

**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
JAMES BEMENT**

<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>			
28	2	28	24	HESI	Relevance: HESI objects that this testimony concerns a credit related to Sperry-Sun non-productive time (NPT) on the Kodiak well and a credit issued in regard to that NPT. There were no such issues on the Macondo well; therefore, the testimony is irrelevant and immaterial to the issues in this case.	
84	1	84	18	Anadarko	Improper opinion/Calls for legal conclusion; Nonresponsive; Prejudicial/confusing/cumulative	
89	2	89	5	HESI	Legal conclusion; foundation; speculation: Counsel asks the witness about the Master Service Agreement between Halliburton and BP and asks whether a specific section was a representation by Halliburton to BP. The question calls for a legal conclusion that the witness is not qualified to give. There is no foundation for this witness to testify to this matter, and the question necessarily calls for speculation. The witness was not involved in negotiating the contract	

					and lacks knowledge to respond to the question. (141:9-12).	
93	18	93	20	BP	FRE 602	
93	24	94	9	BP	FRE 602	
94	17	95	1	BP	Non-responsive	
95	17	96	3	BP	FRE 602; FRE 701; Vague; Compound	
96	4	96	15	BP	Compound; Vague; Argumentative	
132	4	132	14	HESI	Argumentative; vague and ambiguous; violates best evidence rule; mischaracterizes evidence; foundation; speculation: Counsel references an exhibit that has been read into the record and states his interpretation, ""But the way I read that, is it says that the connection flow monitoring program, every time the pumps are shut down, looks at the pressure response versus a reference curve, that's been established, and can distinguish between whether or not you're getting the pressure response you would expect to see, or you're getting an abnormal response that might be a kick indicator. Is that fair?"" This question is argumentative; counsel is merely testifying. Further, it is vague and ambiguous, and the question is so imprecise that the resulting testimony is confusing and misleading. Further, it violates the best evidence rule and mischaracterizes the evidence; the document speaks for itself. There is no foundation for this witness to testify on these matters, and the question necessarily calls for speculation. Mr. Bement is not an engineer and this testimony is outside of his area of expertise.	

133	14	133	23	HESI	Argumentative; compound; vague and ambiguous; foundation; speculation: Counsel makes an argumentative statement that is compound, vague, and ambiguous. This question is argumentative; counsel is merely testifying. Further, it is vague and ambiguous, and the question is so imprecise that the resulting testimony is confusing and misleading. There is no foundation for this witness to testify on these matters, and the question necessarily calls for speculation. Mr. Bement is not an engineer and this testimony is outside of his area of expertise.	
148	18	149	20	M-I	M-I objects to the testimony as lacking foundation and hearsay. The witness was asked about his conversations with Halliburton Sperry employees who have had conversations with Joseph Keith. (145:19-23). He answered that he spoke with John Gisclair, who had spoken with Mr. Keith and Cathleenia Willis. (145:23-146:11). The testimony is inadmissible as containing hearsay upon hearsay – the witness is testifying to statements made to him by John Gisclair regarding statements made to Gisclair by Cathleenia Willis. There is no evidence that the witness has any personal knowledge regarding the events to which he is testifying. As these are out-of-court statements, to the extent this testimony is offered for the truth of the facts contained therein, the testimony is hearsay.	
148	24	149	12	BP	Non-responsive	
148	24	149	20	Transocean	Hearsay. (Fed. R. Evid. 802).	

157	2	157	25	HESI	Relevance: HESI objects that this testimony concerns a credit related to Sperry-Sun non-productive time (NPT) on the Kodiak well and a credit issued in regard to that NPT. There were no such issues on the Macondo well; therefore, the testimony is irrelevant and immaterial to the issues in this case.	
195	8	196	5	HESI	Argumentative; speculation; lacks foundation; assumes facts not in evidence: The witness is asked a series of question about what Sperry Sun told BP. The question is argumentative and necessarily calls for speculation. There is no foundation for this witness to testify on these matters. Mr. Bement is not an engineer and this testimony is outside of his expertise. The witness was not involved in negotiating the contract and lacks knowledge to respond to these questions. (141:9-12). Further, the questioning assumes facts that are not in evidence.	
203	17	204	4	HESI	Argumentative; assumes facts not in evidence: Counsel asks an argumentative question, wherein counsel is merely testifying. Further, the question assumes facts that are not in evidence.	
204	16	205	18	Transocean	Hearsay. (Fed. R. Evid. 802).	
230	11	231	2	HESI	Argumentative; assumes facts not in evidence; speculation: Counsel asks an argumentative question, wherein counsel is merely testifying. Further, the question assumes facts that are not in evidence. The question necessarily calls for speculation.	
242	14	242	21	BP	Compound; Vague; Argumentative	
242	22	242	25	BP	Vague; Argumentative	
243	23	244	1	BP	Vague; FRE 701	
244	2	244	6	BP	Vague; FRE 701	

244	7	244	13	BP	Vague; Misstates the Record; Compound	
244	14	244	23	BP	Argumentative; Vague; Misstates the Record	
245	18	245	24	BP	Vague	
246	9	246	15	BP	Vague; Misstates the Record	
248	9	248	13	BP	Vague; Misstates the Record	
253	14	253	23	BP	Vague; Misstates the Record	
254	11	254	14	BP	Vague; Argumentative; Misstates the Record	
255	9	255	13	BP	FRE 602; Vague	
255	14	255	20	BP	FRE 602; Argumentative	
259	7	259	14	BP	Misstates the Record; Vague; FRE 602	
260	7	260	11	BP	Argumentative; Vague; FRE 701	
260	12	260	17	BP	FRE 602; Vague; Misstates the Record	
260	18	260	24	BP	Compound; Argumentative; FRE 602	
260	25	261	8	BP	FRE 602; Vague; Argumentative	
261	9	261	13	BP	FRE 602; Vague; Compound; Argumentative	
261	22	262	1	BP	FRE 602; Vague; Compound	
262	14	262	18	BP	FRE 602; Vague; Argumentative; Misstates the Record	
262	22	263	1	BP	FRE 602; Vague; Argumentative	
263	18	264	18	BP	Compound	
264	25	265	7	BP	FRE 602; Vague; Compound; Misstates the Record	
265	10	265	16	BP	Compound; Vague; Misstates the Record	
268	8	268	21	BP	Compound; FRE 602	
272	18	273	5	BP	FRE 602; Vague	
273	6	273	15	BP	Vague; FRE 602	
273	16	273	21	BP	Compound; Argumentative; Vague	
279	20	280	15	BP	Vague; FRE 602; FRE 701	
280	18	280	23	BP	Vague; FRE 602; FRE 701	
280	24	281	3	BP	Vague; Compound; FRE 602; FRE 701	
281	15	282	5	BP	Vague; FRE 602; FRE 701; Argumentative	
282	6	282	9	BP	Argumentative; Vague	

283	13	283	21	BP	Compound; Vague; Hearsay	
					M-I objects to the testimony as hearsay. The question expressly calls for out-of-court statements of John Gisclair made to the witness. (283:13-24, 284:4-5). As this testimony is out-of-court statements, to the extent this testimony is offered for the truth of facts contained therein, the testimony is hearsay.	
283	13	283	21	M-I		
					M-I objects to the testimony as hearsay. The question expressly calls for out-of-court statements of John Gisclair made to the witness. (283:13-24, 284:4-5). As this testimony is out-of-court statements, to the extent this testimony is offered for the truth of facts contained therein, the testimony is hearsay.	
284	4	284	11	M-I		
284	12	284	19	BP	Argumentative; Misstates the Record; FRE 602	