

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

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

Applies to: *All Cases.*

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

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**ALL PARTIES OBJECTIONS TO DEPOSITION DESIGNATIONS OF
HEATHER POWELL**

<u>From</u>		<u>To</u>		<u>Objecting Party</u>	<u>Objection</u>	<u>Ruling</u>
<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>			
23	21	24	3	BP	FRE 602; Vague	
31	15	31	21	BP	FRE 602; Misstates the Record	
32	6	32	9	HESI	Improper offer--designated testimony lacks corresponding question: The designated testimony lacks a corresponding question. HESI objects to the designation of the answer at lines 32:6-9 without the associated question at 31:24-32:3. Omission of the question is misleading since it makes it appear that the answer is related to the previous question and answer.	
38	15	38	21	BP	FRE 602; Assumes Facts Not in Evidence; Misstates the Record	
42	13	42	21	BP	FRE 602	
42	22	43	14	BP	FRE 602	
43	15	43	21	BP	FRE 602	
45	4	45	11	BP	FRE 602; Vague	
50	19	52	16	BP	FRE 602	
54	22	55	4	BP	Vague; FRE 602	
55	5	55	12	BP	FRE 602; Assumes Facts Not in Evidence	

56	22	56	24	M-I	The question calls for speculation because the witness did not establish that drilling mud is her area of expertise and the question asks her to simply guess. The question lacks foundation because it has not been established that the witness has any background in drilling mud or the displacement of drilling mud, or that she has any personal knowledge of drilling mud or displacement with regard to the Macondo Well.	
57	3	57	20	BP	FRE 602; Vague	
57	1	57	2	M-I	The question calls for speculation because the witness did not establish that drilling mud is her area of expertise and the question asks her to simply guess. The question lacks foundation because it has not been established that the witness has any background in drilling mud or the displacement of drilling mud, or that she has any personal knowledge of drilling mud or displacement with regard to the Macondo Well.	
57	3	57	13	M-I	The question calls for speculation because it asks the witness to guess about what MMS needs to be notified of. The question lacks foundation because it has not been established that the witness has any personal knowledge of what MMS requires in terms of notification, or what types of information (or changes to information) must be relayed to MMS, or what information the Deepwater Horizon crew actually sent to MMS with regard to the Macondo Well.	

57	17	57	20	M-I	The question calls for speculation because it asks the witness to guess about what MMS needs to be notified of. The question lacks foundation because it has not been established that the witness has any personal knowledge of what MMS requires in terms of notification, or what types of information (or changes to information) must be relayed to MMS, or what information the Deepwater Horizon crew actually sent to MMS with regard to the Macondo Well.	
61	6	61	7	BP	Incomplete Designation; Relevance	
95	22	96	19	BP	FRE 602	
101	23	102	9	BP	FRE 602; Assumes Facts Not in Evidence	
102	21	105	19	BP	FRE 602	
108	8	108	14	BP	FRE 602; Assumes Facts Not in Evidence	
113	21	114	1	BP	FRE 602; Misstates the Record	
116	6	117	22	BP	FRE 602	
120	17	120	25	BP	FRE 602	
120	17	120	18	M-I	The question calls for speculation because it asks the witness to guess as to who would be involved in preparing the temporary abandonment plan. The question lacks foundation because it has not been established that the witness has any personal knowledge of who generally would be involved in preparing a temporary abandonment plan, who normally would be involved in preparing the temporary abandonment plan on the Deepwater Horizon, or how she has personal knowledge of that information.	

120	21	120	25	M-I	The question calls for speculation because it asks the witness to guess as to who would be involved in preparing the temporary abandonment plan. The question lacks foundation because it has not been established that the witness has any personal knowledge of who generally would be involved in preparing a temporary abandonment plan, who normally would be involved in preparing the temporary abandonment plan on the Deepwater Horizon, or how she has personal knowledge of that information.	
121	4	121	9	BP	FRE 602; Assumes Facts Not in Evidence	
125	15	125	21	BP	FRE 602; Assumes Facts Not in Evidence; Misstates the Record	
129	3	129	11	BP	Assumes Facts Not in Evidence; FRE 602; Misstates the Record	
143	2	144	14	BP	FRE 602	
144	15	145	18	BP	Assumes Facts Not in Evidence; FRE 602	
146	25	148	17	BP	FRE 602	
158	4	158	20	BP	Asked and Answered; Assumes Facts Not in Evidence; FRE 602	
162	25	163	1	HESI	Improper offer--designated testimony lacks corresponding question: The designated testimony lacks a corresponding question. HESI objects to the designation of the answer at lines 162:26-13:1 without the associated question at 162:18-22. Omission of the question is misleading since it makes it appear that the answer is related to the previous question and answer and is especially confusing in this instance since the previous offer of testimony is several pages prior to this offer.	

163	24	164	3	BP	FRE 602; Assumes Facts Not in Evidence	
					Misleading: HESI objects to the designation of the answer at line 163:9-16 without the associated question at 163:2-6—omission of the question is misleading since it makes it appear that the answer is related to the previous question and answer. Improper offer--designated testimony lacks corresponding question: The designated testimony lacks a corresponding question. HESI objects to the designation of the answer at lines 163:9-16 without the associated question at 163:2-6. Omission of the question is misleading since it makes it appear that the answer is related to the previous question and answer and is especially confusing in this instance since the previous offer of testimony is several pages prior to this offer.	
163	9	163	16	HESI		