

**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
PAUL TOOMS**

<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>			
30	16	31	10	BP	FRE 602	
52	18	53	11	BP	FRE 602	
75	25	76	18	BP	FRE 602; Compound	
109	18	110	1	BP	FRE 602	
111	3	111	11	BP	FRE 602	
115	11	117	11	BP	FRE 602	
117	20	118	18	BP	FRE 602	
121	4	121	13	BP	FRE 602	
122	17	123	17	BP	FRE 602	
124	15	125	7	BP	FRE 602	
126	10	126	11	BP	FRE 602	
129	23	130	22	BP	FRE 602	
141	1	144	21	BP	Not relevant to Phase I	
146	12	158	7	BP	Not relevant to Phase I	
173	22	176	11	BP	Not relevant to Phase I	
183	16	184	6	BP	Not relevant to Phase I	
186	21	187	22	BP	FRE 602	
198	4	198	24	BP	Not relevant to Phase I	
200	3	200	8	BP	Not relevant to Phase I	
214	24	216	18	BP	Not relevant to Phase I	
231	3	231	25	BP	Not relevant to Phase I	
232	17	232	21	BP	Not relevant to Phase I	
233	19	248	14	BP	Not relevant to Phase I	

259	1	314	16	BP	Not relevant to Phase I	
					Non-responsive; speculation; lack of foundation: When asked if he knew "what debris is referred to" in Exhibit 6192, Tooms gave a non-responsive answer in which he mentioned pieces of cement and made clear that his response was speculative by ending his response with the statement, "That's the sort of debris that I believe they're talking about here." (306:9-307:3). Immediately thereafter, Tooms admitted that he does not know whether any of that debris was actually found in the BOP and to have obstructed flow and, specifically, whether any cement was found in the BOP. (307:5-16). From his response, lack of foundation for him to answer regarding this exhibit is evident.	
306	9	307	16	HESI		
328	4	396	16	BP	Not relevant to Phase I	
407	18	408	12	BP	Not relevant to Phase I	
462	3	462	13	BP	Misstates the record	
468	6	470	25	BP	FRE 602	
472	5	473	6	BP	FRE 602	
473	21	481	4	BP	Not relevant to Phase I	
481	6	481	19	BP	FRE 602	
483	8	483	16	BP	FRE 602	
485	8	494	22	BP	FRE 602	
515	18	515	20	BP	FRE 602	
523	16	524	25	BP	FRE 602	
548	15	549	11	BP	FRE 602	
552	13	555	9	BP	FRE 602	
565	20	567	3	BP	FRE 602	

					<p>Leading; speculation; lack of foundation; vague and ambiguous. Counsel for BP asked if Tooms based his opinion as to the flow path going through the shoe track and up the production casing on the facts and data that he saw while he served as the Head of the Engineering response. This question is leading on direct examination, calls for speculation, and lacks foundation. Tooms was not involved in the investigation or the Bly Report and previously stated that he does not have enough information to form an opinion that disagrees with the Bly Report. (565:20-566:16). No actual basis for his knowledge or expertise is explored that could serve as a foundation for this testimony. (574:2-12). Further, "facts and data that you saw" is vague and ambiguous with respect to providing a basis for such opinions.</p>	
574	7	574	12	HESI	<p>Lack of foundation; irrelevant: Counsel asked, "Do you believe that your opinion on the flow path is based upon a reasonable degree of Engineering certainty?" This question fails to lay the proper foundation for the witness's opinion; what the witness "believes" is irrelevant and is improper to lay the foundation it seeks to establish.</p>	

576	14	579	18	BP	Not relevant to Phase I	
583	9	583	25	BP	Not relevant to Phase I	
585	21	587	21	BP	FRE 602; Not relevant to Phase I; Misstates the record	