  
 00044:01 The Horizon is a dynamically  
 02 positioned semi. It's still a MODU. They  
 03 are both MODUs, but you can move them. Is  
 04 the reason it's movable. But it's a  
 05 jack-up, bottom-sounded, bottom-supported.  
 06 Q. The Bob Palmer?  
 07 A. Yes, sir.

Page 44:14 to 44:16

00044:14 What depth of water were you in  
 15 in the Bob Palmer?  
 16 A. 106 feet.

Page 45:08 to 48:16

00045:08 Q. Okay. So the job was complete,  
 09 and you were available for another  
 10 assignment, correct?  
 11 A. Yes, sir.  
 12 Q. And that was August of '09?  
 13 A. No. It was -- I think it was  
 14 June or July. Probably June because I  
 15 spent -- I spent a couple of hitches in the  
 16 office doing some wrap-up for the Will K  
 17 well, which was the one we drilled with Bob  
 18 Palmer.  
 19 Q. Will K?  
 20 A. Will K Number 1. So during that  
 21 couple of hitches that I worked in the  
 22 office, BP had sold the property that they  
 23 owned on the shelf, which is where jack-ups  
 24 and platforms and type rigs work --  
 25 Q. Yes.  
 00046:01 A. -- and where I've spent my whole  
 02 life working. And they no longer had  
 03 properties that had those type rigs, and so  
 04 I had a choice to either go to a land rig  
 05 in Oklahoma, Wyoming or somewhere or go to  
 06 deepwater. I felt like I took the lesser  
 07 of the two evils, and I decided to go to  
 08 deepwater. I talked to my immediate  
 09 supervisor about it.  
 10 I think the next afternoon he  
 11 brought John Guide into the cubicle I was  
 12 in and introduced me to John Guide, and we  
 13 talked a bit. And Mr. Teddy Reed was one  
 14 of the well site leaders that had been on  
 15 there -- was working on the Horizon at the

16 time, and Teddy was going to retire within  
17 a couple of months. So I was accepted as a  
18 replacement by Mr. Guide for Mr. Teddy Reed  
19 on the Horizon.

20 Q. Understood. Now -- so if  
21 understand your testimony correctly, this  
22 was the first time you worked on a  
23 deepwater rig?

24 A. No, sir. In the '70s I worked  
25 three months on the New Era, and I didn't  
00047:01 particularly care to be around Billy Ray  
02 Moore any longer and I left. So about  
03 three months in the early seventies I  
04 worked on the New Era. And I had been on  
05 the Ocean Confidence around early 2000.  
06 2002 or '3 there was a -- the Ocean  
07 Confidence was drilling -- it was a  
08 deepwater, dynamically-positioned deepwater  
09 rig. They were having some problems  
10 drilling a well. In the past few years,  
11 some technology that has come along is  
12 expandable casings, and you can run  
13 expandable casings where, when the  
14 engineers decide you need to run expandable  
15 casings, I guess, but --

16 Q. Yes.

17 A. -- I had been involved in  
18 running, I think, eight or nine strings of  
19 the expandable casings while working on  
20 jack-up rigs on the shelf.

21 Q. Yes, sir.

22 A. And I know BP, probably not  
23 unlike most operators -- new technology  
24 that comes along that's not proven or not  
25 really industry-wide accepted, they would  
00048:01 try to use it on jack-ups, which because it  
02 has a cheaper operating day rate and things  
03 that can go wrong, doesn't go that wrong --  
04 so I had run nine or so expandable casings  
05 on the -- on the shelf, and I went on the  
06 Ocean Confidence, stayed a week with those  
07 guys. We ran an expandable liner on it,  
08 and I left, and I don't remember what year  
09 that was. The well was the Diamond Back.  
10 I remember that. But I don't know what  
11 year it was.

12 So I spent a week on the Ocean  
13 Confidence. I spent about three months on  
14 the Newer Era in the early seventies --

15 Q. Early seventies, yeah.

16 A. -- and that's it.

Page 48:22 to 49:06

00048:22 Q. Let me ask you this: Did BP

23 give you special training when you -- when  
24 they sent you out to the Deepwater Horizon  
25 there in August of '09, special training  
00049:01 for deepwater?  
02 A. No, sir.  
03 Q. All right. Now, is it fair to  
04 say that BP doesn't have a facility for  
05 training special -- special training for  
06 deepwater?

Page 49:11 to 49:17

00049:11 THE WITNESS:  
12 I -- I don't know what they  
13 have but --  
14 BY MR. PALMINTIER:  
15 Q. But you certainly didn't  
16 participate in any such program, correct?  
17 A. No, I didn't.

Page 50:03 to 50:09

00050:03 Q. Understood. I understand your  
04 question. I'm saying when you are in 5,000  
05 feet of water, before you get to the  
06 beginning of your drilling project, things  
07 are different than they are on the -- on  
08 the shelf, for example, in 106 feet of  
09 water?

Page 50:12 to 50:15

00050:12 THE WITNESS:  
13 I mean, by the nature of  
14 the water depth, there is some difference,  
15 to answer that, yes.

Page 50:24 to 51:07

00050:24 Q. -- when you're in deepwater,  
25 correct?  
00051:01 A. You -- would you repeat that,  
02 please.  
03 Q. Sure. If you were in deepwater,  
04 the deeper you go, the greater the pressure  
05 and the lower the temperatures that you are  
06 dealing with, correct?  
07 A. Yes, sir.

Page 52:04 to 52:12

00052:04 Q. There are different

05 circumstances in deepwater, and I guess  
06 what you're saying is that you understood  
07 those different circumstances, even though  
08 you hadn't worked extensively in deepwater,  
09 correct?  
10 A. Yes, sir, I think I understood.  
11 Q. And that understanding came to  
12 you from on-the-job experience, correct?

Page 52:16 to 52:18

00052:16 I don't know how it came to  
17 me. I mean, it's a lifetime of doing it.  
18 I don't know how it came to me.

Page 53:19 to 55:20

00053:19 Q. Who was out there -- strike  
20 that. Let's start over.  
21 The -- you have as a well site  
22 leader, you have a partner who covers the  
23 shift, the 12-hour shift before or after  
24 yours, correct?  
25 A. That's correct.  
00054:01 Q. And when you went out there in  
02 August, who was that, that -- the  
03 other -- the other tour?  
04 A. When I went out in August, I  
05 wasn't one of the normal well site leaders.  
06 Mr. Teddy Reed was still there. Teddy was  
07 going to stay another couple or three  
08 hitches, so I wasn't in charge or I wasn't  
09 doing anything. I was just there to, if  
10 you will, get my feet on the ground or on  
11 the deck.  
12 Q. Yes.  
13 A. I wasn't offsetting anyone, nor  
14 was anyone offsetting me.  
15 Q. All right. But -- so there was  
16 Teddy Reed and who was --  
17 A. Ronnie Sepulvado worked the  
18 opposite 14 days from me. Rory McNeil was  
19 one of the well site leaders that was  
20 there. I don't remember the other one.  
21 Q. Did you get to know Ronnie  
22 Sepulvado at all?  
23 A. I have been knowing Ronnie  
24 Sepulvado several years, yes, sir.  
25 Q. And do you know his brother,  
00055:01 Murry?  
02 A. Murry was there, but Murry was  
03 the other one, yes.  
04 Q. And Murry has given a deposition  
05 in this case. So has Ronnie.

06 Suffice it to say that they were  
07 extensively experienced as -- both the  
08 Sepulvado brothers were extensively  
09 experienced in deepwater drilling; is that  
10 a fair statement?

11 A. That's my understanding, yes,  
12 sir.

13 Q. And was Murry assigned to you to  
14 help you get -- get your feet on the deck,  
15 as you said?

16 A. No. There wasn't anyone  
17 assigned to me to do it. It was -- if  
18 there was something I was interested in or  
19 thought I might need to see, whether it was  
20 day or night, I did it.

Page 56:14 to 59:24

00056:14 Q. The impression I get, Mr. Lee,  
15 is that you went out there in August to get  
16 familiar with the rig, number one, correct?

17 A. That's correct.

18 Q. Number two, to kind of get some  
19 orientation from these more experienced  
20 fellows like Rory McNeil and especially  
21 Teddy Reed and then Murry Sepulvado,  
22 correct?

23 A. I would put the "especially" on  
24 the drill crews, on the tool pushers and  
25 OIMs and drillers on the rig floor more  
00057:01 than the well site leader. That's the ones  
02 I depended on. That's the ones I went to.

03 Q. Understood. I have seen in  
04 your -- in some of the materials that were  
05 provided to us about you that that is one  
06 of your strengths, that you get to know the  
07 guys on the rig. Would you agree with  
08 that?

09 A. I try to, yes, sir.

10 Q. Yes. And that -- from everybody  
11 probably from roustabouts all the way up  
12 to, you know, the -- the pushers, correct?

13 A. That's correct.

14 Q. That's served you well through  
15 the years because you could rely on them  
16 and know that they were doing the right  
17 thing when you needed them to, correct?

18 A. Yes, sir.

19 Q. Now, eventually, Teddy Reed did  
20 leave the rig, correct, he retired?

21 A. Yes, sir.

22 Q. Did you stay with him those  
23 three hitches that he continued to work?  
24 Or just give me a general understanding of  
25 your evolution into full-time, you know,

00058:01 responsibility as a well site leader for BP  
02 on the Deepwater Horizon.

03 A. As I recall, I did stay with  
04 Teddy, and the time was approaching that  
05 Teddy wasn't coming back. And Murry, as I  
06 said earlier, when we'd go out, we'd work  
07 the first seven days nights and we rotated  
08 to days. And I thought about it and I  
09 contemplated -- I'm not -- I don't need to  
10 be the lead well site leader. I knew that.  
11 And so I had a conversation with Murry.  
12 The only two people that it would affect  
13 was Murry and I.

14 And I talked to Murry about,  
15 instead of coming out and working seven  
16 days, just come out and work two weeks --  
17 work seven days and nights and come out and  
18 work two weeks of days, and I will stay  
19 nights, and that way I can learn more and  
20 get my feet better on the ground. And  
21 Murry and I had that agreement and so we  
22 did that. And the only two people it  
23 affected was Murry and I. It affected --  
24 it didn't affect Ronnie, and it didn't  
25 affect anyone else.

00059:01 Q. Understood.

02 A. So Murry -- I stayed working  
03 nights, and I would say that I did most of  
04 my -- my learning, if you would, I did most  
05 of my understanding of how things worked,  
06 how the rig runs on the rig floor and on  
07 the deck. At night, you don't have  
08 the -- the logistics to worry about. You  
09 don't have the phone calls out of the  
10 Houston office and all these issues, and I  
11 would spend most of my nights with -- with  
12 -- you know, the drill crews change noon  
13 and midnight.

14 Q. Yes.

15 A. To me, you know, I got the  
16 peanut butter and jelly. You know, I got  
17 six hours I can work with one crew and pick  
18 his brain, and I've got six hours before  
19 daylight I can work with this crew and pick  
20 his brain. The tool pusher was 6:00 to  
21 6:00, so I didn't have peanut and jelly  
22 with the tool pusher. But that's what I  
23 did primarily for -- to -- to learn what I  
24 could about the rig and how it operated.

Page 60:18 to 61:09

00060:18 Q. You had -- because of your  
19 arrangement with Murry Sepulvado, you had a  
20 calmer environment in which to learn the --



21 the ropes of the Deepwater Horizon,  
22 correct?  
23 A. Yes, sir. That's a fair  
24 statement, I think.  
25 Q. All right. But eventually, you  
00061:01 went to work seven -- seven days nights and  
02 seven days days?  
03 A. Yes, sir.  
04 Q. General idea about when that was  
05 maybe using as a reference point April  
06 of -- of 2010?  
07 A. It was before January, as I  
08 recall it, so it -- I don't know when it  
09 was exactly. December frame maybe.

Page 64:02 to 65:24

00064:02 What I'm asking you is: Was  
03 there, in that training period that you  
04 went through -- was there an opportunity  
05 for you to see the similarities between  
06 what you did when you were on the shelf and  
07 what you did on the -- in deepwater?  
08 A. Yes, sir.  
09 Q. And was there an opportunity for  
10 you to see a distinction between those two?  
11 A. Yes. I think I understand what  
12 you are talking about, yes. With a subsea  
13 stack and with 5,000 foot of water, then  
14 the -- and that's also part of our well  
15 control training that we do every two  
16 years. There's -- there is a -- a  
17 consideration that has to be made for the  
18 choke and kill line for the subsea stack  
19 versus a surface stack --  
20 Q. Yes.  
21 A. -- that the Bob Palmer had.  
22 Q. And in -- in that Deepwater  
23 Horizon, this was a special maritime subsea  
24 stack, wasn't it? This BOP was specially  
25 designed for -- for being in maritime  
00065:01 deepwater situations?  
02 A. Yes, sir, I guess.  
03 Q. And -- well, you're familiar  
04 with the BOP on the -- on the DEEPWATER,  
05 correct?  
06 A. Yes, sir.  
07 Q. First of all, it wasn't anything  
08 like the ones that -- strike that.  
09 It wasn't -- it was only similar  
10 to the blowout preventers that you had been  
11 around in -- in the -- on the outer  
12 continental shelf?  
13 A. Yes. It does -- the difference  
14 in the stacks was it has a subsea

15 infrastructure on it with accumulator  
16 bottles and -- and for it to be able to  
17 work subsea and the hydraulic latch. Yes,  
18 there is a difference.  
19 Q. And at least from your  
20 perspective, it's made particularly and  
21 specially -- the BOP for the Deepwater  
22 Horizon was made specifically for being in  
23 a maritime situation?  
24 A. Yes, sir.

Page 66:08 to 66:19

00066:08 Q. All right. What -- what I want  
09 to get into next will be the actual job  
10 duties of a well -- well site leader or  
11 company man, especially in -- in the time  
12 near when -- when you went to work for BP  
13 aboard the Deepwater Horizon.  
14 As a -- as a well site leader,  
15 would you agree that you were BP's main  
16 or -- or higher -- highest level employee  
17 on the rig when you were on tour?  
18 You need me to say that again?  
19 I know I kind of broke that up.

Page 66:22 to 67:13

00066:22 THE WITNESS:  
23 Highest level for BP?  
24 BY MR. PALMINTIER:  
25 Q. Yes.  
00067:01 A. No. We were equal as far as BP  
02 goes.  
03 Q. Okay. When you were working and  
04 when the other guy was off tour, you were  
05 the top BP employee aboard the rig,  
06 correct?  
07 A. Yes.  
08 Q. All right. And then if -- let's  
09 say that you were teamed with Murry  
10 Sepulvado. When he was on tour and it was  
11 his 12 hours, you -- he would be the  
12 highest ranked worker for BP?  
13 A. Yes, sir.

Page 70:09 to 70:21

00070:09 Q. Mr. Lee, you are still under  
10 oath. We are going to continue with the  
11 deposition now. We were talking about the  
12 job of the well site leader, and I want to  
13 ask you some particulars about what that

14 job entailed.  
15 In particular, we were talking  
16 about other people that worked for BP on  
17 the rig. And I wondered, no matter  
18 whom -- no matter who they were, you -- you  
19 do have some degree of responsibility and  
20 control for those individuals that worked  
21 for BP on the rig?

Page 70:24 to 71:01

00070:24 BY MR. PALMINTIER:

25 Q. And I'm talking about the  
00071:01 Deepwater Horizon before April 20th, 2010.

Page 71:06 to 71:13

00071:06 THE WITNESS:

07 No, sir.

08 BY MR. PALMINTIER:

09 Q. All right. So even though you  
10 were the well site leader, you did not, for  
11 example, have morning meetings in which you  
12 gave directions specifically to the BP  
13 employees themselves?

Page 71:16 to 71:24

00071:16 THE WITNESS:

17 No, sir.

18 BY MR. PALMINTIER:

19 Q. Okay. Now, who was your  
20 immediate supervisor when you went out to  
21 the Deepwater Horizon in August of 2009 on  
22 the beach, you know, on -- in Houston or  
23 wherever?

24 A. John Guide.

Page 72:05 to 72:25

00072:05 Q. And what was Mr. Jobs -- Mr.  
06 Guide's job title when you went to work for  
07 him?

08 A. He was a wells team leader.

09 Q. Okay. We're not going to go  
10 into hierarchy, the entire BP hierarchy.  
11 But suffice it to say, when you reported as  
12 well site leader, you reported to John  
13 Guide; is that correct?

14 A. Yes, sir.

15 Q. And the method by which you  
16 reported included e-mails, right?

17 A. Yes, sir.

18 Q. Did you ever use the telephone  
19 to communicate with him?  
20 A. Yes, sir.  
21 Q. And did you have a cell phone  
22 specifically assigned to you out there from  
23 BP?  
24 A. I have a cell phone, yes, sir,  
25 but it -- it won't work from out there.

Page 73:09 to 75:19

00073:09 Q. Okay. Did you -- did you have  
10 access to -- I think it's called INSITE  
11 Anywhere, the mudloggers' program, the  
12 Sperry Sun mudloggers' program?  
13 A. To the program? No, sir, not to  
14 the program.  
15 Q. One of the things we have seen  
16 in the depositions that we have taken thus  
17 far is that -- that one could have his own  
18 access, separate and independent access to  
19 the -- to the -- to the screen that the  
20 mudloggers had in the mudloggers' shed.  
21 A. Okay. Well, the display, yes,  
22 sir. I had access to the display of the  
23 data that he was capturing but -- yes, sir.  
24 Q. And that was on your laptop that  
25 you kept in your office?  
00074:01 A. No, I didn't. No, I didn't have  
02 it on a laptop. It was on a stand-alone  
03 in -- in the office.  
04 Q. Okay. Now, do you know -- now,  
05 I will very much understand if you don't  
06 know the technical differences because I  
07 certainly don't.  
08 Do you know whether that was a  
09 direct feed from the instrumentation on the  
10 rig, or was it bounced back to you from a  
11 satellite?  
12 A. It's my -- my understanding, it  
13 was local. It was --  
14 Q. Okay.  
15 A. It was rig-centered.  
16 Q. So you were looking real time at  
17 the actual information that the log --  
18 mudlogger, Sperry Sun's fellow, Joe Keith,  
19 and others were looking at, correct?  
20 A. It's my understanding, yes, sir.  
21 Q. All right. Now, you kept that  
22 screen in an office, correct, that -- the  
23 display?  
24 A. With a -- with a closed-circuit  
25 system you -- I know I could put it on in a  
00075:01 bedroom that I was assigned to. Most  
02 offices, you could -- you could select that

03 channel which was displaying that data.  
04 It -- it wasn't specific to just one  
05 computer.  
06 Q. Understood. And indeed the  
07 Deepwater Horizon had a closed-circuit  
08 system, so, as you say, you could look at  
09 it just about anywhere, the display from  
10 the mudloggers' shack?  
11 A. I know the few places I  
12 mentioned, I could look at it. I don't  
13 know about, you know, like the TV room or  
14 somewhere like that, but yes, sir.  
15 Q. Okay. Now, when you  
16 were doing -- one of your responsibilities  
17 then as the well site leader was to keep an  
18 eye on the mudloggers' display, correct?  
19 A. Yes, sir.

Page 75:22 to 76:01

00075:22 BY MR. PALMINTIER:  
23 Q. And by keeping an eye on it, I  
24 mean it was part of your routine and daily  
25 occupation to monitor the mudlogging  
00076:01 display?

Page 76:04 to 77:12

00076:04 THE WITNESS:  
05 Mudloggers' display was  
06 part of it, yes, sir.  
07 BY MR. PALMINTIER:  
08 Q. Okay. What were the other  
09 parts?  
10 A. The -- the rig system was also  
11 displayed in there. It was -- was coming  
12 off the driller's chair. And there was  
13 another screen that had the subsurface  
14 logging tools, Sperry Sun logging tools.  
15 Q. Okay.  
16 A. They also had a display.  
17 Q. And those are things that you  
18 monitored, correct?  
19 A. Yes.  
20 Q. Now, while doing that  
21 monitoring, did you keep a log or did you  
22 do any documentation of what you were  
23 looking at?  
24 A. No, sir.  
25 Q. Okay. Just -- just asking. So,  
00077:01 but -- but you are trained, are you not,  
02 through experience in being able to  
03 understand the -- essentially what you see  
04 in the display in the mudloggers -- on the

05 mudloggers' display, correct?  
06 A. Yes, sir.  
07 Q. And it's a variety of things  
08 that comes across in graph form in Sperry  
09 Sun's system onto a screen?  
10 A. Yes, sir. It's both graph  
11 and -- and digital numeric. So you  
12 could --

Page 77:18 to 77:19

00077:18 Q. Well, Transocean had their own  
19 sensors out there, correct?

Page 77:22 to 78:22

00077:22 BY MR. PALMINTIER:  
23 Q. That's Transocean's lawyer.  
24 A. Transocean had sensors and --  
25 yes.  
00078:01 Q. And you could also monitor those  
02 on the -- on the display, correct?  
03 A. Yes, sir, on a different  
04 display. Not the same one.  
05 Q. Now -- and those were available  
06 to you whenever you wanted to look at them?  
07 A. Yes, sir, also in closed  
08 circuit.  
09 Q. Now, that was one of the  
10 responsibilities you had. Let me -- let me  
11 go over some other things.  
12 What would -- what do you think  
13 of as your main responsibility, if there is  
14 one, a singular main responsibility as the  
15 well site leader for BP on the Deepwater  
16 Horizon in -- in '09 and '10?  
17 A. Just one? I mean, it -- I would  
18 say safety of the personnel and equipment,  
19 the rig.  
20 Q. Okay. Safety of personnel,  
21 protection of the equipment?  
22 A. Yes, sir.

Page 79:12 to 80:01

00079:12 BY MR. PALMINTIER:  
13 Q. Sure. It was a responsibility  
14 of the well site leader to keep an eye on  
15 the equipment? I mean, that's -- you were  
16 just saying, correct, on equipment that was  
17 delivered out to the rig?  
18 A. Yes, sir.  
19 Q. And part of the responsibility

20 that you had with regard to that equipment,  
21 first of all, was to make sure that you got  
22 what was supposed to have been gotten  
23 according to what Houston wanted to do  
24 according to the drill -- drilling design,  
25 correct?  
00080:01 A. Yes, sir.

Page 82:17 to 83:10

00082:17 Q. Okay. And when it came in, you  
18 looked it over, correct?  
19 A. Yes. Yes, sir.  
20 Q. And you made sure that it was  
21 sound; it wasn't just damaged in transit,  
22 correct?  
23 A. Yes, sir, that's part of it.  
24 Q. That the numbers were correct,  
25 that the number of parts or pieces were  
00083:01 correct?  
02 A. Yes, sir.  
03 Q. Did you also have the  
04 responsibility of checking the equipment  
05 against the -- for example, the cementing  
06 design, if we use cementing as an example  
07 of what the equipment was designed to  
08 assist -- did you have the responsibility  
09 of making sure by looking at the design,  
10 what -- whether it was what was called for?

Page 83:15 to 83:24

00083:15 THE WITNESS:  
16 The -- is there some  
17 specific part or tool or equipment? It all  
18 has to be fit for purpose.  
19 BY MR. PALMINTIER:  
20 Q. Okay. And does -- was it your  
21 role, though, to -- to comment, one way or  
22 the other, about whether or not the part  
23 was appropriate for the actual design that  
24 it was intended for?

Page 84:04 to 84:10

00084:04 THE WITNESS:  
05 Yes, sir. That would be  
06 part of it. If it was something that was  
07 sent that was wrong and you can't use it,  
08 so -- need to check it out, yes, sir.  
09 BY MR. PALMINTIER:  
10 Q. And you would have sent it back?

Page 84:13 to 84:14

00084:13 THE WITNESS:

14 Swapped it out, yes.

Page 84:17 to 84:23

00084:17 A. Or someone would. I might not

18 have sent it back, but it wouldn't have

19 gotten used because it was wrong.

20 Q. Understood. Well, as BP's well

21 site leader, you had a primary

22 responsibility for the -- for the

23 equipment, correct?

Page 85:01 to 85:14

00085:01 THE WITNESS:

02 Have a -- have a -- we have

03 a responsibility to ensure that's what on

04 deck stays ready for use, it's proper and

05 for the intent that it's there for, yes,

06 sir.

07 BY MR. PALMINTIER:

08 Q. All right. And let me ask

09 specifically. Let's turn to the -- to

10 the -- to the function of cementing out on

11 the Deepwater Horizon.

12 Was it BP's well site leaders'

13 responsibility to keep up with the job of

14 cementing?

Page 85:17 to 86:13

00085:17 THE WITNESS:

18 To observe the job of

19 cementing, yes, sir.

20 BY MR. PALMINTIER:

21 Q. And did you, in particular on

22 any job while you were on the Deepwater

23 Horizon, observe cementing of casing?

24 A. I think I did, yes, sir.

25 Q. And generally, when would that

00086:01 have been?

02 A. It would have been on the Kodiak

03 well and -- and I think one or two of the

04 casing strings on the Macondo.

05 Q. Okay. When you did that, when

06 you performed that function, did you look

07 at the cementing design or plan for the

08 particular job that you were observing?

09 A. As I recall, yes, sir.

10 Q. Because, again, that was part of



11 the responsibility of the well site leader  
12 to, you know, make sure that what was in  
13 the design was also what was being done --

Page 86:16 to 87:01

00086:16 BY MR. PALMINTIER:

17 Q. -- in a cementing context?

18 A. Yes, sir.

19 Q. All right. Were there other  
20 functions, as a web -- as a well site  
21 leader that you served? For example, I  
22 would guess that you -- I noted that you  
23 spent a lot of time on the drill floor.  
24 Were you actively observing and -- and  
25 inputting on -- on the actual function of

00087:01 drilling?

Page 87:04 to 87:06

00087:04 BY MR. PALMINTIER:

05 Q. Is that one of the things that  
06 the well site leader did?

Page 87:11 to 87:18

00087:11 THE WITNESS:

12 Yes, sir. I -- I would --  
13 I would respond by observing and having  
14 input.

15 BY MR. PALMINTIER:

16 Q. Okay. Because that was your  
17 job, correct?

18 A. Yes, sir.

Page 87:22 to 88:11

00087:22 Q. You got to know the drillers on  
23 the Deepwater Horizon pretty well, correct?

24 A. Yes, sir.

25 Q. And most of the men who worked  
00088:01 on the floor?

02 A. Yes, sir.

03 Q. We talked about the -- the  
04 mudlogging/well-monitoring functions that  
05 you had available to observe.

06 Can you tell me what your actual  
07 responsibility was in monitoring the -- the  
08 mudlogging displays? And what I mean by  
09 that, Earl, is to say you would keep an eye  
10 on it, you knew enough to know something  
11 was going on and then you would do what?

Page 88:16 to 88:25

00088:16 THE WITNESS:

17                   It would depend on what was  
18 going on. I couldn't -- I don't think I  
19 can in general say that -- it'd depend. I  
20 mean, if it -- if we were drilling with a  
21 bit, on bottom drilling and our -- our  
22 background gas increased from 40 units or  
23 increased to -- then I would inquire as to  
24 what depth it's coming from, things like  
25 that as far as the mudloggers go.

Page 89:12 to 89:20

00089:12           Q.     Okay. And it is that change  
13 that you just talked about -- you said  
14 it -- it got increased gas in the -- in the  
15 mud, and any indication of change that that  
16 represents is one of the things that  
17 mudlogging is designed to protect against,  
18 correct?

19           A.     That's my understanding, yes,  
20 sir.

Page 90:18 to 91:01

00090:18 But I'm wondering about, you  
19 know, your role as a BP well site leader in  
20 monitoring the -- the mud displays and --  
21 and the -- and the collateral displays that  
22 you had. Is it fair to say that the reason  
23 we monitor and that why you monitored is  
24 because you want to see whether changes are  
25 happening?

00091:01           A.     Yes, sir.

Page 92:02 to 92:08

00092:02           Q.     One of the reasons, though, you  
03 do look at changes is to avoid a  
04 well-control problem, correct?

05           A.     Yes, sir.

06           Q.     That's how you stay heads-up on  
07 whether or not there's a well-control  
08 problem looming, right?

Page 92:11 to 92:20

00092:11 THE WITNESS:

12                   Yes, sir.

13 BY MR. PALMINTIER:

14 Q. And there are other ways. As  
 15 you say, you spent time on the drill floor.  
 16 You would look -- you probably looked in  
 17 the pits and -- and so forth, but one of  
 18 the ways was looking at this -- this  
 19 display?  
 20 A. Yes, sir.

Page 93:20 to 94:12

00093:20 Q. And what is simultaneous  
 21 operations?  
 22 A. In -- in my view when you have  
 23 a -- in the production field and you have  
 24 drilling and production producing wells  
 25 going on at the same time, you can -- is my  
 00094:01 view of SIMOPS.  
 02 Q. Let me get you to break that  
 03 down for me. Like when you have drilling  
 04 and production operations at the same time?  
 05 A. Yes, sir.  
 06 Q. And the reason why they  
 07 call -- strike that.  
 08 There's a reason why it's an  
 09 acronym, though, isn't there? I mean, it's  
 10 important to know there are simultaneous  
 11 operations going on aboard the rig,  
 12 correct?

Page 94:15 to 95:02

00094:15 THE WITNESS:  
 16 If -- if there's other  
 17 things going on in different areas of the  
 18 rig, yes, sir, it would be important to  
 19 know that.  
 20 BY MR. PALMINTIER:  
 21 Q. One of the reasons is because  
 22 those simultaneous operations, other things  
 23 going on in other parts of the rig -- one  
 24 of the reasons why it's important is  
 25 because that can affect instrumentation  
 00095:01 such as the mudloggers' display that we  
 02 talked about, correct?

Page 95:05 to 95:24

00095:05 THE WITNESS:  
 06 I agree with that, yes.  
 07 BY MR. PALMINTIER:  
 08 Q. Because when things are going on  
 09 that affect, for example, pit volumes and  
 10 so forth, those might eliminate the

11 effectiveness of the mudloggers' displays  
12 through the sensors that the mudloggers'  
13 displays come from; is that fair?  
14 A. Eliminate the effectiveness?  
15 Q. Yes.  
16 A. Yes, sir.  
17 Q. Okay. So when you were on the  
18 Deepwater Horizon drilling the Macondo, was  
19 there ever a time when simultaneous  
20 operations were going on?  
21 A. Yes, sir.  
22 Q. Did you take any measures or  
23 steps to adjust to those simultaneous  
24 operations?

Page 96:02 to 97:19

00096:02 THE WITNESS:

03 As I stated earlier, I felt  
04 like, that simultaneous operations deals  
05 between drilling and production. That was  
06 my answer to that question. There's normal  
07 operations of the rig that I don't -- I  
08 don't deem as SIMOPS in -- in the text --  
09 and in the context of the word "SIMOPS."  
10 There is operations that's going on on a  
11 rig 24 hours a day.

12 BY MR. PALMINTIER:

13 Q. Yes, sir.

14 A. So if there are -- if we're  
15 going to label them SIMOPS, I'm good with  
16 that. But to answer that question, yes.  
17 And other things, yes, I have seen other  
18 things going on that affected the -- the  
19 flow return, the pit volume totalizer.

20 Q. Yeah. For example, the use of a  
21 crane to off-load heavy objects or to  
22 maybe, you know, work with mud transfer off  
23 the rig and -- and that -- that kind of  
24 thing going on where the heavy weights are  
25 being moved and shifted around can affect

00097:01 the -- the pit volume measurement; is that  
02 correct?

03 A. Yes, sir.

04 Q. So it's important what -- when  
05 those kinds of things are going on, that we  
06 more carefully monitor the mudloggers'  
07 display; is that a fair statement?

08 A. The mudlogger would more  
09 carefully his, and the driller would also  
10 more carefully monitor his.

11 Q. Would the -- well, would the  
12 well site leader also have to do that?

13 A. Well, if I were around a  
14 monitor, I would. If I was by the driller,

15 I could see his and the mudloggers', so  
16 yes, I would.  
17 Q. All right.  
18 A. That's me. I don't know about  
19 the rest of it.

Page 97:23 to 98:19

00097:23 What I'm asking you, though, is:  
24 Isn't it -- isn't it true, sir, that the  
25 reason why you need to know about  
00098:01 simultaneous operations going on when  
02 you're looking at the mudloggers' display  
03 is because it can eliminate the  
04 effectiveness of that display for  
05 protecting well control?  
06 A. Protecting or detecting? I  
07 mean, it --  
08 Q. Or detecting?  
09 A. Detecting, yes, sir.  
10 Q. Yeah. I mean, it can make it so  
11 that you might miss something that puts the  
12 well control at risk?  
13 A. Yes, sir.  
14 Q. All right. So what I'm asking  
15 is what -- when you saw simultaneous  
16 operations, what responsibility on behalf  
17 of BP would the well site leader have when  
18 SIMOPS was going on to make sure that  
19 the -- the mudlogging was effective?

Page 98:24 to 100:14

00098:24 BY MR. PALMINTIER:  
25 Q. If any?  
00099:01 A. Personally I would -- I have  
02 gotten with -- on the Horizon, I had gotten  
03 with a tool pusher a couple or three times  
04 and said, Please can we see if we cannot  
05 get that lift landed on the crane and get  
06 the crane back in the rack. And the  
07 driller, I think -- once or twice, I had  
08 the driller just pick up off bottom and  
09 let's circulate until we get this sorted  
10 out, and we go back to drilling. That's  
11 me.  
12 I mean, when you use the broad  
13 term of "well site leader," I don't know  
14 what the rest of them do.  
15 Q. Understood. One of the reasons  
16 you did that, in your experience, was  
17 because you were concerned about the  
18 interference of SIMOPS on well control  
19 monitoring?

20 A. I was the -- the end of a -- two  
21 or three giggles on the rig that -- I  
22 don't -- I hadn't worked on deepwater. I  
23 hadn't been on a rig that sat there and  
24 floated. I worked on a rig that was  
25 bottom-sounded.

00100:01 Q. Yes, sir.

02 A. And for three or four or five  
03 months, I mean, it -- it wasn't like I was  
04 scared to death, but I don't want see this  
05 thing moving. I don't want to see it  
06 changing. So the rig crews were helpful in  
07 helping me understand and -- and I -- my  
08 part into it was I understand all I need to  
09 understand about it. Pick the bit up off  
10 the bottom, let's circulate until we get  
11 this landed. You know, you can make fun of  
12 me all you want, but I don't like to see  
13 the -- the volume changes the way it does.  
14 So --

Page 102:18 to 102:23

00102:18 Q. Understood. And -- but it would  
19 fit, would it not, with your previous  
20 experience that BP and -- and -- and its  
21 cementing contractor would create a design  
22 for the particular section of -- of  
23 cementing that they were going to be doing?

Page 103:03 to 103:07

00103:03 A. Prior to, that's a true  
04 statement.

05 Q. All right.

06 A. Halliburton would design the  
07 cement.

Page 103:21 to 104:02

00103:21 Q. Understood. Well, help me out  
22 with this because my understanding of -- at  
23 least one of the reasons for cementing, for  
24 example, a -- a casing is -- is to protect  
25 against the movement of hydrocarbons.

00104:01 A. I would accept that possibility  
02 as a reason, yes.

Page 104:06 to 104:08

00104:06 Q. Another is to increase the  
07 stability of the -- of the wellbore,  
08 correct?

Page 104:12 to 104:22

00104:12 I would accept that, yes,  
13 sir.  
14 BY MR. PALMINTIER:  
15 Q. And so if it doesn't work then,  
16 among other things, you have got the risk  
17 of hydrocarbon migration, correct -- and by  
18 not working, I mean if the cementing job  
19 doesn't perform as designed, then you have  
20 the risk of migration of hydrocarbons all  
21 the way up to the possibility of a blowout,  
22 correct?

Page 105:01 to 105:08

00105:01 That's my assumption. It  
02 could, yes.  
03 BY MR. PALMINTIER:  
04 Q. And, likewise, if it's, you  
05 know -- if it's not working as designed,  
06 the cementing would lead to an unstable  
07 wellbore which you obviously don't want,  
08 correct?

Page 105:13 to 105:15

00105:13 THE WITNESS:  
14 I would also agree to that.  
15 It could.

Page 106:02 to 106:09

00106:02 Q. Beyond your expertise?  
03 A. It would be, yes, sir. I -- I  
04 don't know what happens downhole once the  
05 cement sets up, but --  
06 Q. Had you ever, prior to this  
07 occasion in April of 2010, worked with  
08 nitrogen-infused cement?  
09 A. No, sir. I never had.

Page 108:16 to 109:12

00108:16 Q. I'm sorry. Let me go back.  
17 We'll go back.  
18 I am trying to be precise  
19 because you're so precise, frankly, and  
20 that's a compliment. That's not a  
21 criticism.  
22 One of the things I'm trying to

23 do is piece together what you consider,  
24 what Earl Lee considered to be the -- the  
25 full job description of the well -- of the  
00109:01 well site leader, and we have established  
02 that one of the things you did was monitor  
03 mudlogging. You were aware of simultaneous  
04 operations and in your case even helped  
05 solve the problem while it was occurring on  
06 yours.  
07 And now I'm asking about  
08 cementing and when cementing happened. As  
09 a BP company man out there, you had some  
10 responsibilities to oversee cementing,  
11 correct?  
12 A. Yes, sir.

Page 109:17 to 112:07

00109:17 BY MR. PALMINTIER:  
18 Q. What would those have been?  
19 A. As you indicated earlier, the --  
20 through the years -- Halliburton calls it a  
21 cement recommendation. Halliburton would  
22 put the cement -- proposed blend of cement,  
23 the slurry design together. Halliburton  
24 would -- not specific to Halliburton --  
25 Dowell, Schlumberger, DJ, all of them does  
00110:01 it, but in this case, we're talking about  
02 Halliburton. And they would put it in the  
03 lab and they would run it through their  
04 12-, 24-, 36-, 48-hour compression test.  
05 They tell you what the water loss is, the  
06 filtrate compression strengths and all of  
07 this.  
08 That particular blend of cement  
09 is what is accepted because it passed the  
10 criteria in the lab. When that blend is  
11 sent to us, you see the cubic feet of  
12 cement that's to be mixed, you see the  
13 water that's required per sack of cement,  
14 you can see the additives, the liquid  
15 additives that's to be put into that  
16 particular blend of cement --  
17 Q. Yeah.  
18 A. -- that was put in the lab, the  
19 same mixing water. We send the mixing  
20 water in off of the rig. We send a sack of  
21 our cement out of our buck tanks in off of  
22 the rig. They take those samples, the  
23 mixing water, they take samples of the  
24 liquid additives. It all goes to the lab.  
25 They blend it. They put it in the oven.  
00111:01 They put it to the temperature -- estimated  
02 temperature of depth to the cement plugs  
03 going to be used at or the cement column.



04           And once it gets through the lab  
05 tests and those results are sent back to  
06 John Guide, engineer of the rig, cementer  
07 on the rig, my job is to make sure that --  
08 I understand that on our APD, we told the  
09 government that we're going to pump 3,600  
10 cubic foot of cement --

11       Q.     Yes.

12       A.     -- on this casing string.  
13 That's worded in the APD. Part of my job  
14 is to make sure that that cementer is going  
15 to pump at least 3,600 cubic feet of  
16 cement. I'm going to stand on the cement  
17 unit. I am going to watch his liquid  
18 heads. I'm going to see the density when  
19 they weigh it. I'm going to make sure that  
20 that blend of cement that's mixed on that  
21 cement unit is the same blend that was sent  
22 to the lab because we're using the same  
23 water, same products, stir it together,  
24 same density, pump it down the hole.

25       Q.     Yes.

00112:01     A.     My job is what I do -- and I  
02 don't -- I haven't read anywhere in a BP  
03 manual what a well site leader is supposed  
04 to be doing for a cement job. My job is to  
05 monitor that process of the cement being  
06 mixed with the cement unit and pumped down  
07 the pipe.

Page 112:11 to 112:16

00112:11     Now, part of that process is to  
12 certainly depend upon the lab work at least  
13 to have been completed before all that  
14 complicated slurry design goes down the  
15 hole, correct?

16       A.     Yes, sir.

Page 113:25 to 115:02

00113:25     Q.     We're talking about Macondo.

00114:01     A.     I can't speak to the Macondo.  
02 I -- I wasn't there. I don't know what the  
03 lab took -- Halliburton -- Howell,  
04 Schlumberger, BJ and all of them have a  
05 history of mixing pumping cement.

06       Q.     Yes.

07       A.     That's their job. Halliburton  
08 can pretty well tell you exactly what that  
09 lab result is going to be from experience.  
10 So I answer that question, Would it be a  
11 problem if it didn't go to the lab? In my  
12 view, not necessarily because the

13 recommendation -- the recommended blend  
14 that Halliburton would suggest you use is a  
15 known output to them anyway. Going through  
16 the lab is giving you assurance that what  
17 they are telling me is true.  
18 Q. Yes.  
19 A. But it doesn't necessarily have  
20 to go to the lab to do its intended  
21 purpose, in my view.  
22 Q. I understand. But as well site  
23 leader, you have got to follow certain  
24 rules and -- and requirements, and if they  
25 haven't even tested a complex cement  
00115:01 slurry, you're not going to let it go down  
02 the hole, are you?

Page 115:09 to 115:14

00115:09 THE WITNESS:  
10 No, sir.  
11 BY MR. PALMINTIER:  
12 Q. I didn't think so. And if they  
13 tried to do that, you would put a stop to  
14 it, wouldn't you?

Page 115:19 to 115:20

00115:19 THE WITNESS:  
20 I would try to, yes, sir.

Page 152:05 to 152:09

00152:05 Q. Okay. Understood. And as to  
06 testing results, did you -- as a well site  
07 leader, did you actually look at the lab  
08 test results from Sperry and evaluate  
09 those?

Page 152:12 to 153:13

00152:12 THE WITNESS:  
13 It would be Halliburton.  
14 I -- I would look at the 12-, 24-, 48-hour  
15 compressive strengths. That's part of the  
16 lab results, yes.  
17 Q. Why would you be particularly  
18 interested in compressive strengths?  
19 A. That's when cement sets up. It  
20 gains compressive strength.  
21 Q. Yes.  
22 A. And to trip in the hole, test  
23 the casing, if the cement hasn't set up, if  
24 doesn't have enough compressive strength,

25 then you can swell the casing up or expand  
00153:01 the casing somewhat with that pressure to  
02 do the casing test pressure. And when you  
03 bleed it off, the casing relaxes, the  
04 cement stays because it's not set up. So  
05 the 12-, 24-, 48-hour compressive strengths  
06 tell me that the cement has enough support.  
07 It's set up. It has enough compressive  
08 strength that when testing the casing, it's  
09 not going to move.  
10 Q. But if it moves, it's going to  
11 affect its ability to do its job down the  
12 line possibly, correct?  
13 A. Possibly.

Page 153:25 to 154:03

00153:25 Q. Okay. Were you aware that the  
00154:01 tests on the cement done, for example, on  
02 the 13th of February showed it to be  
03 unstable?

Page 154:06 to 154:14

00154:06 THE WITNESS:  
07 I didn't.  
08 BY MR. PALMINTIER:  
09 Q. Beg your pardon?  
10 A. No, I'm not aware of it.  
11 Q. All right. When you looked at  
12 those that were e-mailed to you, you didn't  
13 see that the -- that the results were  
14 unstable?

Page 154:19 to 155:10

00154:19 THE WITNESS:  
20 I just -- after the fact, I  
21 looked at the cement lab results that Jesse  
22 Gagliano e-mailed out --  
23 BY MR. PALMINTIER:  
24 Q. Yes, sir.  
25 A. -- to see -- I had heard -- as I  
00155:01 stated earlier, that I had heard that there  
02 was a nitrogen blend of cement.  
03 Q. Yes, sir.  
04 A. And I had never seen a nitrogen  
05 blend of cement. I wanted to look at the  
06 lab results to see if I could glean any  
07 information out of a nitrogen-blended  
08 cement. As far as remembering what all was  
09 on this report, I don't remember what was  
10 on it.

Page 156:23 to 157:03

00156:23 Q. Okay. Did you see any  
24 pressure -- I'm sorry. Did you see any lab  
25 test results on the cement that reported  
00157:01 the cement favorably; in other words, that  
02 the -- that the slurry that was being  
03 tested would work properly?

Page 157:07 to 157:14

00157:07 Q. Or you just weren't looking at  
08 it?  
09 A. I'm -- I'm not an expert on that  
10 lab results, so, you know, the form,  
11 there's just a few basic things to look at  
12 on it to -- so I don't know if it would be  
13 fit for purpose or not myself. I don't  
14 know.

Page 157:17 to 157:21

00157:17 situation. If you were on the rig and you  
18 were looking at a nitrogen-infused cement  
19 and a proposed slurry and you got the lab  
20 results and it said "unstable," you would  
21 have prevented it from being used, correct?

Page 158:01 to 158:14

00158:01 THE WITNESS:  
02 Yes, I would hope I would.  
03 BY MR. PALMINTIER:  
04 Q. Yes. As a well site leader, if  
05 you wanted to look at a lab report, you  
06 would be able to ask for it, wouldn't you?  
07 And I'm talking about cementing lab  
08 reports.  
09 A. Yes, sir, for -- for the job  
10 that I am assigned to. I don't know about  
11 all the rest of it, but yes.  
12 Q. Okay. Would you ever have done  
13 a cementing job without looking at a lab  
14 report? You wouldn't, would you?

Page 158:17 to 158:19

00158:17 THE WITNESS:  
18 I don't -- I don't think I  
19 would, no, sir.

Page 158:21 to 159:07

00158:21 Q. Who were the well site leaders  
22 that were aboard the Horizon when she  
23 exploded and sank?  
24 A. I don't know. I have heard, but  
25 I don't know.  
00159:01 Q. Well, who -- who did you hear?  
02 A. I heard that Don Vidrine and Bob  
03 Kaluza was onboard.  
04 Q. Did you know Don Vidrine before?  
05 A. He came in the first part of  
06 '10. I don't remember what month, January  
07 or February. He took Rory McNeil's place.

Page 159:12 to 160:02

00159:12 Q. What about this other guy?  
13 A. Kaluza?  
14 Q. Kaluza.  
15 A. I didn't -- didn't know Kaluza.  
16 I think I had saw him across the room at a  
17 well site leader meeting a year or two ago,  
18 but I don't know about Kaluza at all.  
19 Q. Do you know whether he was an  
20 experienced well site leader or he just  
21 started?  
22 A. I don't know.  
23 Q. All right. Had you heard or do  
24 you know whether or not he took Ronnie  
25 Sepulvado's place so that Ronnie could go  
00160:01 get his two-year certificate?  
02 A. After the fact, yes.

Page 163:18 to 164:03

00163:18 Q. And you didn't talk to him -- he  
19 didn't consult you, for example, when he  
20 was taking over the position for Ronnie as  
21 Ronnie went to be -- be recertified?  
22 A. No, sir. As far as I know, I've  
23 never had a word spoken with Bob Kaluza.  
24 Q. Okay. I have some questions  
25 about your annual individual performance  
00164:01 assessment. The booklet I have given you  
02 has a -- one page of it and the rest are  
03 missing.

Page 165:01 to 165:21

00165:01 and introduce this one as the next exhibit.  
02 But let's -- let's ask you about. First I  
03 need to make sure I have got the right

04 thing.  
 05 The "Annual Individual  
 06 Performance Assessment on Earl Lee." Do  
 07 you recognize this document which is  
 08 comprised of six pages?  
 09 A. Yes, sir.  
 10 Q. Have you had a chance recently  
 11 to review this document?  
 12 A. Yes, sir.  
 13 Q. All right. And what -- what  
 14 is --  
 15 A. Annual performance review.  
 16 Q. It's a document that  
 17 memorializes a discussion that you have had  
 18 with someone; is that a fair statement? Is  
 19 that correct?  
 20 A. It's a review or an assessment  
 21 of my performance doing my job for BP.

Page 166:04 to 169:05

00166:04 Q. And I've reviewed the document  
 05 enough to know that it looks like something  
 06 that -- that maybe you and someone else had  
 07 a meeting and went over some things; is  
 08 that a fair statement? Is that a correct  
 09 statement?  
 10 A. Well, no, not a face-to-face.  
 11 It's prepared by the team leader. In this  
 12 case, it was John Guide so --  
 13 Q. Yes.  
 14 A. -- for the -- and -- and during  
 15 that year, I worked for two team leaders.  
 16 I work for Glenn Nohavitza up until I went  
 17 to -- on the Horizon in August. So the  
 18 midyear performance conversation is  
 19 something that -- that I put in, that was  
 20 my input.  
 21 Q. Okay.  
 22 A. And that year-end assessment,  
 23 the first one is -- is -- says, "Deliver  
 24 HAE -- HSE Performance and Zero Incident  
 25 Culture." And I am to have input into what  
 00167:01 I did. The contract they agreed upon on  
 02 January 1 of 2009 is to participate and  
 03 champion the rig site Safety Management  
 04 System with the overall objective to  
 05 strengthen the Safety Culture on rig site.  
 06 I did not put that in there. It  
 07 has these three bullets points of some of  
 08 the criteria I was to meet during the year  
 09 of 2009: Conducting a SOC per day.  
 10 Document four quality SOC's per two-week  
 11 hitch. Conduct one audit-type review per  
 12 hitch. Could be a third-party JSEA or a

13 Transocean Safety Management Systems  
 14 document, whatever they call it, control of  
 15 work audits, Environmental, BP safety  
 16 audit.  
 17 That's not put in by me.  
 18 That's, like, what's expected of me.  
 19 Q. Beginning where? I'm sorry.  
 20 The "what's expected of you" begins what,  
 21 with number 2? Operational --  
 22 A. No. Right on the top. The "1,  
 23 Deliver HSE Performance."  
 24 Q. Oh, number 1.  
 25 A. "Participate and champion the  
 00168:01 rig site Safety Management System." That's  
 02 expected of me.  
 03 Q. HSE is Health, Safety,  
 04 Environmental?  
 05 A. Yes, sir.  
 06 Q. And this is a -- this is part of  
 07 the form. The -- the first sentence and  
 08 bullet points are -- are put there by whom?  
 09 Mr. Guide or --  
 10 A. I assume John Guide did.  
 11 Q. And Nohavitza? Maybe both? But  
 12 do they do that at their desk, you know, in  
 13 Houston, or do they do it when they are  
 14 sitting with you?  
 15 A. It was e-mailed to me, so they  
 16 wasn't sitting with me, so --  
 17 Q. "Participate and champion the  
 18 rig site Safety Management System with the  
 19 overall objective to strengthen the Safety  
 20 Culture on the rig site." That's the part  
 21 that you -- and then the three following  
 22 bullet points is -- is what you were just  
 23 talking about. That came from your leader.  
 24 That came from your -- from Mr. Guide?  
 25 A. Between he and Glenn Nohavitza,  
 00169:01 yes, sir.  
 02 Q. Okay.  
 03 A. Some of this could very well  
 04 have been a carryover from what Glenn had.  
 05 I don't know for sure.

Page 170:09 to 172:03

00170:09 Q. Okay. What does SOC stand for?  
 10 A. Safety Observation Card.  
 11 Q. Oh, yes. Something that you  
 12 mentioned earlier in your testimony that  
 13 you actually go to a BP school for,  
 14 correct?  
 15 A. I did go, yes, how to properly  
 16 fill it out.  
 17 Q. But I'm -- I'm confused.

18 Conduct one SOC per day. What is the card  
 19 like? Is it something that has a blank  
 20 space on it and you walk around and decide  
 21 this could be improved or -- explain to me  
 22 what a safety observation card --  
 23 A. It has a blank space on it that  
 24 you can make comments. It's typically a --  
 25 a sectional-type thing for area types of  
 00171:01 hazards that you encounter, whatever you  
 02 see or -- trip hazard here --  
 03 Q. Yes.  
 04 A. -- what -- what category it's  
 05 in, where -- where it might be, what  
 06 remedial action needs to take place to  
 07 solve the issue.  
 08 Q. Okay. What's an audit -- you  
 09 see the second bullet point? What's an  
 10 audit-type review?  
 11 A. It's the -- within the BP Safety  
 12 Management System, BP uses an ASA, Advanced  
 13 Safety Audit while we're on our  
 14 contractor's equipment, contractor's  
 15 facilities, with a bridging document  
 16 between the BP Safety Management System and  
 17 the Safety Management System for the  
 18 contractor, be it Transocean or whomever  
 19 the rig may belong to that's working for  
 20 BP.  
 21 We are to work within their  
 22 Safety Management System. They may not  
 23 necessarily call it a -- a safety audit.  
 24 They may call it something else. So that's  
 25 ways that I think -- one audit-type review,  
 00172:01 whether it be an ASA in our world or  
 02 whatever Transocean may call it in their  
 03 world.

Page 172:20 to 174:14

00172:20 Q. "Elevate BP third-party  
 21 contractor involvement in Transocean's  
 22 Safety Management System." What does that  
 23 mean?  
 24 A. That means the same thing as far  
 25 as the BP personnel onboard are expected to  
 00173:01 work within the Transocean Safety  
 02 Management System and also those  
 03 subcontractors that are out there that  
 04 doesn't work for BP but are out contracted  
 05 through BP to do work on the Transocean  
 06 facility, they are also to use the  
 07 Transocean Safety Management System and  
 08 work within it and do just like the rig  
 09 hands are supposed to do in the Transocean  
 10 Safety Management System.



11 Q. This third bullet point  
12 reflects, as probably the other two did,  
13 your involvement in making sure that  
14 there's coordination between Transocean and  
15 those subs, correct, when it comes to  
16 safety?

17 A. Yes, sir. My involvement is to  
18 make sure -- all of the service  
19 contractors, the Transoceans, the  
20 Halliburtons, they all have their own  
21 Safety Management System. And I don't  
22 understand how it works within our -- our  
23 auditing system for Halliburton to work for  
24 us.

25 There's an agreement between BP  
00174:01 and Halliburton that their people will work  
02 within the Safety Management System that we  
03 have bridged to, whether it be Transocean,  
04 Seadrill or whomever. There's an  
05 expectation that the third-party personnel,  
06 the Halliburtons, the -- all of them will  
07 work with that same Safety Management  
08 System. To keep the confusion down,  
09 everybody is on the same page.

10 Q. And that's one of the functions  
11 of the well site leader, and it's reflected  
12 right here that you -- you have to promote  
13 that to happen?

14 A. Yes, sir.

Page 175:18 to 176:13

00175:18 Q. Now, what is number 2,  
19 "Operational Performance"?

20 A. It says to maintain the  
21 performance culture of the Deepwater  
22 Horizon. Under that is bullet to "Deliver  
23 each well drilled within AFE estimates of  
24 time and cost. Demonstrate commitment to  
25 Continuous Improvement. Demonstrate

00176:01 ability to effectively recover from  
02 unplanned events."

03 Q. Okay. This says "efficiently  
04 recover from unplanned events," correct?

05 A. Yes, sir, that's what it says.

06 Q. Okay. And what does "AFE" mean?  
07 What does it stand for? "Deliver each well  
08 drilled with AFE estimate."

09 A. I don't know what the acronym  
10 AFE is. It's --

11 Q. Within --

12 A. I don't know. That's the honest  
13 truth.

Page 177:19 to 180:02

00177:19 Q. Of course. Okay. I accept  
20 that. Let's talk about number 3. What is  
21 number 3?  
22 A. Monitor cost with a focus for --  
23 for cost efficiencies within rig  
24 operations -- efficiencies within the rig  
25 operations. On the bullet points,  
00178:01 Demonstrate a -- a reduction in spread rate  
02 of services (exclude rig day rate and  
03 logistics). Contribute to the  
04 simplification agenda with at least three  
05 ideas a year that are implemented within  
06 the well site leader's sphere of influence.  
07 Q. So in this set of bullet points,  
08 you are promoted, if I understand these  
09 correctly, to at least three times a year,  
10 come up with ideas to simplify matters that  
11 are under your auspices as well -- well  
12 site leader, correct?  
13 A. I -- I would agree with that,  
14 yes.  
15 Q. And your response to that  
16 includes reflection from when you were  
17 aboard the Will K: Kept all short notice  
18 tools and personnel to a minimum. What  
19 does that mean?  
20 A. That -- that -- in my view,  
21 that's the expectation back to the header  
22 of Every Dollar Counts, every Dollar Counts  
23 and Simplification. Those tools are  
24 generally sent in pairs.  
25 Q. Yes.  
00179:01 A. You don't get just one.  
02 Sometimes they -- people in my job that we  
03 talked about earlier this morning, about  
04 the product or the tool or the personnel to  
05 do a specific job. There are some within  
06 my peer group that might get the tools out  
07 two weeks early or a week early and then  
08 not send them in for a week or two after  
09 that job is over with. And you got two of  
10 them which is double the cost, double the  
11 day rate, whatever the day rate may be.  
12 And what it's telling me, it -- those -- it  
13 says: Demonstrate a reduction in spread  
14 rate of services (exclude the -- the day  
15 rate of rig), which I have no control over.  
16 It's fixed contractually, of course.  
17 But my job is that -- that I  
18 have control on when those multiple items,  
19 dual items come out. After they are  
20 finished with, I have some control on how  
21 long it lays on the deck and draws wages.

22 Q. Yes.  
 23 A. And draws a -- a rate.  
 24 Q. Rate.  
 25 A. So to me, that's what this  
 00180:01 section is for, and that's the way I  
 02 explained it. When on the Bob Palmer, we

Page 180:09 to 181:15

00180:09 What's number 4, "Behaviors,  
 10 Development and Leadership Model"?  
 11 A. Demonstrate a commitment to the  
 12 BP's leadership. On the bullet points,  
 13 there's: Support the skill-set advancement  
 14 of personnel on the rig site. Attend at  
 15 least one self -- self-development course  
 16 per year and 90 percent compliance with the  
 17 VTA requirements.  
 18 Q. I don't know what "VTA" means?  
 19 A. Virtual Training Assisted. It's  
 20 computer-based training models.  
 21 Q. Sort of like what you described  
 22 when you go to the certification school?  
 23 A. No, sir. For well control?  
 24 Q. Yes.  
 25 A. No, sir. It's totally  
 00181:01 different.  
 02 Q. Okay.  
 03 A. Well control, there's a -- BP  
 04 won't let us do the well control virtual.  
 05 We have to have to instructing classes --  
 06 Q. Yes.  
 07 A. -- with a physical instructor in  
 08 the class, hands-on on a simulator. BP  
 09 won't accept computer-based well control  
 10 training.  
 11 Q. Understood.  
 12 A. It's not the same.  
 13 Q. Understood. One is virtual and  
 14 the other is actual equipment?  
 15 A. Yes.

Page 192:10 to 192:17

00192:10 MR. PALMINTIER:  
 11 Bottom right. Above the  
 12 number. I'll file and introduce this  
 13 annual report. It's  
 14 BP-HZN-219MDL018052 -- I'm sorry -- 2532  
 15 through 2536.  
 16 (Exhibit 2667 was marked  
 17 for identification.)

Page 193:23 to 194:18

00193:23 Q. And I -- I have some questions  
24 regarding certain procedures that are  
25 routinely, apparently, done aboard  
00194:01 deepwater as well as  
02 outer-continental-shelf-type drilling  
03 platforms. What is a negative pressure  
04 test?  
05 A. A negative pressure test would  
06 be to where you subject some interval in  
07 the well to a pressure less than what the  
08 hydrostatic head of the column of fluid is.  
09 Q. All right. And why do you do  
10 that? Why do you subject that defined area  
11 to pressure?  
12 A. So you will know that it would  
13 hold with less hydrostatic pressure on it.  
14 Q. And one of the reasons why  
15 you're looking at that is, is because if it  
16 doesn't hold pressure, then it's a sign  
17 that there's a flaw in the system, correct?  
18 A. That could be, yes.

Page 195:13 to 196:03

00195:13 Q. Sure. Yes. One of the reasons  
14 for running a negative pressure test at  
15 a -- at a certain time, especially at the  
16 time of completion, is to be able to make  
17 sure that -- that -- that the cementing and  
18 casing job, for example, is -- is not going  
19 to allow hydrocarbons to flow into it,  
20 correct?  
21 A. That's correct.  
22 Q. Okay. And the reason why you  
23 don't want that is because if things get  
24 out of control in that circumstance, a  
25 blowout can occur, and as -- as we have  
00196:01 seen, that can be fatal to people on the  
02 drill floor and other places, correct?  
03 A. A blowout could occur, yes.

Page 197:24 to 198:11

00197:24 Q. As the well site leader, you  
25 have a responsibility to make sure if  
00198:01 you're in that position and you're on tour  
02 when it takes place, that a negative  
03 pressure test is properly evaluated; isn't  
04 that true?  
05 A. Yes.  
06 Q. And if it's a -- and if a  
07 negative pressure test is not favorable,

08 you would shut down the operation and find  
09 out why, wouldn't you?  
10 A. I mean, hypothetically, yes, I  
11 think I would, yes.

Page 199:01 to 199:21

00199:01 Q. Have you ever run a negative  
02 pressure test yourself?  
03 A. Not on a deepwater subsea  
04 wellhead, no.  
05 Q. What about in your shallow water  
06 work?  
07 A. It would be for a liner top  
08 packer or a production packer or for  
09 something that's downhole, if it's surface,  
10 not around the wellhead area.  
11 Q. Understood. So if called upon  
12 to testify regarding the negative pressure  
13 test and what it's for in deepwater, you  
14 wouldn't be able to give an answer to that?  
15 A. No, sir. I have never done one,  
16 never been associated with one in  
17 deepwater.  
18 Q. Okay. But you would agree with  
19 me that if a negative pressure test gave  
20 unfavorable results, that it would be up to  
21 BP to shut down the operation?

Page 200:01 to 200:02

00200:01 BY MR. PALMINTIER:  
02 Q. Correct?

Page 200:05 to 201:06

00200:05 THE WITNESS:  
06 Yes. It would be up to BP  
07 and everyone involved to shut down and try  
08 to figure out what the problem is.  
09 BY MR. PALMINTIER:  
10 Q. Understood. As -- as the well  
11 site leader for BP, you have the ability,  
12 do you not, to stop work when you see an  
13 event that threatens the safety of the rig?  
14 A. Yes, sir.  
15 Q. In fact, you have the duty to do  
16 that, do you not?  
17 A. Yes, sir.  
18 Q. So that if you -- for example,  
19 you have -- I think you've given us a good  
20 illustration of that in candor earlier when  
21 you said if there is a problem, such as

22 difficulty in reading the mudlogger's  
23 display because of simultaneous activity,  
24 that you have the ability and would and  
25 have stopped the operations so that those  
00201:01 difficulties can be worked out?  
02 A. Yes, sir.  
03 Q. And that's the duty of all other  
04 rig -- I -- I mean, that's the duty of all  
05 other people as well site leaders as well;  
06 they all have the same responsibility?

Page 201:09 to 201:16

00201:09 THE WITNESS:  
10 It's a duty of anyone on  
11 the floor. You said in candor I talked  
12 about what I did on the Horizon earlier. I  
13 have also had the driller on the Horizon  
14 say, Look, I need to shut down for a  
15 minute. We need to get this sorted out.  
16 So, yes, everyone.

Page 201:18 to 203:02

00201:18 Q. Okay. Now, let's say there's a  
19 problem on the rig -- I'm talking  
20 hypothetically -- that causes you, as well  
21 site leader, to shut down operations. Do  
22 you have available to you, in -- in your  
23 capacity as leader, the ability to call  
24 someone on land to get resolution to a  
25 problem?  
00202:01 A. Yes, sir.  
02 Q. Who would you call in that  
03 context? What would be the -- the order of  
04 people you would call?  
05 A. It'd depend on the problem. It  
06 would either be the team leader, or if it  
07 was something in the program or something  
08 that we couldn't do that was in the  
09 program, I would talk to the engineer that  
10 wrote the program, operational engineer or  
11 the team leader.  
12 Q. Okay. And the -- in this case,  
13 what position was John Guide filling?  
14 A. He was a team leader.  
15 Q. Team leader. Did you ever have  
16 occasion to call Mr. Guide?  
17 A. Yes, sir.  
18 Q. What was that occasion?  
19 A. Numerous occasions. I -- well,  
20 I called John Guide when Ida was bearing  
21 down on us, Hurricane Ida was bearing down  
22 on us. I called John Guide the last hitch

23 I was on the rig when we had the well  
24 shut-in, and we had pressure on it, and I  
25 talked to John Guide about the situation  
00203:01 then. Talked to John Guide numerous times  
02 while I was on the rig.

Page 209:03 to 211:10

00209:03 Q. The next one is -- also, it  
04 looks like an e-mail, but I -- it doesn't  
05 have any characteristics of an e-mail  
06 except for the print. And it begins "Earl  
07 Lee" and ends on the second page with the  
08 word "yes." You see that one?  
09 A. Yes, sir.  
10 MR. PALMINTIER:  
11 I'm going to mark that as  
12 2669.  
13 (Exhibit 2669 was marked for  
14 identification.)  
15 BY MR. PALMINTIER:  
16 Q. Is that an e-mail from you to  
17 someone?  
18 A. No, sir. I don't know where  
19 this came from.  
20 Q. All right. But you had a chance  
21 review it. Did you draw some conclusions  
22 from it? Does it look like your answers to  
23 the questions?  
24 A. I don't recall the questions, so  
25 I -- I couldn't honestly answer that,  
00210:01 so --  
02 Q. Well, when you were looking at  
03 it before, did you -- did you learn where  
04 it came from?  
05 A. No, I didn't.  
06 Q. Number -- the next one, which is  
07 2670, is BP-HZN-BLY00061591, one page. And  
08 it says "Norman Wong's notes."  
09 (Exhibit 2670 was marked for  
10 identification.)  
11 BY MR. PALMINTIER:  
12 Q. You recognize that document?  
13 A. Yes, I do.  
14 Q. And who is Norman Wong?  
15 A. He is the team lead over rig  
16 audit teams.  
17 Q. Okay. Is he one of the  
18 individuals you mentioned earlier -- and  
19 you didn't remember their names. But is he  
20 one of the individuals who called you over  
21 the telephone?  
22 A. Well, I wasn't aware until  
23 yesterday that these existed, and I don't  
24 know who was on the other end of the phone,

25 and apparently, Norman Wong was. I  
00211:01 don't --  
02 Q. By "these," you mean the three  
03 documents that we have now introduced as  
04 68 -- and that is 2668 through 2670,  
05 correct?  
06 A. Yes, sir.  
07 Q. All right. Let's begin with  
08 Mr. Wong's notes, and in reviewing those,  
09 did it refresh your memory as to the  
10 questions and -- and your answers to them?

Page 211:13 to 211:15

00211:13 THE WITNESS:  
14 No, it didn't. I didn't  
15 recall what was asked.

Page 213:11 to 215:22

00213:11 Q. You see that at the bottom of  
12 the Exhibit 2670, someone, presumably  
13 Mr. Wong, wrote down: Would expect if he  
14 performed a negative test would have been  
15 in charge -- I'm -- I'm adding the word  
16 "in" -- would have been charge and the plan  
17 would be agreed on.  
18 Do you see that?  
19 MR. MONICO:  
20 I think you added the word  
21 "have" too.  
22 MR. PALMINTIER:  
23 I sure did. Sorry.  
24 BY MR. PALMINTIER:  
25 Q. "Would be agreed on." You see  
00214:01 that?  
02 A. I'm sorry. I'm laboring to  
03 understand how he -- what he wrote here.  
04 So -- that first word is "will"?  
05 Q. "Would expect."  
06 A. Would, okay.  
07 Q. Now, that is -- that is my  
08 interpretation. But his handwriting is a  
09 lot better than mine even, so assume with  
10 me that I am correct in reading it.  
11 "Would expect if he performed a  
12 negative test, he would be in charge and the  
13 plan would be agreed on." See that?  
14 A. Agreed on an -- a THINK plan.  
15 Q. Oh, is there something called a  
16 "THINK plan"?  
17 A. Yes, yes. Yes.  
18 Q. What's a THINK plan?  
19 A. It's a -- it's a plan



20 that's -- it's written for the  
21 procedures -- anything that the crew does,  
22 they'll generate the THINK plan. It's  
23 generated with the crew that's involved,  
24 the driller, the ADs, the rig crews. It's  
25 a test specific, step-by-step THINK plan,  
00215:01 who is going to do what, who is going to  
02 move this, who is going to put his hands  
03 here, who is going to do what. It's  
04 a -- it's a pretty-detailed THINK plan on  
05 an operation that you're fixing to do.  
06 Q. Now, did you participate while  
07 on the Horizon in any THINK plan meetings  
08 like that?  
09 A. Yes, sir.  
10 Q. And would you have expected that  
11 this negative test that was run on the  
12 Macondo before the explosion would have  
13 been the subject of a THINK plan? Is that  
14 what this answer was?  
15 A. All I can speculate on is what I  
16 would do if I were there. There would  
17 definitely be a THINK plan generated and we  
18 would follow the -- the steps that's  
19 outlined in the THINK plan.  
20 Q. Because that's what you believe  
21 is the duty of the well site leader,  
22 correct?

Page 215:25 to 216:25

00215:25 THE WITNESS:  
00216:01 Yes, sir, because the OMS,  
02 the operate -- the SMS system that  
03 Transocean uses --  
04 BY MR. PALMINTIER:  
05 Q. Yes.  
06 A. -- the THINK plan is part of  
07 their SMS system.  
08 Q. Okay.  
09 A. Those crews are familiar with  
10 and versed and trained in using the think  
11 plans.  
12 Q. Understood.  
13 A. And -- and we are bridged to  
14 their Safety Management System, so if they  
15 are going to do a job or do anything, they  
16 generate this THINK plan. And I am going  
17 to hold their feet to the fire, if you  
18 will. Yes. I can only speculate what I  
19 would do. I don't know --  
20 Q. Well -- and I don't mean to  
21 disagree with your language, but you said  
22 "definitely." And that's not speculation.  
23 You know what you would do and -- and you

24 can only speculate as to what the others  
25 would do; is that a fair statement?

Page 217:03 to 217:10

00217:03 THE WITNESS:  
04 Yes, sir.  
05 BY MR. PALMINTIER:  
06 Q. Okay. Now, what you would do  
07 would be to have had -- because Transocean  
08 used that method, a THINK plan, that's what  
09 you would have done?  
10 A. Yes, sir.

Page 217:18 to 217:24

00217:18 If you had participated in a  
19 THINK plan and the THINK plan had certain  
20 characteristics which said if the values of  
21 this negative test are at a certain level,  
22 we shut the operation down, you would have  
23 required that the operation be shut down if  
24 the negative test revealed those values?

Page 218:04 to 218:24

00218:04 THE WITNESS:  
05 Yes. If -- if the THINK  
06 plan -- if the process of the THINK plan  
07 didn't come to the conclusion that you were  
08 wanting --  
09 BY MR. PALMINTIER:  
10 Q. Yes.  
11 A. -- you would shut down, yes. I  
12 would.  
13 Q. Okay. Now, you know that it did  
14 not shut down, correct, or do you? You  
15 don't know that?  
16 A. When?  
17 Q. After the negative test that was  
18 run.  
19 A. I -- I don't know anything about  
20 running a negative test on the HORIZON. I  
21 have never done one on the Horizon. I  
22 don't know what they did on the 20th, if  
23 you're referring to the 20th. I don't  
24 know.

Page 219:11 to 219:14

00219:11 Q. All right. What would be an  
12 appropriate value result from a negative  
13 pressure test in the context of the April

14 20th Horizon?

Page 219:17 to 219:20

00219:17 THE WITNESS:

18 I don't know. I have never  
19 done one. I don't -- I don't know how they  
20 would do it on it.

Page 221:04 to 221:11

00221:04 BY MR. PALMINTIER:

05 Q. All right. Ever heard of  
06 something called the bladder effect?  
07 A. No, sir.  
08 Q. No one has talked to you about  
09 the bladder effect and the -- and the  
10 explanation for the negative pressure test  
11 values that were revealed?

Page 221:14 to 221:15

00221:14 THE WITNESS:

15 No, sir.

Page 221:17 to 222:16

00221:17 Q. Bear with me just a minute. I  
18 have to look at the 2669.

19 Why don't you look at it with  
20 me. 2669 is the typed-up one.

21 If you would, look at about the  
22 bottom third of the page where it begins,  
23 "Who is -- who is in control of test when  
24 started." See that line?

25 A. Yes, sir.

00222:01 Q. You see where its says, "Haven't  
02 done one. I would be in control if so"?

03 A. I see that. I also see that it  
04 says: Tool pusher, senior tool pusher with  
05 driller and AD, THINK plan before starting.

06 Q. Yeah. It looks like these may  
07 be notes maybe from someone else. I don't  
08 know, Earl, whose -- whose they are. Maybe  
09 the same set of -- a parallel set of notes  
10 as -- as those in handwriting from Norman  
11 Wong. I mean, is that --

12 A. I have no idea where these came  
13 from.

14 Q. You would feel it would be  
15 speculative to decide?

16 A. It would.

Page 222:21 to 222:24

00222:21 Q. Now -- and so there, in that  
22 answer, is -- you're saying what you said  
23 today, which is a THINK plan should have  
24 been put into place?

Page 223:02 to 223:17

00223:02 THE WITNESS:  
03 In my opinion.  
04 BY MR. PALMINTIER:  
05 Q. Understood. And see where it  
06 says, "Run negative test before"?  
07 A. Yes, sir.  
08 Q. And there the answer is "yes."  
09 A. Yeah.  
10 Q. Okay. But you have run a  
11 regular negative pressure test where? I'm  
12 asking you that independent of this answer.  
13 A. The same as here, on the shelf,  
14 on liner top packers, production packers  
15 and things like that. I have run negative  
16 tests before, yes, sir. Not on deepwater,  
17 not with a subsea wellhead.

Page 224:04 to 225:05

00224:04 THE WITNESS:  
05 I'm not sure what this is  
06 saying. I don't -- I don't know if this is  
07 a transcript of the questions and answers.  
08 I -- I don't know what I said there  
09 and I -- I don't -- I don't know.  
10 BY MR. PALMINTIER:  
11 Q. When was the first time you saw  
12 this document?  
13 A. Yesterday.  
14 Q. Referencing 2669?  
15 A. Yes.  
16 Q. Yesterday?  
17 A. Yes, sir.  
18 Q. And the same with regard to  
19 2670?  
20 A. That's correct.  
21 Q. And what about with regard to  
22 2668?  
23 A. I don't remember seeing this  
24 yesterday. It could have very well been  
25 there, but I honestly don't recollect  
00225:01 seeing this one yesterday. That's this  
02 one?  
03 Q. Yes, that's correct. The 2668,

04 the Off Duty Well Site Leader Interview  
05 Questions.

Page 225:17 to 225:23

00225:17 Q. Now, it's the responsibility of  
18 the well site leader, in the BP Horizon  
19 situation that we have been talking about  
20 and in other -- on other rigs, to receive  
21 something called centralizers when a  
22 cementing job is being done; is that  
23 correct?

Page 226:03 to 226:05

00226:03 THE WITNESS:  
04 No, sir, that's not  
05 correct.

Page 226:19 to 227:02

00226:19 Q. I understand. I meant it in a  
20 broader sense.  
21 When the equipment that is being  
22 brought in in order to do a cementing job  
23 and centralizers are called for in the --  
24 in that job, it would be your and other  
25 well site leaders' responsibility to make  
00227:01 sure that the right equipment came in,  
02 correct?

Page 227:05 to 227:06

00227:05 THE WITNESS:  
06 Yes, sir.

Page 228:01 to 228:04

00228:01 It's one of the responsibilities  
02 of the well site leader to make sure that  
03 equipment is properly delivered and  
04 properly accounted for, correct?

Page 228:07 to 228:08

00228:07 THE WITNESS:  
08 Yes.

Page 228:20 to 229:01

00228:20 Q. Do you have any experience with

21 having applied centralizers to casing  
22 before?  
23 A. Yes, sir.  
24 Q. And you know that centralizers  
25 are there to help improve the cementing  
00229:01 job, correct?

Page 229:04 to 229:11

00229:04 THE WITNESS:  
05 No.  
06 BY MR. PALMINTIER:  
07 Q. Tell me what they are there for.  
08 A. There's an assumption that they  
09 are to improve the cement job.  
10 Q. You disagree with that?  
11 A. To some extent, yes, sir.

Page 229:15 to 230:04

00229:15 I'm just saying: It is common  
16 that centralizers are placed on, for  
17 example, in this case, casing in order to  
18 help centralize the casing in the wellbore;  
19 is that correct?  
20 A. Yes, sir.  
21 Q. And following that, when the  
22 concrete -- when the cement is -- is  
23 poured, even in nitrogenous cement, you  
24 would have the casing centralized in the  
25 wellbore and, therefore, give rise to a  
00230:01 better cementing job.  
02 That's the conventional  
03 industrial -- industry-wide standard for  
04 centralizing, isn't it?

Page 230:07 to 230:12

00230:07 THE WITNESS:  
08 Yes, sir.  
09 BY MR. PALMINTIER:  
10 Q. You don't agree with that notion  
11 that centralizers help improve the  
12 cementing job?

Page 230:17 to 230:18

00230:17 THE WITNESS:  
18 Not in all cases.

Page 232:08 to 232:13

00232:08 Q. If I were to tell you that  
09 centralizers were being used as part of the  
10 design for the cementing job on the  
11 Macondo/Deepwater Horizon just before the  
12 explosion, you would have no reason to  
13 disagree with that, correct?

Page 232:16 to 232:23

00232:16 THE WITNESS:  
17 That's correct.  
18 BY MR. PALMINTIER:  
19 Q. All right. And as the  
20 well site -- as a well site leader, trained  
21 and experienced throughout 42 years, you  
22 know that centralizers are -- are routinely  
23 placed in such casing jobs?

Page 233:03 to 233:25

00233:03 THE WITNESS:  
04 Centralizers are routinely  
05 placed, yes.  
06 BY MR. PALMINTIER:  
07 Q. And the number of centralizers  
08 is an aspect of the design of the casing  
09 and cementing job, the number of  
10 centralizers used is part of the design,  
11 correct?  
12 A. I never have designed a casing  
13 string, so I -- we have a procedure that  
14 stipulates the placement of and the number  
15 of centralizers, so -- did I answer the  
16 question?  
17 Q. Yes, sir. In your experience  
18 then, it -- the centralizers are part of  
19 the design?  
20 A. Yes, sir.  
21 Q. I'm not asking you whether you  
22 are a designer of those things, but just  
23 that you have observed it through all these  
24 years, centralizers are used in this type  
25 of project?

Page 234:03 to 234:10

00234:03 THE WITNESS:  
04 Running casing, yes, sir.  
05 BY MR. PALMINTIER:  
06 Q. Okay. If you, as well site  
07 leader, disagreed with the number of  
08 centralizers that were being used, you  
09 would be able to protest that number,

10 wouldn't you?

Page 234:14 to 234:22

00234:14 Sure. I could -- I could  
15 state my objections to anything that we  
16 did, yes.  
17 BY MR. PALMINTIER:  
18 Q. Okay. And so that if you felt  
19 like it was -- the number of centralizers  
20 was inadequate to provide the stability  
21 and -- and balance in the wellbore of the  
22 casing, you would be able to object to it?

Page 235:02 to 235:07

00235:02 THE WITNESS:  
03 If I were to reasonably  
04 think that. I don't know that I have a  
05 base for reasonably knowing how many it  
06 should take. So if you would, ask the  
07 question again, please.

Page 235:11 to 235:20

00235:11 Some of the answers to the  
12 questions -- some of your recent answers to  
13 questions, especially regarding your  
14 inexperience with negative testing in  
15 deepwater and your -- and -- and other  
16 responses, lead me to go back to this  
17 question that I asked in the beginning,  
18 which is: You were relatively  
19 inexperienced in deepwater work altogether;  
20 isn't that fair?

Page 235:23 to 235:24

00235:23 THE WITNESS:  
24 Yes, sir.

Page 236:22 to 236:24

00236:22 BY MR. PALMINTIER:  
23 Q. On-the-job training was all you  
24 got for deepwater work?

Page 237:02 to 237:12

00237:02 BY MR. PALMINTIER:  
03 Q. Nothing special, correct?  
04 A. No, sir. That's not entirely



05 correct. We -- in well control training,  
06 it -- it takes into account a surface and a  
07 subsea stack, so I have been trained in  
08 subsea well control.  
09 Q. Have you?  
10 A. Yes, sir.  
11 Q. Where?  
12 A. At the WCS.

Page 237:20 to 238:23

00237:20 Q. All right. Anything other than  
21 the BOP mentioned by that course?  
22 A. Yes.  
23 Q. What?  
24 A. Well, the mux cables, the  
25 control cables, the hotlines, how the  
00238:01 subsea stack works, what makes it work, the  
02 pods, configuration, risers --  
03 Q. All right.  
04 A. -- is in that training program.  
05 Q. And your testimony today under  
06 oath is that you took that course and you  
07 learned about those, and that's the  
08 training that you received?  
09 A. Yes. Well, as a well site  
10 leader for BP, we have to be certified in  
11 surface and subsea BOP stacks. I have been  
12 certified in a subsea and surface BOP stack  
13 since '95.  
14 Q. Okay. Did you receive any  
15 training about any aspect of your duties as  
16 well site leader other than the BOP and  
17 related mechanisms?  
18 A. Not that I can recall.  
19 Q. If you would have been on the  
20 rig Horizon when the negative test they got  
21 run was run, you wouldn't have been in a  
22 position to interpret its values; isn't  
23 that a fair statement?

Page 239:03 to 239:13

00239:03 THE WITNESS:  
04 I don't know. I -- I've  
05 never done one on a subsea stack, so I  
06 would -- I would think that I wouldn't be  
07 in a position to interpret that so --  
08 BY MR. PALMINTIER:  
09 Q. You would have to ask for one of  
10 the experienced well site leaders to come  
11 and -- and -- and help you make the  
12 decisions you needed to make relative to  
13 that kind of a test?

Page 239:18 to 239:19

00239:18 BY MR. PALMINTIER:  
19 Q. Isn't that true?

Page 239:22 to 240:05

00239:22 THE WITNESS:  
23 Not necessarily.  
24 BY MR. PALMINTIER:  
25 Q. Well, you can't have it both  
00240:01 ways. Either you knew how to do it or you  
02 didn't and that you've testified you  
03 didn't. And then either you ignored the  
04 test or you got somebody to help you with  
05 it.

Page 240:10 to 240:20

00240:10 THE WITNESS:  
11 I wouldn't necessarily have  
12 to get the well site leader.  
13 BY MR. PALMINTIER:  
14 Q. Oh, okay. You could get someone  
15 else on the rig?  
16 A. Tool pusher, OIM.  
17 Q. Okay. But you wouldn't have  
18 ever proceeded without getting the input  
19 from them?  
20 A. No, sir.

Page 274:08 to 274:14

00274:08 Q. All right. What service do  
09 you -- or maintenance do you recall having  
10 been performed on the BOP stack for the  
11 Deepwater Horizon during your tenure on the  
12 rig?  
13 A. I don't remember any specific  
14 maintenance being done on it.

Page 282:17 to 284:17

00282:17 And I just want to see if that  
18 refreshes your recollection at all as to --  
19 to what authority BP had or what role it  
20 played in deciding what Transocean would do  
21 with -- with regard to BOP testing between  
22 rig moves.  
23 A. It's my understanding BP  
24 wouldn't.

25 Q. Okay. Did you ever see -- I  
00283:01 think you may have answered this. But did  
02 you ever see third-party contractors out on  
03 the Deepwater Horizon to service the BOP?  
04 A. No, ma'am.  
05 Q. And how about third-party  
06 contractors to test the BOP?  
07 A. No, ma'am.  
08 Q. And did -- to your knowledge,  
09 when you were on the Deepwater Horizon, did  
10 they ever perform any hot stab testing of  
11 the ROV ports on the Deep -- on the BOP  
12 while it was subsea?  
13 A. Only for glycol injection in the  
14 wellhead for -- to keep hydrates down, but  
15 for BOP function, I don't recall any.  
16 Q. Okay. All right. And do you  
17 ever recall the batteries for the control  
18 pods being tested while you were on the  
19 Deepwater Horizon?  
20 A. No, ma'am.  
21 Q. All right. I just wanted to ask  
22 you to turn to tab 1, which has previously  
23 been marked as Exhibit 1952. If you can  
24 just take a moment to look, it's another  
25 e-mail chain. It is addressed to yourself  
00284:01 and other recipients. The date at the top  
02 on the first page is Monday, September  
03 21st, 2009. And if you can just look at  
04 that and tell me if you recognize it at  
05 all.  
06 A. Yes, ma'am. I vaguely remember  
07 it.  
08 Q. Okay. And I guess this would  
09 have been -- in September of 2009 would  
10 have been shortly after you joined the  
11 Deepwater Horizon; is that correct?  
12 A. Yes, ma'am.  
13 Q. Okay. And it appears to be  
14 referring to an audit or some -- some  
15 findings that occurred in an audit; is that  
16 correct?  
17 A. Yes, ma'am.

Page 285:07 to 286:18

00285:07 Q. Okay. And this right here, do  
08 you recall what -- what audit or what type  
09 of audit this was referring to?  
10 A. It was my recollection it was  
11 primarily called the Marine Assurance  
12 Audit. There was some auditors, four or  
13 five guys out, that worked underneath  
14 Norman Wong, and they were onboard the  
15 Horizon doing primarily their Marine

16 Assurance Audit along with -- I think a  
 17 couple of team members had expertise in  
 18 drilling equipment and -- and they did some  
 19 auditing on the rig floor.  
 20 Q. Okay. And who is Norman Wong?  
 21 A. He's a team lead over -- over  
 22 audit -- over audit teams.  
 23 Q. For BP?  
 24 A. Yes, ma'am.  
 25 Q. Okay. So this is a B -- an  
 00286:01 audit conducted by BP and BP personnel of  
 02 the rig?  
 03 A. That's correct.  
 04 Q. Okay. And so what role did BP  
 05 play in ensuring that the items identified  
 06 in this audit were addressed?  
 07 A. The -- the audit issuing items,  
 08 there would be an action list that would be  
 09 generated from it. It's not attached.  
 10 And -- and that -- it would be agreed upon  
 11 by Transocean to, yes, we agree that these  
 12 are action items that we need to address,  
 13 and those actions -- the items would be  
 14 actioned on or would be, to some extent,  
 15 fully complied with to the -- I don't the  
 16 see the attachment of the action item list,  
 17 but there -- it was my recollection there  
 18 was one that was generated from this audit.

Page 287:13 to 287:21

00287:13 Q. Okay. What other audits -- and  
 14 again, you were on the rig for, I guess,  
 15 approximately a year; is that right?  
 16 Almost -- well, to -- to -- August of 2009  
 17 through April of 2010.  
 18 What other audits do you recall  
 19 having been conducted, whether by BP or a  
 20 third party, on the Deepwater Horizon while  
 21 you were there?

Page 287:25 to 289:24

00287:25 There was a follow-up to  
 00288:01 this audit.  
 02 BY MS. LAWRENCE:  
 03 Q. Okay.  
 04 A. I think the guy's name, Alvarez,  
 05 is -- is in BP marine. He came out and  
 06 went through the list -- action item list,  
 07 and I think he's the one that closed it  
 08 out. It would be a follow-up to this one.  
 09 There was a -- there was another  
 10 audit. I don't remember if -- if

11 Transocean had done their own or I'm -- I  
12 think it was. But I don't recall the other  
13 one while I was onboard.  
14 Q. Okay.  
15 A. There was someone that came out  
16 of Transocean's office that -- that -- that  
17 did an audit. I don't remember much of the  
18 details about it.  
19 Q. Were you acquainted with an  
20 Angel Rodriguez?  
21 A. Angel Rodriguez is a guy that  
22 came out on a closeout on -- yes, that's --  
23 that's --  
24 Q. Okay.  
25 A. That's the one I was trying to  
00289:01 think of.  
02 Q. That's who you were thinking of?  
03 A. Yes.  
04 Q. All right. On the Deepwater  
05 Horizon, were you aware of any testing that  
06 was ever done of, what I think is referred  
07 to as, the ADF or the dead man function?  
08 Basically, the automatic -- I guess what  
09 would trigger the BOP if the rig were to  
10 automatically disconnect?  
11 A. No, ma'am.  
12 Q. Did you know how to function it?  
13 A. No, ma'am.  
14 Q. What about shutting in the well,  
15 who on the rig could do that and from what  
16 locations?  
17 A. The driller or anyone on the rig  
18 floor could do it. Primarily you would  
19 expect the driller to do it. There was a  
20 control panel on the bridge, and it could  
21 also be done from the subsea engineer shop.  
22 You could do it from there or -- the  
23 accumulator panel was at, the accumulator  
24 unit.

Page 290:05 to 290:09

00290:05 Q. All right. And on the rig  
06 floor, where specifically was the -- could  
07 you shut in the well from?  
08 A. It was directly behind the  
09 driller's chair in a panel.

Page 290:14 to 291:07

00290:14 Could you turn, please, to tab  
15 5, which is an e-mail and an attachment. I  
16 don't think it's been previously marked.  
17 The Bates number is BP-HZN-CEC042375. And

18 the attachment is BP-HZN-CEC02376 through  
 19 -383.  
 20 MS. LAWRENCE: We'll label it 26 --  
 21 Exhibit 2675.  
 22 (Exhibit 2675 was marked for  
 23 identification.)  
 24 BY MS. LAWRENCE:  
 25 Q. E-mail dated February 8th of  
 00291:01 2010 to yourself and other recipients from  
 02 Brian Morel. Who is Brian Morel?  
 03 A. Brian Morel was an engineer.  
 04 Q. And what was his role with  
 05 regard to the Macondo?  
 06 A. He was operations engineer over  
 07 the well, over the job.

Page 294:14 to 300:14

00294:14 Q. All right. If you could look at  
 15 the exhibit that I have had just marked  
 16 before we broke, 2675. The -- it's your  
 17 tab 5. It's an e-mail with an attachment  
 18 and the e-mail -- I think you're on it.  
 19 The e-mail, it's from Brian Morel dated  
 20 February 8th of 2010. And the text of the  
 21 e-mail reads, "Plan forward," and it has a  
 22 series of sentences.  
 23 The first sentence is, "Test  
 24 connector and blind shears to 6500 psi on  
 25 seawater using test plug."  
 00295:01 Did I read that correctly?  
 02 A. Yes, ma'am. That's what it  
 03 said.  
 04 Q. Okay. What does that mean? Can  
 05 you tell me, you know, what -- what he is  
 06 describing is -- is going to be taking  
 07 place with regard to the well?  
 08 A. Not having but a minimum --  
 09 minimum amount of deepwater experience,  
 10 I -- I really don't know what Brian is  
 11 alluding to. It's my opinion that he  
 12 wouldn't want to be setting a plug down in  
 13 a wellhead and testing in the blind shears  
 14 and the connector above it.  
 15 Q. Okay. And the date of February  
 16 8th of 2010, when was that in relation to  
 17 the Deepwater Horizon's commencement of  
 18 drilling on the Macondo well? Do you  
 19 recall?  
 20 A. No, I don't.  
 21 Q. Okay. And the next sentence is,  
 22 "Run clean-out BHA and test BOP to 6500 psi  
 23 and annulars to 3500 psi on seawater (need  
 24 to confirm we have enough weight)."  
 25 Do you know what Mr. Morel is

00296:01 talking about there? What operation is --  
02 A. No.  
03 Q. -- supposed to be happening?  
04 Okay. And then the third is,  
05 "Drill out cement plug at 5800 TVD."  
06 Do you know what cement plug  
07 he's talking about?  
08 A. No.  
09 Q. Okay. So do you recall  
10 receiving the e-mail?  
11 A. No.  
12 Q. Okay. And it had -- if you  
13 could just turn to the second page, it has  
14 an attachment with it. It's a form, the  
15 title of which is "Form MMS 123A/123S -  
16 Electronic Version, Application for Revised  
17 New Well."  
18 Do you recognize this type of  
19 document?  
20 A. Yes, ma'am.  
21 Q. What type of document is this?  
22 A. It's a permission. It's  
23 a -- it's a signed -- it should have a  
24 signature page on a -- the application for  
25 revising to the new well. I don't see the  
00297:01 signature page. It's -- it's something  
02 that has to be approved by the MMS at the  
03 time.  
04 Q. Okay. So this is something that  
05 would be submitted to the MMS and/or  
06 received from the MMS?  
07 A. Yes, ma'am.  
08 Q. Okay. Or what was the MMS at  
09 the time.  
10 So would these -- these  
11 Applications For Revised New Well  
12 documents, documents of this type, be  
13 something that would be sent to you as well  
14 site leaders from time to time?  
15 A. Yes.  
16 Q. Okay. And did it give you  
17 information about -- that was relevant  
18 to -- to the operations on the rig?  
19 A. Yes.  
20 Q. What types of information would  
21 you -- would you look at these for?  
22 A. The departure on -- I mean, you  
23 have to take each section. Each section  
24 has some information that's -- that's vital  
25 or information that's approved by the  
00298:01 government. You had to make sure that  
02 you're doing the things that's -- that's  
03 been approved.  
04 The -- I would double-check the  
05 -- the general well information, the

06 location, which that was fixed. It was  
07 already there. The thing that I would use  
08 the most is -- as I alluded to earlier,  
09 when we mix and pump cement, when we run  
10 casing strings and pump the cement, there's  
11 an approved cubic feet of cement that's --  
12 that's -- that has to be met because it was  
13 outlined in the APD. And I just make sure  
14 that -- that -- that we understand those  
15 cement volumes, that we are mixing and  
16 pumping that amount of cement. It also has  
17 the test pressures. If you will look on  
18 the -- 4382, for instance --  
19 Q. Okay.  
20 A. -- you're going to see the  
21 general information. It -- it's --  
22 preventer information. It talks about the  
23 blowout preventers, the test information.  
24 Those tests, I cannot test less than what's  
25 approved in the APD.

00299:01 Q. Okay.  
02 A. I can go higher than, but I  
03 can't go less than what's approved. If --  
04 you'll look at the -- the ram sizes, that  
05 gives the -- the approved test pressures  
06 that you're to test your blowout preventers  
07 to.  
08 Q. Okay.  
09 A. Any deviation from this -- and  
10 the very last page it says 8 of 8 to 4283.  
11 It's a synthetic-based mud.  
12 Q. Okay.  
13 A. If we were to decide we wanted  
14 to go to a water-based mud, that would be a  
15 change.  
16 Q. Uh-huh.  
17 A. It would have to be approved.  
18 Q. Okay.  
19 A. So this is -- this is the  
20 approved document from the MMS at the time  
21 to drill the well.  
22 Q. Okay. And was that part of your  
23 duties then as a well site leader, to  
24 ensure the operations on the rig tracked  
25 what had been authorized in these  
00300:01 documents?  
02 A. Yes, ma'am.  
03 Q. If you can turn to your tab 6,  
04 which I will label 2676, which is, again,  
05 an e-mail with an attachment.  
06 (Exhibit 2676 was marked for  
07 identification.)  
08 BY MS. LAWRENCE:  
09 Q. The e-mail Bates number is  
10 BP-HZN-2179MDL01820663 all the way through



11 to -665. It's dated February 8th of 2010,  
12 and it's from Earl Lee, which is yourself,  
13 correct?  
14 A. Yes, ma'am.

Page 301:14 to 304:20

00301:14 Q. All right. The e-mail basically  
15 just forwards an attachment. The subject  
16 says, "Revised Daily Plan, February 8,  
17 2010." If you could just look at the  
18 document.  
19 Do you recognize the document in  
20 terms of the type of document it is?  
21 A. Yes, ma'am.  
22 Q. And so what is this?  
23 A. It -- in a pre-tour meeting, we  
24 hand out -- it's not a BP -- official BP  
25 form. It's -- it's one that -- that I use.

00302:01 Q. Okay.  
02 A. And before going into a pre-tour  
03 meeting, I print 30, 40, 50 copies, however  
04 many people I expect is going to be in the  
05 pre-tour meeting, and give everyone a copy.  
06 What I did here was e-mailed it  
07 to the rig floor on the HORIZON, the -- the  
08 assistant driller and the driller and the  
09 tool pusher on the rig floor that has a  
10 computer on the rig floor, and I can just  
11 e-mail it to them, and they print their own  
12 up on the rig floor. But it's telling  
13 me -- and I don't remember all the  
14 particulars around it. But it's a revised  
15 one. Apparently, there was some change in  
16 what we thought we were going to do that  
17 next 12 hours.  
18 Q. Okay.  
19 A. So I -- I revised it and  
20 resubmitted it and sent it out.  
21 Q. And was this your practice? Did  
22 you do this on a daily basis when you were  
23 on duty as the well site leader on the  
24 Deepwater Horizon?  
25 A. I'm sorry to say not so much on

00303:01 the Deepwater Horizon, but everywhere else  
02 it was every day.  
03 Q. Okay. About how often would you  
04 compile a -- a daily plan and circulate it  
05 when you were on the Deepwater Horizon?  
06 A. I don't -- I don't think I  
07 could --  
08 Q. You just did it whenever you  
09 felt a need to --  
10 A. In this case, there was a lot  
11 to -- that was in front of us and that -- I

12 don't recall what the changes were. But I  
13 wanted to make sure that this was in the  
14 hands of the crew, that they saw and  
15 understood that this is what I thought we  
16 need to do. I wouldn't just, on my own,  
17 fill this out.

18           Prior to the going on the  
19 Horizon, on the Bob Palmer, the tool  
20 pusher -- I'd get the tool pusher to come  
21 in, what do you think, what do you think,  
22 and we'd talk about logistics and the deck  
23 crew operations. I might have the -- the  
24 deck foreman on the Bob Palmer. It'd be  
25 the crane operator come in, what are you  
00304:01 guys doing today? Just to fill in the guys  
02 that's coming out of the bunk, going on the  
03 deck, what we're doing, what we expect to  
04 be doing the rest of the day for the next  
05 12 hours, but --

06           Q.    Okay. If you could go ahead and  
07 turn to the next -- your tab 7, which has  
08 previously been marked as Exhibit 575.

09           A.    Yes, ma'am.

10           Q.    It's an e-mail dated February  
11 24th of 2010. It's from Ronald Sepulvado  
12 to yourself, and it's entitled "Relief  
13 Notes." What is this, basically?

14           A.    Ronnie was my direct opposite.  
15 He and I relieved each other, and we  
16 typically would -- I would leave a printed  
17 copy of the notes on the table and also  
18 send one to his e-mail in-box, relief  
19 notes, some information I wanted to share  
20 with him coming onboard.

Page 307:19 to 308:10

00307:19           Q.    Okay. And was that your  
20 experience on the Macondo? Did you have  
21 one or more, you know, loss -- events of  
22 lost circulation while they were drilling  
23 that you recall?

24           A.    Yes.

25           Q.    Okay. How did it compare -- and  
00308:01 I realize you have limited experience  
02 deepwater, but you had -- you'd been on the  
03 Kodiak well. You have drilled deep wells,  
04 although not necessarily in as deepwater,  
05 on the Bob Palmer.

06                   How did the Macondo compare to  
07 other wells you had experienced in terms  
08 of -- of frequency of lost circulation  
09 events?

10           A.    It -- it wasn't -- similar.

Page 309:06 to 311:24

00309:06 Q. Okay. The next item numbered 4  
07 says, "Drilled well with 1.1," the number  
08 sign.  
09 A. 11.1.  
10 Q. I'm sorry. -- "11.1. Cut a  
11 series of small sands at bottom of hole and  
12 started getting 3,000 units gas (gas  
13 detector peaks out at 3,000 units)" --  
14 close parentheses -- "in mud. Increased  
15 mud weight to 11.4 to get background gas  
16 down to 80 to 200 units."  
17 Do you know what he's talking  
18 about there?  
19 A. Yes, ma'am.  
20 Q. What? What's he describing as  
21 going on?  
22 A. He's talking about, that they  
23 were drilling, and the background gas  
24 increased to 3,000 units, and they  
25 increased the mud weight from to 11.1 to  
00310:01 11.4, which is a three-tenth increase and  
02 got the background gas down from 80 -- down  
03 to around 80 to 200 units.  
04 Q. And the 3,000 units of gas, was  
05 that considered a lot, a little, average,  
06 in terms of getting back while drilling?  
07 A. Ronnie says that his gas  
08 detector peaks out at 3,000.  
09 Q. Okay.  
10 A. It would be a lot.  
11 Q. In item number 5, it reads,  
12 "After Houston saw the sands, they decided  
13 to drill from 12,250 feet to 12,350 feet  
14 ECD, increased from 11.62 to 11.72. This  
15 is where we lost total return. All the  
16 pore pressure people were calling the pore  
17 pressure 11.1 until we drilled the sands.  
18 I think they upped their pore pressure to  
19 11.6."  
20 What's your understanding of the  
21 pore pressure that they are talking about?  
22 A. It's the -- the fluid that's in  
23 the rock, the pressure of the fluid that's  
24 in the rock, the equivalent and pound per  
25 gallon mud weight.  
00311:01 Q. And are you familiar with the  
02 term "fracture gradient"?  
03 A. Yes, ma'am.  
04 Q. What does that mean to you?  
05 A. When you exceed the -- the  
06 fracture resistance of the formation, and  
07 it fractures.  
08 Q. Okay. And is that what then can

09 result in the lost returns where you lose  
 10 your mud into the formation?  
 11 A. It could, yes.  
 12 Q. Okay. Are you familiar with the  
 13 term "drilling margin"?  
 14 A. Yes.  
 15 Q. What's that mean to you?  
 16 A. The -- the drilling margin that  
 17 I am familiar with that -- that you don't  
 18 get over your -- your frac gradient at the  
 19 shoe, you stay within .5 pound per gallon  
 20 of the frac gradient at the shoe.  
 21 Q. Okay. And when you say "stay  
 22 within," stay within in terms of what?  
 23 Your mud weight, your ECD, your --  
 24 A. With the mud weight.

Page 312:09 to 320:02

00312:09 Q. All right. You can turn to your  
 10 tab 8, which has been previously marked as  
 11 Exhibit 676. It is a four-page document,  
 12 and on page 3, which is labeled  
 13 BP-HZN-BLY00096444. Near the end, I have  
 14 highlighted a paragraph. I'll just read it  
 15 into the record.  
 16 It says, "The BP -- BP's  
 17 OpenWells report compiled" -- I'm sorry.  
 18 They are talking about -- at the  
 19 top of the document, it says, "File note  
 20 information regarding kick taken on  
 21 Deepwater Horizon on March 8th, 2010." And  
 22 the highlighted paragraph says, "BP's  
 23 OpenWells report completed by Earl Lee and  
 24 Murry Sepulvado from March 8 is very  
 25 similar but with the following exceptions:  
 00313:01 22:00 to 00:00 observed gain and flow  
 02 return and pits. PWD dropped from 12.4 ppg  
 03 to 12.32 ppg. Picked up off bottoms and  
 04 check for flow. Well flowing. Shut well  
 05 in on lower annular at 2205 hours with an  
 06 estimated gain of 35 barrels. Monitor  
 07 pressure and record data. Attempt to open  
 08 float and drill pipe to establish drill  
 09 pipe pressure by bringing pump number 4 up  
 10 to SPM. Drill pipe pressure 480 to 500  
 11 psi. Casing pressure 380 psi. No  
 12 communication established. Packed" --  
 13 parentheses -- "packed off" -- close  
 14 parentheses. "Attempt to work pipe and  
 15 fired jars. Pipe traveled five feet before  
 16 taking over pull. Again, still unable to  
 17 communicate drill pipe and annulus.  
 18 Continue to monitor pressures."  
 19 Did I read that correctly?

20 A. You read what was on this page,  
21 yes, ma'am.

22 Q. I just want to ask you, using  
23 this document to refresh your recollection  
24 or in general, what is your recollection of  
25 a kick that you experienced on the  
00314:01 Deepwater Horizon around the 8th of March  
02 2010? What do you remember about that  
03 incident?

04 A. Well, it's my recollection that  
05 while drilling, that they had noticed an  
06 increased in the pit. They shut the well  
07 in and, according to this, at 2205 and  
08 recorded the pressures. Went through the  
09 gyrations of trying to rock the pump to  
10 open the float to make sure that the drill  
11 pipe pressure was accurate. And Murry says  
12 that there wasn't any communication on the  
13 casing side. He said it was packed off.

14 Q. What's that mean, there isn't  
15 any communication on the casing side?

16 A. When he pumped the two strokes  
17 per minute down the drill pipe, you should  
18 see an increase on the casing pressure  
19 gauge.

20 Q. Okay.

21 A. Rule of thumb is that the second  
22 and a half per thousand feet, if you  
23 increase it 100 pounds on the drill pipe,  
24 second and half per thousand feet later you  
25 should see that same increase on the  
00315:01 annulus or the casing side. Murry didn't  
02 see any increase. After trying, it says  
03 here that he tried once again. Oh, no. He  
04 said his -- his input was it didn't pack --  
05 it was packed off.

06 Q. What does that mean, to be  
07 packed off?

08 A. The formation caved or there's  
09 debris around -- between the bit and the  
10 surface.

11 Q. And do you recall what, if  
12 anything, happened during this incident  
13 with regard to the drill pipe in the well?

14 Did the drill pipe become stuck  
15 in the well at some point?

16 A. Yes. He says that here. He  
17 said he moved it five feet up and it was  
18 stuck, the jars, the -- the drilling jars  
19 is what he's talking about, that the pipe  
20 was stuck.

21 Q. Okay. And what, if anything, do  
22 you remember about how that situation was  
23 resolved?

24 A. The situation was resolved

25 by -- after I left.

00316:01 Q. Okay.

02 A. So at that -- I went home the

03 morning of the 10th.

04 Q. Okay.

05 A. That happened on a Monday night,

06 and -- and the follow-up on that report,

07 the one for Tuesday was we monitor pressure

08 and things like that most of the day. I

09 think we went through some steps to try to

10 get the top drive backed out and get a TIW

11 valve in it. And I went home Wednesday

12 morning. So that --

13 Q. So when you returned to -- did

14 you follow the situation while you were

15 off -- while you were off duty or not until

16 you came back on the rig?

17 A. I read the reports, yes, ma'am,

18 while I was off.

19 Q. Okay. Why did you do that?

20 A. I -- I wanted to know what they

21 did.

22 Q. Okay. It's not every day that

23 the pipe gets stuck in the well?

24 A. Well, that -- that was one of

25 the few times I read them on my days off --

00317:01 first days off versus last days off. But I

02 tracked them. They -- they sidetracked it,

03 backed it off, sidetracked it, set a plug

04 and went around it.

05 Q. Okay. Did they experience any

06 other kicks after that, after the March 8th

07 kick, while they were still drilling --

08 while the Deepwater Horizon was drilling

09 the Macondo?

10 A. I don't remember the date. It

11 was the latter part of March. I was

12 out -- it was thought to be a kick. The

13 driller shut the well in 1:15, 1:20 in the

14 morning and had pressure on it 40- --

15 around 400 pounds on the casing side. I

16 don't recall what it was on the drill pipe.

17 There's a report on it somewhere similar to

18 this one. I don't remember the date, but

19 the well was shut in my last hitch that I

20 was out there.

21 Q. Do you recall for how long the

22 well was in shut in?

23 A. I -- I think we opened the

24 blowout preventers back up around noon the

25 next day. Vincent Price was the -- Murry

00318:01 had taken off to get an operation on his

02 shoulder, elbow or something. Vincent

03 Price was working nights. Around 1:15,

04 1:20 in the morning, I got a call that the

05 well was shut in and I needed to get to the  
06 rig floor, and I went to the rig floor. As  
07 I recall, Jimmy Harrell was there and I  
08 think Bo -- ever which one of the senior  
09 pushers was onboard. Drill crew was there.  
10 Subsea guy was up there and had the well  
11 shut in, got pressure on it.

12 And I asked what had been taking  
13 place, what had been going on, and I called  
14 the mudlogger, which his shack was right  
15 outside the back of the driller's shack on  
16 the Horizon and asked him to come in and  
17 talk with us and what he had observed and  
18 seen the past couple of hours. They had  
19 been losing some returns or losing some  
20 mud. I asked a question, if we thought it  
21 might be that the driller was real quick at  
22 shutting the well in, might have trapped  
23 some pressure with some ballooning of the  
24 formation, because you can -- you can lose  
25 mud without it being fractured. The

00319:01 formation can actually -- it's plastic. It  
02 can move and it's called ballooning.

03 I asked the question in general  
04 with the staff that was in the driller's  
05 shack that morning, not to one person in  
06 particular. Jimmy Harrell was standing  
07 there, and the rest of the management. And  
08 it's possible, I thought that -- made the  
09 suggestion that maybe we try bleeding it  
10 off in stages and in measured amounts,  
11 three barrels at a time, and if that casing  
12 pressure goes down, then, in fact, we do  
13 have trapped pressure.

14 If we bleed it off in measured  
15 amounts and the pressure goes up, then  
16 you're letting more hydrocarbon in, and  
17 that's a technique that's taught in well  
18 control training schools. I mean, you -- I  
19 had an agreement around the room that, yes,  
20 we'd do that.

21 So I called John Guide, talked  
22 to him about it, and that's what we did.  
23 We bled it off, slow increments, stages,  
24 measured volumes and somewhere around 11  
25 o'clock the next morning, we opened the

00320:01 preventers up and went back circulating at  
02 a reduced rate.

Page 321:15 to 324:06

00321:15 Q. Okay. If you can just turn to  
16 tab 9, which looks like the Bates number is  
17 obscured, which isn't that helpful. But at  
18 the bottom, there is another notation,

19 MDM-165-000184, and I'll label it Exhibit  
20 2677.  
21 (Exhibit 2677 was marked for  
22 identification.)  
23 BY MS. LAWRENCE:  
24 Q. It's a March 26th, 2010, e-mail  
25 from Brian Morel to yourself and others,  
00322:01 including Don Vidrine. Entitled "9 and  
02 7/8ths-inch Liner Hole Section Review.  
03 Says, "Don/Earl, below is the summary of  
04 our hole section review this morning. I  
05 will call to discuss and answer any  
06 questions you may have. Base plan is to  
07 set the liner at 17,200 TVD in a competent  
08 shale," parentheses, "permitted to 17,500  
09 feet," close parentheses.  
10 The next bullet point says, "LOT  
11 at 11 and 7/8ths-inch liner shoe expected  
12 between 14.6 ppg Poisson to 15.0 Brumfield.  
13 And under that, a sub-bullet  
14 that says, "If LOT is 15.0 ppg or above,  
15 conversations between office (drilling and  
16 subsurface) rig team should be had about  
17 drilling to TD without setting 9 and  
18 7/8ths-inch liner."  
19 Do you know what they are  
20 talking where he's talking about drilling  
21 to TD without setting the 9 and 7/8ths-inch  
22 liner?  
23 A. Yes, ma'am.  
24 Q. What's that? What are they  
25 contemplating?  
00323:01 A. The original APD and plan for  
02 the well was to run a long string, a 9 and  
03 7/8ths. And some of the issues we had  
04 talked about were losses and -- and it --  
05 it was a possibility that with the -- with  
06 the 11 and 7/8ths being run -- that we ran  
07 because of some of the problems we had with  
08 losses, that if the leak-off test, if the  
09 formation fracture test, the leak-off test  
10 for the 11 and 7/8ths shoe indicated that  
11 it was 15 pounds per gallon or higher, then  
12 their expectation from subsurface was that  
13 we could possibly go to the original  
14 planned TD without using part of that 9 and  
15 7/8ths, which was onboard, as a liner.  
16 They'd still be able to go to as originally  
17 planned and run the 9 and 7/8ths as a long  
18 string instead of having to use part of it  
19 as a liner, but it depended on the frac  
20 gradient that the shoe was 11 and 7/8ths.  
21 That's what he says here.  
22 Q. Okay. So this is the debate  
23 that they had between using the liner or



24 running the long string?  
 25 A. No, ma'am. This is a debate  
 00324:01 here to whether or not we can get to the  
 02 original planned TD and run the 9 and  
 03 7/8ths as planned as a complete long  
 04 string. But if we cannot get there, we  
 05 will use part of it and run it -- part of  
 06 it as a liner.

Page 327:13 to 331:17

00327:13 Q. If you could just turn to your  
 14 tab 12, which has previously been marked as  
 15 Exhibit 570.  
 16 A. Okay.  
 17 Q. And if you turn to page 3 which  
 18 has the Bates number BP-HZN-MBI00127909.  
 19 It says in the top left-hand corner -- all  
 20 part of the same document but this page, in  
 21 top left-hand corner says, "Temporary  
 22 abandonment procedure. Macondo, MC252,  
 23 number 1, Deepwater Horizon."  
 24 First of all, let me ask you:  
 25 Have you seen this document or this page  
 00328:01 before?  
 02 A. No, ma'am.  
 03 Q. Okay. I just want to ask you,  
 04 based on your experience as a well site  
 05 leader on the Deepwater Horizon -- the part  
 06 underneath that's underlined where it says,  
 07 "Temporary abandonment procedure," in the  
 08 center of the page, "estimated start time,  
 09 Sunday, April 18, 2010," it has, "Number 1,  
 10 Negative test casing to seawater gradient  
 11 equivalent for 30 minutes with kill line."  
 12 "Number 2, TIH with a 3 and a  
 13 half inch stinger to 8,367 feet."  
 14 "Three, Displaced to seawater;  
 15 monitor well for 30 minutes."  
 16 That three-step process, do  
 17 you under -- can you explain to me  
 18 what -- what's proposed?  
 19 A. I can -- I can understand the  
 20 mechanics of what he wants to do.  
 21 Q. Okay. What's that?  
 22 A. He -- he wants to trip in the  
 23 hole to 8,367 foot with a 3 and a half  
 24 stinger under something. I don't know how  
 25 long of the 3 and a half stinger -- I don't  
 00329:01 know -- all I know is 8,367 feet with a 3  
 02 and a half stinger and a negative test.  
 03 That's --  
 04 Q. Okay. So it has negative test  
 05 as number one; is that correct?  
 06 A. That's what's here, yes, ma'am.

07 Q. And then there it says, "Three,  
08 Displaced to seawater; monitor well for 30  
09 minutes."  
10 A. Yes, ma'am. That's what written  
11 here.  
12 Q. All right. Now, I just want to  
13 ask you to turn to the next tab, tab 13,  
14 which has previously been labeled Exhibit  
15 566. It's an e-mail dated Tuesday, April  
16 20th, 2010, from Brian Morel to Don  
17 Vidrine. Basically, all the -- the well  
18 site leader names, Don Vidrine, Robert  
19 Kaluza, Lee Lambert and yourself. It says,  
20 "Quick op note for the next few days."  
21 And this has, "Number 1, test  
22 casing per APD to 250/2500 psi."  
23 That item number 1, do you know  
24 what he's describing there, like what kind  
25 of operation or what function?

00330:01 A. It would be a -- the -- the  
02 casing pressure test that's required on the  
03 application to drill on the APD that we had  
04 looked at earlier.  
05 Q. Okay.  
06 A. I don't -- I haven't seen that  
07 one, but there should be an APD that  
08 specifies the required test pressure for  
09 that casing that was -- that was run.  
10 Q. And is that what's sometimes  
11 referred to as a positive test or a  
12 positive pressure test?  
13 A. It would be a positive pressure  
14 test.  
15 Q. Number 2, it says, "RIH to 8367  
16 feet." What's that mean?  
17 A. My assumption is it's run in  
18 hole to 8,367 foot.  
19 Q. Okay. Run in hole with what?  
20 A. Looking at this, I don't know.  
21 Q. Okay. And then --  
22 A. I don't know what he wants to do  
23 with it.  
24 Q. Number 3 says, "Displaced to  
25 seawater from there to above the wellhead."

00331:01 And then number 4 says, "With  
02 seawater in the kill, close annular and do  
03 a negative test. 2350 psi differential."  
04 And my question for you is: The  
05 procedure -- tell me if this correct. It  
06 looks to me like the procedure in the AP --  
07 APD at -- that's tab 12 -- has a negative  
08 test followed by displacement to seawater.  
09 And the op's note has a displacement to  
10 seawater followed by a negative test. And  
11 I'm just trying to figure out if that is --

12 if I am correct about that or am I missing  
13 something?  
14 A. I have no idea.  
15 Q. So if you had received this op's  
16 note when you were on duty on the Deepwater  
17 Horizon, what would it have meant to you?

Page 331:20 to 332:07

00331:20 THE WITNESS:  
21 I don't know what -- I  
22 mean, I -- I don't know what I would have  
23 done had I been on duty. I --  
24 BY MS. LAWRENCE:  
25 Q. Okay.  
00332:01 A. I don't know.  
02 Q. Okay. I guess that's my  
03 question. So this would not have made  
04 sufficient sense to you if you had been on  
05 duty and received this op's note on April  
06 20th, that you would have known immediately  
07 do this, do this, do this?

Page 332:10 to 332:17

00332:10 THE WITNESS:  
11 No. I -- I don't know what  
12 they had talked about. This is 10:43 a.m.  
13 I don't know what they had talked about. I  
14 don't know the circumstances surrounding  
15 what they're doing, why they are doing it,  
16 what they may have had verbal conversations  
17 around.

Page 333:07 to 333:12

00333:07 Q. Okay. That's what I'm saying.  
08 Had you been there on duty on the 20th of  
09 April, without more information or having  
10 actual conversations with the parties  
11 involved, you wouldn't have known what to  
12 do based on just this document?

Page 333:17 to 334:03

00333:17 THE WITNESS:  
18 Yes. I would do these  
19 things.  
20 BY MS. LAWRENCE:  
21 Q. Okay. And you -- but I thought  
22 you had just said you didn't really  
23 understand what --  
24 A. Well, I mean, I can read.

25 Q. -- they were --  
00334:01 A. I know what the test pressure  
02 is, tripping -- test the casing. I know  
03 how to do that. Running a hole.

Page 335:07 to 335:10

00335:07 Q. Okay. Four, "With seawater in  
08 the kill, close annular and do a negative  
09 test, 23 psi differential." What do you do  
10 there?

Page 335:14 to 335:14

00335:14 I don't know.

Page 341:07 to 341:14

00341:07 Q. Okay. And does -- from what's  
08 written here, does it explain a -- a  
09 specific procedure for doing the negative  
10 test, or does it just include the  
11 instruction to do a negative test?  
12 A. I -- I -- I don't think it  
13 explains how to do the negative test, no,  
14 ma'am.

Page 352:06 to 353:20

00352:06 Q. Okay. I would like to ask you a  
07 little bit more about the negative pressure  
08 test. I know you have talked about that a  
09 good deal today.  
10 Do you know if BP had any  
11 written policy in place for how to conduct  
12 negative pressure tests?  
13 A. No.  
14 Q. You don't -- no, you don't know,  
15 or no, they did not have one?  
16 A. No, I don't know.  
17 Q. Okay. How many times -- is it  
18 fair to say that you performed negative  
19 pressure tests before in your work as a  
20 well site leader in your -- in your  
21 experience?  
22 A. Yes, I have done negative tests  
23 before.  
24 Q. Do you -- strike that.  
25 Are you aware that -- whether or  
00353:01 not BP had a written procedure in place for  
02 the negative pressure test specifically for  
03 the Macondo well in April 20th, 2010?  
04 A. No, I'm not aware.

05 Q. Okay. Do you agree that a well  
 06 shot -- site leader should have training on  
 07 how to correctly perform a negative  
 08 pressure test?  
 09 A. No.  
 10 Q. No?  
 11 A. No, I don't.  
 12 Q. Okay. Would you not agree with  
 13 me that -- or would you agree that a  
 14 negative pressure test is a safety critical  
 15 test?  
 16 A. Yes.  
 17 Q. Okay. Why do you feel like a  
 18 well site leader should -- should not have  
 19 training on how to perform a -- a negative  
 20 pressure test?

Page 353:23 to 354:14

00353:23 THE WITNESS:  
 24 Because he's not the only  
 25 one involved in this negative test. There  
 00354:01 are other people, and my particular case is  
 02 the only one I can speak to. I have never  
 03 done a negative test on a subsea wellhead,  
 04 but with the people that are involved in  
 05 that rig and been on that rig have. I  
 06 don't necessarily have to have an official  
 07 training to get an understanding or  
 08 instructions from the people on the rig,  
 09 the Transocean guys and even the BP guys.  
 10 Q. So your testimony is that, as a  
 11 well site leader, your understanding of how  
 12 to conduct a negative pressure test can  
 13 merely come from watching a few happen over  
 14 time?

Page 354:19 to 354:20

00354:19 THE WITNESS:  
 20 Yes.

Page 355:01 to 355:05

00355:01 Do you believe that a well site  
 02 leader should have investigated further  
 03 upon a reading of zero pressure on the kill  
 04 line but 1400 psi on the drill pipe after a  
 05 negative test? Do you agree with that?

Page 355:08 to 355:18

00355:08 THE WITNESS:

09 I don't know what he should  
10 have done. No, I can't agree to that. I  
11 don't know.  
12 BY MR. POTE:  
13 Q. Okay. So what you're telling me  
14 is if you had been told or discovered that  
15 a negative pressure test resulted in a  
16 reading of zero pressure on the kill line  
17 but 1400 psi on the drill pipe, you don't  
18 know what that means?

Page 355:21 to 356:14

00355:21 THE WITNESS:  
22 I don't know the  
23 circumstance. I wasn't there. I -- no, I  
24 don't know what it means.  
25 BY MR. POTE:  
00356:01 Q. Okay. When -- and -- and when  
02 I -- I just want to speak in general,  
03 hypothetically. I mean, if something -- if  
04 you're doing a negative pressure test and  
05 you have 1400 psi reading on the drill pipe  
06 and zero psi on the kill line, would that  
07 not raise a red flag in your mind?  
08 A. I don't know.  
09 Q. Okay. And I meant to ask you,  
10 this is sort of out of sequence here, but  
11 did you, in fact, ever receive any training  
12 from BP with regard to how to conduct a  
13 negative pressure test?  
14 A. No.

Page 357:01 to 357:05

00357:01 Q. Are you aware of BP having taken  
02 steps to draft an official protocol or  
03 official procedures for negative pressure  
04 tests after the incident?  
05 A. I am not aware of it, no.

Page 361:25 to 362:08

00361:25 Q. Okay. Well, let me ask you -- I  
00362:01 need to approach the question from a  
02 different standpoint. If -- if the  
03 National Commission on the BP Deepwater  
04 Horizon oil spill had concluded that BP  
05 should have finalized and vetted its  
06 temporary abandonment procedure much  
07 earlier in the process, would you have any  
08 reason to disagree with that?

Page 362:13 to 362:15

00362:13 THE WITNESS:

14 I don't have any reason to  
15 disagree with it, no.

Page 362:20 to 363:06

00362:20 You have already talked about  
21 the March 8th kick that occurred while you  
22 were well site leader on -- on the  
23 rig -- or excuse me.

24 You were on the rig at the time  
25 of the March 8th kick; is that correct?

00363:01 A. Yes, sir.

02 Q. Okay. And I think you maybe  
03 referenced a report. But were you aware of  
04 any lessons learned, evaluations following  
05 the March 8th well control event?

06 A. I am not aware of any, no.

Page 364:04 to 364:07

00364:04 Do you think it's important that BP have  
05 the final slurry stability test in hand  
06 before they pump the cement job?

07 A. Yes.

Page 364:11 to 364:19

00364:11 Q. Why? Why is it important?

12 A. To have the -- the comfort level  
13 that what you're pumping is, in fact, what  
14 you want pumped. And it passes the -- the  
15 lab results indicate and -- and prove that  
16 point, that the compression strengths are  
17 what they need to be and what your  
18 requirements are, and it meets your  
19 criteria for pumping it.

Page 366:25 to 367:04

00366:25 Q. Okay. Have you ever seen, in  
00367:01 your experience in offshore drilling, a  
02 cement plug set 3,000 feet below the mud  
03 line?

04 A. I can't recall when.

Page 367:07 to 367:19

00367:07 Would you agree that the  
08 temporary abandonment procedure, setting a

09 cement plug 3,000 feet below the mud line,  
10 put extra stress on the bottom hole cement?  
11 A. No.  
12 Q. Okay. Well, can you explain why  
13 you would not agree with that?  
14 A. Well, the -- the question is  
15 would I agree that if there was the  
16 300-foot cement plug set at 8,000 foot, as  
17 I understand the question -- would it put  
18 extra stress on the bottom hole cement, and  
19 I would say no.

Page 369:01 to 369:13

00369:01 In your experience in offshore  
02 drilling, have you ever utilized cement  
03 bond logs?  
04 A. Yes.  
05 Q. Okay. And could you just  
06 testify for the jury here or the judge,  
07 what a cement bond log is?  
08 A. It's a -- a tool that's run in  
09 the hole by -- I think Schlumberger is the  
10 primary one that runs it. It -- most of  
11 it, I think, works off of a sonic condition  
12 like sonar. It tells you what the density  
13 of the material is around the casing.

Page 369:19 to 369:21

00369:19 Q. Okay. Would you agree that the  
20 role of a cement bond log is to ensure the  
21 integrity of a cement job?

Page 370:01 to 370:02

00370:01 THE WITNESS:  
02 Yes.

Page 370:06 to 370:09

00370:06 What reason is there that you  
07 could tell me, if there's any question  
08 about the integrity of a cement job, why BP  
09 should not have run a cement bond log?

Page 370:12 to 370:13

00370:12 THE WITNESS:  
13 No.



Page 371:01 to 371:14

00371:01 Q. Would you agree with me that a  
02 cement bond log costs money for BP?  
03 A. What doesn't? Yes, a bond log  
04 would cost money.  
05 Q. Okay. And it's a time consuming  
06 procedure also; is that correct?  
07 A. Yes, it -- it would consume some  
08 time.  
09 Q. Okay. If there's any doubt  
10 about the integrity or -- or quality of a  
11 cement job, the only reason for BP to turn  
12 away a company that could have been  
13 prepared to do a cement bond log is time  
14 and money; is that correct?

Page 371:19 to 371:25

00371:19 THE WITNESS:  
20 I -- I don't know that  
21 there was any discussions. I -- I don't --  
22 I can't answer that because I don't know  
23 what their thoughts were on the quality of  
24 the cement job. I -- I don't -- don't know  
25 how to answer that.

Page 372:02 to 373:16

00372:02 Q. Tell me, if you would, about the  
03 necessity of bottoms-up circulation. Are  
04 you familiar with that term? Are you  
05 familiar with the term "bottoms-up  
06 circulation"?  
07 A. Yes, sir.  
08 Q. Okay. And what does that refer  
09 to?  
10 A. Circulating all the way out,  
11 circulating bottoms-up.  
12 Q. And that's talking about  
13 drilling mud; is that correct?  
14 A. Yes, sir.  
15 Q. Okay. And -- and bottoms-up  
16 circulation is something also that -- that  
17 helps ensure a good cement job; is that  
18 correct?  
19 A. It could.  
20 Q. Okay. And can you elaborate  
21 on -- on what you mean when you say it  
22 merely could?  
23 A. I have run casing to where you  
24 couldn't circulate, no circulation, and mix  
25 and pump the cement, pump the plug down and  
00373:01 get a cement job. I mean, it -- some

02 losses that some of the sands that's --  
 03 especially on the continental shelf -- on  
 04 the shelf, that drilling depleted sands  
 05 that there's a -- a lot of cement jobs that  
 06 you do that you don't get any returns while  
 07 you're pumping the cement, because it's  
 08 going into a weaker zone up above you,  
 09 that's weak and depleted.  
 10           So I have seen cement jobs to  
 11 where you didn't get any returns. You  
 12 couldn't circulate to start with. You saw  
 13 no returns while you was mixing and pumping  
 14 the cement. So I don't agree that you have  
 15 to pump bottoms-up to get a good cement job  
 16 to answer the question.

Page 374:16 to 375:03

00374:16 supposed. I want to make sure I get your  
 17 testimony right. Is there anything you can  
 18 think of that you can tell me that would be  
 19 a reason for BP not to perform bottoms-up  
 20 circulation?  
 21       A. If you can't get returns, you  
 22 can't circulate. If you can't get full  
 23 returns or if you're losing 20 to 30  
 24 percent of your returns, you shouldn't  
 25 circulate. You take the chance of fracing  
 00375:01 the formation or you lose it all and it  
 02 goes on a vacuum, and you won't get  
 03 anything done.

Page 375:09 to 375:17

00375:09       Q. Okay. I know you have already  
 10 testified a little bit about BOP testing,  
 11 but just to sort of get it from a different  
 12 angle and make sure I understood, was there  
 13 ever any testing of the AMF system on the  
 14 BOP while you were on the rig?  
 15       A. What is AMF?  
 16       Q. The dead man system.  
 17       A. No.

Page 375:23 to 376:21

00375:23       Q. Do -- do you understand what I  
 24 mean by the dead man system?  
 25       A. Yes.  
 00376:01       Q. And do you -- is it your  
 02 understanding that that system operates by  
 03 batteries that are in pods down there?  
 04       A. I don't know how it works.

05 Q. You don't know? Okay.  
06 Is it your understanding -- do  
07 you have any understanding of batteries  
08 playing a role in the BOP whatsoever?  
09 A. There's batteries in the pods.  
10 I understand that.  
11 Q. Okay. And same question there.  
12 Are you aware of any testing ever having  
13 been done at all -- not just while you were  
14 on the rig, but at all -- on the batteries  
15 that are in the pods on the BOP?  
16 A. Not that I am aware of.  
17 Q. Okay. And I would ask you the  
18 same question: Are you aware of any  
19 testing having been performed by the BOP  
20 solenoid valves at any time?  
21 A. No.

Page 377:02 to 377:11

00377:02 Have you ever discussed or heard  
03 anybody discussing whether or not BP was  
04 drilling too fast at any time during its  
05 operations on Macondo?  
06 A. No.  
07 Q. Okay. And did you ever form any  
08 opinion during your time out there on  
09 Macondo or at any time that BP was drilling  
10 too fast?  
11 A. No.

Page 381:10 to 382:05

00381:10 Q. All right. You -- you worked on  
11 the Deepwater Horizon beginning in August  
12 of 2009?  
13 A. Yes, sir.  
14 Q. And that was the only rig to  
15 which you were assigned until after the  
16 events that bring us here today?  
17 A. That's correct.  
18 Q. You worked with Paul Johnson,  
19 the rig manager?  
20 A. Not with.  
21 Q. Sure.  
22 A. I saw Paul on the rig a few  
23 times.  
24 Q. You were acquainted with him?  
25 A. Yes.  
00382:01 Q. And you worked with the others  
02 who were assigned to the rig who were  
03 employed by Transocean, Jimmy Harrell, the  
04 OIM?  
05 A. Yes.

Page 382:12 to 384:17

00382:12 Q. You worked with Jimmy  
13 Harrell -- excuse me. You worked with  
14 Randy Ezell, the senior tool pusher?  
15 A. Yes.  
16 Q. With Jason Anderson, the tool  
17 pusher?  
18 A. Yes.  
19 Q. With Dewey Revette, the driller?  
20 A. Yes.  
21 Q. Stephen Curtis, the assistant  
22 driller?  
23 A. Yes.  
24 Q. Don Clark, assistant driller?  
25 A. Yes.  
00383:01 Q. And did you work with the master  
02 of the vessel, Captain Kuchta?  
03 A. Yes.  
04 Q. I see at -- in the Annual  
05 Individual Performance Assessment that was  
06 covered earlier today, it was noted that  
07 you were persistent in walking around the  
08 rig engaging the crews, that you spent  
09 countless hours on the rig floor, and that  
10 you get much respect from the rig personnel  
11 through your constant communication with  
12 all members of the rig team.  
13 Does that -- are those accurate  
14 statements of your practices on the rig?  
15 A. Yes.  
16 Q. Did you ever have any reason to  
17 make a critical report of any of the  
18 crewmen employed by Transocean on the  
19 Deepwater Horizon?  
20 A. Not that I can recall.  
21 Q. Did you observe that these were  
22 all experienced men at what they did?  
23 A. Yes.  
24 Q. Did they demonstrate a high  
25 level of skill?  
00384:01 A. Yes.  
02 Q. Did they show professionalism?  
03 A. Yes.  
04 Q. To your knowledge, did they have  
05 an exemplary track record as Transocean  
06 employees aboard the Deepwater Horizon?  
07 A. Yes.  
08 Q. Were they all hard-working,  
09 decent men?  
10 A. Yes.  
11 Q. Would you serve with all of  
12 these men again if given the opportunity?  
13 A. Yes.

14 Q. Some of them, of course, are  
15 deceased now.  
16 A. Well, I mean, if given the  
17 opportunity.

Page 384:19 to 385:10

00384:19 Were you comfortable with the conditions on  
20 the Deepwater Horizon, the condition of  
21 the -- of the rig?  
22 A. No.  
23 Q. How so?  
24 A. I think that was -- it was in  
25 need of some repairs in some areas, some  
00385:01 things that was behind on maintenance, and  
02 there was an indication that the Horizon  
03 was going to a shipyard in 2011 for  
04 upgrades and -- and for maintenance. But  
05 no, I felt like there was some things that  
06 needed attention.  
07 Q. There's always ongoing  
08 maintenance items on a piece of equipment  
09 of this nature, is there not?  
10 A. Yes, it would be.

Page 385:22 to 386:04

00385:22 Q. Did the crew that you worked  
23 with on the Deepwater Horizon have -- were  
24 they credible in their conversations with  
25 you?  
00386:01 A. Yes.  
02 Q. These weren't men that would  
03 conceal any problems or safety issues if  
04 they knew of any, would they?

Page 386:07 to 386:08

00386:07 THE WITNESS:  
08 I don't know. I mean --

Page 386:10 to 387:04

00386:10 Q. Did you have any -- ever have  
11 any problems with either Jimmy Harrell,  
12 Randy Ezell, Captain Kuchta, Jason  
13 Anderson, Dewey Revette, Steve Curtis or  
14 Don Clark?  
15 A. No.  
16 Q. Did you ever experience any  
17 indication that any of them were  
18 indifferent or callous toward the safety of  
19 individuals or the environment?

20 A. No.  
 21 Q. And based on your experience,  
 22 did they have a good attitude towards the  
 23 safety of individuals and the environment?  
 24 A. Yes.  
 25 Q. Do you feel that either Paul  
 00387:01 Johnson, Jimmy Harrell or Randy Ezell or  
 02 Jason Anderson or Dewey Revette or Stephen  
 03 Curtis, Don Clark or Captain Kuchta were in  
 04 need of training to demonstrate competence?

Page 387:07 to 389:25

00387:07 THE WITNESS:  
 08 Personal opinion, no, sir.  
 09 BY MR. CLEMENTS:  
 10 Q. Would you disagree with such a  
 11 statement if one was made, based on your  
 12 personal experience with these men?  
 13 A. Yes.  
 14 Q. You had the authority to stop  
 15 work if you had any undue concerns about  
 16 the crew or their ability to perform, did  
 17 you not?  
 18 A. Yes, sir.  
 19 Q. You never exercised that  
 20 authority based on any deficiency in these  
 21 crewmen, did you?  
 22 A. No, sir.  
 23 Q. Were you aboard, sir, on March  
 24 8th during the -- the kick that was  
 25 described earlier today?  
 00388:01 A. Yes, sir.  
 02 Q. I believe you said this was a  
 03 Monday night event and you left the rig on  
 04 Wednesday morning?  
 05 A. That's correct.  
 06 Q. Okay. In your view, did the  
 07 driller respond appropriately?  
 08 A. Yes.  
 09 Q. Do you recall what he did?  
 10 A. No. I -- I wasn't on the floor  
 11 when it happened, but I --  
 12 Q. Okay.  
 13 A. -- I think he responded  
 14 appropriately.  
 15 Q. Are you aware of any criticism  
 16 of how the driller handled this event?  
 17 A. No, sir.  
 18 Q. You described or were questioned  
 19 about an event in early April, a lost  
 20 circulation event. I -- I think it was  
 21 referred to in questioning as a kick.  
 22 Do you have any criticism of the  
 23 Transocean driller in connection with that

24 event?  
25 A. No, sir.  
00389:01 Q. Did you ever hear any or know of  
02 any criticism by anyone towards the  
03 driller?  
04 A. No, sir.  
05 Q. Did you ever hear of any  
06 criticism towards any member of the  
07 Transocean crew in connection with either  
08 of these kicks?  
09 A. No, sir.  
10 Q. Did you have any interaction  
11 with the folks at BP that conducted --  
12 what's become known as the Bly  
13 investigation, the people that formulated  
14 the Bly report?  
15 A. Not that I was aware of. It  
16 came to my attention yesterday that some of  
17 these guys on the phone call, on the  
18 conference call were probably -- might have  
19 been Bly members, but knowledge of it  
20 during or before the call, no, I didn't.  
21 Q. On that call, you were not  
22 critical of anyone at Transocean with  
23 regard to their performance at any time  
24 proximate to this blowout, were you?  
25 A. Not that I can recall, no, sir.

Page 390:15 to 391:12

00390:15 Q. I understand. Following the  
16 audit in September 2009, in the subsequent  
17 months after the audit, were you aware of  
18 any safety critical items identified in the  
19 audit which were not addressed?  
20 A. Not that -- not that I remember,  
21 no, sir.  
22 Q. Certainly, if there were any  
23 such safety critical items which were not  
24 addressed, you would have a duty to report  
25 those, would you not?  
00391:01 A. Yes.  
02 Q. And if they were truly safety  
03 critical, to stop work, that would be part  
04 of your work scope, would it not --  
05 A. Yes, sir.  
06 Q. -- or your duties?  
07 A. Yes, sir.  
08 Q. And you didn't do that?  
09 A. No, sir.  
10 Q. And you have never shut down the  
11 rig because there were any safety critical  
12 items which had been unaddressed?

Page 391:15 to 391:17

00391:15 THE WITNESS:

16 No, sir, not that I  
17 remember.

Page 391:19 to 393:24

00391:19 Q. Okay. Could you take a look,  
20 sir, at your notes. This was Exhibit 2669,  
21 2670.

22 Yes, sir. You don't have  
23 numbers on those? 2669 is the  
24 typewritten --

25 A. With my name at the top?

00392:01 Q. -- version. Yes, sir.

02 A. Okay.

03 Q. And 2670 is the one you have got  
04 your left hand on, the handwritten version.

05 I -- I appreciate you did not  
06 type up this document, 2669, and you did  
07 not write these notes on 2670, but you do  
08 recall giving a telephone interview, do you  
09 not?

10 A. Yes, sir. Vaguely.

11 Q. Okay. And did you report in  
12 that interview that there were no leaks in  
13 the system surface or subsea? I'm now  
14 looking at Exhibit 2669 to the extent that  
15 may or may not refresh your recollection,  
16 the typewritten version.

17 A. Right. I -- I didn't know of  
18 any leaks regardless of what this says. I  
19 didn't know of any leaks.

20 Q. What did you have to say in the  
21 interview about the condition of the  
22 Deepwater Horizon specifically with regard  
23 to the questions they asked? Could --  
24 could you go through the typewritten sheet  
25 and -- and see if that refreshes your

00393:01 recollection with regard to statements you  
02 made about the rig.

03 A. Can you be a little more  
04 specific or -- or give me some idea of  
05 where I'm warm at on this thing?

06 Q. Yeah. There were no  
07 dispensations of the MMS received for  
08 anything in the BOP stack that was not  
09 functioning; is that right?

10 A. That's correct.

11 Q. There were no issues that -- to  
12 your knowledge with the riser connecting --  
13 connection latching or unlatching?

14 A. That's correct.

15 Q. There had been an incident where



16 the EDS was engaged in connection with  
17 Hurricane Ida, had there not?  
18 A. Yes, it had.  
19 Q. And that went without -- that  
20 came off without any problems?  
21 A. Yes, sir.  
22 Q. And subsequently the rig was  
23 able to relatch without any problems?  
24 A. Yes, sir.

Page 397:16 to 397:21

00397:16 Q. Okay. All right. You  
17 weren't -- and while you were on the  
18 Deepwater Horizon, you were not aware of  
19 any problems or deficiencies with the BOP;  
20 is that correct?  
21 A. That's correct.

Page 397:25 to 398:17

00397:25 Q. Okay. You never heard of the  
00398:01 bladder effect?  
02 A. No, sir.  
03 Q. Or annular compression?  
04 A. No, sir.  
05 Q. When you left the Deepwater  
06 Horizon, what was it, on April 7th --  
07 A. Yes, sir.  
08 Q. -- 2010?  
09 A. Yes, sir.  
10 Q. And on that day, you were not  
11 aware of any critical maintenance issues?  
12 A. There was a list on the -- on  
13 the white board in the office of -- of  
14 maintenance issues, things that -- that was  
15 behind on maintenance, maybe waiting on  
16 parts. So I can't say that I wasn't aware  
17 of any, to answer the specific question.

Page 398:25 to 399:17

00398:25 Q. Let me ask you this: Did you  
00399:01 report in writing to Mr. Guide or anyone  
02 else onshore that there were critical items  
03 on the Deepwater Horizon that required  
04 immediate attention?  
05 A. No, sir, I don't recall doing  
06 that.  
07 Q. You never asked that the blowout  
08 preventer be taken out of service, did you?  
09 A. No, sir.  
10 Q. And I take it you had no

11 concerns about the blowout preventer while  
12 it was on the seabed?  
13 A. No, sir.  
14 Q. You -- you slept soundly aboard  
15 the -- aboard the Deepwater Horizon, did  
16 you not?  
17 A. No, sir, not every night.

Page 408:18 to 408:25

00408:18 Q. I think it was probably made  
19 clear that you did not ever perform a  
20 negative pressure test on the Deepwater  
21 Horizon; is that right?  
22 A. Yes, sir.  
23 Q. Is -- is a negative pressure  
24 test something that should be reduced to  
25 writing in your view?

Page 409:04 to 409:16

00409:04 Q. How to perform it?  
05 A. Yes. It should have some  
06 written guidelines.  
07 Q. Do you agree that the criteria  
08 for determining whether a negative pressure  
09 test is successful should also be in  
10 writing?  
11 A. I would assume, yes.  
12 Q. Did you ever see documents  
13 aboard the Deepwater Horizon describing how  
14 to do a negative pressure test and how to  
15 determine whether it's successful?  
16 A. No, sir.

Page 410:06 to 410:14

00410:06 Q. Have you ever used  
07 lost-circulation material as a spacer  
08 during a negative test?  
09 A. Not that I recall, no, sir.  
10 Q. Would the well site leader be  
11 the one to make the determination to use  
12 lost-circulation material as a spacer, or  
13 would that come from the drilling engineer  
14 onshore?

Page 410:17 to 410:18

00410:17 THE WITNESS:  
18 I don't know.

Page 410:20 to 411:03

00410:20 Q. Are you -- do -- do you have any  
21 familiarity with the recommendation from  
22 Halliburton with regard to the number of  
23 centralizers to use on this cement job on  
24 the Macondo well?  
25 A. No, sir.  
00411:01 Q. You're familiar with the use of  
02 centralizers undoubtedly?  
03 A. Yes, sir.

Page 411:14 to 411:20

00411:14 Q. Can you order centralizers out  
15 to the rig, if you need them?  
16 A. Yes, sir.  
17 Q. Is there ever a point in a  
18 casing job when you would feel it's too  
19 late to get equipment necessary to make the  
20 job safe?

Page 411:23 to 412:14

00411:23 THE WITNESS:  
24 If -- you wouldn't do the  
25 job if you didn't have the equipment that  
00412:01 was necessary to make it safe to start  
02 with. So the point of being too late in  
03 it, I mean -- I don't know how to answer  
04 that.  
05 BY MR. CLEMENTS:  
06 Q. Well, you wouldn't proceed with  
07 the job unless you were satisfied that it  
08 was safe to do so?  
09 A. Yes, sir.  
10 Q. And if there was a  
11 recommendation to use 21 centralizers to  
12 avoid a severe risk of flow -- well flow,  
13 you would get that equipment out, would you  
14 not?

Page 412:17 to 412:23

00412:17 THE WITNESS:  
18 I don't know. I don't know  
19 what I would do in that case.  
20 BY MR. CLEMENTS:  
21 Q. You would get the necessary  
22 equipment to do the job safely, whatever it  
23 was?

Page 413:01 to 413:11

00413:01 THE WITNESS:  
02 I've already answered, yes,  
03 I would do that.  
04 BY MR. CLEMENTS:  
05 Q. Thank you. You were asked some  
06 questions about the float collars and  
07 the -- the crew's attempts to convert the  
08 float collars. I think it was eight or  
09 nine times.  
10 Do you recall that questioning?  
11 A. Yes, I do.

Page 414:13 to 414:18

00414:13 Q. Do you what Weatherford's  
14 recommendation -- recommended flow rate for  
15 this float collar was?  
16 A. No, sir.  
17 Q. Whatever that recommendation  
18 was, is it good practice to follow it?

Page 414:21 to 414:24

00414:21 BY MR. CLEMENTS:  
22 Q. To follow the manufacturer's  
23 recommended flow rate for converting a  
24 float collar?

Page 415:04 to 415:11

00415:04 THE WITNESS:  
05 Is it good practice?  
06 BY MR. CLEMENTS:  
07 Q. Yes.  
08 A. Yes, I would think so.  
09 Q. You would not disregard the  
10 manufacturer's recommended flow rate for  
11 converting a float collar, would you?

Page 415:14 to 415:16

00415:14 THE WITNESS:  
15 I would not disregard it  
16 no.

Page 416:07 to 416:24

00416:07 Q. Is it good practice to do a  
08 bottoms-up before a cement job?  
09 A. If you can, yes.  
10 Q. It removes cuttings from the

11 well? Is that one benefit?  
12 A. It could, yes.  
13 Q. And break the gel after the mud  
14 has been sitting?  
15 A. It could if you have that type  
16 mud in a hole that would tend to gel up.  
17 Q. A little while ago you testified  
18 that there might be situations when you  
19 can't do a full bottoms-up. Do you recall  
20 that testimony?  
21 A. Yes, sir.  
22 Q. Are you aware of any reason that  
23 a full bottoms-up could not have been done  
24 here?

Page 417:02 to 417:03

00417:02 THE WITNESS:  
03 No, I'm not.

Page 417:05 to 417:08

00417:05 Q. Do you agree that the failure to  
06 conduct a full bottoms-up before a cement  
07 job in a production zone can cause  
08 contamination in the cement?

Page 417:11 to 417:12

00417:11 THE WITNESS:  
12 No.

Page 417:15 to 417:17

00417:15 Should a casing cement job be  
16 run without a spacer in the rat hole?  
17 A. Should a casing job be done?

Page 417:20 to 418:02

00417:20 THE WITNESS:  
21 It depends on the  
22 situation.  
23 BY MR. CLEMENTS:  
24 Q. Well, you would not want a  
25 heavier material above the rat hole than  
00418:01 the -- the mud in the rat hole, would you;  
02 is that correct?

Page 418:05 to 418:13

00418:05 THE WITNESS:

06                   If the situation is that  
07 I'm going to have heavier cement than I  
08 have mud, then you would need a pill in the  
09 rat hole. You would want to put a pill in  
10 the rat hole. But with nitrated cement,  
11 you just probably are not going to have a  
12 heavier cement density. It depends. You  
13 don't have to have a pill in all holes.

Page 418:17 to 419:01

00418:17           Q.     Thank you, sir. If you have do  
18 have cement in the shoe track heavier than  
19 the mud in the rat hole, you would be  
20 concerned that the cement would fall into  
21 the rat hole, would you not?  
22           A.     You have sag, yes. It -- it  
23 could do that.  
24           Q.     Have you ever run a cement job  
25 without placing a spacer in the rat hole?  
00419:01           A.     Yes, sir.

Page 419:07 to 419:17

00419:07           Q.     You gave some testimony about  
08 the -- the THINK drill. You were familiar  
09 with that process, sir?  
10           A.     Yes, sir.  
11           Q.     Did you have THINK drills with  
12 the Transocean crew?  
13           A.     Yes, sir.  
14           Q.     Do you agree that the rig crew  
15 should be provided with all information  
16 that might assist them in well control  
17 efforts?

Page 419:20 to 420:09

00419:20   THE WITNESS:  
21                   I don't -- I don't how to  
22 answer that. Could you re-form that?  
23 BY MR. CLEMENTS:  
24           Q.     Well, was -- was -- was a  
25 purpose of the THINK drills to consider how  
00420:01 to do specific tasks, what might go wrong  
02 and to provide information relevant to --  
03 to the successful completion of the task?  
04           A.     Yes, sir.  
05           Q.     There would be no reason to  
06 withhold information in these think drills  
07 from the crew, would there?  
08           A.     No, sir. You wouldn't hold --  
09 withhold information.

Page 424:06 to 424:09

00424:06           Q.     Did you feel that there was a  
07    pressure to finish up the Macondo well and  
08    to -- to move on to the Nile?  
09           A.     No, sir.

WITNESS NAME: Philip Earl Lee

DATE TAKEN: June 1-2

IN RE: OIL SPILL BY THE OIL RIG "DEEPWATER HORIZON" IN THE GULF OF MEXICO, ON APRIL 20, 2010

CORRECTIONS:

PAGE: 273 LINE: 3 CHANGE: "Jimmy Harrell of OIM" to "Jimmy Harrell the OIM"  
PAGE: 314 LINE: 6 CHANGE: "increased" to "increase"  
PAGE: 402 LINE: 10 CHANGE: 16ths to 16-inch  
PAGE: 402 LINE: 11 CHANGE: "16 to 16"  
PAGE: 418 LINE: 10 CHANGE: nitrated to nitrified  
PAGE: 469 LINE: 9-10 CHANGE: high tech to Hitec  
PAGE: 469 LINE: 14 CHANGE: high tech to Hitec  
PAGE: 471 LINE: 25 CHANGE: high tech to Hitec  
PAGE: 472 LINE: 23 CHANGE: high tech to Hitec  
PAGE: 474 LINE: 8-9 CHANGE: high tech to Hitec  
PAGE: 479 LINE: 9 CHANGE: Kathleen to Cathleen  
PAGE: 479 LINE: 13 CHANGE: Kathleen to Cathleen  
PAGE: 514 LINE: 8 CHANGE: Nexin to Nexen  
PAGE: 526 LINE: 5 CHANGE: Payne to Paine  
PAGE: 51 LINE: 22 CHANGE: bits to pits  
PAGE: 97 LINE: 9 CHANGE: carefully "MONITOR" his  
PAGE: 110 LINE: 21 CHANGE: BUCK TO BULK  
PAGE: 111 LINE: 18 CHANGE: HEADS TO ADDITIVES  
PAGE: 114 LINE: 3 CHANGE: HOWELL TO DOWWELL  
PAGE: 205 LINE: 6 CHANGE: JUNK TO JUMP  
PAGE: 214 LINE: 25 CHANGE: TEST TO TASK  
PAGE: 273 LINE: 3 CHANGE: OF TO THE OIM  
PAGE: 337 LINE: 16 CHANGE: TUBE TO TOOL  
PAGE: 373 LINE: 2 CHANGE: THAT TO IN SANDS  
PAGE: 422 LINE: 10 CHANGE: SHELL SURFACE TO SHALE SHAKERS  
PAGE: 466 LINE: 3 CHANGE: HAVE TO SWITCH FROM DRILLING SCREEN  
PAGE: 482 LINE: 13 CHANGE: AND TO TO AT THE SHAKERS  
PAGE: 519 LINE: 20 CHANGE: PULL TO FULL  
PAGE: 519 LINE: 21 CHANGE: REMOVE "THE" (BEFORE SAFETY)  
PAGE: 562 LINE: 4 CHANGE: ANGLE TO ANNULAS  
PAGE: 619 LINE: 21 CHANGE: BREAK TO BRAKE  
PAGE: 625 LINE: 3 CHANGE: LET TO GIVE ME