

Deposition Testimony of:

Ian Little

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Page 310:25 to 311:19

00310:25 It's my understanding that you played a role
00311:01 on the investiga- -- the internal investiga- --
02 investigative team for BP after the accident; is that
03 correct?
04 A. That's correct.
05 Q. Okay. Who assigned you to play that role?
06 A. I was asked by Andy Inglis to join the team
07 for an initial period to help set up the -- work with
08 Mark Bly to start off the investigation.
09 Q. Okay. And you said "for an initial period."
10 How long were you involved with the investigation?
11 A. Just over a week, I think, approximately.
12 Q. So your total time spent on the internal
13 investigation for BP was just one week?
14 A. It might have been a little bit longer. I
15 mean, I can't remember the exact dates that -- that I
16 left, but it wasn't much more than a week.
17 Q. Okay. So it was less than -- less than two
18 weeks --
19 A. Yes.

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00311:23 this: Was this early on in the early stages of the
24 investigation?
25 A. It was right -- on -- it was on -- on the --
00312:01 the day of the incident in the U.K. time. So it was
02 the -- the 21st, I think.
03 Q. Okay. So from the first day after the
04 incident for about seven to ten days?
05 A. Yeah.
06 Q. What was your role? Did you just -- if you'd

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00312:08 A. I was asked to -- to -- to help Mark Bly kind
09 of get the investigation set up. So he asked me mainly
10 to make a list of what dates that we might want to ask
11 for. He -- because I had some knowledge about the --
12 the project, it was to brief new people as they came on
13 with what we knew about the project, and it was to --
14 once we got to Houston, it was to help set up the -- the
15 logistics of the -- the -- the working of the team,
16 working with the data collection team to make sure we
17 got the data process sorted out. So it was really
18 admin- -- more administrative-type functions with a
19 little bit of my technical knowledge of -- of the -- of
20 the well and the Gulf of Mexico.

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00313:13 question. Were you responsible for all the data that
 14 had to do with the Macondo well?
 15 A. You -- could you be clearer on what you mean
 16 "all the data"?
 17 Q. Right. I'm just trying to get an idea for --
 18 for what aspects of data you were responsible for
 19 accumulating.
 20 A. I was -- I was asked to -- to make an initial
 21 list of what data we may -- may want to ask for based on
 22 the -- the knowledge we had at the time. So I just
 23 drafted a list which we then handed off to the -- the
 24 people who were going to gather that data.

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00315:04 Q. Okay. Were you aware that the Chief Council
 05 report done by the National Commission on the oil spill
 06 dedicated an entire chapter to management -- overarching
 07 failures of management?
 08 A. I have heard that through excerpts of -- I've
 09 seen from the -- from the reports.
 10 Q. Would you agree with the statement -- and I'm
 11 just going to read a statement. Don't have the report
 12 in front of me, and it's an exhibit in this case. But
 13 would you agree with the statement that, "Most of the
 14 mistakes and oversights in Macondo can be traced back to
 15 a single overarching failure of management"?

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00315:17 A. I can't comment that. I don't have the -- all
 18 the details on which that comment was made, so...
 19 Q. (BY MR. POTE) You don't have any opinion as
 20 to -- as to whether or not management failures
 21 contributed to the disaster?
 22 A. I don't know.
 23 Q. Okay. Simply based on the fact that the Chief
 24 Council report focused on an entire chapter on that
 25 subject, do you feel that the Bly report should also
 00316:01 have dre- -- -- have addressed system -- systemic risk
 02 and management failure?

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00316:05 A. I don't know.
 06 Q. (BY MR. POTE) You don't know?
 07 A. No.

Page 316:18 to 316:25

00316:18 wasn't a very good question. Did you ever have any
 19 discussions with inter- -- in- -- any of the interview
 20 team member -- excuse me -- with any of the

21 investigative team members regarding substantive matters
 22 in the investigation following the week that you worked
 23 initially for the team?

24 A. I never -- once I left the team, I didn't have
 25 any substantive contact with the investigation team, no.

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00318:23 A. I don't recall any discussion on this type of
 24 comment, no.

Page 321:17 to 321:20

00321:17 Q. (BY MR. POTE) Yeah, you -- well, you're
 18 right. You don't have any opinion as to whether the --
 19 the reorganizational change that began in 2010 created
 20 any problems within -- within BP?

Page 321:23 to 322:03

00321:23 A. I wasn't aware of -- of the organizational
 24 change created any problems in the area that I was
 25 knowledgeable about.
 00322:01 Q. (BY MR. POTE) Okay. Do you know if BP is now
 02 undertaking an investigation into systemic risk or
 03 management issues?

Page 322:05 to 322:05

00322:05 A. I'm not aware of an investigation, no.

Page 326:13 to 326:14

00326:13 A. I don't recall talking about incentives
 14 yesterday.

Page 326:23 to 328:03

00326:23 just try to make my question clearer. Did BP create
 24 incentives for you, monetary incentives for minimization
 25 of costs for operations that were under you -- under
 00327:01 your super- -- supervision?

02 A. I'm not aware of any specific incentives
 03 that -- that were created for costs, no.

04 Q. Okay. Were there ever incentives created for
 05 other employees on specific wells? Such as, for
 06 example, the Macondo well, were there incentives created
 07 for reduction of costs or completing the wells in
 08 certain amount of time?

09 A. We had a -- an incentive program that we put
 10 in place at the start of a well normally --

11 Q. Okay.

12 A. -- for the rig crew --
 13 Q. Okay.
 14 A. -- and the people involved on the rig, yes.
 15 And that was -- but that was based on safety performance
 16 and drilling performance usually.
 17 Q. Okay. So you never had any incentives that
 18 involved finishing wells within a certain time frame; is
 19 that correct or not correct?
 20 A. Drilling performance. They would be included
 21 in the drilling performance metric, yes --
 22 Q. Okay. So --
 23 A. -- at the time.
 24 Q. So -- so it would be that BP did have
 25 incentives for completing a certain well within a
 00328:01 specific time frame, and you're just telling me that
 02 that -- that falls within the rubric of -- of drilling
 03 performance?

Page 328:05 to 328:14

00328:05 A. We had an incentive program for -- at the
 06 start of a well normally, which included a metrics that
 07 we were incentivizing the -- the team and -- at the
 08 start of the well. And those metrics included safety,
 09 HSE, environment, and days usually, days to drill the
 10 well.
 11 Q. (BY MR. POTE) Yeah. Was there an incentive
 12 program in place for the Macondo well?
 13 A. From my recollection, there was at -- at the
 14 start of the well with the Marianas.

Page 329:08 to 329:19

00329:08 Q. Does BP take it upon itself to make its
 09 employees for rigs aware of how much is being spent on
 10 the rig on a daily basis?
 11 A. The -- the rig would calculate a cost every
 12 day and put it on a report that -- an estimated cost
 13 that we had spent for that day.
 14 MR. POTE: I'm going to introduce another
 15 exhibit here. This is 7087 and on a disk this is the --
 16 this is the document that ends, as far as I can see,
 17 with the Bates numbers 149. And the BP -- the actual
 18 Bates number ends with -- for some reason there's two
 19 different numbers, but it's 1819628.

Page 329:24 to 330:21

00329:24 Q. Yeah, I just wanted to -- to -- and this is
 25 not a document -- this is from Jan- -- July of 2009. So
 00330:01 it does not apply to the Deepwater Horizon, obviously.
 02 But -- but I wanted you at least, first, to just tell me
 03 if you recognize your name on the e-mail and tell me if

04 you remember the e-mail.
 05 A. Again, I don't remember this specific e-mail,
 06 but I -- I know some of the context that's in here,
 07 yeah.
 08 Q. Right. Okay. Well, I wanted to focus on the
 09 second sentence there on the top response from Kevin
 10 Lacy to Harry Thierens, Andrew Frazelle, and yourself.
 11 And it says, "Get the CBL run so we know what we are
 12 facing." Do you see where it says that?
 13 A. Yes.
 14 Q. And what does he mean by "CBL"?
 15 A. Cement bond log.
 16 Q. Okay. And -- and just tell on the record the
 17 jury, if you would, what -- quickly in your own words
 18 what a cement bond log is.
 19 A. It evaluates the -- the bond between the
 20 cement and the casing and the formation behind ca- --
 21 pipe.

Page 331:16 to 332:03

00331:16 Q. (BY MR. POTE) Okay. Well, would you agree
 17 with me that a cement -- that a cement job, the cement
 18 job that -- that binds the casing to the annulus is a
 19 very important part of well engineering?
 20 A. Could you -- could you --
 21 Q. Do --
 22 A. -- rephrase that --
 23 Q. Yeah. Would --
 24 A. -- or --
 25 Q. Well, yeah, I will. I'll rephrase it to make
 00332:01 a better question. Would you agree with me that a
 02 cement bond between the annulus and the casing is a very
 03 important part of achieving zonal isolation?

Page 332:05 to 332:08

00332:05 A. I mean, I guess it depends on the situation.
 06 So the -- the factors involved would say it's an
 07 important part of cementing -- casing and cementing a
 08 well, yes.

Page 334:16 to 334:19

00334:16 Q. It may be better for me to just ask, once
 17 again, a slightly different question. Do you think it
 18 was important to have a good cement job on April 20th,
 19 2010 on the Deepwater Horizon Macondo well?

Page 334:21 to 335:01

00334:21 A. I mean, it's always good to have as good a
 22 cement job as we can get. That's what we're always

23 striving to achieve.
 24 Q. (BY MR. POTE) Okay. And why?
 25 A. To provide zonal isolation, and that's --
 00335:01 that's the reason for doing the cement job.

Page 335:13 to 335:17

00335:13 Q. (BY MR. POTE) Well, not to dwell on the issue
 14 to long because I only have a limited time, moving back
 15 to the cement bond log -- the cement bond like, I think
 16 you've just testified helped to ensure that there is a
 17 cement job with integrity, is that correct?

Page 335:19 to 336:03

00335:19 Q. (BY MR. POTE) You may not have used those
 20 words, but -- do you agree with that that is what a
 21 cement bond log is?
 22 MR. RUBINSTEIN: You're talking about
 23 cement bond log generally as opposed to specifics?
 24 MR. POTE: Correct.
 25 A. I don't recall saying that a cement bond log
 00336:01 is a tool to help analyze the cement -- the bond between
 02 the casing and the cement in the formation, that's what
 03 the cement bond log is there to help do.

Page 336:15 to 336:17

00336:15 Q. (BY MR. POTE) Okay. Can you tell me a reason
 16 why BP would not run a cement bond log besides time and
 17 money?

Page 336:19 to 336:21

00336:19 A. It would depend on the situation. We don't
 20 always run cement bonds logs, not always a requirement.
 21 So just depends on the situation, so...

Page 337:14 to 338:03

00337:14 Q. But I'm a drilling engineer and you are, and
 15 that's why I'm asking you if there's many reasons. If
 16 you can just tell me one reason aside from time and
 17 money that a company would choose not to do a cement
 18 bond log.
 19 A. There is many reasons why we wouldn't --
 20 one -- a reason might be that it's not a casing size
 21 that the bond log can be run in.
 22 Q. Okay.
 23 A. Because it only works in certain casing sizes.
 24 So that would be one reason.
 25 Q. Do you know if BP did an analysis or anything

00338:01 to establish that that was the reason that there was a
02 casing size problem with respect to the cement bond log
03 that they chose not to do on April 20th?

Page 338:06 to 338:07

00338:06 A. I don't -- I don't know why they did or did
07 not run a cement bond log.

Page 338:24 to 339:04

00338:24 Let me -- let me first ask you, are you
25 familiar with evidence in this case that it was
00339:01 expressed by John Guide to David Sims that operations
02 were flying by the seat of their pants and that the well
03 site leaders were at their wit's end? Are you familiar
04 with those communications?

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00339:07 A. I'm not familiar with those communications.
08 Q. (BY MR. POTE) Is -- is this -- as I sit here
09 today talking to you is this the first time that you've
10 ever heard the term "flying by the seat of our pants" in
11 the context of the Macondo well?
12 A. It may have come up at the MBI hearing, but
13 I've certainly never heard it prior to that.
14 Q. You've never heard it prior to that?
15 A. No.
16 Q. Okay. Well, just assuming that it had been
17 expressed by the well site leader John Guide to his
18 superior that they were flying by the seat of their pants
19 and that well site leaders area their which's end, is
20 this type of thing that David Sims should report to his
21 superior, just as you said that any issues that you
22 would report to Harry Thierens?

Page 339:25 to 340:01

00339:25 A. I don't know the context in which the
00340:01 communications were given, so I can't answer that.

Page 341:24 to 342:03

00341:24 Were you aware that there is evidence in this
25 case that Transocean's rig manager Paul Johnson
00342:01 testified that the BP wells team did a poor job of
02 keeping Transocean apprised of rig operations on a daily
03 basis?

Page 342:05 to 342:05

00342:05 A. I'm not aware of that, no.

Page 342:20 to 343:17

00342:20 can get. Are you aware of any protocol that requires BP
 21 to keep Transocean apprised of rig operations on a daily
 22 basis?
 23 A. Yeah, I mean, there is a requirement to have a
 24 morning meeting every day between Transocean, the
 25 service companies on the rig, the well site leaders,
 00343:01 the -- all the team in turn. They talk, meet every
 02 morning to review the morning report, review the
 03 day's -- previous day's activities, review forward plan.
 04 That occurs every day.
 05 There is a -- as part of our well planning
 06 process we have a requirement to perform pre-spud
 07 meetings, which include all the people involved in
 08 drilling the well. We conduct -- we normally conduct
 09 whole section reviews. There are meetings -- if there
 10 is a change to plan, there are -- there are meetings
 11 with everybody involved in the plan, so...
 12 Q. Okay, thank you. And assuming that, as I
 13 said, if someone had testified that -- that Transocean,
 14 their own rig manager at the Westlake site had not been
 15 kept up to speed on -- or apprised of daily operations,
 16 then based on what you're telling me that would have
 17 violated BP's own procedure, is that correct?

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00343:20 A. I don't know what the person said or what --
 21 what they meant.

Page 345:09 to 345:11

00345:09 Q. (BY MR. POTE) You were, if I'm correct,
 10 involved with the Macondo well on March 8th at the time
 11 it took a well kick; is that correct?

Page 345:13 to 347:13

00345:13 A. On March 8th I was out of the country at the
 14 time.
 15 Q. (BY MR. POTE) Okay. On March 8th, 2010?
 16 A. Yes.
 17 Q. Okay. And that -- I think you talked about
 18 that to some extent yesterday. Was that a situation
 19 where you were still in a position involved with the
 20 Macondo well, but that you were off your job; is that
 21 correct?
 22 MR. FIELDS: Objection; form.
 23 MR. RUBINSTEIN: Same objection.
 24 A. I was delegating my role while I was out of

25 the country during that period.

00346:01 Q. (BY MR. POTE) Correct, okay. Do you have
 02 experience with well kicks in gen- -- as a general
 03 matter in your experience in offshore drilling?
 04 A. Could you clarify "experience"? What do you
 05 mean by "experience"?
 06 Q. Well, it just -- just a general matter do
 07 you -- you've experienced well kicks before, right?
 08 A. There has been well kicks on wells that I have
 09 been involved with, yes.
 10 Q. Okay. What is the manner in which a kick is
 11 reported up the chain of supervision?
 12 MR. FIELDS: Objection; form.
 13 A. Could you repeat the question or clarify the
 14 question?
 15 Q. (BY MR. POTE) Is there a specific procedure
 16 that BP has that -- that it uses to -- to go up the
 17 chain of supervision with response to -- with respect to
 18 dealing with well kicks?
 19 A. There is a communications plan we have which
 20 would indicate which events need to be communicated and
 21 to who they need to be communicated to. So for a well
 22 kick there -- it would be clear who that would be -- how
 23 that would be reported, yes.
 24 Q. Would you agree that BP's well site leaders
 25 should be monitoring a well for kicks at all times?

00347:01 A. There is a lot of monitoring that goes on in
 02 the well 24 hours a day related to well kicks. The
 03 primary monitoring is done by Transocean by the driller
 04 through their -- their -- their systems. There is a
 05 secondary monitoring system by the mud logging company.
 06 They're monitoring the key indicators for well control.
 07 And we have other people who are out there who -- who
 08 provide support as needed.
 09 We have people who analyze core pressures. We
 10 have people who analyze the mud properties. We have
 11 displays that people can -- can see properties as they
 12 go. But the primary well control monitoring is done by
 13 Transocean and with backup from Sperry Sun.

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00348:24 Q. Well, have you -- have you ever heard, for
 25 example, crane movement on a rig interfering with a mud
 00349:01 logger's ability to -- to read the flow in flow out
 02 data?
 03 A. I'm not aware of crane movement, the inability
 04 to read data. It can sometimes make -- you have to make
 05 sure that the -- that -- that you're aware of crane
 06 movement because it can affect how the -- the -- the
 07 levels in the tanks are, so therefore the mud loggers
 08 would have to -- you know, would -- would take that into
 09 consideration in analyzing it, but it doesn't stop them
 10 from getting the data or analyzing it.

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00349:14 never had any discussions with anyone within BP prior to
 15 April 20 of -- of rig activities stopping the mud
 16 loggers or -- or impeding them from being able to -- to
 17 gather their data?
 18 A. I'm not aware of any discussions like that,
 19 no.
 20 Q. The same would apply not just to rig movement,
 21 but to, say, for example, pit-to-pit transfers?

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00349:23 A. Yes, could you clarify what the question is.

Page 350:03 to 350:08

00350:03 you don't mind. There was some testimony from one of
 04 the well site leaders, a former well site leader for BP
 05 in this matter that some times the well site leaders
 06 watch a flow in flow out monitor and sometimes they
 07 don't. Do you agree that well site leaders should only
 08 sometimes watch flow in flow out monitors?

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00350:11 A. The well site leader is -- is there to oversee
 12 from a -- from BP's perspective the activities on the
 13 rig. The realtime monitoring of data is not in the well
 14 site leader's role. He is there to -- to oversee and
 15 make sure we're executing the program in accordance with
 16 BP's policy standards and in accordance with the
 17 program. The role of monitoring 24 hours is done by --
 18 by others.

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00351:25 Q. (BY MR. POTE) Have you ever heard of the
 00352:01 bladder effect?
 02 A. I've heard of it since the -- this
 03 investigation.
 04 Q. Have you ever -- had you heard of it prior to
 05 April 20, 2010?
 06 A. I mean, I know what a bladder is. I'm not
 07 sure I've know how the bladder effect as a particular
 08 term, no.
 09 Q. Is your only understanding of a bladder effect
 10 something you received following the Deepwater Horizon
 11 accident?
 12 A. From what I recall, this is the first time I'd
 13 heard through the investigations this term.

Page 355:08 to 355:22

00355:08 try to make it simple here. Who on the Deep- -- who on
09 the BP Macondo rig team, whether that would have been at
10 the Westlake office or on the rig or anywhere, would
11 have been charged with interpreting the results of the
12 cement slurry tests performed by Halliburton?
13 A. Are you talking specifically on the -- the
14 April 20th or the -- the last casing?
15 Q. As a general matter, who is the person who
16 gets the cement slurry tests from Halliburton and
17 interprets those test results?
18 A. I don't know in this particular case on --
19 in -- at that time who got the cement slurry test and
20 looked at them. Any more general case, the drilling
21 engineers, the engineering team would be working with
22 the cement provider to do that. To --

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00356:08 Q. (BY MR. POTE) Does BP have any protocol or
09 written procedure with respect to who's the person in
10 charge of looking at a cement slurry test and saying
11 this cement is good to go?
12 A. We have an engineering standard which -- which
13 we -- that the engineering team would be using during
14 the cement planning, and that would be their guidance.
15 We have a cement -- you know, they have training in
16 cementing. So there's lots of, you know, different
17 resources available to -- to the teams to -- to
18 understand that.
19 Q. Is it fair to say, based on your responses --
20 and I guess what I'm -- you know, based on what I'm
21 getting out of you is it fair to say what your answer is
22 the engineering team in general is responsible for
23 reviewing and interpreting cement slurry tests?
24 A. The engineering team for the well would be
25 responsible for working with the cement provider to --
00357:01 to design the cement job and the aspect of it.
02 Q. Okay. And there's no one individual on the
03 team who has ultimate responsibility for looking at the
04 test -- for -- for interpreting the results of the
05 cement slurry test?
06 A. I don't know what you mean by "ultimate."
07 Q. Well, I mean -- I mean, ultimate. I mean,
08 there's no one person on the engineering team who
09 ultimately has the responsibility, this is a general --
10 it's generally understood that the engineering team in
11 general interprets the results of the cement slurry
12 test?
13 A. I think I said they interpret the results.
14 Our engineering team or the drilling engineers on the
15 well would be working with the cement provider to design
16 and -- and, you know, implement the -- the cement.

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00358:07 don't think that my question requires details. I'm just
 08 trying to get an idea of who had what responsibility
 09 with respect to the interaction of Jesse Gaglianno,
 10 Halliburton's man on the job who -- who performed cement
 11 slurry tests, and the BP wells team, engineering team on
 12 the other hand? I'm trying to get an idea from you
 13 about the roles and the interpretation of those cement
 14 slurry tests. Obviously, you're telling me they worked
 15 together. What -- what does that mean? Does that mean
 16 BP's team waits for the green light from Jesse Gaglianno
 17 to say this cement slurry test passed, you can go ahead
 18 and pump your cement; or do they play a role in looking
 19 with him at the cement slurry test? That's what I'm --
 20 I'm trying to find out. I don't know?

Page 358:23 to 359:14

00358:23 A. I mean, I think I -- the engineering -- the
 24 well engineering team, the engineers involved in the
 25 well would be working with the cement provider to design
 00359:01 and -- and -- and put in place the cementing program.
 02 Q. (BY MR. POTE) Okay. Do you know who at BP on
 03 the wells team at Westlake or on the rig or anywhere had
 04 the final say at Deepwater Horizon for pumping the
 05 cement job?
 06 A. I mean, it -- it would depend on what stage
 07 that would be at, so in the planning stage the engineers
 08 would be working with Halliburton to design the cement
 09 job. They would pass the -- the design on to the -- the
 10 wells team -- the rig team. That rig team would then
 11 develop the implementation plan with the -- the
 12 cementers and Transocean and everyone involved on the
 13 rig, they would develop the implementation plan on the
 14 rig and then they would execute it.

Page 360:04 to 361:05

00360:04 Q. Well, in other words, who would have been
 05 responsible for ordering that they go forth with -- with
 06 the pumping of the cement job based on -- let me --
 07 based on all the factors taken into consideration
 08 together?
 09 A. I mean, so the -- the engineers would work
 10 with Halliburton or whatever cementing company to -- to
 11 design the slurry to meet the conditions -- the basis of
 12 design for the well. So there would be a criteria for
 13 that. They would design it. Once that design had been
 14 agreed that would then go to the -- the wells team. The
 15 wells team would then implement that program on the rig
 16 with Hal- -- cementing company, Halliburton, with

17 Transocean, everyone involved in -- in that job. That
18 would be executed on the rig, so...

19 Q. Do you agree with me that BP should have the
20 final cement slurry tests in their -- in their hand
21 before they -- before they pump the cement that the test
22 is for?

23 A. Could you --

24 Q. Yeah, yeah.

25 A. -- be clear on what final tests?

00361:01 Q. It's an easy, sort of philosophical abstract
02 question. Don't you agree with me that before BP pumps
03 a cement job they should -- that involves nitrified foam
04 slurry, that they should have the test results for that
05 slurry in hand before they pump it?

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00361:07 A. I would -- in all cement jobs you would expect
08 to have a design that was agreed and ready to -- to be
09 implemented.

Page 361:11 to 361:17

00361:11 MR. POTE: Yeah, object -- object to the
12 response. I was really asking about my test results.
13 So let me ask the question again.

14 Q. (BY MR. POTE) Don't you agree with me that if
15 BP is going to pump a cement job with nitrified foam
16 slurry, they should have the test results for that
17 cement slurry before they pump it?

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00361:20 A. Regardless of what type of cement job, we
21 should have test results that -- that are in conformance
22 with the -- with the design of the well.

23 Q. (BY MR. POTE) Okay.

24 A. The design of the cement job.

Page 362:20 to 362:24

00362:20 Q. (BY MR. POTE) Okay. So -- so in your time on
21 the -- on the Macondo well you never heard of any
22 problems about Jesse Gaglianno's performance?

23 A. I don't recall being made aware of any
24 problems.

Page 363:02 to 363:07

00363:02 Were you ever -- during your time on the
03 Macondo well were you ever privy to enter -- any
04 information, whether it be complaints or discussions or

05 any -- or communications whatsoever, about BP drilling
06 too fast.
07 A. Don't recall any complaints about that, no.

Page 363:13 to 364:03

00363:13 Q. (BY MR. POTE) Are you aware of a single
14 decision that BP made on the Macondo well that increased
15 safety and helped mitigate against the risk of disaster,
16 but that cost extra time and money?
17 A. On the Macon- -- any specific time or just in
18 general?
19 Q. In general.
20 A. They -- we had -- we had a lot of discussion
21 around the -- using the Marianas over the hurricane
22 season. Other operators in the Gulf of Mexico operate
23 moored rigs during hurricane seasons. We looked at
24 risks involved with that to drill the Macondo, and we
25 decided that risk wasn't an acceptable risk, therefore
00364:01 we -- we put the rig into the shipyard and waited until
02 the main period of the hurricane season was over. So
03 that had a material impact on the cost.

Page 364:15 to 364:16

00364:15 Q. Mr. Little, my name is Steve Roberts. I
16 represent Transocean. You and I had a -- a moment in

Page 364:20 to 366:23

00364:20 Q. As I understand it, when you left the Gulf of
21 Mexico most recently, at that time your position was
22 wells manager E&P for the Gulf of Mexico?
23 A. E&A, exploration and appraisal.
24 Q. E&A, okay, thank you. And in that capacity,
25 you reported to Harry Thierens?
00365:01 A. At the time of my departure, I was reporting
02 to David Rich.
03 Q. All right. But before your departure, you
04 reported to Harry Thierens?
05 A. That's correct.
06 Q. So the vast amount of time that you had that
07 position, you reported to Mr. Thierens?
08 A. I reported to Mr. Thierens from when I arrived
09 in the Gulf of Mexico in June 2007 through to when he
10 left in December of 2009.
11 Q. And you officially left that position on
12 April 2, 2010?
13 A. Yes, that's correct.
14 Q. And underneath you, did I understand you
15 correctly to say that on the operations side you had
16 Mr. Sims?
17 A. Can we -- can we clarify the time?

18 Q. January of 2010.
 19 A. January 2010, Mr. Sims was the engineering
 20 team leader.
 21 Q. All right. And who was the engineering team
 22 leader on the operations side?
 23 A. The operations side, the wells team leader was
 24 the team leader.
 25 Q. All right. And who was that?
 00366:01 A. That was -- for the Horizon?
 02 Q. Yes, sir.
 03 A. That was John Guide.
 04 Q. All right. So at one point, you had Sims
 05 reporting from engineering and Guide reporting from
 06 operations to you?
 07 A. That's correct.
 08 Q. Did Mr. -- underneath Mr. Sims, was there
 09 Mr. Morel and Mr. Hafle?
 10 A. They were a member of Mr. Sims' team, yes.
 11 Q. Right. And underneath Mr. Guide, as it
 12 relates to the Deepwater Horizon, you had folks like
 13 Ronnie and Murray Sepulvado, Mr. Vidrine, and ultimately
 14 Mr. Kaluza?
 15 A. The well site leaders for the Deepwater
 16 Horizon reported to John Guide.
 17 Q. Do you know those gentlemen whose names I just
 18 mentioned, Murray and Ronnie Sepulvado?
 19 A. I know Murray and Ronnie Sepulvado.
 20 Q. Do you know Mr. Vidrine?
 21 A. I have met Mr. Vidrine, but I would -- I
 22 wouldn't say I knew him -- knew him as well as Murray
 23 and Ronnie.

Page 367:16 to 368:16

00367:16 Q. Yeah, did you know Mr. Kaluza?
 17 A. I had met Mr. Kaluza in -- once or twice in
 18 those years.
 19 Q. But Mr. Kaluza had not typically been in your
 20 reporting scheme?
 21 A. No.
 22 Q. All right. Because he wasn't on the Horizon
 23 or any of the other rigs that you oversaw?
 24 A. That's correct.
 25 Q. Now, in terms of being the wells manager E&A
 00368:01 for Gulf of Mexico and having folks like Sims and Morel
 02 and Hafle underneath you, I want to go to the negative
 03 pressure test. Is the establishing of the protocol for
 04 the negative pressure test part of the well engineering
 05 process that they would have had under their
 06 responsibility?
 07 A. Could you explain what you mean by
 08 "establishing the protocol"?
 09 Q. Yeah, there is a protocol -- a written
 10 protocol on every well for a negative pressure test; is
 11 there not, sir?

12 A. As part of the well program?
13 Q. Yes, sir.
14 A. Yes.
15 Q. And is that done -- is that supposed to be
16 done by the well design group?

Page 368:18 to 369:19

00368:18 A. The engineering team write the well program.
19 Q. (BY MR. ROBERTS) Is that part of the well
20 design?
21 A. It's -- it's a step normally in the well
22 program.
23 Q. I used the word "design." Is that part of the
24 design of the well; that is, the establishment of the
25 negative pressure test?
00369:01 A. The -- it's a step in the program.
02 Q. All right. Now, the folks who then
03 established the protocol for the negative pressure test
04 did report to you up until you left the Gulf of Mexico?
05 A. The engineering team that write the program,
06 which one of the steps would be -- would be to conduct
07 the negative test, the engineering team leader reported
08 to me up until the time I left to go to North Africa.
09 Q. Did you review negative pressure test
10 protocols ever?
11 A. Could you clarify what you mean by "negative
12 test protocols"?
13 Q. Yes. Do you know what a negative test
14 protocol is, the written procedure for a negative
15 pressure test? Have you ever reviewed one that was done
16 by your engineering team while you were in the Gulf of
17 Mexico?
18 A. The -- the negative -- the -- the well program
19 contained the steps that says "conduct negative tests."

Page 369:25 to 370:08

00369:25 Q. (BY MR. ROBERTS) Go ahead, sir. Did you
00370:01 review them before negative pressure tests were
02 conducted?
03 A. The well program, which was written by the
04 engineering team, and a step in the program calls for
05 the negative pressure test, that program I signed.
06 Q. All right. So you did review them?
07 A. I -- there -- there -- the step was in the
08 program of which that program I signed.

Page 370:17 to 371:08

00370:17 Q. Did you read the negative pressure test step
18 in the protocol that you signed, the engineering design
19 that you said you signed?

20 A. The well program I signed, I had reviewed.
 21 Q. All right. And that included negative
 22 pressure tests?
 23 A. There was a step in the program calling for
 24 negative pressure tests.
 25 Q. Have you ever in any of the negative pressure
 00371:01 test steps you've reviewed seen one done through a kill
 02 line?
 03 A. I don't recall.
 04 Q. You don't recall ever seeing one?
 05 A. No.
 06 Q. You do recall seeing them done through the
 07 drill pipe, don't you, sir?
 08 A. I don't recall the details of how --

Page 372:03 to 372:18

00372:03 Have you ever seen a negative pressure test
 04 that you approved or you signed off on through the drill
 05 pipe?
 06 A. I don't recall the details of the -- the
 07 negative test.
 08 Q. So as you -- as you sit here, you don't recall
 09 whether you signed off on drill pipe tests or on kill
 10 line tests; you simply don't recall?
 11 A. I don't recall.
 12 Q. Yet it's part of well design, isn't it, sir?
 13 A. The -- the well program written by the
 14 engineering team has a step in it calling for the
 15 negative pressure test.
 16 Q. Are there stages of well drilling activity
 17 that you would consider critical, such that you
 18 shouldn't be moving people in and out?

Page 372:20 to 372:25

00372:20 A. Could you be more specific on what you mean by
 21 "moving people in and out"?
 22 Q. (BY MR. ROBERTS) Yeah, where you want to keep
 23 continuity of folks so that -- that there is an
 24 understanding of where you are in a stage of a
 25 particular process of well drilling.

Page 373:02 to 373:05

00373:02 A. Again, it could -- if you could be specific
 03 around what role or what person.
 04 Q. (BY MR. ROBERTS) Would you want to move
 05 someone in just before a negative pressure test?

Page 373:07 to 373:10

00373:07 A. Could you clarify who you mean by "someone"?

08 Q. (BY MR. ROBERTS) Well, you clarify what you
09 mean by someone, and then I'll see if we're on the same
10 wavelength.

Page 373:12 to 373:16

00373:12 A. I don't know.
13 Q. (BY MR. ROBERTS) So you don't know if there
14 are any procedures or steps in a well which you would
15 view as critical such that you shouldn't move new
16 personnel in or out?

Page 373:19 to 374:10

00373:19 A. I don't know based on your question the
20 specific situation on which I can make that comment.
21 Q. (BY MR. ROBERTS) Is the well team leader a
22 significant individual during a cementing process?
23 A. Could you clarify what you mean by
24 "significant"?
25 Q. What do you mean "significant"? What do --
00374:01 what do you understand "significant" to mean? Important
02 is what I mean.
03 A. So could you clar- -- could you ask the
04 question again?
05 Q. Is a well team leader an important person in a
06 cementing process?
07 A. A wells team leader is an important person in
08 the overall drilling of a well under his supervision.
09 Q. Should a well team leader be accessible during
10 a cementing process?

Page 374:12 to 375:23

00374:12 A. Could you be clearer on what you mean by
13 "cementing process"?
14 Q. (BY MR. ROBERTS) Available -- available to
15 the well site leader to call during the cementing
16 process of a well.
17 A. The wells team leader -- so let me -- can --
18 so during the actual cementing operation --
19 Q. Yes, sir.
20 A. -- while it's ongoing?
21 Q. Yes, sir, to be available to answer questions.
22 Should a well team leader be available to a well site
23 leader?
24 A. During the actual cement job as it's being
25 pumped on the rig?
00375:01 Q. Yes, sir.
02 A. It's not my knowledge that we re- -- have that
03 as a requirement that the well site leader be
04 immediately available during a cement job.
05 Q. Should a well site leader be able to contact a

06 well team leader during a negative pressure test?
 07 A. You mean be able, actually physically able --
 08 Q. Phone, call them, ask questions if he's got
 09 concerns. Should a well team leader be accessible to a
 10 well site leader during a negative pressure test?
 11 A. The -- the well site leader will -- would have
 12 accessibility to the wells team leader, yes.
 13 Q. So the well site leader and the well team
 14 leader should be able to communicate if there are
 15 problems during a negative pressure test?
 16 A. It -- yes, I would say that at all times, the
 17 well site leader and wells team leader should have
 18 ability to communicate.
 19 Q. Back to the critical -- folks who may be
 20 critical and/or significant or important during the
 21 drilling of a well, your replacement, or at least part
 22 of your replacement, was a guy named David Rich; is that
 23 right?

Page 375:25 to 376:01

00375:25 A. I -- David Rich did not replace me. I --he
 00376:01 had another role.

Page 376:03 to 376:11

00376:03 A. He replaced Mr. Thierens.
 04 Q. Mr. Thierens?
 05 A. Yes.
 06 Q. All right. So he replaced the guy that was
 07 your boss?
 08 A. That's correct.
 09 Q. Are you aware that -- are you aware that he,
 10 too, was gone and unavailable during the last few weeks
 11 before the Macondo incident?

Page 376:13 to 376:15

00376:13 A. I wasn't aware of that.
 14 Q. (BY MR. ROBERTS) You weren't aware that he
 15 went up to Boston and turned his Blackberry off?

Page 376:18 to 376:21

00376:18 A. I wasn't aware of that.
 19 Q. (BY MR. ROBERTS) Were you aware that Ronnie
 20 Sepulvado was removed from the Deepwater Horizon just
 21 days before the explosion and fire?

Page 376:23 to 376:24

00376:23 Q. (BY MR. ROBERTS) Went to a well school, and

24 he turned his Blackberry off.

Page 377:01 to 377:07

00377:01 A. Yeah, I don't know if --
02 Q. (BY MR. ROBERTS) Did you talk to anybody
03 after the explosion and fire at the Deepwater Horizon
04 about what had taken place?
05 A. Could you be specific on "anybody"?
06 Q. Yeah, anybody.
07 A. I spoke to people --

Page 377:09 to 379:05

00377:09 A. -- generally about it, yes.
10 Q. Who did you talk to when you learned of the
11 sinking of the Deepwater Horizon?
12 A. At the time -- at that specific time, I was a
13 member of the investigation team in Houston.
14 Q. So who did you talk to? Did you talk to
15 Mr. Vidrine?
16 A. I didn't talk to Mr. Vidrine.
17 Q. Did you talk to Mr. Kaluza?
18 A. I didn't talk to Mr. Kaluza.
19 Q. Did you talk to Mr. Guide?
20 A. No.
21 Q. Did you talk to Mr. Morel?
22 A. No.
23 Q. Did you talk to Mr. Hafle?
24 A. At the -- after the incident?
25 Q. Yes, sir.
00378:01 A. No.
02 Q. Who did you talk to as a member of the
03 investigating team?
04 A. I talked to other members of the investigating
05 team.
06 Q. But you didn't talk to any of the people that
07 had previously reported to you?
08 A. During this period?
09 Q. Yes, sir.
10 A. I had one conversation with Mr. Sims after the
11 incident for about five minutes.
12 Q. And what was the nature of that conversation?
13 A. I was asking how he was.
14 Q. So you were asking him a personal question
15 about how he was, but not about what had happened?
16 A. No.
17 Q. So of all of the people that used to report to
18 you, you didn't talk to any of them about what had
19 happened?
20 A. No.
21 Q. Were you told not to re- -- not to talk to any
22 of those folks?
23 A. Certainly when I was put on the investigation

24 team, they were -- I wouldn't -- I would not have been
25 right to talk to anyone about what happened because it
00379:01 was being investigated.
02 Q. Sir, my question was: Were you told not to
03 talk to any of the people that formerly reported to you
04 that formed your engineering group and your operations
05 group when -- before you left the Gulf of Mexico?

Page 379:08 to 379:13

00379:08 A. (Continuing) I was not told not to talk to
09 anyone.
10 Q. (BY MR. ROBERTS) But you made the decision on
11 your own not to talk to any of these folks who had
12 previously reported to you on the Macondo well pro- --
13 process or the Macondo well project?

Page 379:15 to 380:09

00379:15 A. I did not talk to them.
16 Q. (BY MR. ROBERTS) Did you know any of the
17 folks on the Deepwater Horizon?
18 A. I knew the rig crew, or I met some of the rig
19 crew, yes.
20 Q. Who did you know?
21 A. I met on my rig visits the OIMs, Jimmy
22 Harrell, the tool pusher, tool pushers.
23 Q. Which tool pushers did you know, sir?
24 A. Mr. Ezell.
25 Q. You knew Randy and Jimmy?
00380:01 A. Yeah.
02 Q. Do you know Jason Anderson?
03 A. I've met Jason, yes.
04 Q. Do you know anybody else? Dewey Revette?
05 A. I don't recall that name. I mean, I met a lot
06 of people on -- on the rig, but I didn't always know
07 their name.
08 Q. How long did you work with the Deepwater
09 Horizon?

Page 380:11 to 380:16

00380:11 A. The Deepwater Horizon was working in
12 exploration and appraisal during the period I was there.
13 Q. (BY MR. ROBERTS) How long?
14 A. From -- from June 2007.
15 Q. So from 2007 up until April 1 or April 2 of
16 2010, you had involvement with the Deepwater Horizon?

Page 380:18 to 380:25

00380:18 A. The Deepwater Horizon was a rig that was
19 operating drilling wells in exploration and appraisal

20 during the period that I was the wells manager for
21 exploration and appraisal.
22 Q. (BY MR. ROBERTS) Did you have input into
23 whether the Deepwater Horizon would be one of the rigs
24 that drilled a project for you?
25 A. Yes, I would have input.

Page 381:07 to 381:19

00381:07 Q. But that is true, you would look at
08 anticipated temperatures and pressures of wells in
09 choosing a drilling rig to assign to the well?
10 A. During the well planning process, those
11 aspects would be looked at.
12 Q. All right. And you do know that the Marianas
13 was moved -- removed after a hurricane and the Deepwater
14 Horizon was assigned to the Macondo well?
15 A. That's correct.
16 Q. So I would assume that you would have looked
17 again at the anticipated pressures and temperatures of
18 the well in choosing the Deepwater Horizon to -- to go
19 forward with the drilling operations?

Page 381:21 to 381:25

00381:21 A. The -- the teams doing -- planning the wells
22 would have looked at that, yes.
23 Q. (BY MR. ROBERTS) And did you approve the
24 assignment of the Deepwater Horizon to the Macondo well?
25 A. I don't approve the assignment of rigs.

Page 382:15 to 383:04

00382:15 Q. Of the ten wells that you mentioned to the
16 Department of Justice lawyer yesterday that you were
17 involved with in the Gulf of Mexico, I believe you said
18 four of those were drilled by the Deepwater Horizon?
19 A. I can't recall how many exactly were drilled.
20 Q. Your best estimate.
21 A. If I went back through, so the ones I
22 mentioned, Cortez Bank was drilled by the Horizon,
23 Kodiak, Freedom, Puma 4, Tiber, Kodiak 2.
24 Q. How many is that? May have been five. Then
25 the Deepwater Horizon was the Macondo?
00383:01 A. Yeah, Macondo, yes.
02 Q. Okay. Who onshore did you deal with from
03 Transocean?
04 A. My main interactions were with Daun Winslow.

Page 383:08 to 384:08

00383:08 Q. Who else in Transocean shoreside did you
09 communicate with?

10 A. I mean, I would meet lots of people from
 11 Transocean depending on the -- the meet -- the -- the
 12 session. I met with the -- the region managers, so Mack
 13 Polhamous and Keelan Adamson. Rig managers, John
 14 Keeton, Paul Johnson, the other -- other rig managers
 15 during our performance reviews. All the Transocean rig
 16 managers would be there. HSE people.

17 Q. What was your impression of the
 18 professionalism of the Transocean personnel onshore and
 19 on the rigs that you dealt with?

20 MR. FIELDS: Objection; form.

21 A. I -- I have no particular issues around the --
 22 the Transocean people I was working with. I -- I had a
 23 good relationship with the ones that I worked with.

24 Q. (BY MR. ROBERTS) Did they appear competent to
 25 you?

00384:01 A. I had no reason to question the competencies
 02 of -- of what they were doing.

03 Q. Did they ever appear indifferent to the safety
 04 of other individuals to you?

05 A. I don't know what you mean by "indifferent."

06 Q. They just didn't give a damn if people got
 07 hurt or if the environment was hurt?

08 A. I don't -- I didn't see that.

Page 385:02 to 385:04

00385:02 Q. (BY MR. ROBERTS) Sir, 7088 is a series of
 03 e-mails. It starts in the beginning on the second page,
 04 it's an e-mail July of '07 from a Kevin Lacy.

Page 385:24 to 396:02

00385:24 10:28 a.m.

25 (Recess from 10:28 a.m. to 10:38 a.m.)

00386:01 THE VIDEOGRAPHER: On the record at
 02 10:38 a.m., beginning tape 11.

03 Q. (BY MR. ROBERTS) Mr. Little, before we had
 04 technical difficulties the question I think I asked you
 05 was who was Kevin Lacy.

06 A. Kevin Lacy at -- at the time this note was
 07 written was a BP wells person working in the -- in the
 08 functional group as a vice president.

09 Q. Whatever -- what became of his employment with
 10 BP; do you know, sir?

11 A. Yeah, he -- he left BP at the beginning of
 12 2010, from what I recall.

13 Q. Was he fired or do you know?

14 A. I don't know.

15 Q. Do you know if he was over safety in any way?

16 A. Could you repeat that?

17 Q. Yes, sir. Was he over safety in 2010 when he
 18 left the company?

19 A. Kevin Lacy had -- at the time he left was

20 the -- the vice president for wells D&C in the Gulf of
 21 Mexico.

22 Q. And he would have had HSSE responsibilities in
 23 that capacity?

24 A. He's the line manager for -- for the wells
 25 organization, yes.

00387:01 Q. All right. Go -- go flip to the first page.
 02 This is -- and I'm referencing now the David Sims e-mail
 03 to you dated July 17, 2007. Do you see that, sir?

04 A. Yes.

05 Q. I'm going to read a couple of things to you.
 06 It says, Transocean-Horizon performed -- performance
 07 remains excellent with the current well Cortez Bank. Do
 08 you see that, sir?

09 A. I see it.

10 Q. Down at the bottom he says, Culture on the
 11 Horizon is proactive, no victims, do it safely, recover
 12 quickly, watch out for each other, accident reporting,
 13 investigation, and learning culture in place.
 14 Transocean rig leadership is very competent and has the
 15 same goals as BP, drill safely and efficiently. Is that
 16 correct, sir?

17 A. That's what it says.

18 Q. So which was your subordinate at the time
 19 reporting to you about his feelings of the Horizon crew;
 20 is that correct, sir?

21 A. At that time David Sims did not report to me
 22 directly.

23 Q. What was his relationship to you at that time?

24 A. David Sims was the wells program manager for
 25 the -- the Horizon rig at that time, reporting in to the
 00388:01 exploration group. I was the -- I had just joined as
 02 the wells manager for exploration and appraisal from a
 03 functional perspective.

04 Q. So he was giving you what he refers to as an
 05 update on Transocean performance?

06 MR. FIELDS: Objection; form.

07 A. It's a response to the note from Kevin, yes.

08 Q. (BY MR. ROBERTS) Yes, sir. In front of you
 09 is an exhibit we marked as 7053, yesterday.

10 MR. RUBINSTEIN: Do you guys have an extra
 11 copy?

12 MR. ROBERTS: That was an exhibit
 13 yesterday. There is some more. Here's a notebook of
 14 it.

15 Q. (BY MR. ROBERTS) Let me go back to 7053, sir.

16 A. Yeah.

17 Q. This is you on March 24, 2010. It's an e-mail
 18 from you to David Sims; is that correct, sir? Excuse
 19 me, David Rich. The middle e-mail, sir.

20 MR. FIELDS: The Rich and Frazelle?

21 MR. ROBERTS: Yes, sir.

22 Q. (BY MR. ROBERTS) Right in the middle it's an
 23 e-mail from Ian Little to Andy -- Andrew Frazelle and
 24 David Rich?

25 A. That's correct.
00389:01 Q. Copied to Sims, Guide, and others; is that
02 correct, sir?
03 A. That's correct.
04 Q. Where you say -- and this is less than a month
05 before the explosion and fire, correct?
06 A. That's correct.
07 Q. And two weeks or so before you leave the Gulf
08 of Mexico?
09 A. That's correct.
10 Q. You say, "Dave, I would add on the Horizon,
11 continued excellent drilling performance by the rig.
12 Safety and culture improved considerably since key
13 personnel change-outs, OIM manager." Is that correct,
14 sir?
15 A. That's what it says, yes.
16 Q. You go on down at the bottom to say the rig
17 has an excellent leadership team. Is that correct, sir?
18 A. That's what it says, yes.
19 Q. Now, I want to move up just a little bit to
20 John Guide's e-mail at the top of this stream, and he
21 writes back to David Rich and copies you; is that
22 correct, sir?
23 A. He does.
24 Q. And he discusses the Horizon lows or things
25 that he wants to see improved, and the highs, things
00390:01 he's proud of, correct?
02 A. Correct.
03 Q. And on the highs on March 24 he says, Greatly
04 improved day to day safety culture. Also coming up on
05 seven years without a lost time accident. That's what
06 LPA means, doesn't it?
07 A. That's correct.
08 Q. Delivered first quartile performance, and I
09 guess that means that's good for your business?
10 MR. FIELDS: Objection; form.
11 Q. (BY MR. ROBERTS) Is that correct, sir?
12 A. Delivered first quartile performance is a
13 measure that compares the performance of the wells
14 versus benchmarks. They are -- they are split into
15 quarters.
16 Q. Is being in the first quartile of your
17 performance better than being in the fourth quartile of
18 your performance?
19 A. Yes.
20 Q. So if I'm in your BP metrics and I'm in the
21 first quartile, I'm getting a good grade?
22 A. That's where we're aiming to be, is in the top
23 quartile.
24 Q. All right. Then he says on March 24, new
25 three-year contract extension. Do you see that, sir?
00391:01 A. I see it.
02 Q. Now, to put this in a time frame yesterday
03 Mr. Penton for the plaintiffs group, this very mean
04 gentleman to my right, he discussed with you many things

05 about the audits that had taken place on the -- on the
06 rig; do you recall that?

07 A. I recall that.

08 Q. And, in fact, there had been an audit done,
09 there had been a time-out on the rig to correct certain
10 deficiencies; is that correct?

11 A. That's correct.

12 Q. And then Mr. "Crammon," is that his name?

13 Neil Cramond.

14 A. Cramond.

15 Q. The ultimate marine authority or something
16 like that. Do you know Mr. Cramond?

17 A. I know Mr. Cramond.

18 Q. Do you recall him becoming involved in sending
19 out an individual by the name of Angel Rodriguez?

20 A. Angel Rodriguez was one of Mr. Cramond's
21 marine advisers, yes.

22 Q. All right. Are you aware that they then went
23 out and did audits of the matters that BP thought were
24 in need of repair and decided the rig was good to go,
25 back to drilling?

00392:01 MR. FIELDS: Objection -- excuse me,
02 objection; form.

03 A. So at it relates to the -- the audit and
04 the -- the time out that we took to --

05 Q. (BY MR. ROBERTS) Yes, sir.

06 A. So, yes, Angel was the -- the individual who
07 the marine team used to go out and verify that the items
08 were being closed out in the way that Transocean said
09 they were being closed.

10 Q. And that was in the August, September of 2009
11 time frame?

12 MR. FIELDS: Objection; form.

13 A. The audit was, I believe, at the end of
14 September, and then after that is when my recollection
15 associated with the audit that Mr. Rodriguez would go
16 out and check that the audit actions were being closed
17 out.

18 Q. (BY MR. ROBERTS) Now, right after that or
19 between that time and when you got this e-mail a
20 three-year extension was entered into between BP and
21 Transocean for the continued use of the Deepwater
22 Horizon?

23 A. I can't recall the exact date the contract
24 extension was put in place, but there was a contract
25 extension, that's correct.

00393:01 Q. Were you involved in any way in the contract
02 extension?

03 A. I wasn't involved in the -- in the -- the
04 specific details around the negotiations or the contract
05 extension. I was aware that we -- we were going to
06 extend the contract.

07 Q. Were you in agreement with keeping the
08 Deepwater Horizon as a rig in the Transocean -- in the
09 BP fleet?

10 A. Yes.
 11 MR. FIELDS: Objection; form.
 12 Q. (BY MR. ROBERTS) How many other rigs did you
 13 have in the BP fleet from Transocean at the time?
 14 MR. FIELDS: Objection; form.
 15 A. In the Gulf of Mexico?
 16 Q. (BY MR. ROBERTS) Yes, sir.
 17 A. So under my --
 18 Q. Yes, sir.
 19 A. At the time of?
 20 Q. Well, as of April when you left.
 21 A. It was just the Horizon.
 22 Q. Right. At other times what rigs did you work
 23 with?
 24 A. With Marianas.
 25 Q. Yeah. Did you ever work with any rig for any
 00394:01 other drilling contractor, brand X?
 02 A. During my period in the Gulf of Mexico?
 03 Q. Well, let's start there. I'll tell you what,
 04 you must be fun, I mean, having a beer with. Yes, sir,
 05 let's start with the Gulf of Mexico.
 06 A. So the Gulf of Mexico -- sorry, could you --
 07 Q. Yeah. Did you work with other drilling
 08 contractors in the Gulf of Mexico?
 09 A. While I was the wells manager for exploration
 10 and appraisal in the Gulf of Mexico. We -- the rigs
 11 that drilled exploration and appraisal, the Ocean
 12 Confidence from Diamond was the rig that was used, the
 13 Bob Palmer was a jackup rig that was used on the deep
 14 gas drilling rig.
 15 Q. Let me see if I can rephrase it. The Palmer
 16 is a jackup, I know that. Did you work with any other
 17 deepwater drilling rigs while you were in the Gulf of
 18 Mexico?
 19 A. The Ocean Confidence when I originally got
 20 there was probably --
 21 Q. Okay. Let me go back to Exhibit 7088 for a
 22 minute. This is the July 2007 series of e-mails. We
 23 discussed the -- the e-mail from Mr. Sims to you about
 24 the performance of the Horizon and its crew. If we move
 25 up the e-mail chain, you said, you wrote back to
 00395:01 Mr. Sims and said, July 17, 2007, "David, thanks. I
 02 guess at this stage we do not want to raise any flags
 03 around the BOP ram failures." Do you see that, sir?
 04 A. I see that.
 05 Q. Okay. And then Mr. Sims writes back to you
 06 and says -- and, by the way, do you know what those ram
 07 failures were?
 08 A. From my recollection there was -- and I had
 09 just arrived in the Gulf of Mexico at that time, but
 10 there was a pipe ram pressure test failure on Cortez
 11 Bank that led to the BOP being pulled to repair the BOP.
 12 Q. And what that involves, from the best of your
 13 recollection, is during the typical testing protocols
 14 that are in place of the BOP there was a ram failure

15 that necessitated the BOP being pulled?
 16 A. That's -- from my recollection that's correct.
 17 Q. Yeah. Now, you don't always have to pull a
 18 BOP if there's a pipe ram failure if you've got
 19 duplicity or redundancy in your pipe ram system, do you,
 20 sir?
 21 A. Yes, that's correct, if you -- if you meet the
 22 minimum criteria --
 23 Q. Right.
 24 A. -- for a number of rams, yes.
 25 Q. But in this case they had to pull the BOP
 00396:01 because BP had taken away the redundancy in the BOP's
 02 pipe ram system, hadn't it, sir?

Page 396:04 to 396:05

00396:04 A. There -- the BOP configuration was such that
 05 we didn't have redundancy.

Page 396:07 to 396:07

00396:07 A. So therefore we had to pull the BOP.

Page 396:10 to 396:14

00396:10 Q. You talk fast and I talk slow. What had
 11 happened was before you got to the Gulf of Mexico you
 12 learned that BP had requested or had instructed that one
 13 of the pipe rams be removed from the BOP and replaced
 14 with a test ram --

Page 396:16 to 397:09

00396:16 Q. (BY MR. ROBERTS) -- correct, sir?
 17 A. I was aware that there was test rams in the
 18 BOP. I don't know the history of how we got to where we
 19 have the test ram.
 20 Q. Well, what he said was, quote, "My inclination
 21 is to not say anything at this time. I can't point to
 22 anything that POI has done wrong to cause the failures.
 23 Also, we drove the decision to install test rams and put
 24 ourselves in this position of having to pull the stack
 25 if one ram fails. Under normal circumstances we
 00397:01 wouldn't have pulled the stack after either failure, as
 02 we can operate with two functioning rams. David."
 03 Correct, sir?
 04 A. That's what it says.
 05 Q. So you learned from this -- and I understand
 06 you were just getting there, but you learned that there
 07 was a test ram instead of a pipe ram on the BOP of the
 08 Deepwater Horizon, thus there was not pipe ram
 09 redundancy?

Page 397:11 to 398:10

00397:11 A. There was pipe ram redundancy in addition to
12 having the test ram.
13 Q. (BY MR. ROBERTS) What was the redundancy in
14 the fixed pipe ram system, sir?
15 A. There -- there was redundancy in that there
16 were two other pipe rams.
17 Q. Did the BOP have to be pulled?
18 A. Only because one of the pipe rams failed its
19 pressure test.
20 Q. Right, and that left no redundancy?
21 A. That's correct.
22 Q. Because the redundancy that would have been
23 there would have been in place had there not been a test
24 ram?
25 A. There would have been additional redundancy,
00398:01 that's correct.
02 Q. Yeah. Do you know what the stack
03 configuration was of the Deepwater Horizon BOP?
04 A. At what period of time?
05 Q. At the time you left.
06 A. I don't recall.
07 Q. At the time you got there.
08 A. I don't recall.
09 Q. So the answer is no, you don't know what the
10 pipe ram configuration was?

Page 398:12 to 398:25

00398:12 A. (Shaking head.)
13 Q. (BY MR. ROBERTS) Did you ever ask what the
14 pipe ram configuration was?
15 A. I -- I didn't ask that because it -- the --
16 the wells team in -- in doing it were accountable for
17 working with Transocean to -- to arrange the pipe rams.
18 Q. Yes, sir, but they were also accountable to
19 you. They worked under you, didn't they, sir?
20 A. From the period from May 2008, yes.
21 Q. Well, you told the Department of Justice
22 lawyer just yesterday and me today that one of the
23 things you considered in putting a drilling rig on a
24 well was the anticipated well pressures and -- and
25 temperatures, correct?

Page 399:02 to 399:07

00399:02 A. What I said that my team during planning and
03 preparations for the well would be looking at that, yes.
04 Q. (BY MR. ROBERTS) Yeah. Are you aware that
05 the only two rigs in BP's fleet of Transocean's that had
06 single blind shear rams were the Marianas and the
07 Horizon?

Page 399:09 to 400:15

00399:09 A. I'm not aware aware of that.
 10 Q. (BY MR. ROBERTS) Did you ever ask anyone that
 11 worked for you how many blind shear rams there were on
 12 any of the rigs?
 13 A. I don't recall asking that.
 14 Q. And whether it was appropriate because of
 15 temperature and pressure to have a double blind shear
 16 ram as opposed to a single blind shear ram?
 17 A. That -- I'm not familiar with any requirement
 18 to have two rams, so I'm -- I don't recall asking that
 19 question.
 20 Q. Are you familiar with the Deepwater Drilling 2
 21 or the Deepwater Drilling 3 or the Discovery Enterprise
 22 or the Landa?
 23 A. Can you explain to me --
 24 Q. Do you know that those are rigs of
 25 Transocean's that are in the BP fleet?
 00400:01 A. Could you mention them again?
 02 Q. Yeah, the DD2, the DD3, the Enterprise, and
 03 the "Lowanda"?
 04 A. I'm aware of those other rigs, yes.
 05 Q. Are you aware that every one of those rigs has
 06 two blind shear rams?
 07 A. I'm not aware of that.
 08 Q. Did you ever in the entire time you were in
 09 the Gulf of Mexico inquire about the rigs that you were
 10 involved with how they were equipped from the BOP
 11 standpoint?
 12 A. I didn't inquire personally into that, no.
 13 Q. Well, who would you have expected to know that
 14 worked under you to be aware of the stack configurations
 15 as requested by BP?

Page 400:17 to 401:10

00400:17 A. So the stack configuration would be something
 18 that the wells team would work with Transocean to agree
 19 upon what the configuration was.
 20 Q. (BY MR. ROBERTS) Do you think that Transocean
 21 is the one that decided what the stack configuration
 22 would be?
 23 MR. FIELDS: Objection; form.
 24 A. I don't know who decided what the stack
 25 configuration would be. There are guidelines for what
 00401:01 the stack configuration would be, and if they weren't
 02 within guidelines, then I would have been informed.
 03 Q. (BY MR. ROBERTS) Have you seen either of the
 04 Deepwater Drilling -- the Deepwater Horizon drilling
 05 contracts, the original or the amendment that you are
 06 aware of, the three-year extension, have you ever looked
 07 at either one of them?

08 A. No.
09 Q. Are you aware of whether BP is the one that
10 decided what the stack configuration was?

Page 401:12 to 401:17

00401:12 A. The stack configuration is an agreement
13 between Transocean and BP, and it's based on the -- the
14 guidelines that we have and Transocean has as to what
15 the configuration should be.
16 Q. (BY MR. ROBERTS) Who decides what the stack
17 configuration is, sir?

Page 401:19 to 401:23

00401:19 A. In what circumstances?
20 Q. (BY MR. ROBERTS) In deepwater drilling in the
21 BP fleet in the Gulf of Mexico, who decides what the
22 stack configuration is?
23 A. We --

Page 401:25 to 402:01

00401:25 A. We have a guideline as to what our
00402:01 expectations are.

Page 402:11 to 402:13

00402:11 Q. (BY MR. ROBERTS) You specify what you want on
12 your BOP configuration in your contracts, don't you,
13 sir?

Page 402:15 to 403:01

00402:15 A. As I said, I haven't looked at the contract.
16 I don't know what's in the contract.
17 Q. (BY MR. ROBERTS) You also have a document
18 called "Well Control GP 10-10 Group Practice," do you
19 not, sir, previously marked as Exhibit 215?
20 A. That's correct.
21 Q. You've seen that before, haven't you, sir?
22 A. I have.
23 Q. Now, it tells you what you're supposed to have
24 on your BOPs, doesn't it, sir? I've conveniently put
25 two yellow tabs there, sir, if you want to go to those
00403:01 two tabs.

Page 403:05 to 403:17

00403:05 Q. (BY MR. ROBERTS) Now, 7.5.3 of your protocol
06 says: "A sealing shear ram shall be required," if the
07 well pressure is over 5,000 psi anticipated; is that

08 correct, sir?
 09 A. That's what it says, yes, 7.5.3.
 10 Q. Yeah. So if you have a well that you
 11 anticipate pressures over 5,000 psi, you have to have a
 12 minimum of a sealing ram, one sealing ram; is that
 13 correct, sir?
 14 A. You have to have a minimum of one sealing
 15 shear ram for subsea drilling over 5,000 psi.
 16 Q. Right. And to put that under the terminology
 17 we're having today, that's a blind shear ram?

Page 403:19 to 404:20

00403:19 A. It's a sealing shear ram.
 20 Q. (BY MR. ROBERTS) Yeah.
 21 A. Yeah.
 22 Q. Now, on the next page, if we go to 7.5.6, it
 23 says: "The lowermost ram shall be preserved as a master
 24 component and only used to close in the well when no
 25 other ram is available for this purpose." Do you see
 00404:01 that, sir?
 02 A. I see that.
 03 Q. What does that mean? Explain that to me.
 04 A. "The lowermost ram shall be preserved as a
 05 master component only used to close in the well when no
 06 other ram is available for this purpose." I mean --
 07 Q. Is a test ram a master component that can be
 08 used to close in a well when no other -- no other ram is
 09 available for that purpose?
 10 A. A test ram would not be used for closing in on
 11 a well, no.
 12 Q. A test ram cannot be used to close a well,
 13 correct?
 14 A. That's correct.
 15 Q. And when your terminology, your BP terminology
 16 says "shall be," that means that's mandatory, isn't it?
 17 A. That's correct.
 18 Q. So if we have a BOP that has as its lowermost
 19 ram a test ram, then it would be outside the scope of
 20 your GP 10-10, wouldn't it, sir?

Page 404:22 to 405:10

00404:22 A. That -- it would be outside the scope, but if
 23 there was a risk assessment in place and a -- a review,
 24 then that wouldn't necessarily --
 25 Q. (BY MR. ROBERTS) Right.
 00405:01 A. -- have to be complied with.
 02 Q. So what that would necessitate would be what
 03 you call a risk assessment and a change document,
 04 correct, sir?
 05 A. That's correct.
 06 Q. So we should be able to find -- if BP did
 07 instruct Transocean to take out a pipe ram and put in a

08 test ram in the lowest ram of the Deepwater Horizon,
 09 there should be a document approving that change within
 10 BP, correct, sir?

Page 405:12 to 405:25

00405:12 Q. (BY MR. ROBERTS) If protocol is followed?
 13 A. I'm not aware -- aware of the -- the time when
 14 we decided to put the -- the test rams in. So I don't
 15 know what was put in place --
 16 Q. Is --
 17 A. -- at that time.
 18 Q. Is written approval required when you deviate
 19 from "shall be" requirements within the BP organization?
 20 A. Yes.
 21 Q. All right. Let me hand you what I've marked
 22 as Exhibit 7089. My colleague, Mr. Penton, went through
 23 one version of this with you yesterday. It did not have
 24 all the pages. My crack administrative staff is better
 25 than his.

Page 406:03 to 407:02

00406:03 Q. (BY MR. ROBERTS) All right. You recognize
 04 this as what -- it's called a PDP of Ian Little. What I
 05 gather it is is some sort of self-evaluation of your --
 06 what you've done well and what you need to improve upon.
 07 Is that essentially what it is in the BP organization?
 08 A. It's a Personal Development Plan.
 09 MR. RUBINSTEIN: Counsel, I have a
 10 question. Is the writing on here in its original form?
 11 MR. ROBERTS: It -- that's the way it came
 12 from BP.
 13 MR. RUBINSTEIN: Okay. Thank you.
 14 Q. (BY MR. ROBERTS) Do you know whose writing
 15 that is all over that stuff?
 16 A. I'd have -- I don't know.
 17 Q. It says you're a candidate for Aberdeen wells
 18 director, probably best development opportunity would
 19 be -- something or another. Can you read that? Looks
 20 like a Scottish man wrote that.
 21 A. I can't read it. Sorry.
 22 Q. Don't worry about it.
 23 I want to go over a couple of things that
 24 Mr. Penton covered with you. Now, if you would go to
 25 Page 4833. And to put this in context, this is the last
 00407:01 personal development plan that you wrote before you left
 02 the Gulf of Mexico; is that correct, sir?

Page 407:08 to 410:10

00407:08 A. So can I clarify there -- there's two
 09 different documents here?

10 Q. (BY MR. ROBERTS) Sure, clarify it. It's the
11 way it came to us.
12 A. PDP is -- is a document that each individual
13 maintains and is reviewed occasionally. The other
14 document I think you referred to is my annual individual
15 performance assessment, which is done for every year.
16 Q. Okay.
17 A. So they're not connected documents.
18 Q. All right. Well, they were connected in the
19 service of them, but let's go to Page 1484833, which is
20 the third page in, which is you're an vid- -- annual
21 individual performance assessment.
22 A. Yeah.
23 Q. This is done for the period 2009. It was the
24 last one done before you left the Gulf of Mexico,
25 correct?
00408:01 A. I'm not sure if this copy was the last one
02 done. It's not clear because there's no signatures on
03 it, so --
04 Q. So there should be --
05 A. -- it's a version of it.
06 Q. There should be one with signatures somewhere?
07 A. There should be, yeah.
08 Q. All right. But this is something that you
09 fill in?
10 A. I fill in parts of it, and some parts are
11 filled in by my --
12 Q. On page -- I'm still on Page 4833. Are you
13 the one that filled in in the "Year end assessment"
14 section the following word -- wording: "Performance on
15 the Horizon has been outstanding since the intervention
16 I initiated at the end of first quarter. The culture on
17 the rig is now better, with Transocean finally taking
18 the lead, after some key personnel changes"?
19 A. Yes, I did that.
20 Q. That's your wording?
21 A. That's my wording, yes.
22 Q. Okay. Up at the top you said: "Transocean
23 have replaced one of the OIM's and tightened their
24 application of their SMS." Is that correct?
25 A. Correct.
00409:01 Q. So I gather you were pleased, at least as of
02 when you wrote this, with the performance of the rig?
03 A. That's correct.
04 Q. If you go two more pages in to Page 4835,
05 Mr. Penton questioned you on this mid-year performance,
06 and his version was cut off. Do you have it at the top,
07 sir?
08 A. I do.
09 Q. It begins at the top with, foster culture of
10 every dollar counts. Aim to deliver wells at 10 percent
11 under AFE. Is that correct, sir?
12 A. I'm sorry. I must be reading a different --
13 Q. At the top.
14 A. Where is it? Where are we?

15 MR. FIELDS: It's here at the top.
 16 Q. (BY MR. ROBERTS) Let me show you, sir.
 17 MR. FIELDS: No. 5.
 18 Q. (BY MR. ROBERTS) 4835. Look at the very top.
 19 A. Oh, yeah, it's cut off because of the -- yeah.
 20 Q. It says, quote, Foster culture of every dollar
 21 counts. Aim to deliver wells at 10 percent under AFE
 22 (except WIL K).
 23 A. WIL K, that's the deep gas well.
 24 Q. All right. Now, who typed in, Foster culture
 25 of every dollar counts. Aim to deliver at 10 percent
 00410:01 under AFE? Who wrote that?
 02 A. I would have written that.
 03 Q. So that was your goal to bring in wells at
 04 10 percent under AFE?
 05 A. That was one of the objectives.
 06 Q. That was your personal objective?
 07 A. That was one of my personal objectives.
 08 Q. All right. Let's get this out. I'm sure you
 09 had many personal objectives. That's the one you wrote
 10 here?

Page 410:12 to 411:08

00410:12 A. Again, I point to the fact that there are many
 13 objectives in here. No. 1 is HSE. No. 2 is performance
 14 of -- and No. 3 is continuous improvement in NPT. No. 4
 15 is costs, which this is in No. 4.
 16 Q. (BY MR. ROBERTS) Okay. And then the next
 17 thing under your "Mid-year performance" -- what's the
 18 mid-year per- -- performance --
 19 A. "Conversation."
 20 Q. -- "conversation." You wrote in, quote, we
 21 are on track to deliver more than -- more the 7 --
 22 70 million in cost savings by the end of the year. Is
 23 that what you wrote?
 24 A. I did write that, yeah.
 25 Q. And then under your "Year end assessment" you
 00411:01 wrote, At the end of the year it is estimated that in
 02 excess of 100 million was saved in D&C as a result of
 03 the new contracts and the rental tool initiative and
 04 within E&A. I have embedded the culture of every dollar
 05 counts. Correct, sir?
 06 A. That's what's written there, yeah.
 07 Q. So what you're doing is you're reporting that
 08 you saved \$100 million in D&C --

Page 411:10 to 412:06

00411:10 Q. (BY MR. ROBERTS) -- correct?
 11 A. The -- this refers to the initiative which we
 12 talked about yesterday about across the whole of the
 13 Gulf of Mexico there was a desire to look at the spend
 14 that we had and -- and was it efficient and was it

15 delivering what we say we wanted to do. And I was asked
 16 to -- to lead on behalf of the whole of the Gulf of
 17 Mexico drilling organization the -- the capturing and
 18 the reporting of what we had saved.

19 So this refers to the estimate that the
 20 team leader I had that was going to all the teams and
 21 asking them of the cost efficiency, the cost measures
 22 that you have -- you've been looking at, what do you
 23 think those are going to save. The areas in which we
 24 meant in particular here is that BP had initiated a
 25 re-tendering process to refresh its contracts, and
 00412:01 through that process there were cost savings. And then
 02 the other was the rental tool initiative which we had
 03 implemented across several rigs, which was about
 04 efficiency of moving tools back and forward to ensure
 05 that they weren't on rental when they weren't needed to
 06 be. So there were cost efficiency metrics.

Page 412:09 to 413:10

00412:09 Q. Thank you, sir. Down at the bottom you note
 10 that you "continue to lead from the front to energise
 11 the team to deliver top quartile performance," correct?

12 A. That's what it says.

13 Q. And then under the "Mid-year performance" you
 14 say, "We need to be clearer on the decision making
 15 behind the rig schedule -- there is still lack of
 16 ownership at the Asset level." Correct?

17 A. That's what it says.

18 Q. Turn to the next page. There is a "Key
 19 Personnel Achievement." Under "People" it says, "I
 20 mentored one of my well team leaders who had previously
 21 been seen as a maverick." Is that correct, sir?

22 A. That's correct.

23 Q. Who is it? Who was it?

24 A. That's Mr. Guide.

25 Q. Who?

00413:01 A. John Guide.

02 Q. John Guide had previously been seen to be a
 03 maverick; is that correct?

04 A. That's the terminology I used, yeah.

05 Q. Are you familiar with the fact that the lawyer
 06 for the State of Louisiana was quoting John Guide's
 07 e-mails in April when he said there is paranoia, that
 08 people are flying by the seat of their pants in the
 09 drilling rig procedures that are being sent out to the
 10 Deepwater Horizon?

Page 413:13 to 414:07

00413:13 A. If that's what was said, I can't recall
 14 what -- who was saying those.

15 Q. (BY MR. ROBERTS) Well, what kind of -- what
 16 kind of guidance did you give to Mr. Guide since you

17 were mentoring him?

18 A. The issue I was referring to in here was that
19 John was a very strong individual who tended to say what
20 he thought, and some of those occasions he could have
21 probably put it in -- in a better way.

22 Q. Uh-huh.

23 A. And in some of the environments in which he
24 said it and situations I thought he could be more
25 thoughtful about how he expressed himself.

00414:01 Q. Was he honest?

02 A. He was honest.

03 Q. Did he know his job?

04 A. He did know his job.

05 Q. If he felt like the engineering team was
06 flying by the seat of its pants, is it quite probable
07 that it was doing just that?

Page 414:10 to 414:16

00414:10 A. I can't comment on what John meant by that
11 comment because I -- he didn't express that to me, and I
12 didn't discuss it with him.

13 Q. (BY MR. ROBERTS) But setting aside whatever
14 language John Guide might have been using, you knew him
15 to be a good well team leader who wanted to accomplish
16 the best job possible for BP?

Page 414:18 to 415:02

00414:18 Q. (BY MR. ROBERTS) Correct, sir?

19 A. My view of John was that he was a very good
20 well's team leader.

21 Q. And so when you said he was maverick, you're
22 trying to tell him to change his language?

23 A. No. I try -- that was a coaching conversation
24 that I had with him and that I have with my direct
25 reports as part of their personal development in some

00415:01 areas in which I thought he could improve his
02 performance.

Page 418:25 to 419:02

00418:25 Q. (BY MR. ROBERTS) All right. Let me hand you
00419:01 what I've marked as Exhibit 7090. Take a moment -- oh,
02 I'm sorry -- ask you to take a look at that, sir.

Page 419:10 to 419:18

00419:10 Q. All right. I want to go to the first page.

11 There is an e-mail dated April 7, 2009, just a year
12 before this incident, from Andy Frazelle. And what was
13 Andy Frazelle's position then, sir?

14 A. Andy Frazelle was an operations manager for a

15 part of the Gulf of Mexico wells drilling and
 16 completions team.
 17 Q. Is he lateral, above you, or below you?
 18 A. He's lateral at that time, yes.

Page 420:04 to 420:06

00420:04 MR. ROBERTS: Sorry. All right. Let's go
 05 back. It's July 4th, not -- not April 7th, right. All
 06 right. Let's start that again.

Page 420:08 to 420:11

00420:08 Q. (BY MR. ROBERTS) What this discussion --
 09 discussion has at its inception is the fact that John
 10 Keeton, the rig manager, is getting ready to leave the
 11 Horizon for personal reasons, correct, sir?

Page 420:13 to 421:03

00420:13 A. The -- the note says due to various changes
 14 we'll likely be removing John Keeton from manager to
 15 Daun Winslow to myself, Charlie Holt, Andy Frazelle.
 16 Q. (BY MR. ROBERTS) Right.
 17 A. That's what it says.
 18 Q. And then let's go back up. Do you then wrote
 19 at the very bottom of Page 1 to Daun and say, Daun, this
 20 seems a bit rushed. I am out next week. Can you please
 21 follow up with Andy, Daun, and George and go through and
 22 manage how this will be managed and review the risks.
 23 Correct?
 24 A. That's what's written there, yes.
 25 Q. You were concerned at that point that a rig
 00421:01 manager was being shifted for whatever reason at what
 02 you considered to be a critical period; is that correct,
 03 sir?

Page 421:05 to 421:10

00421:05 A. What I said, it seemed a bit rushed based on
 06 the time frame that was being outlined in -- in Don's
 07 note.
 08 Q. (BY MR. ROBERTS) All right, let's keep going
 09 on. Now, let's go back up to Andy Frazelle's note to
 10 you on July 4, 2009. Andy must be a Britt. Is he?

Page 421:13 to 421:25

00421:13 our independence instead of writing e-mails. But he
 14 starts out with a note to you, Eric, and to Daun saying
 15 he completely disagrees with the move at this time and
 16 we need to discuss prior to implementing; is that

17 correct, sir?
 18 A. That's what the note says, yes.
 19 Q. Yeah. Goes on to say, I don't know what
 20 constitutes various changes in life, as you state, as
 21 the reason below. Unless it's a life-or-death
 22 situation, it should be able to be delayed for the
 23 40 days it will take us to get to the point where --
 24 where we must be under tow and out of the Nakika field
 25 as per our MMS permit. Correct?

Page 422:04 to 422:10

00422:04 A. That's what it says.
 05 Q. (BY MR. ROBERTS) Well, what's going on here
 06 is Andy of BP is objecting to Daun and copying you and
 07 saying I don't agree with moving this rig manager at
 08 this time unless it's a life-or-death situation because
 09 we're going to need to be under tow in 40 days, correct,
 10 sir?

Page 422:12 to 422:15

00422:12 A. I don't know exactly what Andy was meaning by
 13 his note.
 14 Q. (BY MR. ROBERTS) I'm just asking you if you
 15 agree with the exact words he wrote.

Page 422:19 to 423:20

00422:19 Q. (BY MR. ROBERTS) Did he write, "unless it is
 20 a life-or-death situation"? Are those the word?
 21 A. That's what's written here.
 22 Q. All right. Then we go to the top, and then in
 23 comes -- is he your boss at this point, Mr. Thierens?
 24 A. At that time he would be my line manager, yes.
 25 Q. He says to Andy and to you, it's addressed to
 00423:01 Andy and to you and to my client, Transocean, and your
 02 boss says, Andy, I agree, any personnel moves need to be
 03 properly planned in a timely fashion which meets all MOC
 04 and risk issues associated --
 05 MR. FIELDS: Necessary MOC.
 06 Q. (BY MR. ROBERTS) -- all necessary MOC and
 07 risk issues associated with our operations. Both rigs
 08 are at critical stages of operation right now. Do you
 09 see that?
 10 A. I see that.
 11 Q. I heard -- I began this conversation with you
 12 earlier asking you about are there stages in rig
 13 operations or well operations that you view as critical
 14 do you recall that, sir?
 15 A. I don't recall exactly what you said, but --
 16 Q. Close enough?
 17 A. -- close enough.

18 Q. And you said you were unclear or you couldn't
 19 tell me what a critical stage was; I needed to tell what
 20 I meant by it, in essence?

Page 423:22 to 424:02

00423:22 A. I was asking for clarification, yes.
 23 Q. (BY MR. ROBERTS) Yeah. And I was asking you
 24 those questions in connection with folks like Sepulvado
 25 and Rich and others and yourself being moved out just
 00424:01 before the final stages of the Horizon or the Macondo
 02 well; do you recall that, sir?

Page 424:04 to 424:12

00424:04 A. I don't recall. You're asking about all of
 05 those people but I recall the question. I don't recall
 06 the answer.
 07 Q. (BY MR. ROBERTS) Now that you received from
 08 your boss his statement discussing whether Transocean
 09 should move people out at a critical stage what did you
 10 understand him to mean when he said we shouldn't allow
 11 Transocean to move senior management off of a rig at a
 12 critical stage?

Page 424:15 to 424:15

00424:15 Q. (BY MR. ROBERTS) Unless it's life or death?

Page 424:17 to 425:08

00424:17 A. That's not what this says and how he wrote
 18 this to Andy, I don't mean -- I don't know exactly what
 19 he would mean by this, but...
 20 Q. (BY MR. ROBERTS) Andy says life or death.
 21 Your boss says both rigs are at a critical stage of
 22 operation, right?
 23 A. That's what it says.
 24 Q. What did you understand your boss to mean?
 25 A. Exactly what it says. It is addressed to
 00425:01 Andy, not to me. I was with many others, but it was to
 02 Andy. So it was a -- I agree, any personnel moves need
 03 to be properly planned in a timely fashion, which means
 04 all necessary MOC and risk issues associated with their
 05 operation.
 06 Q. So if we're going to move somebody off of a
 07 rig that's involved at a critical stage in well
 08 development, there should be a risk assessment done?

Page 425:10 to 425:16

00425:10 A. It doesn't say risk assessment. It says

11 properly planned in a timely fashion, which means all
12 necessary MOC and risk issues.
13 Q. (BY MR. ROBERTS) Risk issues. So if we're
14 going to move a well site leader off right before
15 cementing and a negative pressure test should we also
16 expect BP to look at a MOC and do a risk assessment?

Page 425:20 to 426:02

00425:20 A. So could you rephrase the question again?
21 Q. (BY MR. ROBERTS) Yeah. If you expect us,
22 that is, Transocean, to do an MOC and risk assessment if
23 we want to move a person off of a rig during a critical
24 stage, would it be appropriate for the rest of the world
25 to expect BP to do a risk assessment and an MOC before
00426:01 it moves off one of its well site leaders right before
02 cementing and a negative pressure test?

Page 426:05 to 426:08

00426:05 A. This e-mail chain refers to rig manager moves.
06 Rig manager is not based on the rig. This is the
07 manager for the rig, Sr. position, such as equivalent to
08 the wells team leader.

Page 426:16 to 426:20

00426:16 Q. (BY MR. ROBERTS) Do you believe BP should do
17 a risk assessment before it changes out a well site
18 leader right before cementing and a negative pressure
19 test on a high pressure well in deepwater in the Gulf of
20 Mexico?

Page 426:23 to 426:24

00426:23 A. I wasn't involved at the time. I didn't know
24 what was done --

Page 427:09 to 428:16

00427:09 Q. (BY MR. ROBERTS) Yes. Would you expect BP to
10 do an MOC and a risk assessment before it moves out a
11 well site leader in a deepwater high pressure well in
12 the Gulf of Mexico right before cementing and a negative
13 pressure test?
14 A. I don't know what was done in that particular
15 case. We change well site leaders out, it's a fairly
16 routine operation. They are -- they are -- there are
17 more than one well site leader on the rig. There is
18 a -- a -- there is no requirement to do a full MOC for
19 that type of personnel change that I'm aware of. I
20 don't --

21 Q. Do you --
 22 A. I don't know what was done in the case of that
 23 situation.
 24 Q. And you were involved with Mr. -- or, excuse
 25 me, you were involved in the Deepwater Horizon's
 00428:01 operations for two years, over two years?
 02 A. I was in the Gulf of Mexico for a -- just over
 03 two years and which -- the Horizon was in the area in
 04 which I was working, yes.
 05 Q. How many times in that entire period that you
 06 were in the Gulf of Mexico did you have any interaction
 07 with Mr. Kaluza?
 08 A. Me personally?
 09 Q. You personally.
 10 A. I met Mr. Kaluza perhaps on two or three
 11 occasions we ran well site leader engagement sessions
 12 onshore, and I met Mr. Kaluza at those engagement
 13 sessions.
 14 Q. Can you tell me anything, anything about his
 15 qualifications for nitrogen cementing or negative
 16 pressure testing?

Page 428:18 to 429:10

00428:18 A. I don't know the details of Mr. Kaluza's
 19 experience.
 20 Q. (BY MR. ROBERTS) Same thing about
 21 Mr. Vidrine, do you know anything about his experience
 22 conducting negative pressure tests?
 23 A. I don't know his specific experience.
 24 Q. How many times in the two years that you dealt
 25 with him -- or, excuse me, the two years that you were
 00429:01 in the Gulf of Mexico did you deal with Mr. Vidrine?
 02 A. I met Mr. Vidrine at the well site leader
 03 meetings on I don't know how many occasions, once or
 04 twice.
 05 Q. So if we look at your -- and to get back to my
 06 point, in the pecking order, up until you had this
 07 change that came in starting in January and you leave in
 08 April, John Guide was in your reporting tree, right?
 09 A. John Guide reported to me as the wells team
 10 leader --

Page 429:12 to 429:15

00429:12 A. -- for the Deepwater Horizon, that's correct.
 13 Q. Yes. And then the guys that report to him,
 14 the eyes and ears on one of the two rigs that you had
 15 involved are the well site leaders, correct?

Page 429:17 to 429:21

00429:17 A. The well site leaders report to the wells team

18 leader for the rig, yes.
 19 Q. (BY MR. ROBERTS) Yeah. And you've had
 20 virtually no interaction with the well site leaders at
 21 all --

Page 429:23 to 429:25

00429:23 Q. (BY MR. ROBERTS) -- if the well site
 24 leader -- if the well site leaders were Vidrine and
 25 Kaluza at the time of this incident?

Page 430:03 to 431:05

00430:03 A. Those particular well site leaders did not
 04 work on the rigs that I was working with. Mr. Vidrine
 05 worked on the Marianas and...
 06 Q. (BY MR. ROBERTS) Exhibit 797, it's an e-mail
 07 from you; is that correct, sir?
 08 A. February 11, 2010?
 09 Q. Correct?
 10 A. Yes, that's correct.
 11 Q. It's another discussion between you and Sims
 12 and Guide about Horizon operations; is that correct,
 13 sir?
 14 A. No. This is a note from me, unless I'm not
 15 reading the right one, from me to Dave Rich, Pat
 16 O'Bryan, Frank Waters, John Sprague, Charlie Holt, Andy
 17 Frazelle, copy to Mr. Sims and Mr. Guide.
 18 Q. Okay. So you're reporting to Rich and Brian
 19 and Sprague and others about the Horizon's status; is
 20 that correct, sir?
 21 A. This would be a -- a Thursday we -- it was
 22 standard practice for the -- for a note to be sent out
 23 giving an update on all well operations by the wells
 24 manager or operations manager. So this was a standard
 25 weekly update to the leadership of the well's
 00431:01 organization.
 02 Q. All right. And this particular one has to do
 03 with the Horizon, and the first thing you comment about
 04 the Horizon is is that there are no HSE issues; is that
 05 correct, sir?

Page 431:07 to 431:14

00431:07 A. The -- the note says, "no HSE issues."
 08 Q. (BY MR. ROBERTS) That's the first thing you
 09 say; is it not, sir?
 10 A. On the Horizon, yes.
 11 Q. That -- your lawyer objected, and I just want
 12 to make sure I clear this up. Your first words to Rich,
 13 O'Bryan, Sprague, et cetera, are, quote, no HSE issues,
 14 unquote; are they not, sir?

Page 431:17 to 431:17

00431:17 A. I'm confused now could you repeat that.

Page 431:22 to 432:11

00431:22 Q. (BY MR. ROBERTS) All right, sir, let's go
23 over this e-mail. You report -- you report to your
24 superiors, correct, O'Bryan is your superior?
25 A. O'Bryan and Rich, yeah.
00432:01 Q. Yeah. You report no health, safety, and
02 environment issues, correct?
03 A. That's what it says, yes.
04 Q. And then you go on to discuss maintenance of
05 the BOP, correct?
06 A. My words are "performed planned maintenance on
07 the BOP and POS, and all went as per planned."
08 Q. And so a little less than a month before this
09 incident you were involved in reporting to your
10 superiors about the condition and testing of the
11 Deepwater Horizon BOP?

Page 432:16 to 433:21

00432:16 Q. (BY MR. ROBERTS) This is February 11, 2010,
17 and the incident was April 20, 2010, okay. So you're
18 reporting to your superiors about the condition of the
19 BOP and its function testing; is that right?
20 A. I'll giving a summary of what had happened
21 over the previous week and giving an update on what had
22 occurred on the Horizon and giving an update to the
23 people on this note.
24 Q. Why are you reporting about the status of the
25 testing and condition of the BOP?
00433:01 A. Because that would have been the activities
02 that had taken place during that previous week.
03 Q. I hand you what I've marked as exhibit --
04 before I do this, is part of your job function to be
05 aware of the condition of the BOP from the Deepwater
06 Horizon or any other rig that is drilling one of your
07 wells?
08 A. If I was informed by my wells team, I would be
09 aware of it; if not, I perhaps would not be aware of it.
10 I would have to be informed about it.
11 Q. Is part of your job responsibilities to make
12 inquiry about the status of a BOP and its functionality
13 on one of the rigs that is drilling one of your wells?
14 A. If there is an issue with the BOP or any other
15 piece of equipment that my wells team leader feels I
16 need to know, he would inform me.
17 Q. And that would be Guide?
18 A. For the Deepwater Horizon that would be John
19 Guide.
20 Q. All right. Let me hand you what I've marked

21 as Exhibit 7091.

Page 434:09 to 434:22

00434:09 look at very quickly. The first I've marked is 7091,
10 the second is 7092. You have in your hand 7091. And if
11 you would look at 7091, first, sir. It's the other one,
12 conveniently marked "7091" in the lower right-hand
13 corner. It is a series of e-mails in July of 2004
14 concerning dispensation of the stack configuration of
15 the Deepwater Horizon BOP. This is a series of e-mails
16 between BP personnel concerning the change-out that I
17 discussed with you of the test ram -- of the pipe ram to
18 a test ram. Can you tell that that's what this e-mail
19 is about?
20 A. Do you mind if I just read this section?
21 Q. Go right ahead.
22 A. Okay.

Page 435:01 to 435:05

00435:01 Q. Okay. Who is Charlie Powell?
02 A. I do know a Charlie Powell, who is a -- when I
03 knew him was a -- he's a wells adviser, or a well site
04 leader adviser in onshore U.S.
05 Q. Who is Curtis Jackson?

Page 435:08 to 435:23

00435:08 A. Now. Curtis -- well, I don't know where he is
09 right now, but Curtis Jackson was a member of the wells
10 team and I -- and I don't know what role he was playing
11 at this time. He was at one time the -- I don't know
12 what his title was, but he was in charge of exploration
13 and drilling in the Gulf of Mexico.
14 Q. Okay. And then, finally, who -- who was Steve
15 Robinson? I mentioned him before, and you said you knew
16 him.
17 A. Steve Robinson, I know now, today, is one of
18 the V -- the VP for region wells in the Gulf of Mexico.
19 Q. Okay. Last question on -- on the change-out
20 of the test ram. The entire time you were in the Gulf
21 of Mexico did you ever see written approval within the
22 BP organization of the change of the -- of the
23 functioning pipe ram to a test ram?

Page 435:25 to 436:06

00435:25 A. I did not see any written documentation
00436:01 surrounding the -- the test ram.
02 Q. (BY MR. ROBERTS) What level of individual
03 within BP would it be required to approve -- would be
04 required to approve a change-out from a functioning pipe

05 ram to a test ram in a location that is otherwise
06 prohibited by GP 10-10?

Page 436:08 to 436:21

00436:08 Q. (BY MR. ROBERTS) Who has to approve that?
09 What level is all I'm trying to get to, sir.
10 A. So if -- if it was a -- the -- if there was a
11 requirement in our DWOP --
12 Q. Yeah.
13 A. -- Drilling Well and Operations Practice, if
14 we weren't meeting that requirement, it would have to go
15 through a management of change process, which would have
16 to be signed off; and it would depend on the situation
17 and then -- and then the organization as to which level
18 that would go to.
19 Q. A change-out that -- that alters the test
20 ram -- or, excuse me, that alters the lower ram to a
21 nonfunctioning ram, who's required to approve that?

Page 436:23 to 437:23

00436:23 A. The -- if it's not meeting -- if -- if the
24 configuration doesn't meet our practice, there is a
25 dispensation process that would be applied.
00437:01 Q. (BY MR. ROBERTS) What level is required?
02 That is all I want to know. Is it your level, above
03 your level, some other level? That's all.
04 A. In -- in -- in what time frame were you
05 talking about?
06 Q. In '04, '05, '06, '07, whatever, what level is
07 required?
08 A. I don't know at this time frame what the
09 dispensation process was for the Gulf of Mexico. So I
10 don't know what level that would have to go through.
11 Q. Okay. Well, in '09 what would have been
12 required when you were in the Gulf of Mexico?
13 A. So to go -- get a dispensation to our policy,
14 that level would have to go to the wells director.
15 Q. And who was the wells director, Mr. O'Bryan?
16 A. At what time frame?
17 Q. In '09.
18 A. In '09 Harry Thierens was the well director
19 for the Gulf of Mexico.
20 Q. Okay. Last question. Look at Exhibit 7092.
21 This is a December 2010 document. It's addressed to
22 you. It deals with changes in procedures following the
23 Deepwater Horizon incident; is that correct, sir?

Page 438:02 to 438:10

00438:02 A. So this is a -- this is a note which I'm one
03 of the addressees of several, yes.

04 Q. Look at Page 1, 2, 3 -- it's -- it's Page 4
05 in. It's BP, the last three pages -- the last three
06 numbers are 609; do you see that, sir?
07 A. I see that.
08 Q. As of December 2010 for BOP ram configuration,
09 what was the requirement, the new requirement for the
10 number of blind shear rams in a BOP?

Page 438:12 to 438:22

00438:12 A. Are you referring to what's written in this
13 document?
14 Q. (BY MR. ROBERTS) Yes, sir.
15 A. So the -- the -- the -- the paragraph you
16 refer to is "Interim Subsea BOP Ram Configuration." The
17 detail interim guidance is attached, Appendix I, and is
18 differentiated for moored and DP rigs. The significant
19 points of the interim guidance are the DP rig shall have
20 two sets of blind shear rams.
21 Q. What is a DP rig?
22 A. A dynamically positioned rig.

Page 439:06 to 439:08

00439:06 Q. (BY MR. ROBERTS) Okay. The Deepwater
07 Horizon, how many blind shear rams would it be required
08 to have in BP's stack required configuration?

Page 439:10 to 439:18

00439:10 A. Well, the interim guidance calls for the --
11 the -- the intent would be to have two sets of blind
12 shear rams.
13 Q. (BY MR. ROBERTS) All right. Today -- my last
14 question for you, sir, and then mercifully I'll -- I'll
15 go away from you -- you and your life.
16 A -- a dynamically positioned rig in BP's
17 fleet today, how many blind shear rams are required in a
18 BOP?

Page 439:20 to 439:25

00439:20 A. This in- -- the interim guidance that we've
21 been given has asked that -- the recommendation is that
22 all DP rigs have two sets of blind shear rams.
23 Q. (BY MR. ROBERTS) Okay. So that's still in
24 effect?
25 A. As far as I'm aware, this is still in effect.

Page 441:14 to 441:19

00441:14 Q. All right. I understood you to say yesterday

15 that you were the manager of the exploration and
16 appraisal part of BP for the Gulf of Mexico until
17 April 2, 2010?
18 A. I was the wells manager for exploration and
19 appraisal.

Page 442:25 to 443:06

00442:25 Q. Okay. How long did you hold the position as
00443:01 wells manager?
02 A. In the Gulf of Mexico I was there for less
03 than three years as wells manager.
04 Q. Okay.
05 A. Previous to that I was wells manager in Egypt
06 for four years.

Page 443:11 to 443:22

00443:11 Q. And -- and one of your direct reports, would
12 that have been the well team leader, who I believe you
13 identified earlier as Mr. -- as Mr. John Guide?
14 A. After May 2008 --
15 Q. Okay.
16 A. -- when the reorganization occurred --
17 Q. Right.
18 A. -- then the wells team leader reported
19 directly to me.
20 Q. Okay.
21 A. One of those wells team leaders -- not at that
22 time, but later was John Guide.

Page 444:11 to 444:13

00444:11 Q. Okay. And as the wells manager in the 2010
12 time frame up until when you left who did -- to whom did
13 you report?

Page 444:18 to 445:04

00444:18 A. Dave Rich.
19 Q. Mr. David Rich, okay. All right. And
20 Mr. David Rich, what was his title in the time frame of
21 January 1, 2010 up to when you left on April 2?
22 A. He was wells director.
23 Q. Wells director, okay. All right. Now, I
24 understood you to also say that for a -- for a period of
25 time you were only the investigative team, the Bly
00445:01 investigative team in connection with the blowout; is
02 that correct?
03 A. I was a member of the initial investigation
04 team for the Deepwater Horizon incident, yes.

Page 445:08 to 445:16

00445:08 Q. Okay. And how long were you a member of the
09 investigative team?
10 A. It was around a week to a week to ten days. I
11 can't recall exactly how long.
12 Q. Okay. And what -- what time frame was that?
13 A. It was immediately following the -- the
14 blowout when the -- Mark Bly was asked to go and lead
15 the investigation I was asked to join him right at that
16 start point.

Page 446:16 to 447:13

00446:16 Q. Thank you, sir. Now, what role did you play
17 on the investigative team? And by that I mean what
18 specialty, if any, did you bring to the investigative
19 team?
20 A. I was asked to join the team, to -- to help
21 start it off. So -- and I had ex- -- obviously, I'd
22 been in the Gulf of Mexico. I knew about the Macondo
23 well because I'd been involved with it.
24 Q. Yes, sir.
25 A. So I was to go and -- and help get the process
00447:01 started. Initially it was -- it was to provide Mark
02 with a list of what kind of information we might want to
03 gather as part of the investigation. It was to then
04 brief any new members of the team that came on during
05 that initial period about what we knew --
06 Q. Yes, sir.
07 A. -- what we knew about the well, what we knew
08 about the situation, was kind of a briefly role. And as
09 we started to -- to build the team I was working out
10 with the -- the data collection team --
11 Q. Yes, sir.
12 A. -- to -- they were setting up the processes as
13 to how we would manage data.

Page 452:06 to 453:03

00452:06 Q. (BY MR. GODWIN) Thank you, sir. Did anybody
07 say in your presence at any time while you were an
08 investigative team member that anyone with BP thought
09 that the flow of hydrocarbons that eventually went up
10 through the riser came up through the annulus or what
11 may be also referred to as the backside of the well?
12 Did anybody say that in your presence?
13 A. That was one of the possible routes that
14 hydrocarbons could have been entering the well, so that
15 was part of the discussion about what was going on as
16 opposed to what caused the blowout.
17 Q. Is it true, sir, that the two routes that the
18 hydrocarbons could go, as you say, one of those was
19 annulus, the other is up through the casing, correct?

20 A. That's the -- that was --
21 Q. Correct.
22 A. -- discussions that were being had as one of
23 the two possible options, yes.
24 Q. Okay. And did anybody say in your presence
25 that if, in fact, the hydrocarbons, the gas did escape
00453:01 up through the annulus, how did the hydrocarbons get
02 over into the casing inside to go up through the riser
03 and then to the rig floor?

Page 453:05 to 453:12

00453:05 Q. (BY MR. GODWIN) Did anybody say anything
06 about that in your presence? And by that I mean did
07 they say, well, if they went up the annulus, the only
08 way they could get through the casing would have had to
09 been a parting or a tear in the casing that would have
10 allowed the hydrocarbon to escape and go up through the
11 riser? Was that subject or anything like that said in
12 your presence, sir?

Page 453:14 to 453:17

00453:14 A. I don't recall that.
15 Q. (BY MR. GODWIN) Okay, sir. Did you hear it
16 at any time, even after you ceased being a member of the
17 investigative team?

Page 453:19 to 453:23

00453:19 A. I can't recall, I may have, may not. I
20 don't...
21 Q. (BY MR. GODWIN) You may have, may not have.
22 You're not here denying it, today, though, are you, sir?
23 A. No.

Page 454:06 to 456:11

00454:06 Now, in terms of, do you have any personal knowledge of
07 the design or execution of the cement job of the
08 production casing string there on the Macondo?
09 A. You mean -- could you clarify "personal
10 knowledge"?
11 Q. In other words, were you involved in the
12 cementing design at all?
13 A. For the -- - casing, no.
14 Q. Production casing. Because you said yesterday
15 that you were involved in planning and designing of the
16 Macondo well.
17 A. The team that plan and designed the Macondo
18 well reported to me.
19 Q. Right, okay.
20 A. So through the engineering team leader.

21 Q. Okay. Were -- did you actually review the
 22 work of the -- some of the work of the -- of the
 23 engineering team under your -- who was under your
 24 supervision that did plan and design the Macondo well?
 25 A. I did not review detailed work. My -- my role
 00455:01 in the well planning process is through the stage gate
 02 process where the wells -- the engineering team present
 03 to me, and to the exploration manager, the status
 04 they're at, what work they've done, and then we endorse
 05 it or approve it to move to the next gate.
 06 Q. Okay.
 07 A. That's my role in the well planning process.
 08 Q. The drill plan that -- that was prepared, was
 09 that prepared by the folks under your direction, the
 10 engineers?
 11 A. The engineering team prepared the well plan,
 12 yes.
 13 Q. Okay, the well plan. And did you actually
 14 approve the well plan?
 15 A. Yes, I approved it.
 16 Q. After you reviewed it you approved it?
 17 A. Yes.
 18 Q. Okay. Was the -- was the cementing a job a
 19 part of that well plan you reviewed and approved?
 20 A. The cementing job would have been included in
 21 the well plan, yes.
 22 Q. It would have been. Do you remember what
 23 month was it that you approve the well plan? Your best
 24 estimate is fine.
 25 A. Well, the original well plan for Macondo would
 00456:01 have been done before the Marianas, so I can't recall
 02 exactly when I would have approved that.
 03 Q. That would have been back before October?
 04 A. Before October.
 05 Q. Okay, before October. Okay. And in terms of
 06 the cement job are you saying, then, that whenever you
 07 approved the well plan prior to October of 2009 that the
 08 foam cement job would have been a part of that well plan
 09 that you approved?
 10 A. I don't recall the details of what was in the
 11 cement program within the well plan.

Page 456:20 to 457:18

00456:20 Q. Yes, sir. When did you first learn that
 21 the -- that the cement that was to be pumped by
 22 Halliburton into the Macondo was going -- in the
 23 production casing string, when did you first learn that
 24 that was to be a nitrified cement slurry?
 25 A. I don't recall the first time I heard that.
 00457:01 Q. Would it have been in 2009?
 02 A. I don't recall. I don't recall the details of
 03 the cement slurry that was planned for Macondo.
 04 Q. Well, let's don't talk about the details. Did
 05 you know that the slurry that my client was going to

06 pump there on the 19th and 20th, evening of the 19th,
 07 morning of the 20th, did you learn at some time prior to
 08 when you left on April 2nd, left your post that it was
 09 going to be a nitrified slurry?

10 A. I don't recall the details of the cement job
 11 in the program.

12 Q. Okay. So you're telling the ladies and
 13 gentlemen of the jury, if one is impaneled in this case,
 14 and Judge Barbier, that you cannot tell us here today as
 15 the former wells manager, you can't tell us if the
 16 cement job was to be a foam cement job; is that what
 17 you're telling us?

18 A. I said I can't recall.

Page 458:25 to 459:12

00458:25 Q. (BY MR. GODWIN) Okay, sir. Did anybody tell
 00459:01 you at any time while you were a member of the
 02 investigative team or say in your presence that he -- or
 03 they thought that the mud logging services provided by
 04 Halliburton were not as expected by BP? Did anybody say
 05 that in your presence?

06 A. I don't recall anyone saying that --

07 Q. Okay, sir.

08 A. -- in my presence.

09 Q. Did -- did you learn while a member of the
 10 investigative team that one of the engineers under your
 11 direction for BP had said that the performance of the
 12 Halliburton cement job was excellent?

Page 459:15 to 459:16

00459:15 Q. (BY MR. GODWIN) Did you learn that at any
 16 time while a member of the investigative team?

Page 459:19 to 460:02

00459:19 A. I don't recall hearing that.

20 Q. (BY MR. GODWIN) At any time while you were a
 21 member of the investigative team, that would have been
 22 following the incident for up to a week and a half, did
 23 anybody say in your presence that he or they thought
 24 that there were any problems with my client's cement
 25 job, the execution of it or design of it or both?

00460:01 A. I don't recall any specific discussion around
 02 the cement job.

Page 462:01 to 462:22

00462:01 Q. Aside from that, did somebody with -- did
 02 anyone with BP ever say in your presence or to you that
 03 he or they thought there were any specific problems with
 04 my client's cement job, either design of it or the

05 execution of it or both?

06 A. During the period that I was in the
07 investigation team; is that --

08 Q. Yes, sir, first, right.

09 A. I don't recall anyone specifically say --
10 mentioning that they knew there was a problem with the
11 cement job.

12 Q. Okay. How about after the time when you
13 ceased serving on the investigative team up to when you
14 started preparing for your deposition earlier this week,
15 did anybody say to you from BP, not a lawyer, that he or
16 they thought that there were any issues with my client's
17 cement job, either the design and/or the execution of
18 it?

19 A. I read the Bly report, and there was --

20 Q. Other than that.

21 A. I don't recall anybody mentioning it in
22 detail, no.

Page 463:09 to 464:19

00463:09 Q. Okay. So the answer would be no, no one ever
10 said anything to you -- even after you ceased serving as
11 an investigative team member, no one ever mentioned to
12 you, Mr. Ian Little, that he or they thought there was a
13 problem with Halliburton's cement job, is that what
14 you're telling us, other than what you read in the Bly
15 report?

16 A. I never recall anyone specifically talking to
17 me --

18 Q. Yes, sir.

19 A. -- about what happened with the -- the cement
20 job on the Macondo well.

21 Q. Okay. Thank you very much, sir. Talk about
22 critical wells. I wrote down where you said yesterday
23 that you did not know if the Macondo well had been
24 classified as a critical well by BP. Did I remember
25 that correctly?

00464:01 A. I wasn't aware of a definition of critical
02 wells at that -- at the time of the drilling of Macondo.

03 Q. Okay. Well, were you aware that there was a
04 D&C critical wells list at BP prior to the time of
05 the -- that you left -- for the Gulf of Mexico, prior to
06 the time you left on April the 2nd?

07 A. Was I aware of?

08 Q. Of the -- that there was -- that there existed
09 a D&C, drilling and completion critical wells list there
10 for the Gulf of Mexico? Were you aware of that?

11 A. I can't recall a critical -- the word
12 "critical" wells list.

13 Q. Can't recall it, okay. So what you're saying
14 is, is that while you were the wells manager and had the
15 wells team leaders working under you for the Gulf of
16 Mexico, you didn't know what -- when -- when I asked you
17 about a critical -- what is a critical well at BP or a

18 critical wells list, you're saying you have no knowledge
19 of either of those; is that your testimony?

Page 464:21 to 464:24

00464:21 A. I'm saying I can't recall.
22 Q. (BY MR. GODWIN) Can't recall, okay. Let me
23 hand to you, if I can, please, a document that we're
24 going to mark as Exhibit 7093. I'll hand it to you.

Page 465:04 to 465:18

00465:04 Q. (BY MR. GODWIN) This is a document, it starts
05 out as an e-mail from Mr. Erick Cunningham. You know
06 Mr. Cunningham to have been a -- to be a cementing
07 expert within BP, don't you?
08 A. Erick Cunningham -- there was an Erick
09 Cunningham who was one of our cementing specialists,
10 yes.
11 Q. Okay. And -- and he is the cementing
12 specialist -- specialist for the western region of the
13 world for BP; is he not?
14 A. I think he may have been at that time.
15 Q. Yes, sir. And then he's -- this e-mail is
16 dated February 11, 2010. He was writing this to Joe
17 Edwards, and it's -- the subject is critical wells list;
18 is it not? Is that what it says, sir?

Page 465:20 to 466:07

00465:20 Q. Yes, sir. I want you to look at the subject
21 line particularly, because we got a few things I want to
22 try to go through and my time is short, but take your
23 time.
24 A. There is a reference to a BP critical well
25 list.
00466:01 Q. Okay. It's referenced a BP critical wells
02 list. And it has attached to it a GoM, Gulf of Mexico
03 critical wells list, which it references here in the
04 attachment, if I might -- pardon me for pointing out,
05 but it references Gulf of Mexico critical wells list,
06 does it not, here in the face -- first page of
07 Exhibit 7093?

Page 466:09 to 466:12

00466:09 Q. It -- not only in the subject line does it
10 reference a BP critical wells list, it shows attachment
11 as a GoM, Gulf of Mexico, critical wells list; do you
12 see that, sir?

Page 466:18 to 467:17

00466:18 A. It says, "Hal" --
 19 Q. Yes, sir.
 20 A. -- "critical wells."
 21 Q. Okay. Now, let's look at the first part of
 22 the e-mail where Mr. Cunningham writes to Joe Edwards on
 23 February 11, 2010. "Joe, thanks for spending some time
 24 earlier in the week on the D&C critical wells list."
 25 Did I read that correctly?
 00467:01 A. That's what it says.
 02 Q. Yes, sir. "I am sure you will hear more on
 03 this from Halliburton on this list as well as the year
 04 progresses. I have attached an Excel sheet with a list
 05 of wells in the Gulf of Mexico that will fall under
 06 Halliburton's cementing services. Most of these are
 07 yours." Did I read that correctly?
 08 A. It appears to be correct.
 09 Q. Thank you, sir. Now, if you will -- and this
 10 is Exhibit 7093. You go over to the very last page of
 11 Exhibit 7093 and this is the way we received it from --
 12 from BP and it's in -- pardon me again for pointing, but
 13 if you look at the last page, there is a list across
 14 there and that's the way we received it and it shows the
 15 wells and the current status and it has in the lower
 16 column there, it says, "GoM" -- do you understand that
 17 to be Gulf of Mexico?

Page 467:22 to 468:14

00467:22 A. Right, at the top. I'm trying to read it,
 23 thank you.
 24 Q. I understand. Does it say "GoM"?
 25 A. It says, "GoM," yes.
 00468:01 Q. Okay. And in terms of BP, when you were
 02 well -- the wells manager, did you understand that to be
 03 Gulf of Mexico?
 04 A. That's correct.
 05 Q. Okay. When you look down through there, it
 06 shows the Atlantis rig for several of them, but it does
 07 not list the Macondo well as a critical well on this
 08 list, does it, that is, attached to the e-mail that
 09 Erick Cunningham sent to Mr. Joe Edwards, does it, sir?
 10 A. It doesn't mention Macondo, you're right.
 11 Q. Okay. It does not mention it, okay. And are
 12 you aware that Mr. David Rich testified in his
 13 deposition that all Gulf of Mexico deepwater wells were,
 14 quote, critical wells?

Page 468:17 to 468:17

00468:17 Q. (BY MR. GODWIN) Are you aware of that?

Page 468:19 to 468:23

00468:19 A. I'm not aware of that.
 20 Q. (BY MR. GODWIN) Okay. Now, you're -- are you
 21 standing on your testimony here in this deposition that
 22 you did not know if the Macondo well was a critical
 23 well?

Page 468:25 to 469:01

00468:25 Q. (BY MR. GODWIN) Are you standing with that
 00469:01 testimony, or do you want to change it?

Page 469:04 to 469:12

00469:04 A. I think my statement was I didn't know that --
 05 what the definition was being referred to as critical.
 06 Q. (BY MR. GODWIN) Well, now that you've seen
 07 Mr. Erick Cunningham's e-mail referencing a BP critical
 08 wells list as a defined term, and it shows a critical
 09 wells list for the critical wells in the Gulf of Mexico,
 10 do you now understand what I'm referring to when I ask
 11 you about what is a critical well in deepwater in the
 12 Gulf of Mexico?

Page 469:15 to 470:06

00469:15 A. First time I have seen this document, so I
 16 don't know.
 17 Q. (BY MR. GODWIN) I'm going to ask you again,
 18 sir: Do you believe that the Deepwater Horizon in the
 19 Gulf of Mexico was classified by BP at any time as a
 20 critical well?
 21 A. Is that the Deepwater Horizon?
 22 Q. Macondo, excuse me, Macondo. Do you believe
 23 it was classified as a critical well by BP?
 24 A. I'm not aware of the term "critical well"
 25 being applied in -- in that kind of reference.
 00470:01 Q. Did you ever hear or see anything from BP that
 02 referenced the -- the Macondo well as a critical well?
 03 A. I don't recall.
 04 Q. Okay. Are you aware that Mr. Erick Cunningham
 05 said that the Macondo well in his opinion was not on the
 06 critical wells list? Are you aware of that?

Page 470:09 to 470:10

00470:09 Q. (BY MR. GODWIN) That he testified to that in
 10 his deposition?

Page 470:13 to 470:21

00470:13 Q. (BY MR. GODWIN) Are you aware, sir?
 14 A. I'm not aware of that.

15 Q. Okay. Are you aware that he also testified in
16 his deposition, subject to verification, if you don't
17 already know it, that he testified that if the Macondo
18 well had been on -- on the critical wells list, that his
19 role and the way he would have handled his
20 responsibilities for the well would have been different?
21 Are you aware of that, sir?

Page 470:24 to 471:05

00470:24 A. As I haven't seen his comments, I don't know.
25 I haven't -- I'm not aware of his comment, no.
00471:01 Q. (BY MR. GODWIN) Okay. And you're standing by
02 here today that in terms of a well being called a
03 critical well that you, even as of today, don't know
04 what that means in the context of Gulf of Mexico
05 deepwater wells for BP; is that what you're telling us?

Page 471:10 to 471:13

00471:10 A. I was asked about a critical well list, and I
11 said I -- I don't -- I wasn't aware of what the term
12 "critical well" was being referenced to in that
13 conversation.

Page 471:16 to 471:17

00471:16 that -- you don't know what a critical well list is.
17 Let's turn over to what's in the materials as

Page 471:19 to 471:19

00471:19 Exhibit 7094.

Page 471:25 to 472:12

00471:25 Q. (BY MR. GODWIN) Okay. Do you have there
00472:01 before you Exhibit 7094?
02 A. I do.
03 Q. Okay. And this is an e-mail from Andy Hine
04 dated May 6th, 2010 to GD&C operations network, and it
05 has other information there, and the presentation is a
06 2010 critical wells list; is it not? Key drilling and
07 completion list. It says that -- and pardon me for
08 pointing, but in order to move it along a little bit,
09 it's right here, if you'll look there where it talks
10 about the critical wells list for BP for 2010. Do you
11 see that, sir? If I can show you here.
12 A. Yes, I see that.

Page 473:13 to 475:01

00473:13 Q. (BY MR. GODWIN) Does it show April 2010 here
 14 in that line under the presentation for the critical
 15 wells list, sir, on the first page of the e-mail, sir?
 16 A. There -- there is a lot of lines on this page.
 17 There is a section that says April 2010.
 18 Q. Turn to the next page, if you will, please,
 19 with me, and what -- No. 5 there references 2010
 20 critical wells list -- well list; does it not?
 21 A. It says 2010 critical well list.
 22 Q. Read along with me here to make sure I read it
 23 correctly, and if I don't, point it out. "The key
 24 drilling and completion risk to the 2010 critical wells
 25 activity has been pulled together following feedback
 00474:01 from the network members."
 02 Did I read that correctly?
 03 A. That's what it says.
 04 Q. "In addition to presenting the key D&C" -- do
 05 you understand that "D&C" to be drilling and completion?
 06 A. That's correct.
 07 Q. -- risk for each of the well -- critical
 08 wells, it is also -- it also groups the risk by SPU.
 09 And what is that an acronym for, "SPU"?
 10 A. The strategic performance unit.
 11 Q. Okay. And I believe you said the Gulf of
 12 Mexico was a -- did you say an SPU?
 13 A. That's correct.
 14 Q. Okay. And by risk in a summary table. The
 15 good news is that the highest and most frequently
 16 occurring risk were identified at the beginning of the
 17 year and have been incorporated into one of the network
 18 performance contracts and in action. Did I read that
 19 correctly?
 20 MR. FIELDS: You left out "type" after
 21 "risk."
 22 Q. (BY MR. GODWIN) Okay. All right. With that
 23 clarification, did I read the rest of it correctly, sir?
 24 Sir?
 25 A. Yeah, I -- I assume so. I wasn't following
 00475:01 you completely there.

Page 475:06 to 475:09

00475:06 please, as a part of this very Exhibit No. 7094, go to
 07 the page there -- this is the way we received it from
 08 BP. And go to where it says, "Document Produced
 09 Natively," and I'll hand it to you, where the -- or show

Page 475:11 to 476:08

00475:11 the lower right-hand corner are 6005. Do you see that,
 12 sir?
 13 A. Yes, I see that.
 14 Q. Okay. And the next -- and that's a clear page
 15 other than that typing, do you -- okay. Turn to the

16 next page. There is a document, that page there, that
 17 shows Page 1. This is a metadata page. It shows the
 18 name of Erick Cunningham as the custodian; does it not?
 19 A. It says that, yes.
 20 Q. Okay. And it shows that -- you go to the next
 21 page, if you will, please. Wait a minute, this shows
 22 they created on that page there, Page 1 of -- that I've
 23 pointed out where Mr. Cunningham is referenced, it shows
 24 that this document that we're about to look at was
 25 created on January 12, 2010, does it not, according to
 00476:01 the face of the document?
 02 A. Yes, 1/12/2010.
 03 Q. And then -- and then it says the last date,
 04 MOD, was May 6th, 2010; does it not?
 05 A. That's what it says.
 06 Q. Says it was received on March 6th, 2011; does
 07 it not?
 08 A. That's what it says, yes.

Page 476:10 to 476:17

00476:10 Turn over to the next page, and this is the one I'm
 11 talking about where it's in all pretty colors, yellow
 12 and green, BP colors, with BP's logo in the upper
 13 right-hand corner and -- and read, if you will, to the
 14 jury and to the Court the type -- the heading of this
 15 particular document which is attached to Erick
 16 Cunningham's e-mail which was prepared on.
 17 January 12th, 2010. What's the title of this document?

Page 476:20 to 477:15

00476:20 A. This title here?
 21 Q. Yes, sir.
 22 A. It says drilling and completions critical
 23 activity 2010 plus other SPU high profile wells.
 24 Q. And then key drilling risk to delivery?
 25 A. Yeah.
 00477:01 Q. Okay, sir. Are you telling us here, sir, that
 02 you've never seen either this report or one like it
 03 listing the critical wells in the Gulf of Mexico and
 04 deepwater? Is that what you're telling us here on the
 05 record?
 06 A. I don't recall seeing this document.
 07 Q. Okay. Have you ever -- if not this document,
 08 have you seen a document under this heading that would
 09 have been prepared with perhaps other names or listings
 10 or for a different time?
 11 A. I don't recall seeing this document.
 12 Q. In any form?
 13 A. I don't recall seeing this document.
 14 Q. In any form?
 15 A. I don't recall seeing this document.

Page 477:17 to 478:03

00477:17 Q. (BY MR. GODWIN) Have you -- you're tying it
 18 to this document, meaning this exhibit I want to know
 19 have you seen a form at BP at any time when you were the
 20 wells manager there for the Gulf of Mexico did you see a
 21 critical activity 2010 plus other SPU high profile
 22 wells, did you see such a document, regardless of the
 23 wells that were identified at any time while you were
 24 the wells manager?
 25 A. I don't recall seeing this document.
 00478:01 Q. And this document is not just this exhibit,
 02 but also the document itself in whatever form it would
 03 have been prepared; is that your testimony?

Page 478:05 to 478:17

00478:05 A. I'm saying I don't recall seeing this document
 06 you've given me.
 07 Q. (BY MR. GODWIN) Well, no, I'm going beyond
 08 that. The document I've given you is marked as
 09 Exhibit 7094. I want you to say without reference to
 10 that exhibit, have you seen a form at any time at BP
 11 when you were the wells manager for the Gulf of Mexico
 12 did you see a form, no matter what writing it had on it
 13 as far as the listing of the wells, did you see a form
 14 that listed the critical activity 2010 plus other SPU
 15 high profile wells deemed critical wells? Did you see
 16 such a form -- did you see such a form for -- at any
 17 time while you were the wells manager?

Page 478:20 to 479:03

00478:20 Q. (BY MR. GODWIN) Go ahead, sir.
 21 A. I'm not -- don't recall seeing this document,
 22 before.
 23 Q. Or in any -- not just necessarily this
 24 exhibit, but I want to know -- and -- and don't talk
 25 about this document because I know you're referring,
 00479:01 please, sir, to this exhibit. I want to know did you
 02 see such a form where it listed the critical wells in
 03 the Gulf of Mexico for 2010?

Page 479:05 to 479:17

00479:05 Q. (BY MR. GODWIN) Go ahead, sir.
 06 A. I don't recall seeing a document like this for
 07 2010.
 08 Q. At any time while you were with the Gulf of
 09 Mexico unit or at any time after you left; is that
 10 correct?
 11 A. I don't recall.
 12 Q. Thank you, sir. Now, if you will, look there,

13 on the first page it talks about where these critical
 14 activity wells are listed, high profile wells and it
 15 shows Alaska, Angola, "Azerbaijan" -- how do you say
 16 that? Azerbaijan? You got to remember, I'm from Texas.
 17 A. Azerbaijan.

Page 479:21 to 480:02

00479:21 MR. GODWIN: Okay. Yeah, really.
 22 Q. (BY MR. GODWIN) Let's turn over to the next
 23 page, and you got Egypt and you then got the Gulf of
 24 Mexico, don't you?
 25 A. Yes.
 00480:01 Q. Do you see that?
 02 A. I do see that.

Page 481:02 to 482:09

00481:02 Q. Well, you see this list of these wells here
 03 under the Gulf of Mexico, don't you?
 04 A. I see it.
 05 Q. And do you see the very bottom one -- next to
 06 the -- third one from the bottom? What's the name of
 07 the well there that's on that list?
 08 A. It says Macondo.
 09 Q. Macondo well. And is it an exploration well?
 10 A. It says exploration.
 11 Q. And -- and who does it show is the -- as the
 12 next name there, the person that would be the SPA?
 13 A. It says O'Bryan.
 14 Q. And what does "SPA" stand for at BP? It's
 15 shown on the preceding page as the acronym up here.
 16 A. One of the definitions of SPA is single point
 17 accountability.
 18 Q. Okay. And it shows as the drilling start date
 19 and it shows in progress; does it not?
 20 A. That's what it says.
 21 Q. And then you go over to the casing strings, it
 22 shows seven?
 23 A. That's what it says.
 24 Q. And you go over, for purposes of brevity, it
 25 shows -- go back to the first page again where it talked
 00482:01 about key drilling risk to delivery. If you'll look on
 02 the preceding page you'll see that, sir. Follow with
 03 me.
 04 A. Yes.
 05 Q. And that travels, goes over to the next page.
 06 A. Yeah.
 07 Q. And go down to Macondo, and what does it say
 08 there are the key drilling risk to delivery as of the
 09 date this document is prepared in January of 2010?

Page 482:13 to 483:07

00482:13 A. Do you want me to read what's here?
 14 Q. Yes, sir, just what it shows as the risk to --
 15 to -- risk -- key drilling risk to delivery. What does
 16 it show, sir?
 17 A. PPFG.
 18 Q. And what does that stand for?
 19 A. Poor pressure fracture gradient.
 20 Q. Okay, poor fresh fracture gradient.
 21 A. Loss pressure.
 22 Q. Okay.
 23 A. Pressure and completed sands in shallow
 24 interval.
 25 Q. Okay. While you were the wells manager in the
 00483:01 Gulf of Mexico, did you learn that there had been lost
 02 circulation events there on the Macondo well?
 03 A. There were lost circulation events on the
 04 Macondo well.
 05 Q. I wrote down yesterday where you said you
 06 remembered there were eight lost circulation events. Do
 07 you recall that?

Page 483:11 to 484:03

00483:11 A. I did not say that. I think I said I don't
 12 recall how many lost circulation events. I think
 13 someone mentioned eight.
 14 Q. How many -- do -- was it -- was it several?
 15 A. I don't recall how many. There was more than
 16 one.
 17 Q. Okay. And did you -- how many kicks were
 18 there on the well while you were the manager?
 19 A. I don't recall how many there were.
 20 Q. Did you recall there being one or more kicks?
 21 A. There was one or more.
 22 Q. And the March 8 kick, you remember that one?
 23 A. I'm aware of the March 8th kick.
 24 Q. Okay. And -- and are you aware that in the
 25 chief counsel's report for the National Commission that
 00484:01 there were 16,000 barrels of mud lost in the Macondo
 02 well in the very first lost circulation event; do you
 03 learn that?

Page 484:06 to 484:22

00484:06 I have not read that report, and I'm not
 07 aware of it.
 08 Q. (BY MR. GODWIN) Yes. Well, while you were
 09 the wells manager there and the Macondo was under your
 10 jurisdiction, was it not, as one of the wells?
 11 A. In the period I was there, yes.
 12 Q. Yes, that's what I'm talking about. Did you
 13 learn that there were several thousands of barrels of
 14 mud that were lost there in lost circulation events

15 there on the Macondo well at different times?
16 A. I was -- I was aware that we had lost
17 circulation events. I'm not aware of exactly how many
18 barrels was lost.
19 Q. Okay. And -- and do you recall that the cost
20 for the time and the mud to replace that was lost was in
21 excess of \$13 million? Do you recall that, sir?
22 A. I don't recall that specific number.

Page 485:10 to 485:13

00485:10 been incorrect when you testified about it earlier. Now
11 that you've seen Exhibit 7094, now that you've seen
12 Exhibit 7093, both of which reference the Gulf of Mexico
13 critical wells, does that refresh your memory --

Page 485:18 to 485:21

00485:18 Q. (BY MR. GODWIN) Does that refresh you memory
19 about whether or not you were aware even as of today
20 that there was a critical wells list for the Gulf of
21 Mexico deepwater at BP?

Page 485:24 to 486:08

00485:24 Q. (BY MR. GODWIN) Does that refresh your
25 memory, sir?
00486:01 A. I think I said that I do not recall seeing the
02 document you gave me.
03 Q. No, you didn't say that. You said more than
04 that. You said you were not aware of what critical well
05 meant, you were not aware of a critical wells list, you
06 didn't know that there were wells classified as critical
07 wells in the deepwater Gulf of Mexico even as of today.
08 Now, sir, I'm asking you --

Page 486:12 to 486:15

00486:12 Q. (BY MR. GODWIN) Let me say this, sir: At any
13 time while you were the wells manager in the Gulf of
14 Mexico were you aware of a critical wells list that was
15 kept by BP for the Gulf of Mexico deepwater?

Page 486:19 to 487:08

00486:19 A. I think I stated --
20 Q. Now that you've seen these documents does that
21 refresh your memory?
22 A. I don't recall seeing this document, the --
23 the term critical applied to Macondo.
24 Q. Okay. Let's go away from Macondo. As the --
25 at any time while you were the well manager for the Gulf

00487:01 of Mexico to your knowledge did BP classify wells in its
02 deepwater Gulf of Mexico as critical wells?
03 A. Exploration wells were deemed to be critical
04 wells in the -- in the terms of their requirement for
05 certain things to happen.
06 Q. Critical -- and exploration wells, and the
07 Macondo was a critical well, was it not -- was an
08 exploration well?

Page 487:10 to 487:14

00487:10 A. It was an ILX well.
11 Q. (BY MR. GODWIN) Was it an exploration well?
12 A. Infrastructure led exploration well.
13 Q. Well, was it -- was it a -- was it classified
14 as an exploration well, sir, the Macondo well?

Page 487:18 to 487:24

00487:18 A. I do not recall Macondo being classified as a
19 critical well.
20 Q. Was it classified as an exploration well?
21 A. It was classified as an ILX well.
22 Q. Well, let's look back at the exhibit we just
23 looked at, 7094, if you will there, and let's turn back
24 over to the page where it talks about Macondo?

Page 488:02 to 488:14

00488:02 Q. (BY MR. GODWIN) You have it there, 7094 turn
03 back to this page we were just looking at it where it
04 talks about the list of wells here and it shows here
05 under Macondo and it shows that it was classified well
06 type on the preceding page it shows it was classified as
07 an exploration well; does it not, sir?
08 A. That's what it says here.
09 Q. On the document?
10 A. That's what it says here.
11 Q. And you testified a moment ago that if wells
12 in the deepwater Gulf of Mexico were classified by BP as
13 exploration wells, they would also be classified as a
14 critical well; did you not?

Page 488:16 to 488:18

00488:16 A. What I said was that the exploration wells in
17 the Gulf of Mexico were classified as critical wells
18 that required certain activities to happen.

Page 488:23 to 489:05

00488:23 A. Macondo was classified as an ILX well, not a

24 exploration well, infrastructure led exploration well.
 25 And as far as I recall it wasn't classified as a
 00489:01 critical well.
 02 Q. (BY MR. GODWIN) Okay. But the face of the
 03 document 7094, for those of us reading the document, it
 04 shows that the type of well was an exploration well on
 05 the face of it; does it not --

Page 489:07 to 489:07

00489:07 Q. (BY MR. GODWIN) -- the Macondo well?

Page 489:09 to 489:10

00489:09 Q. (BY MR. GODWIN) Does it, sir?
 10 A. It says that. I have not seen this before. I

Page 489:13 to 489:13

00489:13 A. It's written there as exploration, yes.

Page 491:02 to 491:08

00491:02 Q. (BY MR. GODWIN) Yes, sir. While you were the
 03 wells manager if a well was going to be -- an
 04 exploration well was going to be classified by BP as a
 05 exploration well, thereby critical well, would you have
 06 been -- would you have been -- was it a part of your
 07 duty to approve that well-being added to that list of
 08 those exploration critical wells?

Page 491:11 to 491:16

00491:11 A. I mean, the -- the -- all the exploration
 12 wells for the Gulf of Mexico were deemed critical, i.e.,
 13 requiring certain things that had to happen.
 14 Q. (BY MR. GODWIN) All the exploration wells in
 15 the deepwater Gulf of Mexico were deemed to be critical
 16 wells, correct?

Page 491:18 to 492:04

00491:18 Q. (BY MR. GODWIN) With certain things that had
 19 to happen?
 20 A. Yes.
 21 Q. Okay. And those things that had to happen
 22 were what, sir?
 23 A. They had to have external peer review by -- by
 24 ex- -- external to the -- the team by -- there was a
 25 central group who did the -- who did our well assurance.
 00492:01 Q. Okay.
 02 A. In that function.

03 Q. All right.
04 A. They would be part of that planning process.

Page 492:14 to 492:25

00492:14 Q. (BY MR. GODWIN) Okay. Thank you. Do you
15 have Exhibit 7092 that was put into evidence by
16 Mr. Roberts?
17 A. I have it, yes.
18 Q. Okay. And it's an e-mail from Lina, L-i-n--a,
19 Serpa, dated December 27, 2010, correct?
20 A. That's correct.
21 Q. And it shows that you're one of the recipients
22 there on the second line of this e-mail; does it not,
23 Mr. Ian Little?
24 A. Yes.
25 Q. Okay. You turn over to the next page, and

Page 493:03 to 494:09

00493:03 last four numbers are 3606 down at the bottom. This
04 says, communication to BP wells RPU December --
05 December 27, 2010. And follow with me while I read this
06 very quickly. Context, "On September 8th, 2010, 26
07 recommendations were issued as a part of the Deepwater
08 Horizon Incident investigation report." Do you see
09 that, sir.
10 A. I see that.
11 Q. When you received this report here, this
12 exhibit did you understand that was referring to the Bly
13 report when it says Deepwater Horizon incident
14 investigation report?
15 A. Yes.
16 Q. And it goes on to say in response to these
17 recommendations the wells leadership team defined
18 short-term actions aimed to address potential high
19 consequence events from critical wells activities. Did
20 I read that correctly?
21 A. Yes.
22 Q. And the last thing I want to do is go over to
23 the next page, and excuse me for pointing, the next page
24 and the Bates numbers at the bottom are 3606 and under
25 action No. 5, you there with me, sir?
00494:01 A. Yes, I see that.
02 Q. It says complete the well start-up checklist
03 for identified critical wells and activities. The
04 checklist shall be approved by RPU BP wells prior to
05 initiating operations. Summary of critical wells
06 activity and then it goes on and then it says here the
07 Gulf of Mexico and what does it say there which wells
08 will be critical wells as of the date of this document
09 in the Gulf of Mexico?

Page 494:11 to 494:11

00494:11 A. It says all wells.

Page 494:19 to 494:21

00494:19 Q. (BY MR. GODWIN) Mr. Little, I want to hand
20 you what was previously marked in Mr. John Guide's
21 deposition as Exhibit 1958.

Page 495:01 to 496:01

00495:01 Q. (BY MR. GODWIN) And this was an e-mail that
02 you authored at the top there, Ian Little to David Sims
03 and John Guide, with copies to others, including David
04 Rich, I believe you -- who you said you reported to
05 while you were the wells manager.
06 A. Correct.
07 Q. You authored it on March 14, 2010, correct?
08 A. That's correct.
09 Q. And -- and it's referencing "Macondo update."
10 And read with me here to make sure I read it correctly.
11 Quote, I hope you are both hanging in there okay. This
12 has turned into a challenging well, and you put an
13 exclamation point.
14 A. Yeah.
15 Q. Did I read that correctly?
16 A. That's correct.
17 Q. What did you mean that the Macondo well, as of
18 March 14, 2010, had turned into a challenging well?
19 A. It was referencing the -- the challenges that
20 they were encountering in -- in this well, and it was
21 basically acknowledging that this -- this is a
22 challenging well.
23 Q. Well, what challenges were they acknowledging
24 or fac- -- you said they were acknowledging the
25 challenges they were facing. What did you mean by that
00496:01 by that?

Page 496:03 to 497:09

00496:03 A. I was referring to the update that was sent
04 out on that Thursday by David Sims.
05 Q. (BY MR. GODWIN) And that's at the bottom part
06 of the same Exhibit 1958, was an e-mail from David Sims
07 to Mr. Rich, Mr. Pat O'Bryan, and you and others,
08 correct?
09 A. That's correct.
10 Q. And -- and he listed a number of things in
11 there pertaining to the well, correct?
12 A. That's correct.
13 Q. So when you said in your e-mail at the top
14 part of 1958, "I hope you are both hanging in there

15 okay. This has turned into a challenging well," were
 16 you basing that on what you read in the e-mail from
 17 Mr. David Sim below -- Sims below or that plus other
 18 things that you knew about the well?

19 A. We'd had some previous lost circulation and a
 20 previous kick which the team had dealt with. And at
 21 this point we'd had the kick of -- whatever, the
 22 March 8th kick.

23 Q. Yes, sir.

24 A. So I was simply saying this well has turned
 25 into a challenging well because of the number of
 00497:01 challenges that we'd had while drilling this well.

02 Q. As the wells manager and realizing what you
 03 just said, there were a number of challenges with this
 04 well, including lost circulation events -- you don't
 05 recall the exact number. There was -- there was at
 06 least one kick, maybe others as well. In your opinion,
 07 what precautions should BP have taken going forward from
 08 March 14 to deal with this challenging well, the
 09 Macondo?

Page 497:13 to 497:16

00497:13 A. The -- the well's team were -- everyone
 14 involved with the well were dealing with the challenges
 15 and working on recovering from those challenges in order
 16 to proceed. That's what we do when we drill a well.

Page 498:06 to 498:09

00498:06 Q. Yes, sir. Once you determine that you have a
 07 challenging well, would you expect the people working
 08 under your direction there at BP to deal with that
 09 challenging well any differently?

Page 498:11 to 501:01

00498:11 A. Any differently from?

12 Q. (BY MR. GODWIN) Any differently they would a
 13 non-challenging well that had not experienced
 14 significant lost circulation events and kicks.

15 A. The -- the well's team are -- when they work
 16 on a well, they have to deal with the challenges that
 17 come up.

18 Q. Okay.

19 A. And they're -- they have -- whatever resources
 20 the well's team needs in order to overcome those
 21 challenges, those resources are available and can be
 22 called upon.

23 Q. When you were the wells manager and a well had
 24 experienced lost circulation events and -- and one or
 25 more kicks in the well, did you want the people working
 00499:01 under your direction to pay more particular attention to

02 that well than they might have done with wells that were
03 not so challenging?

04 A. My well's team should be paying attention on
05 every well we drill, regardless of which type it is,
06 because you do not know when you're going to get into a
07 challenge. So, therefore, you have to pay attention for
08 every well.

09 Q. Okay.

10 A. When you have a -- a problem or a challenge,
11 like lost circulation or a well kick, you have to
12 overcome that problem. There are lots of resources
13 available, both from within BP, within the service
14 companies you're working with, within Transocean.
15 Everybody works together --

16 Q. Okay.

17 A. -- to overcome the problems, and you can't
18 move forward until you've overcome the problem or the
19 challenge in which you're dealing with.

20 Q. And -- and you say, sir, some of those service
21 companies are -- are also helping with these challenges
22 as well, correct?

23 A. Yeah, that's correct.

24 Q. Making recommendation to BP as to what should
25 be done to -- to overcome possible challenges --

00500:01 A. They're --

02 Q. -- is that what they're expected to do?

03 A. -- working together.

04 Q. To -- working together. And you would expect
05 these service companies, such as Halliburton, if they
06 had recommendations for the -- as to how to treat the
07 well more safely, you would expect them to do that,
08 would you not?

09 A. I would expect the -- all the team work
10 together to overcome challenges.

11 Q. Yes, sir. Let's turn over, if we can, please,
12 to Exhibit 862, and it's been marked as 862 in a prior
13 deposition. This is entitled GP 48 -- this is entitled,
14 "GP 48-02, Hazard and Operability (HAZOP) Study"; is it
15 not?

16 A. That's what it says.

17 Q. And you're familiar with this document, are
18 you not, sir? It's a BP document.

19 A. I'm not familiar with this document in detail,
20 no.

21 Q. Well, not in detail, but have -- were you
22 aware that -- that GP 48-02 existed at BP as of June 12,
23 2008?

24 A. I may have been. I don't recall.

25 Q. Okay. And you were working in the Gulf of
00501:01 Mexico deepwater on June 12, 2008, were you not?

Page 501:04 to 501:12

00501:04 A. I was in my role as wells manager for
05 exploration and appraisal from June -- the period June

06 2008.
 07 Q. (BY MR. GODWIN) So -- okay. So when this
 08 document appears to have been authored, on the face of
 09 it, on the front face of June 12, '08, you were the
 10 wells manager there in the Gulf of Mexico for BP, were
 11 you not?
 12 A. That's correct.

Page 501:14 to 501:17

00501:14 Q. (BY MR. GODWIN) Okay. Now, let's turn over,
 15 if you will, please, sir, to the page with the Bates
 16 number 7782 at the bottom. It's about five pages in,
 17 7- --

Page 501:24 to 501:24

00501:24 MR. GODWIN: Page -- Page 7 of 57.

Page 502:02 to 502:14

00502:02 Q. (BY MR. GODWIN) Do you have that, sir?
 03 A. I have it.
 04 Q. Go very quickly. It shows at the top "Hazard
 05 and Operability (HAZOP)," H-A-Z-O-P; does it not?
 06 A. It does say that.
 07 Q. And it defines it as, "Systematic qualitative
 08 technique to identify and evaluate process hazards and
 09 potential operating problems, using a series of
 10 guidewords to examine deviations from normal process
 11 conditions." Did I read that correctly?
 12 A. You appear to have read that correctly.
 13 Q. Thank you, sir. Turn over with me now, if you
 14 will, please, to about three pages to Page 10 of 57.

Page 502:16 to 503:16

00502:16 10 of 57. Are you there, sir?
 17 A. Yes.
 18 Q. And it shows under 5.2, "Management
 19 responsibilities" -- are you there?
 20 A. Yes.
 21 Q. It says, Responsibilities for projects and
 22 operating facilities shall be as follows: A. BP
 23 Operation Leader ensures that organization and
 24 priorities have been established to ensure that HAZOP
 25 studies have, colon, 1. Appropriate priority and
 00503:01 attention; 2. Commitment of competent resources; and, 3.
 02 Time for proper execution.
 03 Did I read that correctly?
 04 A. That's what it says.
 05 Q. And it goes on down, if you will, please, to
 06 e. It says here, the BP operations leader of

07 proj- -- or project manager ensures that recommendations
08 are resolved and closed out in a timely manner.

09 Did I read that correctly?

10 A. That's what it says.

11 Q. When you were talking a moment ago about
12 service companies making recommendations and working
13 with BP, is this what this HAZOP is addressing, that the
14 BP operations leader or project man- -- manager would
15 make sure that those recommendations were resolved and
16 closed out in a "tamley" -- timely manner?

Page 503:18 to 503:20

00503:18 Q. (BY MR. GODWIN) Would that include
19 recommendations from a service company such as
20 Halliburton?

Page 503:22 to 504:10

00503:22 A. This -- your practice refers to a specific
23 procedure called a HAZOP, a hazard inoperability study.

24 Q. (BY MR. GODWIN) And that deals with deepwater
25 wells, also, does it not, if you know?

00504:01 A. I'm not aware of this being applied to wells,
02 no.

03 Q. Well, it's been testified by Mr. Tony Hayward
04 that a HAZOP did apply. He testified this week that a
05 HAZOP plan at BP did apply to deepwater wells in the
06 Gulf of Mexico. Are -- and with that backdrop, are you
07 telling us now that while you were the wells manager you
08 did not know that a HAZOP plan appli- -- and a procedure
09 applied to deepwater wells in the Gulf of Mexico; is
10 that your testimony?

Page 504:13 to 504:19

00504:13 A. This group practice, I was not aware that it
14 applied to what we were doing in wells.

15 Q. (BY MR. GODWIN) You would not -- okay. You
16 didn't know that it applied to wells in the deepwater?

17 A. Yeah. This -- this HAZOP study is not
18 something that I was aware of as being -- having to be
19 applied in drilling wells.

Page 505:01 to 505:02

00505:01 Q. (BY MR. GODWIN) Hold just a second. Go over
02 to Page 5.

Page 505:07 to 505:08

00505:07 Q. (BY MR. GODWIN) Okay. Look under -- on

08 Page 5 of 57 --

Page 505:10 to 506:07

00505:10 Q. (BY MR. GODWIN) -- under 1, "Scope," go down
 11 to b. Do you see that where it says, The HAZOP
 12 technique is applicable to: 1. Continuous and batch
 13 process; 2. Onshore and offshore facilities? And then
 14 it goes on to 3 and 4 being computers and procedures.
 15 Did I read that correctly?
 16 A. That's what it says.
 17 Q. And it goes -- and it says there offshore
 18 facilities, onshore and offshore; does it not?
 19 A. That's what it says.
 20 Q. And before you read that right here, were you
 21 aware of that, that this HAZOP number 8 -- Exhibit 862,
 22 GP 48-02, were you aware that it applied to onshore and
 23 offshore facilities? Were you, sir?
 24 A. As I said before, I'm not aware of the details
 25 of this study.
 00506:01 Q. Okay. My question was not that, though. And
 02 let me ask it again so it's clear, and I apologize if I
 03 was not clear.
 04 Were you aware when you were the wells
 05 manager, that this HAZOP GP 48-02, that the HAZOP
 06 pro- -- technique applied to onshore and offshore
 07 facilities, were you aware of that?

Page 506:09 to 506:18

00506:09 A. I was not aware it applied to drilling
 10 operations.
 11 Q. (BY MR. GODWIN) Okay, sir. Go to No. 1 up
 12 above here under "Scope," and the second line I'm --
 13 second sentence I'm going to read to you. It's talking
 14 about the HAZOP technique. It said, quote, "It is
 15 applicable to both major projects and existing
 16 operations."
 17 Did I read that correctly?
 18 A. I can hardly read this. Can -- where is it?

Page 506:21 to 507:14

00506:21 A. "It is applicable to both major projects and
 22 existing operations," yes, I can see that.
 23 Q. Okay. You saw that I read that correctly.
 24 Okay. Let's take now -- okay. And if you will, go over
 25 under 11 of 57, turn over under -- under subparagraph D,
 00507:01 please, el- -- Page 11. Go down to d and read with me,
 02 if you will, please sir, quote, "When the final design
 03 HAZOP has been completed, a MOC" -- that's management of
 04 change, is it not?
 05 A. That's correct.

06 Q. -- "process shall be used to consider any
07 changes made to the design on which the HAZOP was
08 based."
09 Did you understand that to say that if
10 there was going to be a change onto the design of the
11 well, that the -- that there had the -- the MOC had to
12 be prepared before that change could be made? Did
13 you -- did you understand that to be part of GP 48-02,
14 sir?

Page 507:16 to 508:03

00507:16 A. This -- this is referring to the HAZOP, which
17 this group practice appears to be outlining how to do
18 the HAZOP. So what you read there was once you've done
19 the HAZOP, has been completed --
20 Q. (BY MR. GODWIN) Yes, sir.
21 A. -- an MOC process shall be used to consider
22 any changes to the design on which the HAZOP was based.
23 Q. Okay, sir.
24 A. So if this wasn't a HAZOP -- this refers to
25 doing a HAZOP --
00508:01 Q. Okay.
02 A. -- which is the -- obviously based on the
03 requirements in here.

Page 509:08 to 509:11

00509:08 Q. Are you aware or were you aware when you were
09 the wells manager for Gulf of Mexico, were you aware
10 that there was a HAZOP procedure in place or plan in
11 place?

Page 509:13 to 509:19

00509:13 Q. (BY MR. GODWIN) Were you aware, sir?
14 A. So you're -- are you talking about this
15 document?
16 Q. Not that document, sir. Were you aware that a
17 HAZOP requirement or a procedure was -- was in place at
18 the Gulf of Mexico for various types of jobs that were
19 being done?

Page 510:03 to 510:04

00510:03 A. I'm not aware that the -- the requirement to
04 do a HAZOP for drilling wells.

Page 513:25 to 514:03

00513:25 Do you believe that while you were the wells
00514:01 manager for the Gulf of Mexico that a written HAZOP plan

02 or procedure was required to be in place for the
03 drilling of the Macondo well?

Page 514:05 to 514:05

00514:05 A. I don't know.

Page 515:13 to 515:25

00515:13 Q. (BY MR. NEGER) Right. And -- and, in fact,
14 can you recall any instances or any programs that you
15 signed off on which included the step to perform a
16 negative pressure test?
17 A. I don't recall specifically.
18 Q. But -- but you recall generally --
19 A. Generally --
20 Q. -- that those happened?
21 A. If -- if the program covered that part of the
22 operation, then I believe it would have been.
23 Q. Okay. Now let me ask you this: Have you ever
24 personally conducted any negative pressure test
25 yourself?

Page 516:02 to 516:19

00516:02 A. Again, it's -- personally, is -- is the
03 meaning of that personally?
04 Q. (BY MR. NEGER) Well, have you ever been
05 present when a negative pressure test was conducted on a
06 rig?
07 A. I don't recall being present.
08 Q. Okay. And have you yourself ever prepared
09 a -- the written procedures for the performance of a
10 negative pressure test?
11 A. I don't recall preparing the written
12 procedures.
13 Q. Okay. Now, you understand that Anadarko
14 Petroleum Corporation and MOEX Offshore 2007, L.L.C.,
15 which I'm going to shorten to -- to call MOEX, okay --
16 A. Okay.
17 Q. -- are non-operating investors in the lease
18 for the Mississippi Canyon Block 252 where the Macondo
19 well was located, right?

Page 516:21 to 518:06

00516:21 A. I mean, I know that they were partners in -- I
22 don't know the terminology that you were using, but they
23 were partners in this well.
24 Q. (BY MR. NEGER) Well, and when you use the
25 word "partners" to us lawyers that has a certain
00517:01 connotation, too.
02 A. Right.

03 Q. And you don't mean it in the sense that there
04 was a partnership agreement of any sort, you've never
05 seen anything like that, right?

06 A. I'm not involved in that stage of it.

07 Q. Okay. Now, the Macondo well, I think we've
08 established, spudded in or about October 2009, right?

09 A. Yeah, I believe that's correct.

10 Q. And you were the wells operation manager
11 during that -- at that point in time, right?

12 A. I was the wells manager for exploration and
13 appraisal in the Gulf of Mexico, yes.

14 Q. And the Macondo well fell under your
15 jurisdiction?

16 A. That's correct.

17 Q. Okay. And you had been in that position
18 for -- was it at least a year, maybe two years prior to
19 that?

20 A. I had been in the -- in that particular
21 position since May 2008.

22 Q. Okay. So the -- and that was the period
23 during which the Macondo -- the design and planning for
24 the Macondo well was being done, right?

25 A. That's correct.

00518:01 Q. So to the extent that it was being done by the
02 exploration and appraisal group, it was -- and the
03 engineers and people under -- in that group, it was
04 being done in -- under your jurisdiction?

05 A. The -- the engineering team that planned the
06 well was -- was the team that reported to me.

Page 519:01 to 519:09

00519:01 Q. Okay. And as I also recall, you testified at
02 the Marine Board and yesterday that during the period
03 from mid December until April, there were periods of
04 time in which you delegated some or all of your
05 responsibility to David Sims, and when Mr. Sims wasn't
06 available, to John Guide; is that right?

07 A. During the periods I was gone, I would have
08 delegated my role to someone in my team, and at times it
09 was David, at times it was John.

Page 520:02 to 520:09

00520:02 Q. Okay. And although you delegated your
03 responsibility to Mr. Sims and Mr. Guide, you remained
04 the wells operation manager for the Gulf of Mexico
05 drilling and completions group between November 2009 and
06 April of 2010, right?

07 A. I was still in part of the Gulf of Mexico as
08 the wells manager for exploration and appraisal until
09 April the 2nd when I finally left.

Page 521:18 to 521:23

00521:18 Now, I'd like you to turn, please, to tab 1 in
19 the binder before you, which we are going to mark as
20 Exhibit 7095, and it is --
21 MR. FIELDS: Tab 1?
22 MR. NEGER: Tab 1, yeah.
23 Q. (BY MR. NEGER) And let me ask you, sir, do

Page 522:01 to 522:17

00522:01 Q. Okay. And -- and it's an e-mail that you
02 wrote, right?
03 A. It's an e-mail I wrote, yes.
04 Q. To -- to -- to Mr. Rich. And I think
05 yesterday you testified that when you delegated your
06 responsibilities, you did so by means of e-mail
07 communications to Mr. Rich and those who were otherwise
08 involved, and that was the process that was used,
09 correct?
10 A. Sorry, could you repeat that question?
11 Q. Sure. I think you took -- am I correct that
12 you testified yesterday that when you delegated your
13 responsibilities for temporary absences, it was done by
14 means of e-mails to your superiors and to those who were
15 otherwise involved in your day-to-day activities to let
16 them all know what your plans were; is that right?
17 A. Yes, that's correct.

Page 522:24 to 527:02

00522:24 him know what my forward plans were.
25 Q. Okay. And -- and does it not say that
00523:01 Mr. Sims will have your delegation during the period
02 March 1 to 11?
03 A. That's correct.
04 Q. Okay. And -- and that Mr. Guide is going to
05 have your delegation from March 15 to 19?
06 A. That's what it says.
07 Q. Okay. Were there -- were there other e-mails
08 that you were thinking of in which -- when you testified
09 yesterday about delegating your responsibilities?
10 A. Yes. There -- there would be another e-mail
11 that I would have sent when I was actually about to
12 leave or -- or just before I left, which would indicate
13 who I was delegating to, and that would be sent to a
14 wider group in the zone.
15 Q. Okay, good. Now, this e-mail was dated
16 February 25 and relates to the period for the --
17 essentially the month of March and early April, right,
18 discussing what your plans are going to be?
19 A. That's correct.
20 Q. Okay. Now, are you aware that Mr. Guide's
21 father passed away on March the 1st, 2010?

22 A. I wasn't aware of that, no.
23 Q. Do you recall -- well, so you weren't aware of
24 that at the time, huh?
25 A. I wasn't aware of that at the time.
00524:01 Q. And my telling you now is the first you've
02 heard of that?
03 A. I can't remember if it's the first I've heard
04 of it, but it could be, yeah. I may have heard it
05 before.
06 Q. Okay. I think at the Marine Board you were
07 shown some e-mails between Mr. Guide and Mr. Sims that
08 took place in mid March, and I can show them to you. I
09 think they are actually at tabs 5 and 6 of your binder.
10 They have previously been marked as Exhibits 1126 and
11 1127 in these proceedings. Do you recall seeing
12 those -- those e-mails previously?
13 A. I don't recall if these were the same e-mails
14 that I was shown at MBI, but they could be.
15 Q. Okay. Do you remember generally hearing that
16 Mr. Sims and Mr. Guide had an exchange in which Mr. Sims
17 mentions to Mr. -- you know, said to Mr. Guide, you
18 know, you seem to love being the victim, everything is
19 someone else's fault, you criticize nearly everything we
20 do on the rig, but don't seem to realize that you are
21 responsible for everything you do on the rig, you will
22 not call the rig in the ops room, you have to sneak out
23 of the room and call them on your cell phone or go back
24 to your office while everyone is in the ops room. You
25 can't sit in a meeting and listen to other's opinions
00525:01 without arguing them.
02 Do -- do you recall being asked questions
03 about those e-mails?
04 MR. RUBINSTEIN: Can you be specific as to
05 time?
06 MR. NEGER: About when he --
07 MR. RUBINSTEIN: Are you talking about at
08 the MBI hearing?
09 Q. (BY MR. NEGER) Well, either at the MBI
10 hearing or before.
11 A. Could you tell me where you're reading that
12 from?
13 Q. Sure, absolutely. In tab 6 at the -- at the
14 bottom of the page, and the carryover to the top of the
15 following page.
16 MR. RUBINSTEIN: And to be clear, you call
17 that an e-mail, but I think it's a draft of an e-mail.
18 Q. (BY MR. NEGER) Well, that is true, and --
19 but -- but there was also Mr. Sims' e-mail at tab 5,
20 which contains similar sentiments. You can take a look
21 at that, if you'd like.
22 A. I had not seen these e-mails at the time.
23 Q. At -- at the time in -- in March of 2010,
24 right?
25 A. Yes, that's correct.
00526:01 Q. Okay. If you had known on March the 13th what

02 Mr. Sims felt about Mr. Guide, would you have handed the
 03 well over to Mr. Guide?
 04 MR. FIELDS: Objection; form.
 05 MR. RUBINSTEIN: Objection to form.
 06 A. As I said, I wasn't aware of this e-mail
 07 correspondence.
 08 Q. (BY MR. NEGER) I understand, but that's not
 09 my question. My question to you is, if you had known in
 10 mid March of 2010 what Mr. Sims -- about Mr. Sims'
 11 expressed views about Mr. Guide, would you have
 12 delegated your responsibility to Mr. Guide?
 13 MR. RUBINSTEIN: Objection to form.
 14 MR. FIELDS: Objection; form.
 15 A. I was not aware of these e-mails at the time.
 16 Q. (BY MR. NEGER) Right, but that's not my
 17 question. I'm asking what you would have -- whether you
 18 would have delegated your responsibilities to Mr. Guide
 19 had you known about the concerns that Mr. Sims is
 20 expressing to Mr. Guide in this draft e-mail and in
 21 the -- the actual e-mail that he sent, which is at
 22 tab 5?
 23 MR. RUBINSTEIN: Objection; form.
 24 A. Without having the context around the e-mails
 25 and having a discussion about it and what he actually
 00527:01 meant, I can't answer that.
 02 Q. (BY MR. NEGER) Okay. Now, were you also

Page 527:13 to 528:03

00527:13 Q. Okay. Were there other periods of time
 14 during -- from the -- the moment that you learned that
 15 you -- that you had been announced into the position of
 16 vice president of wells in North Africa until your
 17 departure at the beginning of April 2010, were there
 18 other periods of time that you were away from Houston?
 19 A. Yes.
 20 Q. Okay. And approximately how much time did you
 21 spend away from Houston during that period other than
 22 the --
 23 A. Other than this period?
 24 Q. -- other than the time in March?
 25 A. I mean, I'd have to go back through the dates,
 00528:01 but at least half.
 02 Q. Okay. And were you out of the country?
 03 A. Yes.

Page 528:10 to 528:21

00528:10 Q. Okay. And did any of those periods of time
 11 last more than a week in total?
 12 A. Yes.
 13 Q. Approximately how many weeks were you away
 14 in -- consecutively?
 15 A. I think the -- the longest consecutively was

16 two weeks.
17 Q. Okay. And were you in -- in England at that
18 time or --
19 A. Some of it would have been in the U.K., and
20 some of it would have been on vacation, some of it --
21 yeah. I mean, either in the U.K. or in -- on vacation.

Page 529:07 to 529:21

00529:07 Q. (BY MR. NEGER) Great. Thank you.
08 Let me shift gears for a moment. Am I correct
09 that you never communicated with anyone from Anadarko
10 regarding the Macondo well prior to the blowout on April
11 the 20th?
12 A. I don't recall communicating directly with
13 anyone in Anadarko.
14 Q. Okay. And to your knowledge, sir, did anyone
15 from Anadarko play a role in the design of the Macondo
16 well?
17 A. I'm not aware of anyone playing a role in the
18 design.
19 Q. Okay. And no one ever told you that Anadarko
20 made any decisions regarding the design of the Macondo
21 well, did they?

Page 529:23 to 530:15

00529:23 A. I'm not aware that anyone from Anadarko was
24 involved in the well design.
25 Q. (BY MR. NEGER) Okay. And to your knowledge,
00530:01 sir, did anyone from Anadarko play any role in the
02 operations of the Macondo well while you were there?
03 A. I'm not aware of anyone from Anadarko playing
04 a role in operations of the well.
05 Q. Are you aware of whether anyone from Anadarko
06 was invited to participate in the selection of
07 contractors for the well?
08 A. Could you clear on "selection of contracts"?
09 I mean...
10 Q. Right.
11 A. Drilling contractors?
12 Q. Drilling contractors, cementing contractors,
13 equipment contractors of any sort.
14 A. I'm not aware that Anadarko was involved in
15 selecting the well contractors.

Page 530:22 to 531:01

00530:22 Q. (BY MR. NEGER) Sure. Did anyone ever tell
23 you that Anadarko played a role in decision-making
24 concerning the operations of the well?
25 A. I -- I don't recall anyone telling me that
00531:01 Anadarko played a role in decision-making, no.

Page 531:04 to 531:16

00531:04 about process safety. Is it fair to say that among your
05 top priorities in discharging your duties as wells
06 manager for Gulf of Mexico D&C group was safety?
07 A. One of my top, if -- if -- if not the top
08 priority was safety.
09 Q. Okay. And -- and you understand, I'm sure,
10 that there is a distinction between personal safety and
11 process safety?
12 A. We have a definition of what's "personal
13 safety" and what is "process safety."
14 Q. And they're different?
15 A. They're -- yeah, they -- they -- they refer to
16 different things.

Page 531:21 to 531:22

00531:21 Q. Okay. And are you familiar with the explosion
22 that occurred at BP's Texas City Refinery in 2005?

Page 531:24 to 532:05

00531:24 A. I -- I'm aware that -- that there was an
25 explosion at Texas City in 2005.
00532:01 Q. (BY MR. NEGER) Okay. And -- and following
02 that explosion an independent safety review was
03 performed by a group headed by former Secretary of State
04 James Baker, correct?
05 A. I've heard of the Baker report, yes.

Page 533:06 to 533:15

00533:06 Did you ever attend any training or
07 presentations concerning the Baker report?
08 A. I'm not sure I attended anything specifically
09 related to the Baker report. There were a number of
10 initiatives and actions that BP took as a result of the
11 investigations into Texas City.
12 Q. Well, that was -- that was precisely where I
13 was going, thank you. You -- so following the Texas
14 City incident, BP began to develop a process safety
15 management system, right?

Page 533:17 to 534:12

00533:17 A. So the BP -- one of the actions resulting from
18 the investigation into Texas City was to put together
19 the operations management system.
20 Q. (BY MR. NEGER) And -- and OMS was at least in
21 part a -- a safe -- a process safety management system,
22 correct?

23 A. I mean, it was an operations management system
 24 that had many aspects to it, yes.
 25 Q. Was one of those aspects a focus on process
 00534:01 safety?
 02 A. Yes.
 03 Q. Okay. And I -- and I think you testified
 04 earlier today that you know Kevin Lacy, right?
 05 A. I -- I know Kevin Lacy, yes.
 06 Q. Okay. What was his position at BP in 2008 and
 07 2009?
 08 A. Kevin Lacy became the -- the vice president of
 09 wells in Gulf of Mexico, I believe, in May 2008 and
 10 through to Dec- -- December 2009 or January 2010. I
 11 can't recall when he -- when he -- when he left that
 12 position.

Page 534:20 to 534:22

00534:20 Q. (BY MR. NEGER) He was an advocate. He was --
 21 he was -- he was someone who also made process safety a
 22 top priority; is that correct?

Page 534:24 to 537:10

00534:24 A. Kevin as the -- as the -- as the leader of the
 25 wells organization made safety a top priority.
 00535:01 Q. (BY MR. NEGER) Okay. Mr. Lacy testified
 02 about ten days ago, and -- and he said that process
 03 safety is always important at all times. Do you agree
 04 with that statement?
 05 A. Process safety is important at all relevant
 06 times, I would say, I mean, yes.
 07 Q. Okay, great. And -- and, actually, Mr. Lacy
 08 testified that you and Mr. Thierens were extremely
 09 helpful to him in focusing attention on process safety
 10 issues within the Gulf of Mexico D&C organization.
 11 Would you agree with that?
 12 A. It's Mr. Lacy's comment. I mean, I -- I hold
 13 safety as a very high priority and the highest priority
 14 in what I do and how I execute my work, yes.
 15 Q. And -- and would you agree that Mr. Thierens
 16 also was an advocate for process safety and risk
 17 management in the Gulf of Mexico D&C organization?
 18 A. My view of Mr. Thierens is that he held safety
 19 as a No. 1 priority in my dealings with him in -- in the
 20 Gulf -- Gulf of Mexico wells.
 21 Q. Okay. And -- and -- and you considered
 22 yourself to be a recognized safety leader, did you not,
 23 within your organization?
 24 A. I would have -- I would see myself as a safety
 25 leader, yes.
 00536:01 Q. Okay. Who was Curtis Jackson? I think we
 02 talked about him a little bit earlier today, too.
 03 A. I -- at what time period in -- in relation

04 to --
 05 Q. In 2008 and 2009.
 06 A. Curtis Jackson was the head of our HSSE team
 07 in the Gulf of Mexico.
 08 Q. Now, you -- you said that Mr. Lacy left BP in
 09 December 2009, thereabouts; is that --
 10 A. I -- I -- I can't remember the exact timing,
 11 but it was around that December, January time frame.
 12 Q. Okay. And when did Mr. Thierens leave his
 13 position as wells director?
 14 A. I believe it was around mid December time
 15 frame.
 16 Q. Same -- same time frame as Mr. Lacy, within a
 17 couple of weeks, correct?
 18 A. Yes.
 19 Q. Yes. And did Mr. Jackson also leave his
 20 position within BP at around the same time?
 21 A. I don't recall when Mr. Jackson left.
 22 Q. Did -- Mr. Jackson did leave the company; is
 23 that right?
 24 A. I -- I was aware that he had. I don't know
 25 when he had left the company.
 00537:01 Q. Now, and -- and you were announced as leaving
 02 your position as wells operation manager around the same
 03 period of time as well; was that right?
 04 A. I was announced --
 05 Q. November --
 06 A. -- end of December, and I transitioned there,
 07 yes.
 08 Q. Okay. And -- and that meant that you were
 09 leaving the Gulf of Mexico organization as well, right?
 10 A. That's right.

Page 537:24 to 538:08

00537:24 Q. (BY MR. NEGER) Well, I -- Mr. Thierens,
 25 Mr. Lacy, Mr. Jackson, and yourself all departed the
 00538:01 Gulf of Mexico organization at, roughly, the same period
 02 of time, within a matter of months.
 03 And -- and since the four of you were
 04 advocates for process safety within the Gulf of Mexico
 05 D&C organization, my question to you is whether you
 06 think that the departure of the four of you had a -- an
 07 impact on the successful implementation of the process
 08 safety culture within the organization?

Page 538:11 to 538:22

00538:11 A. Within the Gulf of Mexico organization?
 12 Q. (BY MR. NEGER) Yes, sir.
 13 A. After we had left?
 14 Q. Yes, sir.
 15 A. I can't comment because I -- I wasn't there,
 16 so I don't know.

17 Q. Now, Mr. Lacy also testified that deepwater
18 operations are far more challenging than anything else
19 in the business, so the associated risk and potential
20 consequences are, therefore, significantly greater in
21 deepwater than in other kinds of operations, and I want
22 to ask you if you agree with that statement?

Page 538:24 to 539:06

00538:24 A. I mean, I think I stated earlier, there are
25 certainly different challenges involved in drilling in
00539:01 the deepwater.
02 Q. (BY MR. NEGER) Right. And I -- and I'm
03 asking you whether you think that those challenges
04 are -- as Mr. Lacy does, whether you think those
05 challenges are greater in deepwater than in other kinds
06 of operations?

Page 539:08 to 539:15

00539:08 A. I -- I think the challenges are different.
09 Q. (BY MR. NEGER) Okay. Well, okay.
10 Another thing that we -- we learned in
11 Mr. Lacy's deposition last week was that starting in
12 2008, because of declining oil prices, there was
13 substantial pressure to reduce costs company wide, and I
14 think that you testified a little bit about that
15 yesterday; is that right?

Page 539:17 to 539:24

00539:17 A. I testified that we had an initiative that
18 very dollar counts that we were involved with in looking
19 at what we -- what we spent our money on, was it being
20 spent efficiently to deliver what we were trying to do
21 with it.
22 Q. (BY MR. NEGER) Okay. And -- well, do you
23 recall an effort to reduce costs around the beginning of
24 2008 and into 2009?

Page 540:01 to 540:23

00540:01 A. There -- I don't -- can't remember exactly
02 when the "every dollar counts" initiative was started,
03 but it would have been around that time frame.
04 Q. (BY MR. NEGER) Okay. And you were involved
05 in the decision to terminate some employees in 2008;
06 isn't that right?
07 A. I can't recall.
08 Q. Okay. If you would turn to tab 2 in your
09 binder, I have a document that we're going to mark as
10 Exhibit 7096. Let me ask you if you recognize this
11 document first.

12 A. It's mid 2000 -- this is 2008, my -- a draft
 13 of an annual individual performance assessment for --
 14 for me in 2008. I don't know the -- the date it was --
 15 the -- the exact version of it, but it appears to be the
 16 midyear --
 17 Q. Right.
 18 A. -- with just my comments without anyone
 19 else's.
 20 Q. Okay. So it's got your comments on it. These
 21 are all things that you -- that you wrote for yourself?
 22 A. Appears to be.
 23 Q. Great, okay. If you would look at --

Page 541:01 to 544:13

00541:01 Q. (BY MR. NEGER) And if you would turn to the
 02 third page of the document, which bears the last Bates
 03 No. 4840, and about three quarters of the way down the
 04 page, you'll see a -- a paragraph that starts with the
 05 words, "Foster effective teamwork and collaboration."
 06 Do you see that, sir?
 07 A. Am I looking at the same --
 08 MR. FIELDS: Under "Behaviors in Support
 09 of Delivery"?
 10 MR. NEGER: Yes. Thank you.
 11 A. So could you repeat the question again?
 12 Q. (BY MR. NEGER) I -- I was just ask --
 13 inviting your attention to that -- to that paragraph.
 14 Do you see the paragraph beginning, "Foster effective
 15 teamwork"?
 16 I think you've got your finger on -- no, it's
 17 the one below that.
 18 A. Oh, there, right, sorry. I'm having
 19 difficulty finding...
 20 Q. Okay. The last line of that paragraph
 21 indicates that -- you wrote that you were making some
 22 tough people decisions, and I -- I wonder if that
 23 refreshes your recollection that in 2008, you were
 24 involved in -- in terminating employ- -- some employees?
 25 A. I don't recall. You're going to have to give
 00542:01 me more specific -- I can't recall exactly what that is
 02 referring to.
 03 Q. Okay. We'll move on. My time is limited.
 04 Now -- now, you said Mr. Shaw coined the
 05 phrase "every dollar matters," right, to develop a
 06 cost-conscious culture within the Gulf of Mexico D&C
 07 group?
 08 A. I don't know if he coined it. Mr. Shaw was
 09 the SPU leader who -- who led that initiative, yes.
 10 Q. Okay. Now, regardless of -- of who came up
 11 with the phrase, you embraced that culture yourself in
 12 your approach to discharging your responsibilities as
 13 wells manager for the group, right?
 14 A. I think it was one of my objectives, yes.
 15 Q. Okay. And one of your goals in 2008 was to

16 reduce E&A rig variable spread costs by 5 to 10 percent
 17 with a -- a focus on the Horizon. And let me point
 18 your -- you -- you saw that phrase in --
 19 A. I would like if you could point me to it in
 20 the binder.
 21 Q. Yeah, sure. It's -- it's -- we're still in
 22 tab 2. This is on the second page at the very bottom of
 23 the page under .4.
 24 A. Yes. I don't think this refers to the "every
 25 dollar counts" because when this was written, I don't
 00543:01 think -- this would have been -- the objectives here for
 02 2008 would have been written at the start of 2008.
 03 Q. Well -- well, if you --
 04 A. I don't think -- sorry.
 05 Q. No, no. Go ahead, I'm sorry. I don't want to
 06 cut you off at all.
 07 A. All right. I was going to say that I don't
 08 think that was -- if we're talking about "every dollar
 09 counts," which I thought you were --
 10 Q. I am.
 11 A. -- I don't think that that actually refers to
 12 the -- the exact initiative, but I see that section.
 13 Q. Actually, if you look at -- if you look at the
 14 page, it's the second page of your performance
 15 evaluation, at the bottom of the page where there is --
 16 A. Okay.
 17 Q. -- a -- I think there is a No. 4, and if you
 18 see the bullet point, it says, take action to create a
 19 culture of every dollar matters.
 20 A. It does, actually, yes.
 21 Q. Yeah. So does that refresh your recollection
 22 that maybe that --
 23 A. I thought that was later.
 24 Q. Okay. So we've learned something, you and me?
 25 A. Yes.
 00544:01 Q. Now, calling your attention to that -- that
 02 same box.
 03 A. Yes.
 04 Q. It says, Reduce E&A rig variable spread costs
 05 by 5 to 10 percent with focus on the Horizon. Do you
 06 see that?
 07 A. That's correct.
 08 Q. Okay. And that's the Deepwater Horizon rig,
 09 right?
 10 A. Yes.
 11 Q. Okay. Was there a concern expressed in your
 12 organization that rig costs associated with the
 13 Deepwater Horizon were excessive?

Page 544:15 to 546:14

00544:15 A. There -- there -- there was a focus on making
 16 sure we were -- we were spending our money in a cost
 17 efficient and effective way.
 18 Q. (BY MR. NEGER) Okay. And -- and was there a

19 concern within your organization that money that was
20 being spent on the Deepwater Horizon was not being spent
21 in a cost effective and efficient way, such that you
22 wanted to reduce spread costs by 5 to 10 percent?
23 A. This particular reference was the -- the
24 Horizon was a consistent rig within my area, and it was
25 the rig we were going to focus on to see if there were
00545:01 any opportunities to improve the efficiency of our
02 costs, which we could then look at doing on other rigs.
03 Q. Okay. Did you, in fact, take steps to reduce
04 spread costs on the Horizon?
05 A. I can't recall the details of them, but I
06 think we -- we obviously looked at what opportunities
07 there were and we did look at reducing it, reducing the
08 spread costs, yes.
09 Q. I know that you looked at it. Did you, in
10 fact, do so; and, if so, do you ever a recollection of
11 what you did?
12 A. I don't have a recollection in detail what we
13 did, but I do believe we did manage to make some cost
14 efficiency savings, yes.
15 Q. Was one of the ways in which you sought to
16 further the goal of creating the every dollar matters
17 culture within your group taking steps to ensure that
18 wells under your jurisdiction were completed on time or
19 ahead of time?
20 A. One of the -- the objectives would have been
21 to look at -- you know, com- -- look at the time to
22 drill a well in the plan, and the aim was to try and be
23 as least efficient or, if not, ahead of that. That was
24 an objective that we had.
25 Q. In order to make -- in order to save costs?
00546:01 A. There is other factors involved, too, but that
02 as a principle was a -- an efficiency metric that we
03 used, yes.
04 Q. And, in fact, I think one of the things that
05 you mentioned in your performance evaluation is that
06 during 2008 all three E&A wells completed were delivered
07 significantly ahead of schedule, and that's on Page 1,
08 if you want to look at it, right at the -- I think it's
09 the second box under No. 1.
10 A. That's --
11 Q. Do you see that?
12 A. That's correct.
13 Q. Okay. And the imperative to cut costs and be
14 conscious of costs continued into 2009, correct?

Page 546:16 to 547:14

00546:16 A. Again, this wasn't a cutting of costs. This
17 was a -- looking at the performance perspective it was
18 about the drilling days as a metric in order to strive
19 to achieve that, which was an efficiency metric, which
20 would have a cost aspect to it; and there was the -- the
21 looking at what dollars we were spending and were those

22 dollars being spent as effectively as they should be and
 23 was there any opportunity to -- to reduce those dollars.
 24 Q. (BY MR. NEGER) And one of the ways of
 25 reducing those dollars was to make sure that rigs were
 00547:01 delivered in a timely fashion or ahead of schedule,
 02 right?
 03 MR. FIELDS: Objection; form. Rigs or
 04 wells?
 05 MR. NEGER: Wells, excuse me. Thank you,
 06 so much.
 07 A. Yes, one of the outcomes of delivering the
 08 wells ahead of plan is that they -- they could cost
 09 less. It doesn't always match up that way.
 10 Q. (BY MR. NEGER) I understand. Thank you. And
 11 as Mr. Lacy testified again about ten days ago, there
 12 was tremendous pressure to reduce costs or to drill
 13 efficiently, to use the budgeted funds efficiently
 14 during 2008 and 2009 --

Page 547:16 to 547:16

00547:16 Q. (BY MR. NEGER) -- would you agree with that?

Page 547:19 to 547:25

00547:19 A. I don't know what Mr. Lacy meant by his words,
 20 but performance with safety was a high priority for BP
 21 and for the Gulf of Mexico team, safety being the No. 1
 22 priority and we wouldn't be sacrificing safety to
 23 deliver performance. That was clear. Was there a
 24 desire and a drive to do, in my case wells as
 25 efficiently as possible? Yes.

Page 548:21 to 550:18

00548:21 Q. So, Mr. Little, what steps did you take in
 22 2008 to implement process safety in the operations that
 23 fell under your jurisdiction?
 24 A. In 2008?
 25 Q. Yes, sir.
 00549:01 A. I don't remember the time frame in which we
 02 started, but OMS was a big part of our follow-up to the
 03 Texas City and the Gulf of Mexico started to implement
 04 OMS. I can't remember exact dates, but that was one of
 05 the steps that -- that we took to -- to implement
 06 process safe -- or to -- to improve from Texas City.
 07 Q. And what was your role in the implementation
 08 of OMS?
 09 A. I was involved in the -- the gap assessments
 10 that we -- we started in trying to compare where we are
 11 versus the -- the standards that are in OMS, which was
 12 one of the first...
 13 Q. Okay. In your 2008 performance review you

14 identify one of the key behavioral attributes that had
 15 it been stronger would have resulted in a higher level
 16 of delivery as being the need to standardize, simplify,
 17 and reduce complexity; and let me invite your attention
 18 to the bottom of the page with Bates No. 4840 there on
 19 the left-hand -- I think it's the next page, bottom
 20 left-hand corner.
 21 A. Yes.
 22 Q. Do you see that?
 23 A. I see that.
 24 Q. Okay. And you -- you stated in that form that
 25 you felt like you could do more to push back and shield
 00550:01 the team from unnecessary complexity; do you see that?
 02 A. I see that.
 03 Q. What is that a reference to?
 04 A. It's a reference to quite a wide spectrum of
 05 things. It's -- it's about trying to simplify, trying
 06 to make sure that where there are multiple objectives
 07 that I take a role in prioritizing those for my team,
 08 working with asset teams and exploration teams to
 09 understand their objectives and to -- to make sure we're
 10 as aligned as possible before it gets to my teams to
 11 give them as clear an opportunity to do their job as
 12 possible.
 13 Q. What did you have in mind, though, by your use
 14 of the -- the phrase unnecessary complexity, shield the
 15 team from unnecessary complexity?
 16 A. When I felt something was unnecessary, then I
 17 would take action to clarify that and make it -- and
 18 take out that complexity.

Page 554:20 to 555:05

00554:20 Q. (BY MR. NEGER) Okay. I want to switch gears
 21 one more time, and I ask you to turn, please, to tab 19,
 22 which is a document I think you've seen before. This is
 23 the -- the drilling and wells operation practice, the
 24 DWOP Exhibit 93. You've seen this before, right?
 25 A. I have seen this, yes.
 00555:01 Q. And I think that we've previously represented
 02 to you that this is the -- a corporate representative of
 03 BP has previously testified that this was the DWOP that
 04 was in effect in April of 2010 that governed operations
 05 at the Macondo well.

Page 555:07 to 555:08

00555:07 Q. (BY MR. NEGER) Okay. I'd ask you to turn,
 08 please, to Section 1.3, which is at Bates Page 7276.

Page 555:10 to 555:16

00555:10 Q. (BY MR. NEGER) Okay. And Section 1.3

11 describes the application, and you will -- do you agree
 12 with me that the practice applies to all drilling and
 13 well operations comprising well construction and -- and
 14 drilling and well operations and intervention activities
 15 related to wells performed under the control or
 16 supervision of BP?

Page 555:18 to 557:10

00555:18 A. It -- I mean, pretty much what you said there
 19 is what's written.
 20 Q. (BY MR. NEGER) Okay. And that would include
 21 the Macondo well, right?
 22 A. That's right.
 23 Q. Okay. And we previously discussed the fact
 24 that in Section 1.6 of the document there is a
 25 definition of the application of the word "shall," and
 00556:01 that is used where a provision is mandated, correct?
 02 A. "Shall is used where a provision is mandated
 03 as a minimum requirement."
 04 Q. Okay, great. And deviations from the DWOP
 05 have to be done in writing and they have to be approved
 06 by a certain authority; is that not correct?
 07 A. There is a process for deviations, yes.
 08 Q. Okay. And that process is laid out in
 09 Section 1.7 of the DWOP, right?
 10 A. Yes, there is a outline of how it should
 11 occur, yes.
 12 Q. Exactly, and there is a certain deviation
 13 authority if -- if it's a -- if it's a deviation that is
 14 a standard practice requirement and -- and it is a
 15 "shall" provision, the wells engineering authority must
 16 sign off on the deviation; is that right?
 17 A. That's what it says for shall.
 18 Q. Okay. And if it -- if it is a significant
 19 risk requirement, then the wells engineering authority
 20 must sign off on any deviation for a "shall" requirement
 21 together with the segment engineering technical
 22 authority, correct?
 23 A. It says significant risk, so that would be the
 24 ETPs?
 25 Q. Right.
 00557:01 A. The -- the deviation, the shalls, the wells
 02 engineering authority and the SETA.
 03 Q. Okay, which is the SETA, the S-E-T-A is the
 04 segment engineering technical authority; is that right?
 05 A. No.
 06 Q. What is the SETA?
 07 A. The SETA is the -- the segment -- what did you
 08 say there?
 09 Q. Segment engineering technical authority?
 10 A. Yes.

Page 558:22 to 559:06

00558:22 Q. (BY MR. NEGER) Sure. Section 2.2 says that
 23 all drilling and well operations shall be planned and
 24 performed in compliance with all applicable legislation
 25 and regulations, correct?

00559:01 A. That's what it says, yes.

02 Q. Okay. So if a drilling and well operation
 03 were performed that was not in compliance with an MMS
 04 regulation, that deviation would have to be approved by
 05 the wells engineering authority, correct, otherwise it
 06 would be a violation of the DWOP?

Page 559:08 to 559:10

00559:08 A. It would be a violation of MMS, which would --
 09 Q. (BY MR. NEGER) And a violation of DWOP as
 10 well, correct?

Page 559:12 to 560:04

00559:12 A. It would be a violation to -- to do that from
 13 a regulatory point of view, and we will comply with the
 14 regulations quite clearly, yes, according to this, yes.

15 Q. (BY MR. NEGER) Right, okay. Let's move on to
 16 Section 3.1.13, which is in the HSSE and risk management
 17 section, and that section says that temporary and
 18 permanent changes to personnel should be made using the
 19 management of change process, correct?

20 A. Yes.

21 Q. And this also -- this is a should provision,
 22 so it's not mandatory, but one that is preferred or
 23 recommended, right?

24 A. Should, yes.

25 Q. Now, do you believe that temporary absences of
 00560:01 the sort taken by you between December 2009 and April
 02 2010 are the types of temporary changes to personnel
 03 that should have been made using the management of
 04 change process?

Page 560:06 to 561:24

00560:06 A. I think I've already stated that we -- our
 07 process was to send out a delegation note, ensure that
 08 you had a conversation with your delegate to understand
 09 what was -- what you were handing over. So that was
 10 our -- I would say that was -- that was in compliance
 11 with this.

12 Q. (BY MR. NEGER) Okay. What about the
 13 temporary change of well site leaders that took place on
 14 board the Deepwater Horizon when Mr. Kaluza replaced
 15 Mr. Sepulvado in April of 2010?

16 A. I don't know what happened in that
 17 circumstance, so I can't answer.

18 Q. Quickly turn to Section 3.4, if you would.

19 All D&C -- I'm reading from Section 3.4.1, "All D&C
 20 operations shall follow a documented and auditable risk
 21 management process to include identification,
 22 assessment, prioritization, and action. The processes
 23 will include all risks with either an HSSE or
 24 significant financial impact," right?
 25 A. Yes.
 00561:01 Q. Okay. And this is a shall, so it's required,
 02 right?
 03 A. Uh-huh.
 04 Q. Okay. Are you aware of any documented and
 05 auditable risk management processes in place with
 06 respect to the Macondo well?
 07 A. We had a risk management process in place,
 08 yes.
 09 Q. What was the risk management process in place
 10 for the Macondo well?
 11 A. We had a risk register. Risks were identified
 12 and...
 13 Q. Other than -- apart from the risk register was
 14 there any other documented and auditable risk management
 15 process in place for the Macondo well?
 16 A. That was the risk management process.
 17 Q. Okay. The engineering team leader for the
 18 Macondo, you know Mr. Walz, correct?
 19 A. I know Mr. Walz.
 20 Q. Okay. Mr. Walz testified in his proceeding
 21 that within his team, he was accountable and responsible
 22 for driving the wells risk management process and that
 23 he wasn't aware of any documented and auditable risk
 24 management process at Macondo.

Page 562:07 to 562:10

00562:07 Q. (BY MR. NEGER) If, in fact, there was no
 08 documented and auditable risk management process in
 09 place at Macondo, would that have been a violation of BP
 10 policy?

Page 562:12 to 562:12

00562:12 A. I can't comment on Mr. Walz's comment.

Page 564:12 to 564:14

00564:12 Now, first of all, I want to hand you what has
 13 been marked as Exhibit 792 which was marked this morning
 14 by Mr. Roberts on behalf of Transocean Corporation.

Page 564:17 to 564:25

00564:17 Q. (BY MR. BECK) 7092. It is dated December 27,
 18 2010, correct?

19 A. That's correct.
20 Q. And it is a document, at least on the first
21 page, from Lina Serpa to a number of people; is that
22 right?
23 A. That's correct.
24 Q. You are one of those people?
25 A. That's correct.

Page 565:16 to 565:20

00565:16 document, if you look at the first paragraph, it says
17 that in response to these recommendations, the wells
18 leadership team defined short-term actions aimed to
19 address potential high consequence events from critical
20 wells activities. Do you see that?

Page 565:22 to 565:22

00565:22 Q. Yes, sir.

Page 566:06 to 566:23

00566:06 Q. Let me ask you a question. It says that the
07 wells leadership team has defined short-term actions
08 aimed to address potential high consequence events from
09 critical wells activities, correct?
10 A. That's what is written here.
11 Q. And then the next sentence says, "RPU's" --
12 what is an RPU?
13 A. It's a regional performance unit.
14 Q. All right. It says, "RPU's should focus their
15 efforts on the defined actions described in the document
16 attached." Do you see that?
17 A. That's -- that's correct.
18 Q. Now, when you -- you received this document;
19 did you not?
20 A. I did receive this document.
21 Q. And what did you do when you received it?
22 A. I read it, and we -- we started to work on the
23 items in my area in here.

Page 568:03 to 568:03

00568:03 the -- let's turn over the pages until you get to the

Page 568:08 to 568:08

00568:08 Q. Look at -- turn over until you see 83606.

Page 568:12 to 568:14

00568:12 Q. (BY MR. BECK) It's entitled "Subsea BOPs,"

13 and I believe it's the fifth page. You see that?
 14 A. I see that.

Page 568:20 to 569:14

00568:20 Q. And it's entitled, "Subsea BOPs, ram
 21 Configuration, Emergency System Requirements, Testing,
 22 Verification and Shear Ram Requirements"; is it not?
 23 A. "Interim Guidance."
 24 Q. Yes, sir, the next words are "Interim
 25 Guidance"; is that right?
 00569:01 A. That appears to be right, yes.
 02 Q. And then if you look, the next paragraph talks
 03 about context; does it not, sir?
 04 A. It -- the next paragraph is called context,
 05 yes.
 06 Q. Now, if you look at the last sentence in that
 07 paragraph, it says, does it not, "In the interim, the
 08 following guidance in the area of subsea BOP ram
 09 configuration, emergency system requirements, testing,
 10 verification and shear ram requirements should be
 11 immediately actioned." Do you see that?
 12 A. I see that.
 13 Q. That's something that most people, in your
 14 judgment, would understand; would they not?

Page 569:17 to 571:19

00569:17 A. It -- it doesn't appear to be ambiguous, no.
 18 Q. (BY MR. BECK) It's clear, isn't it?
 19 A. It seems to be clear.
 20 Q. And -- and what is being stated here is that
 21 the following guidance which is set forth in here should
 22 be, in the words of this document, immediately actioned,
 23 correct?
 24 A. Without reading to restate it, it says that
 25 requirements should be immediately actioned.
 00570:01 Q. And then the next sentence, first sentence of
 02 the next paragraph, it says, and I quote, It is
 03 recognized that the current configuration on rigs
 04 currently contracted to BP may not match the revised ram
 05 configuration and emergency systems addressed in this
 06 interim guidance, correct?
 07 A. That's what the first sentence of that
 08 paragraph says.
 09 Q. Now, so that the Judge might know or that the
 10 jury who may hear this case might know, did any of the
 11 BP rigs, and by that, I mean, rigs that were under
 12 contract to BT -- BP match this configuration before
 13 April 20, 2010?
 14 A. I don't know.
 15 Q. You don't have any idea?
 16 A. I don't know.
 17 Q. You can't for the ladies and gentlemen of the

18 jury or for Judge Barbier name one BP rig contract -- I
 19 mean, a BP -- a rig that BP had a contract with that
 20 matched any of these configurations before April 20,
 21 2010; is that correct?
 22 A. I don't know.
 23 Q. You don't know one way or the other?
 24 A. I don't know.
 25 Q. It goes on to say -- and let's go down to the
 00571:01 next paragraph. It says, "Any loss of BP redundancy" --
 02 by the way, you know what "redundancy" is; do you not?
 03 A. I know the term "redundancy."
 04 Q. All right. In -- in the context of BOP
 05 redundancy, doesn't that in layman's terms mean backup?
 06 A. Redundancy would mean having more than one
 07 thing to do at the same time.
 08 Q. So that if -- if a particular item or the task
 09 doesn't work, you've got a backup that will work; isn't
 10 that essentially true, in layman's terms?
 11 A. "Redundancy" means that if something doesn't
 12 work, there is something else that could come in and --
 13 Q. All right.
 14 A. -- take over.
 15 Q. And it goes on to say, quote, Any loss of BOP
 16 redundancy that impacts BOP performance shall be
 17 communicated to the RPU DP Wells. Does that represent a
 18 change in the procedure that existed before April 20,
 19 2010?

Page 572:02 to 572:03

00572:02 My question is is that a change in the
 03 procedure that existed while you were wells manager?

Page 572:05 to 573:08

00572:05 A. I'm not aware of that statement in our policy
 06 before.
 07 Q. (BY MR. BECK) All right. So at least as far
 08 as you know sitting here today, you're not aware of that
 09 being a requirement in the procedure before April 20,
 10 2010; is that correct?
 11 A. I'm not aware of that, no.
 12 Q. All right. Now, it goes on to say that
 13 whenever the word "shall" is used in this interim
 14 guidance, that means "mandatory," does it not?
 15 A. "'Shall' is used where a provision is
 16 mandatory."
 17 Q. That means you better do it, right?
 18 A. It means it's mandatory, yes.
 19 Q. Now, in the next section entitled "Interim
 20 Subsea BOP ram Configuration," you see there were
 21 several items there, and I want to reference
 22 specifically the sentence that says, "The significant
 23 points of interim guidance are." Do you see that

24 section there?
 25 A. I see that section, yes.
 00573:01 Q. And the first item under "Significant points
 02 of interim guidance" is, one, "A casing shear ram shall
 03 be required for all subsea BOPs." Do you see that?
 04 A. I see that.
 05 Q. Can you tell the ladies and gentlemen of the
 06 jury who may hear this case or Judge Barbier whether or
 07 not every rig that was under contract to BP before
 08 April 20, 2010 satisfied that item?

Page 573:11 to 574:04

00573:11 A. I don't know.
 12 Q. (BY MR. BECK) Don't know one way or the
 13 other?
 14 A. I don't know.
 15 Q. The next item is "DP rigs shall have 2 sets of
 16 blind shear rams." What is a DP rig?
 17 A. Dynamically positioned.
 18 Q. Do you know whether or not before April 20,
 19 2010, any DP rig that was under contract to BP matched
 20 or satisfied this provision before April 20, 2010?
 21 A. I don't know.
 22 Q. How about the third item, do you know whether
 23 or not the third item in here, which talks about the
 24 "blind shear rams shall be in the top cavity and casing
 25 shear rams should be installed between the blind shear
 00574:01 rams or directly below them," do you know whether or not
 02 any of the BP contracts or drilling rigs before
 03 April 20, 2010 required that particular type of
 04 configuration?

Page 574:07 to 575:03

00574:07 A. I have -- this wasn't in place before -- what
 08 was the date you say?
 09 Q. (BY MR. BECK) I don't -- I'm not asking
 10 whether it was in place. I'm simply -- are you aware of
 11 whether or not that particular item, that -- that type
 12 of configuration was in existence -- existed on any BP
 13 rig under contract before April 20, 2010?
 14 A. I don't know.
 15 Q. Don't know one way or the other?
 16 A. Don't know.
 17 Q. Now, let's go down to the next page, and I
 18 want to jump down to the section that says, and I quote,
 19 "These interim subsea BOP ram configurations are based
 20 on the following." Do you see that?
 21 A. I see that.
 22 Q. I want to come down to the second dot there.
 23 It says, quote, Dynamically positioned rigs have the
 24 potential to have a "drive/drift-off" which would
 25 include pipe being moved through the stack as that

00575:01 occurred.
02 What does that mean to you as an engineer with
03 BP?

Page 575:05 to 575:10

00575:05 A. So to -- to me, as Ian Little, that means that
06 if the rig lost station keeping, for whatever reason,
07 and started to drift off of location, the riser would
08 move, and if -- if drill pipe was in the hole at that
09 time, then there is the potential that drill pipe
10 would -- would move with the -- with the riser.

Page 575:17 to 575:19

00575:17 Q. (BY MR. BECK) Sure. If the rig diverts, as
18 you've just explained it, does that have the potential
19 to pull the pipe through the BOP?

Page 575:21 to 576:02

00575:21 A. You mean -- divert, you mean drift off?
22 Q. (BY MR. BECK) Yes, sir.
23 A. If there was drill pipe in the hole and it
24 drifted off, this says that pipe could move because of
25 the -- the length, yes.
00576:01 Q. And if it does move, can it, in fact, pull the
02 pipe through the BOP?

Page 576:05 to 576:16

00576:05 A. I don't know the -- the specifics of what went
06 into this particular sentence, so I don't know if that's
07 what it means or not.
08 Q. (BY MR. BECK) Well, but you know that in the
09 circumstance that you described, it has the potential to
10 do that; do you not?
11 A. It's what it says here, yes.
12 Q. It does?
13 A. Yeah.
14 Q. And is it also true that it has the potential
15 in the instance you described to actually bow the pipe
16 inside the riser?

Page 576:18 to 577:03

00576:18 A. I don't know that.
19 Q. (BY MR. BECK) Well, sir, you're an engineer,
20 right?
21 A. I am an engineer.
22 Q. And you've been involved in this industry for
23 how long?

24 A. Thirty years.
 25 Q. All right. And you know that if a rig starts
 00577:01 drifting off and pipe is pulled through the BOP because
 02 the rig is drifting off, it can also have the potential
 03 to bend the pipe; can it not?

Page 577:05 to 577:13

00577:05 A. I'm not an expert in this area. I've never
 06 looked at that as a -- as an engineer, so I don't know.
 07 Q. (BY MR. BECK) I'm not asking you as an
 08 expert. I'm just simply asking you, in your experience,
 09 have you ever had a situation where a rig drifts off
 10 site and pipe is actually bent inside the riser?
 11 A. I'm not aware of having a situation like that.
 12 Q. But you know as a matter of common sense if
 13 the rig drifts off site, that can happen, can't it?

Page 577:16 to 578:02

00577:16 A. I -- I can't -- I'm not an expert. I don't
 17 know what's meant by -- if that means what you're
 18 saying. I -- I've never looked at this as an engineer.
 19 Q. (BY MR. BECK) Well, I mean, weren't you part
 20 of this team that received this?
 21 A. I was -- I was a recipient of this.
 22 Q. And did you ever ask anybody what this meant?
 23 A. I didn't ask anyone what this meant.
 24 Q. All right. And so -- again, so that the
 25 ladies and gentlemen of the jury might know and Judge
 00578:01 Barbier, are you saying that if -- if a rig drifts off,
 02 that the pipe that's inside the riser cannot bend?

Page 578:07 to 578:10

00578:07 A. I didn't say that. I said I don't know.
 08 Q. (BY MR. BECK) So you, as the well manager,
 09 during the time period you told us you were, you don't
 10 know whether that can happen or not?

Page 578:13 to 578:16

00578:13 A. I haven't looked at that particular situation
 14 and -- to -- to make that statement, no.
 15 Q. (BY MR. BECK) You've never looked at it ever?
 16 A. No.

Page 578:19 to 578:25

00578:19 Q. (BY MR. BECK) All right. Let's move down to
 20 the subsea BP emergency systems. You see in the third
 21 dot it says, "Deadman and autoshear system shall be set

22 up to activate both the casing shear ram and the blind
 23 shear ram above it in that order." Did any rig under BP
 24 contract prior to April 20, 2010 satisfy that
 25 requirement?

Page 579:02 to 579:07

00579:02 A. I mean, I don't know how the rigs were set up
 03 to do this.
 04 Q. (BY MR. BECK) All right. Let's look at the
 05 next page entitled "Interim Subsea BOP Testing." Do you
 06 see that?
 07 A. I see it.

Page 579:12 to 579:22

00579:12 Q. And it says, "In addition to the standard
 13 testing required in the Well Control ETP, the following
 14 tests shall be undertaken," correct?
 15 A. That's what it says.
 16 Q. And it lists the six tests that you just
 17 mentioned, right?
 18 A. I didn't mention the six, but there are six
 19 bullet points here, yes.
 20 Q. All right. Now, look at the first one there:
 21 "Deadman system shall be live tested at the surface."
 22 Do you think that's a good idea?

Page 579:24 to 580:23

00579:24 A. I didn't write this. I didn't know the
 25 background as to why it was written. That's the -- the
 00580:01 guidance that we're getting based on the learnings
 02 that -- the team that have that expertise. I have no
 03 reason to question why we would be asked to do that.
 04 Q. (BY MR. BECK) Would you agree that by being
 05 included in this, somebody at BP thought it was a good
 06 idea?
 07 A. I think I just said I wasn't part of the team
 08 that developed this, but it's come to me from BP as
 09 something we should do, so, therefore --
 10 Q. All right.
 11 A. -- I can't disagree it's not a good plan.
 12 Q. And to kind of short-circuit this, every one
 13 of these six tests, somebody within BP thought it was
 14 sufficiently -- a sufficiently good idea to include it
 15 in these recommendations, correct?
 16 A. This came from BP, and they're in this
 17 document and, yes.
 18 Q. So somebody thought it was a good idea?
 19 A. Yeah.
 20 Q. And even though this document is dated
 21 December 27, 2010, if it was a good idea after April 20,

22 it sure as heck would have been a good idea before
23 April 20, wouldn't it?

Page 581:01 to 582:03

00581:01 A. I don't know that -- the background of where
02 this comes from. I can't make a comment on that.
03 Q. (BY MR. BECK) So you don't know one way or
04 the other?
05 A. This was -- come out of -- as part of the
06 Deepwater Horizon incident investigation. These rec- --
07 these were the recommendations that came out. So these
08 are based on the investigation.
09 Q. (BY MR. BECK) All right. Looking at the --
10 the page with the heading -- next page, "Interim Shear
11 Ram Requirements."
12 Do you see that?
13 A. Yeah.
14 Q. And first sentence says, BOP shall be
15 capable -- shall means mandatory, we've seen that,
16 right?
17 A. Correct.
18 Q. It says, "BOP shall be capable of shearing
19 drill pipe under the maximum anticipated surface
20 pressures."
21 Do you know whether or not that is a
22 regulatory requirement?
23 A. I don't know that.
24 Q. Do you know whether or not that was a
25 regulatory requirement on April 20, 2010?
00582:01 A. I don't know.
02 Q. Somebody, again, thought that this was a good
03 idea to be included in these recommendations, right?

Page 582:05 to 582:06

00582:05 A. They're included in this document that was
06 sent to me.

Page 582:14 to 582:21

00582:14 Q. Okay. How would you determine that the rams
15 are capable of shearing drill pipe under the maximum
16 anticipated surface pressures?
17 A. I don't know how that's calculated.
18 Q. Do you know whether that was ever done on
19 Macondo?
20 A. I don't know.
21 Q. Should it have been?

Page 582:24 to 583:03

00582:24 A. I don't know if it was done.

25 Q. (BY MR. BECK) You don't have -- have no idea?
00583:01 A. I don't know.
02 Q. Did anybody ever ask you if it was a good idea
03 to do that?

Page 583:05 to 583:07

00583:05 A. I don't recall being asked.
06 Q. (BY MR. BECK) All right. Let's look at
07 Exhibit 7097, and I put that -- I'm finished with that

Page 583:11 to 583:13

00583:11 Q. (BY MR. BECK) This is a document dated
12 March 11, 2010, from David Sims to a number of people,
13 including you; is that correct?

Page 583:16 to 583:16

00583:16 A. That's correct, yeah.

Page 583:21 to 584:02

00583:21 Q. All right. If you look at the last paragraph,
22 David Sims is telling you and others, quote, costs,
23 currently \$10 million over AFE.
24 Do you see that?
25 A. I see that.
00584:01 Q. So as of March 11, 2010, this well was
02 \$10 million over the AFE --

Page 584:04 to 584:16

00584:04 Q. (BY MR. BECK) -- is that correct?
05 A. It -- it states currently \$10 million over F -
06 over AFE, and it was dated March the 11th.
07 Q. And we're talking about the Macondo well,
08 right?
09 A. It's talking about the Macondo update, yes.
10 Q. And it goes on to say, quote, We will likely
11 double that by the time we get back to this equivalent
12 depth on the sidetrack, end of quote.
13 Do you see that?
14 A. I see that.
15 Q. So if that occurs, you're talking about at
16 least \$20 million over the AFE?

Page 584:18 to 585:08

00584:18 A. That's correct.
19 Q. (BY MR. BECK) As of March 11, 2010, right?
20 A. Well, that would be later when we get back to

21 that depth, which would be in the future.
 22 Q. All right. And -- and -- and when in all
 23 likelihood would that equivalent depth on the sidetrack
 24 have been reached?
 25 A. I don't recall when it was reached.
 00585:01 Q. Was it before or after April 20?
 02 A. As relates to this --
 03 Q. Yes, sir.
 04 A. -- e-mail? It would have been April 20.
 05 Q. All right. So, again, to be fair to whoever
 06 sees your testimony or reads your testimony, we're
 07 talking about by April 20, 2010, the Macondo well would
 08 have been at least \$20 million over the AFE?

Page 585:10 to 585:11

00585:10 A. I don't know if it was. There -- this was an
 11 estimate. So what it was in actuality --

Page 585:15 to 585:17

00585:15 As of April 20, 2010, based on Exhibit 7097,
 16 the estimate was that the Macondo well would be
 17 approximately \$20 million over the AFE?

Page 585:19 to 587:05

00585:19 A. The -- the way this reads is the -- by the
 20 time we go back to the equivalent depth that they were
 21 at when this issue happened, the -- David's estimate was
 22 we would be \$20 million over AFE.
 23 Q. (BY MR. BECK) All right. Let's look now, if
 24 you would, at Exhibit 7098, which is tab 7. Tab 7 is a
 25 document dated September 28th, 2009, that pertains to
 00586:01 Macondo well; does it not?
 02 A. Yes, appears to be.
 03 Q. And this memorandum was sent out by you and a
 04 man named Joe -- Jay Thorseth, correct?
 05 A. Signed by myself and Jay Thorseth.
 06 Q. And how many people got this?
 07 A. This was a incentive program we set up at the
 08 start of the Macondo well.
 09 Q. My question is: How many people got this?
 10 A. I don't think anybody got this.
 11 Q. You didn't send it out?
 12 A. You mean who -- how many people got the memo?
 13 Q. Yes, sir.
 14 A. I don't know how many people got the memo.
 15 Q. Well, can you give us a ballpark estimate?
 16 A. This was a memo to set up the incentive
 17 program. I don't know if it was distributed to
 18 individuals.
 19 Q. Well, when you sent it out, who did you

20 anticipate was going to see this?
 21 A. I didn't send it out.
 22 Q. Well, you signed it.
 23 A. I signed it.
 24 Q. When you signed it, did you think it was just
 25 going to go in a file or did you think that somebody was
 00587:01 going to get it?
 02 A. It wasn't -- I didn't send it out. It was
 03 a incentive program was put in place for the well. It
 04 would have been communicated to the wells -- the rig
 05 team on the Horizon --

Page 587:07 to 588:18

00587:07 A. -- or Marianas, because this was before when
 08 it was on the -- when we were drilling the Macondo with
 09 the Marianas.
 10 Q. How many people on the rig team would have
 11 received information about this incentive award program?
 12 A. Everybody on the rig would have received it.
 13 Q. How many people are we talking about?
 14 A. I don't know.
 15 Q. Give us your best estimate.
 16 A. How many people were -- a hundred on any one
 17 time, you got more than one crew.
 18 Q. All right. This document that was signed by
 19 you says that B -- among other things, that BP -- quote,
 20 BP plans to implement a discretionary incentive award
 21 program during the drilling of the MC 252 No. 1 well.
 22 Is that correct?
 23 A. Yes.
 24 Q. And if you come down a couple of sentences, it
 25 says, "A total performance incentive award of up to
 00588:01 \$4,525 per person is possible."
 02 A. That's right.
 03 Q. And the -- it's a discretionary program,
 04 right?
 05 A. That's what it says.
 06 Q. Who makes the decision about who gets the
 07 money? You and Mr. Thorseth?
 08 A. "Participants will include all 'full-time'
 09 employees working on a regular rotation on the rig,
 10 including catering, third-party contract personnel whose
 11 companies are willing to participate."
 12 Q. No, sir. I'm not asking you about
 13 participants. I'm asking you who decides in their
 14 discretion who receives the award?
 15 A. There is this -- the people who receive the
 16 award is the participants, which is outlined here.
 17 Q. No, sir. That's not what I -- actually, who
 18 decided who received the award?

Page 588:23 to 589:06

00588:23 Q. (BY MR. BECK) Who made the decision about
24 whether or not David Sims gets the award, John Guide
25 gets the award, or whoever?
00589:01 A. The -- the -- this is aimed at the -- the rig
02 employees, so it's -- and -- and if you look at under
03 "Ground Rules," the second paragraph, it outlines who
04 the participants are in the incentive program.
05 Q. Did you have any role in deciding who got the
06 award, who got the money?

Page 589:11 to 590:08

00589:11 Q. (BY MR. BECK) During the time period that
12 this program was implemented, after September 28, 2009,
13 up through April 20, 2010 -- and I realize you went to
14 North Africa during a period of that -- I'm just saying
15 during that time period, did you at any time have any
16 say-so in who received any part of this discretionary
17 award?
18 A. To my knowledge, this -- this discretionary
19 award was not paid out.
20 Q. You're saying it was never paid out?
21 A. To my knowledge, it was never paid out.
22 Q. Is that because of what happened on April 20,
23 2010?
24 A. No. I think this was set up for the Marianas
25 when it was going to drill the well, and by the time the
00590:01 Marianas had finished, we were already behind plan, so I
02 don't believe we paid out any incentive to the -- the
03 employees on -- the rig crew on the Marianas.
04 Q. Do you have any personal knowledge of whether
05 anybody received any money as a result of this incentive
06 award program?
07 A. I'm not aware of --
08 Q. You don't know one way or the other?

Page 590:11 to 591:05

00590:11 A. My understanding is it wasn't paid out.
12 Q. (BY MR. BECK) All right. But whether it was
13 paid out or not, there was an incentive award program
14 that was set up in September of 2009, correct?
15 A. You're referring to this document?
16 Q. Yes, sir.
17 A. This document.
18 Q. Yes, sir.
19 A. This --
20 Q. And time was a factor in whether or not a
21 person received the incentive award?
22 A. It was a factor.
23 Q. As a matter of fact, the faster the well was
24 completed, the higher the potential incentive award,
25 right?
00591:01 A. The number of days taken to -- to deliver the

02 well drove the level of the award, yes.
 03 Q. Yeah. In other words, if you did it in less
 04 than 72 -- excuse me, less than 52 hours, you might get
 05 \$4,525; but if it took 75, you got zero?

Page 591:08 to 591:15

00591:08 Q. (BY MR. BECK) Is that right?
 09 A. There is -- that's not the only factor. A
 10 large part of it is based on delivering safe
 11 performance.
 12 Q. Not -- not questioning that. I'm just simply
 13 saying that there is a time -- that there is a table
 14 here which talks about the number of days, what the
 15 award is, and the per-day reduction, right?

Page 591:18 to 591:25

00591:18 A. (Continuing) The table indicates what the
 19 award is based on the number of days.
 20 Q. (BY MR. BECK) Who came up with that table?
 21 A. The -- the incentive program, from my
 22 recollection, was prepared by the wells team leader.
 23 Q. All right. Did you approve it before it went
 24 out?
 25 A. I signed it.

Page 592:05 to 592:06

00592:05 Q. Well, did you -- did you approve it or not
 06 approve it?

Page 592:08 to 592:08

00592:08 A. Yes, I did approve it, yes.

Page 592:14 to 595:19

00592:14 Q. (BY MR. BECK) Let's turn to Exhibit 7099,
 15 please, and this is tab 3. I think there was a brief
 16 reference to this earlier in your deposition, or at
 17 least a similar one. This is an annual individual
 18 performance assessment for John Guide; is that correct?
 19 A. That's correct.
 20 Q. Now, as I understand these assessment forms
 21 and the procedure at BP, a person like John Guide would
 22 fill this out, at least part of it; is that right?
 23 A. That's correct.
 24 Q. And they kind of state in this assessment how
 25 they think they're doing?
 00593:01 A. Well, there is two parts to -- one is we --
 02 based on the objectives for the group that you're

03 working in, you create objectives at the start of the
04 year.

05 Q. Okay.

06 A. And then that's agreed with your line manager.
07 And then as you go through the year, that's reviewed and
08 you -- you write down how well you think you're doing --

09 Q. Okay.

10 A. -- against those objectives.

11 Q. And then does the -- the next person up the
12 chain have input on this assessment?

13 A. Next person on the chain?

14 Q. Above Mr. Guide, for example. For example,
15 your name says, line manager, Ian Little.

16 A. Yes, I have input, yes.

17 Q. Okay. And would you return to the second page
18 of Exhibit 7099, please. Would you agree that in
19 Mr. Guide's 2009 Annual Individual Performance
20 Assessment that cost performance, every dollar counts
21 was part of his overall evaluation?

22 A. It is one of his objectives, yes.

23 Q. And part of his overall evaluation included,
24 quote, Champion cost efficiencies within rig operations.
25 Correct?

00594:01 A. That's what it says, yes.

02 Q. And part of that was creating a culture of
03 every dollar counts within the operation team, correct?

04 A. That's what it --that's what it says, create
05 a --

06 Q. And under that where it says "Midyear
07 Performance Conversation," now, would -- would this be
08 what Mr. Guide is saying or would this be what you were
09 saying?

10 A. This would be what Mr. Guide had written down.

11 Q. Mr. Guide is saying as part of his annual
12 individual performance assessment for year ending 2009,
13 quote, The Horizon team has embraced every dollar
14 matters culture, correct?

15 A. That's what it says.

16 Q. Then he goes on to say, quote, Daily
17 operational decisions now include the cost component,
18 correct?

19 A. That's what it says.

20 Q. And then the year-end assessment that
21 Mr. Guide fills out says, quote, Culture in place for
22 every dollar matters, right?

23 A. That's correct.

24 Q. So on April 20, 2010 the Deepwater Horizon rig
25 had in place this culture of every dollar matters; is
00595:01 that correct?

02 A. That was John's assessment, yes.

03 Q. Well, was that true?

04 A. That was what John assessed.

05 Q. Do you think it's true?

06 A. I have no -- no reason to question what he'd
07 written down here.

08 Q. All right. Okay. So at least as far as what
 09 John Guide has said, that this every dollar matters
 10 culture is now in place on the Deepwater Horizon rig,
 11 right?

12 A. It says culture in place for every dollar
 13 matters.

14 Q. And as far as you know that culture was in
 15 place all the way up through April 20, 2010, right?

16 A. I don't know that.

17 Q. Well, do you don't know of any reason why this
 18 every dollar matters program or culture was changed
 19 between the end of December of 2009 and April 20, 2010?

Page 595:21 to 596:01

00595:21 A. I don't know. We didn't -- we didn't review
 22 what had happened in the first part of the year.

23 Q. (BY MR. BECK) So my question to you is you
 24 don't have any personal knowledge of anybody changing
 25 that and doing away with it, do you?

00596:01 A. No, I don't.

Page 596:08 to 596:12

00596:08 the Deepwater Horizon -- excuse me, the -- you do -- you
 09 do know that the Macondo well was above the AFE?

10 A. It was.

11 Q. In -- in terms of an estimated \$20 million, if
 12 not higher, right?

Page 596:14 to 596:14

00596:14 A. There was -- it was above AFE.

Page 597:15 to 597:17

00597:15 Q. All right. The fact of the matter is -- and
 16 I'm not being critical. The fact of the matter is BP
 17 wanted this well drilled; did it not?

Page 597:19 to 597:22

00597:19 A. The -- the fact we were drilling it meant we
 20 wanted the well drilled, yes.

21 Q. (BY MR. BECK) And you wanted it drilled as
 22 quickly as you believed it could be drilled?

Page 597:24 to 598:03

00597:24 A. I mean, I think if you -- if you see every
 25 well, we have a set of objectives that we try to

00598:01 achieve. One aspect of that is time, which will relate

02 to cost. A overriding aspect of that is to deliver that
03 well safely.

Page 598:05 to 598:15

00598:05 A. That is the overriding objective of doing any
06 drilling operation. There is an aspect of days and
07 costs that we try to achieve.
08 Q. Isn't it true that both John Guide and David
09 Sims were informed that cost was a very important part
10 of their evaluation with respect to the drilling of the
11 Macondo well?
12 A. Cost was an important part of their overall
13 objectives. It didn't take precedence over safety.
14 Q. My question was were they informed of the
15 importance of cost to their performance?

Page 598:19 to 599:06

00598:19 A. Cost was an objective of their as well as
20 safety, which was quite clearly an overriding objective.
21 Q. (BY MR. BECK) Where does it say in
22 Exhibit 7099 that safety is the overriding
23 consideration?
24 A. It's clearly stated through everything we do.
25 Q. No, my question is in Exhibit 7099 where is it
00599:01 stated that safety is the overriding consideration over,
02 for example, the "every dollar counts" program?
03 A. In this case you could look at it was the
04 first thing mentioned in their performance appraisal,
05 but quite clearly it's in what we say in everything we
06 do.

Page 599:20 to 599:23

00599:20 Q. (BY MR. BECK) If there is anything in
21 Exhibit 7099, it says that safety overrides your cost
22 performance and the "every dollar counts" program, would
23 you please point that out to us.

Page 599:25 to 600:02

00599:25 A. I think if I read this I see safety in most of
00600:01 these boxes, but it doesn't say safety overrides in this
02 form.

Page 600:04 to 600:06

00600:04 just very quickly. Exhibit 7054 which you were asked
05 about earlier is an e-mail from Jake Skelton to you,
06 dated June 5, 2008.

Page 600:19 to 602:09

00600:19 Q. (BY MR. BECK) All right. You've seen
 20 Exhibit 7054 before; have you not?
 21 A. I believe I have seen this before, yes.
 22 Q. Okay. And this references the audit that was
 23 done by BP on the Deepwater Horizon the January of 2008,
 24 correct?
 25 A. It refers to the audit in 2008, yes.
 00601:01 Q. And was it your understanding in your capacity
 02 as E&A wells operations manager at the time that BP had
 03 the right to conduct an audit on a rig like the
 04 Deepwater Horizon?
 05 A. At the time when the audit was done or --
 06 Q. Yes, sir.
 07 A. We had a right to conduct an audit, yes.
 08 Q. Okay. And there was more than one audit done
 09 on the Deepwater Horizon; was there not?
 10 MR. RUBINSTEIN: Can you be clear as to
 11 time?
 12 Q. (BY MR. BECK) Yeah. There was one done in
 13 January 2008, correct?
 14 A. That's correct.
 15 Q. And there was also one done in September 2009?
 16 A. That's correct.
 17 Q. And as far as you know in your capacity as E&A
 18 operations manager you believe that BP had the right to
 19 conduct those audits?
 20 A. I believe so, yes.
 21 Q. Okay. And did -- I know you weren't
 22 personally involved in the audit, Mr. Little, but did
 23 you have the expectation that Mr. Skelton, for example,
 24 would inform you of the results of the audit?
 25 A. I had the expectation that the wells team
 00602:01 leader for the rig and at this time Jake Skelton would
 02 work with Transocean to close out the audit actions.
 03 Q. Okay. And if you see in the second paragraph
 04 here, he is saying, quote, Overdue critical maintenance
 05 for most disciplines was considered acceptable. Do you
 06 see that?
 07 A. I see that.
 08 Q. And that means it was considered acceptable by
 09 BP, correct?

Page 602:11 to 603:20

00602:11 A. I think he had taken this out of the audit as
 12 a -- a statement that was contained in the audit, so
 13 that was the auditor's view at the time.
 14 Q. (BY MR. BECK) And that was the BP auditor?
 15 A. Without going and reading the actual audit to
 16 ensure that that was accurate, I mean, I'm assuming it
 17 is.
 18 Q. Well, Norman Wong was the head of the rig
 19 audit, wasn't he?

20 A. Yeah, but I haven't gone and read the rig
 21 audit to see if Jake pulled this out directly from it.
 22 It's in italics -- it's in commas. That would tend to
 23 suggest that he pulled it out of the audit.
 24 Q. Okay. Then it goes on to say in that same
 25 sentence, it says, whilst, W-h-i-l-s-t, the subsea
 00603:01 department has significant overdue critical maintenance,
 02 some by as much as one year. Do you see that?
 03 A. I see that.
 04 Q. And the subsea department, would that include
 05 such items as the blowout preventer?
 06 A. It would.
 07 Q. Now, is there a difference between maintenance
 08 and critical maintenance, in your judgment?
 09 A. I don't know exactly what that critical
 10 maintenance meant in this case.
 11 Q. But my -- my question to you is do you make
 12 any distinction between maintenance and critical
 13 maintenance?
 14 A. I don't make any distinction. The auditors
 15 obviously have.
 16 Q. All right. When you read this did you think
 17 there was any significance to the phrase critical
 18 maintenance?
 19 A. I don't recall if I read any significance into
 20 this at the time.

Page 603:23 to 604:05

00603:23 Q. (BY MR. BECK) All right. Mr. Skelton talks
 24 about how, quote -- this is the last paragraph -- I have
 25 the responsibility to monitor the closeout of the audit
 00604:01 findings. Do you see that?
 02 A. I see that.
 03 Q. And he says that the -- that the audit will be
 04 six months old, and he goes on to say that he hasn't
 05 even scheduled the first meeting yet.

Page 604:07 to 604:12

00604:07 Q. (BY MR. BECK) Do you see that?
 08 A. Mr. Skelton had just come into this role in --
 09 in May of that year.
 10 Q. Do you know when he ever scheduled such a
 11 meeting?
 12 A. I don't know.

Page 606:20 to 607:16

00606:20 Q. Well, have you heard anything? Can you recall
 21 anything that you heard about the float collar?
 22 A. I mean, other than the discussion that
 23 centered on how the hydrocarbons may have entered the

24 well.
 25 Q. Okay. Did you hear anything else about how
 00607:01 the hydrocarbons may have entered the well?
 02 A. No.
 03 Q. What else did you hear about the float collar?
 04 A. That was one possible path for the entry of
 05 the hydrocarbons.
 06 Q. Through the -- through the reamer shoe?
 07 A. Through the casing shoe, yes.
 08 Q. Through the casing shoe and then where?
 09 A. I guess up the casing.
 10 Q. And then where?
 11 A. To -- to cause the blowout, yes.
 12 Q. To cause the blowout. What did you hear about
 13 the float collar in that regard?
 14 A. Only that that is a -- that if the -- if it
 15 was flowing up the casing, it would have had to bypassed
 16 or gone through the float equipment in the casing.

Page 608:11 to 608:23

00608:11 Q. Now, you did talk about your role as wells
 12 manager for BP in the Gulf of Mexico exploration and
 13 appraisal, and you were involved in the design of the
 14 Macondo well -- or I should say your engineering team
 15 that you supervised was involved in the design of the
 16 Macondo well, correct?
 17 A. The engineering team leader who supervised the
 18 engineers who designed the well worked for me, yes.
 19 Q. Do you know the reason why the BP engineers
 20 who designed the Macondo well utilized float equipment
 21 when they were running strings of casing?
 22 A. We run float equipment when we run strings of
 23 casing as a fairly normal practice.

Page 609:15 to 609:18

00609:15 Q. And do you know the purposes that your well
 16 team seeks to achieve when they run auto fill float
 17 equipment into the hole or on the casing prior to
 18 pumping a cement job?

Page 609:20 to 610:01

00609:20 A. There is a question do I know what auto fill
 21 float equipment are?
 22 Q. (BY MR. ZERINGUE) No, I'm asking do you know
 23 the reasons why and the purposes that your BP engineers
 24 were trying to achieve when they ran the float equipment
 25 in the hole at Macondo on intermediate strings of casing
 00610:01 as part of the well plan or design?

Page 610:03 to 611:10

00610:03 A. The -- yes. The -- the casing strings would
 04 be designed to have float equipment in them and for the
 05 reasons of isolation while you run the casing and cement
 06 the casing.
 07 Q. (BY MR. ZERINGUE) Isolation while you run the
 08 casing?
 09 A. To stop -- stop the backflow of mud and cement
 10 after the end of the cement job.
 11 Q. Well, to stop the backflow of cement, correct?
 12 A. Yeah.
 13 Q. Would you agree that the purpose of float
 14 equipment in a cement job is to prevent the cement from
 15 flowing back into the casing when pumping is stopped
 16 and/or the pressure is released?
 17 A. That's the primary role, I believe.
 18 Q. That's the primary purpose of running auto
 19 fill float?
 20 A. Yes, it is.
 21 Q. Now, auto fill float equipment has a function
 22 in surge production -- excuse me, auto fill float
 23 equipment has a function in preventing or reducing
 24 surge, correct, when running in the hole?
 25 A. If the auto fill equipment is run and it's
 00611:01 operating, the theory behind it is you cause less surge
 02 while you're running in the hole, that's correct.
 03 Q. And do you know the reasons why the BP
 04 engineers who designed the Macondo well would have run
 05 auto fill float equipment?
 06 A. The main reason we would do that would be to
 07 adjust the surge pressures while running the casing.
 08 Q. And were there any loss returns that were
 09 experienced at the Macondo well when the float -- the
 10 float equipment was being run in the hole on the casing?

Page 611:12 to 612:04

00611:12 A. I don't recall.
 13 Q. (BY MR. ZERINGUE) And you didn't hear
 14 anything about that?
 15 A. I don't recall.
 16 Q. And a third reason that the BP engineers used
 17 float equipment is to provide a landing profile for the
 18 cement plugs, correct?
 19 A. That is another reason for having float
 20 equipment in -- in the casing, yes.
 21 Q. Okay. So we have prevent of flow-back of
 22 cement into the casing when the pumping of the cement is
 23 stopped, we have surge reduction, and we have landing
 24 profile for the cement plugs, correct?
 25 A. For the auto fill equipment, that should do
 00612:01 all of those things, yes.
 02 Q. And you're not aware of any other reasons the
 03 purposes the BP engineers planned this equipment when
 04 they planned the Macondo well, are you?

Page 612:06 to 612:11

00612:06 A. I'm not aware of any other reasons why.
07 Q. (BY MR. ZERINGUE) And to your knowledge the
08 float equipment that was run in the Macondo well, the
09 float collar on or about April 19, 2010 fulfilled the
10 purposes for which the BP engineers intended it to
11 fulfill?

Page 612:14 to 612:16

00612:14 A. I don't know.
15 Q. (BY MR. ZERINGUE) You have no reason to say
16 otherwise, do you?

Page 612:18 to 612:20

00612:18 A. No.
19 MR. ZERINGUE: Thank you very much,
20 Mr. Little.

Page 613:06 to 613:08

00613:06 afternoon. First of all, I'd like you to turn to
07 Exhibit 7098. That's actually in the -- the group of
08 exhibits that came from Mr. Beck.

Page 613:11 to 614:10

00613:11 Q. (BY MR. FIELDS) This was a document that
12 Mr. Beck previously talked with you about earlier today?
13 A. That's correct.
14 Q. And this is a memorandum about what?
15 A. This is the incentive award program that was
16 put in place for Macondo.
17 Q. One of the questions that Mr. Beck had was
18 concerning whether drilling performance was a factor in
19 determining whether the award was given. Do you recall
20 that?
21 A. Yes, I do.
22 Q. Well, is drilling or was drilling performance
23 the only factor in determining whether the incentive
24 award program mentioned in Exhibit 7098 was given?
25 A. No, it wasn't the only factor.
00614:01 Q. Was -- what other factor or factors was
02 considered in determining whether or not the incentive
03 award program that's outlined in exhibits --
04 Exhibit 7098 would be awarded to any rig crew members on
05 the Marianas?
06 A. So the -- the safety was a -- an overriding
07 factor in -- in the incentive program. So regardless

08 of -- of -- of how -- how we met the days, if there were
09 any safety incidents, recordable injuries, then the --
10 the -- the incentive would be reduced.

Page 614:17 to 614:21

00614:17 Q. (BY MR. FIELDS) Mr. Little, with respect to
18 incentive award program for the Marianas and the Macondo
19 well, what impact, if any, would DA -- well, first of
20 all, what are DAFWC, as set forth on these documents?
21 A. It's a days away from work case.

Page 615:11 to 616:11

00615:11 Q. (BY MR. FIELDS) Okay. There is another
12 category of -- of -- that's referred to on Page 2 called
13 OSHA recordable incidents. What are OSHA recordable
14 incidents?
15 A. So those are safety incidents that have been
16 defined by OSHA as being a recordable IE. They're --
17 they meet a criteria that makes them recordable, usually
18 some sort of medical treatment or restrictive work
19 injury or days away from work case.
20 Q. One other category that's listed on the second
21 page of Exhibit 7098 is something referred to as an MMS
22 INC; do you see that?
23 A. Yes.
24 Q. What is an MMS INC?
25 A. Commonly referred to as an INC. I believe it
00616:01 means an incident of non-conformance. So the MMS
02 regularly visit the rig and -- and look at the, you
03 know, condition of the rig, and if they find a
04 non-conformance, they would give something in writing
05 to -- to the rig when -- before they left.
06 Q. With respect to the category of DAFWCs and
07 OSHA recordable incidents, would those two categories of
08 incidents have an impact on whether or not the rig crew
09 would be entitled to -- the rig crew of the Marianas
10 would be entitled to the incentive award program or what
11 amount, if any, they would receive?

Page 616:14 to 616:23

00616:14 A. The -- I mean, as a -- as written in here, in
15 the event there are two recordable incidents, the award
16 will be reduced by 100 percent; in the event there was
17 one, would be recordable incident, would be reduced by
18 60 percent; in the event that there is one days away
19 from work case the award would be reduced by 100
20 percent.
21 Q. (BY MR. FIELDS) Would the existence of an MMS
22 INC have an impact on any award or incentive award that
23 the Marianas crew would have been eligible for?

Page 617:01 to 617:19

00617:01 A. So one MMS INC would result in a 25 percent
 02 reduction, two INCs would -- would see the -- the no
 03 award payout.
 04 Q. (BY MR. FIELDS) There is a note here in
 05 Exhibit 7098 that says, Should an unreported HSSE
 06 incident, in parentheses, recordable INC, spill,
 07 et cetera, be discovered, the entire incentive award
 08 plan will be suspended immediately. Do you see that?
 09 A. Yes.
 10 Q. What is the purpose of including in particular
 11 provision in the incentive award plan for the Marianas?
 12 A. We wanted to ensure all incidents were
 13 reported and that the -- the -- if we find they weren't
 14 being reported, then there would be no payout.
 15 Q. With respect to this incentive award program
 16 that's set forth in Exhibit 7098, to the best of your
 17 knowledge was this program continued when -- when the
 18 Transocean Deepwater Horizon continued drilling the
 19 Macondo well beginning in January or February 2010?

Page 617:22 to 618:04

00617:22 A. To my recollection the incentive program
 23 wasn't carried forward.
 24 Q. (BY MR. FIELDS) I'd like for you to turn to
 25 what has been previously marked as Exhibit 7088, which I
 00618:01 believe Mr. Penton may have used. It was a series of
 02 e-mails that was discussing Transocean and your team's
 03 view of Transocean's performance. Can you take a look
 04 at that?

Page 618:10 to 619:02

00618:10 Q. (BY MR. FIELDS) Do you recall talking earlier
 11 about the e-mails that are set forth on Exhibit 7088?
 12 A. Yeah, I -- I recall that we looked at this,
 13 yes.
 14 Q. In the middle of this particular e-mail string
 15 on the first page there is an e-mail from you to
 16 Mr. Sims dated July 17, 2007; do you see that?
 17 A. Yes.
 18 Q. And what did you write to Mr. Sims on Janu- --
 19 July 17, 2007 in this e-mail?
 20 A. I wrote, David, thanks for the comments he
 21 gave me below. And I said, I guess at this stage we do
 22 not want to raise any flags around the BOP ram failure,
 23 question mark.
 24 Q. With respect to this particular e-mail, this
 25 was an e-mail, this entire e-mail string was an update
 00619:01 regarding TO's performance?
 02 A. Yes, sir.

Page 619:04 to 619:18

00619:04 Q. (BY MR. FIELDS) Let me ask it slightly
 05 different. What was the purpose of this e-mail exchange
 06 that you were having with Mr. Sims, among others?
 07 A. It was a -- a request from Kevin Lacy to
 08 myself and some others to get a -- an update on
 09 Transocean performance or Transocean rig performance.
 10 Q. And in July 2007 what was the position that
 11 was held by Mr. Lacy in the BP organization?
 12 A. I believe he was the -- he was a vice
 13 president in the -- in the -- in the wells functional
 14 organization. So we had a functional remit across a
 15 certain area.
 16 Q. Did you have any discussions in the July
 17 "2000" time period with Mr. Lacy regarding the reasons
 18 why he was requesting this information about TO?

Page 619:20 to 620:14

00619:20 A. I didn't have a discussion with him, no.
 21 Q. (BY MR. FIELDS) I'm going to hand you another
 22 document. This has been marked as Exhibit 7011 -- I'm
 23 sorry, 70 -- 7100. Do you see that?
 24 A. Yes.
 25 Q. And Exhibit 70 -- 7100 is an e-mail exchange
 00620:01 that includes you and Mr. Lacy as well as an e-mail
 02 exchange between you and Mr. Sims, correct?
 03 A. That's correct.
 04 Q. And I'd like to specifically have you look at
 05 the e-mail on the first page, and that is an e-mail that
 06 you sent to Mr. Little -- I'm sorry, Mr. Lacy on
 07 July 17th, 2007?
 08 A. That's correct.
 09 Q. One of the things that is said in here, the
 10 e-mail that you sent to Mr. Lacy, among others, is,
 11 quote, Just one -- strike -- strike that.
 12 The title or the subject of this particular
 13 e-mail references "Update On TO Performance"?
 14 A. That's correct.

Page 620:20 to 621:05

00620:20 Q. (BY MR. FIELDS) In the sec- -- in the second
 21 sentence of the e-mail that you sent to Mister --
 22 Mr. Lacy, among others, you say, quote, Just one thing
 23 to be aware of. Although the team did not want to raise
 24 it as a concern at this time, we have -- we have had to
 25 pull BOPs recently and for the second time in the space
 00621:01 of eight months due to a pipe ram pressure test failure.
 02 Transocean are currently focused on trying to understand
 03 the root cause, but we do not have any answers yet. Do

04 you see that?
05 A. I see that.

Page 621:19 to 624:14

00621:19 Q. (BY MR. FIELDS) So just back on track here.
20 What was the purpose of you providing this information
21 to Mr. Lacy about the -- the BOP on the Deepwater
22 Horizon?
23 A. I -- yeah, I -- I mean, I felt that it was
24 important that he had that information for completeness
25 and in case when he was talking to Transocean to make
00622:01 sure that he had all the information I felt was relevant
02 and, you know, to make sure that -- his remit was to
03 look across BP with the Transocean fleet and see if
04 there was any consistent issues or -- or concerns or
05 positives that then could be shared about that.
06 Q. I want to turn to a document that I believe
07 was marked previously in these proceedings as
08 Plaintiff's Exhibit 1721, which is entitled drilling rig
09 audits and rig acceptance, General Practice 1040. Do
10 you recall talking about this a little bit earlier?
11 A. Yeah, I believe so, yes.
12 Q. Well, I wanted to specifically ask you some
13 questions, a few questions about the process that you
14 used when you were wells manager E&A on audit closeouts.
15 And, specifically, who did you believe or who was
16 responsible, in your view, for working with Transocean
17 and closing out any audit findings?
18 A. I mean --
19 Q. Let's put aside the -- I want to put aside the
20 document. I just want to know your practice when you
21 were wells manager E&A who did -- who did you give
22 responsibility or accountability for closing out any
23 audit findings regarding the rig audit?
24 A. So the wells team leader was accountable for
25 following up with Transocean or the rig contractor to --
00623:01 to verify that they were closing out the action items.
02 Q. And with respect to -- at one point in time
03 the rig -- sorry, the well team leader was Mr. Skelton?
04 A. Yeah.
05 Q. And at a -- at a later point in time Mr. Guide
06 became the well team leader for the Deepwater Horizon?
07 A. That's correct.
08 Q. With respect to any rig audits that have been
09 performed on the Deepwater Horizon who would have been
10 responsible in your practice for closing out working
11 with the -- the contractor and closing out any audit
12 findings or recommendations?
13 A. The wells team leader.
14 Q. That would have been Mr. Guide or Mr. Skelton,
15 depending on the time period?
16 A. Yeah, yes.
17 Q. With respect to this particular exhibit I -- I
18 only want to just focus on one section or maybe two

19 sections and that's specifically Section 5.8 and 35.8 B
 20 is what I want to focus on. Under "Audit Closeout" on
 21 Section 5.8 in this group practice it says, Wells team
 22 leader shall, colon, 1, be accountable for closeout of
 23 recommendations. Do you see that?

24 A. Yes, I do.

25 Q. Did -- in your experience and practice as
 00624:01 wells manager for E&A did you hold the wells team leader
 02 responsible for closeout of any recommendations
 03 regarding audits of rigs?

04 A. The wells team leader was accountable for the
 05 closeout with the -- with the rig contractor Transocean.

06 Q. 5.8 B 2 under audit closeout says, Wells team
 07 leader shall, 2, manage response to audits and its
 08 recommendations. Do you see that?

09 A. Yes, I do.

10 Q. While you were wells manager E&A did you hold
 11 the wells team leader for the -- or leaders for the
 12 Deepwater Horizon responsible for managing the response
 13 to audits and their recommendations?

14 A. Yes.

Page 626:07 to 626:10

00626:07 Q. Okay, thank you. Fair enough. Now, we're
 08 going to run through these documents that you just went
 09 through, Mr. Fields went through with you. Do you have
 10 a copy of 7098?

Page 626:13 to 626:16

00626:13 Q. (BY MR. PENTON) You -- you just testified
 14 that -- that the bonus schedules on the -- on the
 15 document were -- that was the bonus schedules for the
 16 rig crew; was it not?

Page 626:18 to 626:23

00626:18 A. This was the incentive award program that --
 19 that was for the rig crews.

20 Q. (BY MR. PENTON) Yes. And that tops out at
 21 the -- let's see the -- the OIM on the Transocean side
 22 and the company men on the BP side. Is that as high as
 23 that -- that rig crew goes in that schedule?

Page 626:25 to 627:12

00626:25 A. The participants are listed here as full-time
 00627:01 employees work regular rotation on the rig, includes
 02 catering, third party. It doesn't include BP personnel.

03 Q. (BY MR. PENTON) Okay. It doesn't -- just for
 04 the rig crew being Transocean?

05 A. And third parties.

06 Q. Okay. Now in terms of BP personnel in this
 07 case including such as Mr. Vidrine and Mr. Kaluza, would
 08 -- did they have a separate bonus incentive schedule or
 09 plan?

10 A. Not linked to the individual well.

11 Q. I understand, but they did have their own
 12 independent BP incentive plan, correct?

Page 627:14 to 627:16

00627:14 A. They would go -- they would have the same
 15 as -- as everyone in BP, their VPP, which is based on
 16 incentives, objectives and--

Page 627:18 to 628:09

00627:18 A. -- then based on their performance and the --
 19 the area's performance.

20 Q. Okay. All right. Now, you answered a
 21 question that -- I think you will probably want to look
 22 at the second page, but you answered a question that --
 23 that safety was the overriding consideration. Do you
 24 remember that response?

25 A. I can't recall if that is exactly what I said,
 00628:01 but safety is an overrider to the -- the -- the days.

02 Q. Well, can you tell me in the four corners of
 03 that exhibit where it says that safety is an overriding
 04 consideration for those incentives?

05 A. Again, I didn't say it was an overriding
 06 consideration. In the context of this incentive program
 07 these override the days. So even if the well was
 08 drilled less than 52 days if the -- there was an event,
 09 then it got discounted.

Page 629:07 to 629:09

00629:07 Q. (BY MR. PENTON) You know that in January 2008
 08 because you had the January 2008 audit that the BOP on
 09 the Deepwater Horizon was out of certification, correct?

Page 629:15 to 629:15

00629:15 A. I didn't know that.

Page 629:25 to 630:02

00629:25 Q. (BY MR. PENTON) Sir, you know that in
 00630:01 September of 2009 the BOP was out of certification
 02 pursuant to 30 CFR 250.46, correct?

Page 630:05 to 630:09

00630:05 A. I did not know that at the time.
 06 Q. (BY MR. PENTON) Now, let's talk about
 07 Exhibit 1721, which is the GP 1040. Now, do you agree
 08 with Mr. Thierens that the group practices document is
 09 a -- is a top shelf, very important document for BP?

Page 630:12 to 630:16

00630:12 A. It's a group practice and it's a -- you know,
 13 it's something that applies to us, yes.
 14 Q. Yes, sir. It's a worldwide practice; is it
 15 not?
 16 A. It's a global --

Page 630:20 to 631:05

00630:20 Q. (BY MR. PENTON) And, again, you had a couple
 21 questions on this document, and I think they had to do
 22 with closing out of -- of audit items. Do you recall
 23 those questions and answered?
 24 A. I do.
 25 Q. Okay. Isn't it true that from the time that
 00631:01 you came on in May of 2008 when you learned that there
 02 was a January 2008 audit and Mr. Skelton was the well
 03 team leader, correct, at that time?
 04 A. Mr. Skelton was the wells team leader from May
 05 2008.

Page 631:12 to 631:16

00631:12 Q. (BY MR. PENTON) Yes, sir. You do not know
 13 whether or not Mr. Skelton and Mr. Guide later closed
 14 out the rig audit deficiencies from the January 2008 rig
 15 audit, although you're the person that's supposed to
 16 require that they do that, according to your answers?

Page 631:19 to 631:24

00631:19 A. The wells team leader was accountable for the
 20 closeout of the actions.
 21 Q. (BY MR. PENTON) I understand. Thanks. But
 22 you do not know whether or not the well team leader,
 23 whether it be Skelton or Guide, actually closed out
 24 those deficiencies, do you?

Page 632:01 to 632:04

00632:01 A. I don't know specifically all the actions.
 02 Q. (BY MR. PENTON) And, sir, isn't that your
 03 job, specifically to follow up on the people who report
 04 to you to ensure that they are doing their job?

Page 632:07 to 632:08

00632:07 A. The feedback I got was that the audit actions
08 were being closed out.

Page 632:14 to 632:18

00632:14 Q. (BY MR. PENTON) Okay. Same question,
15 September of 2009, isn't it true that you do not know
16 and you have not seen which, if any, of those items were
17 totally closed out before you ultimately officially left
18 in April of 2010?

Page 632:20 to 633:07

00632:20 A. The -- the 2009 rig audit was still being
21 closed out.
22 Q. (BY MR. PENTON) Thank you.
23 A. And I didn't get -- I didn't see the full
24 closeout.
25 Q. Thank you, sir. I appreciate that. Now, what
00633:01 I want to do is I want to make sure I understand the
02 staffing and supervision on the Deepwater Horizon as of
03 the period of December of 2009 until April the 20th of
04 2010. Based upon what I've heard from our question and
05 answer as well as others who have questioned you,
06 Mr. Lacy was the vice president of drilling; is that
07 correct?

Page 633:13 to 633:18

00633:13 Q. (BY MR. PENTON) As of December of 2009 before
14 Mr. Lacy left he was the VP of drilling; is that right?
15 A. He was the VP of drilling and completions for
16 the Gulf of Mexico.
17 Q. Yes, sir, thank you. And he left about mid
18 December of 2009; is that about right?

Page 633:20 to 634:19

00633:20 A. I don't recall exact date. I felt it was
21 later than that, but later December early January, about
22 that time frame.
23 Q. (BY MR. PENTON) Okay. And it was Mr. O'Bryan
24 who took his place; is that correct?
25 A. That's correct.
00634:01 Q. So from the time in about mid December to
02 sometime early in January, Mr. O'Bryan would have had
03 about three and a half months in the position as VP of
04 drilling when the Macondo blew out; is that correct?
05 A. I don't recall exactly when Mr. O'Bryan turned
06 out, but it was around that time period.
07 Q. And that same -- it was about three months or

08 so, right?
 09 A. Yes.
 10 Q. And if you come down one notch, you have
 11 Mr. Curtis Jackson under Mr. Lacy and then, of course,
 12 under Mr. O'Bryan, who was the director of HSE, correct,
 13 of health and safety?
 14 A. Mr. Jackson didn't work for Mr. Lacy.
 15 Mr. Jackson worked for the SPU leader, Neil --
 16 Q. Okay.
 17 A. I believe Neil Shaw.
 18 Q. But in terms of the HSE department are you
 19 aware that Mr. Jackson left in early 2010, are you?

Page 634:21 to 635:02

00634:21 A. I don't recall when Mr. Jackson left.
 22 Q. (BY MR. PENTON) Okay. Well, if it -- if our
 23 information is correct in early 2010, do you know --
 24 whenever it was in 2010 before the blowout, do you know
 25 whether or not anybody was ever replaced into that
 00635:01 position as director of HSE for BP over the Gulf of
 02 Mexico, sir, before the blowout?

Page 635:04 to 636:03

00635:04 A. I don't know.
 05 Q. (BY MR. PENTON) Okay. Now, we know that
 06 Mr. Thierens left around the first of December. Is that
 07 your best memory of the period?
 08 A. I believe he left more like mid December.
 09 Q. Okay. And so Mr. David Rich took his place;
 10 did he not?
 11 A. That's correct.
 12 Q. So at the time of the blowout Mr. Rich had
 13 about four and a half months in Mr. Thierens' job as
 14 well director at the time the Macondo blew out; is that
 15 correct?
 16 A. That would be correct.
 17 Q. Okay. And then, of course, you come under the
 18 ladder at that point, correct, under Mr. Thierens until
 19 mid December, correct?
 20 A. That's correct.
 21 Q. And then under Mr. Rich after that time,
 22 correct?
 23 A. That's correct.
 24 Q. All right. And then we know, sir, that you
 25 left the states and were back and forth, basically, And
 00636:01 I think you testified today you were there about
 02 50 percent of the time between December of 2009 and the
 03 first of -- of April of 2010, correct?

Page 636:06 to 636:10

00636:06 A. I don't recall exactly the split, but I was
07 probably gone at least half that time.
08 Q. (BY MR. PENTON) Yes, sir. And we talked
09 about you feel that you -- you delegated your authority
10 to Mr. Sims and Mr. Guide, I think you told me, correct?

Page 636:12 to 636:13

00636:12 A. During the periods I was gone I gave my
13 delegation --

Page 636:15 to 636:16

00636:15 A. And my recollection it was to either Mr. Sims
16 or Mr. Guide.

Page 637:01 to 637:08

00637:01 Q. (BY MR. PENTON) Sir, you in February of 2010,
02 did you begin to complete what's called a Gulf of Mexico
03 organizational MOC for your handoff to David Sims into
04 your job?
05 A. I believe I did, yes.
06 Q. Okay. Let me show you that real quick, and
07 we'll put this into evidence as an exhibit. It'll be
08 7101.

Page 637:15 to 637:17

00637:15 described to you, sir, is the document you began to
16 complete in February of 2010?
17 A. It appears to be a copy of that document, yes.

Page 637:22 to 638:09

00637:22 Q. It is the fourth page. Do you see to the left
23 says, "Key Responsibilities"?
24 A. Yes.
25 Q. So if you followed every one of these pages
00638:01 through to Page 11, in the left-hand column, you pretty
02 much could -- could pick up the key responsibilities of
03 your job as wells manager of the Gulf of Mexico; could
04 you not? Is that true, sir?
05 A. Those were the intent, yes.
06 Q. I see. And then over to the extreme
07 right-hand corner says, conversation completed, check if
08 yes. Do you see that?
09 A. That's correct.

Page 639:17 to 639:24

00639:17 Q. But you feel that you did complete this and

18 signed off on it and handed it in, correct?
19 A. Well, it was definitely signed off.
20 Q. Yeah. Isn't it true, sir, that the key
21 responsibilities found on those seven pages, that your
22 simple e-mail to -- to David Sims and John Guide did not
23 delegate every one of those key responsibilities on
24 those seven pages; is that correct?

Page 640:01 to 640:03

00640:01 A. When -- when I was gone for the temporary
02 periods, my delegation was given to whoever I delegated
03 it to.

Page 640:24 to 641:06

00640:24 Q. (BY MR. PENTON) Sir, this is my question to
25 you: We went over the staffing -- staffing and even
00641:01 your supervisors above you being in the job just a few
02 months. Isn't it true that you should have been at that
03 well as the wells manager, at least after that March 8th
04 kick, to assist this rig crew and to assist the other
05 people at BP who was working on that rig get through
06 this well?

Page 641:14 to 641:17

00641:14 A. I was not in the country at that stage. I
15 delegated my role.
16 Q. (BY MR. PENTON) And you were not following it
17 on a day-to-day basis, were you?

Page 641:19 to 641:21

00641:19 A. Well, I was out of the country and delegated
20 my role. I was not following the well on a day-to-day
21 basis.

Page 642:11 to 643:02

00642:11 Q. (BY MR. PENTON) Sure. That every single well
12 begins with a risk assessment. We'll take it in -- in
13 bits and pieces, okay? Is that true? Remember, you and
14 yesterday looked at a risk register. Does every well
15 with your procedure begin with a risk assessment?
16 A. I'm not sure it begins from the very start of
17 the well planning process. There is obviously a lot of
18 subsurface work and identifying where to drill. It's a
19 process. Part of our process calls for risks to be
20 identified, recorded, registered, followed through --
21 Q. Okay.
22 A. -- closed out.

23 Q. Now, we looked at that risk register, correct?
 24 A. That's correct.
 25 Q. And I believe you told me you don't understand
 00643:01 why cost was the -- the -- the impact that's put on that
 02 register, correct?

Page 643:04 to 643:12

00643:04 A. I think I said I don't know why Mark put cost
 05 as the category for some of those risks.
 06 Q. (BY MR. PENTON) Yeah. Do you know why when
 07 all the other professionals at BP looked at this risk
 08 register, which is -- is it an important document or is
 09 it not? I don't know.
 10 A. The risk -- the process of identifying
 11 risks --
 12 Q. Yes. Yes.

Page 643:14 to 644:02

00643:14 A. (Continued) -- and mitigating them and
 15 ensuring that they're incorporated in a well plan is a
 16 important part of our process.
 17 Q. (BY MR. PENTON) Do you know why -- and maybe
 18 you don't. Do you know why -- there were 25-some-odd
 19 professionals, according to our information, that were
 20 looking at this risk register. Do you know why those
 21 professionals looked at that risk register and affirmed
 22 that cost -- if you take well control or any of the
 23 other ones that have an impact on life, health, safety,
 24 natural resources, do you know why BP maintained that
 25 risk register with a high impact of cost and money as
 00644:01 opposed to health, safety, and protection of the
 02 environment?

Page 644:05 to 644:15

00644:05 A. I don't know why Mark put in that as a cost
 06 category. The -- the risks were identified, and the
 07 mitigations were -- were there.
 08 Q. (BY MR. PENTON) I appreciate your answer, but
 09 that's not my question. I -- I asked you whether or
 10 not you -- now, I'm going to ask you about you in a
 11 minute, but I want to ask you whether or not you know,
 12 whether you heard discussions why those 25 BP
 13 professionals allowed cost and money to be the No. 1
 14 risk for absolute well conditions that can cause damage
 15 and injury to life, health, and the natural resources?

Page 644:18 to 645:08

00644:18 A. There was a category that -- that Mark chose
 19 to use, which was cost. I don't know why Mark chose to

20 do -- to do that, but the risks were -- were being
21 identified. The -- the -- the mitigations were being
22 put in place.
23 Q. (BY MR. PENTON) Sir, I have limited time.
24 You know that. This is the second time I've asked you
25 the question, and you're -- you're not answering my
00645:01 question. Please answer my question.
02 I'm asking -- I -- I hear you about Mark
03 putting -- you don't know why he put it in there. I
04 want to know, did you hear discussions with the well
05 team, with the design team, with the 25 professionals
06 that saw this risk register during the design phase, do
07 you know why these 25 professionals plus allowed cost to
08 stay on that risk register?

Page 645:11 to 645:21

00645:11 Q. (BY MR. PENTON) I'm not talking about Mark.
12 Do you know?
13 A. I don't know why --
14 Q. Thank you.
15 A. -- the -- the cost category was put in there.
16 Q. Thank you. I want to know why you allowed it
17 to stay on there. Do you believe -- do you believe that
18 loss of well control, that the highest impact is the
19 damage and injury to human life, human health, human
20 safety, and the natural resources? Do you believe that
21 as I do?

Page 645:24 to 646:17

00645:24 A. When I was looking at the risk process, I was
25 looking at the -- the risks that were being identified,
00646:01 which well control was on there, and I was looking to
02 see that we were using the right mitigations to prevent
03 that, and they were being -- the -- the mitigations were
04 being put in place.
05 Q. (BY MR. PENTON) But did you agree -- you saw
06 cost on there. This is not the first time you've seen
07 that, correct, when I showed it to you yesterday?
08 A. It's not the first time I've seen that.
09 Q. Yes, sir.
10 A. I saw it at the MBI, and they showed me.
11 Through the well planning process, we look at the
12 metrics and we look at the fact that -- what the risks
13 are and then what the mitigations are.
14 Q. Sir, did you see that cost impact entry on
15 that risk register in those serious risk of well control
16 loss during the design and development stage of this
17 well?

Page 646:19 to 646:19

00646:19 Q. (BY MR. PENTON) Did you see it?

Page 646:21 to 646:23

00646:21 MR. PENTON: No problem.
22 A. I don't recall seeing that categorization
23 being put for those risks.

Page 647:02 to 647:09

00647:02 Q. (BY MR. PENTON) Don't you believe that as the
03 wells manager for the Gulf of Mexico E&A that it was
04 your absolute job, duty, and responsibility to have
05 looked at what the risk assessment, what the risk
06 register said so that you could properly plan your well
07 design around mitigations and prevention of risks that
08 are known to be a danger to life, health, and the
09 natural resources?

Page 647:12 to 647:19

00647:12 A. Through this well planning process at each
13 stage gate, we reviewed the -- the risk metrics, we
14 reviewed the -- the risks, and we reviewed what
15 mitigations the team were putting in place.
16 Q. (BY MR. PENTON) And everyone at BP underwrote
17 that money was the primary risk that would be accepted
18 by BP without any acknowledgment of life, health, and
19 safety; is that correct?

Page 647:22 to 648:03

00647:22 Q. (BY MR. PENTON) Is that correct, sir?
23 A. I don't know why cost was put in under that
24 category in the risk register.
25 Q. Do you disagree with that? Do you think they
00648:01 should have put safety, health, injury to people? Do
02 you think they should have put those other impact types
03 in there? Being honest here today, do you?

Page 648:07 to 648:08

00648:07 A. I don't know why they were put in by Mark.
08 Q. (BY MR. PENTON) Do you disagree with that?

Page 648:10 to 648:15

00648:10 A. Through the whole well planning process, the
11 risks -- I saw the risks being identified and
12 mitigations being put in place.
13 Q. (BY MR. PENTON) Sir, do you disagree with
14 putting money as the highest impact from loss of well

15 control?

Page 648:22 to 649:03

00648:22 Q. (BY MR. PENTON) Yes or no, sir?
 23 A. Well, our -- safety is our No. 1 priority, and
 24 that is paramount through our whole planning process.
 25 Q. You're not answering my question. Yes or no,
 00649:01 do you agree with putting money cost in that risk
 02 register as the highest risk for loss of well control?
 03 Yes or no?

Page 649:11 to 649:15

00649:11 MR. PENTON: He has not responded,
 12 Counsel.
 13 Q. (BY MR. PENTON) Yes or no? Did you agree
 14 with putting cost and money in that risk category? Yes
 15 or no, sir?

Page 649:17 to 649:21

00649:17 A. I was -- I was not putting the categories in.
 18 I was -- Mark was the one put -- putting those ones. I
 19 don't know why Mark put them in there.
 20 Q. (BY MR. PENTON) Do you agree or disagree with
 21 that categorization --

Page 649:24 to 650:01

00649:24 Q. (BY MR. PENTON) Do you agree with that
 25 categorization of risk being cost and money as opposed
 00650:01 to life and safety, sir?

Page 650:03 to 650:08

00650:03 Q. (BY MR. PENTON) Do you agree?
 04 A. I -- if I was doing it, I would not have put
 05 cost in that.
 06 Q. What would you have put if you were doing
 07 that?
 08 A. I would have put safety in there.

Page 654:07 to 654:13

00654:07 that. Let me ask you this: When you go to sit down to
 08 design a well isn't it so that there's certain basic
 09 concepts in engineering that you understand? And I know
 10 there's a lot of data that you have to input, but that
 11 there are certain given knowns, and one of those are
 12 that a long string will exert more friction pressure
 13 downhole than will a liner.

Page 654:15 to 654:18

00654:15 Q. (BY MR. PENTON) Do you agree with that
 16 general proposition? Forget the Macondo well. Just
 17 talk about the difference between a long string and a
 18 liner and friction pressure downhole.

Page 654:20 to 654:25

00654:20 A. I can't talk in general terms. We would have
 21 to look at the situation, do the calculations to come up
 22 with that answer.
 23 Q. (BY MR. PENTON) So you can't answer that
 24 question whether or not from a general proposition,
 25 correct? Is that your answer?

Page 655:03 to 655:08

00655:03 A. I need more data.
 04 Q. (BY MR. PENTON) Okay. Let me ask you this:
 05 Isn't it true that the -- a liner and a tieback will
 06 give you additional barriers, two additional barriers to
 07 hydrocarbon flow if you select a liner tieback casing
 08 design?

Page 655:10 to 655:10

00655:10 Q. (BY MR. PENTON) Do you agree with that?

Page 655:13 to 655:20

00655:13 A. I haven't looked at that. I'd need to see
 14 the -- the design and how it was laid out.
 15 Q. (BY MR. PENTON) Sir, as a general
 16 proposition, are you telling me you cannot tell me as an
 17 absolute general proposition in any well anywhere in the
 18 world that a liner tieback will give you two additional
 19 annular barriers over a long string casing design, you
 20 can't tell me that's true?

Page 655:22 to 656:06

00655:22 A. I'd have to have more information about what
 23 stage of the well you're talking about.
 24 Q. (BY MR. PENTON) I'm talking about -- I'm
 25 talking about in the end just like we were on Sunday and
 00656:01 Monday with this well when the -- when the long string
 02 was run. That's the phase I'm talking about. Isn't it
 03 true that had they decided to run a liner tieback, that
 04 there would have been two additional annular barriers on
 05 the Macondo well had that liner tieback been run on this

06 well?

Page 656:09 to 656:09

00656:09 A. I don't know whether that's the case.

Page 656:14 to 656:18

00656:14 Sir, you're aware of the -- of the requirement
15 of BP through GP 1060, zonal isolation requirements.
16 Are you familiar with that document, Exhibit 184? I'll
17 give you a copy of it. Are you familiar with this
18 document?

Page 656:23 to 656:23

00656:23 A. I've seen this document before, yes.

Page 657:06 to 657:11

00657:06 Q. Now, you will see that GP 1060, zonal
07 isolation of the design criteria at Section 1.3 at
08 Page 2 requires that you can have the top of cement at
09 100 foot above the vertical depth if you use a proven
10 cement evaluation technique to confirm the location of
11 the top of cement, correct?

Page 657:17 to 657:20

00657:17 A. That's what it says, yes.
18 Q. (BY MR. PENTON) Well, that's not only what it
19 says. You know that, don't you? That's part of your
20 job, correct?

Page 657:22 to 658:01

00657:22 A. It's -- it's written in here which is a
23 document that we use in planning and drilling our wells,
24 yes.
25 Q. (BY MR. PENTON) Okay. And you know what a
00658:01 proven cement evaluation technique is, correct?

Page 658:10 to 658:16

00658:10 A. So it's here in Section 5.3, yeah.
11 Q. (BY MR. PENTON) Right, and -- and it says,
12 cement sonic and ultrasonic log should be used; is that
13 correct?
14 A. It says, to accurately assess total cement and
15 zonal isolation, cement sonic and ultrasonic log should
16 be used.

Page 658:22 to 658:25

00658:22 Q. (BY MR. PENTON) Isn't it true that there was
 23 no proven cement evaluation technique, whether it be
 24 cement bond log or some other ultrasonic log, you know
 25 that it was not used on the Macondo well, correct?

Page 659:03 to 659:12

00659:03 A. I did not know that that was the case.
 04 Q. (BY MR. PENTON) You read Mark Bly's report,
 05 correct?
 06 A. That is correct.
 07 Q. And -- and that's what it said, right, it
 08 wasn't run?
 09 A. Yeah.
 10 Q. Do you have any evidence otherwise that it was
 11 run, sir?
 12 A. No evidence otherwise.

Page 659:22 to 660:01

00659:22 asking you is this: Under the design criteria, isn't it
 23 so that if they didn't use a cement bond log, that
 24 they're required by GP 1060 to have had the top of
 25 cement 1,000 foot above the distinct permeable zone; is
 00660:01 that true, yes or no?

Page 660:04 to 660:09

00660:04 A. That is the criteria which we said, that if --
 05 if you don't run the log, then you should try and get a
 06 thousand feet above any distinct permeable zones.
 07 Q. (BY MR. PENTON) It doesn't say that you
 08 should try to get, does it? It doesn't say that
 09 anywhere in that rule, does it?

Page 660:13 to 661:08

00660:13 A. Zonal isolation design criteria for cement, so
 14 this is design criteria for cementing of primary casing
 15 strings to meet well integrity and future abandonment
 16 requirements shall meet one of the following. So it's
 17 the design criteria. You can't always guarantee where
 18 you're going to get the top of cement to.
 19 Q. (BY MR. PENTON) Sir, do you see "shall"?
 20 "Shall meet one of the following," not may, not if you
 21 can get it, right? It says "shall meet." Is that
 22 correct?
 23 A. The "shall" is designed to meet this, yes.
 24 Q. Okay. So -- and you -- and your comment to me

25 is you don't always know where the top of cement is, do
00661:01 you?

02 A. You don't always know, right.

03 Q. And, sir, wouldn't you believe where you only
04 have one barrier to hydrocarbon flow, well influx of
05 hydrocarbon, well blowout, death, and injury that it is
06 worth it to run a proven cement evaluation technique so
07 that you will know where the top of cement is? It's not
08 acceptable you don't always know; isn't that true?

Page 661:11 to 661:12

00661:11 A. I mean, the requirement for running a --
12 the -- a log is -- is outlined in here.

Page 662:15 to 662:25

00662:15 Q. (BY MR. PENTON) Isn't it true that where you
16 don't always know where the top of cement is where the
17 well -- described as the well from hell, a challenging
18 well, a difficult well, one that's lost millions of
19 dollars in losses due to well kicks, lost circulation
20 events, isn't it true that it would have been prudent
21 practice in this well to have run and spent that extra
22 money and run a cement bond log so that you would -- BP
23 would have known where the cement was in this case
24 before it circulated that seawater and blew this well
25 out?

Page 663:04 to 663:04

00663:04 A. I don't know what happened on the well.