

**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
*
* SECTION: J
*
* JUDGE BARBIER
* MAGISTRATE SHUSHAN

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**ALL PARTIES OBJECTIONS TO DEPOSITION DESIGNATIONS OF
JAY THORSETH**

<u>From</u>		<u>To</u>		<u>Objecting</u> <u>Party</u>	<u>Objection</u>	<u>Ruling</u>
<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>			
25	7	25	10	BP	Misstates the Record	
25	12	25	16	BP	Misstates the Record	
28	7	28	8	BP	Vague; FRE 602	
28	10	28	11	BP	Vague; FRE 602	
28	13	28	15	BP	Vague; FRE 602	
31	11	31	15	BP	Misstates the Record	
31	17	31	18	BP	Misstates the Record	
40	11	40	13	BP	FRE 602	
41	24	42	2	BP	Compound; Vague	
42	4	42	5	BP	Compound; Vague	
42	19	42	24	BP	FRE 602; Misstates the Record	
43	1	43	5	BP	FRE 602; Misstates the Record	
50	19	50	21	BP	FRE 602	
50	23	50	24	BP	FRE 602	
50	25	51	5	BP	FRE 602	

50	4	50	18	M-I	<p>The Witness was asked whether “[o]ther than a BOP,” he knew of “any other well control equipment” onboard the Deepwater Horizon. (50:4–6). First, the question assumes facts not in evidence and lacks foundation because the record does not reflect whether the Witness considered a BOP as a piece of well control equipment, whether it is indeed a piece of well control equipment, and whether there are in fact any pieces of well control equipment onboard the rig. The Witness actually testified that he was familiar with a BOP “[j]ust in general,” which he explained by saying: “I know that there’s a BOP.” (50:1–3). Furthermore, by his own admission, the Witness lacks the requisite personal knowledge necessary to provide admissible testimony. He did “not know” what the rig crew had, “in terms of equipment available,” because that topic was “outside his area” of expertise. (40:11–16). When asked if he was “consulted with respect to the type of well control devices and procedures” to be used during a kick or blowout, he echoed that lack of knowledge: “Like I mentioned before, I’m not consulted on—on those tools or how to do it or what to do. It’s clearly, clearly in the—the realm of operations and the engineers, drilling engineers.”(47:14–16, 47:18–21). The Witness even reiterated his lack of knowledge about tools available for controlling kicks and blowouts: “No, I—I don’t. Like I</p>	
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					<p>mentioned, I—I don't know—I do not know the tools that—that the drillers use in—in detail” (49:19–20). That same testimony illustrates that the question at issue called for speculation. The Witness's answer is also couched in such equivocal and conjectural terms that, by its very nature, it should be excluded as speculative and opinion testimony. He merely guessed at the answer, as evidenced by the manner in which he concluded his response: “So I guess those were kind of what you were talking about, tools.” (50:12–13). Similarly, he conceded: “Then—then—then I guess that's what I would—I would reference. But, you know, the operations and how the decisions are made and how that all happens, I'm—I'm not sure.” (50:15–18).</p>	
51	7	51	10	BP	FRE 602	
52	11	53	10	BP	Relevance	
54	13	55	18	BP	Relevance	
54	13	55	18	Anadarko	Irrelevant; Lacks foundation/No personal knowledge/Calls for speculation	
56	23	57	8	BP	Relevance	
57	22	59	3	BP	Relevance	
59	14	59	16	BP	Relevance	
59	18	59	19	BP	Relevance	
60	24	61	20	BP	Relevance	
62	3	62	19	BP	Relevance	
64	25	65	17	BP	FRE 602; FRE 701	
65	19	65	20	BP	FRE 602; FRE 701	

72	3	72	6	BP	Vague; FRE 602; FRE 701	
72	8	72	10	BP	Vague; FRE 602; FRE 701	
72	11	72	13	BP	Vague; FRE 602; FRE 701	
72	15	72	16	BP	FRE 602; FRE 701	
72	18	72	18	BP	FRE 602; FRE 701	
93	13	93	15	BP	Misstates the Record	
93	17	93	19	BP	Misstates the Record	
94	20	94	21	BP	Vague; FRE 602	
94	23	94	24	BP	Vague; FRE 602	
94	25	95	2	BP	Vague; Misstates the Record	
95	4	95	8	BP	Vague; Misstates the Record; FRE 602	
95	9	95	11	BP	Vague; FRE 602	
95	13	95	21	BP	Vague; FRE 602	
95	22	95	23	BP	Vague; FRE 602	
95	25	96	4	BP	Vague; FRE 602	
101	11	101	14	BP	Vague; FRE 701	
101	16	101	25	BP	Vague; FRE 701	
102	2	102	8	BP	Vague; FRE 701	
107	3	107	10	BP	FRE 602; FRE 701	
114	20	115	11	BP	Relevance	
115	13	115	19	BP	Relevance	
119	19	120	4	BP	Relevance	
122	11	123	15	BP	Relevance	
123	17	123	20	BP	Relevance	
123	22	124	2	BP	Relevance	
129	4	129	6	BP	Relevance	
129	8	129	9	BP	Relevance	
129	11	129	13	BP	Relevance	
129	15	130	4	BP	Relevance	
136	17	136	19	BP	Relevance	
136	21	137	13	BP	Relevance	
137	21	138	1	BP	Relevance	
144	23	145	2	BP	Misstates the Record	
145	5	145	6	BP	Misstates the Record	
147	4	147	8	BP	Relevance	
147	14	147	20	BP	Relevance	
148	9	151	6	BP	Relevance	
151	22	151	24	BP	Relevance	
152	1	152	17	BP	Relevance	

152	19	152	23	BP	Relevance	
153	8	154	9	BP	Relevance	
155	1	155	10	BP	Relevance	
155	20	156	23	BP	Relevance	
175	7	175	21	BP	Relevance	
175	25	177	8	BP	Relevance	
177	9	177	11	BP	FRE 602; Relevance	
177	13	177	15	BP	FRE 602; Relevance	
178	5	178	6	BP	Vague; FRE 602	
178	8	178	8	BP	Vague; FRE 602	
178	9	178	11	BP	FRE 602	
178	13	178	17	BP	FRE 602	
178	19	178	19	BP	FRE 602	
178	21	178	21	BP	FRE 602	
188	24	189	13	BP	FRE 602; FRE 701	
189	15	190	2	BP	FRE 602; FRE 701	
192	19	192	23	BP	Vague	
192	25	193	3	BP	Vague	
193	5	193	5	BP	Vague	
194	9	194	16	BP	FRE 602; Relevance	
194	17	194	18	BP	FRE 602	
194	20	194	20	BP	FRE 602	
194	21	195	7	BP	FRE 602	
204	23	205	7	Anadarko	Compound; Irrelevant; Lacks foundation/No personal knowledge/Calls for speculation; Nonresponsive; Vague	
205	19	205	22	BP	FRE 602; FRE 701	
205	25	205	25	BP	FRE 602; FRE 701	
205	8	205	18	Anadarko	Irrelevant; Lacks foundation/No personal knowledge/Calls for speculation; Nonresponsive; Vague	
205	19	205	25	Anadarko	Improper opinion/Calls for legal conclusion; Lacks foundation/No personal knowledge/Calls for speculation; Vague	
206	5	206	8	Anadarko	Irrelevant; Prejudicial/confusing/cumulative; Vague	
208	2	208	10	BP	Relevance	

208	11	208	12	BP	FRE 602; FRE 701	
208	14	208	15	BP	FRE 602; FRE 701	
211	8	211	19	BP	Relevance	
212	6	212	11	BP	Relevance	
213	4	213	6	BP	FRE 602	
213	8	213	11	BP	FRE 602	
220	3	220	11	BP	Relevance	
220	23	221	1	BP	FRE 602; FRE 701	
221	3	221	9	BP	FRE 602; FRE 701	
222	11	222	13	BP	FRE 602; FRE 701	
222	15	222	15	BP	FRE 602; FRE 701	
225	18	226	6	BP	Relevance	
226	7	226	9	BP	FRE 602; FRE 701	
226	11	226	11	BP	FRE 602; FRE 701	
226	7	226	11	Anadarko	Improper opinion/Calls for legal conclusion; Lacks foundation/No personal knowledge/Calls for speculation	
233	16	233	20	BP	Compound	
233	22	233	25	BP	Compound	
250	25	251	2	BP	Asked and Answered	
251	4	251	4	BP	Asked and Answered	
259	3	259	10	BP	FRE 602; FRE 701; Misstates the Record	
259	13	259	13	BP	FRE 602; FRE 701; Misstates the Record	
264	3	264	5	BP	Vague	
264	7	264	10	BP	Vague	
264	12	264	14	BP	Vague	
277	11	277	14	BP	Misstates the Record	
277	16	277	16	BP	Misstates the Record	
277	18	278	1	BP	Misstates the Record	
278	7	278	10	BP	Misstates the Record	
279	22	280	1	BP	Misstates the Record	
280	3	280	4	BP	Misstates the Record	
285	24	286	4	BP	Argumentative; Relevance; FRE 602	
286	9	286	9	BP	Argumentative; Relevance; FRE 602	
288	9	288	15	BP	Relevance	

292	16	292	19	BP	FRE 701; FRE 602	
292	22	292	22	BP	FRE 701; FRE 602	
294	8	294	12	BP	Compound; FRE 602	
294	15	294	16	BP	Compound; FRE 602	
294	17	294	21	BP	FRE 602	
294	22	294	25	BP	Misstates the Record; FRE 602; FRE 701	
295	3	295	5	BP	Misstates the Record; FRE 602; FRE 701	
298	20	298	22	BP	Misstates the Record; FRE 602	
298	25	298	25	BP	Misstates the Record; FRE 602	
304	10	304	16	BP	FRE 602; FRE 701	
306	13	306	14	BP	FRE 602; Vague	
306	16	306	20	BP	FRE 602; Vague	
306	22	306	23	BP	FRE 602; Vague	
306	24	307	1	BP	FRE 602; Vague; Misstates the Record	
307	3	307	7	BP	FRE 602; Vague; Misstates the Record	
310	4	310	6	BP	Misstates the Record	
310	8	310	15	BP	Misstates the Record	
316	20	316	24	BP	Vague; FRE 602; FRE 701	
317	1	317	3	BP	Vague; FRE 602; FRE 701	
317	4	317	12	BP	Vague; FRE 602; FRE 701	
317	23	318	3	BP	Vague; FRE 602; FRE 701	
318	7	318	19	BP	Vague; FRE 602; FRE 701	
318	20	318	22	BP	Vague; FRE 602	
318	24	318	24	BP	Vague; FRE 602	
319	3	319	9	BP	Vague; FRE 602	
319	12	319	13	BP	Vague; FRE 602	
322	2	322	4	BP	Vague; FRE 602	
322	6	322	7	BP	Vague; FRE 602	
328	12	328	13	BP	Vague	
328	15	328	17	BP	Vague	
356	11	356	15	BP	FRE 701	
356	23	357	1	BP	FRE 701	
386	24	387	4	BP	Argumentative; Asked and Answered	
387	6	387	12	BP	Argumentative; Asked and Answered	

387	14	387	14	BP	Argumentative; Asked and Answered	
388	1	388	7	BP	Argumentative; Asked and Answered	
388	9	388	10	BP	Argumentative; Asked and Answered	
391	8	391	11	BP	Misstates the Record; FRE 602	
391	16	391	17	BP	Misstates the Record; FRE 602	
392	11	392	11	BP	Vague; FRE 701	
392	13	392	15	BP	Vague; FRE 701	
392	17	392	18	BP	Vague; FRE 701	
392	19	393	12	BP	Misstates the Record	
396	8	396	15	BP	FRE 701	
402	4	402	6	BP	Misstates the Record	
402	9	402	13	BP	Misstates the Record	
405	15	405	17	BP	Vague; Misstates the Record	
405	20	406	2	BP	Vague; Misstates the Record	
406	5	406	6	BP	Vague; Misstates the Record	