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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL BY THE OIL RIG	*	Docket 10-MD-2179
<i>DEEPWATER HORIZON</i> IN THE	*	
GULF OF MEXICO ON APRIL 20, 2010	*	Section J
	*	
Applies to:	*	New Orleans, Louisiana
	*	
Docket 10-CV-02771,	*	April 9, 2013
<i>IN RE: THE COMPLAINT AND</i>	*	
<i>PETITION OF TRITON ASSET</i>	*	
<i>LEASING GmbH, et al</i>	*	
	*	
Docket 10-CV-4536,	*	
<i>UNITED STATES OF AMERICA v.</i>	*	
<i>BP EXPLORATION &amp; PRODUCTION,</i>	*	
<i>INC., et al</i>	*	
	*	
* * * * *		

DAY 24, AFTERNOON SESSION  
TRANSCRIPT OF NONJURY TRIAL  
BEFORE THE HONORABLE CARL J. BARBIER  
UNITED STATES DISTRICT JUDGE

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16   Proceedings recorded by mechanical stenography using  
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I N D E X

	<u>Page</u>
1	
2	
3	Steve Robinson
4	Direct Examination By Mr. Regan
5	Cross-Examination By Mr. Sterbcow
6	Cross-Examination By Mr. Underhill
7	Cross-Examination By Mr. Brian
8	Redirect Examination By Mr. Regan
9	
10	Kevin Lacy by Video Deposition
11	Neil Shaw
12	Direct Examination by Ms. Karis
13	
14	
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16	
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1 AFTERNOON SESSION

2 (April 9, 2013)

13:15 3 **THE COURT:** Please be seated, everyone.

13:33 4 **MR. IRPINO:** Good afternoon, Your Honor.

13:33 5 **THE COURT:** All right.

13:33 6 **MR. IRPINO:** Real quickly, I just wanted to state for  
13:33 7 the record the difference -- we talked about the report of  
13:33 8 Mr. Emilsen, TREN-40003, and then there was TREN-7401. They  
13:33 9 are, in fact, different.

13:33 10 40003 is 22 pages and is just the October 17,  
13:33 11 2011 report with his -- referenced his CV and materials  
13:33 12 considered. TREN-7401 is 83 pages and has those same exact  
13:33 13 first 22 pdf pages but additionally has Appendix W of the Bly  
13:34 14 report attached after that, which makes up the next 20 pdf  
13:34 15 pages, 24 through 83. Just to let the Court know for the  
13:34 16 record.

13:34 17 **THE COURT:** Very well.

13:34 18 **MR. REGAN:** What I would propose, Your Honor -- Matt  
13:34 19 Regan on behalf of BP -- is that obviously we don't have an  
13:34 20 objection to either one. But for simplicity, tomorrow morning  
13:34 21 we can just propose to just use one of them, the complete one,  
13:34 22 and just make a statement on the record so that it's clear  
13:34 23 going forward.

13:34 24 **THE COURT:** That will be fine. Thank you.

13:34 25 **MR. REGAN:** All right. Very well.



13:34 1 THE COURT: Next witness for BP.

13:34 2 MR. REGAN: Your Honor, BP calls Mr. Steve Robinson.

13:34 3 STEVE ROBINSON,

13:34 4 having been duly sworn, testified as follows:

13:34 5 THE DEPUTY CLERK: State your full name and correct  
13:34 6 spelling for the record, please.

13:34 7 THE WITNESS: My name is Steven W. Robinson,  
13:34 8 S-T-E-V-E-N, W. Robinson, R-O-B-I-N-S-O-N.

13:35 9 DIRECT EXAMINATION

13:35 10 BY MR. REGAN:

13:35 11 Q. Good afternoon, Mr. Robinson. Could you please tell the  
13:35 12 Court where you live.

13:35 13 A. I currently live in Houston, Texas.

13:35 14 Q. Where do you work?

13:35 15 A. I work for BP in the Houston office.

13:35 16 Q. What's your current position at BP?

13:35 17 A. I'm the vice president of region wells for the Gulf of  
13:35 18 Mexico.

13:35 19 Q. At various points today either you or I will be asked to  
13:35 20 slow down for the purposes of the court reporter, but my cold  
13:35 21 is slowing me down a little bit, so we will both try to talk  
13:35 22 slowly.

13:35 23 Mr. Robinson, I would like to just let the Court know  
13:35 24 a little bit about you, if we could. Where did you grow up?

13:35 25 A. I grew up in Shreveport, Louisiana.

## STEVE ROBINSON - DIRECT

13:35 1 Q. How did you end up in Shreveport?

13:35 2 A. My dad moved us there at a very young age, 18 months or  
13:35 3 so. He was a mud logger and started a mud logging business in  
13:35 4 Shreveport.

13:35 5 Q. Did you stay in Shreveport through the end of high school?

13:35 6 A. I did.

13:35 7 Q. Where did you go to college, Mr. Robinson?

13:35 8 A. Louisiana Tech University.

13:36 9 Q. What did you major in?

13:36 10 A. I majored in petroleum engineering, and I received a  
13:36 11 bachelor's in 1985 and a master's in 1988.

13:36 12 Q. Both in petroleum engineering?

13:36 13 A. That's correct.

13:36 14 Q. So in 1988 -- let me ask you, during the time you were  
13:36 15 working -- during the time you were in college and doing your  
13:36 16 master's, did you have any experience working in the oil  
13:36 17 industry?

13:36 18 A. Yes, I did. I actually started work in the oil industry  
13:36 19 while I was attaining my bachelor's. Summer of 1982 was my  
13:36 20 first job on a rig, Transcontinental Rig 35.

13:36 21 Q. Just briefly tell the judge the type of work you were  
13:36 22 doing in college while getting your degrees but also working in  
13:36 23 the industry.

13:36 24 A. It was predominantly mud logging.

13:36 25 Q. Were you working for your dad's company?

## STEVE ROBINSON - DIRECT

13:36 1 A. Yes, I was.

13:36 2 Q. After getting your education, Mr. Robinson, you went to  
13:36 3 work in the oil business; is that right?

13:36 4 A. That's correct. I went to work for ARCO in March of 1988.

13:36 5 Q. Again, we don't have to have every chapter of your  
13:36 6 history, but can you briefly describe the time you had at ARCO  
13:37 7 slowly from 1988 through around 2000.

13:37 8 A. Yes. They placed me at Midland, Texas, a field assignment  
13:37 9 as a company man, now known as well site leader, for  
13:37 10 2 1/2 years. I also did some engineering assignments in  
13:37 11 Midland, drilling completions and workovers.

13:37 12 After that they sent me to Alaska for an exploration  
13:37 13 program -- two programs, actually, one in Cook Inlet, Alaska,  
13:37 14 with a jack-up vessel. It was called the "Sunfish Project." I  
13:37 15 had engineering and company man experience on that vessel or  
13:37 16 that rig.

13:37 17 And then also in the Beaufort Sea, I worked on an  
13:37 18 exploration well off the coast of Barrow, Alaska called  
13:37 19 "Cabot." And from there I did some developments.

13:37 20 I was there a total of seven years in Alaska and then  
13:37 21 was transferred to Algeria. I worked as a drilling engineer in  
13:37 22 Algeria for almost three years, and at that time BP bought  
13:37 23 ARCO.

13:37 24 Q. Why don't we stop there.

13:37 25 So with ARCO you are working in Texas and in Alaska

## STEVE ROBINSON - DIRECT

13:37 1 and in Algeria, and then in 2000, BP, Amoco, and ARCO merged;  
13:38 2 is that right?

13:38 3 A. That's correct.

13:38 4 Q. Why don't you take us, then, forward from -- your work  
13:38 5 from 2000 forward.

13:38 6 A. Late 2000, so 10 months or so, eight months maybe after  
13:38 7 the acquisition of ARCO, BP transferred me to Houston and made  
13:38 8 me a team leader over a drilling engineering group running  
13:38 9 Wyoming rigs. I did that for some time and ultimately stayed  
13:38 10 in Houston six to seven years and had various onshore  
13:38 11 assignments.

13:38 12 And then they moved me in deepwater during that  
13:38 13 six-year period. I spent 2 1/2 years working Gulf of Mexico  
13:38 14 exploration, running a vessel called the *Ocean Confidence*.

13:38 15 Q. Do you remember what years that was generally?

13:38 16 A. 2004 through mid-2006, as I remember.

13:38 17 Q. After leaving that Gulf of Mexico deepwater position, what  
13:38 18 did you do next?

13:38 19 A. I was transferred to an exploration program we had in  
13:39 20 Sakhalin Island off the East Coast of Russia. It was an Arctic  
13:39 21 exploration off the north coast of Sakhalin. Sakhalin Island  
13:39 22 is north of Japan. We had two summer drilling programs,  
13:39 23 exploration programs that I led the teams to accomplish.

13:39 24 Q. Was that deepwater drilling?

13:39 25 A. Yes, it was, 5,000 feet of water. We drilled the wells

## STEVE ROBINSON - DIRECT

13:39 1 with *Transocean Legend*, a moored vessel.

13:39 2 Q. After leaving Sakhalin in Russia, where did you go next?

13:39 3 A. I was transferred to the North Sea. It was a position of  
13:39 4 more responsibility running our rigs on BP's North Sea  
13:39 5 platforms. We had seven platforms, five of which had active  
13:39 6 rigs. I ran that program for -- up until January 2009, and  
13:39 7 they transferred me to Alaska at that point.

13:39 8 Q. What was your general position then in Alaska, starting in  
13:39 9 January 2009?

13:39 10 A. Equivalent that I have now in the Gulf of Mexico, I was  
13:39 11 the vice president for our Alaska wells organization.

13:39 12 Q. Was that the position that you held at BP on or about  
13:40 13 April 20, 2010, Mr. Robinson?

13:40 14 A. Yes, that's correct.

13:40 15 Q. I want to briefly describe, in April of 2010, after the  
13:40 16 accident in the Gulf of Mexico, were you asked to join BP's  
13:40 17 internal investigation team?

13:40 18 A. Yes, I was, on April 23.

13:40 19 Q. So you were up in Alaska and then came down to Houston?

13:40 20 A. That is correct.

13:40 21 Q. Do you remember when you arrived?

13:40 22 A. I arrived the evening of the 24th.

13:40 23 Q. When did you start working on the investigation team,  
13:40 24 Mr. Robinson?

13:40 25 A. The morning of the 25th. That was a Sunday morning.

## STEVE ROBINSON - DIRECT

13:40 1 Q. Did you have a specific idea of what you were being asked  
13:40 2 to do?

13:40 3 A. I was told I was going to run a team looking at the  
13:40 4 operations involving the *Horizon*.

13:40 5 Q. The Court has already heard substantial testimony about  
13:40 6 the Bly report and the Bly investigation. But with respect to  
13:40 7 the Bly or BP investigation report, whichever way you want to  
13:41 8 call it, was there particular sections of that report that were  
13:41 9 your responsibility?

13:41 10 A. Yes. Section 5B particularly was my section.

13:41 11 Q. How long were you engaged in this task; that is, working  
13:41 12 for BP's investigation team starting the 25th of April?

13:41 13 A. From that time period until we published the report,  
13:41 14 September 8; and then I went on speaking tour right behind  
13:41 15 that, lasted until early November.

13:41 16 Q. Can you just describe, again generally, the type of work  
13:41 17 environment or work hours that you had in that time period from  
13:41 18 April 25 to the publication of the report, September 8, 2010?

13:41 19 A. The first few weeks it was 14, 16 hours a day working on  
13:41 20 trying to gather facts, also lots of travel. That's the  
13:41 21 extent.

13:41 22 Q. We are going to come back to some of the interviews that  
13:41 23 you conducted as part of the investigation team, but just I  
13:42 24 want to finish out your résumé for the Court.

13:42 25 After you left BP's internal investigation team in

## STEVE ROBINSON - DIRECT

13 : 42 1 November of 2010, what did you do next?

13 : 42 2 A. I returned to Alaska to resume my job until I was replaced  
13 : 42 3 to come down to Gulf of Mexico.

13 : 42 4 Q. So when did you come down to Houston to take your current  
13 : 42 5 position of being vice president of wells?

13 : 42 6 A. March 2011.

13 : 42 7 Q. In your current position, again at a general level, can  
13 : 42 8 you describe to the Court your basic duties and  
13 : 42 9 responsibilities.

13 : 42 10 A. I'm accountable for all the rig and on-rig activity in the  
13 : 42 11 Gulf of Mexico that touches wells.

13 : 42 12 Q. Does that include exploration and production activity?

13 : 42 13 A. Yes, it does.

13 : 42 14 Q. How many rigs do you have operating in the Gulf right now  
13 : 42 15 for BP, Mr. Robinson?

13 : 42 16 A. We have eight. We just released one. We were at nine.  
13 : 42 17 We just released one rig, a P&A rig.

13 : 42 18 Q. That includes Transocean rigs, Rowan rigs, Diamond  
13 : 42 19 Offshore rigs?

13 : 42 20 A. And Seadrill.

13 : 42 21 Q. Seadrill rigs?

13 : 42 22 A. Yes.

13 : 42 23 Q. Mr. Robinson, during the course of your career, would you  
13 : 43 24 have been well control-certified at different times?

13 : 43 25 A. Oh, yes.

## STEVE ROBINSON - DIRECT

13 : 43 1 Q. Are you well control-certified right now?

13 : 43 2 A. No, I'm not.

13 : 43 3 Q. Is that required for your current position?

13 : 43 4 A. No, it's not.

13 : 43 5 MR. REGAN: If we could put up 37031.1.1.

13 : 43 6 TREX-37031.1.1.

13 : 43 7 BY MR. REGAN:

13 : 43 8 Q. I have a cover page on the screen here, Mr. Robinson. But  
13 : 43 9 during the course of your work in the investigation team, did  
13 : 43 10 you keep a notebook?

13 : 43 11 A. Yes, I did. I was issued a notebook to keep my notes in.

13 : 43 12 Q. What was the purpose you had of keeping this notebook?

13 : 43 13 A. To record interview notes as well as any other information  
13 : 44 14 I would gather and try to record it in the notebook.

13 : 44 15 Q. As part of your fact-gathering process for the  
13 : 44 16 investigation, you participated in witness interviews; is that  
13 : 44 17 correct?

13 : 44 18 A. That's correct.

13 : 44 19 Q. Generally speaking, who did you interview?

13 : 44 20 A. Do you want a complete list or generally --

13 : 44 21 Q. Just describe the types of people.

13 : 44 22 A. Oh, the types of people.

13 : 44 23 Q. Yes.

13 : 44 24 A. Anyone that was involved with the Macondo, particularly  
13 : 44 25 those that had come off the rig I wanted to talk to, the well



## STEVE ROBINSON - DIRECT

13 : 44 1 site leaders, engineers, managers, anyone that had knowledge of  
13 : 44 2 the planning or execution of the well.

13 : 44 3 Q. What did you see as your purpose in conducting these  
13 : 44 4 interviews for the investigation?

13 : 44 5 A. To find out what happened.

13 : 44 6 Q. Are you a professional interviewer?

13 : 44 7 A. No, I'm not.

13 : 44 8 Q. Have you ever been involved in an investigation of this  
13 : 44 9 scale before?

13 : 44 10 A. Not of this scale. I've been involved in investigations,  
13 : 44 11 but not of this scale.

13 : 44 12 Q. With respect to the actual notes you took -- and we are  
13 : 44 13 going to show the Court some of the notes that you took from  
13 : 45 14 interviews -- can you describe the process that you would go  
13 : 45 15 through again in taking notes when you would go and conduct  
13 : 45 16 these interviews?

13 : 45 17 A. We would -- we'd have a facilitator with us. Usually  
13 : 45 18 there would be two technical people. I would be one of the  
13 : 45 19 technical persons, and have a facilitator to start the  
13 : 45 20 investigation.

13 : 45 21 We tried to get the interviewee to tell the story and  
13 : 45 22 then, at what seemed to be points of interest or key parts of  
13 : 45 23 the interview, one of the technical people would start asking  
13 : 45 24 questions to kind of drill into the detail of that particular  
13 : 45 25 issue.

## STEVE ROBINSON - DIRECT

13 : 45 1 Q. Mr. Robinson, would you write down everything that  
13 : 45 2 transpired in the interview?

13 : 45 3 A. No. I wouldn't write down everything, no.

13 : 45 4 Q. Would you write down verbatim what the witness -- that you  
13 : 45 5 were talking to, would you write down their words verbatim?

13 : 45 6 A. No, I did not.

13 : 45 7 Q. Did you see it as your job to be producing a transcript of  
13 : 45 8 these interviews?

13 : 45 9 A. No, I did not.

13 : 45 10 Q. In your notes in different places, would you write down  
13 : 45 11 notes to yourself or questions you might have?

13 : 46 12 A. Yes, I would. So I wouldn't interrupt if the interviewee  
13 : 46 13 was speaking. If I thought of a question, I would write it  
13 : 46 14 down so I could remember it later.

13 : 46 15 Q. But you endeavored to write down what you heard or the  
13 : 46 16 impressions you got from the interview as it was taking place?

13 : 46 17 A. Yes, that's correct.

13 : 46 18 Q. In order to help you do your job?

13 : 46 19 A. That's right.

13 : 46 20 Q. Was there ever, to your knowledge, Mr. Robinson, a time  
13 : 46 21 where you asked to interview a BP employee for BP's  
13 : 46 22 investigation where the BP employee refused to sit down with  
13 : 46 23 you?

13 : 46 24 A. No, no.

13 : 46 25 Q. With respect to the way that the interviews -- I'm going

## STEVE ROBINSON - DIRECT

13 : 46 1 to get right to the specific one here in one second. But the  
13 : 46 2 last general question is: The way that interviews would take  
13 : 46 3 place, would one person ask all the questions and other people  
13 : 46 4 take notes? Can you just describe generally for the Court so  
13 : 46 5 the Court has an idea of how these interviews took place.

13 : 46 6 A. Any interviewer could jump in and ask questions, and I  
13 : 46 7 did -- for the well site leaders, I tended to ask more of the  
13 : 47 8 questions, it seemed.

13 : 47 9 Q. When you would be asking questions of somebody you were  
13 : 47 10 interviewing, would you try to be writing down everything at  
13 : 47 11 the same time you are asking the questions?

13 : 47 12 A. No. I found it very difficult to do that. I had to  
13 : 47 13 engage in the conversation, and I found it very difficult to  
13 : 47 14 take notes at the same time.

13 : 47 15 Q. I want to go specifically, just to direct your attention  
13 : 47 16 to some notes that have been put before the Court and have you,  
13 : 47 17 as the author of those notes, review those with the judge now.

13 : 47 18 First, you said you started your work on the  
13 : 47 19 investigation team around the 25th of April; is that right?

13 : 47 20 A. That's correct, that morning.

13 : 47 21 Q. One of the first interviews that you conducted was of  
13 : 47 22 Mr. Donald Vidrine; is that correct?

13 : 47 23 A. The very first was Mr. Sims. Mr. Vidrine would have been  
13 : 47 24 two days -- about the 27th.

13 : 47 25 Q. The 27th of April 2010?

## STEVE ROBINSON - DIRECT

13 : 47 1 A. That's correct.

13 : 47 2 MR. REGAN: If we can go to 37031.13.3.

13 : 47 3 BY MR. REGAN:

13 : 48 4 Q. Does this appear to be the start of your notes,  
13 : 48 5 Mr. Robinson, of the first interview you did of Mr. Vidrine?

13 : 48 6 A. Yes.

13 : 48 7 Q. That's your handwriting, correct?

13 : 48 8 A. Yes, it is.

13 : 48 9 Q. Before we go into the detail, can you describe for the  
13 : 48 10 Court, where did this interview take place?

13 : 48 11 A. In Mr. Vidrine's home, in his dining room. It was just  
13 : 48 12 kind of off his kitchen there.

13 : 48 13 Q. How many people participated in the interview?

13 : 48 14 A. It was three of us.

13 : 48 15 Q. Can you give us their names?

13 : 48 16 A. It was Mr. Brian Martin, that was our facilitator; Mr. Jim  
13 : 48 17 Cowie, he worked with me on the operations team; and myself.

13 : 48 18 Q. The interview that took place of Mr. Vidrine -- you may  
13 : 48 19 have just said this, but it took place at his house; is that  
13 : 48 20 correct?

13 : 48 21 A. That's correct, in Lafayette, Louisiana.

13 : 48 22 Q. Okay. Can you describe -- as you did the interview, did  
13 : 48 23 you start the interview and go all the way to the end and then  
13 : 48 24 finish?

13 : 48 25 A. No, we weren't able to. We invited Mr. Vidrine to start

## STEVE ROBINSON - DIRECT

13:48 1 telling the story, and he got through his time from landing  
13:48 2 onboard to the blowout in about eight minutes. And we had to  
13:48 3 take him back from the beginning and start working through it  
13:49 4 slowly, and we found ourselves kind of jumping around quite a  
13:49 5 bit. It didn't flow, actually, very well.

13:49 6 Q. Having reviewed your notes, do your notes reflect the fact  
13:49 7 that during your interview with Mr. Vidrine, you were bouncing  
13:49 8 around topics?

13:49 9 A. Yes. I would have written down as I heard it, yes.

13:49 10 Q. Let's go now to those notes. So in terms of the sequence  
13:49 11 of your notes, does that reflect that Mr. Vidrine was not  
13:49 12 covering the sequence of events from beginning to end in one  
13:49 13 smooth --

13:49 14 A. Yes, that's accurate.

13:49 15 Q. How was Mr. Vidrine? How did he appear to you during the  
13:49 16 interview?

13:49 17 A. Initially he was quiet and reserved, welcomed us into his  
13:49 18 home. As he told us the story, what he knew of the event, he  
13:49 19 would become tearful, emotional, and was starting to struggle.

13:49 20 MR. GODWIN: May I, Your Honor? Don Godwin for  
13:50 21 Halliburton.

13:50 22 Your Honor, while Mr. Hartley is going to handle  
13:50 23 the examination, I would offer this objection. I won't be  
13:50 24 involved otherwise.

13:50 25 Mr. Vidrine took the Fifth Amendment, and BP

## STEVE ROBINSON - DIRECT

13:50 1 should not be allowed to ask this witness any questions that  
13:50 2 would elicit a response of Mr. Vidrine said or how he looked so  
13:50 3 as to position Mr. Vidrine in any matter before the Court  
13:50 4 without us having the benefit of examining him.

13:50 5 So when he said he looked this way, he looked  
13:50 6 that way, he said this, he said that, while hearsay would not  
13:50 7 ordinarily apply, because he is an employee of the company, I  
13:50 8 know BP may not be able to control his taking the Fifth, but  
13:50 9 neither can we. So neither side should have an advantage here,  
13:50 10 Judge, would be my objection.

13:50 11 **THE COURT:** First of all, it seems to me that his  
13:50 12 statements about how he looked or appeared are not hearsay.  
13:50 13 That's his personal observation.

13:50 14 **MR. GODWIN:** In terms of if he appeared distraught or  
13:50 15 whatever, that would attempt to evoke the sympathy of the  
13:50 16 Court.

13:50 17 **THE COURT:** Well, maybe so, but that's not hearsay.

13:51 18 **MR. GODWIN:** I understand. It's not just a hearsay  
13:51 19 objection, Your Honor. It really goes to why should they be  
13:51 20 allowed to offer any comments that Mr. Vidrine may have made  
13:51 21 when the man cannot be challenged here in this courtroom, is my  
13:51 22 real objection.

13:51 23 **MR. BRIAN:** Your Honor, Brad Brian for Transocean. I  
13:51 24 think Mr. Godwin is a question or two early. I do intend to  
13:51 25 lodge a hearsay objection to any questions and answers to the

## STEVE ROBINSON - DIRECT

13:51 1 substance of what Mr. Vidrine said. I think that is classic  
13:51 2 hearsay. I don't object to the question that was just asked  
13:51 3 about how he appeared and that, but I think the substance would  
13:51 4 be hearsay.

13:51 5 **MR. GODWIN:** Well, when we do get to a point where he  
13:51 6 is talking about what he said, there will be objections as to  
13:51 7 hearsay; but I thought, Your Honor, in order to try to move it  
13:51 8 along -- we are all trying to do that -- that we do that, we  
13:51 9 say for any of these witnesses who took the Fifth, we are not  
13:51 10 going to allow anybody to talk about what they said to someone  
13:51 11 who is here on the stand. That's my objection, Judge.

13:51 12 **THE COURT:** Okay.

13:51 13 **MR. GODWIN:** Thank you, sir.

13:51 14 **MR. REGAN:** Well, Your Honor, I would say I am going  
13:51 15 to ask Mr. Robinson about his notes that he took in his  
13:51 16 handwriting of an interview. These notes have been used by  
13:52 17 both Halliburton and Transocean and other parties in this case,  
13:52 18 and they have made suggestions about what they mean. I think  
13:52 19 it would be helpful for the person that wrote them to describe  
13:52 20 what he wrote down.

13:52 21 And further, notwithstanding the empty chairs  
13:52 22 here, with respect to the examination -- let me just leave it  
13:52 23 at that. I think Mr. Robinson is capable of testifying about  
13:52 24 his notes about Mr. Vidrine. If there would be a stipulation  
13:52 25 that these notes are hearsay and not in the case, which I don't

## STEVE ROBINSON - DIRECT

1 think there's going to be, that's a different matter. But  
2 people have been using the notes and this is the man that wrote  
3 them.

4 **MR. BRIAN:** It's very different, Your Honor, to use a  
5 statement against a party opponent. That is clearly  
6 permissible, and I did that with Mr. Bly. And Ms. Karis on  
7 redirect, under sort of a rule of completeness, did go into  
8 portions of those notes to put it in context and I did not  
9 object to that. I think that is appropriate.

10 So if I cross-examined Mr. Bly, for example,  
11 about Mr. Robinson's notes. I do think that Mr. Regan is  
12 permitted to go into the very context of what I did, that  
13 paragraph, to put that in context. I don't believe, though, he  
14 is permitted to elicit more generally the hearsay statements in  
15 that interview that were not within the four corners, so to  
16 speak, of my cross-examination on those notes.

17 **THE COURT:** All right. I understand.

18 Mr. Regan is correct in that there's been a lot  
19 of references to these notes which in some circumstances may be  
20 some form of hearsay. I think, again, since this is a bench  
21 trial, I will allow Mr. Regan some leeway here, and we will see  
22 where he goes. In the end, I can sort this out. I can  
23 separate the wheat from the chaff here.

24 **MR. BRIAN:** Your Honor, so as not to disrupt these  
25 proceedings, can we have a standing hearsay objection to --



## STEVE ROBINSON - DIRECT

13:53 1 THE COURT: Yes. I understand.

13:53 2 MR. BRIAN: Thank you.

13:53 3 THE COURT: But Mr. Brian does make a good point,  
13:53 4 Mr. Regan. Keep in mind that it is different if somebody is  
13:54 5 using, quote, hearsay in this -- what might otherwise be  
13:54 6 hearsay against a party as opposed to a party trying to  
13:54 7 affirmatively use it.

13:54 8 MR. REGAN: I understand it to be a close question,  
13:54 9 and I am going to go through the sections that Mr. Brian said  
13:54 10 that -- the topics that these notes have been used for in this  
13:54 11 court, particularly the 8:52 call. That's what I'm going to  
13:54 12 focus on so the Court can hear from the guy who wrote the  
13:54 13 notes.

13:54 14 MR. GODWIN: Judge, I would offer, with respect to  
13:54 15 Halliburton, that I and others I directed on my team not to go  
13:54 16 into those notes, to stay away from it, because I thought to  
13:54 17 myself, How could we be trying to ask questions about those  
13:54 18 notes and about Mr. Vidrine when the man is not going to be  
13:54 19 here to testify?

13:54 20 So I figured this might come up, is the reason  
13:54 21 for the objection.

13:54 22 THE COURT: Here's the problem. There's been a lot  
13:54 23 of references during this trial to these notes already --

13:54 24 MR. GODWIN: Yes, Your Honor.

13:54 25 THE COURT: -- particularly with respect to the 8:52

## STEVE ROBINSON - DIRECT

13:54 1 phone call. And I think it is fair to allow Mr. Regan and the  
13:55 2 person who apparently wrote those notes to explain what he  
13:55 3 wrote, if he understood it to be different from we are  
13:55 4 understanding it. I don't know what he is going to say.

13:55 5 **MR. GODWIN:** I know that.

13:55 6 **THE COURT:** But I think he is entitled to explain it.

13:55 7 **MR. GODWIN:** Thank you, Judge.

13:55 8 **MR. BRIAN:** So my position is clear, Your Honor, I do  
13:55 9 not intend to object to Mr. Regan asking about the notes on the  
13:55 10 8:52 p.m. call. Precisely because I did ask him about those, I  
13:55 11 would reserve a hearsay objection to the extent it goes beyond  
13:55 12 that.

13:55 13 **MR. GODWIN:** That's where I'm coming from, is what  
13:55 14 Mr. Vidrine might have said.

13:55 15 **THE COURT:** I don't know if he is going to go beyond  
13:55 16 that or not or where it's going to go --

13:55 17 **MR. REGAN:** I'll tell you right now where I'm going  
13:55 18 to go. I'm going to ask him about his notes --

13:55 19 **THE COURT:** We are spending more time arguing about  
13:55 20 it than just doing it.

13:55 21 **MR. REGAN:** Let's do it.

13:55 22 **THE COURT:** Okay.

13:55 23 **MR. REGAN:** 37031.13.3.

13:55 24 **BY MR. REGAN:**

13:55 25 **Q.** Mr. Robinson, do you see part of your notes there from

## STEVE ROBINSON - DIRECT

13:55 1 that first interview with Mr. Vidrine on April 22, 2010, there  
13:56 2 on your screen?

13:56 3 A. I do.

13:56 4 Q. Can you just read -- because this is your handwriting, can  
13:56 5 you just read from the beginning to end what you wrote down  
13:56 6 there, and if you have an abbreviation that would be helpful,  
13:56 7 let us know what the abbreviation stands for.

13:56 8 A. Okay.

13:56 9 "Ran to planned depth. Displaced choke, kill, boost  
13:56 10 with seawater. Displaced drill pipe with seawater. Pill  
13:56 11 followed by saltwater. Bled drill pipe. SIDP" -- which I  
13:56 12 interpret to be "shut-in drill pipe."

13:56 13 "Built to pressure. They" -- and he mentions --  
13:56 14 "Kaluzza was told by senior toolpusher and tour pusher they  
13:56 15 called it annular compression. Said it was normal. Check kill  
13:56 16 line side. Pumped a few strokes on kill line and it  
13:56 17 pressured."

13:56 18 I say to the side "not sure how much."

13:56 19 "Bled off."

13:56 20 I didn't record any barrels.

13:56 21 "Shut in. Built 30 psi. Bled 0.2 barrels and  
13:57 22 watched for one-half hour. Drill pipe had 1400 psi steady."

13:57 23 Q. Those were what you wrote down in the conversation with  
13:57 24 Mr. Vidrine where he was discussing the negative pressure test;  
13:57 25 is that right?

## STEVE ROBINSON - DIRECT

13:57 1 A. That's correct.

13:57 2 Q. Just go to, then, 13.2 in the same exhibit.

13:57 3 MR. REGAN: For the record, 37031.13.2. It will be  
13:57 4 the next page, .14.

13:57 5 This is the very next -- top of the next page,  
13:57 6 Mr. Robinson.

13:57 7 And Donnie, if you could just highlight the top.  
13:57 8 Thank you, sir.

13:57 9 BY MR. REGAN:

13:57 10 Q. Again, Mr. Robinson, can you read what's on the right side  
13:57 11 that you wrote down in your notes during that meeting with  
13:57 12 Mr. Vidrine.

13:57 13 A. Okay.

13:57 14 "No standard procedure on how to do this -- "or do  
13:57 15 these procedures."

13:57 16 I'm having trouble reading it.

13:57 17 -- "procedure from town in bullet form. Leave to rig  
13:58 18 on how to do the procedure."

13:58 19 Q. You have a drawing in your notes. Can you inform the  
13:58 20 Court what you were drawing there?

13:58 21 A. Yes. I had Mr. Vidrine -- just to make sure I understood  
13:58 22 how they are lined up on this test, I had him make sure -- help  
13:58 23 me walk through the picture so I could understand it.

13:58 24 MR. REGAN: Then, Donnie, if we could highlight the  
13:58 25 bottom half of the same page of notes, which is page 14.

## STEVE ROBINSON - DIRECT

13:58 1 BY MR. REGAN:

13:58 2 Q. Again, Mr. Robinson, could you just read what is set forth  
13:58 3 in your notes there.

13:58 4 A. "Monitored for 30 minutes. Called Hafle to discuss  
13:58 5 surface plug. Opened and started displacement. Displacement  
13:58 6 strokes came back on correct stroke count. Stopped for sheen  
13:58 7 test. Was not flowing, as far as he knows. Spacer weight  
13:58 8 equals 16.0-pound per gallon, about 450 barrels. Shaker hand  
13:58 9 and mud engineer monitoring. Mud engineer said came back on  
13:58 10 right strokes and looked okay on the panel. Sheen test passed.  
13:59 11 Expects he was 800 psi overbalanced at that point. Gave okay  
13:59 12 to start dumping."

13:59 13 Q. Stop right there.

13:59 14 What you have just read, from "monitor" down to  
13:59 15 "start dumping," was it your impression that Mr. Vidrine was  
13:59 16 talking about activity from after the negative test had taken  
13:59 17 place?

13:59 18 A. Yes, that's correct.

13:59 19 Q. So now --

13:59 20 MR. BRIAN: I'm going to renew my objection. We  
13:59 21 haven't heard anything about the 8:52 p.m. call yet, and I  
13:59 22 think both portions he has read is hearsay.

13:59 23 MR. REGAN: It's in the very next paragraph,  
13:59 24 Your Honor, right after --

13:59 25 THE COURT: Overrule the objection.

## STEVE ROBINSON - DIRECT

13:59 1 BY MR. REGAN:

13:59 2 Q. Mr. Robinson, can you read the last sentence there on your  
13:59 3 notes as you took them on April 27.

13:59 4 A. "Crews comfortable with test. Don made them check it for  
13:59 5 30 minutes on kill line."

13:59 6 Q. Now, was that sentence -- was that -- your impression, was  
13:59 7 he talking about things after the negative test, or was he  
13:59 8 jumping back to the negative test?

13:59 9 A. He is going back to the negative test.

13:59 10 Q. Go to the very next page of your notes, which is  
13:59 11 37031.15.4.

13:59 12 A. Yes.

13:59 13 Q. Then again, can you read what's set forth there.

14:00 14 A. "Hafle called back while displacing at about 9:00. Not  
14:00 15 sure why he called, curious about how things are going.

14:00 16 Transocean guys had dismissed it as anything serious and  
14:00 17 somewhat joked about his concern. Ezell, Jason Anderson, Bob  
14:00 18 Kaluza, Dewey Sevette [verbatim], mud engineer Leo and mud  
14:00 19 engineer Gordon (they were changing out also). Charles may  
14:00 20 have been there."

14:00 21 Q. Again, these notes, you wrote them down in the way you  
14:00 22 were hearing what Mr. Vidrine was describing; is that correct?

14:00 23 A. That's correct.

14:00 24 Q. Was he bouncing around time periods again?

14:00 25 A. He was bouncing back to the negative test in that last

## STEVE ROBINSON - DIRECT

14:00 1 comment.

14:00 2 MR. REGAN: If we could, then, Donnie, just below  
14:00 3 there.

14:00 4 BY MR. REGAN:

14:00 5 Q. And then the last paragraph from these notes,  
14:00 6 Mr. Robinson, from this interview with Mr. Vidrine if you could  
14:00 7 read just the first couple of lines there, starting with "After  
14:00 8 sheen test."

14:00 9 A. "After sheen test, went back to office. 10 to 15 minutes  
14:00 10 later, got a call. Jason the toolpusher called and said we are  
14:01 11 getting mud back and diverting returns to the gas buster. Also  
14:01 12 said he was closing or had closed. Hung up quick."

14:01 13 Keep reading?

14:01 14 Q. Yes. Why don't we finish it up.

14:01 15 A. "Started for floor. Down hall upstairs toward rig area or  
14:01 16 rig, mud and seawater blowing every where. Positive it was  
14:01 17 mud. Stopped and explosion occurred and power went out. Not  
14:01 18 sure exactly when power went off."

14:01 19 Q. Mr. Robinson, as you sat with Mr. Vidrine in his house on  
14:01 20 April 27, at any point in time during the interview and on  
14:01 21 these topics we have just showed did you get the impression  
14:01 22 from Mr. Vidrine that he believed the negative test that had  
14:01 23 ended at 8:00 p.m. was a failed test?

14:01 24 MR. BRIAN: Objection, foundation and form.

14:01 25 THE COURT: Overruled.

## STEVE ROBINSON - DIRECT

14:01 1 THE WITNESS: My impression was he thought the test  
14:01 2 was a success.

14:01 3 BY MR. REGAN:

14:01 4 Q. After you left Mr. Vidrine's house on April 27, what did  
14:01 5 you do next?

14:01 6 A. We returned to Houston -- we drove to Lafayette. We  
14:02 7 returned to Houston, overnighted there, and then I flew to  
14:02 8 Las Vegas the next morning.

14:02 9 Q. Let me just jump you back. Was there a point in time  
14:02 10 after you left Mr. Kaluza for Mr. Vidrine's house where you  
14:02 11 contacted the investigators back in Houston?

14:02 12 A. Yes. Right after the interview, went to BP's office in  
14:02 13 Lafayette and called the Houston office, where the other  
14:02 14 investigators were, and gave them a download of the interview.

14:02 15 Q. Just in your own words so the Court is clear, what did you  
14:02 16 mean by "gave them a download"?

14:02 17 A. Read our notes back to them, gave them a briefing of our  
14:02 18 notes.

14:02 19 Q. So to your understanding, there were people in Houston  
14:02 20 that night who were writing down things you were saying that  
14:02 21 night, which were based on your notes from what you had heard  
14:02 22 in an earlier interview that day?

14:02 23 A. That's correct.

14:02 24 Q. So if the Court sees notes that have your name on them but  
14:02 25 weren't written by you, is that how that can come to pass?



## STEVE ROBINSON - DIRECT

14:02 1 A. Absolutely.

14:02 2 Q. I would like to now turn to what you did the next day, the  
14:03 3 interview you had with Mr. Kaluza.

14:03 4 A. Okay.

14:03 5 Q. Where did your interview with Mr. Kaluza take place?

14:03 6 A. In a hotel in Las Vegas near the airport.

14:03 7 Q. I've put on the screen 37031.17.1. Does this appear to be  
14:03 8 the start of your handwritten notes with Mr. Kaluza?

14:03 9 A. Yes, it does.

14:03 10 Q. Again, were you trying to write a transcript,  
14:03 11 Mr. Robinson?

14:03 12 A. No, I was not.

14:03 13 Q. Were you trying to write down everything that was said and  
14:03 14 the exact words that were said?

14:03 15 A. No, I was not.

14:03 16 MR. REGAN: If we can go, then, to 370.31.19.1.

14:03 17 BY MR. REGAN:

14:03 18 Q. Again, Mr. Robinson, can you just read for the Court  
14:03 19 what's set forth there in the notes?

14:03 20 A. "After casing test" --

14:03 21 MR. BRIAN: I would like to just have a continuing  
14:03 22 objection -- I won't interrupt any further -- on hearsay  
14:03 23 grounds.

14:03 24 MR. HARTLEY: We'll join that.

14:03 25 THE COURT: And, Mr. Robinson, just for the court

## STEVE ROBINSON - DIRECT

1 reporter's benefit, when you read, try not to read too fast.

2 **THE WITNESS:** Sure.

3 A. "After casing test, run in hole to 8367 feet. Vance (HES)  
4 was Halliburton's cementer for high pressure test. Discussed  
5 with toolpusher Wyman" --

6 Says he's a junior toolpusher.

7 "Told Bob he was comfortable with this procedure, the  
8 negative test on annular. Went back to office to work on plug  
9 procedure. When finished, went back to floor. Crew had pumped  
10 seawater down drill pipe with 450 barrels water-based mud  
11 spacer" -- "WBM" stands for waster-based mud -- "ahead such  
12 that bottomless spacer above stack."

13 **BY MR. REGAN:**

14 Q. Then continue to 370.31.22.

15 **MR. REGAN:** Donnie, if we could just highlight the  
16 top of the page and then we will go through this whole page, if  
17 we could.

18 **BY MR. REGAN:**

19 Q. But again, Mr. Robinson, start at the top of the page with  
20 what you wrote down from your discussion of Mr. Kaluza.

21 A. "Closed bag and then pumped mud to fill riser. Did not  
22 take much volume to fill. Monitored. Static. Saw 1260 psi on  
23 drill pipe. Randy Ezell was there. Leo Lambert was there.  
24 Randy pushed for negative test on drill pipe. APD requires  
25 monitoring on kill line. Discussed pressure. Called Vance to

## STEVE ROBINSON - DIRECT

1 bleed the 1262 psi. It bled off quickly, 15 barrels.

2 Discussed the kill line issue. Needed to monitor on kill line.

3 Opened on kill line. Started to flow. Vance called and said,

4 'We are getting flow.' Told Vance to shut-in. Total 3 to

5 4 barrels" -- I'm having trouble reading that -- "on kill

6 line."

7 It looks like I had "3 to 4 barrels back on kill

8 line."

9 Q. Just pause right there.

10 MR. REGAN: And, Donnie, can you move the page up.

11 BY MR. REGAN:

12 Q. We are on .22.

13 A. "Went down to talk to Don (close to change out). Believes

14 they shut in on IBOP. Bob and Don went to floor. Jason

15 relieved Ezell. Ezell there still. Long discussion. Recall

16 they said they bled fluid after pumping. Jason said, 'Bob and

17 Don, this happens all the time.' Called it a bladder effect.

18 Said annular element will compress the drill pipe. He said,

19 'All company men do it differently, but this happens every

20 time. Annular puts pressure on fluid below.'

21 "Bob insisted that it must be done down kill line.

22 Will make sure kill line is full and then monitor. Bob went

23 down to get procedure for cement job. When he came back,

24 30 psi on kill line. Lined up to mini trip tank to monitor.

25 Bled 30 psi off and gained 0.2 barrels. No flow."

## STEVE ROBINSON - DIRECT

14:06 1 Q. Turn then to the facing page, which is 37031.23.2. Then  
14:06 2 if we can just finish out this section.

14:06 3 A. "On drill pipe side, pressure was building. Jason said it  
14:07 4 was bladder effect. Driller said he had seen this before also.  
14:07 5 Weight on bit was changing with change in drill pipe pressure.  
14:07 6 Jason said it would build to 1400 psi and level off. Left rig  
14:07 7 floor not feeling anxiety at all."

14:07 8 Continue?

14:07 9 Q. Let me stop you there.

14:07 10 Mr. Robinson, having sat down with Mr. Kaluza, was  
14:07 11 there anything from that interview that left you with the  
14:07 12 impression that Mr. Kaluza believed the negative test that had  
14:07 13 been performed, included at or about 8:00 p.m. on April 20, had  
14:07 14 been a failed test?

14:07 15 A. No.

14:07 16 Q. After interviewing Mr. Kaluza, did you come to then,  
14:07 17 shortly after that, interview Mr. Mark Hafle?

14:07 18 A. Yes, I did that following weekend. It was either the  
14:07 19 Saturday or the Sunday.

14:07 20 Q. Let's go to 37031.38.2. My apologies.

14:08 21 Does this appear to be the start, Mr. Robinson, of  
14:08 22 your handwritten notes of your first interview of Mr. Mark  
14:08 23 Hafle?

14:08 24 A. Yes, that's correct.

14:08 25 Q. I want to go right to -- during your interview, did you

## STEVE ROBINSON - DIRECT

14:08 1 come to discuss with Mr. Hafle a call that he had with  
14:08 2 Mr. Vidrine on or about 8:52 p.m.?

14:08 3 A. Yes, I did.

14:08 4 Q. Go to 37031.41.1. Are these your handwritten notes of  
14:08 5 that topic as it was discussed with Mr. Hafle?

14:08 6 A. Yes, they are.

14:08 7 Q. Could you read this to the Court, please.

14:08 8 A. "Tuesday 8:52 p.m. Vidrine called to discuss cement plug.  
14:08 9 Weight test or pressure test? Hafle asked what was going on.  
14:08 10 Said crew screwed up in-flow test and Vidrine had to get it  
14:08 11 straightened out. Discussed that pressure shouldn't be there.  
14:08 12 Don felt comfortable since nothing came out of kill line."

14:09 13 Q. Those were the words that you used in your notes in your  
14:09 14 first discussion with Mr. Hafle about a week and a half after  
14:09 15 the accident?

14:09 16 A. That's correct.

14:09 17 Q. Based on your interview with Mr. Hafle, did you have any  
14:09 18 impression that Mr. Hafle thought, after his conversation with  
14:09 19 Mr. Vidrine, that the negative pressure test that had been  
14:09 20 performed on the rig on April 20 resulted in a failed test?

14:09 21 A. No.

14:09 22 Q. You then interviewed Mr. Hafle a couple months later; is  
14:09 23 that correct?

14:09 24 A. That's correct, early July.

14:09 25 Q. You took handwritten notes during that interview as well;

## STEVE ROBINSON - DIRECT

14:09 1 is that right?

14:09 2 A. I did.

14:09 3 Q. If we can go to 37031.93.1. Does this appear to be the  
14:09 4 start of your notes of your interview with Mr. Hafle?

14:09 5 A. Yes, it does.

14:09 6 Q. Then if we could go into those notes, again just focusing  
14:09 7 on this 8:52 phone call, did these appear to be the notes that  
14:09 8 you wrote down during your July interview of Mr. Hafle?

14:10 9 A. They do.

14:10 10 Q. Could you read those to the Court, please.

14:10 11 A. "Conversation with Vidrine at 2052. Cement plug how to  
14:10 12 test. Said day crew messed up negative test, had to redo it.  
14:10 13 Said pressure on drill pipe. Mark said you can't have that."

14:10 14 Q. That's what you wrote down in your notebook during that  
14:10 15 interview; is that correct?

14:10 16 A. That's correct.

14:10 17 Q. If we could go to what the Court has seen, TREV-296.1.2,  
14:10 18 which is a typewritten set of notes from this same July 8, 2010  
14:10 19 interview. You are listed as a participant in that interview,  
14:10 20 do you see that?

14:10 21 A. That's correct.

14:10 22 Q. Can you just explain to the Court how it comes about that  
14:10 23 there were typewritten notes of this interview in addition to  
14:10 24 what you had as your personal notes.

14:10 25 A. Mr. Lucari had joined us and offered to take notes. He

## STEVE ROBINSON - DIRECT

14:10 1 was going to participate in the discussion, so he took notes  
14:10 2 and typed them up.

14:10 3 Q. The Court has seen this, but I want to put up the section  
14:10 4 of the typewritten notes that cover the same topic,  
14:10 5 TREN-296.6.10.

14:10 6 Mr. Robinson, this will be, I think, the last thing I  
14:11 7 have you read from these notes, but could you just read what is  
14:11 8 set forth here.

14:11 9 Let me ask you a predicate question.

14:11 10 A. Sure.

14:11 11 Q. Did you see these handwritten notes at the time -- these  
14:11 12 typewritten notes at the time they were generated?

14:11 13 A. Yes.

14:11 14 Q. You would have reviewed them to see if they were  
14:11 15 consistent with what you recall from the discussion?

14:11 16 A. Yes. Mr. Lucari sent them to both Kent and myself for  
14:11 17 review.

14:11 18 Q. Again, it was not your purpose or anybody's purpose to  
14:11 19 create a transcript of the interview, to your knowledge; is  
14:11 20 that correct?

14:11 21 A. That's correct.

14:11 22 Q. Could you then -- for the Court, could you walk through  
14:11 23 what we have set forth here on 296.6.10.

14:11 24 A. "Later on April 20, Don Vidrine called Mark at 8:52 p.m.  
14:11 25 to talk about how to test the surface plug and whether they

## STEVE ROBINSON - DIRECT

14:11 1 should apply a pressure test or a weight test. Mark noted that  
14:11 2 Don also talked to him about the negative tests" --

14:11 3 Q. Slow down a little bit.

14:11 4 A. "Vidrine told Mark that the crew had zero pressure on the  
14:11 5 kill line but that they still had pressure on the drill pipe.  
14:12 6 Mark said that he told Don that you can't have pressure on the  
14:12 7 drill pipe and zero pressure on the kill line in a test that's  
14:12 8 properly lined up. Mark said that he told Don he might  
14:12 9 consider whether he had trapped pressure in the line or perhaps  
14:12 10 he didn't have a valve properly lined up. Don told Mark that  
14:12 11 he was fully satisfied that the rig crew had performed a  
14:12 12 successful negative test. Mark said he didn't have a full  
14:12 13 context for what had transpired during the test, and it wasn't  
14:12 14 clear to him whether Don was talking about the first or second  
14:12 15 negative tests. Don told him he watched the kill line for  
14:12 16 30 minutes and didn't see a drip come out of it, and so Mark  
14:12 17 assumed that Don had concluded that it was not a problem."

14:12 18 Q. Again, from your sitting in that interview, were you left  
14:12 19 with any impression from Mr. Hafle, from his conversation with  
14:12 20 Mr. Vidrine, that the negative test that had been performed on  
14:12 21 the kill line that ended at 8:00 was a failed negative test?

14:12 22 A. No.

14:12 23 Q. From the first time you talked with Mr. Vidrine to then  
14:13 24 talking with Mr. Hafle in late April or May to talking to  
14:13 25 Mr. Hafle in July, did you hear from both men that the call



## STEVE ROBINSON - DIRECT

14:13 1 that took place at 8:52 was about testing a surface plug?

14:13 2 A. That's correct, I would say.

14:13 3 Q. And just to be clear, what did "surface plug" mean to you  
14:13 4 as you heard those records?

14:13 5 A. It was the surface cement plug they would be setting after  
14:13 6 the operation they were doing then.

14:13 7 Q. Did you hear during the context of that phone call that  
14:13 8 Mr. Vidrine had relayed to Mr. Hafle that he thought there was  
14:13 9 a problem in the way they originally set up the negative test?

14:13 10 MR. BRIAN: Objection. It's leading, Your Honor.

14:13 11 THE COURT: Sustained.

14:13 12 BY MR. REGAN:

14:13 13 Q. What in those calls did you hear about -- from Mr. Vidrine  
14:13 14 about how the test had been set up?

14:13 15 A. That it could have been messed up, that the first one  
14:13 16 wasn't right.

14:13 17 Q. What did you hear in those interviews from Mr. Vidrine and  
14:13 18 Mr. Hafle about Mr. Vidrine's conclusion about the test?

14:13 19 THE COURT: You're asking him what he -- I'm not  
14:13 20 clear. What has he heard? Do you mean something that's not in  
14:14 21 these notes that he has already read to us?

14:14 22 MR. REGAN: Let me rephrase it, Your Honor.

14:14 23 BY MR. REGAN:

14:14 24 Q. Was there any point in time in any interview you did with  
14:14 25 Mr. Robinson where you heard Mr. Vidrine said something other

## STEVE ROBINSON - DIRECT

14:14 1 than what's set forth here in the last sentence?

14:14 2 A. No.

14:14 3 MR. BRIAN: Your Honor, just so the record is clear,  
14:14 4 this exhibit, which I think Mr. Regan marked as --

14:14 5 MR. REGAN: This is 296.

14:14 6 MR. BRIAN: -- 296 was introduced in evidence, or at  
14:14 7 least portions were, as TREN-4447.6.

14:14 8 THE COURT: Yes. I know we had seen this before.

14:14 9 BY MR. REGAN:

14:14 10 Q. Mr. Robinson, again, you said a minute ago that you were  
14:14 11 the person who was involved in writing parts of the Bly report;  
14:14 12 is that correct?

14:14 13 A. That's correct.

14:14 14 Q. The question has been asked why this 8:52 call was not  
14:14 15 included in the Bly report. Why did you not include what you  
14:14 16 learned from Mr. Vidrine and Mr. Hafle in these interviews in  
14:14 17 the Bly report?

14:14 18 A. Well, I didn't see it as being causal because the  
14:15 19 interpretation of the test wasn't done in this call.

14:15 20 Q. From your perspective, did this call have anything to do  
14:15 21 with the actual interpretation of the negative test?

14:15 22 A. No.

14:15 23 Q. Now, what was your conclusion about, in hindsight, how the  
14:15 24 negative test had been interpreted in the Bly -- in your Bly  
14:15 25 work?

## STEVE ROBINSON - DIRECT

14:15 1 A. It was misinterpreted.

14:15 2 Q. And that was a conclusion that you reached personally,  
14:15 3 correct?

14:15 4 A. Yes.

14:15 5 Q. And is that your conclusion still today?

14:15 6 A. Yes.

14:15 7 Q. Mr. Robinson, the Court has seen from numerous witnesses a  
14:15 8 discussion of anomalies that took place between 9:00 and the  
14:15 9 end of data, 9:47. Just to confirm the discussion of those  
14:15 10 interviews in the Bly report, was that your work?

14:15 11 A. Yes. And the end of data was 9:49.

14:15 12 Q. 9:49? Okay. And that was work that you performed in the  
14:15 13 summer of 2010; is that correct?

14:15 14 A. That's correct.

14:15 15 Q. And the discussion in the Bly report, Chapter 5.2, that  
14:15 16 was -- you contributed to the way that was presented in the  
14:16 17 report; is that correct?

14:16 18 A. That's correct.

14:16 19 MR. REGAN: I have no further questions, Your Honor.

14:16 20 CROSS-EXAMINATION

14:16 21 BY MR. STERBCOW:

14:16 22 Q. Good afternoon, Mr. Robinson. My name is Paul Sterbcow,  
14:16 23 and I represent the Plaintiffs' Steering Committee. I have you  
14:17 24 on cross-examination.

14:17 25 What exactly are your duties and responsibilities as

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14:17 1 the vice president of region wells, Gulf of Mexico?

14:17 2 A. I run our rig and on-rig activity in the Gulf of Mexico.

14:17 3 Q. Is there anybody higher than you in the Gulf of Mexico --  
14:17 4 do they still call it SPU, or has that changed?

14:17 5 A. They call it a region now. It's not SPU anymore.

14:17 6 Q. Is there anyone higher than you?

14:17 7 A. Yes.

14:17 8 Q. Where do you fit in the hierarchy?

14:17 9 A. I report to an area vice president for the Gulf of Mexico.

14:17 10 Q. Is that a position that has been created since Macondo?

14:17 11 A. Yes.

14:17 12 Q. And has your position also been created since Macondo?

14:17 13 A. Yeah. The organization is different than Macondo.

14:17 14 Q. That's what I thought.

14:17 15 Do you still have well team leaders?

14:17 16 A. Yes, sir.

14:17 17 Q. And, obviously, well site leaders?

14:17 18 A. Yes, sir.

14:17 19 Q. I assume there are some reports in the lineage between  
14:17 20 well team leaders and drilling engineers before we get to your  
14:18 21 level?

14:18 22 A. Yes.

14:18 23 Q. Now, you testified that you were head of the operations  
14:18 24 part of the investigation. You said operations involving the  
14:18 25 *Deepwater Horizon*, correct?

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14:18 1 A. That's correct.

14:18 2 MR. STERBCOW: Carl, if you would pull up D-2671.

14:18 3 BY MR. STERBCOW:

14:18 4 Q. Does this appear to you to be an accurate depiction, a  
14:18 5 chart of the Bly investigation team insofar as it's broken out  
14:18 6 into the areas of inquiry?

14:18 7 A. Yes, that appears to be correct.

14:18 8 Q. So your equals, if you will, under the engineering portion  
14:18 9 of the investigation would have been Mr. Corser; hazard  
14:18 10 analysis, Dave Wall; and blowout preventer,  
14:18 11 Fereidoun Abbassian?

14:18 12 A. That's correct.

14:18 13 Q. And then each of you were assigned -- you had three,  
14:18 14 Mr. Corser had two, Mr. Wall had three folks beneath you, who I  
14:19 15 assume would help you with your specific area of inquiry?

14:19 16 A. Yes.

14:19 17 Q. So Mr. Weatherbee, Mr. Cowie, and Mr. Guillot would  
14:19 18 specifically have been helping you gather information, develop  
14:19 19 facts, and come to conclusions with respect to the operations  
14:19 20 part?

14:19 21 A. That's correct.

14:19 22 Q. The same would hold for Mr. Corser, the same for Mr. Wall?

14:19 23 A. That's correct.

14:19 24 Q. And your direct report under the scheme was Tony Brock?

14:19 25 A. Yes, that's correct.

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14:19 1 Q. And then Brock went straight to Mr. Bly?

14:19 2 A. That's correct.

14:19 3 Q. Now, I assume that you all met regularly?

14:19 4 A. Yes, we did.

14:19 5 Q. There were ongoing discussions, if not daily, almost  
14:19 6 daily, on findings and what these facts that you were gathering  
14:19 7 may mean?

14:19 8 A. Yes.

14:19 9 Q. And did those discussions cross divisional lines? And by  
14:19 10 that I mean would the operations folks get together with the  
14:19 11 engineering folks and talk about interviews, interview notes,  
14:19 12 that type of thing?

14:19 13 A. Yes.

14:19 14 Q. So it was a collaborative group effort?

14:19 15 A. Not necessarily collaborative on -- collaborative for  
14:19 16 gathering facts or --

14:19 17 Q. Gathering facts.

14:20 18 A. Yes. Yes. We exchanged information, yes.

14:20 19 Q. Now, how were those facts then synthesized into what  
14:20 20 ultimately became what everybody now calls the Bly report?

14:20 21 A. I'm not sure what you mean by that.

14:20 22 Q. What process, did you -- well, let me ask this. When you  
14:20 23 would have meetings about facts --

14:20 24 A. Yes.

14:20 25 Q. -- were there discussions among the group about what those

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14:20 1 facts meant in terms of what happened?

14:20 2 A. Yes.

14:20 3 Q. So you'd try to take, say, what Mr. Vidrine said, what  
14:20 4 Mr. Hafle said, what Mr. Sims said and so forth, and put those  
14:20 5 together to come up with a story about what happened?

14:20 6 A. Not necessarily. What we built was a time line. We built  
14:20 7 a chronology over a five-day period that had a number of  
14:20 8 entries in it. We spanned a wall with it in the room where  
14:20 9 Jim Cowie and I worked.

14:20 10 Q. Was there ever any discussion that you can recall where  
14:20 11 people disagreed within your group on what a certain fact meant  
14:21 12 or where certain facts should fall in the time line?

14:21 13 A. There could have been. I can't recall specifically, but  
14:21 14 there very well could have been.

14:21 15 Q. Do you recall whether or not there was any disagreement or  
14:21 16 dissent among the group involved in putting the investigation  
14:21 17 facts together on the ultimate wording of the Bly report?

14:21 18 A. We iterated the final drafts, yes.

14:21 19 Q. So at the end of the day, what was finally published, the  
14:21 20 final draft that was published to the public, can we conclude  
14:21 21 that everybody on this chart who played a role in investigating  
14:21 22 the accident was aware of the substance of the report, first of  
14:21 23 all?

14:21 24 A. The substance -- the general content, I would say yes.  
14:21 25 Perhaps not every one, but I was certainly familiar with the

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14:21 1 other sections.

14:21 2 Q. Are you aware of anyone having any disagreement with  
14:21 3 anything that was said in that report as finally published?

14:21 4 A. I'm not aware of that, no.

14:22 5 Q. Now, it sounds like -- and we are going to go through this  
14:22 6 in a minute -- while your focus was operations, and I think you  
14:22 7 have even drilled that down even more for us in your  
14:22 8 deposition.

14:22 9 You said basically you were concerned with what  
14:22 10 happened right after the cement operation, maybe up to the  
14:22 11 explosion. Is that fair?

14:22 12 A. I looked at all of it, but that was the most important  
14:22 13 part, yes.

14:22 14 Q. For you?

14:22 15 A. For me, yes.

14:22 16 Q. Despite having said that, though, you participated in  
14:22 17 interviews, some of which we just talked about, that covered a  
14:22 18 wide range of topics?

14:22 19 A. Yes. Yes.

14:22 20 Q. And you were there taking notes, asking questions, not  
14:22 21 just confining your questions to a period between end of cement  
14:22 22 to explosion?

14:22 23 A. That's correct.

14:22 24 Q. All part of the fact gathering, if you will?

14:22 25 A. Yes.



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14:22 1 MR. STERBCOW: Carl, pull up 37031.60.

14:22 2 BY MR. STERBCOW:

14:22 3 Q. I'm going now back to your notebook.

14:22 4 A. Okay.

14:22 5 Q. The one we had the cover page and your notes. This is  
14:22 6 page 60, pdf page 60. At the top, interview with Brian Morel,  
14:23 7 Kent Corser, Jim McKay -- it looks like Rex Anderson?

14:23 8 A. Yes, rex Anderson, that's correct.

14:23 9 Q. And you were there too?

14:23 10 A. Yes, I was.

14:23 11 Q. It says "joined late, interview already underway." Who  
14:23 12 does that refer to?

14:23 13 A. That was me. I just made a note that I couldn't get there  
14:23 14 at the beginning.

14:23 15 Q. Now, the first topic that you all discussed here was the  
14:23 16 cement job, correct?

14:23 17 A. Yes. They were talking about the cement job as I walked  
14:23 18 in.

14:23 19 Q. This would have been standard interview process that  
14:23 20 you -- the same way you did this, you would have done all of  
14:23 21 them, which you just described?

14:23 22 A. Yes.

14:23 23 Q. McKay would have been what you call the facilitator in  
14:23 24 this one, or would Mr. Anderson have been the facilitator?

14:23 25 A. Mr. Anderson.

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14:23 1 Q. So would Mr. Corser, yourself, and McKay have been asking  
14:23 2 questions at some point?

14:23 3 A. Yes.

14:23 4 Q. And again for reference, Corser is engineering, you're  
14:23 5 operations. And what is McKay?

14:23 6 A. He was one of the engineers working for Mr. Corser.

14:23 7 Q. All right. Very good.

14:24 8 Now, they are discussing the cement job with  
14:24 9 Mr. Morel, who is one of the two drilling engineers on the  
14:24 10 project along with Mr. Hafle, correct?

14:24 11 A. Yes, I believe there were three. Mr. Cocalis was the  
14:24 12 third.

14:24 13 MR. REGAN: Your Honor, if I might just be heard for  
14:24 14 a minute. I would just object to this as going beyond the  
14:24 15 scope of what Mr. Robinson has testified to. We are mindful of  
14:24 16 the Court's direction to try to keep this tight. But I did not  
14:24 17 ask Mr. Robinson about these issues or these notes.

14:24 18 THE COURT: It doesn't mean it can't be asked on  
14:24 19 cross-examination.

14:24 20 MR. GODWIN: Judge, Halliburton's name didn't come up  
14:24 21 in the direct examination. It's kind of borderline --

14:24 22 MR. STERBCOW: It's about to.

14:24 23 THE COURT: Now that you've suggested it.

14:24 24 MR. GODWIN: If it didn't come up in direct, it  
14:24 25 shouldn't come up now, Your Honor.

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14:24 1 MR. STERBCOW: No, Your Honor, the reason I'm going  
14:24 2 through this --

14:24 3 MR. GODWIN: I had that talk with Floyd at lunch,  
14:24 4 Your Honor.

14:24 5 MR. STERBCOW: Number one, obviously, I'm in a  
14:24 6 different position. And anything that's said in here that may  
14:24 7 be relevant to the PSC's case is an admission against interest.  
14:24 8 And number two, he's present at these meetings --

14:24 9 THE COURT: Admission against BP or --

14:24 10 MR. STERBCOW: Against BP's interest and, well, it  
14:25 11 may be Halliburton's, too, Judge.

14:25 12 THE COURT: But this isn't Halliburton's witness.

14:25 13 MR. STERBCOW: No. No. Your Honor, the truth is  
14:25 14 that all of this is going to pertain to BP and the people who  
14:25 15 worked on the Macondo well for BP. It has nothing to do with  
14:25 16 Halliburton.

14:25 17 MR. GODWIN: He is asking about the cement job,  
14:25 18 Your Honor, and we are getting close. Now, I'm listening to  
14:25 19 you.

14:25 20 THE COURT: Well, he just said it doesn't have  
14:25 21 anything to do with Halliburton.

14:25 22 MR. GODWIN: If he does, Judge, if he mentions  
14:25 23 cement, will you stop him?

14:25 24 THE COURT: He didn't promise not to mention cement.

14:25 25 MR. GODWIN: Thank you, Judge.

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14:25 1 THE COURT: Okay.

14:25 2 BY MR. STERBCOW:

14:25 3 Q. Here's what I want to talk to you about in the context of  
14:25 4 this particular page, Mr. Robinson. The discussion that was  
14:25 5 had with Mr. Morel includes, according to your notes,  
14:25 6 statements he made regarding the modeling that was done for the  
14:25 7 cement job generally, okay, if you read that as a general  
14:25 8 topic.

14:25 9 A. Okay.

14:25 10 Q. And when you look at specifically what you said, if you go  
14:26 11 five lines down, right under 14.0 ppg:

14:26 12 "Concluded the program had an error. They came back  
14:26 13 and said temperature profile incorrect. Fixed temperature  
14:26 14 profile on hydrostatic looked okay, but showed pressures are  
14:26 15 too high."

14:26 16 Do you see that?

14:26 17 A. Yes, I do.

14:26 18 Q. Apparently, Mr. Morel is indicating to you while  
14:26 19 talking -- and the rest, while talking about the cement job,  
14:26 20 that they found errors in the modeling for the cement job,  
14:26 21 correct?

14:26 22 A. That's what it appears to be, yes.

14:26 23 Q. "Gave a 14.4 downhole, which caused losses. Started  
14:26 24 looking at liner to avoid that problem."

14:26 25 Do you see that?

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14:26 1 A. I do see that, yes.

14:26 2 Q. This brings in a new element, it sounds like to me, which  
14:26 3 is the decision-making process that we will talk about in a  
14:26 4 minute, that BP went through regarding whether to run a liner  
14:26 5 or a long string in the production casing, correct?

14:26 6 A. It appears to be, yes.

14:26 7 Q. And Mr. Morel, the drilling engineer, specifically relates  
14:27 8 that decision to avoiding a problem with fracturing the hole,  
14:27 9 correct?

14:27 10 A. He is referring to the pressure being too high, which is  
14:27 11 likely exceeding the frac gradient.

14:27 12 Q. Right. Liner, started looking at liner to avoid that  
14:27 13 problem, that being a fracture gradient problem, right?

14:27 14 A. That would be a logical thing to look at.

14:27 15 Q. So that issue was on their radar screen, correct?

14:27 16 A. Yes.

14:27 17 Q. Then you have 4/14, which is, I assume, the date of the  
14:27 18 next event that you're referencing.

14:27 19 Brian, who would be Brian Morel; Brett Cocalles; Mark  
14:27 20 Hafle; Greg Walz; David Sims; John Guide -- all in attendance  
14:27 21 at a meeting, correct?

14:27 22 A. That's what it says, yes.

14:27 23 Q. So you have got both drilling engineers; you have got an  
14:27 24 operations engineer, Mr. Cocalles; you have got a lead engineer,  
14:27 25 Mr. Walz; you have got director of operations, David Sims; and

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14:27 1 you have got the well site leader -- excuse me, well team  
14:27 2 leader, John Guide -- all in a room discussing this issue?

14:27 3 A. That's what it appears to be, yes.

14:28 4 Q. And they also brought in this fellow Mr. Cunningham to  
14:28 5 review the modeling with -- it says, "Jesse" -- we assume  
14:28 6 that's Jesse Gagliano from Halliburton?

14:28 7 A. That makes sense.

14:28 8 Q. That's the only time I will use that word.

14:28 9 MR. GODWIN: You heard him, Judge.

14:28 10 BY MR. STERBCOW:

14:28 11 Q. They said: "Reviewed model. Changing temperature, but it  
14:28 12 wasn't changing ECDs correctly. Compressibility was not  
14:28 13 working correctly on HES model."

14:28 14 A. That's the OptiCem model.

14:28 15 Q. That's the OptiCem model. "Had to turn off  
14:28 16 compressibility and enter manually."

14:28 17 So everybody in this room apparently knew that the  
14:28 18 test -- that the OptiCem model had to be altered to get results  
14:28 19 that they were looking for, correct?

14:28 20 A. They said they had to turn off the compressibility. I  
14:28 21 don't know if that made it incorrect or not.

14:28 22 Q. Well, if you look at the next line, "This drop ECDs to  
14:28 23 14.6 to 14.7 which allows the LS" -- long string?

14:28 24 A. Yes.

14:28 25 Q. -- "to work."

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14:28 1 A. That's what it says, yes.

14:29 2 Q. According to these notes, the leadership of the Gulf of  
14:29 3 Mexico drilling that was involved in Macondo turned off a part  
14:29 4 of the normal OptiCem program operation, which dropped the ECDs  
14:29 5 to a point which allowed them to use the long string?

14:29 6 A. I don't know if that's characterized correctly, because  
14:29 7 they said it wasn't handling compressibility correctly. They  
14:29 8 could have improved upon it, doing that. I don't know.

14:29 9 Q. So it could be that the model was -- the software was just  
14:29 10 handling it incorrectly?

14:29 11 A. Yeah. I don't know. I don't know what the issue was in  
14:29 12 any detail.

14:29 13 Q. Okay. Let's look at page 37031.38. And again, this will  
14:29 14 be your same notebook, but we are going to go to page 38,  
14:30 15 rather than page 60.

14:30 16 A. Okay.

14:30 17 Q. If you look under the line that you drew, this is the  
14:30 18 start of an interview with senior drilling engineer Mark Hafle,  
14:30 19 correct?

14:30 20 A. Yes. This would have been our first interview that early  
14:30 21 May, yes.

14:30 22 Q. He discusses this very issue as well, it looks like, with  
14:30 23 you. If you go down, it talks about the pressure on the sand,  
14:30 24 lower than surrounding sands, planned as a keeper for future --  
14:30 25 I can't make out that word.

## STEVE ROBINSON - CROSS

- 14:30 1 A. Secondary objective to go to M54 -- oh, plan is to keep  
14:30 2 for future tieback. That was the plan for the well.
- 14:30 3 Q. Secondary objective to go to M54, is that referencing a  
14:30 4 pay sand?
- 14:30 5 A. It must be, yes.
- 14:30 6 Q. And then the next line is what? Drilling problem?
- 14:30 7 A. "Drilling problems caused the 9 7/8 liner," unexpected  
14:30 8 string to set.
- 14:30 9 Q. If you go down a few lines, it talks about drilling. And  
14:31 10 I can't read the next word. "Drilling" --
- 14:31 11 A. I'm sorry. "Drilling section."
- 14:31 12 Q. "Section."
- 14:31 13 A. "Had to cut mud weight from 14.5 to 14.3" --
- 14:31 14 Q. "Due to losses"?
- 14:31 15 A. -- "due to losses." Yes.
- 14:31 16 Q. So Hafle is essentially talking about the same issue that  
14:31 17 we just talked about before, correct?
- 14:31 18 A. He is talking about losses, yes, which is a frac gradient  
14:31 19 issue.
- 14:31 20 Q. It says: "Ran Geo Tap and found 14.1 in one of the sands.  
14:31 21 Drilled into sand with 14.3 surface mud weight."
- 14:31 22 And then there was an "issue with the on-site" --  
14:31 23 what is that, "pore pressure prediction person"?
- 14:31 24 A. That's correct.
- 14:31 25 Q. If you go to the next page, your interview continues. And



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14:31 1 it says: "Cut mud down as much as possible to honor the  
14:31 2 14.15 Geo Tap sand."

14:31 3 So it's clear that they were concerned that they  
14:31 4 needed to get this mud weight down as low as they could?

14:31 5 A. Right. They were trying -- they had to honor that Geo Tap  
14:32 6 pressure they had.

14:32 7 Q. And then if you go down three lines, "Compared pros and  
14:32 8 cons, liner versus long string. Economically long string the  
14:32 9 best answer"; correct?

14:32 10 A. Yes, that's what it says.

14:32 11 Q. So there was an economic component to this discussion as  
14:32 12 well?

14:32 13 A. Yes, there was.

14:32 14 Q. Now, the ultimate outcome, we know, was a long string was  
14:32 15 chosen over a liner for this well, correct?

14:32 16 A. It was originally planned as a long string. They  
14:32 17 considered a liner because of the losses, but they stayed with  
14:32 18 the long string.

14:32 19 Q. Do you agree or do you have any opinion based on your  
14:32 20 experience as a drilling engineering whether a liner would give  
14:32 21 you more well integrity than a long string?

14:32 22 MR. REGAN: Objection to the scope of the  
14:32 23 examination. Mr. Robinson is not here testifying as an expert  
14:32 24 in that capacity. He hasn't been designated as such.

14:32 25 MR. STERBCOW: I will rephrase it.

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14:32 1 BY MR. STERBCOW:

14:32 2 Q. Did you or anyone as part of your investigation team have  
14:32 3 any discussion about the issue of whether one liner versus long  
14:33 4 string would provide more well integrity at Macondo?

14:33 5 MR. REGAN: I think I just renewed the scope  
14:33 6 objection.

14:33 7 THE COURT: I will sustain the objection.

14:33 8 BY MR. STERBCOW:

14:33 9 Q. Let's move on. Let's go down a little bit, four lines.  
14:33 10 It says: "Debate continued on long string versus liner."

14:33 11 Then I want you to focus on the next line: "Hafle  
14:33 12 lone voice on just P&A well."

14:33 13 A. Yes, that's what it says.

14:33 14 Q. What does that mean?

14:33 15 A. That he was offering to just P&A the section and redrill  
14:33 16 it later.

14:33 17 Q. Stated differently -- well, explain to the Court, when you  
14:33 18 say "P&A the section," what does that mean?

14:33 19 A. You just put cement up to the prior shoe and you go back  
14:33 20 and plan to sidetrack if you want to do that in the future.

14:33 21 Q. Stated differently, had Mr. Hafle's lone voice been  
14:33 22 listened to and adopted, all that would have been done from  
14:34 23 that decision forward was to place cement in this well, cement  
14:34 24 it closed, leave, and then discuss what we are going to do with  
14:34 25 it another day?

## STEVE ROBINSON - CROSS

1 A. If that's what they -- that's what he's discussing there,  
2 yes.

3 Q. There would have been no further action and no further  
4 decision making in terms of long string versus liner, cement  
5 bond logs, centralizers, bottoms-up circulation, negative  
6 tests, none of that would have occurred?

7 A. You still have to negative-test.

8 Q. Why is that?

9 A. You would have to negative-test your deep plug that you  
10 set for the P&A plug.

11 Q. After you set the plug?

12 A. Whatever you are going to plug the open hole with would  
13 have to be tested. But the annular -- whether the liner or  
14 long string would not be in the discussion anymore if you just  
15 want to abandon the section.

16 Q. All right. So had Mr. Hafle's lone voice been listened  
17 to, they would have plugged this hole with presumably cement,  
18 if you know?

19 A. There's different ways you can --

20 Q. Different ways to do it. But at the end of the day, it  
21 would have been plugged, then tested to ensure the integrity of  
22 whatever plugging system they used?

23 A. Yeah. Well, you said not listened to. I think they did  
24 discuss that as an option because I believe Mr. Sprague gave an  
25 opinion on that too.

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14:35 1 Q. What did Sprague want to do?

14:35 2 A. I'm not sure if he was -- I remember his name coming up in  
14:35 3 interviews about just abandoning the section too.

14:35 4 Q. Was there any discussion that you're aware of among these  
14:35 5 gentlemen about this well being unreasonably dangerous to go  
14:35 6 forward?

14:35 7 A. After completing it?

14:35 8 Q. On the 14th or thereabouts, 15th.

14:35 9 A. To continue to drill out after they set the prior string?

14:35 10 Q. Right.

14:35 11 A. I don't recall that.

14:35 12 Q. Was there any discussion among these gentlemen that you  
14:35 13 can recall about there being zero drilling margin at this  
14:35 14 point?

14:35 15 A. No.

14:35 16 Q. Why was Hafle wanting to just P&A the well and walk away?

14:35 17 **MR. REGAN:** Speculation, Your Honor.

14:35 18 **BY MR. STERBCOW:**

14:35 19 Q. Was he asked that question?

14:35 20 A. Was Mr. Hafle asked that question?

14:35 21 Q. During the interview process.

14:35 22 A. I don't remember if we asked that question. Mr. Hafle is  
14:36 23 just giving us his information about the well, as far as I  
14:36 24 know.

14:36 25 Q. So you have no knowledge of anyone asking Mr. Hafle --

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14:36 1 when he said he was the lone voice on just P&A, to your  
14:36 2 knowledge, nobody followed up and said, "Well, why did you want  
14:36 3 to do that?"

14:36 4 A. I don't recall.

14:36 5 Q. Was there any discussion about whether the well, as it  
14:36 6 existed at that point, complied with MMS regulations?

14:36 7 A. As far as -- I didn't know anything to the contrary.

14:36 8 Q. But again, I don't see it in the notes, and I'm just  
14:36 9 making sure I'm not missing anything. That's not something  
14:36 10 that you recall going into?

14:36 11 A. No, I don't recall that.

14:36 12 Q. Now, let's compare the discussion we just talked about  
14:36 13 with some discussions that you actually have below that  
14:36 14 continue on this page. The well team leader on this project  
14:36 15 was John Guide, correct?

14:36 16 A. That's correct.

14:36 17 Q. I think at some point you had the opportunity to  
14:36 18 participate in an interview with him as well. Didn't you?

14:36 19 A. I did.

14:36 20 Q. All right. Well, sticking with the interview of Mr. Hafle  
14:36 21 that we are looking at on page 39, if you go down to where it  
14:37 22 says "bond log," four lines down, it says: "Bond log  
14:37 23 requested, but the float equipment would need to be drilled and  
14:37 24 needed more time to have adequate compressive strength to," I  
14:37 25 think, "see it with bond log."

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14:37 1 Is that --

14:37 2 A. See the cement, that's correct.

14:37 3 Q. See the cement. All right. So it looks like, "So got

14:37 4 this shut down"?

14:37 5 A. That's correct.

14:37 6 Q. "(Guide shut it down)"?

14:37 7 A. That's what I wrote down, yes.

14:37 8 Q. John Guide made a decision that the bond log was not going

14:37 9 to be run, correct?

14:37 10 A. I can't say that. I can say that this was what I wrote

14:37 11 down after the interview with Mr. Hafle.

14:37 12 Q. It will speak for itself?

14:37 13 A. Yes.

14:37 14 Q. Then next looks like "Sims" -- that's referencing David

14:37 15 Sims maybe?

14:37 16 A. Yes.

14:37 17 Q. Was Sims Guide's immediate boss at this point? Do you

14:37 18 know?

14:37 19 A. Yes, that's correct.

14:37 20 Q. "Sims requested that an MoC management of change be done.

14:38 21 Sprague challenging long string as well, so much debate. MoC

14:38 22 would ensure definitive decision. Much analysis."

14:38 23 They are still talking about this long string versus

14:38 24 liner to the point now where they have decided a management of

14:38 25 change is necessary, correct?

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14:38 1 A. That's what it appears to be, yes.

14:38 2 Q. Did you ever review the MoC that was done with respect to  
14:38 3 this decision?

14:38 4 A. No, because they didn't change from the long string. They  
14:38 5 ended up going with the long string, so they didn't do that.

14:38 6 Q. So there was no change?

14:38 7 A. That's correct.

14:38 8 Q. If you go down a little bit, it says: "MoC had all  
14:38 9 centralizers, as far as he knows."

14:38 10 I assume referencing Hafle. Correct?

14:38 11 A. That's correct.

14:38 12 Q. "Mark went on vacation." So we are talking about sometime  
14:38 13 around the 14th?

14:38 14 A. Yes.

14:38 15 Q. "Brian" -- looks like -- "called and said they weren't  
14:38 16 running all the centralizers. 'Operations,' decided to not run  
14:39 17 all the centralizers." And next to "operations" you have:  
14:39 18 "Guide and WSLs, he thinks."

14:39 19 A. That's correct.

14:39 20 Q. So at least your note's indicating that Guide shut down  
14:39 21 the bond log tests, Guide with WSLs decided to run six versus  
14:39 22 21 centralizers?

14:39 23 A. That's what Mr. Hafle conveyed to us.

14:39 24 Q. The next line is: "Mark concern that channeling will  
14:39 25 occur. Because of design 12- to 18-hour" something time.

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14:39 1 A. "Rig time."

14:39 2 Q. ". . . rig time would have been required" -- if you go to  
14:39 3 the next page -- "to install all of the centralizers. They  
14:39 4 required a special bonding technique that caused extra time."

14:39 5 A. That's correct.

14:39 6 Q. So if we agree that the notes are accurate -- and we have  
14:39 7 no reason to think they are not -- Guide shut the bond log  
14:39 8 down. And the wording that you have on your notes surrounding  
14:39 9 that decision, float equipment would need to be drilled and  
14:40 10 needed more time to have adequate compressive strength,  
14:40 11 correct?

14:40 12 A. That's correct.

14:40 13 Q. Guide shut or reduced the centralizers from 21 to 6, and  
14:40 14 you noted the design -- because of design, 12 to 18 hours rig  
14:40 15 time would have been required to install all 21, correct?

14:40 16 A. That's what was -- that's what I gathered from the  
14:40 17 interview.

14:40 18 Q. So is it fair to say we've got John Guide solely, if not  
14:40 19 predominantly, involved in two major operational decisions,  
14:40 20 both of which, according to your notes, had something to do  
14:40 21 with saving rig time?

14:40 22 A. Yes, according to Mr. Hafle.

14:40 23 Q. If we keep going down the next page, which I guess is  
14:40 24 No. 40, about halfway down the page you have a question: "What  
14:40 25 about" -- "circ," I'm assuming that's circulation?



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14:41 1 A. Yes, circulation -- "What about circulating bottoms-up,"  
14:41 2 yes.

14:41 3 Q. So we are talking about the bottoms-up circulation issue  
14:41 4 at this point?

14:41 5 A. Yes.

14:41 6 Q. Again, still with Hafle: "Behind on well and because of  
14:41 7 culture of team leader, we did not and would not do it."

14:41 8 Do you see that?

14:41 9 A. Right. But that would be a tech limit.

14:41 10 Q. Check -- oh, I thought this says -- what do they mean by  
14:41 11 "tech limit"?

14:41 12 A. Tech limit is an industry process to eliminate waste from  
14:41 13 the drilling process.

14:41 14 Q. How would a bond log cause waste in the drilling process?

14:41 15 A. If it's not necessary, it's a process that is unnecessary.

14:41 16 Q. What do they mean "because of culture"? What does that  
14:41 17 mean?

14:41 18 A. Well, I suppose it's following a tech limit process. I'm  
14:41 19 not sure exactly.

14:41 20 Q. But you don't know?

14:41 21 A. Yeah. Well, I'm not sure exactly what he -- I'm not in  
14:41 22 his head on that, exactly what he means by culture tech move.  
14:41 23 I'm familiar with what a tech limit process is.

14:41 24 Q. Would then this have been seen as a waste of time? Is  
14:42 25 that another way to translate this?

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- 14:42 1 A. What is the "it"?
- 14:42 2 Q. The bottoms-up circulation.
- 14:42 3 A. It could have been.
- 14:42 4 Q. Could have been?
- 14:42 5 A. Yes.
- 14:42 6 Q. Beyond saying it could have been, we're not --
- 14:42 7 A. "Waste of time" is a strong characterization. It's
- 14:42 8 whether it's fully necessary or not, is the evaluation of the
- 14:42 9 tech limit process.
- 14:42 10 Q. But all the information we have on that decision making is
- 14:42 11 what you wrote here?
- 14:42 12 A. Yes.
- 14:42 13 Q. If we go to page 41, next page at the bottom, it says --
- 14:42 14 again, we are still with Hafle: "Discussed TA" -- a temporary
- 14:42 15 abandonment procedure?
- 14:42 16 A. That's correct.
- 14:42 17 Q. "Mark wrote procedure to set plug 3,000 feet below
- 14:42 18 wellhead to allow" -- what is that word?
- 14:42 19 A. ". . . room for 100k weight below to set" --
- 14:42 20 Q. -- "to set the lock ring." Okay.
- 14:42 21 "Plan was to set surface plug in water, standard" --
- 14:42 22 A. "For exploration."
- 14:42 23 Q. -- "for exploration wells. Procedure written to
- 14:42 24 negative-test with stinger above stack."
- 14:43 25 Does that mean that the original procedure, as

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14:43 1 written by Mark Hafle, was to do a test with the stinger above  
14:43 2 the BOP?

14:43 3 A. There was a draft that had it doing the negative test with  
14:43 4 seawater down to the wellhead.

14:43 5 Q. That was a first draft from Mr. Hafle?

14:43 6 A. That's my understanding.

14:43 7 Q. Then run into the hole to 8367 to give you the weight for  
14:43 8 the lockdown sleeve?

14:43 9 A. Yes.

14:43 10 Q. "Repeat test, displace to seawater and do a second  
14:43 11 negative test."

14:43 12 A. I scratched out "repeat" there.

14:43 13 Q. Oh, you scratched out "repeat."

14:43 14 A. It's displaced -- so after the seawater test at the  
14:43 15 wellhead, displace to seawater and do a second -- run into the  
14:43 16 hole to 8367, displace the seawater and do a second negative  
14:43 17 test.

14:43 18 Q. So Hafle's first draft calls for two tests, according to  
14:43 19 your notes?

14:43 20 A. That's the way I understood it, yes.

14:43 21 Q. The first one would be done with the stinger, which is the  
14:43 22 drill pipe, correct?

14:43 23 A. With it above the stack.

14:43 24 Q. Above the stack?

14:43 25 A. And you test from the wellhead.

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14:44 1 Q. Down?

14:44 2 A. Yes.

14:44 3 Q. Is there any displacement done for the first test?

14:44 4 A. To the wellhead in the kill line, yes.

14:44 5 Q. Kill line to wellhead?

14:44 6 A. Yes.

14:44 7 Q. That's it?

14:44 8 A. Yes.

14:44 9 Q. Then he was going to run into the hole 8367, then do a  
10 second test?

14:44 11 A. To displace the seawater up to the BOP and then do a  
12 second -- close the BOP and do a second test.

14:44 13 Q. Gotcha. And assuming both of those tests went well, he  
14 says, "Then set cement plug," correct?

14:44 15 A. Yes.

14:44 16 Q. At the very end.

14:44 17 All right. If we go to the next page, page 42, it  
18 references "Team (Guide, et al. ops team) wanted to go all the  
19 way to 8367 and do the test once rather than twice," correct?

14:44 20 A. That's correct.

14:44 21 Q. "This does not match APD, but decision made that MMS  
22 doesn't need to be notified. Who made decision to do single  
23 negative test at 8367? John Guide made the decision."

14:45 24 If I understand what you wrote here, that despite the  
25 senior drilling engineer's penning a procedure that required

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14:45 1 two tests, the first of which would be run above the BOP stack,  
14:45 2 Mr. Guide came in and said, "No, I want to do one test, all of  
14:45 3 which is below the BOP stack; and if it doesn't match the APD,  
14:45 4 I don't think the MMS needs to be notified."

14:45 5 A. That's what Mr. Hafle conveyed to us.

14:45 6 Q. So now we've got Guide saying no bottoms-up, no  
14:45 7 21 centralizers, no bond log, and no two-part negative test,  
14:45 8 correct?

14:45 9 A. Well, the notes stand for themselves.

14:45 10 Q. All right. Do you have any idea whether John Guide knew  
14:45 11 or didn't know whether his recommended plan would have been  
14:45 12 permitted and legal under the then existing APD? Did you go  
14:46 13 into that?

14:46 14 MR. REGAN: Speculation and scope, Your Honor.

14:46 15 BY MR. STERBCOW:

14:46 16 Q. If you didn't go into it, we are done.

14:46 17 A. No, I didn't go into that.

14:46 18 Q. If you go down a little bit more on this very section,  
14:46 19 some discussion -- well, for completeness, let's read it.

14:46 20 "Mark wanted to test seal assembly first and then  
14:46 21 wellbore," The reason for the two-step test, correct?

14:46 22 A. Right, except there wouldn't have been enough drawdown to  
14:46 23 test the seal assembly.

14:46 24 Q. "Some discussion, but John Guide hard to argue with. Greg  
14:46 25 Walz" -- Greg Walz is the senior engineer, right? He is over

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14:46 1 Hafle and Morel?

14:46 2 A. That's correct.

14:46 3 Q. ". . . in discussion, but don't argue with John."

14:46 4 A. "Didn't argue with John."

14:46 5 Q. "Didn't argue." Didn't?

14:46 6 A. That's what it says. I apologize for the bad handwriting.

14:46 7 Q. "Didn't argue with John."

14:46 8 A. That's correct. That's what he said.

14:46 9 Q. "Once decided by ops, Mark goes back to office, called  
14:47 10 Bob" -- and I assume that's Kaluza. Correct?

14:47 11 A. Yes.

14:47 12 Q. ". . . to explain procedure."

14:47 13 So what came out of this discussion is John Guide  
14:47 14 won, he won the argument?

14:47 15 A. I'm not sure the extent to which it was an argument  
14:47 16 because this is the standard way you do these kind of negative  
14:47 17 tests. He did it on the prior well.

14:47 18 Q. The senior drilling engineer wrote up a draft that  
14:47 19 suggested we should do it one way. Guide said, No, I want to  
14:47 20 do it another way. And Guide's way was the way it was done,  
14:47 21 correct?

14:47 22 **MR. REGAN:** Your Honor, I'm again going to object.  
14:47 23 He can ask him what he wrote down.

14:47 24 **THE COURT:** Sustained.

14:47 25 **MR. STERBCOW:** All right. We'll move on.

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14:47 1 BY MR. STERBCOW:

14:47 2 Q. "No detailed procedure provided because Mark does not know  
14:47 3 piping," I think?

14:47 4 A. Yes, that's correct.

14:47 5 Q. On the rig, you're talking about?

14:47 6 A. Yes.

14:47 7 Q. "Leave it to rig to decide details. Each WSL likes to do  
14:47 8 it differently anyway."

14:47 9 A. That's correct.

14:47 10 Q. Hafle is telling you that he is going to leave it --  
14:47 11 according to what he knew, going to leave it to the rig to come  
14:48 12 up with the particulars on how to conduct the negative test?

14:48 13 A. Yes, that's correct. The rig had a rig-specific procedure  
14:48 14 for conducting the test.

14:48 15 Q. Again, at the very end, the second line from the bottom,  
14:48 16 you have a question: "Who indicated MMS doesn't need to be  
14:48 17 called? Answer: John Guide."

14:48 18 And you have already told me you don't know whether  
14:48 19 Guide actually knew whether the MMS needed to be called or not?

14:48 20 A. Yeah. I just know in a later interview that -- with  
14:48 21 Mr. Hafle, that it indicated in that interview that he and  
14:48 22 Mr. Guide had agreed not to call MMS. So we would have to look  
14:48 23 at that later interview, that July interview.

14:48 24 Q. So at some point later on in the July interview, was that  
14:48 25 Guide telling you that he and Hafle agreed, or was that --

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14:48 1 A. Mr. Hafle, as I recall.

14:48 2 Q. Told you that he discussed it with Guide, and they both  
14:48 3 agreed MMS didn't need to be called in that situation?

14:48 4 A. It seemed to be more of a collaborative decision rather  
14:48 5 than a one-sided decision in that interview.

14:48 6 Q. Let's see what Guide told you. You brought this up.

14:49 7 MR. STERBCOW: Carl, let's go to TREN-0037.2.

14:49 8 BY MR. STERBCOW:

14:49 9 Q. These are notes from May 12, 2010. These are the  
14:49 10 typewritten notes from John Guide, references Mr. Cowie,  
14:49 11 Mr. Martin, Weatherbee, Corser, and a Pere?

14:49 12 A. That would be Allen Pere.

14:49 13 MR. REGAN: Just a foundation objection on whether  
14:49 14 these are Mr. Robinson's notes.

14:49 15 MR. STERBCOW: I was going to ask you that.

14:49 16 MR. REGAN: I'm sorry.

14:49 17 THE WITNESS: I have no idea. I wouldn't have typed  
14:49 18 my notes. But if we can go to the header, I can take a look and  
14:49 19 tell you if I was part of this or not.

14:49 20 BY MR. STERBCOW:

14:49 21 Q. Can we pull back and see whether or not -- if this is all  
14:49 22 we have, does that indicate that you did not participate at all  
14:49 23 in the May 12 interview of Guide?

14:49 24 A. That's correct, I was not in that interview.

14:50 25 Q. Do you know whether or not the results of this interview



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14:50 1 were discussed with you at any point in time?

14:50 2 A. I don't know. I don't remember.

14:50 3 Q. Do you recall anyone in the investigation team generally,  
14:50 4 or any of these people involved in the interview in particular,  
14:50 5 telling you or the investigation team that Mr. Guide claimed  
14:50 6 that the group tricked and fudged the cement modeling to make  
14:50 7 it work? Have you ever heard that?

14:50 8 A. I don't remember that, no.

14:50 9 Q. Even as you sit here today, you don't recall?

14:50 10 A. I don't recall that, no.

14:50 11 Q. Did anyone ever tell you that he also said that they  
14:50 12 tricked and fudged the modeling when discussing the decision to  
14:50 13 run the 6 versus 21 centralizers? You ever hear anybody  
14:50 14 discuss that?

14:50 15 A. I don't remember that, no.

14:50 16 Q. So if, in fact, that occurred, that's not something that  
14:50 17 was brought up or discussed with you in your capacity as head  
14:50 18 of the operations investigation team?

14:50 19 A. That's correct.

14:50 20 Q. Let's pull up 00044 and see if you were involved in this  
14:50 21 one.

14:51 22 This is Jim Weatherbee's notes, John Guide -- that  
14:51 23 would be the same interview?

14:51 24 A. I wasn't in that interview.

14:51 25 Q. So you were not in this interview.

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14:51 1 Was Weatherbee a part of your team, though? He was  
14:51 2 under your operations group, if you will?

14:51 3 A. He was for the first bit of time, and then we separated it  
14:51 4 off into a separate BOP team, and he started helping that. He  
14:51 5 did that for a while and then became editor of the report, or  
14:51 6 one of the editors of the report.

14:51 7 Q. Do you have any idea whether as of May 12 he was still a  
14:51 8 member of your operations team or not?

14:51 9 A. I don't remember.

14:51 10 MR. STERBCOW: Carl, let's go to TREN-00151.C.1.

14:51 11 BY MR. STERBCOW:

14:51 12 Q. These are typed notes from a follow-up interview of John  
14:51 13 Guide, July 1, 2010, and it looks like you did participate in  
14:51 14 this one.

14:51 15 A. Yes, I did.

14:51 16 Q. It would have been Mr. Guide, his lawyer, two lawyers,  
14:51 17 Mr. Corser, yourself, and Mr. Lucari, correct?

14:52 18 A. That's correct.

14:52 19 MR. STERBCOW: Carl, let's go to page 6 in 00151.C.6.

14:52 20 BY MR. STERBCOW:

14:52 21 Q. There's a section -- there's a title on it, "Compliance  
14:52 22 with MMS and BP DWOP Requirements." Do you see that?

14:52 23 A. Yes, sir.

14:52 24 Q. Guide is telling you and the rest of the group that he was  
14:52 25 on the peripheral ends of conversations about compliance with

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14 : 5 2 1 MMS regs and DWOP, correct?

14 : 5 2 2 A. That's correct.

14 : 5 2 3 Q. He goes on to say he made sure that the subsurface staff  
14 : 5 2 4 clearly identified the top of the hydrocarbon zone, talking  
14 : 5 2 5 about the cement.

14 : 5 2 6 Then the next paragraph, "Kent" -- who I assume would  
14 : 5 2 7 be Mr. Corser?

14 : 5 2 8 A. That's correct.

14 : 5 2 9 Q. ". . . pointed out that the well plan decision tree had a  
14 : 5 2 10 contingency around losses and no losses which has implications  
14 : 5 2 11 for conformance with DWOP and ETPs," which are engineering  
14 : 5 3 12 technical practices, correct?

14 : 5 3 13 A. That's correct.

14 : 5 3 14 Q. "He asked John whether he was familiar with the zonal  
14 : 5 3 15 isolation requirements. John said that he could not recite  
14 : 5 3 16 DWOP zonal isolation guidance by heart."

14 : 5 3 17 A. That's correct.

14 : 5 3 18 Q. "Kent noted that the management of change written by Hafle  
14 : 5 3 19 covered DWOP and MMS compliance and asked John who was  
14 : 5 3 20 accountable. John stated that 'on the rig I am accountable for  
14 : 5 3 21 safe and reliable operations.'"

14 : 5 3 22 Did your investigation lead to any conclusion other  
14 : 5 3 23 than on the rig John Guide, as well team leader, was  
14 : 5 3 24 accountable for safe and reliable operations?

14 : 5 3 25 A. He would be accountable for safe and reliable operations

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14:53 1 as well as the other leadership associated with the project.

14:53 2 Q. If you go down to the next section where he is talking  
14:53 3 about the cement bond log in the third paragraph, Guide tells  
14:53 4 you and the group he didn't know if the decision tree complied  
14:54 5 with DWOP.

14:54 6 "He acknowledged that he thought everyone should know  
14:54 7 if plans were compliant with DWOP but said at that time he had  
14:54 8 not reviewed the new DWOP ETP for zonal isolation that had been  
14:54 9 finalized in December 2009 and rolled out in February 2010."

14:54 10 Do you see that?

14:54 11 A. Right. It had just been rolled out. I remember that.

14:54 12 Q. The investigation team now has information directly from  
14:54 13 the well team leader accountable for safe and reliable  
14:54 14 operations that he is not familiar enough with the DWOP to know  
14:54 15 whether his decisions are complying with that document as it  
14:54 16 pertains to zonal isolation, correct?

14:54 17 A. That's correct.

14:54 18 Q. Was that noted in the report anywhere, to your knowledge?

14:54 19 A. About the well team leader specifically?

14:54 20 Q. Right.

14:54 21 A. I don't recall that it was noted.

14:54 22 Q. If you go to the next page, again, same interview, same  
14:54 23 date, John Guide, it talks about GoM, Gulf of Mexico, lines of  
14:54 24 authority at the bottom of that page.

14:54 25 "John felt that the new organizational structure had

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14:55 1 created some confusion in authorities, that he was used to a  
14:55 2 seamless team working together. After the reorganization,  
14:55 3 John's view was that the operations and engineering teams were  
14:55 4 not working smoothly yet."

14:55 5 Was this organizational issue explored further, to  
14:55 6 your knowledge, by the investigation team?

14:55 7 A. Not in great detail, no.

14:55 8 Q. Did you play any role in drilling down and going further  
14:55 9 into organizational issues within Gulf of Mexico drilling and  
14:55 10 completions prior to Macondo?

14:55 11 A. Not what's beyond these notes, no.

14:55 12 Q. Next paragraph: "In John's opinion, it was not a good  
14:55 13 idea to have a structure where ops and engineering only came  
14:55 14 together at the VP level. He said he had no issues with Greg  
14:55 15 Walz, but the structure made the decision-making flow more  
14:55 16 difficult, took decision-making authority away from a  
14:55 17 smaller-focused team with both operations and engineering  
14:56 18 capabilities."

14:56 19 Again, armed with this knowledge, to your knowledge,  
14:56 20 the investigation team did nothing to go further in terms of  
14:56 21 interviewing others involved in drilling and completions  
14:56 22 leadership on either the operations side or the engineering  
14:56 23 side to see what these problems may be?

14:56 24 A. No, we did not, other than what's already in the notes.

14:56 25 Q. Having said that, there's no investigation into or

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14:56 1 conclusion regarding whether organizational issues in drilling  
14:56 2 and completions in the Gulf caused or contributed in any way to  
14:56 3 the Macondo disaster?

14:56 4 A. I can answer it like this. We did not see organization  
14:56 5 issues as being causal in the accident.

14:56 6 Q. But you just told me you didn't go any further.

14:56 7 A. We didn't drill down into it deeply, but nothing came out  
14:56 8 on the surface as being overtly causal.

14:56 9 MR. STERBCOW: Pull up, if you would, Carl,  
14:56 10 TREX-00096.1.

14:56 11 BY MR. STERBCOW:

14:57 12 Q. This is an e-mail you received, along with Mr. Cowie and  
14:57 13 Mr. Brock, who was your direct report, from engineering  
14:57 14 investigation head Kent Corser. Do you recall receiving this  
14:57 15 e-mail with the attachments?

14:57 16 A. Yes.

14:57 17 Q. Do you recall reading the e-mail?

14:57 18 A. I believe so. I would have to take a look at it.

14:57 19 MR. STERBCOW: Page 2. 0096.2. Excuse me.

14:57 20 BY MR. STERBCOW:

14:57 21 Q. This is Guide writing to Sims, his boss, three days before  
14:57 22 the blowout. Do you remember this e-mail now?

14:57 23 A. Yes, I saw that e-mail.

14:57 24 Q. Did you see this e-mail before the final draft of the Bly  
14:57 25 report was published?

## STEVE ROBINSON - CROSS

14:57 1 A. I believe I did. I can't be for certain, but I believe I  
14:57 2 did.

14:57 3 Q. So you and ostensibly the others who received it and the  
14:57 4 investigation team were aware of the fact that three days prior  
14:57 5 to this blowout, the well team leader responsible for safe  
14:57 6 operations on the rig had written to his boss stating that  
14:58 7 there was chaos and they were flying by the seat of their  
14:58 8 pants, correct?

14:58 9 A. If that's what it says. It's kind of fuzzy.

14:58 10 Q. I apologize.

14:58 11 A. That's fine. If that's what it says. I agree with it,  
14:58 12 yeah, if that's what it says.

14:58 13 Q. Let me see. It says: "David, over the past four days  
14:58 14 there have been so many last-minute changes to the operation  
14:58 15 that the WSLs have finally come to their wits' end. The quote  
14:58 16 is flying by the seat of our pants.

14:58 17 "Moreover, we have made special boat or helicopter  
14:58 18 runs every day. Everybody wants to do the right thing, but  
14:58 19 this huge level of paranoia from engineering leadership is  
14:58 20 driving chaos."

14:58 21 He goes on with more specifics. At the very end, the  
14:58 22 last sentence: "The operation is not going to succeed if we  
14:58 23 continue in this manner."

14:58 24 Now, having seen this e-mail within D&C, drilling and  
14:58 25 completions, combined with Guide's specific statements on

## STEVE ROBINSON - CROSS

14:58 1 organizational dysfunction, would you agree with me that at  
14:58 2 least there has been a serious issue identified by your  
14:59 3 investigation team or the investigation team regarding  
14:59 4 organizational dysfunction in drilling and completions at  
14:59 5 Macondo?

14:59 6 A. I don't know if I could characterize it as a serious  
14:59 7 issue. I didn't see this issue as causing confusion at the rig  
14:59 8 site that contributed to any of the causal factors we cited in  
14:59 9 the report.

14:59 10 Q. For that reason this e-mail, nor any of those  
14:59 11 organizational issues that Guide raised, were mentioned in the  
14:59 12 report, correct?

14:59 13 A. As far as I know, no.

14:59 14 Q. Would that be based on the investigation team's decision  
14:59 15 that this e-mail -- these behaviors, these issues were not  
14:59 16 deemed causally related to the blowout?

14:59 17 A. I'm not sure what the legal term means when you say  
14:59 18 "causal."

14:59 19 Q. I'm trying to use your word.

14:59 20 A. Okay.

14:59 21 Q. Causal.

14:59 22 A. We didn't see it as -- these kind of issues as causing  
14:59 23 confusion that contributed to the eight findings or the eight  
15:00 24 causal findings we had.

15:00 25 Q. Did you see these issues as contributing at all to Guide's



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15:00 1 unilateral decisions regarding bottoms-up, number of  
15:00 2 centralizers, no cement bond log, and a one-step negative  
15:00 3 pressure test?

15:00 4 **MR. REGAN:** Your Honor, I object to that based on the  
15:00 5 prior objections to the notes that Mr. Sterbcow was reading  
15:00 6 where --

15:00 7 **THE COURT:** I sustain the objection.

15:00 8 **BY MR. STERBCOW:**

15:00 9 **Q.** Let's go back to Mr. Hafle and -- before that, let's go  
15:00 10 over something very quickly for context.

15:00 11 **MR. STERBCOW:** Carl, pull up D-2020.

15:00 12 **BY MR. STERBCOW:**

15:00 13 **Q.** This, I believe, is taken directly from the Bly report.

15:00 14 **A.** It looks very familiar, yes.

15:00 15 **Q.** Does that look familiar?

15:00 16 **A.** Yes, sir.

15:00 17 **Q.** I will represent to you that it's from the part of the  
15:00 18 report where you discuss the fact that the investigation team  
15:00 19 concluded that the hydrocarbon influx reached the riser at  
15:01 20 approximately 9:38.

15:01 21 **A.** That's correct.

15:01 22 **Q.** That's correct, correct?

15:01 23 **A.** That's what the model showed, at 9:38 it came through the  
15:01 24 stack.

15:01 25 **Q.** Mr. Emilsen testified before you did, and he said at this

## STEVE ROBINSON - CROSS

15:01 1 point just under a thousand barrels of hydrocarbon were in the  
15:01 2 well. Do you recall that?

15:01 3 A. I do recall that.

15:01 4 Q. He also said that within a thousand feet to 200 feet of  
15:01 5 the BOP, the gas started to break out of the liquid. Do you  
15:01 6 recall that?

15:01 7 A. I can't remember the exact depth. That sounds about  
15:01 8 right.

15:01 9 Q. So we have now got a situation in the Macondo well as of  
15:01 10 9:38 where we have got liquid hydrocarbons with gas bubbles  
15:01 11 breaking out, expanding and rising, and we are now at the point  
15:01 12 where they have reached the riser pipe, correct?

15:01 13 A. Yes.

15:01 14 Q. Is it not true that once that occurs and that gas and oil  
15:01 15 gets into the riser pipe, there is nothing left to protect the  
15:01 16 vessel or the crew other than the diverter?

15:02 17 A. That's correct. You can't contain the hydrocarbons once  
15:02 18 they get in the riser. You can only close the diverter and  
15:02 19 divert them.

15:02 20 Q. There's no topside BOP like there would be in a shallow  
15:02 21 jack-up rig or something like that?

15:02 22 A. That's correct.

15:02 23 Q. So if this problem is not detected by the time that the  
15:02 24 hydrocarbons and gas reach the blowout preventer, there is  
15:02 25 nothing between this and those men except one piece of

## STEVE ROBINSON - CROSS

15:02 1 equipment, and that's the vessel's diverter?

15:02 2 A. That's correct.

15:02 3 Q. Do you know or did you look into whether or not the  
15:02 4 vessel's diverter, if operated timely and if working properly,  
15:02 5 had the capacity to divert the volume and pressure of fluids  
15:02 6 that were headed to the *Deepwater Horizon*?

15:02 7 A. It would depend on the time. Early upon entry into the  
15:02 8 riser, they should have been able to divert overboard. I don't  
15:02 9 know if it's -- at the time, once the hydrocarbons are at the  
15:02 10 diverter, I don't know if it would overwhelm it immediately or  
15:02 11 not. It could be in the report.

15:02 12 Q. Do you recall there being any analysis of whether or  
15:03 13 not -- even if the diverter is activated at this point, if they  
15:03 14 had known and they figure "We better activate the diverter, we  
15:03 15 see it coming," would that diverter have withstood what  
15:03 16 ultimately was an unloading of this well onto that vessel? Do  
15:03 17 you have any idea?

15:03 18 A. Well, it would have unloaded, but if it was diverted  
15:03 19 overboard, it would have gone overboard instead of up through  
15:03 20 the rotary.

15:03 21 Q. Would that diverter have continued to divert the unloading  
15:03 22 as it continued to unload and continued to unload and continued  
15:03 23 to unload because there's now nothing to stop the unloading at  
15:03 24 the bottom?

15:03 25 A. At some point I believe we concluded it would have failed.

## STEVE ROBINSON - CROSS

1 We will have to go to the report to be sure of that. But I  
2 believe the volume was so high at some point, it was going  
3 to -- there would be components fail in the system someplace.  
4 It would have bought time, I think, is what we concluded.

5 Q. Okay. So at some point, given the reservoir you're  
6 dealing with, high temperature, high pressure, the equipment on  
7 the vessel we know at some point would have failed unless the  
8 dumping of the reservoir into the well could be stopped,  
9 correct?

10 If it was uncontrolled and there was no way to stop  
11 this, which is exactly what happened, at some point that lone  
12 piece of equipment that was protecting the boat and its crew  
13 was going to fail?

14 MR. REGAN: Your Honor, I think it's an incomplete  
15 hypothetical because there's a lot of other equipment that  
16 would come into play in the scenario where a diverter is being  
17 used.

18 BY MR. STERBCOW:

19 Q. Well, correct me if I'm wrong. I think you just told me  
20 that once we get hydrocarbons and gas into the riser, the only  
21 piece of equipment in play in terms of vessel protection is the  
22 diverter.

23 MR. REGAN: Right. But the witness said what it  
24 would do is buy you time, and with time there is additional  
25 equipment that can then be used.

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15:04 1 THE COURT: Okay. I'll let him answer if he can. Do  
15:04 2 you want to repeat your question?

15:04 3 BY MR. STERBCOW:

15:04 4 Q. I'll pose it in the form of a hypothetical. If we assume  
15:04 5 that the diverter on the *Deepwater Horizon*, that piece of  
15:04 6 vessel equipment, was subjected to constant flow from this well  
15:05 7 because there was nothing now at the bottom of the well to stop  
15:05 8 the influx, do you know whether or not at some point that  
15:05 9 diverter, even if operated timely, would ultimately  
15:05 10 mechanically fail because of the forces it was subjected to?

15:05 11 A. I can't say with certainty, sitting here, that it would  
15:05 12 have failed. We would have to go to the report. There's a  
15:05 13 separate team that looked at how the diverter system could have  
15:05 14 handled the flow.

15:05 15 Q. All right. But we do know and it's clear to see that that  
15:05 16 diverter is the only piece of equipment standing between the  
15:05 17 vessel and those men and the gas and the oil once we get into  
15:05 18 the riser?

15:05 19 A. That's correct. Once hydrocarbons are in the riser, it's  
15:05 20 only the diverter that can control them in some way, and it's  
15:05 21 only to divert.

15:05 22 Q. So it's critical, if the diverter is going to give these  
15:05 23 gentlemen any help in terms of staving this off, that they have  
15:05 24 got to detect oil and gas in that riser and activate that  
15:05 25 diverter as quickly as possible?

## STEVE ROBINSON - CROSS

15:06 1 A. It's certainly better, but if they divert at all, it could  
15:06 2 buy more time. You could perhaps get EDS'ed, or something else  
15:06 3 positive could have happened.

15:06 4 Q. You brought up EDS. Do you know whether the investigation  
15:06 5 team concluded that EDS was at some point a viable option for  
15:06 6 the vessel as an emergency escape?

15:06 7 A. Well, while they were able to still communicate with the  
15:06 8 BOPs, certainly it would be viable.

15:06 9 Q. All right. And the EDS would have --

15:06 10 THE COURT: Let's not go there, please. I've heard  
15:06 11 enough about EDS. We have already gone through the entire Bly  
15:06 12 report with Mr. Bly. And this witness came for, I thought, a  
15:06 13 relatively narrow area; and now you are trying to take him  
15:06 14 through the entire Bly report again, it sounds like.

15:06 15 MR. STERBCOW: I'm going to skip all that, Judge.

15:06 16 THE COURT: Please.

15:06 17 BY MR. STERBCOW:

15:06 18 Q. The Hafle call at 8:52, a couple of questions. Would you  
15:06 19 agree with me -- and I'm not going to put it back up on the  
15:06 20 screen. You have gone through your notes about what happened.

15:06 21 Clearly, though, Mr. Vidrine and Mr. Hafle talked  
15:07 22 about 1400 psi on the drill pipe, zero pressure on the kill  
15:07 23 line. That topic came up?

15:07 24 A. No, sir. Mr. Vidrine mentioned there was pressure on the  
15:07 25 drill pipe. I never saw that there was a mention of 1400.

## STEVE ROBINSON - CROSS

15:07 1 Q. Wasn't there some place in your notes where you mentioned  
15:07 2 1400 on the drill pipe?

15:07 3 A. No, sir. He said that there was pressure on the drill  
15:07 4 pipe.

15:07 5 Q. No pressure on the kill line?

15:07 6 A. That's correct.

15:07 7 Q. So we don't have to go back through that.

15:07 8 They did have a discussion -- would you agree with me  
15:07 9 that that discussion had to be in the context of a negative  
15:07 10 pressure test?

15:07 11 A. Yes.

15:07 12 Q. So the topic came up during the discussion. And Vidrine  
15:07 13 told Hafle at some point in some context, "I have pressure on  
15:07 14 the drill pipe, and I have no pressure on the kill line"?

15:07 15 A. That's correct -- or, no, no, not that he had it at that  
15:07 16 moment; that it occurred sometime during two tests.

15:07 17 Q. That pressure on the drill pipe occurred sometime during  
15:08 18 the two tests?

15:08 19 A. That's correct.

15:08 20 Q. Is it your testimony, then, that this telephone  
15:08 21 conversation never connected the issue of having drill pipe  
15:08 22 pressure and no kill line pressure?

15:08 23 A. I don't understand the question.

15:08 24 Q. In other words, I'm trying to figure out exactly how BP  
15:08 25 can take the position that Don Vidrine did not give enough

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15:08 1 information to Mark Hafle to at least raise a concern in  
15:08 2 Hafle's mind that there was something wrong with the results of  
15:08 3 the negative test.

15:08 4 A. The only position I have are the results of the interview  
15:08 5 I had with the two gentlemen, and it was that Mr. Vidrine told  
15:08 6 them that there was a first test that was bad and a second test  
15:08 7 that was good, there was pressure on the drill pipe and not on  
15:08 8 the kill line.

15:08 9 Q. Direct pressure on the drill pipe but not on the kill line  
15:08 10 is an indication that something may be wrong?

15:08 11 A. That's correct.

15:08 12 Q. If there's an indication that something may be wrong in a  
15:08 13 well that Mr. Hafle, six days beforehand, wanted to plug and  
15:09 14 abandon and walk away from, is it BP's position that Hafle, as  
15:09 15 the senior drilling engineer, at that point has no duty to  
15:09 16 further inquire into what Mr. Vidrine is saying?

15:09 17 MR. REGAN: Objection.

15:09 18 THE COURT: I sustain the question.

15:09 19 BY MR. STERBCOW:

15:09 20 Q. Do you have any evidence that Mr. Hafle inquired any  
15:09 21 further into whether or not the results that he was told -- the  
15:09 22 condition that he was told was followed up on, investigated, or  
15:09 23 in any way questioned even, to your knowledge?

15:09 24 The basis of my question is very simple. I'm not  
15:09 25 asking you your opinion.



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15:09 1 THE COURT: You stated your question. Let him  
15:09 2 answer.

15:09 3 THE WITNESS: I couldn't follow the question. Could  
15:09 4 you repeat it.

15:09 5 BY MR. STERBCOW:

15:09 6 Q. Does your investigation indicate that Mark Hafle followed  
15:09 7 up in any form or fashion on the information he received in  
15:09 8 that 8:52 phone call about pressure on the drill pipe versus  
15:09 9 pressure on the kill line?

15:09 10 A. I didn't see any evidence after the phone call of  
15:09 11 Mr. Hafle following up any more, no.

15:10 12 Q. Again, the investigation team did not take any further  
15:10 13 steps to ask Mr. Hafle or come to any conclusions on why he did  
15:10 14 or did not follow up?

15:10 15 A. Other than he didn't -- wasn't left with an impression  
15:10 16 that it was a bad test.

15:10 17 Q. Did Mr. Hafle tell you he was left with the impression  
15:10 18 that it was a good test?

15:10 19 A. No, he told us that Mr. Vidrine said it was a good test.

15:10 20 Q. That's how he left it?

15:10 21 A. That's the way I understand it. We can go back to the  
15:10 22 notes if you wish.

15:10 23 Q. No, that's okay.

15:10 24 Is that the last time that you're aware of Hafle  
15:10 25 having any discussion about the negative pressure test before

## STEVE ROBINSON - CROSS

15:10 1 the disaster occurred?

15:10 2 A. Yes.

15:10 3 Q. Is that the last time, based on your investigation, that  
15:10 4 Mr. Hafle did anything whatsoever to determine whether or not  
15:11 5 the negative pressure test had proceeded as planned and the rig  
15:11 6 thought that it was successful? Is that it?

15:11 7 A. I'm aware of no other action taken after that phone call.

15:11 8 Q. So when they hang up at 8:52 -- and by the way, that's the  
15:11 9 moment, according to the report, that the well is beginning to  
15:11 10 flow, right?

15:11 11 A. Coincidentally, yes.

15:11 12 Q. So they are having this discussion, the well is beginning  
15:11 13 to flow. It doesn't get to the riser until 9:38, and it  
15:11 14 doesn't get -- I think your report indicates the first  
15:11 15 indication of mud on the rig floor was about 9:40?

15:11 16 A. Yes, sir.

15:11 17 MR. REGAN: Your Honor, we have done this three  
15:11 18 times.

15:11 19 THE COURT: We have. This is getting very  
15:11 20 repetitive.

15:11 21 BY MR. STERBCOW:

15:11 22 Q. At any point in time, to your knowledge, Mr. Robinson, did  
15:11 23 the investigation team look into or discuss whether or not the  
15:11 24 drilling and completions team as a whole, in the  
15:12 25 decision-making process they engaged in from the 14th through

## STEVE ROBINSON - CROSS

15:12 1 the 20th, played any causal role whatsoever in this accident?

15:12 2 Did it happen at any point?

15:12 3 **MR. REGAN:** Asked and answered, outside the scope. I  
15:12 4 think we have gone through this.

15:12 5 **THE COURT:** I sustain the objection.

15:12 6 **MR. STERBCOW:** I don't have anything further. Thank  
15:12 7 you.

15:12 8 **THE COURT:** United States.

15:12 9 I don't want to rehash the entire Bly report  
15:12 10 again and I don't want to rehash all those notes again.

15:12 11 **MR. UNDERHILL:** I don't intend to.

15:12 12 **THE COURT:** We heard plenty about all of that.

15:12 13 **MR. UNDERHILL:** I think yesterday we got Your Honor's  
15:12 14 preference for moving things along.

15:13 15 **MR. UNDERHILL:** Ms. Miller, TRES-0003, please.

15:13 16 One second, Your Honor. We have an equipment  
15:13 17 malfunction.

**CROSS-EXAMINATION**

15:13 18 **BY MR. UNDERHILL:**

15:13 19 **Q.** Good afternoon, Mr. Robinson. I have you on  
15:13 20 cross-examination. Mike Underhill on behalf of the  
15:13 21 United States.  
15:13 22

15:13 23 Just so I understand, the scope of your status as an  
15:13 24 expert witness called by BP -- and I'm looking from the  
15:13 25 document that your folks gave us -- included in your expert

## STEVE ROBINSON - CROSS

15:13 1 report status would be --

15:13 2 THE COURT: Wait a minute. I don't remember him  
15:13 3 being offered as an expert. He hasn't been asked any expert --  
15:13 4 I've tried to avoid letting him answer any expert questions.

15:13 5 MR. UNDERHILL: Actually, let me state it this way,  
15:13 6 Your Honor. He was disclosed to the United States as a  
15:13 7 nonretained --

15:13 8 THE COURT: I understand that, but he was -- there  
15:14 9 was no offer of him so far today as an expert.

15:14 10 MR. REGAN: These parties stood up last week and  
15:14 11 objected to going back through the issues of the Bly report.  
15:14 12 We verified that Mr. Robinson was involved in those chapters so  
15:14 13 that Your Honor knows the work he did.

15:14 14 We did not go into those areas in any detail in  
15:14 15 his direct examination. We asked him about his factual  
15:14 16 knowledge and his factual information from the work he did.  
15:14 17 That was the way in which Mr. Robinson has been --

15:14 18 MR. UNDERHILL: I'm going to focus only on the sheen  
15:14 19 test, your Honor.

15:14 20 THE COURT: That's the way I said it. I thought  
15:14 21 that's what I said, Mr. Regan.

15:14 22 MR. UNDERHILL: I'm only going to focus on the sheen  
15:14 23 test.

15:14 24 THE COURT: As long as you don't ask him any  
15:14 25 opinions.

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15:14 1 MR. UNDERHILL: I don't intend to.

15:14 2 THE COURT: Let's see where it goes.

15:14 3 MR. UNDERHILL: Thank you. TREX --

15:14 4 THE COURT: Sheen test from the Bly report or from  
15:14 5 the interviews? What are you asking him?

15:14 6 MR. UNDERHILL: It's going to be the interviews.  
15:14 7 Your Honor.

15:14 8 THE COURT: The interviews.

15:14 9 MR. UNDERHILL: And his notes from an area not  
15:14 10 covered by Mr. Sterbcow. That's all I'm going to do.

15:14 11 THE COURT: Okay.

15:14 12 MR. UNDERHILL: Thank you.

15:14 13 BY MR. UNDERHILL:

15:14 14 Q. Mr. Robinson, Mr. Regan mentioned that in addition to your  
15:15 15 handwritten notes, that when you -- I think it's when you got  
15:15 16 back to Houston or somewhere, you called in your notes, and  
15:15 17 eventually they were compiled in a document, TREX-0003, that  
15:15 18 were the results of the interview that you, Mr. Cowie, and  
15:15 19 Mr. Martin conducted, correct?

15:15 20 A. No, sir. I would have called in from the Lafayette office  
15:15 21 back to the Houston office, and they took notes.

15:15 22 Q. Thank you. I appreciate that.

15:15 23 MR. UNDERHILL: Could we go to the fly-out, please,  
15:15 24 Dawn, which is TREX-00003.2.2.U.S.

15:15 25 MR. REGAN: Foundation.

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15:15 1 MR. UNDERHILL: I'm sorry, .2.1.

15:15 2 MR. REGAN: Foundation on this document as to whether  
15:15 3 it's Mr. Robinson's notes.

15:15 4 THE WITNESS: I would prefer to testify from my  
15:15 5 notes.

15:15 6 THE COURT: Are these your notes typed up by somebody  
15:15 7 else, or do you know?

15:15 8 THE WITNESS: I don't know, sir.

15:15 9 MR. UNDERHILL: I've got one question.

15:15 10 THE COURT: Show us the header.

15:15 11 THE WITNESS: I looked at the header. It looks like  
15:15 12 someone summarized some notes, and I don't know if it's my  
15:16 13 notes or whose. If we went to my handwritten notes, it would  
15:16 14 be --

15:16 15 MR. UNDERHILL: Can I just ask you this question?

15:16 16 THE WITNESS: Okay.

15:16 17 MR. REGAN: I think --

15:16 18 BY MR. UNDERHILL:

15:16 19 Q. When Mr. Vidrine -- I'm sorry. When the sheen test was  
15:16 20 being performed, was Mr. Vidrine on the rig floor?

15:16 21 A. I don't know.

15:16 22 Q. Have you consulted at all -- do you know where he was?

15:16 23 A. No, I don't know for certain, but I was left with the  
15:16 24 impression that he was in the rig package someplace because he  
15:16 25 told me he returned to the office after the sheen test.

## STEVE ROBINSON - CROSS

15:16 1 Q. So do you understand that he was actually with the folks  
15:16 2 that were performing the sheen test when it was being  
15:16 3 performed? Is that your understanding?

15:16 4 A. I don't know that for certain. I had the impression that  
15:16 5 he physically went to look at the sheen test, but I don't know  
15:16 6 that for sure.

15:16 7 Q. Is Mr. Martin one of the Bly investigators that worked  
15:16 8 with you folks on the Bly investigation team?

15:16 9 A. He was a facilitator, yes, sir.

15:16 10 Q. At any time in your preparation for your testimony here  
15:17 11 today, were you shown a copy of the interview notes of Greg  
15:17 12 Meche, who was the gentleman, I believe, employed by M-I who  
15:17 13 actually performed the sheen test, along with others?

15:17 14 A. Did I see the interview notes of Mr. Meche?

15:17 15 Q. Yes.

15:17 16 A. I don't know.

15:17 17 Q. Are you aware that he was interviewed and testified that  
15:17 18 Mr. Vidrine -- actually, I should say the company man was not  
15:17 19 present during the sheen test? Are you aware of that?

15:17 20 MR. REGAN: Foundation, Your Honor.

15:17 21 MR. UNDERHILL: I can go to the document.

15:17 22 THE COURT: Sustained.

15:17 23 MR. UNDERHILL: Could you turn -- actually,  
15:17 24 Ms. Miller, could you go to, please, TRES-03213 Willis.

15:17 25 And the reason that there's a Willis at the end,

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1 Your Honor, there are two of that number, and this was Willis,  
2 so that's the way the parties cured the exhibit.

3 If we could do the fly-out, please.

4 **BY MR. UNDERHILL:**

5 **Q.** Do you see that this is -- Mr. Martin is one of your  
6 investigation team, correct?

7 **A.** He is the facilitator, yes, sir.

8 **MR. REGAN:** Foundation, your Honor, as to showing  
9 this document to this witness.

10 **MR. UNDERHILL:** Your Honor, he has talked in his  
11 notes about the sheen test --

12 **THE COURT:** But what I'm trying to figure out now,  
13 are you asking this witness to comment on something -- on some  
14 notes, an interview that somebody else on his team conducted?  
15 Is that where we are going with this?

16 **MR. UNDERHILL:** Only to clarify where Mr. Vidrine was  
17 during the performance of the sheen test. That's all.

18 **THE COURT:** We have talked about hearsay before, and  
19 now we are going into at least double hearsay or triple hearsay  
20 or something beyond mere hearsay. If that's where you are  
21 going, I'm going to sustain -- I think Mr. Regan was about to  
22 object.

23 **MR. REGAN:** My objection was on that basis,  
24 Your Honor.

25 **THE COURT:** I sustain the objection.



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15:18 1 MR. UNDERHILL: I respect the Court's ruling. If I  
15:18 2 could offer a proffer just for my record, Your Honor.

15:18 3 THE COURT: Not right this minute.

15:18 4 MR. UNDERHILL: When would you like me to do it?

15:18 5 THE COURT: Whenever I'm not sitting in court.

15:18 6 MR. UNDERHILL: Very good.

15:18 7 BY MR. UNDERHILL:

15:18 8 Q. Are you aware -- and I suspect the objection is coming,  
15:18 9 but to lay my record, are you aware that Mr. Meche was deposed  
15:19 10 in this case --

15:19 11 THE COURT: Wait a minute. I just said you can't do  
15:19 12 that while I'm on the bench.

15:19 13 MR. UNDERHILL: I'm sorry. This was a different  
15:19 14 exhibit.

15:19 15 THE COURT: You're asking for another double hearsay?

15:19 16 MR. UNDERHILL: All I'm asking is to go to the  
15:19 17 deposition.

15:19 18 THE COURT: I'm not going to let you go there now, so  
15:19 19 move on to something else.

15:19 20 BY MR. UNDERHILL:

15:19 21 Q. Are you aware that Mr. Vidrine was standing on the rig  
15:19 22 floor during the sheen test -- actually, back up a step.

15:19 23 To put in context the timing of the Hafle phone call,  
15:19 24 8:52 to 9:02, correct?

15:19 25 A. I know it was 8:52. I believe it was a 10-minute call.

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15:19 1 Q. Thank you.

15:19 2 And the sheen test, if you recall, was performed at  
15:19 3 what time?

15:19 4 A. 9:08 to 9:14.

15:19 5 Q. Are you aware that Mr. Vidrine was, in fact, on the rig  
15:19 6 floor with Dewey Revette and Jason Anderson and, I believe,  
15:19 7 others when the rig was performing the sheen test?

15:19 8 MR. REGAN: Asked and answered, no foundation.

15:20 9 THE COURT: I thought he's already talked about where  
15:20 10 he understood -- he wasn't positive, but where he understood  
15:20 11 Mr. Vidrine was.

15:20 12 MR. UNDERHILL: Okay.

15:20 13 BY MR. UNDERHILL:

15:20 14 Q. Do you have any information at all that Mr. Vidrine -- any  
15:20 15 positive information that he was actually on wherever it was  
15:20 16 they were performing the sheen test?

15:20 17 MR. REGAN: Asked and answered.

15:20 18 BY MR. UNDERHILL:

15:20 19 Q. With the folks doing it?

15:20 20 MR. REGAN: Asked and answered, Your Honor. The  
15:20 21 witness was asked what his --

15:20 22 THE COURT: It sounds like the same question just  
15:20 23 asked in a not so disguised matter, Mr. Underhill. Good  
15:20 24 attempt.

15:20 25 MR. UNDERHILL: I thought it would slip it by,

## STEVE ROBINSON - CROSS

15:20 1 Your Honor.

15:20 2 THE COURT: I sustain the objection.

15:20 3 MR. UNDERHILL: How would you like me to do the  
15:20 4 proffer? I can do it in writing if you'd like, Your Honor.

15:20 5 THE COURT: Just do it sometime when I'm not here  
15:20 6 when I'm not on the bench. You can arrange with the court  
15:20 7 reporter to do it.

15:20 8 MR. UNDERHILL: In that case, that's all the  
15:20 9 questions I have. Thank you, Your Honor.

15:20 10 THE COURT: Any questions from Alabama?

15:20 11 MR. SINCLAIR: No questions.

15:21 12 THE COURT: Louisiana.

15:21 13 MR. KANNER: Nothing that can't be handled in  
15:21 14 post-trial submittals. Thank you, Your Honor.

15:21 15 THE COURT: What was that comment? I didn't  
15:21 16 understand what you said. "Nothing that can't be handled"  
15:21 17 what?

15:21 18 MR. KANNER: I just said nothing that can't be  
15:21 19 handled in the post-trial submittals that you --

15:21 20 THE COURT: That's not my question. It's about  
15:21 21 whether you have any questions for the witness.

15:21 22 MR. KANNER: The answer is no.

15:21 23 THE COURT: Thank you.

15:21 24 Transocean.

15:21 25 MR. BRIAN: Yes, Your Honor.

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15:21 1 THE COURT: Let's do this. Let's take about a  
15:21 2 15-minute recess. About 3:20.

15:21 3 THE DEPUTY CLERK: All rise.

15:21 4 (Recess.)

15:37 5 THE COURT: Please be seated.

15:37 6 CROSS-EXAMINATION

15:37 7 BY MR. BRIAN:

15:37 8 Q. Brad Brian for Transocean. Good afternoon, Mr. Robinson.  
15:37 9 I represent Transocean, and this is on cross-examination.

15:37 10 A lot of what I was going to cover has been covered,  
15:37 11 so I'm going to be very brief. I do have some follow-up  
15:37 12 questions with respect to the -- your interviews regarding that  
15:37 13 8:52 p.m. call.

15:37 14 I think you testified -- I want to make sure I got  
15:37 15 this right. I think you testified that you didn't hear either  
15:38 16 Mr. Vidrine or Mr. Hafle say specifically that there was  
15:38 17 1400 psi pressure on the drill pipe. Is that right?

15:38 18 A. That's -- according to my notes, that's correct.

15:38 19 MR. BRIAN: Let's just pull up quickly, then,  
15:38 20 TREN-37031.13.1.

15:38 21 BY MR. BRIAN:

15:38 22 Q. Now, that's the first page of your interview of  
15:38 23 Mr. Vidrine on April 27, correct?

15:38 24 A. That's correct.

15:38 25 Q. Do you see where it references that Brian Martin and Jim

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15:38 1 Cowie were also present with you?

15:38 2 A. Yes, sir.

15:38 3 Q. They were two members of your investigation team that  
15:38 4 worked along with you and coordinated you and appeared on some  
15:38 5 of the same interviews, right?

15:38 6 A. They interviewed with me in some interviews, yes.

15:38 7 Q. This was one of those occasions, was it not?

15:38 8 A. That's correct.

15:38 9 MR. BRIAN: Let's pull up TREN-192.1.1.T0.

15:38 10 BY MR. BRIAN:

15:38 11 Q. This is the typewritten version of the same Don Vidrine  
15:38 12 interview on the 27th of April, is it not?

15:39 13 A. It appears to be, yes.

15:39 14 Q. Presumably prepared by either Mr. Cowie or Mr. Martin,  
15:39 15 correct?

15:39 16 A. I don't know.

15:39 17 Q. Let's pull up TREN-192.3.1.T0 --

15:39 18 MR. REGAN: Foundation, Your Honor.

15:39 19 MR. BRIAN: I'm just going to show him and ask him a  
15:39 20 question.

15:39 21 MR. REGAN: Foundation, Your Honor. He has the  
15:39 22 document --

15:39 23 THE COURT: Well, let's --

15:39 24 MR. BRIAN: The same interview that he attended,  
15:39 25 Your Honor.

## STEVE ROBINSON - CROSS

15:39 1 MR. REGAN: The witness just testified that these are  
15:39 2 not his notes, so we are right back in the same place.

15:39 3 MR. BRIAN: No, we're not. He attended this  
15:39 4 interview.

15:39 5 THE COURT: Were you sitting in this interview?

15:39 6 THE WITNESS: Yes, sir, I was in this interview.

15:39 7 THE COURT: These are, what, someone else is taking  
15:39 8 notes during the same interview?

15:39 9 THE WITNESS: I don't know if it's someone else in  
15:39 10 the interview or someone typed up notes from someone back in  
15:39 11 the office.

15:39 12 THE COURT: Let's establish what these are.

15:39 13 MR. BRIAN: I will represent to the Court that these  
15:39 14 are typewritten, prepared either by Mr. Martin or Mr. Cowie.

15:39 15 BY MR. BRIAN:

15:39 16 Q. And my question is -- it says in the notes: "I talked to  
15:39 17 Hafle about the 1400 - said that if there had been a kick in  
15:39 18 the well, we would have seen it."

15:40 19 My first question is: Does that refresh your  
15:40 20 recollection that Mr. Vidrine in that interview said that he  
15:40 21 told Mr. Hafle that there was 1400 pounds of pressure on the  
15:40 22 drill pipe?

15:40 23 A. That's not reflected in my notes. I see it on the screen  
15:40 24 here, but that's not what's in my notes.

15:40 25 Q. Does it refresh your recollection that that's what he

## STEVE ROBINSON - CROSS

15:40 1 said?

15:40 2 A. I don't remember him saying a specific number, no.

15:40 3 Q. Do you recall him saying in the interview --

15:40 4 THE COURT: I'm just trying to clear things up here.

15:40 5 This is the interview that the team, or whatever  
15:40 6 you called the group you were in, had of Mr. -- when you  
15:40 7 interviewed Mr. Vidrine, right?

15:40 8 THE WITNESS: Yes, sir.

15:40 9 THE COURT: This is for the interview -- you talked  
15:40 10 about two days -- April 27, I think it was?

15:40 11 THE WITNESS: Yes, sir, I interviewed Mr. Vidrine in  
15:40 12 his home on the 27th.

15:40 13 THE COURT: Was there only a single interview of  
15:40 14 Mr. Vidrine, as far as you --

15:40 15 THE WITNESS: That I was involved in, yes, sir.

15:40 16 THE COURT: Okay.

15:40 17 MR. BRIAN: This was the only interview, was my next  
15:40 18 question.

15:40 19 BY MR. BRIAN:

15:40 20 Q. This was the only interview that you conducted of  
15:40 21 Mr. Vidrine, was it not?

15:41 22 A. That's correct.

15:41 23 Q. Did Mr. Vidrine tell you in that interview that he told  
15:41 24 Hafle during their 8:52 p.m. call on April 20 that, if there  
15:41 25 had been a kick in the well, they would have seen it?

## STEVE ROBINSON - CROSS

15:41 1 A. I don't recall that specific statement, but he could have  
15:41 2 said that.

15:41 3 Q. Now, Mr. Kent Corser was another member of your  
15:41 4 investigation team, was he not?

15:41 5 A. He was on the Bly investigation team.

15:41 6 Q. You briefed Mr. Corser on your interview of Mr. Vidrine,  
15:41 7 did you not?

15:41 8 A. No, not Mr. Corser individually. I called back to the  
15:41 9 office, and there was a group in a room.

15:41 10 Q. Do you know if Mr. Corser was present?

15:41 11 A. I don't know. He could have been.

15:41 12 MR. BRIAN: Let's pull up TREX-193.3.2.TO.

15:41 13 BY MR. BRIAN:

15:41 14 Q. Do you recognize that as Mr. Corser's handwriting?

15:41 15 A. It could be Mr. Corser's handwriting.

15:41 16 Q. Does it look like his handwriting?

15:41 17 A. Kent has bad handwriting.

15:41 18 Q. So it looks like Mr. Corser's bad handwriting, to the best  
15:41 19 of your ability, sir?

15:41 20 A. Yes, sir. Yes, sir.

15:42 21 Q. Did you tell Mr. Corser that Mr. Vidrine had said he told  
15:42 22 Mr. Hafle the negative test was squirrely but that he had told  
15:42 23 Mr. Hafle there were no problems?

15:42 24 Did you tell Mr. Corser that Mr. Vidrine had said  
15:42 25 that?



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15:42 1 A. I could only say that Mr. Corser would have taken notes to  
15:42 2 that effect. I can't remember if I used those words.

15:42 3 MR. BRIAN: Phil, can you put up a comparison of  
15:42 4 TREX-37031.95.1.TO and TREX-4447.6.1.TO.

15:42 5 That's not what I want, actually. Let's pull up  
15:42 6 4447.6.1.TO.

15:42 7 BY MR. BRIAN:

15:42 8 Q. This is the typewritten version of your interview in July  
15:43 9 of Mr. Hafle, correct?

15:43 10 A. If it's from the same document we looked at earlier, then  
15:43 11 yes.

15:43 12 Q. Yes. It has two different exhibit numbers. I'm sorry for  
15:43 13 the confusion on that.

15:43 14 Now you said that Mr. Luceri --

15:43 15 A. Lucari.

15:43 16 Q. Lucari.

15:43 17 Was he taking typewritten notes at the time or  
15:43 18 handwritten notes at the time?

15:43 19 A. I can't remember actually if he was typing or writing. I  
15:44 20 can't remember.

15:44 21 Q. He prepared the typewritten version, though, did he not,  
15:44 22 sir?

15:44 23 A. Yes.

15:44 24 Q. Did he circulate a draft to you and the other participants  
15:44 25 before it was finalized?

## STEVE ROBINSON - CROSS

15:44 1 A. Yes, sir, to Mr. Corser and myself, as I recall.

15:44 2 Q. Do you know whether he sent a copy to Mr. Hafle's personal  
15:44 3 lawyers who attended the interview?

15:44 4 A. I don't know.

15:44 5 Q. Did you make any changes in the typewritten version before  
15:44 6 it was finalized?

15:44 7 A. I recall making maybe minor changes. I don't think  
15:44 8 there's anything significant.

15:44 9 Q. Do you know what happened to those drafts?

15:44 10 A. No, I do not.

15:44 11 Q. Now, we have highlighted the language "Mark said he told  
15:44 12 Don that you can't have pressure on the drill pipe and zero  
15:44 13 pressure on the kill line in a test that's properly lined up."

15:44 14 Do you see that?

15:44 15 A. Yes, I do.

15:44 16 MR. BRIAN: Now, let's pull up TREN-37031.95.1.T0.

15:44 17 BY MR. BRIAN:

15:44 18 Q. These are your notes of the interview, right?

15:45 19 A. That same interview, that's correct.

15:45 20 Q. The last thing you wrote there was: "Said pressure on  
15:45 21 drill pipe. Mark said you can't have that."

15:45 22 That's the last thing you wrote, did you not?

15:45 23 A. That's correct.

15:45 24 MR. BRIAN: Pull up 447.6.1.T0 again, please.

25

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15:45 1 BY MR. BRIAN:

15:45 2 Q. You have your --

15:45 3 MR. BRIAN: 4447.6.1.

15:45 4 BY MR. BRIAN:

15:45 5 Q. You have your notes in mind, right?

15:45 6 You didn't say anything -- you didn't write anything  
15:45 7 in your notes where it says, "Mark said he told Don he might  
15:45 8 consider whether he had trapped pressure in the line or perhaps  
15:45 9 he didn't have a valve properly lined up."

15:45 10 You didn't write that down in your notes anywhere,  
15:45 11 did you, sir?

15:45 12 A. No, sir.

15:45 13 Q. You didn't write down the next line: "Don told Mark that  
15:45 14 he was fully satisfied that the rig crew had performed a  
15:45 15 successful negative test."

15:45 16 You didn't write that down either, did you?

15:45 17 A. No, sir.

15:45 18 Q. You didn't write down that Mark said he didn't have the  
15:46 19 full context for what had transpired during the tests and it  
15:46 20 wasn't clear to him whether Don was talking about the first or  
15:46 21 second negative test -- you didn't write that down either, did  
15:46 22 you, sir?

15:46 23 A. No, sir.

15:46 24 Q. I know you testified, in response to your lawyer's  
15:46 25 questions, that you didn't take verbatim notes, but let me ask

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15:46 1 you this, sir: When you took the notes, did you try to be as  
15:46 2 accurate as possible?

15:46 3 A. Absolutely.

15:46 4 Q. Did you sit there and deliberately not write down things  
15:46 5 down?

15:46 6 A. There was -- not deliberately, but I would get distracted  
15:46 7 by things. Either I got involved in a conversation or some  
15:46 8 other distraction. I would stop taking notes.

15:46 9 Q. You testified -- you have read the Bly report, have you  
15:46 10 not, sir?

15:46 11 A. Yes.

15:46 12 Q. There's no mention of this conversation anywhere in the  
15:46 13 Bly report, is there?

15:46 14 A. I don't believe so.

15:46 15 Q. In fact, the Bly report says, does it not, that you  
15:46 16 uncovered no evidence -- the investigation team uncovered no  
15:46 17 evidence that the well site leaders had talked to anybody  
15:46 18 outside their team about the negative test, right?

15:46 19 A. No, sir. We reported that there was no consultation about  
15:47 20 the negative test.

15:47 21 Q. Ah-ha. You said that there was no consultation. And you  
15:47 22 testified on direct that the reason that you didn't put it in  
15:47 23 was because it wasn't causal and because it wasn't an  
15:47 24 interpretation of the test. That's what you testified --

15:47 25 A. Correct.

## STEVE ROBINSON - CROSS

15:47 1 Q. -- correct?

15:47 2 So when Mr. Hafle said to Don Vidrine, "You can't  
15:47 3 have pressure on the drill pipe and zero pressure on the kill  
15:47 4 line in a test that's properly lined up," is it your testimony  
15:47 5 under oath in front of this judge that that is not an  
15:47 6 interpretation of a negative pressure test?

15:47 7 A. No, sir.

15:47 8 Q. Is that not -- I just want to -- is that your testimony?

15:47 9 A. Yes, that's my testimony. That's correct.

15:47 10 Q. How many interviews did you participate in of Mr. Hafle?

15:47 11 A. Two.

15:47 12 Q. When you got that information, did you think it was  
15:47 13 significant that Mr. Hafle told you that, sir? The part that's  
15:47 14 highlighted on TREN-447.6.1.T0, did you think that was  
15:48 15 significant?

15:48 16 A. In what sense, sir?

15:48 17 Q. Important for your mission of finding out what happened.

15:48 18 A. No, sir. It would have been if they had discussed it in  
15:48 19 full and then both concluded that it was a failed test.

15:48 20 Q. Did you, Mr. Corser, Mr. Cowie, or Mr. Bly -- anybody on  
15:48 21 the team -- after you got that information from Mr. Hafle,  
15:48 22 discuss whether you ought to go back and reinterview  
15:48 23 Mr. Vidrine? Did you talk about that?

15:48 24 A. I don't recall, no, sir.

15:48 25 Q. It's a fact, is it not, that you personally -- after

## STEVE ROBINSON - CROSS

15:48 1 getting that information from Mr. Hafle -- never went back and  
15:48 2 asked Mr. Vidrine, "Did Mr. Hafle tell you you can't have  
15:48 3 pressure on the drill pipe and zero pressure on the kill line  
15:48 4 in a test that's properly lined up?"

15:48 5 You never went back and asked Mr. Vidrine that, did  
15:48 6 you, sir?

15:48 7 A. No, sir, I don't recall we did.

15:48 8 MR. BRIAN: Let's pull up TREN-37031 -- I'm sorry  
15:49 9 .14. I think it's .1.T0. No, 37031.14. Just pull up the page  
15:49 10 14.

15:49 11 Now, can you highlight and blow up the paragraph to  
15:49 12 the right where it says "no standard procedure."

15:49 13 BY MR. BRIAN:

15:49 14 Q. This is your handwriting, is it not?

15:49 15 A. That's correct.

15:49 16 Q. This is during your interview of Mr. Vidrine. On  
15:49 17 April 27, you took these notes, did you not?

15:49 18 A. That's correct.

15:49 19 Q. You wrote: "There is no standard procedure on how to  
15:49 20 do" -- what is that word?

15:49 21 A. "No standard procedure on how to do these. Procedure from  
15:49 22 town in bullet form. Leave to rig on how to do rig procedure."

15:49 23 Q. What -- tell me again what your position is currently.

15:50 24 A. I'm a VP of region wells, Gulf of Mexico.

15:50 25 Q. Now, Mr. Cowie, he worked as part of your investigation

## STEVE ROBINSON - CROSS

15:50 1 team. He holds the same job in the North Sea, doesn't he, sir?

15:50 2 A. No, sir. He's in Baku now.

15:50 3 Q. Did he have the same job in the North Sea, let's say, a  
15:50 4 year and a half ago or so?

15:50 5 A. No, sir. He was an operations manager, but he ran rigs.

15:50 6 Q. In the North Sea?

15:50 7 A. Yes, sir.

15:50 8 Q. Did you ever discuss with Mr. Cowie whether BP has  
15:50 9 standard procedures in the North Sea?

15:50 10 A. I don't recall. We may have discussed that. We looked  
15:50 11 and found that there were a variety of procedures in different  
15:50 12 assets.

15:50 13 Q. Did you look, as part of your investigation, as to whether  
15:50 14 or not BP in the Gulf of Mexico in connection with the  
15:50 15 *Deepwater Horizon* had specified written procedures with respect  
15:50 16 to the responsibilities of the well site leaders? Did you look  
15:50 17 at that question?

15:50 18 A. Yes, we did look at that question.

15:50 19 **MR. BRIAN:** Let's pull up TREN-7313.1.1.T0.

15:50 20 **BY MR. BRIAN:**

15:50 21 Q. This is a document called "North Sea SPU, Functional  
15:51 22 Expectations of Well Site Leaders, 2009."

15:51 23 Did Mr. Cowie ever bring this document to your  
15:51 24 attention during the course of your work on the Bly  
15:51 25 investigation?

## STEVE ROBINSON - CROSS

15:51 1 MR. REGAN: Objection, Your Honor, outside the scope.

15:51 2 THE COURT: Overruled.

15:51 3 THE WITNESS: I don't recall seeing this document,  
15:51 4 no, sir. I may have. I just don't recall it.

15:51 5 MR. BRIAN: Let's pull up TREG-7313.6.1.T0.

15:51 6 TREG-7313.6.1.T0.

15:51 7 BY MR. BRIAN:

15:51 8 Q. This sets forth various procedures that applied in the  
15:51 9 North Sea at BP, including that -- to ensure that the drilling  
15:51 10 contractor is given written instructions prior to performing  
15:51 11 any operation on the well.

15:52 12 It says at the bottom: "The instructions shall be  
15:52 13 signed by the well site leader and toolpusher. The  
15:52 14 instructions should be made available to all rig personnel."

15:52 15 During the course of your work on the Bly  
15:52 16 investigation, you didn't find any similar standardized  
15:52 17 procedures that applied in the Gulf of Mexico to the  
15:52 18 *Deepwater Horizon*, did you, sir?

15:52 19 A. For standardized negative test procedures or procedures in  
15:52 20 general?

15:52 21 Q. Negative test procedures.

15:52 22 A. No, sir, we did not find standardized procedures.

15:52 23 MR. BRIAN: Nothing further, Your Honor.

15:52 24 THE COURT: Halliburton.

15:52 25 MR. HARTLEY: We had a long talk, Your Honor. We



## STEVE ROBINSON - CROSS

15:52 1 have no questions.

15:52 2 THE COURT: All right.

15:52 3 MR. GODWIN: Remember that, Judge, if you will,  
15:52 4 please.

15:52 5 THE COURT: I'll remember it.

6 BP.

## 7 REDIRECT EXAMINATION

15:52 8 BY MR. REGAN:

15:53 9 Q. Matt Regan on behalf of BP for redirect examination.

15:53 10 Based on the questions you were just asked by  
15:53 11 Mr. Brian on behalf of Transocean, can you just explain,  
15:53 12 Mr. Robinson, why it may be the case that your notes -- that  
15:53 13 you don't have the same things written down in your notes that  
15:53 14 may have been written down by other people who are sitting in  
15:53 15 the same interview?

15:53 16 A. I can only stand on what I wrote down in my notes based on  
15:53 17 what I heard in the interviews. Someone else could hear  
15:53 18 something different.

15:53 19 Q. When you were asking questions, what was your process with  
15:53 20 respect to asking questions and taking down notes?

15:53 21 A. I was just trying to capture exactly as I could what I was  
15:53 22 hearing in the interview. There were times that I would stop  
15:53 23 taking notes when I would do the questioning and so forth.

15:53 24 Q. Mr. Sterbcow asked you a series of questions about whether  
15:53 25 certain organizational issues were causal. I'm not going to

## STEVE ROBINSON - REDIRECT

15:54 1 reopen that other than to say, is there a document that sets  
15:54 2 forth your views for your work on the Bly team as to what was  
15:54 3 causal with respect to the accident on April 20?

15:54 4 A. Yes, there is.

15:54 5 Q. What is that document?

15:54 6 A. From my section or -- you're talking about the Bly report?

15:54 7 Q. Yes, sir.

15:54 8 A. My section of what the causal factors were?

15:54 9 Q. Yes, sir.

15:54 10 A. It was the misinterpretation of the negative test, failed  
15:54 11 to identify loss of well integrity. It was the fact that  
15:54 12 hydrocarbons flowed into the well undetected and got into the  
15:54 13 riser, and the fact that initial well control actions failed to  
15:54 14 contain the well.

15:54 15 Q. Then lastly, with respect to your interview of Mr. Vidrine  
15:54 16 at his house and the fact that your notes seem to bounce around  
15:54 17 a lot, were you sitting with Mr. Vidrine in his house the  
15:54 18 entire time for the interview?

15:54 19 A. No. I had to -- on at least two occasions when he became  
15:54 20 troubled, crying, emotional, I would stop the interview and  
15:54 21 take him out in his backyard. It was a pretty spring day in  
15:55 22 Lafayette and we would -- I would walk him around his backyard  
15:55 23 10 minutes, talk about his garden, his grass, and he would calm  
15:55 24 down. I would ask him if it's okay. He said it was. We would  
15:55 25 go back in. We would go for a while and we would have to -- I

## STEVE ROBINSON - REDIRECT

15:55 1 think it was twice we had to do that.

15:55 2 Q. And with respect to what Mr. Sterbcow asked you about  
15:55 3 Mr. John Guide and the interviews you attended, did your notes  
15:55 4 reflect that Mr. Guide, in the decisions that Mr. Sterbcow was  
15:55 5 pointing out, was engaged in discussions with a variety of  
15:55 6 people about those issues?

15:55 7 A. Oh, yes.

15:55 8 Q. Is that what you see every day in terms of the way people  
15:55 9 make decisions, that they talk to people, talk it out, decide  
15:55 10 what to do as a group?

15:55 11 A. Yes, that's the way it's run. It's never run as a single  
15:55 12 individual in command and control. It's a collaborative effort  
15:55 13 among a team.

15:55 14 MR. REGAN: Thank you, Mr. Robinson. Those are the  
15:55 15 questions I have.

15:55 16 THE COURT: Thank you, sir.

15:55 17 THE WITNESS: Thank you, sir.

15:55 18 THE COURT: Next witness for BP.

15:56 19 MR. BROCK: Your Honor, Mike Brock for BP. Our next  
15:56 20 witness is Mr. Neil Shaw. We would like to play a short  
15:56 21 videotape of Kevin Lacy before he testifies. This video has  
15:56 22 been circulated to the parties. It's about a six-minute video,  
15:56 23 and then we will have Mr. Shaw after that.

15:56 24 THE COURT: All right.

15:56 25 MR. BROCK: I have --

15:56 1 THE COURT: Do you have transcripts?

15:56 2 MR. BROCK: Yes, sir, I have the transcript and the  
15:56 3 thumb drive here.

15:56 4 THE COURT: Good.

15:56 5 MR. BROCK: Thank you, Your Honor.

15:57 6 THE COURT: Go ahead.

15:57 7 (Kevin Lacy testified by video deposition.)

16:04 8 MR. BROCK: Our next witness is Mr. Shaw. Also,  
16:04 9 there were a couple exhibits referenced in that examination,  
16:04 10 and we will just bring those forward as we have with other  
16:04 11 witnesses and offer those exhibits.

16:04 12 THE COURT: Very well.

16:04 13 MS. KARIS: Good morning, Your Honor.

16:04 14 THE COURT: It's morning somewhere.

16:04 15 MS. KARIS: That's right.

16:04 16 NEIL SHAW,  
16:04 17 having been duly sworn, testified as follows:

16:05 18 THE DEPUTY CLERK: State your full name and correct  
16:05 19 spelling for the record, please.

16:05 20 THE WITNESS: My name is Neil Shaw, spelled N-E-I-L,  
16:05 21 S-H-A-W.

16:05 22 MS. KARIS: Good afternoon, Your Honor.  
16:05 23 Hariklia Karis conducting the direct examination of Neil Shaw.

24

25

**DIRECT EXAMINATION**

**BY MS. KARIS:**

**Q.** Good afternoon, Mr. Shaw. First, can you tell the Court what is your current position with BP.

**A.** I am BP's chief operating officer for projects.

**Q.** Can you tell the Court what your position was from November 1 of 2007 through October 31 of 2009, so a two-year period.

**A.** I was the strategic performance unit leader in the Gulf of Mexico.

**Q.** Is that the senior most position in the Gulf of Mexico operations?

**A.** It is.

**Q.** So you were the person in charge of the Gulf of Mexico operations for two years ending in November of 2009?

**A.** That is correct.

**Q.** Now, before we talk about your role and responsibilities as the strategic performance unit leader during that time period, I would like to talk a little bit about your current function and responsibilities. You said you're currently the head of BP's global projects organization or chief operating officer?

**A.** That's correct.

**Q.** Can you describe for the Court generally what that responsibility entails.

## NEIL SHAW - DIRECT

16:07 1 A. Yes. The accountability of that organization is to take  
16:07 2 the discoveries from our exploration organization and then to  
16:07 3 figure out what's the best way to develop those resources. And  
16:07 4 then do the design, the engineering, the construction and  
16:07 5 commissioning activity to deliver those assets, those  
16:08 6 facilities, those offshore platforms into our production  
16:08 7 business, and then they produce oil and gas.

16:08 8 Q. So by the time the projects come to you, has the drilling  
16:08 9 aspect been completed?

16:08 10 A. Yes, it has.

16:08 11 Q. How many projects do you currently oversee?

16:08 12 A. There's about 60 worldwide.

16:08 13 Q. Can you give the Court a sense of how many different  
16:08 14 countries those projects are in for which you are responsible.

16:08 15 A. They're across 21 countries.

16:08 16 Q. Does that include projects in the United States?

16:08 17 A. Yes, it does.

16:08 18 Q. Including some here in the Gulf of Mexico?

16:08 19 A. Yes.

16:08 20 Q. Let's talk a little bit about your educational background  
16:08 21 and then your employment history that led to your getting the  
16:08 22 position of strategic performance unit leader for the Gulf of  
16:08 23 Mexico. First, do you hold any college degrees?

16:08 24 A. I hold a bachelor's degree in mechanical engineering and a  
16:08 25 master's degree in business.

## NEIL SHAW - DIRECT

- 16:08 1 Q. When did you get your degree in mechanical engineering?
- 16:08 2 A. 1984.
- 16:09 3 Q. From where?
- 16:09 4 A. From Liverpool University.
- 16:09 5 Q. Then you said you also hold a master's degree. Where did  
16:09 6 you obtain that degree?
- 16:09 7 A. That was from Warwick University in 1993.
- 16:09 8 Q. Do you hold any professional licenses?
- 16:09 9 A. I'm a chartered engineer, which is similar to like a  
16:09 10 professional engineer in the U.S.
- 16:09 11 Q. How does one become a chartered mechanical engineer?
- 16:09 12 A. In the UK, you have to firstly have a bachelor's degree  
16:09 13 and then there's a process of gaining work experience over a  
16:09 14 number of years, typically four or five years, and then a  
16:09 15 series of interviews at the end of that with the professional  
16:09 16 association.
- 16:09 17 Q. When did you achieve that accomplishment of becoming a  
16:09 18 chartered mechanical engineer?
- 16:09 19 A. I believe that was in about 1989.
- 16:09 20 Q. Are you still a chartered mechanical engineer?
- 16:09 21 A. Yes, I am.
- 16:09 22 Q. Now, after graduating in 1984, can you describe for the  
16:09 23 Court what your work experience entailed. Who did you join?
- 16:09 24 A. I joined BP in 1984.
- 16:10 25 Q. Can you give the Court an overview of what work you did

## NEIL SHAW - DIRECT

16:10 1 for BP for the next several years?

16:10 2 A. Yes. I spent the first eight years of my career in a  
16:10 3 number of engineering roles involved in the design and  
16:10 4 construction of offshore processing facilities in the  
16:10 5 North Sea.

16:10 6 Q. Can you give us just a couple examples of the type of  
16:10 7 projects that you worked on during that eight-year period?

16:10 8 A. Yes. They were, as I say, offshore facilities involved in  
16:10 9 developing those resources, building facilities, jackets and  
16:10 10 top-sizers we call them, pipeline systems. I held a number of  
16:10 11 roles right from the design phase through to the construction  
16:10 12 and initial operational phase as well.

16:10 13 Q. What did you do after that eight-year period?

16:10 14 A. That's when I studied full time for my MBA.

16:10 15 Q. That takes us to approximately 1993, I think you said?

16:10 16 A. That's correct.

16:11 17 Q. What did you do after obtaining your MBA in 1993?

16:11 18 A. I then had about a five-year period of working in a number  
16:11 19 of more business and commercial roles. It involved strategic  
16:11 20 planning and joint venture agreements.

16:11 21 Q. Those strategic roles and joint venture agreements, were  
16:11 22 those all roles you held with BP?

16:11 23 A. That's correct.

16:11 24 Q. That takes us to approximately 1998. Where were you based  
16:11 25 at that time?



## NEIL SHAW - DIRECT

16:11 1 A. I was based in London.

16:11 2 Q. And then what did you do after having those positions?

16:11 3 A. I moved to our petrochemicals business. And I led a  
16:11 4 petrochemical -- it was a polymer manufacturing business and  
16:11 5 had a plant in Europe, in France, one in Germany, a global  
16:11 6 sales and marketing organization, about 750-people  
16:11 7 organization.

16:11 8 Q. How long did you stay in that role?

16:11 9 A. I was in that role for about two years.

16:12 10 Q. So now approximately to about 2001? 2000, 2001?

16:12 11 A. That's correct.

16:12 12 Q. All right. And then what did you do with BP in  
16:12 13 approximately 2001?

16:12 14 A. I moved back into our upstream business and I moved to  
16:12 15 Azerbaijan. And I led a very large project in Azerbaijan. It  
16:12 16 was a development of one of the world's biggest oil fields  
16:12 17 offshore in the Caspian Sea called ACG. I led that for four  
16:12 18 years. It was a very large organization, about a thousand  
16:12 19 people, about 10,000 contractors.

16:12 20 Q. Were you the senior person in that organization at that  
16:12 21 time?

16:12 22 A. Yes, I was.

16:12 23 Q. How long did you stay in that role?

16:12 24 A. I was in that role for four years.

16:12 25 Q. Did that role entail drilling or was the drilling

## NEIL SHAW - DIRECT

16:12 1 independent of that function?

16:12 2 A. The drilling was separate in another part of the  
16:12 3 organization.

16:12 4 Q. So that would take us to approximately 2005. What did you  
16:12 5 do next?

16:12 6 A. I then moved back to London and took a corporate role as  
16:12 7 the technology vice president for projects and engineering.

16:13 8 Q. And what were some of your responsibilities as technical  
16:13 9 vice president for projects and engineering?

16:13 10 A. It was a role which set the standards and practices for  
16:13 11 how we did projects and engineering across the upstream  
16:13 12 business. I also had responsibilities for managing our global  
16:13 13 supply relationships and also for building capability across  
16:13 14 the company in projects and engineering.

16:13 15 Q. After being the technology vice president for projects and  
16:13 16 engineering, is that when you obtained the position of  
16:13 17 strategic performance unit leader for the Gulf of Mexico?

16:13 18 A. That's correct.

16:13 19 Q. Is the strategic performance unit leader typically called  
16:13 20 the SPU leader?

16:13 21 A. Yes, it is.

16:13 22 Q. So when we go on, if I ask you about your roles as SPU  
16:13 23 leader, is that kind of the nomenclature for the position you  
16:13 24 held?

16:13 25 A. That's correct.

## NEIL SHAW - DIRECT

16:13 1 Q. After leaving -- we will talk at length about what you did  
16:14 2 while you were the strategic performance unit leader for the  
16:14 3 Gulf of Mexico, but after leaving that role in November of  
16:14 4 2009, what did you then go on to do?

16:14 5 A. I moved to become the chief operating officer for  
16:14 6 developments and I set up the global organization and then ran  
16:14 7 that organization, which is what my current job is today.

16:14 8 Q. Where were you positioned, physically stationed while you  
16:14 9 were the SPU leader for the Gulf of Mexico?

16:14 10 A. I was based in Houston.

16:14 11 Q. Then when you took on your next role as the head of global  
16:14 12 projects, where were you then positioned?

16:14 13 A. I continued to be based in Houston.

16:14 14 Q. Is that where you are still based today?

16:14 15 A. That's correct.

16:14 16 Q. So you have been in Houston since 2007?

16:14 17 A. That's correct.

16:14 18 Q. Now, at the time of the incident, did you hold the  
16:14 19 position of head of global projects?

16:14 20 A. Yes, I did.

16:14 21 Q. Did your organization have any responsibility at that time  
16:14 22 for drilling, for the drilling aspect of exploration and  
16:14 23 production?

16:14 24 A. No, it did not.

16:15 25 Q. Do you recall where you were when you found out about this

## NEIL SHAW - DIRECT

16:15 1 incident?

16:15 2 A. Yes. I was on a business trip at the time in the head  
16:15 3 office in London in St. James Square.

16:15 4 Q. How did you find out about this accident?

16:15 5 A. I found out from Andy Inglis' executive assistant.

16:15 6 Q. What were you told, if you recall?

16:15 7 A. Well, he just told me that a terrible tragedy had happened  
16:15 8 in the Gulf of Mexico. And, well, I was shocked, shocked and  
16:15 9 surprised. And my immediate reaction was just, you know, what  
16:15 10 can I do to help.

16:15 11 And at the time, we sort of mobilized our crisis  
16:15 12 management organization. I was getting them mobilized, and I  
16:15 13 came back to Houston as quickly as I could.

16:15 14 Q. Did you then help with the response efforts that BP put in  
16:15 15 place in order to address the spill that was ongoing?

16:15 16 A. Yes. I worked full time on the response, right from after  
16:15 17 the incident through to the early part of August. And I  
16:15 18 dedicated about three-quarters of my leadership team, that's  
16:16 19 about seven or eight people, and about 500 people from my  
16:16 20 global projects organization worked on the response.

16:16 21 Q. So how long did you and approximately 500 people from your  
16:16 22 organization that you dedicated to that effort remain assigned  
16:16 23 to the response effort?

16:16 24 A. It was straight from the latter part of April through to  
16:16 25 the early part of August.

## NEIL SHAW - DIRECT

16:16 1 Q. Now, I want to go back, if you will, and talk about some  
16:16 2 of your responsibilities as the strategic performance unit  
16:16 3 leader, or the SPU leader. You indicated that that was the  
16:16 4 senior most position in the Gulf of Mexico at that time; is  
16:16 5 that correct?

16:16 6 A. That's correct.

16:16 7 Q. How many people were in your organization while you were  
16:16 8 the leader of that organization?

16:16 9 A. It's about 2,000 people.

16:16 10 Q. And can you describe for the Court what that strategic  
16:16 11 performance unit entailed to which you were responsible?

16:16 12 A. Yes, it was a large business and it covered the full  
16:16 13 spectrum of everything from exploration through developments  
16:16 14 and production. So that was everything from securing and --  
16:17 15 bidding and securing leases, identifying which prospects we  
16:17 16 would drill, drilling those prospects with a view to making  
16:17 17 discoveries.

16:17 18 Then figuring how we would develop those resources  
16:17 19 and then the design and construction of infrastructure to be  
16:17 20 able to produce those assets. And then, of course, the  
16:17 21 production of those oil and gas through those facilities. We  
16:17 22 had eight large offshore facilities, and we were the biggest  
16:17 23 oil and gas producer in the Gulf of Mexico.

16:17 24 Q. Did you have responsibility for delivering performance,  
16:17 25 both safety as well as production performance for that unit?

## NEIL SHAW - DIRECT

16:17 1 A. Absolutely. Yes. The way I sort of think about it is the  
16:17 2 role by its definition of strategic performance unit leader,  
16:17 3 it's essentially about strategy and about performance. And the  
16:17 4 strategy component was around the overall direction for the  
16:18 5 business, the priorities we are setting for the business, the  
16:18 6 key activity. And the performance piece was all about  
16:18 7 performance, which included all elements of safety, production,  
16:18 8 and cost.

16:18 9 Q. You said that part of that included setting the strategy  
16:18 10 for the business?

16:18 11 A. That's correct.

16:18 12 Q. When you came into the position of the SPU leader in late  
16:18 13 2007, did you go about setting a strategy for how that business  
16:18 14 was going to be operated?

16:18 15 A. Yes. I spent around the first month talking to people in  
16:18 16 the organization, to my leadership team, and to many other  
16:18 17 people to familiarize myself with the business, to understand  
16:18 18 what people thought was working well, things that they didn't  
16:18 19 think were working well and we needed to address, and the  
16:18 20 things that were really getting in the way of great  
16:18 21 performance. And as a team, we sort of formulated a number of  
16:18 22 priorities we wanted to focus on.

16:18 23 Q. Based on those conversations that you had with people in  
16:18 24 the business who had been in the business for a while, did you  
16:19 25 set out objectives in order to achieve that strategy that you

## NEIL SHAW - DIRECT

16:19 1 put -- that you wanted to put in place?

16:19 2 A. That's correct. We identified sort of five key strategic  
16:19 3 priorities for the business.

16:19 4 MS. KARIS: If we can look at D-4901.1, please.

16:19 5 BY MS. KARIS:

16:19 6 Q. Did you communicate -- while that comes up -- did you  
16:19 7 communicate what your strategy was for how you were going to go  
16:19 8 about operating the Gulf of Mexico's business? Did you  
16:19 9 communicate that to your management and leadership?

16:19 10 A. Yes. I met with Andy Inglis, who was my boss at the time.  
16:19 11 He was the chief executive of our upstream business. I met  
16:19 12 with Andy at the end of November to show him my initial sort of  
16:19 13 impressions and thoughts. And I proposed to him the strategy  
16:19 14 that I thought was the right strategy for the next couple of  
16:19 15 years for the Gulf of Mexico.

16:19 16 Q. Okay. You have referenced the upstream business a few  
16:19 17 times. And just to be clear, what does the upstream business  
16:20 18 entail?

16:20 19 A. It covers all of our exploration and production activity.

16:20 20 Q. What was Mr. Inglis' position at the time that you were  
16:20 21 reporting to him in November of 2007?

16:20 22 A. He was the chief executive officer.

16:20 23 Q. Then we have here on the screen D-4901.1.

16:20 24 Is this the communication that you referenced that  
16:20 25 you sent to Mr. Inglis, as well as Mr. Bly, titled, "GoM

## NEIL SHAW - DIRECT

16:20 1 Transformation, Preread"?

16:20 2 A. That's correct.

16:20 3 Q. You begin by saying, "Andy/Mark, please find attached some  
16:20 4 preread for our discussion on Friday. I would like to cover  
16:20 5 the following topics."

16:20 6 MS. KARIS: If we can now go to 5678.6.2.

16:21 7 BY MS. KARIS:

16:21 8 Q. Was this part of the materials and information you sent to  
16:21 9 Mr. Inglis setting out what your strategy was for addressing  
16:21 10 the Gulf of Mexico's business unit once you became strategic  
16:21 11 performance unit leader?

16:21 12 A. That is correct.

16:21 13 Q. It says here, number one in the GoM, five strategic  
16:21 14 things.

16:21 15 Can you tell the Court an overview -- we'll go into  
16:21 16 some of these in more detail -- what your five strategic themes  
16:21 17 were for the Gulf of Mexico's business unit while you were  
16:21 18 going to be the leader?

16:21 19 A. Well, the first was around people and recognizing this was  
16:21 20 a complex business and it was absolutely critical that we had  
16:21 21 the right sort of capability in the business to be able to  
16:21 22 deliver the behavioral strategy. And also we wanted to make  
16:21 23 sure that we had safe and reliable operations. And we  
16:21 24 identified earlier on that we believed OMS was the key enabler  
16:21 25 for that.



## NEIL SHAW - DIRECT

16:22 1 Q. I want to stop you for a second there.

16:22 2 A. Okay.

16:22 3 Q. I think you have gone to the second bullet there,  
16:22 4 5678.6.8, talked about people. And the second item that you  
16:22 5 list there is: "Safe and reliable operations."

16:22 6 Is that what you were just referencing?

16:22 7 A. Yes, it was. Safe and reliable operations clearly was  
16:22 8 absolutely critical. We identified OMS as one of the key  
16:22 9 enablers to the business. So that was a key priority for us.

16:22 10 Q. What were some of the other strategic themes, just high  
16:22 11 level overviews as we go into each of them?

16:22 12 A. Do you want me to take them one by one?

16:22 13 Q. Sure. Just read them down.

16:22 14 A. The next one was around predictable project delivery. A  
16:22 15 big part of what we do in the business is make some very large  
16:22 16 investments, and we wanted to make sure that we could deliver  
16:22 17 those investments in a very predictable manner. That was a big  
16:22 18 part of the agenda.

16:22 19 Q. And then what is SPU transformation about?

16:22 20 A. Under the SPU transformation, we were identifying a few  
16:22 21 things that we thought we really wanted to focus on where we  
16:23 22 thought there was a big opportunity to improve how we worked.  
16:23 23 I have just mentioned a few. You see there's one there we  
16:23 24 refer to as the "centralized D&C organization."

16:23 25 So we made quite a big change in 2008 around how we

## NEIL SHAW - DIRECT

1 organized ourselves, driven specifically around how we could be  
2 more standardized and we could learn more effectively as an  
3 organization. And the other one was around strategic cost  
4 management and for us to be really strategic about how we  
5 efficiently managed the business.

6 Q. Then the last one is "Intense Performance Management."  
7 What was that about generally?

8 A. Well, that one really was about delivering what we were --  
9 had in our overall plan. We had a very big activity set to  
10 deliver, and I wanted to make sure throughout the organization,  
11 we had the right focus with the right metrics, the right KPIs  
12 to deliver all aspects of performance, safety performance,  
13 production performance, and cost performance.

14 Q. So you referenced with the right KPIs. What are KPIs?

15 A. Key performance indicators.

16 Q. What is a key performance indicator?

17 A. It's those few things that really give you insight in  
18 terms of how the business is performing.

19 Q. Did that include metrics for safety as well as production  
20 performance?

21 A. Yes. It included metrics in safety both for process  
22 safety, for personal safety, input metrics, and output metrics.

23 We had a very comprehensive set of KPIs. When you  
24 try to manage such a large and complex business, you have to  
25 have a good handle on how things are performing so you can make

## NEIL SHAW - DIRECT

1 sure that you are managing appropriately and you can make the  
2 interventions where you need to.

3 Q. We are going to come back and talk about each of those, or  
4 at least some of those; but I want to focus first on No. 2, the  
5 safe and reliable operations.

6 Mr. Shaw, we have heard some testimony in this case  
7 about setting the tone for safety from the top.

8 A. Uh-huh.

9 Q. You were the top of the Gulf of Mexico; is that correct?

10 A. That is correct.

11 Q. First of all, do you agree with the statement that  
12 leadership sets the tone from the top with respect to safety as  
13 well as other operations?

14 A. Absolutely. I think it's so important that the leader  
15 sets the environment, sets the priorities, and one thing I  
16 wanted to do right from the very beginning when I was in the  
17 Gulf of Mexico so that everybody in the organization knew that  
18 safety was the number one priority in everything we did.

19 Q. I would like to discuss how you went about doing that;  
20 that is, communicating a message that safety was the number one  
21 priority since you viewed that as your function.

22 First of all, is that a message that you continued to  
23 deliver to those who worked in the Gulf of Mexico throughout  
24 your tenure as the leader of that unit?

25 A. It is, absolutely. Whenever we had major communications,

## NEIL SHAW - DIRECT

16:25 1 be it written communications, be it town halls, in my personal  
16:25 2 interaction, in how we set the agendas for our leadership  
16:26 3 teams, I think all of those things set the signal for what's  
16:26 4 really important around here. And we did that consistently. I  
16:26 5 did that consistently and the rest of my leadership team over  
16:26 6 my tenure in the Gulf of Mexico.

16:26 7 Q. Now, I imagine running a business, part of that includes,  
16:26 8 of course, looking at production, looking at costs. Is that  
16:26 9 fair?

16:26 10 A. That's correct. I think -- when I think about  
16:26 11 performance -- and you will hear me answer your questions about  
16:26 12 performance -- performance for me equals safety and production  
16:26 13 and costs, all three. And safety is all about good business  
16:26 14 for me.

16:26 15 Q. Explain what you mean by that. What do you mean by  
16:26 16 "safety is all about good business," which includes production,  
16:26 17 performance, and costs?

16:26 18 A. Well, a safe and reliable operation is an operation that's  
16:26 19 not having incidents. It's not got people distracted in terms  
16:26 20 of investigating incidents. It's working as it should be in  
16:26 21 terms of the -- in control and systematic as part of our  
16:26 22 operating management system.

16:26 23 Q. And was that a message that you continuously reinforced in  
16:27 24 your leadership team?

16:27 25 A. Absolutely.

## NEIL SHAW - DIRECT

16:27 1 Q. You mentioned that you had performance meetings, weekly  
16:27 2 performance meetings I think you called them?

16:27 3 A. Yes. One of the things I established when I first arrived  
16:27 4 was that I put in place a weekly operational meeting. And this  
16:27 5 was a meeting where I met with all of my leadership team, and  
16:27 6 it was our opportunity to really keep our finger on the pulse,  
16:27 7 what was happening in the business over the prior seven days.

16:27 8 Q. So once a week you would get together with your leadership  
16:27 9 team?

16:27 10 A. That's correct.

16:27 11 Q. When you say your leadership team, can you give the Court  
16:27 12 a sense of who that consisted of?

16:27 13 A. Yes. So I had a number of vice presidents report directly  
16:27 14 to me. I had a vice president for production, for drilling and  
16:27 15 completions, for exploration, for projects, a chief financial  
16:27 16 officer, an HR vice president, for example.

16:27 17 Q. Okay. And what was -- what were some of the topics that  
16:28 18 were discussed generally in these weekly meetings that you held  
16:28 19 with your leadership team?

16:28 20 A. Well, our standard agenda was very simple. The first  
16:28 21 thing we always talked about was safety and we reviewed every  
16:28 22 single safety incident that had happened in the last week in  
16:28 23 the business, both personal safety and process safety.

16:28 24 The second item we reviewed was our production  
16:28 25 performance and how the production facilities had been

## NEIL SHAW - DIRECT

1 performing in the last week, whether we had shutdowns, whether  
2 there are any issues we had to attend to.

3 The third thing we reviewed was the status on all of  
4 the wells. So we reviewed the status of every single well that  
5 was drilling. Again, what had happened in the past week, where  
6 the well was, how it had been performing, nonproductive time,  
7 etc. So it was about really understanding, keeping on top of  
8 the performance of the business. And safety was a very  
9 important part of that conversation.

10 Q. Were these meetings something that you instituted once you  
11 got to the Gulf of Mexico?

12 A. Yes. What I instituted was to happen on a weekly basis.  
13 Prior to that, they had been on more of sort a biweekly or a  
14 monthly basis.

15 Q. Why did you think it was important to meet weekly with  
16 your leadership team to discuss all the things that you just  
17 identified?

18 A. Well, two reasons. First, to be consistent with the  
19 discussion we've just had about setting the tone. I wanted to  
20 set the tone that performance was important, safety was  
21 important. The first thing we talked about every week was  
22 safety. We would review every single safety incident. We  
23 would review also the findings of investigations that had taken  
24 place. So how we used our time as a leadership, for me, set  
25 the tone, set the direction for what was important in the

## NEIL SHAW - DIRECT

16:29 1 business.

16:29 2 Q. As part of these meetings, did you communicate to your  
16:29 3 leadership team what your action plan was for improving the  
16:29 4 safety performance in the Gulf of Mexico?

16:29 5 A. Yes. And it was something that we cocreated as a  
16:30 6 leadership team. We got inputs -- there's a lot of very good  
16:30 7 people in my leadership team. And one of the things we did was  
16:30 8 to define what we believe to be the right sort of safety  
16:30 9 improvement plan in 2008.

16:30 10 Q. Did you yourself put an action plan in place focused on  
16:30 11 safety?

16:30 12 A. Yes, I did. And one of the first things I looked at when  
16:30 13 I arrived there was overall safety performance.

16:30 14 Q. I'm sorry. Let me stop you there. Let's first look at  
16:30 15 2398.1.2.

16:30 16 A. Okay.

16:30 17 Q. I'm sorry. You were starting to say that one of the first  
16:30 18 things you looked at when you got to the Gulf of Mexico was  
16:30 19 your safety performance. I apologize. Go ahead.

16:30 20 A. Yeah, that's right. So I looked at the safety  
16:30 21 performance. It was an area that I wanted to improve. I  
16:30 22 thought we could improve it, and so we put a lot of effort in  
16:30 23 terms of starting to frame up what are the things we are going  
16:30 24 to do to improve our safety performance. And that was sort of  
16:30 25 summarized in this document that I sent out to the extended

## NEIL SHAW - DIRECT

16:30 1 leadership team.

16:31 2 Q. So this is a communication dated February 2, 2008, from  
16:31 3 you to a number of individuals. So you have been in your  
16:31 4 position approximately three or so months at this time?

16:31 5 A. That's correct.

16:31 6 Q. And you mentioned that you have a leadership team. Are  
16:31 7 the folks on this e-mail members of your leadership team?

16:31 8 A. It includes the people on my direct leadership team in  
16:31 9 terms of my direct reports. I had a number of other people  
16:31 10 that were part of what we called an extended leadership team  
16:31 11 who were the key leaders of some of the operational aspects of  
16:31 12 the business, the drilling facilities, and the operating  
16:31 13 assets.

16:31 14 Q. All right. And the subject here is "GoM Safety  
16:31 15 Performance"?

16:31 16 A. Yes.

16:31 17 Q. And then it referenced the 2007 performance. Was that the  
16:31 18 performance before you arrived in the Gulf of Mexico?

16:31 19 A. That's correct, yes.

16:31 20 Q. And you begin by saying, "Attached find a brief  
16:31 21 summarizing the status of our safety performance, which has  
16:31 22 been deteriorating over the past two years and the actions we  
16:31 23 decided to take in 2008 to get our safety performance back on  
16:32 24 track."

16:32 25 You go on to say that "Each and every one needs to



NEIL SHAW - DIRECT

16:32 1 make safety their number 1 priority."

16:32 2 What were you seeking to communicate there?

16:32 3 A. I wanted to communicate directly with the extended  
16:32 4 leadership team and leave them in no doubt what my priority  
16:32 5 was, and it's exactly as it's written there. Each and every  
16:32 6 one needs to make safety their number 1 priority. I equally  
16:32 7 asked them to engage and share that context with their teams.  
16:32 8 I wanted that to be cascaded through the organization.

16:32 9 Q. And you end -- you close by saying: "It is imperative  
16:32 10 that we turn our safety performance around if we want to become  
16:32 11 number 1 in the GoM."

16:32 12 A. That's correct.

16:32 13 Q. Was that your strategy and vision for the entire time you  
16:32 14 were the strategic performance unit leader in the Gulf of  
16:32 15 Mexico?

16:32 16 A. Yes, it was.

16:32 17 Q. Now, you attach to this your action plan.

16:32 18 MS. KARIS: If we can go to TREN-2398.4.2.

16:33 19 BY MS. KARIS:

16:33 20 Q. And before we go through some of these individual  
16:33 21 examples, can you describe for the Court what your action plan  
16:33 22 was for how you were going to set in place measures and plans  
16:33 23 to improve the safety performance of the Gulf of Mexico to make  
16:33 24 you number one in safety as well as performance.

16:33 25 A. Well, there are a number of actions that we included in

## NEIL SHAW - DIRECT

1 the safety plan. The first of those was around the safety  
2 pulse checks.

3 Q. Tell the Court what the safety pulse checks were that you  
4 put in place as part of your action plan for safety  
5 performance.

6 A. The safety pulse check was the process created to directly  
7 engage with the front line, the people at the front line  
8 offshore on the production facilities and on all the rigs.  
9 Simply, we wanted to do two things: We wanted to communication  
10 to them directly and leave them in no doubt that safety was the  
11 number one priority. That's at all times. And they had also  
12 told to stop the job if they had any concerns about safety.

13 And, secondly, we wanted to listen to them, we wanted  
14 to hear what was on their minds, what their ideas were, what  
15 their concerns were so we could develop some rig or asset  
16 specific safety planning. So what we put in place was relevant  
17 for the individual facility or rig and also that we would have  
18 some sense of ownership from the team offshore.

19 Q. Did these safety pulse checks include contractors such as  
20 Transocean and Halliburton?

21 A. Yes, they did.

22 Q. What did you and your team do with the results that you  
23 would get from the safety pulse checks?

24 A. Myself, my leadership team, we reviewed the results of the  
25 safety pulse checks, and the key outcome was development of

## NEIL SHAW - DIRECT

16:34 1 these site specific improvement plans.

16:34 2 Q. What do you mean the key outcome was the site specific  
16:35 3 improvement plans?

16:35 4 A. It was taking the feedback from what we had heard by  
16:35 5 engaging with people and creating localized safety plans for  
16:35 6 what was relevant for each of those facilities, be it an  
16:35 7 individual rig or individual production facility.

16:35 8 Q. Did you believe that these safety pulse checks that  
16:35 9 engaged your contractors as well as BP employees were important  
16:35 10 in communicating that safety was the number one priority to you  
16:35 11 as the leader of the Gulf of Mexico strategic performance unit?

16:35 12 A. Yes, I felt it was very important. It was an opportunity  
16:35 13 for the leadership, and many of the people who were based  
16:35 14 onshore, to go offshore, engage with the front line and just  
16:35 15 talk to them, set the context about why it was so important,  
16:35 16 why we had safety as our number one priority, how we gave them  
16:35 17 the full support at any time to stop the job if they had any  
16:35 18 safety concerns.

16:35 19 Q. Did you personally also engage with the leadership of your  
16:36 20 contractors in communicating that message that to you, as the  
16:36 21 leader, safety was the number one priority in the Gulf of  
16:36 22 Mexico?

16:36 23 A. Yeah. We used to have regular meetings with our key  
16:36 24 contractors as part of our overall business reviews. And in  
16:36 25 all those meetings, safety was always the first thing we talked

## NEIL SHAW - DIRECT

16:36 1 about. Both ourselves and our contractors wanted to do that.  
16:36 2 We would share different initiatives about what we were doing  
16:36 3 and we would be making absolutely clear about safety being the  
16:36 4 number one priority.

16:36 5 Q. In any of those leadership meetings that you engaged in,  
16:36 6 did you ever learn of any concerns of Transocean about BP's  
16:36 7 emphasis and focus on safety as the number one priority?

16:36 8 A. No.

16:36 9 Q. Is the same true of the other contractors you engaged  
16:36 10 with?

16:36 11 A. That's correct.

16:36 12 Q. Now, we were talking about the safety agenda you put in  
16:36 13 place under these actions for 2008. It's at the top of this  
16:36 14 document that we have here. Did you also put something in  
16:37 15 place regarding learning from recordable injuries?

16:37 16 A. Yes, we did. Prior to me arriving in the business, we  
16:37 17 would investigate incidents that were classified as "days away  
16:37 18 from work case," and we didn't have that many of those. One of  
16:37 19 the things I wanted to do was to more deeply understand some of  
16:37 20 the incidents we were having. So we lowered the threshold of  
16:37 21 what we would investigate. We made it include recordables.

16:37 22 And I also made it so that the investigation leads on  
16:37 23 the BP side were from our extended leadership team. So that,  
16:37 24 again, made leadership be actively involved in investigating  
16:37 25 incidents. And I think it was an important thing to reinforce

## NEIL SHAW - DIRECT

16:37 1 the tone from the top, that leadership cared about safety, they  
16:37 2 were personally involved in investigating all incidents, even  
16:37 3 down to recordable incidents.

16:37 4 Q. Okay. We have here up on the screen 2398.4.3, again from  
16:37 5 your action plan that you communicated to your extended  
16:37 6 leadership team in February of 2008. Is this the learning from  
16:38 7 recordable injuries you have just been describing for the  
16:38 8 Court?

16:38 9 A. That's correct.

16:38 10 Q. Now, you said your leadership team would investigate these  
16:38 11 incidents and ensure these learnings?

16:38 12 A. That's correct.

16:38 13 Q. How did they go about -- strike that. Let me start over.

16:38 14 What did you expect of your leadership team in terms  
16:38 15 of communicating these learnings with the people who reported  
16:38 16 to them?

16:38 17 A. Well, the first thing is we created a one-page summary of  
16:38 18 the incident, what happened, why did it happen, what did we  
16:38 19 learn from it. We reviewed that at our weekly operational  
16:38 20 meetings as a leadership team. And then the requirement was  
16:38 21 for all of the leadership teams to cascade that through their  
16:38 22 organizations so that we were aware of what was happening in  
16:38 23 terms of safety, and we were trying to sort of share those  
16:38 24 learnings very widely across the business.

16:38 25 Q. Under this learning from recordable injuries in 2398.4.3,

## NEIL SHAW - DIRECT

16:39 1 the last sentence says: "Each recordable will be investigated  
16:39 2 by one of the SPU" -- strategic performance unit -- "ELT and a  
16:39 3 one-pager created to share learnings."

16:39 4 First of all, what is the SPU ELT?

16:39 5 A. The ELT is -- it's around the top 40 to 50 people in the  
16:39 6 business. It includes my direct reports at the time and many  
16:39 7 of their own direct reports.

16:39 8 Q. Then the reference to creating a one-pager to share  
16:39 9 learnings, what was that about?

16:39 10 A. As I said, when you do an investigation, we wanted to have  
16:39 11 some quality communication that we could really share across  
16:39 12 the organization so that we could simply describe to people  
16:39 13 this incident happened, this is why it happened, we have  
16:39 14 investigated it, and this is what we have learned from it and  
16:39 15 these are the actions we want people to take in their local  
16:39 16 environments.

16:39 17 Q. Did you share these learnings with your contractors and  
16:39 18 others outside of the organization?

16:40 19 A. Yeah. We often used them as safety moments, examples.  
16:40 20 When we would meet with our contractors, we would share  
16:40 21 incidents that have happened, what we have learned from them.  
16:40 22 And, equally, often the contractors shared with us the same  
16:40 23 sort of thing. It was just part of the nature of the safety  
16:40 24 discussion we would have with our contractors and suppliers.

16:40 25 MS. KARIS: If we can go now to 2398.4.4, please.

NEIL SHAW - DIRECT

1 BY MS. KARIS:

2 Q. Again, this is all from the action plan you put in place a  
3 couple months after arriving in the Gulf of Mexico. There is a  
4 reference here and it says: "I would like to thank you for  
5 your active participation and engagement during the GoM wide  
6 safety standdown that was held over the holiday period."

7 Tell the Court what a safety standdown was.

8 A. A safety standdown is something we have used quite  
9 extensively across BP. It's not something that's just  
10 exclusive to the Gulf of Mexico. Essentially, it's when we  
11 take the time to really just stop. We stop the job and we  
12 focus it on a particular topic, engage the broad organization  
13 on a conversation around safety. And, typically, it was around  
14 whenever we had major safety incidents and we wanted everyone  
15 in the organization to know what had happened, why it happened,  
16 what we learned from it, and to have a conversation about what  
17 it really meant for them in their local environment.

18 So I also thought it was a very powerful  
19 reinforcement to actually stop work and say to people, "Safety  
20 is our number one priority. That's why we are stopping the  
21 job, to take the time to talk about safety."

22 Q. So these safety standdowns, did they result in stopping  
23 operations in order to communicate the message that safety was  
24 your number one priority?

25 A. Yes. I mean, clearly we would be very thoughtful about

## NEIL SHAW - DIRECT

1 when we do that, we didn't want to create any safety issues  
2 through doing that. But when it was appropriate, we would take  
3 a logical pause in an operation, we would stop the job. And as  
4 you said, that would create a very powerful signal to people  
5 that there's nothing more important than safety.

6 Q. Now, you have listed a number of action items for  
7 improving safety under your leadership. Were these action  
8 items limited to personal safety?

9 A. No. They were focused equally on personal and on process  
10 safety.

11 Q. The Court has previously heard from an expert in this  
12 case, Dr. Bea, who said that BP's management emphasized  
13 personal safety but ignored process safety. As the leader for  
14 the Gulf of Mexico, do you agree with that statement?

15 A. No, I disagree with that statement. It's incorrect.

16 Q. Tell us why it's incorrect as somebody who led that unit  
17 for two years.

18 A. Well, I know when I first came in, I made it absolutely  
19 clear that we were focused equally on personal and process  
20 safety. It was in all the communications. It's in the  
21 documents we are going to review where we set up the metrics of  
22 how we would track safety performance. We looked at personal  
23 safety; we looked at process safety.

24 Process safety had a very, very major focus in how we  
25 were looking at safety performance in the business.



## NEIL SHAW - DIRECT

16:43 1 Q. You reference that it's in all the communications. Did  
16:43 2 you send out communications to the entire Gulf of Mexico's  
16:43 3 employee base that communicated this message that personal  
16:43 4 safety is just as important as process safety?

16:43 5 A. That is correct. And I think it's a key role of the  
16:43 6 leader to communicate very effectively. And one of the things,  
16:43 7 especially in the early phases that I was in the role, is I had  
16:43 8 a large number of town hall meetings. People were interested  
16:43 9 to know what the priorities were.

16:43 10 I issued a number of communications to all staff, all  
16:43 11 2,000 staff, and in those communications I made it absolutely  
16:43 12 clear that we were focused on personal safety and process  
16:44 13 safety and that safety was the number one priority.

16:44 14 Q. Let's look at one of those communications.

16:44 15 MS. KARIS: 48143.1.3, please.

16:44 16 BY MS. KARIS:

16:44 17 Q. First of all, is this a communication from you on May 6,  
16:44 18 2008, to the entire Gulf of Mexico strategic performance unit  
16:44 19 employee base?

16:44 20 A. That's correct.

16:44 21 Q. And the subject is "SPU Update."

16:44 22 MS. KARIS: If we can now go to 49 -- I'm sorry,  
16:44 23 D-4902.1, please.

16:44 24 BY MS. KARIS:

16:44 25 Q. This is a communication you sent out approximately six or

## NEIL SHAW - DIRECT

16:44 1 seven months after you take over as the leader; is that  
16:44 2 correct?

16:44 3 A. That is correct.

16:44 4 Q. Why were you sending this communication out about six or  
16:44 5 seven months after you got to the Gulf of Mexico?

16:44 6 A. This was one of a number of, if you like, state of the  
16:44 7 nation communications that I put out. It addressed everything  
16:44 8 from strategy and performance. And in performance, it  
16:44 9 addressed safety, production and costs. And in the matter of  
16:45 10 safety, it addressed both personal and process safety. So it  
16:45 11 was very much a state of the nation for everyone in the  
16:45 12 organization to know how we were doing.

16:45 13 Q. You state here in one of the paragraphs that "We are also  
16:45 14 making very good progress on our process safety agenda and are  
16:45 15 on track to deliver the very important milestone of compliance  
16:45 16 with the integrity management standard by the end of the year."

16:45 17 From the time that you arrived through at least May  
16:45 18 of 2008, were you just as focused on process safety and on the  
16:45 19 progress being made in process safety in the Gulf of Mexico?

16:45 20 A. I was. One of the things I felt very proud of and that's  
16:45 21 why I showed these, because I wanted to reinforce to people  
16:45 22 that we were making progress, was the example here about the  
16:45 23 327 work orders across the SPU in April alone. That was making  
16:45 24 sure that for our safety critical equipment, we were completing  
16:46 25 all our maintenance on time. That was a key process safety

NEIL SHAW - DIRECT

16:46 1 input, KPI. And getting 100 percent sort of compliance on that  
16:46 2 was a very significant achievement, and I wanted to thank  
16:46 3 people for that, really, and reward people for a good  
16:46 4 performance.

16:46 5 MS. KARIS: If we can now look at 48143.3.3, please.

16:46 6 BY MS. KARIS:

16:46 7 Q. Again, this is from that same communication.

16:46 8 You close by saying: "Let's continue to focus on  
16:46 9 what matters, continuously improving our personal and process  
16:46 10 safety, making this a great place to work with the best future  
16:46 11 in the Gulf of Mexico and deliver on our 2008 performance  
16:46 12 targets."

16:46 13 What are you communicating there to your -- to the  
16:46 14 entire employee base in the Gulf of Mexico?

16:46 15 A. I was very deliberate with those words that I chose in  
16:46 16 terms of let's continue to focus on what matters because in any  
16:46 17 business, there's a lot going on. There is a lot going on. I  
16:47 18 thought in my role as the strategic performance unit leader, I  
16:47 19 needed to simplify things with people. And that's why I ended  
16:47 20 this communication, which was a communication which talked  
16:47 21 about everything from strategy from our production performance,  
16:47 22 our cost performance, and I wanted to leave people with a very  
16:47 23 simple message. And it is that message that what really  
16:47 24 mattered was improving our personal and process safety and  
16:47 25 making it a great place for people to work and delivering our

## NEIL SHAW - DIRECT

16:47 1 targets for 2008.

16:47 2 Q. To respond to Dr. Bea's criticism, after sending out this  
16:47 3 in 2008, did you as the leader continue to focus both on  
16:47 4 personal and process safety?

16:47 5 A. Absolutely. Nothing changed over the two years I was  
16:47 6 there.

16:47 7 Q. Let's change topics now.

16:47 8 Was one of your responsibilities as the strategic  
16:47 9 performance unit leader to ensure that you had an adequate  
16:47 10 safety management system in place?

16:47 11 A. That's correct. I saw that it was absolutely critical in  
16:48 12 my role as the former team leader to make sure I had a strong  
16:48 13 comprehensive management system in place so I could be  
16:48 14 confident we could execute work safely, efficiently, and in a  
16:48 15 really systematic manner.

16:48 16 Q. When you arrived in the Gulf of Mexico, was there a safety  
16:48 17 management system in place?

16:48 18 A. There was.

16:48 19 Q. What was that system?

16:48 20 A. That is what has been referred to -- it was called  
16:48 21 "Getting HSE Right." GHSER was the short term of that.

16:48 22 Q. Did that safety management system change during your  
16:48 23 tenure?

16:48 24 A. It changed to OMS, which was implemented firstly for the  
16:48 25 SPU in November 2008.

## NEIL SHAW - DIRECT

16:48 1 Q. Do you have any responsibility for deciding when the Gulf  
16:48 2 of Mexico strategic performance unit would implement OMS?

16:48 3 A. Yes, I did. And I wanted to make the SPU the Gulf of  
16:48 4 Mexico, a first mover in terms of putting OMS in place. So we  
16:48 5 were part of that first wave of SPUs across the company,  
16:49 6 ourselves and the North American Gas business, we were, in  
16:49 7 fact, the first SPU in the company to move to OMS.

16:49 8 Q. So of all of BP's operations worldwide, your strategic  
16:49 9 performance unit was among the first wave or first ones to  
16:49 10 implement OMS?

16:49 11 A. We were the first, yes.

16:49 12 Q. Now, did you implement OMS across all of the businesses in  
16:49 13 the Gulf of Mexico at the same time?

16:49 14 A. We did not. It was a big endeavor, and we decided to  
16:49 15 focus in 2008 on the SPU overall and on the production part of  
16:49 16 the business. And in 2009, we completed the process with  
16:49 17 drilling completions, with projects, and with exploration.

16:49 18 Q. Why did you not transition or implement OMS in the  
16:49 19 drilling and completions organization at the same time that you  
16:49 20 did with respect to the SPU in at least some of the production  
16:49 21 facilities?

16:49 22 A. Well, we already had a mature system in place for drilling  
16:50 23 and completions. We had DWOP. We had engineering technical  
16:50 24 practices. We had a common process, Beyond the Best. We had,  
16:50 25 which was clearly the biggest risk in drilling, loss of well

## NEIL SHAW - DIRECT

1 control. We had a risk mitigation plan on that.

2 So we felt we had a good, sort of secure system in  
3 place. So we decided to focus initially on the production  
4 facilities and then come to drilling in 2009.

5 Q. Did the drilling and completions organization under your  
6 leadership then implement OMS in 2009?

7 A. Yes, it did.

8 Q. So to the extent there's been any statements or assertions  
9 that the GoM D&C unit did not implement OMS, is that contrary  
10 to your own personal experience?

11 A. That is incorrect. It was implemented in 2009.

12 Q. Now, there's been some suggestion during this trial that  
13 while OMS may have been implemented on contractor operations --  
14 and we'll talk about that in a second -- that there was no  
15 safety management system in place for the drilling engineers  
16 who worked onshore. Is that accurate?

17 A. No, that's inaccurate.

18 Q. Tell the Court why that is not an accurate statement.

19 A. Well, before we implemented OMS in drilling, as I  
20 mentioned, we had DWOP. We had our engineering technical  
21 practices. We had our Beyond the Best process. When we  
22 implemented OMS, we had the D&C OMS cover the design, the  
23 engineering, the planning of the operation. And we relied on  
24 the contractors' management system for the execution of those  
25 plans offshore.

## NEIL SHAW - DIRECT

16:51 1 Q. Was it ever the case during your tenure that BP did not  
16:51 2 apply any safety management system to the drilling engineers  
16:51 3 who worked onshore?

16:51 4 A. No.

16:51 5 Q. Now, before the GoM's strategic performance unit  
16:51 6 implemented OMS in December of 2008 as part of the first wave,  
16:52 7 were there certain steps or actions that were required for you  
16:52 8 and your team to take?

16:52 9 A. Yes, there were. It was a very clear process. The first  
16:52 10 step in the process was we had to complete a gap assessment,  
16:52 11 and that had to be independently verified from somebody  
16:52 12 external to our SPU. Then we had to create an OMS handbook.

16:52 13 Q. Let's take those one at a time. You said you first had to  
16:52 14 create a gap assessment. Can you describe what a gap  
16:52 15 assessment is that was required before you can implement OMS?

16:52 16 A. Well, we already, as I said, had a management system  
16:52 17 through gHSSer. We had existing practices and processes. The  
16:52 18 gap assessment was comparing what we had at the time with the  
16:52 19 48 OMS essentials.

16:52 20 Q. Okay. The OMS gap assessment that was done for the Gulf  
16:52 21 of Mexico strategic performance unit in 2008, did that include  
16:52 22 the drilling and completions organization?

16:52 23 A. No, it didn't because we focused on the production  
16:53 24 facilities, and the plan was to do the drilling operations in  
16:53 25 2009.

## NEIL SHAW - DIRECT

16:53 1 Q. We are going to look at some of those gaps, but to the  
16:53 2 extent there's any reference of gaps in the 2008 gap  
16:53 3 assessment, do those in any way pertain to the drilling and  
16:53 4 completions organization?

16:53 5 A. No, they did not cover drilling.

16:53 6 Q. Is that because D&C was not a part of that wave and  
16:53 7 therefore would not have had a gap assessment?

16:53 8 A. That's correct.

16:53 9 Q. In addition to having a gap assessment, you said it had to  
16:53 10 be independently verified. Can you explain what that is?

16:53 11 A. Yes. We had a senior external facilitator that sat  
16:53 12 through the overall gap assessment summary. Myself and my  
16:53 13 leadership team, we spent three days in the summer of 2008  
16:53 14 reviewing all of the outputs from the gap assessment work, and  
16:53 15 the external facilitator participated in those reviews.

16:53 16 Q. Were there, in fact, gaps identified as a result of  
16:54 17 transitioning from one safety management system to OMS, a new  
16:54 18 safety management system?

16:54 19 A. Yes. The word "gap" is to identify them. That was part  
16:54 20 of the expectation; we expected to find gaps.

16:54 21 Q. We will talk about the process, then, for closing out some  
16:54 22 of those gaps momentarily.

16:54 23 But you also said that part of the process for  
16:54 24 transitioning or implementing OMS was creating an OMS handbook?

16:54 25 A. That's correct.



NEIL SHAW - DIRECT

16:54 1 Q. Can you tell the Court what an OMS handbook is.

16:54 2 A. It's an overall document that really sets out the vision  
16:54 3 and the strategy and the priorities of the organization and  
16:54 4 covers how the organization works in terms of the management  
16:54 5 meetings. It covers how we manage risk, as examples.

16:54 6 MS. KARIS: If we can look at 866, please,  
16:54 7 Exhibit 866.

16:54 8 BY MS. KARIS:

16:54 9 Q. Is this the Gulf of Mexico Strategic Performance Unit  
16:54 10 Operating Plan -- or OMS handbook -- that was put in place or  
16:54 11 needed to be put in place prior to implementing OMS?

16:55 12 A. That's correct.

16:55 13 Q. You mentioned that it covers the vision.

16:55 14 MS. KARIS: If we can go to -- first let's go to the  
16:55 15 scope, 866N.4.1, please.

16:55 16 BY MS. KARIS:

16:55 17 Q. Does this identify the scope of what is being included in  
16:55 18 this handbook?

16:55 19 A. Yes, it does.

16:55 20 Q. "OMS is being implemented in eight of our BP-operated  
16:55 21 facilities (both onshore and offshore) and at the SPU level,  
16:55 22 focusing on cross-GoM processes supported by the functions in  
16:55 23 2008."

16:55 24 Is that the scope of what was included?

16:55 25 A. That's correct, yes.

## NEIL SHAW - DIRECT

16:55 1 Q. You mentioned that it also sets out the vision there,  
16:55 2 right below on .2.

16:55 3 MS. KARIS: So if we can look at 866N.4.2.

16:55 4 BY MS. KARIS:

16:55 5 Q. What was the vision that was put in the OMS handbook as  
16:55 6 part of transitioning over to the new operating management  
16:55 7 system for the Gulf of Mexico under your leadership?

16:56 8 A. We set the vision to become -- the phrase we used was "the  
16:56 9 number one in the Gulf of Mexico," and we wanted that to be on  
16:56 10 all measures in terms of safety production and on cost. And we  
16:56 11 did see that OMS was a fundamental enabler for us to achieve  
16:56 12 that vision.

16:56 13 Q. Did the OMS handbook also set out the strategy for how you  
16:56 14 were going to go about achieving that accomplishment?

16:56 15 A. Yes. It covered the strategic priorities we talked about  
16:56 16 before on the other slide. It was included in the OMS  
16:56 17 handbook.

16:56 18 MS. KARIS: If we can look at 866N.5.1, please.

16:56 19 BY MS. KARIS:

16:56 20 Q. Does this set out the key strategies for how you're going  
16:56 21 to go about becoming number one in the Gulf of Mexico in  
16:56 22 performance, both in terms of safety and production as well as  
16:56 23 in costs?

16:56 24 A. Yes. It's essentially the document we looked at before in  
16:56 25 terms of setting those priorities with safe, reliable, and

## NEIL SHAW - DIRECT

16:57 1 efficient operations being the first on the list there.

16:57 2 Q. So do these key strategies translate, if you will, from  
16:57 3 the strategy that you set out and communicated to Mr. Inglis  
16:57 4 and Mr. Bly in November of 2007?

16:57 5 A. Yes, it does. The slides we looked at previously was in  
16:57 6 November 2009. This is November of 2008. It's almost one year  
16:57 7 later, and I think it's pretty much exactly the same words.

16:57 8 Q. The first one there, "Safe, Reliable and Efficient  
16:57 9 Operations," was that focusing strictly on personal safety, or  
16:57 10 did that also include process safety?

16:57 11 A. That included process safety. So every time we talked  
16:57 12 about safety, it was included in both personal and process  
16:57 13 safety.

16:57 14 Q. Then there's reference further down to "Sharpen Our  
16:57 15 Execution Machine: Centralize drilling and completions to  
16:57 16 drive consistent performance through standardization, learning,  
16:57 17 and efficient utilization of scarce skills."

16:58 18 Do you see that?

16:58 19 A. I do.

16:58 20 Q. Then you talk also about "Leverage procurement and supply  
16:58 21 chain management to actively manage demand" and then "Foster an  
16:58 22 'Every Dollar Counts' culture."

16:58 23 A. That's correct.

16:58 24 Q. That was part of the strategy?

16:58 25 A. That was part of the strategy.

NEIL SHAW - DIRECT

16:58 1 Q. We are going to talk about that in a couple minutes there.

16:58 2 The last one there is "Continuously Improve

16:58 3 Organizational Capability: GoM's 'people' philosophy is:

16:58 4 Right people, right place, doing the right things."

16:58 5 What are you referencing there?

16:58 6 A. Well, as I said before, it's a complex business and no one

16:58 7 individual is an expert in this business. And we had to have

16:58 8 the right team with the right skills and the right expertise.

16:58 9 We needed to have the right people in the right roles so that

16:58 10 we could execute our activity safely and efficiently.

16:58 11 Q. Now, you testified earlier that drilling and completions

16:58 12 then implemented OMS in December of -- or late 2009. Did that

16:59 13 occur just as you were leaving the organization?

16:59 14 A. That's correct.

16:59 15 Q. So did you have any involvement, then, with comparable

16:59 16 cooperating management or LOMS handbook?

16:59 17 A. Not in any detail.

16:59 18 Q. That was done by the drilling and completions organization

16:59 19 and then your successor?

16:59 20 A. That's correct.

16:59 21 Q. Now, recognizing that OMS was implemented with respect to

16:59 22 D&C after you left, did you have a general understanding for

16:59 23 how OMS applied to contractor operations with respect to

16:59 24 drilling and completions?

16:59 25 A. Yes, I did.

NEIL SHAW - DIRECT

16:59 1 Q. Can you describe for the Court, as a strategic performance  
16:59 2 unit leader, how OMS applied to contractor operations,  
16:59 3 specifically contractors on rigs?

16:59 4 A. Well, we had our BP OMS system which, as I mentioned  
16:59 5 before, covered everything from the design, the engineering,  
17:00 6 the planning of the well. Clearly, the execution of that was  
17:00 7 done by the drilling contractors. So we applied our OMS to the  
17:00 8 rig.

17:00 9 And on the rig itself, there was the Transocean  
17:00 10 management system because ultimately it was their rig, it was  
17:00 11 their people, it was their systems. And that is the industry  
17:00 12 standard for how our industry works. We bridge between the two  
17:00 13 through the contract that we had between BP and Transocean and  
17:00 14 through the necessary bridging documents.

17:00 15 Q. Do you have an understanding, based on being in this  
17:00 16 industry for almost 30 years, as to why the contractor safety  
17:00 17 management system is applied for operations on the rig,  
17:00 18 including, for example, on the *Deepwater Horizon*?

17:00 19 A. Yeah. I think it's very logical: A mobile drilling unit  
17:00 20 moves from one company to the next. It could be working for BP  
17:00 21 today. It could be working for Shell in six months' time and  
17:00 22 then for Chevron in 12 months' time. So it makes sense that  
17:01 23 you have that rig as a self-contained unit with its people, its  
17:01 24 processes, its assets.

17:01 25 It's their management system. And what we have to do

## NEIL SHAW - DIRECT

17:01 1 is we have to bridge from our management system to the drilling  
17:01 2 contractor's management system, but that is, I believe, the  
17:01 3 most efficient and most effective way to organize ourselves.  
17:01 4 And hence that is why it is the industry standard.

17:01 5 Q. I heard you say a rig can move from one contractor to the  
17:01 6 next, from BP to Shell and then on to Chevron.

17:01 7 With respect to the *Deepwater Horizon*, do you know  
17:01 8 for how long it was leased to BP?

17:01 9 A. Well, actually, the *Deepwater Horizon* was unusual in that  
17:01 10 it would be with the BP, as I understand, right from when it  
17:01 11 left the shipyard. It had been with us for many years. I  
17:01 12 think it was maybe seven or eight, maybe nine years.

17:01 13 Q. Even though it had been with BP for multiple years, as the  
17:01 14 leader of that unit, did it make any sense to you for that one  
17:01 15 rig to apply a different safety management system approach than  
17:02 16 what the entire industry applies, fleet-wide, worldwide?

17:02 17 A. Well, yes, because on that rig we would have the  
17:02 18 Transocean people -- sometimes they would move. It's only  
17:02 19 natural, over a long period of time, you would have new people  
17:02 20 come in and come out. And what we wanted, we wanted Transocean  
17:02 21 people that understood the Transocean management system, how  
17:02 22 the process and the systems worked. And again, I think that is  
17:02 23 the safest, most efficient, most effective way to operate that  
17:02 24 part of our business.

17:02 25 Q. I believe you said "yes" in response to my question, was

## NEIL SHAW - DIRECT

17:02 1 it your view, despite the fact that it had been leased to BP  
17:02 2 for a number of years, that you apply the same approach that  
17:02 3 the industry applies worldwide to all operations?

17:02 4 A. Yes, it still made sense that was the logical way to do  
17:02 5 it.

17:02 6 Q. Now, we are going to go backwards a little bit.

17:02 7 You talked about a gap assessment and you talked  
17:02 8 about implementation of OMS. You testified that part of your  
17:03 9 function as a strategic performance unit leader was to have a  
17:03 10 gap assessment done before you implemented OMS. I want to talk  
17:03 11 to you about some of the findings of that gap assessment and  
17:03 12 what, if any, actions you and your team put in place in order  
17:03 13 to close out those gaps.

17:03 14 I want to begin, first of all, by asking you whether  
17:03 15 you agree with the statement that was made by Dr. Bea regarding  
17:03 16 the gap assessment approach that you and your team put in  
17:03 17 place.

17:03 18 He claimed that gaps were identified and, in quotes,  
17:03 19 were ignored and never closed out.

17:03 20 A. I disagree with that statement.

17:03 21 Q. Tell us, as the strategic performance unit leader for the  
17:03 22 Gulf of Mexico, why it is that you disagree with the statement  
17:03 23 that gaps were identified and were never closed out.

17:03 24 A. Well, I disagree because I know, I was there, and I  
17:03 25 personally participated in the three-day process where we

## NEIL SHAW - DIRECT

17:04 1 reviewed the outcome of all the gaps.

17:04 2 We made an assessment of how we picked the  
17:04 3 priorities, we created action plans. And I know that between  
17:04 4 '08 and '09 -- I can't remember the exact numbers, but we  
17:04 5 closed around 50 percent of the gaps. So the gaps each had  
17:04 6 their action plan, and we were progressing the closure of those  
17:04 7 gaps.

17:04 8 Q. You referenced a three-day process for those gaps. What  
17:04 9 are you talking about there?

17:04 10 A. Well, we had a lot of work that was done by the  
17:04 11 organization in preparing for three days where the leadership  
17:04 12 team -- that's myself and all my direct reports -- where we  
17:04 13 personally engaged with our teams, reviewing all of the key  
17:04 14 gaps. And part of that was understanding the scale of the  
17:04 15 gaps. Some of the gaps were big and some of the gaps were not  
17:04 16 big. We had a rating between 1 and 5 in terms of performance  
17:04 17 levels. We also wanted to understand what were the really  
17:05 18 important gaps, what were the gaps where we could really reduce  
17:05 19 risks.

17:05 20 So it was only through that process of dialogue and  
17:05 21 understanding, as the leadership team and myself, that we got a  
17:05 22 good picture of what were the key priorities and what we were  
17:05 23 going to focus on in terms of gap closure.

17:05 24 Q. After this three-day meeting, did you periodically meet  
17:05 25 with your leadership team to discuss the progress that was



## NEIL SHAW - DIRECT

17:05 1 being made in closing out gaps?

17:05 2 A. Yes. We had a monthly OMS steering committee that I  
17:05 3 chaired, and as part of that, we would review every month with  
17:05 4 the rest of my leadership team the progress we were making in  
17:05 5 terms of implementation of OMS. And that included overall  
17:05 6 progress on gap closure.

17:05 7 Q. Now, were these gaps identified as part of the OMS  
17:05 8 handbook that we previously talked about?

17:05 9 A. That's correct.

17:05 10 Q. Then was there an operating plan that was put in place in  
17:05 11 which these gaps were identified and then you put a separate  
17:06 12 plan in place for closing them out?

17:06 13 A. That is correct.

17:06 14 MS. KARIS: If we can look at 866.1, please.

17:06 15 BY MS. KARIS:

17:06 16 Q. This is the same handbook we previously looked at.

17:06 17 There's been one gap that's been the subject of some  
17:06 18 discussion that I want to follow up with you on, since you were  
17:06 19 personally involved in what actions were taken.

17:06 20 866.38.1. This is from the GoM SPU gap assessment  
17:06 21 from 2008. First of all, can you tell us, does this gap on  
17:06 22 risk assessment management and process safety have anything to  
17:06 23 do with drilling and completions?

17:06 24 A. No, it does not because the gap assessment was based on  
17:06 25 our production assets because that was the focus of the OMS

## NEIL SHAW - DIRECT

17:06 1 plan in 2008.

17:06 2 Q. Now, it says there under the gap that "Risk assessment  
17:06 3 processes/results are not integrated; need for stronger major  
17:07 4 hazard awareness."

17:07 5 Do you see that?

17:07 6 A. I do.

17:07 7 Q. On the right-hand side, it says: "A significant number of  
17:07 8 risk assessments are carried out by multiple groups in the SPU,  
17:07 9 which are not integrated or planned with the outcomes, and  
17:07 10 mitigation plans are not linked up or visible. As we have  
17:07 11 started to more deeply investigate select process safety  
17:07 12 incidents" --

17:07 13 Is this the investigations that you have put in  
17:07 14 place?

17:07 15 A. That's right. Because we were investigating all process  
17:07 16 safety incidents, and we were identifying key findings and  
17:07 17 learnings from it.

17:07 18 Q. It goes on to say: "It's become apparent that process  
17:07 19 safety major hazards and risks are not fully understood by  
17:07 20 engineering or line operating personnel."

17:07 21 Do you see that?

17:07 22 A. I do. That's correct.

17:07 23 Q. Again, is that referencing engineering or line operating  
17:07 24 personnel in drilling and completions for their functions?

17:07 25 A. No. This was focused on our production assets.

## NEIL SHAW - DIRECT

17:07 1 Q. We are going to talk about process safety major hazards  
17:07 2 with respect to drilling and completions in a minute.

17:08 3 First of all, did you put a plan in place for closing  
17:08 4 out this gap item?

17:08 5 A. Yes. This was one of the key gaps, and we put in place a  
17:08 6 process safety improvement plan specifically to tackle this  
17:08 7 issue.

17:08 8 Q. Are you familiar with something called a GoM -- oh, you  
17:08 9 just referenced, obviously, the GoM process safety improvement  
17:08 10 plan.

17:08 11 A. Yes, I am.

17:08 12 MS. KARIS: Let's take a look at that, 48257.1.2,  
17:08 13 please.

17:08 14 BY MS. KARIS:

17:08 15 Q. Before we look at this, Dr. Bea testified, in connection  
17:08 16 with that gap we just identified, that that evidenced that BP  
17:08 17 was blind to process safety risks, including with respect to  
17:08 18 drilling and completions.

17:08 19 By identifying the gap, does that indicate that BP is  
17:09 20 blind to process safety risks?

17:09 21 A. We were certainly not blind to process safety risks. It  
17:09 22 was very clear. We understood them. I think you will see in  
17:09 23 this document we put in place the improvement plans to focus on  
17:09 24 what we have been learning from the process safety incidents.

17:09 25 Q. If we can now look at -- first of all, we have here

## NEIL SHAW - DIRECT

17:09 1 48257.1.2.

17:09 2 Is this from you -- it's from you, I should say, to  
17:09 3 Laurie Erwin, and it's a reference to the "GoM Safety  
17:09 4 Improvement Plan for 2009"?

17:09 5 A. That's correct.

17:09 6 Q. It attaches their process safety incidents 2008 analysis,  
17:09 7 correct?

17:09 8 A. That is correct.

17:09 9 MS. KARIS: If you can now look at D-4903.1.

17:09 10 Can you describe for the Court generally what  
17:09 11 this process safety improvement plan is that you put in place  
17:09 12 following the gap assessment and the identification of process  
17:10 13 safety hazard awareness issues?

17:10 14 A. Well, the goal clearly was to reduce the number of process  
17:10 15 safety incidents. And from the work we had done in terms of  
17:10 16 looking at the investigations of the recent incidents, we  
17:10 17 identified those three priorities, which are highlighted in  
17:10 18 bold there, of our major hazard awareness, risk prioritization,  
17:10 19 and learning. The sub-bullets describe the specific actions we  
17:10 20 put in place to improve our performance in this area.

17:10 21 Q. Let's look at this a little further.

17:10 22 "Major Hazard Awareness" under "Inputs," that's the  
17:10 23 first one that's identified, and it says: "Increase work force  
17:10 24 awareness of process safety hazards, SPU OMS gap."

17:10 25 Was this put in place specifically to address the OMS

## NEIL SHAW - DIRECT

17:10 1 gap identified with respect to process safety hazards?

17:11 2 A. Yes, it was.

17:11 3 Q. How can you tell that from this document?

17:11 4 A. Well, it refers to it at the end of the line there. There  
17:11 5 was -- what we did is we tried to map the specific actions  
17:11 6 which address the specific OMS gaps.

17:11 7 Q. Were you the one that charged your team with developing  
17:11 8 this plan in order to respond and close out some of those gaps,  
17:11 9 including the one we just identified?

17:11 10 A. That's correct.

17:11 11 Q. Then there's a reference to "Risk Prioritization and  
17:11 12 Mitigation" and then "Learnings, Continuous Improvement"?

17:11 13 A. Yes.

17:11 14 Q. Were each of these action items that you put in place  
17:11 15 under your leadership in order to improve, as the title says,  
17:11 16 process safety performance?

17:11 17 A. That's correct. We believed this was a very clear and  
17:11 18 specific action plan, and as we progressed these topics, it  
17:11 19 would improve our overall performance in process safety.

17:12 20 Q. Under "Learnings," there's been a bullet that says: "Use  
17:12 21 the process safety score card data and management reviews to  
17:12 22 drive performance improvement in process safety."

17:12 23 Can you tell us what the process safety score cards  
17:12 24 are about.

17:12 25 A. Yes. This was a score card that we created that included

## NEIL SHAW - DIRECT

17:12 1 input and output metrics just for process safety. It was  
17:12 2 updated and circulated around the organization on a monthly  
17:12 3 basis, and it brought new transparency to what our performance  
17:12 4 was so we could learn and improve from it.

17:12 5 Q. So were you tracking your process safety performance?

17:12 6 A. We were, monthly, yes.

17:12 7 Q. Were you then circulating that information on process  
17:12 8 safety performance?

17:12 9 A. Yes, we were.

17:12 10 Q. Did that include process safety performance with respect  
17:12 11 to drilling operations?

17:12 12 A. It did, yes.

17:13 13 Q. So to the extent it's been suggested or stated that BP  
17:13 14 simply ignored process safety hazard risks, does this action  
17:13 15 plan, along with all the other items you have identified,  
17:13 16 respond or at least identify some of the measures you put in  
17:13 17 place to address specifically process safety hazard awareness?

17:13 18 A. We were very focused on process safety, and I think this  
17:13 19 is a good summary of the actions we were taking to improve our  
17:13 20 performance.

17:13 21 Q. Now, in addition to process safety, or I guess in light of  
17:13 22 process safety risks, did you and your organization identify  
17:13 23 what the top risks were that your business faced every day?

17:13 24 A. Yes. We had an SPU major hazard policy that focused on  
17:13 25 our top 20 risks in the SPU.

## NEIL SHAW - DIRECT

17:13 1 Q. When you got to the -- when you arrived in the Gulf of  
17:14 2 Mexico to head up that business unit, did you do anything to  
17:14 3 familiarize yourself with the -- with what the top risks were  
17:14 4 your business faced?

17:14 5 A. Yes. In those early few weeks, I familiarized myself. I  
17:14 6 had some meetings and was briefed on what the key risks were,  
17:14 7 the top 20 risks as we saw it at that time in the SPU, and also  
17:14 8 the policy that we put in place in terms of how we managed  
17:14 9 those key risks.

17:14 10 MS. KARIS: If we can look at 48159.1.1, please.

17:14 11 BY MS. KARIS:

17:14 12 Q. This is an e-mail from Cindi Skelton to you dated  
17:14 13 November 20, 2007, with a carbon copy to Mr. Morrison and  
17:14 14 Doris Reiter. The subject is "GoM SPU Major Hazards Risk  
17:14 15 Management Policy."

17:14 16 So you are receiving this information less than a  
17:14 17 month after you arrived in the business unit?

17:15 18 A. That's correct.

17:15 19 Q. Ms. Skelton says: "Neil, thanks for the time this AM" --  
17:15 20 morning -- "to go over our S&OI agenda and the Orange Book."

17:15 21 What is S&OI?

17:15 22 A. That is safety and operational integrity.

17:15 23 Q. Then she says: "Great conversation."

17:15 24 She goes on to write at the end: We plan to review  
17:15 25 the SPU top risks for the first time (roll-up of assets) at the

NEIL SHAW - DIRECT

17:15 1 safety and ops management committee meeting on December 4 from  
17:15 2 1:00 until 4:00.

17:15 3 Do you recall what the safety and operations  
17:15 4 management committee meetings were about with respect to  
17:15 5 identifying risks?

17:15 6 A. Yes. That was our regular meeting we would have,  
17:15 7 typically every quarter, to focus in on safety. And a part of  
17:15 8 that agenda, we would always sort of get an update on the  
17:15 9 status of our mitigation plans for our key risks.

17:15 10 Q. I skipped a line there where she says: "Attached is the  
17:16 11 risk policy we have developed for the SPU and has been rolled  
17:16 12 out to the organization over the last quarter."

17:16 13 Did you get that risk policy that Ms. Skelton is  
17:16 14 referencing there?

17:16 15 A. Yes, I did.

17:16 16 MS. KARIS: If we can look at 48159.2, please.

17:16 17 BY MS. KARIS:

17:16 18 Q. Is this the Gulf of Mexico's Major Hazards Risk Management  
17:16 19 Policy that you received?

17:16 20 A. It is.

17:16 21 MS. KARIS: If we can now go to D-4904.1.

17:16 22 BY MS. KARIS:

17:16 23 Q. There's a vision statement under the Major Hazards Risk  
17:16 24 Management Policy. Can you tell the Court what the Gulf of  
17:16 25 Mexico's vision was with respect to risk management.



## NEIL SHAW - DIRECT

17:16 1 A. Well, it was just making it clear that our highest  
17:16 2 priority was the safety of our personnel, of our contractors'  
17:16 3 personnel, of taking care of the communities in which we  
17:16 4 operated and in terms of protecting the environment.

17:17 5 Q. Then there's also a purpose. We don't need to read all of  
17:17 6 it, but tell the Court what your understanding was of the  
17:17 7 purpose of the risk management policy.

17:17 8 A. Well, it sort of set expectations about how we wanted to  
17:17 9 manage these key risks, what we needed to do in terms of  
17:17 10 identifying those risks, the key sort of mitigations we would  
17:17 11 put in place, and the processes that we would have to sustain.  
17:17 12 That's how we would review it as a management team, how we  
17:17 13 would ensure that we were learning from incidents as we were  
17:17 14 going along. So it sort of like set the frame for how we were  
17:17 15 going to manage risks in terms of the key risks in the  
17:17 16 business.

17:17 17 Q. Pursuant to this policy, did you and the rest of the  
17:17 18 strategic performance unit identify the top 20 risks in the  
17:17 19 Gulf of Mexico's business?

17:17 20 A. That is correct, yes.

17:17 21 Q. Was loss of well control or loss of primary containment  
17:17 22 one of the top risks that had been identified?

17:17 23 A. Yes. Loss of well control was one of those top 20 risks.  
17:18 24 And it was, of course, the number one risk, the number one  
17:18 25 process safety risk in drilling completions.

## NEIL SHAW - DIRECT

17:18 1 Q. We'll talk about the mitigation plan in a second. But  
17:18 2 with respect to this risk management policy, is it fair to say  
17:18 3 that it applied both to personal as well as process safety?

17:18 4 A. That is correct.

17:18 5 MS. KARIS: If we can go to 48159.5.4, please.

17:18 6 BY MS. KARIS:

17:18 7 Q. What does the risk mitigation policy say with respect to  
17:18 8 personal and process safety?

17:18 9 A. You want me to read it?

17:18 10 Q. Sure.

17:18 11 A. It says: "We must make it a top priority to continually  
17:18 12 identify major hazards and effectively minimize risks. The  
17:18 13 Gulf of Mexico SPU risk management policy sets out a key risk  
17:18 14 management structure that will lead us on a journey to  
17:19 15 excellence in process safety and meeting our vision goals."

17:19 16 Q. Did that remain a part of your vision as the strategic  
17:19 17 performance unit leader throughout your tenure in the Gulf of  
17:19 18 Mexico?

17:19 19 A. It did.

17:19 20 Q. Now, you testified that the loss of well control was one  
17:19 21 of the risks identified, the top 20 risks, and, in fact, the  
17:19 22 highest risk for the drilling and completions organization.  
17:19 23 Was there a mitigation plan in place while you were the  
17:19 24 strategic performance unit leader?

17:19 25 A. Yes. Consistent with this policy, we put a mitigation

## NEIL SHAW - DIRECT

17:19 1 plan in place in 2008, and we updated that plan in 2009.

17:19 2 MS. KARIS: If we can look at 5691.N.1, please. If  
17:19 3 you can call out the top. There you go.

17:19 4 BY MS. KARIS:

17:19 5 Q. It's entitled on top "Risk Mitigation Plan." Is this the  
17:20 6 risk mitigation plan in place for the drilling and completions  
17:20 7 organization?

17:20 8 A. Yes, it is.

17:20 9 Q. In the bottom there, do you see the signature of Mr. Lacy  
17:20 10 dated July 2008?

17:20 11 A. That's right. The policy said that these risks had to be  
17:20 12 signed off by the appropriate vice president.

17:20 13 Q. I was going to ask: Why did Mr. Lacy sign this?

17:20 14 A. Yes. That's right.

17:20 15 MS. KARIS: If we can go back now to the "Description  
17:20 16 of Risk."

17:20 17 BY MS. KARIS:

17:20 18 Q. I know it's not the best copy to read, but "Description of  
17:20 19 Risk," there is the "Uncontrolled flow of hydrocarbons during  
17:20 20 drilling, completion or well intervention activities that has  
17:20 21 the potential for loss of well control which, if ignited, could  
17:20 22 lead to fire or explosion as well as severe environmental and  
17:20 23 property damage with the potential for multiple fatalities."

17:20 24 Was that risk one of the risks that you identified?

17:21 25 A. It was. It was one of our top risks.

NEIL SHAW - DIRECT

17:21 1 Q. There's been an assertion -- several people have asserted  
17:21 2 that the only risks that were identified in terms of  
17:21 3 operational impact for loss of well control was the risk of  
17:21 4 cost. Can you tell us what this mitigation plan identifies as  
17:21 5 the impact or potential impact for that risk that's identified  
17:21 6 that was loss of well control?

17:21 7 A. We were absolutely clear, and I think it's as this  
17:21 8 document sort of shows, that the biggest issue was around  
17:21 9 safety, of course, and also the significant environmental risks  
17:21 10 and also the reputational risk. And it's sort of encapsulated  
17:21 11 in that description of the risk.

17:21 12 Q. Now, was this risk mitigation plan something that was  
17:21 13 carried forward then or reviewed in 2009?

17:21 14 A. That's right. Part of the policy is that we would update  
17:21 15 these mitigation plans annually.

17:21 16 MS. KARIS: If we can look at 4171.N.1.

17:22 17 BY MS. KARIS:

17:22 18 Q. Is this the 2009 risk mitigation plan for drilling and  
17:22 19 completions, again, signed off on by Mr. Lacy?

17:22 20 A. It is.

17:22 21 Q. Can you describe for the Court generally what your  
17:22 22 understanding was for how the risk mitigation -- how BP was  
17:22 23 going to mitigate those risks associated with the drilling and  
17:22 24 completions operations.

17:22 25 A. Well, I think as this sets out here, we had really --

## NEIL SHAW - DIRECT

17:22 1 Q. I'm sorry. My fault. We should have called out the  
17:22 2 center description.

17:22 3 A. It's a little bit small.

17:22 4 Q. Not the description of risk, the description of mitigation  
17:22 5 plan. My apologies.

17:22 6 I will ask you the question again. Unless you  
17:22 7 remember the question. Do you recall the question?

17:22 8 A. Yes, I do recall the question. As it's sort of said in  
17:22 9 here in terms of what this mitigation plan is, it actually sort  
17:22 10 of focused on some additional tasks as it describes here,  
17:23 11 because we had already quite a comprehensive foundation of  
17:23 12 operating procedures. We had DWOP. We had a well control  
17:23 13 manual. What this was doing, it was identifying a number of  
17:23 14 additional tasks on top of that.

17:23 15 Q. Did this risk mitigation plan apply to BP-owned facilities  
17:23 16 just as well as to contractor-owned MODUs?

17:23 17 A. Yeah, it applies to both BP rigs and to the MODUs.

17:23 18 Q. Did you rely on the contractors and your hiring of  
17:23 19 contractors as part of the risk mitigation plan?

17:23 20 A. Yes, because as we think about the broad frame which we  
17:23 21 set up here around people, plans, and process, the people  
17:23 22 aspects of we needed well-trained, well-controlled certified  
17:23 23 well site leaders and rig crew. Clearly, that was a big  
17:23 24 expectation requirement of Transocean.

17:23 25 The plan piece of it was really around the BOP as the

NEIL SHAW - DIRECT

17:24 1 fundamental sort of safety-critical piece of equipment. And  
17:24 2 the processes, that, as I said, was the overall sort of  
17:24 3 Transocean management system and the various procedures and  
17:24 4 practices of how we would execute the well.

17:24 5 Q. In addition to identifying the risks and putting risks  
17:24 6 mitigation plans in place, did you review those risk mitigation  
17:24 7 plans with your leadership team?

17:24 8 A. Yes, we reviewed these on a regular basis.

17:24 9 MS. KARIS: If we can look at 2912.N.1, please.

17:24 10 BY MS. KARIS:

17:24 11 Q. On an annual basis, did you have a meeting in which you  
17:24 12 would identify what the major hazard risks were and what  
17:24 13 mitigations were put in place?

17:24 14 A. That's correct, annually. And, again, it was a  
17:24 15 requirement of the policy. It's what we did. And, in fact, in  
17:24 16 this meeting you're referring to here in September of 2009 was  
17:24 17 the last meeting that I was personally involved. And we  
17:25 18 reviewed some of the major hazards and one of them was loss of  
17:25 19 well control.

17:25 20 Q. In addition to having a meeting -- and we'll look at what  
17:25 21 you talk about loss of well control -- did you distribute to  
17:25 22 your leadership team these risk mitigation hazards?

17:25 23 A. Yes, we did.

17:25 24 MS. KARIS: If we can just pull up a cover to this,  
17:25 25 2912.1.1.

NEIL SHAW - DIRECT

17:25 1 BY MS. KARIS:

17:25 2 Q. This is from Mr. Ruehle to a number of individuals,  
17:25 3 including you, dated September 24, 2009. The subject is "SPU  
17:25 4 Top Risk Mitigation Plans."

17:25 5 It says: "I've attached the slide we will review at  
17:25 6 the SPU Top Risk Review Monday afternoon. Hard copies are  
17:25 7 being printed for all participants and will be distributed  
17:25 8 today."

17:25 9 So under your leadership, were you discussing both  
17:25 10 the risks as well as the mitigation plans?

17:25 11 A. Yes. Myself and my leadership team, as you see here, we  
17:25 12 would review the status of the risks, what were the top  
17:26 13 20 risks, and we would review the status of the mitigation  
17:26 14 plans and assure ourselves that the policy was being  
17:26 15 effectively implemented and we had the right mitigation and  
17:26 16 plans in place for the big risks we were facing as a business.

17:26 17 Q. If we look at 2912.N.10, which is part of the slide pack  
17:26 18 that you are referencing there, is this the discussion with  
17:26 19 respect to loss of well control that we have been identifying  
17:26 20 or discussing?

17:26 21 A. Yes, that was part of the discussion.

17:26 22 Q. And then it also has the *Horizon* on there. Do you see  
17:26 23 that?

17:26 24 A. That's correct.

17:26 25 Q. So this would be the plan in place both for BP-owned

NEIL SHAW - DIRECT

17:26 1 facilities as well as contractor-owned facilities?

17:26 2 A. That is correct.

17:26 3 Q. Now, are you familiar with something called an annual  
17:26 4 engineering plan?

17:26 5 A. Yes, I am.

17:26 6 MS. KARIS: You can take that down.

17:26 7 BY MS. KARIS:

17:26 8 Q. First, can you describe for the Court what is the annual  
17:26 9 engineering plan, or an AEP as it's referenced.

17:27 10 A. Yeah. This is a document that we produce once a year and  
17:27 11 it really sets the stage for the overall progress we would be  
17:27 12 making in engineering, what the key priorities are. It  
17:27 13 addresses issues around standards and ETPs and the status of  
17:27 14 those. And, importantly, it does refer to the major hazards in  
17:27 15 the SPU and the mitigation plans that we have in place.

17:27 16 MS. KARIS: And if we can now go to 2910.N.3, please.

17:27 17 BY MS. KARIS:

17:27 18 Q. This is from the Annual Engineering Plan, table of  
17:27 19 contents. Are these some of the items, what you have listed  
17:27 20 along with what's in the table of contents, that the Annual  
17:27 21 Engineering Plan is intended to cover?

17:27 22 A. Yes, that's correct.

17:27 23 Q. And No. 7 there is major accident risks. No. 8, hazard  
17:27 24 and risk register, and so forth?

17:27 25 A. Yes.



NEIL SHAW - DIRECT

17:27 1 Q. Now, to whom is this Annual Engineering Plan communicated?

17:28 2 A. Well, initially communicated to myself and my leadership  
17:28 3 team, but we also had a responsibility to communicate it  
17:28 4 outside to the SPU and to communicate it to the group head of  
17:28 5 engineering. That was John Baxter.

17:28 6 Q. Did you follow that protocol of communicating your Annual  
17:28 7 Engineering Plan to BP's leadership?

17:28 8 A. We did.

17:28 9 MS. KARIS: 2910.N.27.3. I'm sorry, 2910.27.3.

17:28 10 BY MS. KARIS:

17:28 11 Q. Again, without going through the full plan in place, does  
17:28 12 this reflect that the risk of loss of well control had been  
17:28 13 identified specifically with respect to the *Deepwater Horizon*  
17:28 14 and then there were various action plans in place?

17:29 15 A. Yes, it does. That was part of the schedule.

17:29 16 Q. In light of these action items that you had put in place,  
17:29 17 as well as the identification of the risks, can you tell the  
17:29 18 Court whether you agree with the statement that BP ignored  
17:29 19 process safety risks associated with drilling operations.

17:29 20 A. I disagree with that statement.

17:29 21 Q. Why do you disagree with that statement?

17:29 22 A. Because it's inaccurate in terms of we identified the  
17:29 23 risks in terms of loss of well control, we had the mitigation  
17:29 24 plans in place. We were very focused on managing risks in the  
17:29 25 business.

## NEIL SHAW - DIRECT

17:30 1 Q. Let's turn to a different subject other than OMS and risk  
17:30 2 identification.

17:30 3 There have been various assertions in this case with  
17:30 4 respect to the phrase "every dollar counts." I want to discuss  
17:30 5 some of those assertions with you. First, are you familiar  
17:30 6 with the phrase "every dollar counts"?

17:30 7 A. Yes, I am.

17:30 8 Q. We saw it, in fact, in your early strategy, as well as in  
17:30 9 the OMS handbook, "every dollar matters" or "every dollar  
17:30 10 counts"?

17:30 11 A. That's correct.

17:30 12 Q. First, tell the Court how you are familiar with that  
17:30 13 phrase.

17:30 14 A. Well, it's a phrase we created in those early sort of  
17:30 15 weeks that I was in the SPU as we started to sort of frame up  
17:30 16 the overall strategy for the business. And it was a form of  
17:30 17 words that we used to encapsulate an idea we had around how we  
17:30 18 would drive improvements in terms of efficiency in making sure  
17:31 19 that we were spending our money wisely in the SPU.

17:31 20 Q. At any time did you intend "every dollar counts" or "every  
17:31 21 dollar matters" to be read or interpreted in a way that said  
17:31 22 that should be done at the expense or sacrifice of safety?

17:31 23 A. We were very clear, very clear, that safety was the number  
17:31 24 one priority and everything we did around cost was not going to  
17:31 25 have any impact on safety, and that was in all of our

NEIL SHAW - DIRECT

17:31 1 communications. It was something we were very conscious that  
17:31 2 we didn't want any misconception of that.

17:31 3 Q. We will talk about how you communicated that specifically  
17:31 4 with respect to this phrase.

17:31 5 MS. KARIS: But first if we can go to 5678.1.1,  
17:31 6 please.

17:31 7 BY MS. KARIS:

17:31 8 Q. Again, this is the GoM transformation pre-read that we  
17:31 9 looked at earlier.

17:31 10 MS. KARIS: If we can go to 5672.2. I'm sorry,  
17:31 11 5678.2. It's the agenda we want to go to. I'm sorry. That's  
17:32 12 the incorrect number.

17:32 13 There we go. Thank you.

17:32 14 BY MS. KARIS:

17:32 15 Q. Under the strategy here, you talk about: "Strategic cost  
17:32 16 management, active demand management, PSCM transformation  
17:32 17 market, every dollar matters culture."

17:32 18 Can you explain to the Court how "every dollar  
17:32 19 matters" is related to strategic cost management?

17:32 20 A. Yes. So when we were thinking about overall sort of cost  
17:32 21 management, we think about it from three perspectives. The  
17:32 22 first was around activity management, making sure that we were  
17:32 23 only progressing activity consistent with our strategy and  
17:33 24 plans, because we had lots of things we could do in the  
17:33 25 business and we only wanted to do the things which were aligned

## NEIL SHAW - DIRECT

17:33 1 with strategy.

17:33 2 The second component was all around efficient  
17:33 3 execution, making sure that we were executing our activity  
17:33 4 consistent with our OMS, with our ETPs, our operating  
17:33 5 practices. And the third component was around the supply chain  
17:33 6 costs. A lot of what we -- when we spend our costs, a lot of  
17:33 7 it is through the supply chain with our supplies and  
17:33 8 contractors. And we wanted to be sure we were getting  
17:33 9 competitive rates from the market for the goods and services we  
17:33 10 were buying.

17:33 11 Q. Did you put measures in place for strategic cost  
17:33 12 management as it related to the "every dollar matters" culture?

17:33 13 A. Yes. So we had that as the overall sort of approach. And  
17:33 14 I think, you know, some maybe examples to help explain it is a  
17:33 15 big part of our cost base in the offshore business is getting  
17:34 16 people and materials offshore. It's about helicopters, it's  
17:34 17 about supply boats. So, clearly, logistics and the utilization  
17:34 18 of the logistics was absolutely critical.

17:34 19 And as we looked very closely at that and we  
17:34 20 benchmarked ourselves with some of our other competitors, we  
17:34 21 found our utilization was a little bit lower than what it  
17:34 22 should be. That was a great example. If we focused on that,  
17:34 23 we improved our utilization, we reduced costs. No impact on  
17:34 24 safety.

17:34 25 Q. Now, there's been reference in this case that as a result

NEIL SHAW - DIRECT

17:34 1 of this "every dollar matters" culture, that compromised  
17:34 2 safety. I want to talk to you about how safety intersected, if  
17:34 3 you will, with "every dollar matters."

17:34 4 Related to that is the notion that has been put  
17:34 5 forward that production was increasing under your leadership  
17:34 6 while costs were decreasing. So I want to break that apart a  
17:35 7 little bit.

17:35 8 First of all, did you have responsibility not only  
17:35 9 for safety but also for production performance?

17:35 10 A. Yeah. As the SPUL, I was responsible for all aspects of  
17:35 11 performance; for safety, for production, and for costs.

17:35 12 Q. Were you familiar, then, with the production performance  
17:35 13 of the Gulf of Mexico in 2008 as well as in 2009?

17:35 14 A. Yes.

17:35 15 Q. Did production increase from 2008 to 2009?

17:35 16 A. It did.

17:35 17 MS. KARIS: If we can look at D-4865.2.

17:35 18 BY MS. KARIS:

17:35 19 Q. I'll represent to you this is a demonstrative from  
17:35 20 plaintiff's process safety expert, Dr. Bea's report. And he  
17:35 21 reports here that production in 2008 was 284 mboe/d. Is that  
17:35 22 thousands of barrels equivalent per day?

17:35 23 A. Yes.

17:35 24 Q. And then in 2009, that it went up to 439 thousands of  
17:36 25 barrels per day?

## NEIL SHAW - DIRECT

17:36 1 A. That's correct.

17:36 2 Q. Are those figures pretty much accurate?

17:36 3 A. They are correct figures.

17:36 4 Q. So there was 155,000-barrel per day increase from 2008 to  
17:36 5 2009. Is that accurate?

17:36 6 A. That is accurate.

17:36 7 Q. Now, are you familiar with what led to that 155,000-barrel  
17:36 8 increase?

17:36 9 A. Yes, I am.

17:36 10 MS. KARIS: If we can look at D-4869.1, please.

17:36 11 BY MS. KARIS:

17:36 12 Q. This is from the GoM performance management report. First  
17:36 13 of all, what is a performance management report?

17:36 14 A. This is a report that was put together on a monthly basis  
17:36 15 by our finance team. And it addressed, again, all of our specs  
17:36 16 and performances. It covered safety and it covered production  
17:36 17 and it covered our cost performance.

17:36 18 Q. Did this report identify the changes in production from  
17:36 19 2008 to 2009?

17:36 20 A. Yes, it did.

17:36 21 Q. And Dr. Bea identified 155,000-barrel per day increase,  
17:37 22 which you told us was accurate, but let's talk about how that  
17:37 23 production increase came to be.

17:37 24 First of all, the Thunder Horse PU goes from  
17:37 25 26.2 thousand barrels per day to 146.9, or a 120,000-barrel per

## NEIL SHAW - DIRECT

17:37 1 day difference. So 120,000 of that 155 is related to  
17:37 2 Thunder Horse.

17:37 3 First, tell the Court what is Thunder Horse.

17:37 4 A. Thunder Horse is one of the biggest fields in the Gulf of  
17:37 5 Mexico and it came into production in the summer of 2008. So  
17:37 6 the 26 relates to the first bit of production for those six  
17:37 7 months as we just started up the facility. And in 2000 --  
17:37 8 through the rest of 2008 and through 2009, we ramped up  
17:37 9 production, we brought on more wells. We got it up to its peak  
17:38 10 production. And that's how we produced 147,000 barrels of day  
17:38 11 on average in 2009.

17:38 12 Q. How long had the Thunder Horse production unit been in  
17:38 13 development?

17:38 14 A. We had sanctioned the project probably, I think, in about  
17:38 15 the year 2002. We had invested billions of dollars of capital  
17:38 16 investment to put in place all of the infrastructure to drill  
17:38 17 the wells, to build the facility, to be able to produce this  
17:38 18 facility. So this was the product of many, many years,  
17:38 19 probably seven years of work and seven years of very, very  
17:38 20 large investments. And this essentially is the business that  
17:38 21 we are in.

17:38 22 Q. So after investing billions of dollars over a five-year  
17:38 23 period or seven-year period, I think you said, in this  
17:38 24 production platform in the Gulf of Mexico, production increased  
17:38 25 from 26.2 thousand barrels per day to 146,000 barrels per day

## NEIL SHAW - DIRECT

17:38 1 in 2009?

17:38 2 A. That's correct.

17:39 3 Q. Does that account for 120,000 barrels of the  
17:39 4 155,000 barrels that Dr. Bea identified as the increase?

17:39 5 A. Yes, it does.

17:39 6 Q. Does that have anything to do -- that increase, does that  
17:39 7 have anything to do with production increases or pressures to  
17:39 8 increase production or any of that anywhere in the Gulf of  
17:39 9 Mexico?

17:39 10 A. No. It's basic sort of physics. We brought in production  
17:39 11 the biggest oil field in the Gulf of Mexico after having spent  
17:39 12 billions of dollars over the prior five or six years. It's the  
17:39 13 business we are in. We bring on new production with new wells  
17:39 14 from new fields.

17:39 15 Q. Tell the Court what some of the other explanations are for  
17:39 16 why there was an increase in production from 2008 to 2009.

17:39 17 A. Well, it's the same issue really with Atlantis. Again,  
17:39 18 another very large field, came onstream in the late part of  
17:39 19 2007, ramped its production up through 2008 and 2009. And on  
17:39 20 Marlin, again, two of the fields, Dorado and King South with  
17:40 21 subsea tiebacks to the Marlin production facility. So the vast  
17:40 22 majority of all of that increase was from new fields coming  
17:40 23 onstream for the first time.

17:40 24 Q. So was Marlin and Atlantis and Thunder Horse, were those  
17:40 25 production increases the result of the investment that BP had



NEIL SHAW - DIRECT

17:40 1 put into those various projects and now was realizing the  
17:40 2 production from those facilities?

17:40 3 A. That's precisely correct.

17:40 4 Q. And was that the nature of the business that you were  
17:40 5 operating?

17:40 6 A. That's right.

17:40 7 Q. Did any of that have anything to do, that production  
17:40 8 increase have anything to do with the *Deepwater Horizon* or the  
17:40 9 operations at the Macondo well?

17:40 10 A. Not at all.

17:40 11 Q. The last one is a reference to Horn Mountain royalty that  
17:40 12 resulted in approximately a 10,000-barrel per day increase.  
17:40 13 Can you tell the Court what that is?

17:40 14 A. Yeah. That was as a result of -- it was actually an  
17:41 15 industrywide legal resolution that led to those barrels being  
17:41 16 allocated to ourselves. It also affected some other operators  
17:41 17 as well in the Gulf of Mexico.

17:41 18 Q. And then there's a line in there that says offset from  
17:41 19 production from other wells, negative 3,000 barrels per day.  
17:41 20 Can you explain to the Court what that is?

17:41 21 A. Yeah, that's just a bit of a balancing number. But,  
17:41 22 ultimately, there's an underlying decline from the existing  
17:41 23 wells. Over time, they do produce less oil and gas.

17:41 24 MS. KARIS: To summarize up this point and move on,  
17:41 25 if we can look at D-4865.2. And if you can continue to build

NEIL SHAW - DIRECT

17:41 1 that out, please.

17:41 2 **BY MS. KARIS:**

17:41 3 **Q.** Does this slide accurately represent why the production in  
17:41 4 the Gulf of Mexico increased from 2008 to 2009 by  
17:42 5 155,000 barrels?

17:42 6 **A.** That's correct.

17:42 7 **Q.** Did any of this increase in production have anything to do  
17:42 8 with this "every dollar matters" or "every dollar counts"?

17:42 9 **A.** Not at all.

17:42 10 **Q.** Let's talk about costs related to the increase in  
17:42 11 production has been an assertion by Dr. Bea and others, that  
17:42 12 safety was sacrificed because the costs went down. Let's talk  
17:42 13 about result, what resulted in those cost decreases.

17:42 14 First of all, are you familiar with something called  
17:42 15 a "PerformanzFest"?

17:42 16 **A.** Yes, I am.

17:42 17 **MS. KARIS:** 5689.N.1.1, please.

17:42 18 **BY MS. KARIS:**

17:42 19 **Q.** What is a PerformanzFest?

17:42 20 **A.** A PerformanzFest is a quarterly meeting where I would  
17:42 21 review the performance of the SPU with my boss, who at the time  
17:42 22 was Andy Inglis, the CEO of the upstream.

17:42 23 **Q.** So once a quarter, you would review your unit's  
17:42 24 performance with your management?

17:43 25 **A.** That's right. And as I said before, because it was

## NEIL SHAW - DIRECT

1 PerformanzFest, but it was performance, we would review safety,  
2 production, and costs.

3 Q. So in each of these quarterly PerformanzFests, were you  
4 reporting on your safety performance as well as your production  
5 and cost performance?

6 A. That's correct. And any other major issues, strategy  
7 issues. Sometimes we would have a strategy review, we would  
8 talk about it.

9 MS. KARIS: Let's look at 5689.N.8.1, please.

10 BY MS. KARIS:

11 Q. Is this one of the slides with respect to this "every  
12 dollar counts" cash cost issue that we have been identifying  
13 that was included in the PerformanzFest?

14 A. That's correct.

15 Q. This slide reflects a change from 2008 to 2009 of cash  
16 costs going from 925,000 down to 723,000, or a  
17 202 million-dollar change over that one-year period. And to be  
18 clear, this is through the end of September of 2009, correct?

19 A. That's right. And they are units of millions, yes.

20 Q. I'm sorry. I said thousand, millions. Fair point.

21 So there's a 202,000 -- strike that -- 202 million  
22 cash cost decrease from 2008 over to 2009?

23 A. That's correct.

24 Q. Now, let's talk about what resulted in this decrease in  
25 cash costs in the Gulf of Mexico's business from 2008 to 2009.

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17:44 1 Does this slide lay out what those cash costs -- or why there  
17:44 2 is that difference, if you will, from 2008 to 2009?

17:44 3 A. It does.

17:44 4 Q. First, let's take the single largest item that is  
17:44 5 attributable to that 202 million-dollar decrease. There is a  
17:44 6 line that says "Repair Costs." Do you see that?

17:44 7 A. I do.

17:44 8 Q. Can you tell the Court what that 154 million-dollar  
17:45 9 expenditure in 2008 was that was not incurred in 2009?

17:45 10 A. In 2008, we had a number of one-off nonrecurring expense  
17:45 11 items on Thunder Horse and Atlantis associated with some  
17:45 12 repairs. So they were in 2008. They weren't in 2009. So in  
17:45 13 this comparison here, clearly that represented a big part of  
17:45 14 the difference. As you say, 154 of the 202, I believe.

17:45 15 Q. So were these repair costs associated with Thunder Horse  
17:45 16 and the Atlantis platforms?

17:45 17 A. That's correct.

17:45 18 Q. Did they have anything to do with operations at Macondo or  
17:45 19 any of your other wells?

17:45 20 A. Nothing at all.

17:45 21 Q. Then there is a 38 million-dollar decrease attributable to  
17:45 22 "Segment." Can you tell the Court what that \$38 million is the  
17:46 23 result of, the decrease is a result of?

17:46 24 A. Yes. This was a reduced allocation of corporate overhead  
17:46 25 from the broader BP to the Gulf of Mexico. So it was just a

## NEIL SHAW - DIRECT

17:46 1 smaller overhead charge to us. Again, year on year,  
17:46 2 \$38 million difference.

17:46 3 Q. So that would be an overhead charge difference?

17:46 4 A. That's right.

17:46 5 Q. And then there's a column there or a box titled,  
17:46 6 "Self-Help" for \$81 million. Do you see that?

17:46 7 A. Yes.

17:46 8 Q. Can you describe for us generally what that box is  
17:46 9 intended to communicate?

17:46 10 A. Well, I think that box probably summarizes what "every  
17:46 11 dollar counts" was actually really about. And I think there's  
17:46 12 probably two items as you can see in there which was the lion's  
17:46 13 share of that.

17:46 14 Q. When you say it summarizes what "every dollar counts" is  
17:46 15 about, one item is "PSCM/Deflation" for \$38 million?

17:46 16 A. Yes.

17:47 17 Q. What is the 38 million-dollar increase -- first of all,  
17:47 18 what is PSCM?

17:47 19 A. The PSCM is shorthand for procurement and supply chain  
17:47 20 management. It's essentially the vast majority of our costs is  
17:47 21 really through the supply chain, through the goods and services  
17:47 22 we get from suppliers and contractors.

17:47 23 Q. How did you achieve a 38 million-dollar decrease or less  
17:47 24 expenditure in 2009 with respect to procurement and supply  
17:47 25 chain management?

## NEIL SHAW - DIRECT

17:47 1 A. Well, through this period of time, we had a big focus on  
17:47 2 trying to get as much economies of scale from the business.  
17:47 3 It's a very large business and we were working with  
17:47 4 2 1/2 thousand suppliers. So we decided to reduce the number  
17:47 5 of suppliers quite significantly, reduced it to 1,500 from  
17:47 6 2 1/2 thousand, and that allowed us to negotiate with our  
17:47 7 suppliers better discounts. It was actually a win-win  
17:47 8 situation.

17:47 9 For the suppliers, the 1,500 suppliers, they got more  
17:47 10 business. From our perspective, we actually benefited in terms  
17:48 11 of better discounts on the business. And that really was the  
17:48 12 major component of that \$38 million.

17:48 13 Q. And so by decreasing the number of suppliers, you were  
17:48 14 able to negotiate better contracts?

17:48 15 A. Yeah, because we were giving those individual suppliers  
17:48 16 more business and they could afford to give us bigger  
17:48 17 discounts.

17:48 18 Q. And then there's a 26 million-dollar savings under  
17:48 19 "Partner Recovery/IPT." Can you tell the Court what that  
17:48 20 \$26 million is attributable to.

17:48 21 A. Yes. So in many of the operations where we are the  
17:48 22 operator, we are not the 100 percent owner. And we -- through  
17:48 23 the joint venture agreements, we can charge out part of our  
17:48 24 costs to our partners. And what we have found as we really  
17:48 25 closely interrogated that, we found we were not charging out

NEIL SHAW - DIRECT

17:48 1 all the costs that were legitimate as part of those joint  
17:48 2 venture agreements. So being really diligent and really  
17:49 3 ensuring we were charging out the costs as per the joint  
17:49 4 venture agreements, we actually reduced the amount of BP's  
17:49 5 share of the costs by ensuring we had our costs properly funded  
17:49 6 by our partners. And that accounted for \$26 million  
17:49 7 year-on-year between 2008 and 2009.

17:49 8 Q. So you found that you guys were not -- that is, the Gulf  
17:49 9 of Mexico business was not charging its partners their fair  
17:49 10 share, if you will?

17:49 11 A. That's correct.

17:49 12 Q. There are a couple other items there. We don't need to go  
17:49 13 through all them. But does that explain, if you will, where  
17:49 14 the savings came from on this "every dollar counts" slide?

17:49 15 A. Yeah. And I sort of summarized, I said it was about  
17:49 16 spending our money wisely. It was about managing the business  
17:49 17 efficiently. And all of it, we were very clear that  
17:49 18 precondition was this had no impact on safety.

17:49 19 Q. And you say that precondition was no impact on safety.  
17:49 20 Let's see what the slide shows that you provided to your  
17:49 21 management.

17:50 22 MS. KARIS: 5689.N.8.13, please.

17:50 23 BY MS. KARIS:

17:50 24 Q. And, again, this is the table just beneath -- or I should  
17:50 25 say what's -- it's the table that we have been looking at.

## NEIL SHAW - DIRECT

17:50 1 There's a reference there: "These reductions in unit costs are  
17:50 2 from strong production growth, disciplined cost control, and  
17:50 3 applying our scope and scale. Our three focus areas are  
17:50 4 around: First, activity management; second, improving  
17:50 5 execution efficiency; and, third, reducing supply unit costs."

17:50 6 Are those cost savings you have been identifying for  
17:50 7 us?

17:50 8 A. That's right. That was the summary of "every dollar  
17:50 9 counts."

17:50 10 Q. Tell the Court what you closed this slide by stating.

17:50 11 A. The words say: "All of this, of course, takes place  
17:50 12 within the boundary condition that safe and reliable operations  
17:50 13 always comes first."

17:50 14 Q. What were you communicating to your leadership regarding  
17:51 15 this boundary -- what you call a boundary condition? What do  
17:51 16 you mean by "boundary condition"?

17:51 17 A. Yeah. It was a very simple message that, yes, we wanted  
17:51 18 to be efficient, but the bottom line is we would never  
17:51 19 compromise safety.

17:51 20 Q. So your "every dollar counts," a motto, if you will, or a  
17:51 21 phrase that you were involved in implementing, did you at any  
17:51 22 time intend that to mean that safety should be sacrificed in  
17:51 23 order to achieve greater profitability?

17:51 24 A. That was never the intent.

17:51 25 Q. Did you communicate to your leadership team that whatever



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17:51 1 the "every dollar counts" is about, it was always within this  
17:51 2 boundary condition, safe and reliable operations always come  
17:51 3 first?

17:51 4 A. That was very visible in all of our communications.

17:51 5 Q. You say it was visible in your communications. Was it  
17:52 6 also visible in how you conducted your operations, you  
17:52 7 personally?

17:52 8 A. Exactly, yes. It was in our performance contracts. It  
17:52 9 was where we communicated. It was where we made decisions  
17:52 10 around the business.

17:52 11 Q. Is it also reflected in how you assessed the performance  
17:52 12 of those that worked for you and then, obviously, everybody  
17:52 13 else down the line?

17:52 14 A. That's correct.

17:52 15 Q. Was safety always the number one consideration for  
17:52 16 performance assessments?

17:52 17 A. It was Part A on my performance contract, on all of my  
17:52 18 direct reports' performance contracts, and that cascaded right  
17:52 19 through the organization.

17:52 20 Q. We will look at your performance contracts and those few  
17:52 21 others momentarily.

17:52 22 But another assertion in addition to this "every  
17:52 23 dollar counts" issue that's been previously raised is a  
17:52 24 statement made by the plaintiffs to this Court that, I quote,  
17:52 25 One of Shaw's first decisions was to eliminate the safety and

## NEIL SHAW - DIRECT

17:53 1 technical directors, 290 BP personnel and 93 contractors."

17:53 2 And that's from trial transcript 65, lines 9 to 11.

17:53 3 Is that an accurate statement?

17:53 4 A. It's a statement that was made, correct.

17:53 5 Q. Can you explain to the Court, did you, in fact, eliminate  
17:53 6 the technical -- safety and technical directorate?

17:53 7 A. As I explained in detail at my deposition, what we did as  
17:53 8 part of the reorganization, we invented those teams in other  
17:53 9 parts of the organization. Their roles didn't change; there  
17:53 10 were no staff eliminations.

17:53 11 Our objective was not about costs; our objective was  
17:53 12 about improving the effectiveness of those organizations to  
17:53 13 support delivery of our line operations.

17:53 14 Q. So while you have used the word "eliminate the safety and  
17:53 15 technical directorate," did you, in fact, eliminate the safety  
17:54 16 and technical directorate in that group?

17:54 17 A. We did not -- that organization disappears. In that  
17:54 18 respect, yes, factually, we did eliminate it; but as I say,  
17:54 19 there was no change at all in terms of the roles. We just  
17:54 20 relocated them; we embedded them in the other parts of the  
17:54 21 performance units.

17:54 22 Q. Is that something you have previously explained when you  
17:54 23 have been asked about that elimination, including in your  
17:54 24 deposition?

17:54 25 A. In detail.

## NEIL SHAW - DIRECT

17:54 1 Q. Let's look at that organization.

17:54 2 MS. KARIS: D-4775.1, please. We can call it out  
17:54 3 just a little further.

17:54 4 BY MS. KARIS:

17:54 5 Q. I recognize this is hard to read. But on the far  
17:54 6 right-hand column there, there's the VP --

17:54 7 MS. KARIS: There you go. Thank you.

17:54 8 BY MS. KARIS:

17:54 9 Q. The VP of safety and technical directorate, Mr. Richard  
17:54 10 Morrison. Do you see that?

17:54 11 A. Yes.

17:54 12 Q. Has Mr. Morrison been eliminated from BP?

17:54 13 A. No.

17:55 14 Q. Is he still at BP?

17:55 15 A. He is actually our regional president for the Gulf of  
17:55 16 Mexico.

17:55 17 Q. Thank you.

17:55 18 Now, there's a number of other individuals there that  
17:55 19 are listed under his organization. And you talked about  
17:55 20 eliminating, if you will, that group and then embedding them  
17:55 21 within the business.

17:55 22 Is there something called a "function" versus a  
17:55 23 "line" at BP?

17:55 24 A. Yes. What you have highlighted on the right is what we  
17:55 25 call the "functional teams." They were essentially the teams

## NEIL SHAW - DIRECT

17:55 1 that were working across the organization and supporting the  
17:55 2 line organizations that have responsibility to deliver  
17:55 3 activity, be it drill wells, build projects, or produce oil and  
17:55 4 gas.

17:55 5 Q. So they were a separate function?

17:55 6 A. They are a support organization, like a shared service  
17:55 7 organization.

17:55 8 Q. What does BP refer to as the "line"?

17:55 9 A. The line is the organization that's accountable for the  
17:55 10 execution of activity, as I say, for drilling the wells, for  
17:56 11 building projects, for producing oil and gas.

17:56 12 Q. You reference that these individuals who were previously  
17:56 13 in a function to the extent they were, quote/unquote,  
17:56 14 eliminated, they were then put in the line function; is that  
17:56 15 correct?

17:56 16 A. That is correct.

17:56 17 MS. KARIS: If we can look at D-477.1, and if you can  
17:56 18 build this slide, please.

17:56 19 BY MS. KARIS:

17:56 20 Q. Does this slide show how these individuals who were  
17:56 21 previously in the function were now placed in the line?

17:56 22 A. That's correct, they were embedded in the line. Their  
17:56 23 roles were unchanged; they still had a role to support all of  
17:56 24 the line activity. But we believed, as a leadership team, that  
17:56 25 they would be more effective working embedded in those units.

## NEIL SHAW - DIRECT

17:56 1 Q. So did you ever set out to eliminate safety personnel or  
17:57 2 safety technical directorates?

17:57 3 A. No.

17:57 4 MS. KARIS: Your Honor, I'm about to switch to a  
17:57 5 different subject. I'm happy to follow whatever pleases the  
17:57 6 Court.

17:57 7 THE COURT: How much more do you have to go?

17:57 8 MS. KARIS: Probably a half hour or so, maybe less.

17:57 9 THE COURT: Let's recess for the evening. We will  
17:57 10 recess until 8:00 in the morning.

17:57 11 THE DEPUTY CLERK: All rise.

17:58 12 THE COURT: I get to use my gavel, the first time in  
17:58 13 14 years.

17:58 14 MR. BRIAN: Your Honor, Brad Brian for Transocean.

17:58 15 Before we break, I just wanted to report on  
17:58 16 Transocean's position with respect to Mr. Brock's proposal this  
17:58 17 morning with respect to the expert, Mr. Azar.

17:58 18 We agree with that approach and we are willing  
17:58 19 to -- we have proposed some additional redactions. I don't  
17:58 20 know where everybody else is, but it does seem to us an  
17:58 21 appropriate way to handle some things that are becoming  
17:58 22 cumulative.

17:58 23 THE COURT: Maybe everyone else can talk to Mr. Brock  
17:58 24 this evening some time, and we can resolve that in the morning.

17:58 25 MR. BROCK: Yes, Your Honor. I have conferred and

17:58 1 have suggestions from Halliburton and have also talked at least  
17:58 2 to the PSC and the United States. We don't have it worked out  
17:58 3 yet, but we are working on it.

17:58 4 **THE COURT:** Great. Have a good evening.

17:59 5 (Proceedings adjourned.)

17:59 6 \* \* \*

7 **CERTIFICATE**

8 I, Toni Doyle Tusa, CCR, FCRR, Official Court  
9 Reporter for the United States District Court, Eastern District  
10 of Louisiana, do hereby certify that the foregoing is a true  
11 and correct transcript, to the best of my ability and  
12 understanding, from the record of the proceedings in the  
13 above-entitled matter.

14  
15  
16 *s/ Toni Doyle Tusa*  
17 Toni Doyle Tusa, CCR, FCRR  
18 Official Court Reporter  
19  
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<b>3</b>		4901.1 [2] 8024/4 8024/23 4902.1 [1] 8042/23 4903.1 [1] 8061/9 4904.1 [1] 8065/21 4:00 [1] 8065/2	866 [2] 8050/6 8050/7 866.1 [1] 8058/14 866.38.1 [1] 8058/20 866N.4.1 [1] 8050/15 866N.4.2 [1] 8051/3 866N.5.1 [1] 8051/18 8:00 in [1] 8094/10 8:00 p.m [2] 7928/23 7933/13 8:00 was [1] 7937/21 8:52 [13] 7922/11 7922/25 7923/10 7934/2 7934/8 7935/7 7938/1 7939/14 7983/18 7986/8 7987/8 7994/24 7994/25 8:52 p.m [4] 7926/21 7936/24 7997/13 8000/24		
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<b>4</b>	4 barrels [2] 7932/5 7932/7 4/14 [1] 7950/17 40 [2] 7961/24 8039/5 40003 [2] 7905/8 7905/10 402 [1] 7899/10 406 [1] 7903/10 41 [1] 7963/13 4171.N.1 [1] 8069/16 42 [1] 7965/17 4310 [1] 7900/3 435 [1] 7899/16 439 [1] 8078/24 4447.6 [1] 7939/7 4447.6.1 [1] 8004/3 4447.6.1.TO [2] 8002/4 8002/6 447.6.1.TO [2] 8003/24 8006/14 450 [1] 7900/10 450 barrels [2] 7926/8 7931/10 4536 [1] 7898/9 477.1 [1] 8093/17 4775.1 [1] 8092/2 48 [1] 8048/19 48143.1.3 [1] 8042/15 48143.3.3 [1] 8044/5 48159.1.1 [1] 8064/10 48159.2 [1] 8065/16 48159.5.4 [1] 8067/5 48257.1.2 [2] 8060/12 8061/1 4865.2 [2] 8078/17 8082/25 4869.1 [1] 8079/10 49 [1] 8042/22	<b>6</b>	60 [4] 7946/6 7946/6 7952/15 8015/12 600 [3] 7899/10 7899/13 7902/17 601 [1] 7899/6 60654 [1] 7901/24 618 [1] 7899/22 65 [1] 8091/2	<b>A</b>	abandon [2] 7956/15 7985/14 abandoning [1] 7957/3 abandonment [1] 7963/15 Abbassian [1] 7942/11 abbreviation [2] 7924/6 7924/7 ability [2] 8001/19 8095/11 able [8] 7917/25 7919/8 7980/8 7983/7 8022/20 8025/21 8080/17 8087/14 about [206] above [7] 7931/12 7963/24 7964/1 7964/23 7964/24 7966/1 8095/13 above-entitled [1] 8095/13 Abramson [1] 7899/5 absolutely [15] 7930/1 8005/3 8023/1 8025/20 8026/8 8028/14 8028/25 8029/25 8037/3 8041/18 8042/11 8045/5 8045/11 8069/7 8077/18 accident [8] 7910/16 7934/15 7944/22 7975/5 7988/1 8011/3 8021/4 8073/23 accomplish [1] 7909/23 accomplishment [2] 8016/17 8051/14 according [8] 7949/5 7952/2 7961/20 7961/22 7964/18 7968/11 7987/9 7997/18 account [1] 8081/3 accountability [1] 8015/1 accountable [7] 7912/10 7972/20 7972/20 7972/24 7972/25 7973/13 8093/9 accounted [1] 8088/6 accurate [11] 7918/14 7942/4 7961/6 8005/2 8047/16 8047/18 8079/2 8079/5 8079/6 8079/22 8091/3 accurately [1] 8083/3 ACG [1] 8018/17 achieve [5] 8016/17 8023/25 8051/11 8086/23 8089/23 achievement [1] 8044/2
		<b>7</b>			
		7-5395 [1] 7900/10 701 [2] 7901/16 7901/19 70113 [1] 7898/24 70130 [5] 7899/7 7899/13 7900/7 7901/17 7903/11 70139 [1] 7901/20 70163 [1] 7902/7 70360 [1] 7899/16 70458 [1] 7899/19 70501 [1] 7902/18 70502 [1] 7898/21 70801 [1] 7899/23 70804 [1] 7901/13 723,000 [1] 8084/16 7313.1.1.TO [1] 8008/19 7313.6.1.TO [2] 8009/5 8009/6 7401 [2] 7905/8 7905/12 750-people [1] 8018/6 75270 [1] 7903/5 7611 [1] 7900/16 77002 [1] 7902/10 77006 [1] 7900/4 77010 [1] 7903/8 77098 [1] 7902/21 7778 [1] 7903/11			
		<b>8</b>			
		800 psi [1] 7926/11 8013 [1] 7904/9 8014 [1] 7904/12 820 [1] 7898/23 83 [2] 7905/12 7905/15 8367 [5] 7964/7 7964/16 7965/9 7965/19 7965/23 8367 feet [1] 7931/3			



<p>A</p> <p>achieving [1] 8051/14</p> <p>acknowledged [1] 7973/6</p> <p>acquisition [1] 7909/7</p> <p>across [10] 8015/15 8019/11 8019/13 8038/24 8039/11 8040/9 8043/23 8046/5 8046/12 8093/1</p> <p>action [18] 7956/3 7987/7 8032/3 8032/10 8034/17 8034/21 8035/4 8038/5 8040/2 8041/6 8041/7 8057/3 8057/6 8062/14 8062/18 8063/14 8074/14 8074/16</p> <p>actions [11] 8011/13 8033/22 8034/25 8037/13 8039/15 8048/7 8056/12 8058/19 8061/19 8062/5 8063/19</p> <p>activate [2] 7980/14 7982/24</p> <p>activated [1] 7980/13</p> <p>active [3] 7910/5 8040/5 8076/16</p> <p>actively [2] 8037/24 8052/21</p> <p>activities [1] 8068/20</p> <p>activity [16] 7912/10 7912/12 7926/16 7941/2 8015/5 8023/6 8024/19 8027/9 8053/10 8076/22 8076/23 8077/3 8089/4 8093/3 8093/10 8093/24</p> <p>actual [2] 7914/12 7939/21</p> <p>actually [23] 7907/18 7908/13 7918/5 7958/13 7968/19 7989/5 7992/1 7992/13 7992/18 7992/23 7994/22 7995/15 8002/5 8002/19 8040/19 8055/9 8070/9 8082/14 8086/11 8087/7 8087/10 8088/4 8092/15</p> <p>addition [7] 7935/23 7990/14 8049/9 8063/21 8071/5 8071/20 8090/22</p> <p>additional [4] 7981/24 8070/10 8070/14 8094/19</p> <p>additionally [1] 7905/13</p> <p>address [5] 8021/15 8023/19 8061/25 8062/6 8063/17</p> <p>addressed [4] 8043/7 8043/9 8043/10 8079/15</p> <p>addresses [1] 8073/13</p> <p>addressing [1] 8025/9</p> <p>adequate [3] 7958/24 7961/10 8045/9</p> <p>adjourned [1] 8095/5</p> <p>admission [2] 7948/7 7948/9</p> <p>adopted [1] 7955/22</p> <p>advantage [1] 7919/9</p> <p>AEP [1] 8073/9</p> <p>affected [1] 8082/16</p> <p>affirmatively [1] 7922/7</p> <p>afford [1] 8087/16</p> <p>after [54] 7905/14 7908/2 7908/12 7909/6 7909/17 7910/2 7910/15 7911/25 7926/16 7926/24 7927/7 7928/7 7928/9 7929/4 7929/10 7929/12 7930/20 7931/3 7932/16 7933/16 7933/17 7934/14 7934/18 7938/5 7945/10 7956/11 7957/7 7957/9 7959/11 7964/14 7974/2 7986/10 7987/7 7991/25 8006/21 8006/25 8012/23 8016/22 8017/13 8017/17 8018/2 8019/15 8020/1 8020/3 8021/16 8040/3 8043/1 8043/5 8045/2 8053/22 8057/24 8064/17 8080/22 8081/11</p> <p>afternoon [10] 7898/14 7905/1 7905/4 7906/11 7940/22 7988/20 7997/8 8013/22 8014/3 8072/6</p> <p>again [49] 7908/5 7911/16 7912/7 7914/15 7921/20 7925/10 7926/2 7927/13 7927/21 7927/24 7930/10 7930/18 7931/19 7935/6 7936/18 7937/18 7939/10 7947/4 7952/13 7958/8 7962/6 7963/14 7967/22 7968/15</p>	<p>7973/22 7974/19 7983/14 7986/12 7988/10 7988/10 8003/24 8007/23 8031/5 8037/24 8038/4 8040/2 8044/7 8055/22 8059/23 8069/19 8070/6 8071/14 8074/11 8076/8 8079/15 8081/17 8081/20 8086/1 8088/24</p> <p>against [5] 7921/5 7922/6 7948/7 7948/9 7948/10</p> <p>age [1] 7907/2</p> <p>agenda [7] 8026/18 8030/20 8037/12 8043/14 8064/20 8065/8 8076/11</p> <p>agendas [1] 8029/2</p> <p>ago [2] 7939/10 8008/4</p> <p>agree [11] 7954/19 7961/6 7976/11 7977/1 7983/19 7984/8 8028/11 8041/14 8056/15 8074/18 8094/18</p> <p>agreed [3] 7968/22 7968/25 7969/3</p> <p>agreements [5] 8017/20 8017/21 8087/23 8088/2 8088/4</p> <p>Ah [1] 8005/21</p> <p>Ah-ha [1] 8005/21</p> <p>ahead [3] 7931/11 8013/6 8032/19</p> <p>aided [1] 7903/16</p> <p>airport [1] 7930/6</p> <p>al [3] 7898/8 7898/11 7965/18</p> <p>Alabama [5] 7899/4 7901/7 7901/8 7901/10 7996/10</p> <p>Alaska [10] 7908/12 7908/13 7908/18 7908/20 7908/25 7910/7 7910/8 7910/11 7910/19 7912/2</p> <p>Algeria [3] 7908/21 7908/22 7909/1</p> <p>aligned [1] 8076/25</p> <p>all [122] 7905/5 7905/25 7912/10 7916/3 7917/23 7919/11 7920/8 7921/17 7932/17 7933/7 7943/3 7944/23 7945/12 7945/24 7946/15 7946/20 7947/7 7948/14 7950/20 7951/2 7955/22 7956/16 7958/20 7959/3 7960/8 7960/16 7960/17 7961/3 7961/15 7963/10 7965/17 7965/18 7966/2 7966/10 7967/25 7969/21 7969/22 7977/25 7982/15 7983/1 7983/9 7983/15 7988/10 7988/12 7990/10 7991/22 7993/17 7994/16 7995/14 7996/8 7997/3 8009/14 8010/2 8012/24 8017/22 8018/12 8023/6 8023/7 8024/19 8027/12 8028/11 8028/22 8029/3 8029/13 8029/13 8029/16 8030/5 8031/3 8031/16 8033/14 8035/8 8035/11 8036/25 8038/2 8038/21 8039/4 8040/2 8041/20 8042/1 8042/10 8042/10 8042/17 8043/25 8046/8 8046/12 8049/14 8051/10 8056/3 8056/14 8057/1 8057/12 8057/13 8058/21 8059/15 8060/3 8060/25 8063/15 8066/5 8072/7 8075/25 8077/2 8078/8 8078/10 8079/13 8079/15 8079/24 8080/16 8081/22 8082/10 8083/9 8083/14 8085/20 8086/17 8088/1 8088/13 8088/17 8089/11 8090/4 8090/17 8091/19 8093/23 8094/11</p> <p>ALLAN [1] 7901/15</p> <p>Allen [1] 7969/12</p> <p>allocated [1] 8082/16</p> <p>allocation [1] 8085/24</p> <p>allow [4] 7920/10 7921/21 7923/1 7963/18</p> <p>allowed [4] 7919/1 7919/20 7952/5 8087/6</p> <p>allows [1] 7951/23</p> <p>almost [4] 7908/22 7943/5 8052/6 8054/16</p> <p>alone [1] 8043/23</p> <p>along [9] 7920/8 7947/10 7975/12</p>	<p>7988/14 7992/13 7998/4 8063/15 8066/14 8073/20</p> <p>already [11] 7911/5 7922/23 7938/21 7946/11 7968/18 7974/24 7983/11 7995/9 8046/22 8048/16 8070/11</p> <p>also [43] 7907/22 7908/10 7908/17 7911/20 7927/19 7928/11 7933/4 7937/2 7941/12 7951/4 7970/11 7979/4 7998/1 8013/8 8016/5 8019/12 8019/13 8025/22 8031/23 8035/11 8035/17 8036/19 8037/14 8037/22 8040/18 8043/13 8049/23 8051/1 8051/13 8052/10 8052/20 8057/17 8064/7 8066/5 8069/9 8069/10 8072/22 8074/3 8078/9 8082/16 8090/6 8090/11 8095/1</p> <p>altered [1] 7951/18</p> <p>always [7] 8030/21 8036/25 8065/8 8089/13 8090/1 8090/2 8090/15</p> <p>am [11] 7920/14 7922/9 7972/20 8014/5 8016/21 8060/11 8064/19 8073/5 8075/7 8079/9 8083/16</p> <p>Amendment [1] 7918/25</p> <p>AMERICA [8] 7898/10 7900/9 7900/13 7900/19 7901/3 7901/19 7901/22 7902/3</p> <p>American [1] 8046/6</p> <p>Amoco [1] 7909/1</p> <p>among [6] 7943/25 7944/16 7957/4 7957/12 8012/13 8046/9</p> <p>amount [1] 8088/4</p> <p>analysis [4] 7942/10 7959/22 7980/12 8061/6</p> <p>Anderson [6] 7927/17 7946/7 7946/8 7946/24 7946/25 7995/6</p> <p>ANDREW [1] 7901/22</p> <p>Andy [5] 8021/5 8024/10 8024/12 8025/3 8083/22</p> <p>Andy Inglis [1] 8024/10</p> <p>Andy Inglis' [1] 8021/5</p> <p>Andy/Mark [1] 8025/3</p> <p>Angeles [1] 7902/14</p> <p>annual [7] 8071/11 8073/3 8073/8 8073/18 8073/20 8074/1 8074/6</p> <p>annually [2] 8069/15 8071/14</p> <p>annular [5] 7924/15 7931/8 7932/18 7932/20 7956/13</p> <p>anomalies [1] 7940/8</p> <p>another [8] 7955/25 7962/25 7967/20 7994/15 8001/3 8019/2 8081/18 8090/22</p> <p>answer [8] 7954/9 7968/17 7975/4 7982/1 7986/2 7989/4 7996/22 8029/11</p> <p>answered [4] 7988/3 7995/8 7995/17 7995/20</p> <p>answers [1] 7919/25</p> <p>ANTHONY [1] 7900/6</p> <p>anxiety [1] 7933/7</p> <p>any [91] 7907/16 7913/13 7916/6 7919/1 7919/3 7919/20 7919/25 7920/9 7924/20 7928/20 7930/22 7934/17 7937/19 7938/24 7938/24 7944/10 7944/15 7945/2 7952/12 7954/19 7955/3 7957/4 7957/12 7958/5 7965/3 7966/10 7970/1 7970/4 7971/7 7972/22 7974/8 7975/2 7975/6 7977/8 7977/10 7980/12 7980/17 7982/23 7985/20 7985/20 7985/23 7986/7 7986/10 7986/11 7986/12 7986/13 7986/25 7987/22 7988/1 7988/2 7989/3 7989/4 7989/14 7989/24 7992/10 7995/14 7995/14 7996/10 7996/21 8003/5 8009/11 8009/16 8015/23 8016/8 8020/21 8031/2 8035/12 8036/17 8036/17 8037/5 8037/6 8041/1 8044/16 8046/1 8047/8 8048/2 8049/2 8049/3 8053/15 8053/17 8055/14 8056/12</p>
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<p><b>A</b></p> <p>any... [9] 8075/20 8075/25 8076/2 8081/8 8082/7 8083/7 8084/6 8085/19 8089/21</p> <p>anybody [5] 7920/10 7941/3 7970/13 8005/17 8006/20</p> <p>anybody's [1] 7936/18</p> <p>anymore [2] 7941/5 7956/14</p> <p>anyone [8] 7913/24 7914/1 7941/6 7945/2 7955/2 7957/25 7970/3 7970/11</p> <p>anything [22] 7926/21 7927/16 7933/11 7939/20 7945/3 7948/6 7948/21 7958/7 7958/9 7987/4 7988/6 8003/8 8004/6 8004/6 8058/22 8064/2 8081/6 8081/7 8082/7 8082/8 8083/7 8085/18</p> <p>anyway [1] 7968/8</p> <p>anywhere [4] 7973/18 8004/10 8005/12 8081/8</p> <p>apart [1] 8078/6</p> <p>APD [4] 7931/24 7965/21 7966/3 7966/12</p> <p>APLC [1] 7901/18</p> <p>apologies [2] 7933/20 8070/5</p> <p>apologize [3] 7967/6 7976/10 8032/19</p> <p>apparent [1] 8059/18</p> <p>apparently [3] 7923/2 7949/18 7951/17</p> <p>appear [7] 7917/4 7918/15 7930/7 7933/21 7935/3 7935/7 7942/4</p> <p>Appearances [6] 7898/17 7899/1 7900/1 7901/1 7902/1 7903/1</p> <p>appeared [4] 7919/12 7919/14 7920/3 7998/4</p> <p>appears [6] 7942/7 7949/22 7950/6 7951/3 7960/1 7998/13</p> <p>Appendix [1] 7905/13</p> <p>Appendix W [1] 7905/13</p> <p>applied [7] 8009/8 8009/17 8053/23 8054/2 8054/7 8054/17 8067/3</p> <p>applies [4] 7898/6 8055/16 8056/3 8070/17</p> <p>apply [6] 7919/7 7937/1 8048/2 8055/15 8056/2 8070/15</p> <p>applying [1] 8089/3</p> <p>appreciate [1] 7990/22</p> <p>approach [5] 8055/15 8056/2 8056/16 8077/13 8094/18</p> <p>appropriate [4] 7921/9 8041/2 8068/12 8094/21</p> <p>appropriately [1] 8028/1</p> <p>approximately [10] 7978/20 8017/15 8017/24 8018/10 8018/13 8019/4 8021/21 8033/4 8042/25 8082/12</p> <p>APRIL [26] 7898/5 7898/7 7905/2 7910/13 7910/15 7910/18 7911/12 7911/18 7916/19 7916/25 7924/1 7927/3 7928/20 7929/4 7933/13 7934/20 7936/24 7937/24 7997/23 7998/12 8000/10 8000/24 8007/17 8011/3 8021/24 8043/23</p> <p>April 20 [6] 7910/13 7933/13 7934/20 7936/24 8000/24 8011/3</p> <p>April 2010 [1] 7916/25</p> <p>April 22 [1] 7924/1</p> <p>April 23 [1] 7910/18</p> <p>April 25 [1] 7911/18</p> <p>April 27 [6] 7927/3 7928/20 7929/4 7997/23 8000/10 8007/17</p> <p>ARCO [6] 7908/4 7908/6 7908/23 7908/25 7909/1 7909/7</p> <p>Arctic [1] 7909/20</p> <p>are [134] 7905/9 7908/25 7911/22 7913/1 7914/6 7914/12 7916/11 7919/12</p>	<p>7920/8 7920/9 7920/25 7923/3 7923/19 7925/22 7927/15 7928/10 7932/4 7932/12 7934/4 7934/6 7935/19 7940/25 7941/19 7945/2 7945/5 7947/8 7947/15 7948/18 7949/14 7952/14 7955/24 7956/12 7958/21 7959/23 7960/12 7961/6 7961/7 7962/3 7963/14 7966/16 7969/9 7969/9 7969/14 7971/12 7972/11 7973/15 7979/11 7980/9 7982/19 7983/13 7985/4 7987/12 7990/5 7991/6 7992/17 7992/19 7993/1 7993/13 7993/15 7993/19 7993/20 7994/8 7994/9 7994/21 7995/5 7999/1 7999/2 7999/7 7999/12 7999/14 8003/18 8010/14 8012/14 8015/14 8015/14 8016/20 8020/14 8023/5 8027/14 8027/25 8028/1 8028/3 8031/2 8032/23 8032/23 8033/6 8034/25 8039/15 8040/20 8041/21 8043/13 8043/14 8044/13 8049/1 8053/1 8053/5 8056/6 8057/9 8059/3 8059/8 8059/9 8059/10 8059/19 8060/1 8060/8 8061/17 8062/24 8064/16 8072/6 8072/18 8073/3 8073/12 8073/19 8075/5 8075/12 8079/2 8079/3 8079/7 8080/21 8081/13 8081/15 8083/14 8084/19 8087/21 8087/22 8088/12 8089/1 8089/3 8089/6 8092/19 8093/6 8094/18 8094/21 8095/3</p> <p>area [7] 7928/15 7941/9 7942/15 7983/13 7990/9 8032/21 8061/20</p> <p>areas [3] 7942/6 7989/14 8089/3</p> <p>argue [5] 7966/24 7967/3 7967/4 7967/5 7967/7</p> <p>arguing [1] 7923/19</p> <p>argument [2] 7967/14 7967/15</p> <p>armed [1] 7974/19</p> <p>around [35] 7908/7 7916/19 7918/4 7918/8 7927/24 7960/13 7972/10 8011/16 8011/22 8023/4 8023/15 8025/19 8026/14 8026/25 8027/1 8027/3 8029/4 8034/10 8035/1 8039/5 8040/13 8040/13 8057/5 8063/2 8069/8 8070/21 8070/25 8073/13 8075/17 8075/24 8076/22 8077/2 8077/5 8089/4 8090/10</p> <p>arrange [1] 7996/6</p> <p>Arrell [1] 7902/19</p> <p>arrived [9] 7910/21 7910/22 8030/3 8032/13 8033/18 8043/17 8045/16 8064/1 8064/17</p> <p>arriving [2] 8037/16 8040/3</p> <p>as [249]</p> <p>Asbill [1] 7902/8</p> <p>ask [23] 7907/14 7916/3 7916/6 7916/7 7919/1 7920/15 7922/17 7923/10 7923/18 7936/9 7943/22 7947/17 7967/23 7969/15 7986/13 7989/24 7991/15 7998/19 8004/25 8011/24 8019/22 8068/13 8070/6</p> <p>asked [28] 7906/19 7910/16 7911/1 7915/21 7920/2 7934/9 7939/14 7947/18 7957/19 7957/20 7957/22 7972/14 7972/19 7988/3 7989/3 7989/15 7995/8 7995/17 7995/20 7995/21 7995/23 8007/2 8007/5 8010/10 8010/24 8012/2 8034/7 8091/23</p> <p>asking [17] 7914/23 7916/9 7916/11 7923/9 7938/19 7945/20 7947/1 7948/17 7957/25 7985/25 7990/5 7993/13 7994/15 7994/16 8010/19 8010/20 8056/14</p> <p>aspect [2] 8015/9 8020/22</p> <p>aspects [4] 8027/12 8033/11 8070/22 8078/10</p>	<p>assembly [2] 7966/20 7966/23 asserted [1] 8069/1</p> <p>assertion [3] 8069/1 8083/11 8090/22</p> <p>assertions [3] 8047/8 8075/3 8075/5 assessed [1] 8090/11</p> <p>assessment [20] 8048/10 8048/14 8048/15 8048/18 8048/20 8049/3 8049/7 8049/9 8049/12 8049/14 8056/7 8056/10 8056/11 8056/16 8057/2 8058/20 8058/22 8058/24 8059/2 8061/12</p> <p>assessments [2] 8059/8 8090/16</p> <p>asset [2] 7898/8 8035/15</p> <p>assets [8] 8008/12 8015/5 8022/20 8033/13 8054/24 8058/25 8059/25 8064/25</p> <p>assigned [2] 7942/13 8021/22</p> <p>assignment [1] 7908/8</p> <p>assignments [2] 7908/10 7909/11</p> <p>assistant [1] 8021/5</p> <p>associated [5] 7973/1 8069/23 8074/19 8085/11 8085/15</p> <p>association [1] 8016/16</p> <p>assume [9] 7941/19 7942/15 7943/3 7950/17 7951/5 7960/10 7967/10 7972/6 7982/4</p> <p>assumed [1] 7937/17</p> <p>assuming [2] 7961/25 7965/13</p> <p>assure [1] 8072/14</p> <p>at [205]</p> <p>Atlantis [4] 8081/17 8081/24 8085/11 8085/16</p> <p>attach [1] 8034/17</p> <p>attached [5] 7905/14 8025/3 8033/20 8065/10 8072/5</p> <p>attaches [1] 8061/6</p> <p>attachments [1] 7975/15</p> <p>attaining [1] 7907/19</p> <p>attempt [2] 7919/15 7995/24</p> <p>attend [1] 8031/2</p> <p>attendance [1] 7950/20</p> <p>attended [4] 7998/24 7999/3 8003/3 8012/3</p> <p>attention [2] 7916/15 8008/24</p> <p>Attorney [2] 7901/7 7901/11</p> <p>attributable [3] 8085/5 8085/21 8087/20</p> <p>August [2] 8021/17 8021/25</p> <p>author [1] 7916/17</p> <p>authorities [1] 7974/1</p> <p>authority [2] 7973/24 7974/16</p> <p>available [1] 8009/14</p> <p>Avenue [5] 7898/23 7900/10 7901/9 7902/3 7902/14</p> <p>average [1] 8080/11</p> <p>avoid [3] 7949/24 7950/12 7989/4</p> <p>avoiding [1] 7950/8</p> <p>aware [14] 7944/22 7945/2 7945/4 7957/4 7976/4 7986/24 7987/7 7992/17 7992/19 7994/8 7994/9 7994/21 7995/5 8038/22</p> <p>awareness [6] 8059/4 8061/13 8061/18 8061/22 8061/24 8063/17</p> <p>away [5] 7922/16 7957/16 7974/16 7985/14 8037/17</p> <p>Azar [1] 8094/17</p> <p>Azerbaijan [2] 8018/15 8018/15</p>
		<p><b>B</b></p> <p>bachelor's [4] 7907/11 7907/19 8015/24 8016/12</p> <p>back [44] 7911/22 7918/3 7926/6 7926/9 7927/8 7927/9 7927/14 7927/25 7928/9 7928/11 7929/9 7929/11 7929/17 7931/8 7931/9 7932/7 7932/23 7946/3 7949/12</p>

<b>B</b>	Beaufort [1] 7908/17 Beaufort Sea [1] 7908/17 became [4] 7943/20 7971/5 8011/19 8025/10 because [39] 7919/7 7922/16 7923/10 7924/4 7939/18 7952/6 7954/17 7956/24 7960/4 7960/25 7961/14 7962/6 7962/16 7967/16 7968/2 7980/23 7981/15 7982/7 7982/10 7991/24 8005/23 8005/23 8043/21 8044/16 8048/23 8049/6 8054/10 8055/17 8056/24 8058/24 8058/25 8059/15 8070/11 8070/20 8074/22 8076/24 8083/12 8083/25 8087/15 become [6] 7918/19 8016/11 8020/5 8034/10 8051/8 8059/18 becoming [3] 8016/17 8051/21 8094/21 been [98] 7906/4 7912/24 7914/8 7914/10 7916/16 7916/23 7920/16 7921/2 7921/18 7922/10 7922/22 7927/20 7933/13 7933/14 7934/19 7937/20 7938/14 7938/15 7939/14 7939/24 7941/10 7941/12 7942/9 7942/18 7944/13 7944/14 7946/19 7946/23 7946/24 7947/1 7952/20 7954/24 7955/21 7955/22 7956/3 7956/16 7956/21 7961/2 7961/15 7962/24 7963/3 7963/4 7963/6 7966/11 7966/22 7971/16 7973/8 7973/11 7976/14 7977/2 7980/8 7989/3 7989/17 7997/10 7999/17 8000/25 8001/11 8006/18 8010/14 8012/22 8013/17 8015/9 8020/16 8023/24 8030/25 8031/6 8031/13 8033/3 8033/22 8038/7 8045/20 8047/8 8047/12 8047/13 8055/11 8055/13 8056/1 8058/17 8058/17 8060/24 8062/20 8063/13 8065/11 8066/22 8069/1 8072/19 8074/12 8075/3 8077/25 8078/4 8080/12 8083/11 8084/12 8088/25 8089/6 8090/23 8091/23 8092/12 before [32] 7898/15 7914/9 7916/16 7917/9 7919/3 7933/4 7939/8 7941/20 7953/17 7975/21 7975/24 7978/9 7978/25 7986/25 7993/18 8002/25 8003/5 8012/21 8014/17 8033/18 8034/20 8047/19 8048/5 8048/15 8051/16 8051/24 8053/6 8054/5 8056/10 8060/15 8083/25 8094/15 beforehand [1] 7985/13 begin [3] 8025/3 8033/20 8056/14 beginning [7] 7918/3 7918/12 7924/5 7946/14 7987/9 7987/12 8028/16 behalf [4] 7905/19 7988/21 8010/9 8010/11 behavioral [1] 8025/22 behaviors [1] 7977/15 behind [2] 7911/14 7962/6 being [26] 7911/1 7912/5 7939/18 7950/10 7950/13 7957/5 7957/13 7975/5 7975/8 7980/12 7981/16 7989/3 7991/20 7992/2 8019/15 8037/3 8043/19 8050/17 8050/20 8052/1 8054/15 8058/1 8072/7 8072/14 8082/15 8088/2 believe [19] 7921/13 7947/11 7956/24 7975/18 7976/1 7976/1 7978/13 7980/25 7981/2 7992/12 7994/25 7995/6 8005/14 8016/19 8032/8 8036/8 8055/2 8055/25 8085/14 believed [5] 7928/22 7933/12 8025/24 8062/17 8093/24 Believes [1] 7932/13 below [6] 7928/2 7958/13 7963/17	7963/19 7966/3 8051/2 below.' [1] 7932/20 Ben [1] 7901/5 bench [3] 7921/20 7994/12 7996/6 benchmarked [1] 8077/20 beneath [2] 7942/14 8088/24 benefit [2] 7919/4 7931/1 benefited [1] 8087/10 best [8] 7954/9 8001/18 8015/3 8044/10 8046/24 8047/21 8068/18 8095/11 better [5] 7980/14 7983/1 8087/7 8087/11 8087/14 between [10] 7940/8 7941/19 7945/21 7979/25 7982/16 8054/12 8054/13 8057/3 8057/16 8088/7 beyond [8] 7923/11 7923/15 7947/14 7963/6 7974/11 7993/20 8046/24 8047/21 bidding [1] 8022/15 big [13] 8026/15 8026/17 8026/22 8026/25 8027/9 8046/14 8057/15 8057/16 8070/23 8072/16 8077/15 8085/13 8087/1 bigger [1] 8087/16 biggest [6] 8018/16 8022/22 8046/25 8069/8 8080/4 8081/11 billions [3] 8080/15 8080/22 8081/12 bit [17] 7906/21 7906/24 7918/5 7933/5 7937/3 7955/9 7960/8 7966/18 7971/3 8014/19 8015/20 8056/6 8070/3 8077/21 8078/7 8080/6 8082/21 biweekly [1] 8031/13 bladder [2] 7932/17 7933/4 Bldg [1] 7900/10 bled [6] 7924/11 7924/19 7924/21 7932/1 7932/16 7932/25 bleed [1] 7932/1 blind [3] 8060/17 8060/20 8060/21 blow [1] 8007/11 blowing [1] 7928/16 blowout [6] 7918/2 7942/10 7975/22 7976/5 7977/16 7979/24 Bly [38] 7905/13 7911/6 7911/6 7911/7 7921/6 7921/10 7939/11 7939/15 7939/17 7939/24 7939/24 7940/10 7940/15 7942/5 7943/1 7943/20 7944/17 7975/24 7978/13 7983/11 7983/12 7983/14 7988/9 7989/11 7990/4 7992/7 7992/8 8001/5 8005/9 8005/13 8005/15 8006/20 8008/24 8009/15 8011/2 8011/6 8024/25 8052/4 boat [2] 7976/17 7981/12 boats [1] 8077/17 Bob [6] 7927/17 7931/7 7932/14 7932/21 7932/22 7967/10 bold [1] 8061/18 bond [11] 7956/5 7958/22 7958/22 7958/25 7959/8 7960/21 7961/7 7962/14 7966/7 7973/3 7978/2 bonding [1] 7961/4 Book [1] 8064/20 boost [1] 7924/9 BOP [9] 7964/2 7965/11 7965/12 7966/1 7966/3 7971/4 7979/5 7979/20 8070/25 BOPs [1] 7983/8 borderline [1] 7947/21 boss [5] 7959/17 7975/21 7976/6 8024/10 8083/21 both [25] 7906/21 7907/12 7920/17 7926/22 7936/16 7937/25 7950/23 7961/20 7965/13 7969/2 7974/17 8006/19 8022/25 8027/21 8030/23 8037/1 8043/10 8045/3 8050/21 8051/22
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<b>B</b>	7983/4 8063/3 8080/9 8081/10 BRUCE [1] 7903/3 bubbles [1] 7979/10 build [5] 7933/6 8080/17 8082/25 8093/3 8093/18 building [4] 7933/3 8017/9 8019/13 8093/11 built [4] 7924/13 7924/21 7944/6 7944/6 bullet [4] 7925/17 8007/22 8026/3 8062/20 bullets [1] 8061/19 Burling [1] 7902/2 business [75] 7907/3 7908/3 8015/7 8015/25 8017/19 8018/3 8018/4 8018/14 8019/12 8021/2 8022/12 8023/5 8023/5 8023/10 8023/13 8023/17 8023/24 8023/24 8024/3 8024/8 8024/11 8024/16 8024/17 8025/10 8025/17 8025/20 8025/21 8026/9 8026/15 8027/5 8027/18 8027/24 8029/7 8029/13 8029/16 8030/7 8030/23 8031/8 8032/1 8033/12 8036/24 8037/16 8038/24 8039/6 8041/25 8044/17 8046/6 8046/16 8053/6 8053/7 8055/24 8063/23 8064/2 8064/4 8064/17 8066/16 8066/19 8072/16 8074/25 8075/16 8076/25 8077/15 8080/20 8081/13 8082/4 8084/25 8087/2 8087/3 8087/10 8087/11 8087/16 8088/9 8088/16 8090/10 8092/21 businesses [1] 8046/12 buster [1] 7928/11 but [94] 7905/13 7905/20 7906/20 7907/22 7908/6 7911/6 7911/23 7913/8 7914/11 7915/15 7916/1 7917/19 7919/8 7919/17 7920/3 7920/7 7921/1 7922/3 7923/6 7929/24 7931/19 7932/19 7936/3 7936/7 7937/5 7944/13 7944/25 7945/12 7947/16 7948/12 7949/14 7951/11 7952/14 7954/17 7956/13 7956/20 7958/8 7958/23 7962/9 7962/20 7963/10 7965/21 7966/24 7967/3 7969/18 7973/7 7974/15 7975/6 7975/7 7976/1 7976/18 7980/18 7981/1 7981/23 7982/15 7983/1 7985/9 7989/8 7991/23 7992/5 7993/12 7994/9 7995/10 7999/24 8001/1 8001/22 8004/25 8005/6 8008/5 8020/3 8028/4 8041/2 8041/13 8049/1 8049/23 8055/2 8057/4 8066/6 8067/1 8068/18 8074/3 8076/5 8078/9 8079/22 8082/21 8084/1 8088/13 8089/18 8090/22 8091/18 8092/5 8093/24 8094/20 8095/3 buy [2] 7981/24 7983/2 buying [1] 8077/10	8092/22 calls [4] 7906/2 7938/13 7943/20 7964/18 calm [1] 8011/23 came [22] 7910/19 7913/25 7926/6 7926/9 7932/23 7934/12 7949/12 7966/2 7967/13 7974/13 7975/7 7978/23 7983/12 7983/23 7984/12 8021/13 8023/12 8041/18 8079/23 8080/5 8081/18 8088/14 Camp [1] 7901/16 can [127] 7905/21 7908/6 7911/16 7912/7 7914/14 7916/4 7917/2 7917/9 7917/15 7917/22 7919/9 7921/22 7921/22 7921/25 7922/12 7924/4 7924/4 7925/10 7925/19 7927/2 7927/13 7929/25 7930/16 7930/18 7932/10 7933/2 7935/3 7935/22 7944/10 7944/20 7956/19 7957/13 7959/10 7967/23 7969/18 7969/18 7969/21 7975/4 7979/18 7981/25 7982/1 7982/20 7984/25 7986/21 7991/15 7992/21 7996/4 7996/6 8002/3 8007/11 8010/11 8010/16 8014/3 8014/6 8014/24 8015/13 8016/22 8016/25 8017/6 8021/10 8022/10 8024/4 8025/6 8025/15 8027/25 8028/1 8030/11 8034/18 8034/21 8039/25 8042/22 8044/5 8048/14 8048/15 8049/10 8050/1 8050/6 8050/14 8051/3 8051/18 8054/1 8055/5 8058/14 8058/21 8060/25 8061/9 8061/10 8062/3 8062/23 8064/10 8065/16 8065/21 8065/24 8067/5 8068/2 8068/3 8068/15 8069/4 8069/16 8069/21 8071/9 8071/24 8073/6 8073/8 8073/16 8074/17 8076/5 8076/10 8076/18 8078/17 8079/10 8082/13 8082/20 8082/25 8082/25 8085/8 8085/22 8086/8 8086/12 8087/19 8087/23 8091/5 8092/2 8093/17 8093/17 8094/23 8094/24 can't [23] 7935/13 7937/6 7944/13 7947/18 7952/25 7953/10 7959/10 7976/1 7979/7 7979/17 7982/11 7994/11 7996/13 7996/16 7996/18 8002/2 8002/19 8002/20 8003/12 8003/21 8006/2 8007/2 8057/4 cannot [1] 7919/21 capabilities [1] 7974/18 capability [3] 8019/13 8025/21 8053/3 capable [1] 7920/23 capacity [3] 7954/24 7970/17 7980/5 capital [1] 8080/15 capture [1] 8010/21 carbon [1] 8064/13 card [2] 8062/21 8062/25 cards [1] 8062/23 care [1] 8066/3 cared [1] 8038/1 career [2] 7912/23 8017/2 CARL [8] 7898/15 7942/2 7946/1 7969/7 7971/10 7971/19 7975/9 7978/11 Carondelet [1] 7899/13 CARRIE [1] 7901/22 carried [2] 8059/8 8069/13 cascade [1] 8038/21 cascaded [2] 8034/8 8090/18 case [12] 7920/17 7920/25 7948/7 7994/10 7996/8 8010/12 8028/6 8037/18 8041/12 8048/1 8075/3 8077/25 cash [5] 8084/12 8084/15 8084/22 8084/25 8085/1 casing [3] 7930/20 7931/3 7950/5 Caspian [1] 8018/17
both... [5] 8052/12 8067/3 8070/17 8072/9 8072/25 bottom [9] 7925/25 7963/13 7968/15 7973/24 7980/24 7982/7 8009/12 8068/9 8089/18 bottomless [1] 7931/12 bottoms [6] 7956/5 7962/1 7962/3 7963/2 7966/6 7978/1 bottoms-up [6] 7956/5 7962/1 7962/3 7963/2 7966/6 7978/1 bought [2] 7908/22 7981/4 Boulevard [1] 7900/3 bounce [1] 8011/16 bouncing [3] 7918/7 7927/24 7927/25 boundary [5] 8089/12 8089/15 8089/15 8089/16 8090/2 Bounds [1] 7899/2 BOWMAN [1] 7903/3 box [9] 7898/20 7900/10 7900/16 7900/22 7901/13 7902/17 8086/5 8086/8 8086/10 BP [73] 7898/10 7901/18 7901/19 7901/20 7901/21 7901/22 7901/23 7902/2 7902/3 7902/4 7905/19 7906/1 7906/2 7906/15 7906/16 7908/22 7909/1 7909/7 7910/12 7911/7 7912/15 7915/21 7915/22 7918/25 7919/8 7948/9 7948/14 7948/15 7950/4 7971/22 7984/24 7988/24 8008/8 8008/14 8009/9 8010/6 8010/9 8012/18 8012/19 8014/4 8016/24 8017/1 8017/22 8018/12 8021/14 8036/9 8037/23 8040/9 8048/1 8050/20 8054/4 8054/13 8054/20 8055/6 8055/8 8055/10 8055/13 8056/1 8060/16 8060/19 8063/13 8069/22 8070/15 8070/17 8072/25 8074/18 8081/25 8085/25 8091/1 8092/12 8092/14 8092/23 8093/8 BP's [15] 7910/4 7910/16 7911/12 7911/25 7915/21 7929/12 7948/10 7985/14 8014/5 8014/21 8037/6 8041/12 8046/8 8074/7 8088/4 BP-operated [1] 8050/20 BP-owned [2] 8070/15 8072/25 BRAD [4] 7902/13 7919/23 7997/8 8094/14 Branch [3] 7900/9 7900/19 7901/3 break [3] 7979/5 8078/6 8094/15 breaking [1] 7979/11 Breit [2] 7899/8 7899/9 Brennan [1] 7902/8 Brett [1] 7950/19 BRIAN [13] 7902/13 7917/16 7919/23 7922/3 7922/9 7946/6 7950/19 7950/19 7960/15 7997/8 7997/25 8010/11 8094/14 Brian Morel [1] 7950/19 bridge [2] 8054/12 8055/1 bridging [1] 8054/14 brief [2] 7997/11 8033/20 briefed [2] 8001/6 8064/6 briefing [1] 7929/17 briefly [3] 7907/21 7908/6 7910/15 bring [3] 8008/23 8013/10 8081/13 brings [1] 7950/2 broad [2] 8040/12 8070/20 broader [1] 8085/25 BROCK [6] 7902/3 7942/24 7943/1 7975/13 8012/19 8094/23 Brock's [1] 8094/16 broken [1] 7942/5 brought [7] 7951/4 7969/6 7970/17	<b>C</b> Cabot [1] 7908/19 CALDWELL [1] 7901/12 California [2] 7900/11 7902/14 call [30] 7911/8 7922/11 7923/1 7923/10 7926/21 7928/10 7934/1 7935/7 7937/25 7938/7 7939/14 7939/19 7939/20 7941/4 7941/5 7946/23 7968/22 7983/18 7986/8 7986/10 7987/7 7994/23 7994/25 7997/13 8000/24 8017/10 8068/3 8089/15 8092/2 8092/25 called [35] 7908/14 7908/18 7909/14 7924/15 7926/4 7927/14 7927/15 7928/10 7929/13 7931/25 7932/3 7932/17 7934/8 7936/24 7960/15 7967/9 7968/17 7968/19 7969/3 7988/24 7990/16 7990/20 8000/6 8001/8 8008/21 8018/17 8019/19 8030/2 8033/10 8045/20 8060/8 8070/1 8073/3 8083/14	

<b>C</b>	Chevron [2] 8054/22 8055/6 Chicago [1] 7901/24 chief [6] 8014/5 8014/21 8020/5 8024/11 8024/22 8030/15 choke [1] 7924/9 chose [1] 8044/15 chosen [1] 7954/15 chronology [1] 7944/7 Cindi [1] 8064/12 circ [1] 7961/25 circulate [1] 8002/24 circulated [2] 8012/22 8063/2 circulating [2] 7962/1 8063/7 circulation [5] 7956/5 7961/25 7962/1 7962/3 7963/2 circumstances [1] 7921/19 cited [1] 7977/8 Civil [2] 7900/9 7900/19 claimed [2] 7970/5 8056/18 clarify [1] 7993/16 classic [1] 7920/1 classified [1] 8037/17 clear [24] 7905/22 7923/8 7929/15 7937/14 7938/3 7938/20 7939/3 7954/3 7982/15 8000/4 8004/20 8024/17 8037/3 8041/19 8042/12 8048/9 8060/22 8062/17 8066/1 8069/7 8075/23 8075/23 8084/18 8088/17 clearly [11] 7921/5 7972/4 7983/21 8026/7 8040/25 8046/25 8054/6 8061/14 8070/23 8077/17 8085/13 CLINGMAN [1] 7902/9 close [9] 7922/8 7932/13 7948/18 7965/12 7979/18 8034/9 8044/8 8056/13 8062/8 closed [7] 7928/12 7931/21 7955/24 8056/19 8056/23 8057/5 8089/10 closely [2] 8077/19 8087/25 closing [5] 7928/12 8049/21 8058/1 8058/12 8060/3 closure [3] 8057/6 8057/23 8058/6 coast [3] 7908/18 7909/20 7909/21 Cocales [3] 7947/11 7950/19 7950/24 cocreated [1] 8032/5 Coincidentally [1] 7987/11 cold [1] 7906/20 collaborative [5] 7943/14 7943/15 7943/15 7969/4 8012/12 college [4] 7907/7 7907/15 7907/22 8015/23 column [2] 8086/5 8092/6 combined [1] 7976/25 come [23] 7911/22 7912/3 7912/4 7922/20 7929/25 7933/16 7934/1 7937/16 7942/19 7944/5 7947/20 7947/24 7947/25 7968/11 7976/15 7981/16 7986/13 8015/8 8028/3 8047/4 8055/20 8055/20 8090/2 comes [3] 7935/22 8024/6 8089/13 comfortable [3] 7927/4 7931/7 7934/12 coming [5] 7923/13 7957/2 7980/15 7994/8 8081/22 command [1] 8012/12 comment [3] 7928/1 7993/13 7996/15 comments [1] 7919/20 commercial [2] 7901/3 8017/19 commissioning [1] 8015/5 committee [4] 7940/23 8058/2 8065/1 8065/4 common [1] 8046/24 communicate [13] 7983/7 8024/6 8024/7 8024/9 8032/2 8034/2 8034/3 8040/23 8042/6 8074/3 8074/4 8086/9 8089/25	communicated [7] 8038/5 8042/3 8052/3 8074/1 8074/2 8076/3 8090/9 communicating [7] 8028/20 8036/10 8036/20 8038/15 8044/13 8074/6 8089/14 communication [10] 8024/24 8033/2 8035/9 8039/11 8042/17 8042/25 8043/4 8044/7 8044/20 8044/20 communications [12] 8028/25 8029/1 8041/20 8042/1 8042/2 8042/10 8042/11 8042/14 8043/7 8076/1 8090/4 8090/5 communities [1] 8066/3 company [13] 7901/20 7901/23 7902/4 7907/25 7908/9 7908/15 7919/7 7932/19 7992/18 8019/14 8046/5 8046/7 8054/20 comparable [1] 8053/15 compare [1] 7958/12 Compared [1] 7954/7 comparing [1] 8048/18 comparison [2] 8002/3 8085/13 competitive [1] 8077/9 competitors [1] 8077/20 compiled [1] 7990/17 COMPLAINT [1] 7898/7 complete [3] 7905/21 7913/20 8048/10 completed [2] 8015/9 8046/16 completeness [2] 7921/7 7966/19 completing [2] 7957/7 8043/24 completion [1] 8068/20 completions [27] 7908/11 7974/10 7974/21 7975/2 7976/25 7977/4 7987/24 8030/15 8046/17 8046/19 8046/23 8047/5 8048/22 8049/4 8052/15 8053/11 8053/18 8053/24 8058/23 8059/24 8060/2 8060/18 8066/25 8067/22 8068/6 8069/19 8069/24 complex [3] 8025/20 8027/24 8053/6 compliance [5] 7971/21 7971/25 7972/19 8043/15 8044/1 compliant [1] 7973/7 compiled [2] 7958/6 7973/4 complying [1] 7973/15 component [5] 7954/11 8023/4 8077/2 8077/5 8087/12 components [1] 7981/3 comprehensive [3] 8027/23 8045/13 8070/11 compress [1] 7932/18 compressibility [4] 7951/12 7951/16 7951/20 7952/7 compression [1] 7924/15 compressive [2] 7958/24 7961/10 compromise [1] 8089/19 compromised [1] 8078/1 computer [1] 7903/16 computer-aided [1] 7903/16 concern [3] 7927/17 7960/24 7985/1 concerned [2] 7945/9 7954/3 concerns [4] 8035/12 8035/15 8036/18 8037/6 conclude [1] 7944/20 concluded [7] 7937/17 7949/12 7978/19 7980/25 7981/4 7983/5 8006/19 conclusion [6] 7938/18 7939/23 7940/2 7940/5 7972/22 7975/1 conclusions [2] 7942/19 7986/13 condition [5] 7985/22 8089/12 8089/15 8089/16 8090/2 conduct [2] 7914/15 7968/12 conducted [6] 7911/23 7916/21 7990/19 7993/14 8000/20 8090/6 conducting [3] 7914/3 7968/14 8013/23 conferred [1] 8094/25
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<p><b>C</b></p> <p>Confidence [1] 7909/14  confident [1] 8045/14  confining [1] 7945/21  confirm [1] 7940/9  conformance [1] 7972/11  confusion [4] 7974/1 7977/7 7977/23 8002/13  connected [1] 7984/21  connection [2] 8008/14 8060/15  CONRAD [1] 7899/15  cons [1] 7954/8  conscious [1] 8076/1  consider [2] 7937/9 8004/8  consideration [1] 8090/15  considered [2] 7905/12 7954/17  consisted [1] 8030/12  consistent [6] 7936/15 8031/18 8052/16 8067/25 8076/23 8077/4  consistently [2] 8029/4 8029/5  constant [1] 7982/6  construction [4] 8015/4 8017/4 8017/11 8022/19  consultation [2] 8005/19 8005/21  consulted [1] 7991/22  contacted [1] 7929/11  contain [2] 7979/17 8011/14  contained [1] 8054/23  containment [1] 8066/21  content [1] 7944/24  contents [2] 8073/19 8073/20  context [13] 7921/8 7921/12 7921/13 7937/13 7938/7 7949/3 7978/10 7984/9 7984/13 7994/23 8004/19 8034/7 8036/15  contingency [1] 7972/10  continually [1] 8067/11  continue [9] 7931/14 7933/8 7957/9 7958/14 7976/23 8044/8 8044/16 8045/3 8082/25  continued [7] 7955/10 7980/21 7980/22 7980/22 7980/22 8020/13 8028/22  continues [1] 7953/25  continuing [1] 7930/21  Continuous [1] 8062/12  continuously [3] 8029/23 8044/9 8053/2  contract [2] 8054/13 8090/17  contractor [8] 8009/10 8047/13 8053/23 8054/2 8054/16 8055/5 8070/16 8073/1  contractor's [1] 8055/2  contractor-owned [2] 8070/16 8073/1  contractors [18] 8018/19 8035/19 8036/9 8036/20 8036/24 8037/1 8037/9 8039/17 8039/20 8039/22 8039/24 8054/3 8054/7 8070/18 8070/19 8077/8 8086/22 8091/1  contractors' [2] 8047/24 8066/2  contracts [4] 8087/14 8090/8 8090/18 8090/20  contrary [2] 7958/7 8047/9  contributed [4] 7940/16 7975/2 7977/8 7977/23  contributing [1] 7977/25  control [21] 7912/24 7913/1 7919/8 7982/20 8011/13 8012/12 8029/21 8047/1 8066/21 8066/23 8067/20 8068/21 8069/3 8069/6 8070/12 8071/19 8071/21 8072/19 8074/12 8074/23 8089/2  control-certified [2] 7912/24 7913/1  controlled [1] 8070/22  conversation [12] 7916/13 7924/23 7934/18 7935/11 7937/19 7984/21</p>	<p>8005/7 8005/12 8031/9 8040/13 8040/16 8064/23  conversations [2] 7971/25 8023/23  conveyed [2] 7960/23 7966/5  Cook [1] 7908/13  Cook Inlet [1] 7908/13  cooperating [1] 8053/16  coordinated [1] 7998/4  copies [1] 8072/6  copy [4] 7992/11 8003/2 8064/13 8068/18  COREY [1] 7901/8  corners [1] 7921/15  corporate [3] 7899/16 8019/6 8085/24  correct [207]  correctly [4] 7951/12 7951/13 7952/6 7952/7  Corser [20] 7942/9 7942/14 7942/22 7946/7 7947/1 7947/4 7947/6 7969/11 7971/17 7972/7 7975/14 8001/3 8001/6 8001/8 8001/10 8001/21 8001/24 8002/1 8003/1 8006/20  Corser's [3] 8001/14 8001/15 8001/18  cost [19] 8023/8 8027/3 8027/13 8044/22 8051/10 8069/4 8075/24 8076/15 8076/19 8076/20 8077/11 8077/15 8079/17 8083/13 8084/5 8084/12 8084/22 8089/2 8089/6  costs [27] 8029/8 8029/13 8029/17 8043/9 8051/23 8077/6 8077/6 8077/23 8078/6 8078/11 8083/10 8083/12 8084/2 8084/16 8084/25 8085/1 8085/6 8085/15 8086/20 8087/24 8088/1 8088/3 8088/5 8088/5 8089/1 8089/5 8091/11  could [68] 7906/11 7906/24 7913/5 7915/14 7916/6 7922/17 7925/7 7925/23 7925/24 7926/2 7928/2 7928/6 7931/15 7931/17 7934/7 7935/6 7935/10 7935/17 7936/7 7936/22 7936/22 7938/15 7944/13 7944/14 7952/8 7952/9 7954/4 7963/3 7963/4 7963/6 7972/15 7977/6 7980/11 7981/8 7982/13 7983/1 7983/2 7983/3 7986/3 7990/23 7992/23 7992/24 7993/3 7994/2 8001/1 8001/11 8001/15 8002/1 8010/17 8010/21 8021/13 8026/16 8027/1 8027/2 8032/22 8035/15 8039/11 8039/12 8045/13 8045/14 8053/10 8054/20 8054/21 8057/18 8063/4 8068/21 8076/24 8087/16  couldn't [2] 7946/13 7986/3  count [1] 7926/6  countries [2] 8015/14 8015/15  counts [13] 8075/4 8075/6 8075/10 8075/20 8083/8 8084/12 8086/11 8086/14 8088/14 8089/9 8089/20 8090/1 8090/23  Counts' [1] 8052/22  couple [9] 7928/7 7934/22 7983/18 8013/9 8017/6 8024/14 8040/3 8053/1 8088/12  course [9] 7912/23 7913/9 8008/24 8009/15 8022/20 8029/8 8066/24 8069/9 8089/11  court [73] 7898/1 7903/10 7905/15 7906/12 7906/20 7906/23 7911/5 7911/24 7912/8 7914/13 7916/4 7916/5 7916/16 7917/10 7919/3 7919/16 7922/11 7922/12 7925/20 7929/15 7929/24 7930/18 7930/25 7934/7 7935/10 7935/17 7935/22 7936/3 7936/22 7940/7 7955/17 7994/5 7996/6 7999/13 8014/3 8014/6 8014/24 8015/13 8016/23 8016/25 8022/10 8025/15</p>	<p>8030/11 8034/21 8035/3 8038/8 8040/7 8041/11 8047/18 8050/1 8054/1 8061/10 8065/24 8066/6 8069/21 8073/8 8074/18 8075/12 8076/18 8080/3 8081/15 8082/13 8082/20 8085/8 8085/22 8087/19 8089/10 8090/24 8091/5 8094/6 8095/8 8095/9 8095/17  Court's [2] 7947/16 7994/1  courtroom [1] 7919/21  cover [9] 7913/8 7936/4 7946/5 7997/10 8025/4 8047/22 8049/5 8071/24 8073/21  covered [10] 7945/17 7972/19 7990/10 7997/10 8022/12 8051/15 8054/5 8079/16 8079/16 8079/17  covering [1] 7918/12  covers [4] 8024/19 8050/4 8050/5 8050/13  Covington [1] 7902/2  Cowie [13] 7917/17 7942/17 7944/9 7969/10 7975/12 7990/18 7998/1 7998/14 7999/14 8006/20 8007/25 8008/8 8008/23  create [5] 7936/19 8041/1 8041/4 8048/12 8048/14  created [9] 7941/10 7941/12 7974/1 8035/6 8038/17 8039/3 8057/3 8062/25 8075/14  creating [3] 8036/5 8039/8 8049/24  crew [9] 7931/9 7934/10 7935/12 7937/4 7937/11 7979/16 7981/12 8004/14 8070/23  Crews [1] 7927/4  crisis [1] 8021/11  critical [7] 7982/22 8025/20 8026/8 8043/24 8045/11 8071/1 8077/18  criticism [1] 8045/2  cross [11] 7921/10 7921/16 7940/20 7940/24 7943/9 7947/19 7988/18 7988/21 7997/6 7997/9 8050/22  cross-examination [8] 7921/16 7940/20 7940/24 7947/19 7988/18 7988/21 7997/6 7997/9  cross-examined [1] 7921/10  cross-GoM [1] 8050/22  crying [1] 8011/20  culture [7] 7962/7 7962/16 7962/22 8052/22 8076/17 8077/12 8078/1  cumulative [1] 8094/22  Cunningham [3] 7899/2 7899/3 7951/4  cured [1] 7993/2  curious [1] 7927/15  current [7] 7906/16 7912/4 7912/7 7913/3 8014/4 8014/19 8020/7  currently [4] 7906/13 8007/23 8014/20 8015/11  cut [2] 7953/13 7954/1  CV [3] 7898/7 7898/9 7905/11</p> <hr/> <p><b>D</b></p> <p>D-2020 [1] 7978/11  D-2671 [1] 7942/2  D-477.1 [1] 8093/17  D-477.5.1 [1] 8092/2  D-4865.2 [2] 8078/17 8082/25  D-4869.1 [1] 8079/10  D-4901.1 [2] 8024/4 8024/23  D-4902.1 [1] 8042/23  D-4903.1 [1] 8061/9  D-4904.1 [1] 8065/21  D.C [4] 7900/17 7900/22 7901/6 7902/4  dad [1] 7907/2  dad's [1] 7907/25  daily [2] 7943/5 7943/6</p>
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<b>D</b>	deliberate [1] 8044/5 deliberately [2] 8005/4 8005/6 deliver [9] 8015/5 8025/22 8026/16 8027/10 8027/12 8028/23 8043/15 8044/11 8093/2 delivering [3] 8022/24 8027/8 8044/25 delivery [2] 8026/14 8091/13 demand [2] 8052/21 8076/16 demonstrative [1] 8078/19 Department [4] 7900/8 7900/12 7900/18 7901/2 depend [1] 7980/7 depiction [1] 7942/4 deposed [1] 7994/9 deposition [6] 7904/9 7945/8 7994/17 8013/7 8091/7 8091/24 depth [2] 7924/9 7979/7 describe [22] 7908/6 7910/15 7911/16 7912/8 7913/21 7914/14 7916/4 7917/9 7917/22 7920/19 8014/24 8016/22 8022/10 8034/21 8039/12 8048/14 8054/1 8061/10 8061/19 8069/21 8073/8 8086/8 described [1] 7946/21 describes [1] 8070/10 describing [2] 7927/22 8038/7 description [6] 8068/15 8068/18 8069/11 8070/2 8070/4 8070/4 design [9] 7960/25 7961/14 7961/14 8015/4 8017/3 8017/11 8022/19 8047/22 8054/5 designated [1] 7954/24 despite [3] 7945/16 7965/24 8056/1 detail [9] 7914/24 7917/9 7952/12 7974/7 7989/14 8025/16 8053/17 8091/7 8091/25 detailed [1] 7968/2 details [1] 7968/7 detect [1] 7982/24 detected [1] 7979/23 deteriorating [1] 8033/22 determine [1] 7987/4 develop [4] 7942/18 8015/3 8022/18 8035/15 developed [1] 8065/11 developing [2] 8017/9 8062/7 development [3] 8018/16 8035/25 8080/13 developments [3] 7908/19 8020/6 8022/13 Dewey [2] 7927/18 7995/6 Dexter [1] 7901/9 dialogue [1] 8057/20 Diamond [1] 7912/18 did [247] didn't [48] 7918/5 7924/20 7937/10 7937/12 7937/16 7939/18 7947/20 7947/24 7948/24 7958/7 7958/18 7960/4 7960/5 7966/11 7966/16 7966/17 7967/4 7967/5 7967/5 7967/7 7969/3 7973/4 7975/6 7975/7 7977/7 7977/22 7986/10 7986/15 7996/15 7997/15 8004/6 8004/6 8004/9 8004/10 8004/13 8004/16 8004/18 8004/18 8004/21 8004/25 8005/22 8009/16 8023/18 8037/18 8041/1 8048/23 8076/2 8091/9 difference [6] 7905/7 8080/1 8085/2 8085/14 8086/2 8086/3 different [20] 7905/9 7912/24 7915/10 7921/1 7921/4 7922/4 7923/3 7941/13 7948/6 7956/19 7956/20 7994/13 8002/12 8008/11 8010/18 8015/13 8037/2 8055/15 8075/1 8094/5	differently [4] 7932/19 7955/17 7955/21 7968/8 difficult [3] 7916/12 7916/13 7974/16 diligent [1] 8088/2 dining [1] 7917/11 direct [18] 7904/12 7906/9 7916/15 7942/24 7947/21 7947/24 7975/13 7985/9 7989/15 8005/22 8013/23 8014/1 8033/8 8033/9 8039/6 8039/7 8057/12 8090/18 directed [1] 7922/15 direction [3] 7947/16 8023/4 8031/25 directly [6] 7973/12 7978/13 8030/13 8034/3 8035/6 8035/10 director [1] 7950/25 directorate [4] 8091/6 8091/15 8091/16 8092/9 directorates [1] 8094/2 directors [1] 8091/1 disagree [6] 8041/15 8056/20 8056/22 8056/24 8074/20 8074/21 disagreed [1] 7944/11 disagreement [2] 7944/15 7945/2 disappears [1] 8091/17 disaster [2] 7975/3 7987/1 disciplined [1] 8089/2 disclosed [1] 7989/6 discounts [3] 8087/7 8087/11 8087/17 discoveries [2] 8015/2 8022/17 discuss [14] 7926/4 7934/1 7934/8 7955/24 7956/24 7970/14 7978/18 7987/23 8006/22 8008/8 8028/19 8031/16 8057/25 8075/4 discussed [13] 7931/4 7931/25 7932/2 7934/5 7934/11 7946/15 7963/14 7969/2 7970/1 7970/17 8006/18 8008/10 8030/18 discusses [1] 7952/22 discussing [7] 7924/24 7947/8 7951/2 7956/1 7970/12 8072/9 8072/20 discussion [32] 7931/20 7932/15 7934/14 7936/1 7936/15 7940/8 7940/9 7940/15 7944/10 7949/4 7954/11 7955/3 7956/14 7957/4 7957/12 7958/5 7958/12 7966/19 7966/24 7967/3 7967/13 7984/8 7984/9 7984/12 7986/25 7987/12 8025/4 8031/19 8039/24 8058/18 8072/18 8072/21 discussions [5] 7943/5 7943/9 7943/25 7958/13 8012/5 disguised [1] 7995/23 dismissed [1] 7927/16 displace [4] 7964/10 7964/15 7964/16 7965/11 displaced [3] 7924/9 7924/10 7964/14 displacement [3] 7926/5 7926/5 7965/3 displacing [1] 7927/14 disrupt [1] 7921/24 dissent [1] 7944/16 distracted [2] 8005/6 8029/19 distraction [1] 8005/8 distraught [1] 7919/14 distribute [1] 8071/21 distributed [1] 8072/7 DISTRICT [5] 7898/1 7898/2 7898/15 8095/9 8095/9 divert [6] 7979/19 7980/5 7980/8 7980/21 7982/21 7983/1 diverted [1] 7980/18 diverter [18] 7979/16 7979/18 7980/1 7980/4 7980/10 7980/13 7980/14 7980/15 7980/21 7981/16 7981/22 7982/5 7982/9 7982/13 7982/16 7982/20
Dallas [1] 7903/5 damage [1] 8068/23 dangerous [1] 7957/5 DANIEL [1] 7901/4 data [3] 7940/9 7940/11 8062/21 date [2] 7950/17 7973/23 dated [4] 8033/2 8064/12 8068/10 8072/3 Dauphin [1] 7899/3 Dave [1] 7942/10 Dave Wall [1] 7942/10 David [4] 7950/20 7950/25 7959/14 7976/13 Dawn [1] 7990/24 day [27] 7898/14 7911/19 7929/22 7930/2 7935/12 7944/7 7944/19 7955/25 7956/20 7976/18 8011/21 8012/8 8056/25 8057/8 8057/24 8063/23 8078/22 8078/25 8079/4 8079/21 8079/25 8080/1 8080/10 8080/25 8080/25 8082/12 8082/19 days [10] 7916/24 7975/21 7976/4 7976/13 7985/13 8000/10 8030/7 8037/17 8049/13 8057/11 dealing [1] 7981/6 DEANNA [1] 7900/15 debate [2] 7955/10 7959/21 December [4] 7973/9 8048/6 8053/12 8065/1 December 2009 [1] 7973/9 December 4 [1] 8065/1 decide [2] 7968/7 8012/9 decided [8] 7959/24 7960/16 7960/21 7967/9 8033/23 8046/14 8047/3 8087/4 deciding [1] 8046/1 decision [21] 7950/3 7950/8 7955/23 7956/4 7959/8 7959/22 7960/3 7961/9 7963/10 7965/21 7965/22 7965/23 7969/4 7969/5 7970/12 7972/9 7973/4 7974/15 7974/16 7977/14 7987/25 decision-making [4] 7950/3 7974/15 7974/16 7987/25 decisions [7] 7961/19 7973/15 7978/1 8012/4 8012/9 8090/9 8090/25 decline [1] 8082/22 decrease [6] 8084/22 8084/24 8085/5 8085/21 8085/23 8086/23 decreases [1] 8083/13 decreasing [2] 8078/6 8087/13 dedicated [2] 8021/18 8021/22 deemed [1] 7977/16 deep [1] 7956/9 deeply [3] 7975/7 8037/19 8059/11 deepwater [24] 7898/4 7902/6 7902/7 7902/9 7902/10 7902/13 7902/13 7902/17 7902/17 7902/20 7902/21 7909/12 7909/17 7909/24 7941/25 7980/6 7982/5 8008/15 8009/18 8054/18 8055/7 8055/9 8074/13 8082/8 Deepwater Horizon [10] 7941/25 7980/6 7982/5 8008/15 8009/18 8054/18 8055/7 8055/9 8074/13 8082/8 define [1] 8032/8 definition [1] 8023/2 definitive [1] 7959/22 Deflation [1] 8086/15 deGravelles [2] 7899/21 7899/22 degree [6] 8015/24 8015/25 8016/1 8016/5 8016/6 8016/12 degrees [2] 7907/22 8015/23 DELEMARRE [1] 7900/20		

<p><b>D</b></p> <p>diverter... [2] 7982/22 7982/25  diverting [1] 7928/11  Division [2] 7900/9 7900/19  divisional [1] 7943/9  do [185] 7906/14 7909/15 7909/18  7910/21 7911/2 7912/1 7912/14 7913/20  7915/18 7916/12 7918/6 7919/24 7920/5  7920/8 7920/8 7921/11 7923/8 7923/21  7923/25 7924/3 7925/14 7925/14  7925/18 7929/5 7932/19 7935/9 7935/20  7938/20 7939/20 7941/4 7941/8 7941/15  7944/15 7948/15 7948/21 7949/16  7949/17 7949/25 7950/1 7954/19  7954/19 7955/20 7955/24 7956/20  7957/1 7958/3 7959/17 7960/5 7961/20  7962/7 7962/8 7962/10 7962/16 7964/1  7964/10 7964/15 7964/16 7965/9  7965/11 7965/12 7965/19 7965/22  7966/2 7966/10 7967/16 7967/19  7967/20 7968/7 7969/25 7970/3 7971/7  7971/22 7973/10 7975/14 7975/17  7975/22 7976/18 7979/2 7979/3 7979/5  7980/3 7980/12 7980/16 7981/24 7982/1  7982/8 7982/15 7983/4 7985/20 7990/10  7991/7 7991/22 7992/1 7993/3 7993/5  7994/4 7994/11 7995/14 7996/3 7996/4  7996/5 7996/7 7997/1 7997/11 7997/25  8000/3 8001/10 8001/14 8003/2 8003/9  8003/10 8003/14 8003/15 8007/20  8007/21 8007/22 8010/23 8012/1  8012/10 8013/1 8015/4 8015/11 8015/23  8016/8 8017/13 8017/17 8018/2 8018/12  8019/5 8020/4 8020/25 8021/10 8026/12  8026/15 8028/11 8028/16 8029/15  8032/24 8035/9 8035/22 8036/2 8037/1  8037/19 8039/10 8041/1 8041/14 8046/1  8048/24 8049/3 8052/2 8052/18 8052/19  8054/15 8054/25 8055/7 8056/4 8058/23  8059/5 8059/6 8059/21 8059/22 8064/2  8065/3 8066/9 8068/9 8070/7 8070/8  8072/22 8074/21 8076/24 8076/25  8081/6 8081/7 8082/7 8082/8 8082/23  8083/7 8085/6 8085/7 8085/18 8086/6  8089/15 8092/10 8094/7 8095/10  Docket [3] 7898/4 7898/7 7898/9  document [21] 7973/15 7988/25 7990/17  7991/2 7992/21 7993/9 7998/22 8002/10  8008/21 8008/23 8009/3 8011/1 8011/5  8032/25 8037/14 8050/2 8051/24  8060/23 8062/3 8069/8 8073/10  documents [2] 8041/21 8054/14  does [53] 7912/12 7912/13 7917/4  7918/11 7922/3 7930/7 7930/9 7933/21  7935/3 7935/5 7942/4 7946/12 7948/22  7955/14 7955/18 7962/16 7963/25  7965/21 7968/2 7969/22 7978/15 7986/6  7999/19 7999/25 8001/16 8005/15  8015/16 8015/17 8016/11 8024/17  8050/17 8050/19 8051/20 8052/5  8058/21 8058/24 8060/19 8063/14  8067/7 8073/14 8074/11 8074/15 8081/3  8081/5 8081/6 8081/6 8083/3 8085/1  8085/3 8088/13 8093/8 8093/20 8094/20  doesn't [8] 7947/18 7948/20 7965/22  7966/3 7968/16 7987/13 7987/14 8008/1  doing [13] 7907/15 7907/22 7923/20  7938/6 7952/8 7964/3 7995/19 8028/19  8037/2 8041/2 8043/12 8053/4 8070/13  dollar [29] 8052/22 8075/4 8075/6  8075/9 8075/9 8075/20 8075/21 8076/17  8076/18 8077/12 8078/1 8078/3 8083/8</p>	<p>8083/8 8084/12 8084/17 8085/5 8085/8  8085/21 8086/11 8086/14 8086/17  8086/23 8087/18 8088/14 8089/8  8089/20 8090/1 8090/23  dollars [3] 8080/15 8080/22 8081/12  Domengeaux [1] 7898/18  DON [22] 7901/19 7918/20 7927/4  7932/13 7932/14 7932/17 7934/12  7936/24 7937/2 7937/6 7937/8 7937/10  7937/14 7937/15 7937/17 7984/25  7998/11 8003/12 8004/7 8004/13  8004/20 8006/2  Don Vidrine [4] 7936/24 7984/25  7998/11 8006/2  don't [69] 7905/19 7908/5 7908/24  7909/4 7920/2 7920/25 7921/13 7923/4  7923/15 7928/14 7951/21 7952/6 7952/8  7952/11 7952/11 7957/11 7957/22  7958/4 7958/8 7958/11 7962/20 7966/4  7967/3 7968/18 7970/2 7970/2 7970/8  7970/9 7970/10 7970/15 7971/9 7973/21  7977/6 7980/8 7980/10 7984/7 7984/23  7988/6 7988/9 7988/10 7988/11 7989/2  7989/24 7990/1 7991/8 7991/12 7991/21  7991/23 7992/4 7992/5 7992/16 7998/16  7999/9 8000/2 8001/1 8001/11 8003/4  8003/7 8005/14 8006/24 8007/7 8008/10  8009/3 8009/4 8010/13 8066/5 8088/12  8094/19 8095/2  DONALD [2] 7903/3 7916/22  done [19] 7932/21 7939/19 7946/20  7949/6 7955/22 7959/20 7960/2 7964/21  7965/3 7966/16 7967/20 7987/17  8048/20 8053/18 8054/7 8056/10  8057/10 8061/15 8075/22  Donnie [5] 7925/7 7925/24 7928/2  7931/15 7932/10  Dorado [1] 8081/20  Doris [1] 8064/14  Doris Reiter [1] 8064/14  double [2] 7993/19 7994/15  doubt [2] 8034/4 8035/10  DOUGLAS [1] 7901/16  down [78] 7906/20 7906/21 7910/19  7912/3 7912/4 7915/1 7915/3 7915/4  7915/5 7915/10 7915/14 7915/15  7915/22 7916/10 7918/9 7920/20 7924/5  7924/23 7925/11 7926/14 7927/21  7928/15 7929/20 7930/13 7931/10  7931/20 7932/13 7932/21 7932/23  7933/10 7935/8 7935/14 7937/3 7945/7  7949/11 7952/23 7953/9 7954/1 7954/4  7954/7 7955/9 7958/21 7958/22 7959/4  7959/6 7959/7 7959/11 7960/8 7960/20  7961/8 7961/23 7961/24 7964/4 7965/1  7966/18 7967/23 7973/2 7974/8 7975/7  8004/10 8004/13 8004/16 8004/18  8004/21 8005/4 8005/5 8010/13 8010/14  8010/16 8010/20 8011/24 8026/13  8038/3 8052/14 8073/6 8083/12 8084/16  8090/13  downhole [1] 7949/23  download [2] 7929/14 7929/16  DOYEN [1] 7902/12  Doyle [4] 7903/10 8095/8 8095/16  8095/16  Dr. [8] 8041/12 8045/2 8056/15 8060/15  8078/20 8079/21 8081/4 8083/11  Dr. Bea [6] 8041/12 8056/15 8060/15  8079/21 8081/4 8083/11  Dr. Bea's [2] 8045/2 8078/20  draft [7] 7944/20 7964/3 7964/5 7964/18  7967/18 7975/24 8002/24</p>	<p>drafts [2] 7944/18 8003/9  drawdown [1] 7966/22  drawing [2] 7925/19 7925/20  Drescher [1] 7899/8  drew [1] 7952/17  drill [36] 7914/24 7924/10 7924/11  7924/12 7924/22 7931/10 7931/23  7931/24 7932/18 7933/3 7933/5 7935/13  7937/5 7937/7 7957/9 7964/22 7975/7  7983/22 7983/25 7984/2 7984/3 7984/14  7984/17 7984/21 7985/7 7985/9 7986/8  7997/17 7999/22 8003/12 8003/21  8006/3 8007/3 8022/16 8080/16 8093/3  drilled [5] 7909/25 7945/7 7953/21  7958/23 7961/9  Driller [1] 7933/4  drilling [79] 7902/6 7902/9 7902/13  7902/17 7902/20 7908/11 7908/21  7909/8 7909/22 7909/24 7941/20 7947/9  7950/7 7950/23 7952/3 7952/18 7953/6  7953/7 7953/9 7953/10 7953/11 7954/20  7957/13 7962/13 7962/14 7965/25  7967/18 7974/8 7974/9 7974/21 7975/1  7976/24 7977/4 7985/15 7987/24 8009/9  8015/8 8018/25 8018/25 8019/2 8020/22  8020/22 8022/16 8030/14 8031/5  8033/12 8046/17 8046/19 8046/22  8046/25 8047/4 8047/5 8047/15 8047/19  8048/2 8048/22 8048/24 8049/3 8049/5  8052/15 8053/11 8053/18 8053/24  8054/7 8054/19 8055/1 8058/23 8059/24  8060/2 8060/18 8063/11 8066/25  8067/22 8068/6 8068/20 8069/18  8069/23 8074/19 8093/10  drip [1] 7937/16  drive [5] 7899/16 8013/3 8052/16  8062/22 8075/18  driven [1] 8027/1  driving [1] 7976/20  drop [1] 7951/22  dropped [1] 7952/4  drove [1] 7929/6  due [2] 7953/14 7953/15  DUKE [1] 7899/15  duly [2] 7906/4 8013/17  dumping [3] 7926/12 7926/15 7981/8  during [36] 7907/14 7907/15 7909/12  7912/23 7913/9 7918/7 7918/15 7922/23  7925/11 7928/20 7933/25 7934/25  7935/8 7935/14 7937/13 7938/7 7957/21  7984/12 7984/16 7984/17 7992/19  7993/17 7994/22 7999/8 8000/24  8004/19 8007/16 8008/24 8009/15  8014/18 8017/7 8040/5 8045/22 8047/12  8048/1 8068/19  duties [2] 7912/8 7940/25  duty [1] 7985/15  DWOP [12] 7971/22 7972/1 7972/11  7972/16 7972/19 7973/5 7973/7 7973/8  7973/14 8046/23 8047/20 8070/12  dysfunction [2] 7977/1 7977/4</p> <p><b>E</b></p> <p>e-mail [11] 7975/12 7975/15 7975/17  7975/22 7975/23 7975/24 7976/24  7977/10 7977/15 8033/7 8064/12  each [11] 7942/13 7968/7 8026/11  8028/3 8033/25 8034/5 8036/6 8039/1  8057/5 8062/14 8084/3  earlier [5] 7929/22 8002/10 8025/24  8053/11 8076/9  early [11] 7911/15 7919/24 7934/24  7952/20 7980/7 8021/17 8021/25 8042/7</p>
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E		
<p>early... [3] 8064/5 8075/8 8075/14  East [1] 7909/20  EASTERN [2] 7898/2 8095/9  ECDs [3] 7951/12 7951/22 7952/4  economic [1] 7954/11  Economically [1] 7954/8  economies [1] 8087/2  editor [1] 7971/5  editors [1] 7971/6  EDS [4] 7983/4 7983/5 7983/9 7983/11  EDS'ed [1] 7983/2  education [1] 7908/2  educational [1] 8015/20  Edwards [1] 7898/19  effect [3] 7932/17 7933/4 8002/2  effective [3] 8055/3 8055/23 8093/25  effectively [4] 8027/2 8042/6 8067/12 8072/15  effectiveness [1] 8091/12  efficiency [2] 8075/18 8089/5  efficient [7] 8052/1 8052/8 8052/17 8055/3 8055/23 8077/2 8089/18  efficiently [4] 8027/5 8045/14 8053/10 8088/17  effort [5] 7943/14 8012/12 8021/22 8021/23 8032/22  efforts [1] 8021/14  eight [12] 7909/6 7912/16 7918/2 7977/23 7977/23 8017/2 8017/7 8017/13 8021/19 8022/22 8050/20 8055/12  eight-year [2] 8017/7 8017/13  either [10] 7905/20 7906/19 7933/18 7974/22 7997/15 7998/14 7999/14 8004/16 8004/21 8005/7  element [2] 7932/18 7950/2  elements [1] 8023/7  elicit [2] 7919/2 7921/14  eliminate [7] 7962/12 8090/25 8091/5 8091/14 8091/15 8091/18 8094/1  eliminated [2] 8092/12 8093/14  eliminating [1] 8092/20  elimination [1] 8091/23  eliminations [1] 8091/10  ELIZABETH [1] 7901/5  Ellis [1] 7901/21  Elm [1] 7903/5  else [10] 7983/2 7991/7 7993/14 7994/19 7999/7 7999/9 8010/17 8090/13 8094/20 8094/23  ELT [3] 8039/2 8039/4 8039/5  embedded [3] 8091/20 8093/22 8093/25  embedding [1] 8092/20  emergency [1] 7983/6  Emilsen [2] 7905/8 7978/25  emotional [2] 7918/19 8011/20  emphasis [1] 8037/7  emphasized [1] 8041/12  employed [1] 7992/12  employee [6] 7915/21 7915/22 7919/7 8042/3 8042/19 8044/14  employees [1] 8036/9  employment [1] 8015/21  empty [1] 7920/21  enabler [2] 8025/24 8051/11  enablers [1] 8026/9  encapsulate [1] 8075/17  encapsulated [1] 8069/10  end [23] 7907/1 7907/5 7917/23 7918/12 7921/22 7924/5 7940/9 7940/11 7944/19 7945/21 7956/20 7965/16 7968/15 7976/15 7976/21 7992/25 8016/15</p>	<p>8024/12 8034/9 8043/16 8062/4 8064/24 8084/18  endeavor [1] 8046/14  endeavored [1] 7915/15  ended [4] 7928/23 7937/21 7960/5 8044/19  ending [1] 8014/15  ends [1] 7971/25  Energy [2] 7903/2 7903/7  Enforcement [1] 7900/13  engage [6] 7916/13 8034/7 8035/7 8036/14 8036/19 8040/12  engaged [7] 7911/11 7987/25 8012/5 8036/9 8037/5 8037/9 8057/13  engagement [1] 8040/5  engaging [1] 8036/5  engineer [17] 7908/21 7926/9 7926/9 7927/18 7927/19 7950/7 7950/24 7950/24 7952/18 7966/25 7967/18 7985/15 8016/9 8016/10 8016/11 8016/18 8016/20  engineer's [1] 7965/25  engineering [39] 7907/10 7907/12 7908/10 7908/15 7909/8 7942/8 7943/11 7947/4 7954/20 7972/11 7974/3 7974/13 7974/17 7974/22 7975/13 7976/19 8015/4 8015/24 8016/1 8017/3 8019/7 8019/9 8019/11 8019/14 8019/16 8046/23 8047/20 8047/23 8054/5 8059/20 8059/23 8073/4 8073/9 8073/12 8073/18 8073/21 8074/1 8074/5 8074/7  engineers [7] 7914/1 7941/20 7947/6 7947/9 7950/23 8047/15 8048/2  enough [4] 7966/22 7973/14 7983/11 7984/25  ensure [6] 7956/21 7959/22 8009/9 8038/11 8045/9 8066/13  ensuring 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7943/20 7944/21 7951/17 7976/18 8028/17 8090/12 8094/20  everyone [5] 7905/3 7973/6 8040/14 8043/11 8094/23  everything [11] 7915/1 7915/3 7916/10 7930/13 8022/13 8022/14 8028/18 8043/7 8044/21 8054/5 8075/24  evidence [5] 7939/6 7985/20 7986/10 8005/16 8005/17  evidenced [1] 8060/16  evoke [1] 7919/15  exact [4] 7905/12 7930/14 7979/7 8057/4  exactly [11] 7928/18 7940/25 7962/19 7962/21 7962/22 7981/11 7984/24 8010/21 8034/5 8052/7 8090/8  examination [20] 7904/12 7906/9 7918/23 7920/22 7921/16 7940/20 7940/24 7947/19 7947/21 7954/23 7988/18 7988/21 7989/15 7997/6 7997/9 8010/7 8010/9 8013/9 8013/23 8014/1  examined [1] 7921/10  examining [1] 7919/4  example [5] 7921/10 8030/16 8043/22 8054/18 8077/22  examples [5] 8017/6 8034/21 8039/19 8050/5 8077/14  exceeding [1] 7950/11  excellence [1] 8067/15  except [2] 7966/22 7979/25  exchanged [1] 7943/18  exclusive [1] 8040/10  excuse [2] 7951/1 7975/19  execute [3] 8045/14 8053/10 8071/4  executing [1] 8077/3  execution [7] 7914/2 8047/24 8052/15 8054/6 8077/3 8089/5 8093/10  executive [3] 8021/5 8024/11 8024/22  exhibit [6] 7925/2 7939/4 7993/2 7994/14</p>

<p><b>E</b></p> <p>exhibit... [2] 8002/12 8050/7  Exhibit 866 [1] 8050/7  exhibits [2] 8013/9 8013/11  existed [1] 7958/6  existing [3] 7966/12 8048/17 8082/22  expanding [1] 7979/11  expect [1] 8038/14  expectation [2] 8049/20 8070/24  expectations [2] 8008/22 8066/8  expected [1] 8049/20  Expects [1] 7926/11  expenditure [2] 8085/9 8086/24  expense [2] 8075/22 8085/10  experience [6] 7907/16 7908/15 7954/20  8016/13 8016/23 8047/10  expert [11] 7954/23 7988/24 7988/25  7989/3 7989/3 7989/4 7989/9 8041/11  8053/7 8078/20 8094/17  expertise [1] 8053/8  explain [13] 7923/2 7923/6 7935/22  7955/17 7967/12 8010/11 8029/15  8049/10 8076/18 8077/14 8082/20  8088/13 8091/5  explained [2] 8091/7 8091/22  explanations [1] 8081/15  exploration [19] 7898/10 7901/18  7901/21 7902/2 7908/12 7908/18  7909/14 7909/19 7909/21 7909/23  7912/12 7963/22 7963/23 8015/2  8020/22 8022/13 8024/19 8030/15  8046/17  explored [1] 7974/5  explosion [4] 7928/17 7945/11 7945/22  8068/22  extended [5] 8032/25 8033/10 8034/3  8037/23 8038/5  extensively [1] 8040/9  extent [7] 7911/21 7923/11 7967/15  8047/8 8049/2 8063/13 8093/13  external [3] 8048/12 8049/11 8049/15  extra [1] 7961/4  Ezell [4] 7927/17 7931/23 7932/15  7932/15</p>	<p>7937/21 7980/25 7981/7 7982/12  8006/19 8011/10 8011/13  fair [7] 7923/1 7945/11 7961/18 8029/9  8067/2 8084/20 8088/9  fall [1] 7944/12  familiar [13] 7944/25 7962/23 7972/14  7973/14 7978/14 7978/15 8060/8 8073/3  8075/5 8075/12 8078/12 8079/7 8083/14  familiarize [2] 8023/17 8064/3  familiarized [1] 8064/5  Fannin [1] 7902/10  far [8] 7926/7 7957/23 7958/7 7960/9  7977/13 7989/9 8000/14 8092/5  fashion [1] 7986/7  fast [1] 7931/1  fatalities [1] 8068/23  fault [1] 8070/1  FCRR [3] 7903/10 8095/8 8095/16  February [3] 7973/9 8033/2 8038/6  February 2 [1] 8033/2  February 2010 [1] 7973/9  Federal [1] 7900/10  feedback [1] 8036/4  feeling [1] 7933/7  feet [5] 7909/25 7931/3 7963/17 7979/4  7979/4  fellow [1] 7951/4  felt [5] 7934/12 7973/25 8036/12  8043/20 8047/2  Fereidoun [1] 7942/11  Fereidoun Abbassian [1] 7942/11  few [9] 7911/19 7924/16 7953/9 8024/16  8026/20 8026/23 8027/17 8064/5  8090/20  field [3] 7908/8 8081/11 8081/18  fields [5] 8018/16 8080/4 8081/14  8081/20 8081/22  Fifth [3] 7918/25 7919/8 7920/9  figure [4] 7980/14 7984/24 7993/12  8015/3  figured [1] 7922/20  figures [2] 8079/2 8079/3  figuring [1] 8022/18  fill [2] 7931/21 7931/22  final [3] 7944/18 7944/20 7975/24  finalized [3] 7973/9 8002/25 8003/6  finally [3] 7944/19 7945/3 7976/15  finance [1] 8079/15  financial [1] 8030/15  find [7] 7914/5 8009/16 8009/22 8021/4  8025/3 8033/20 8049/20  finding [1] 8006/17  findings [6] 7943/6 7977/23 7977/24  8031/23 8056/11 8059/16  fine [2] 7905/24 7976/11  finger [1] 8030/6  finish [4] 7911/24 7917/24 7928/14  7933/2  finished [1] 7931/9  fire [1] 8068/22  Firm [2] 7899/18 7900/5  first [88] 7905/13 7907/20 7911/19  7916/18 7916/21 7916/23 7917/5  7919/11 7924/1 7928/7 7933/22 7934/14  7937/14 7937/23 7938/15 7944/22  7946/15 7952/20 7964/5 7964/18  7964/21 7965/3 7966/1 7966/20 7971/3  7985/6 7987/14 7997/22 7999/19  8004/20 8014/3 8015/23 8017/2 8023/15  8025/19 8028/4 8028/11 8028/22 8030/3  8030/20 8031/18 8031/21 8032/12  8032/14 8032/17 8035/1 8036/25  8038/17 8039/4 8041/18 8042/17 8046/4</p>	<p>8046/5 8046/7 8046/9 8046/9 8046/11  8048/6 8048/9 8048/13 8050/14 8052/1  8052/8 8056/14 8058/21 8060/3 8060/25  8061/23 8064/25 8073/8 8075/5 8075/12  8076/5 8076/22 8078/8 8079/12 8079/24  8080/3 8080/6 8081/23 8083/14 8085/4  8086/17 8089/4 8089/13 8090/3 8090/25  8094/12  firstly [2] 8016/12 8045/24  fit [1] 7941/8  five [10] 7910/5 7944/7 7949/11 8016/14  8017/18 8024/2 8025/13 8025/16  8080/22 8081/12  five-day [1] 7944/7  five-year [2] 8017/18 8080/22  Fixed [1] 7949/13  fleet [1] 8055/16  fleet-wide [1] 8055/16  flew [1] 7929/7  float [2] 7958/23 7961/9  floor [10] 7899/13 7902/14 7928/15  7931/9 7932/14 7933/7 7987/15 7991/20  7994/22 7995/6  flow [10] 7918/5 7932/3 7932/25 7934/10  7974/15 7982/6 7982/14 7987/10  7987/13 8068/19  flow.' [1] 7932/4  flowed [1] 8011/12  flowing [1] 7926/7  FLOYD [2] 7903/4 7948/3  fluid [2] 7932/16 7932/20  fluids [1] 7980/5  fly [2] 7990/23 7993/3  fly-out [2] 7990/23 7993/3  flying [2] 7976/7 7976/16  focus [23] 7922/12 7945/6 7955/11  7989/18 7989/22 8023/22 8026/21  8027/11 8028/4 8037/7 8040/12 8041/24  8044/8 8044/16 8045/3 8046/15 8047/3  8057/23 8058/25 8060/23 8065/7 8087/1  8089/3  focused [13] 7974/17 8032/10 8041/9  8041/19 8042/12 8043/18 8048/23  8059/25 8063/18 8063/24 8070/10  8074/24 8077/22  focusing [3] 7935/6 8050/22 8052/9  folks [8] 7942/14 7943/10 7943/11  7988/25 7992/1 7992/8 7995/19 8033/7  follow [7] 7971/12 7986/3 7986/14  7997/11 8058/18 8074/6 8094/5  follow-up [2] 7971/12 7997/11  followed [4] 7924/11 7958/2 7985/22  7986/6  following [5] 7933/18 7962/18 7986/11  8025/5 8061/12  follows [2] 7906/4 8013/17  force [1] 8061/23  forces [1] 7982/10  foregoing [1] 8095/10  form [7] 7921/20 7925/17 7928/24  7982/4 7986/7 8007/22 8075/16  former [1] 8045/12  formulated [1] 8023/21  forth [11] 7926/2 7927/13 7930/19  7936/8 7936/23 7939/1 7944/4 8009/8  8010/23 8011/2 8073/24  forward [8] 7905/23 7909/4 7909/5  7955/23 7957/6 8013/10 8069/13 8078/5  Foster [1] 8052/21  found [12] 7916/12 7916/13 7918/4  7949/20 7953/20 8008/11 8020/25  8021/5 8077/21 8087/24 8087/25 8088/8  foundation [10] 7928/24 7969/13</p>
<p><b>F</b></p> <p>faced [2] 8063/23 8064/4  facilitator [9] 7914/17 7914/19 7917/16  7946/23 7946/24 7992/9 7993/7 8049/11  8049/15  facilities [18] 8015/6 8017/4 8017/8  8017/9 8022/21 8022/22 8030/25  8033/12 8035/8 8036/6 8046/21 8047/4  8048/24 8050/21 8070/15 8073/1 8073/1  8082/2  facility [6] 8035/17 8036/7 8080/7  8080/17 8080/18 8081/21  facing [2] 7933/1 8072/16  fact [22] 7905/9 7913/15 7918/6 7944/11  7945/24 7970/16 7976/4 7978/18 7995/5  8005/15 8006/25 8011/11 8011/13  8011/16 8046/7 8049/16 8056/1 8067/21  8071/15 8075/8 8091/5 8091/15  fact-gathering [1] 7913/15  factors [2] 7977/8 8011/8  facts [10] 7911/20 7942/19 7943/6  7943/16 7943/17 7943/19 7943/23  7944/1 7944/12 7944/17  factual [2] 7989/15 7989/16  factually [1] 8091/18  fail [3] 7981/3 7981/13 7982/10  failed [10] 7928/23 7933/14 7934/20</p>		

<p><b>F</b></p> <p>foundation... 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7976/9</p>	<p>7912/7 7916/2 7944/24 7949/7 8009/20 8053/22  generally [14] 7909/15 7911/16 7913/19 7913/20 7916/4 7921/14 7949/7 7970/3 8014/24 8027/7 8030/18 8061/10 8069/21 8086/8  generated [1] 7936/12  gentleman [1] 7992/12  gentlemen [4] 7957/5 7957/12 7982/23 7985/5  Geo [3] 7953/20 7954/2 7954/5  Geo Tap [1] 7954/5  Germany [1] 8018/5  get [27] 7914/21 7916/1 7920/5 7928/21 7932/23 7934/10 7941/20 7943/10 7946/13 7951/18 7954/4 7979/18 7981/20 7982/17 7983/2 7987/13 7987/14 8005/6 8016/1 8030/8 8033/23 8035/23 8065/8 8065/13 8086/22 8087/2 8094/12  gets [1] 7979/15  getting [14] 7907/22 7908/2 7928/11 7932/4 7948/18 7987/19 8007/1 8015/21 8021/12 8023/20 8044/1 8045/21 8077/8 8077/15  GHSER [1] 8045/21  gHSSer [1] 8048/17  give [11] 7917/15 7954/20 7964/7 7982/22 7984/25 8015/13 8016/25 8017/6 8027/17 8030/11 8087/16  given [2] 7981/5 8009/10  giving [2] 7957/23 8087/15  global [7] 8014/21 8018/5 8019/12 8020/6 8020/11 8020/19 8021/20  GmbH [1] 7898/8  go [106] 7907/7 7910/2 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7911/22 7914/13 7915/25 7918/22 7920/10 7920/14 7921/1 7922/9 7922/11 7922/18 7923/4 7923/15 7923/16 7923/17 7923/18 7926/20 7927/9 7927/15 7934/9 7936/1 7945/5 7946/3 7947/14 7948/1 7948/14 7952/14 7955/24 7956/12</p>	<p>7958/10 7959/8 7960/5 7961/23 7965/9 7967/22 7968/10 7968/11 7969/15 7974/8 7976/22 7981/2 7981/13 7982/22 7983/15 7983/19 7989/11 7989/18 7989/22 7990/6 7990/10 7993/15 7993/19 7993/21 7993/21 7994/18 7997/10 7997/11 7998/19 8010/25 8023/14 8024/7 8025/18 8028/3 8032/23 8034/22 8041/21 8044/17 8044/17 8049/1 8051/14 8051/20 8053/1 8056/6 8057/23 8060/1 8066/14 8066/15 8068/13 8069/23 8074/11 8075/24 8084/16  Golden [1] 7900/10  GoM [15] 7973/23 8024/25 8025/13 8033/14 8034/11 8040/5 8047/9 8050/22 8058/20 8060/8 8060/9 8061/3 8064/14 8076/8 8079/12  GoM's [2] 8048/5 8053/3  gone [5] 7980/19 7983/11 7983/20 7988/4 8026/3  good [27] 7905/4 7906/11 7922/3 7940/22 7947/7 7974/12 7985/7 7986/18 7986/19 7988/20 7994/6 7995/23 7997/8 8013/4 8013/13 8013/22 8014/3 8027/25 8029/13 8029/16 8032/6 8043/14 8044/3 8047/2 8057/22 8063/19 8095/4  goods [2] 8077/9 8086/21  Gordon [1] 7927/19  got [31] 7915/16 7918/1 7928/10 7950/23 7950/23 7950/24 7950/25 7951/1 7959/3 7961/18 7966/6 7979/9 7979/10 7982/24 7988/13 7990/15 7991/9 7997/14 8005/7 8006/12 8006/21 8011/12 8029/19 8031/11 8032/6 8032/18 8043/5 8057/21 8064/1 8080/9 8087/9  Gotcha [1] 7965/13  gradient [3] 7950/11 7950/13 7953/18  graduating [1] 8016/22  Grand [1] 7902/14  grass [1] 8011/23  great [7] 7974/7 8023/20 8044/10 8044/25 8064/23 8077/22 8095/4  greater [1] 8089/23  Greg [5] 7950/20 7966/24 7966/25 7974/14 7992/11  grew [1] 7906/25  grounds [1] 7930/23  group [16] 7899/15 7909/8 7943/14 7943/25 7944/11 7944/16 7970/6 7971/2 7971/24 7973/4 8000/6 8001/9 8012/10 8074/4 8091/16 8092/20  groups [1] 8059/8  grow [1] 7906/24  growth [1] 8089/2  guess [2] 7961/23 8063/21  guidance [1] 7972/16  Guide [39] 7950/20 7951/2 7958/15 7959/6 7959/8 7960/18 7960/20 7960/21 7961/7 7961/13 7961/18 7965/18 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<p><b>G</b></p> <p>GULF... 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7944/1 7944/5  7945/10 7981/11 7983/3 7983/20 8003/9  8006/17 8021/7 8030/22 8031/5 8038/18  8039/13 8039/13 8039/21 8040/15  8040/15  happening [2] 8030/7 8038/22  happens [2] 7932/17 7932/19  happy [1] 8094/5  hard [3] 7966/24 8072/6 8092/5  HARIKLIA [2] 7901/22 8013/23  Hariklia Karis [1] 8013/23  HARTLEY [2] 7903/4 7918/22  has [39] 7905/12 7905/13 7911/5 7916/5  7926/22 7935/17 7936/3 7938/20  7938/21 7939/14 7940/7 7941/4 7941/10  7941/12 7947/15 7948/15 7972/10  7973/12 7977/2 7985/15 7989/17  7993/10 7997/10 7998/21 8001/17  8002/12 8008/8 8012/21 8015/8 8015/10  8033/21 8041/11 8045/20 8065/11  8068/20 8072/22 8078/4 8083/11  8092/12  hasn't [2] 7954/24 7989/3  HAUSER [1] 7901/4  have [264]  haven't [1] 7926/21  having [20] 7906/4 7918/6 7919/4  7925/16 7932/5 7933/10 7945/2 7945/16  7974/25 7976/24 7984/21 7986/25  7987/12 8013/17 8018/2 8029/19  8037/20 8049/9 8071/20 8081/11  HAYCRAFT [1] 7901/19  hazard [10] 7942/9 8059/4 8061/13  8061/18 8061/22 8063/14 8063/17</p>	<p>8063/24 8071/12 8073/23  hazards [11] 8059/19 8060/1 8061/24  8062/1 8064/14 8065/18 8065/23  8067/12 8071/18 8071/22 8073/14  HB [1] 7903/10  HB-406 [1] 7903/10  he [192] 7907/3 7917/17 7918/1 7918/15  7918/17 7918/18 7918/18 7918/18  7919/2 7919/5 7919/5 7919/5 7919/6  7919/6 7919/7 7919/12 7919/14 7920/3  7920/5 7920/6 7920/15 7920/20 7921/13  7921/22 7923/2 7923/3 7923/4 7923/6  7923/15 7924/13 7924/24 7926/7  7926/11 7926/22 7927/7 7927/7 7927/9  7927/15 7927/24 7927/25 7928/12  7928/22 7929/1 7931/7 7932/18 7932/23  7933/4 7934/1 7935/25 7936/1 7937/6  7937/8 7937/8 7937/9 7937/10 7937/11  7937/12 7937/15 7938/8 7938/19  7938/20 7938/21 7947/6 7948/17  7948/20 7948/22 7948/22 7948/24  7949/6 7950/10 7952/22 7953/18  7954/24 7955/15 7957/2 7957/19 7958/1  7958/1 7960/9 7960/18 7962/21 7962/22  7965/9 7965/13 7966/25 7967/8 7967/14  7967/17 7967/23 7967/23 7968/10  7968/11 7968/21 7968/25 7969/2  7970/11 7971/1 7971/3 7971/4 7971/4  7971/7 7971/24 7972/3 7972/3 7972/14  7972/14 7972/15 7972/25 7973/2 7973/4  7973/6 7973/6 7973/7 7973/14 7974/1  7974/14 7974/14 7976/21 7978/25  7979/4 7982/1 7984/3 7984/15 7985/21  7985/22 7986/7 7986/13 7986/15  7986/17 7986/19 7986/20 7989/3 7989/6  7989/8 7989/13 7989/16 7991/22  7991/24 7991/24 7991/25 7992/1 7992/5  7992/9 7992/17 7993/7 7993/10 7995/10  7995/10 7995/10 7995/15 7998/21  7998/24 7999/3 7999/20 7999/25  8000/23 8001/1 8001/4 8001/5 8001/11  8001/21 8001/22 8002/17 8002/19  8002/21 8002/21 8002/24 8003/2  8003/11 8004/7 8004/7 8004/8 8004/9  8004/14 8004/18 8007/25 8008/1 8008/1  8008/3 8008/5 8008/5 8011/19 8011/23  8011/24 8012/21 8021/7 8024/11  8024/22 8056/18 8078/20 8092/14  8092/15  he's [5] 7931/6 7948/8 7956/1 7995/9  8008/2  head [10] 7941/23 7962/22 7970/17  7975/14 8014/21 8020/11 8020/19  8021/2 8064/2 8074/4  headed [1] 7980/6  header [3] 7969/18 7991/10 7991/11  hear [10] 7922/12 7937/25 7938/7  7938/13 7938/17 7970/13 7997/15  8010/17 8029/11 8035/14  heard [18] 7911/5 7915/15 7918/9  7926/21 7929/21 7938/4 7938/20  7938/25 7947/13 7951/9 7970/7 7983/10  7988/12 8010/17 8028/6 8036/4 8041/11  8055/5  hearing [2] 7927/22 8010/22  hearsay [22] 7919/6 7919/12 7919/17  7919/18 7919/25 7920/2 7920/4 7920/7  7920/25 7921/14 7921/20 7921/25  7922/5 7922/6 7923/11 7926/22 7930/22  7993/18 7993/19 7993/19 7993/20  7994/15  heart [1] 7972/16  held [6] 7910/12 8017/10 8017/22</p>

H	7966/14 7967/22 7978/4 7981/14 7987/17 7988/16 7989/6 7989/13 7989/19 7990/7 7992/20 7993/1 7993/8 7993/10 7993/24 7994/2 7995/20 7996/1 7996/4 7996/9 7996/14 7996/25 7998/18 7998/21 7998/25 8009/1 8009/23 8009/25 8012/19 8013/5 8013/13 8013/22 8094/4 8094/14 8094/25 Honor's [1] 7988/13 HONORABLE [1] 7898/15 HORIZON [13] 7898/4 7911/4 7941/25 7980/6 7982/5 8008/15 8009/18 8054/18 8055/7 8055/9 8072/22 8074/13 8082/8 Horn [1] 8082/11 Horn Mountain [1] 8082/11 Horse [8] 8079/24 8080/2 8080/3 8080/4 8080/12 8081/24 8085/11 8085/15 hotel [1] 7930/6 Houma [1] 7899/16 hour [3] 7924/22 7960/25 8094/8 hours [3] 7911/17 7911/19 7961/14 house [6] 7917/19 7928/19 7929/4 7929/10 8011/16 8011/17 Houston [21] 7900/4 7902/10 7902/21 7903/8 7906/13 7906/15 7909/7 7909/10 7910/19 7912/4 7929/6 7929/7 7929/11 7929/13 7929/19 7990/16 7990/21 8020/10 8020/13 8020/16 8021/13 how [94] 7907/1 7911/11 7912/14 7916/5 7917/13 7918/15 7918/15 7919/2 7919/12 7920/3 7922/17 7924/18 7925/14 7925/18 7925/22 7927/15 7929/25 7935/11 7935/22 7936/25 7938/14 7939/23 7943/19 7962/14 7968/12 7982/13 7984/24 7986/20 7996/3 8006/10 8007/19 8007/21 8007/22 8015/11 8015/13 8016/11 8018/8 8018/23 8019/11 8021/4 8021/21 8022/7 8022/18 8023/13 8024/7 8026/22 8026/25 8027/1 8027/4 8027/18 8027/25 8028/19 8029/2 8030/25 8031/6 8031/24 8034/22 8036/16 8038/13 8041/22 8041/24 8043/12 8050/4 8050/5 8051/13 8051/20 8053/23 8054/2 8054/12 8055/8 8055/21 8057/2 8062/3 8064/8 8066/8 8066/12 8066/12 8066/14 8069/22 8069/22 8071/4 8075/12 8075/17 8076/3 8076/18 8078/2 8079/22 8080/10 8080/12 8086/23 8090/6 8090/11 8093/20 8094/7 HR [1] 8030/16 HSE [1] 8045/21 huge [1] 7976/19 Hughes [1] 7902/19 huh [1] 8028/8 Hung [1] 7928/12 hydrocarbon [3] 7972/4 7978/19 7979/1 hydrocarbons [8] 7979/10 7979/17 7979/24 7980/9 7981/20 7982/19 8011/12 8068/19 hydrostatic [1] 7949/14 HYMEL [1] 7902/16 hypothetical [2] 7981/15 7982/4	7962/21 7962/23 7967/15 7967/22 7969/16 7977/17 7977/19 7981/19 7983/15 7983/19 7984/24 7985/24 7987/7 7988/24 7989/18 7989/22 7990/10 7991/1 7991/19 7993/12 7993/21 7994/5 7994/12 7994/13 7994/16 7994/18 7996/5 7996/6 7997/11 7998/19 8000/4 8002/12 8007/8 8007/24 8010/25 8016/9 8032/14 8032/17 8042/22 8070/1 8074/9 8076/10 8076/11 8084/20 8094/4 8094/5 I've [6] 7914/10 7930/7 7983/10 7989/4 7991/9 8072/5 IBOP [1] 7932/14 idea [8] 7911/1 7916/5 7966/10 7969/17 7971/7 7974/13 7980/17 8075/17 ideas [1] 8035/14 identification [3] 8061/12 8074/17 8075/2 identified [26] 7972/4 7977/2 8024/2 8025/24 8026/8 8031/17 8049/16 8056/18 8056/23 8058/7 8058/11 8060/16 8061/17 8061/23 8062/1 8062/9 8063/15 8066/22 8067/21 8068/24 8069/2 8069/5 8074/13 8074/22 8079/21 8081/4 identifies [1] 8069/4 identify [9] 8011/11 8049/19 8050/17 8063/16 8063/22 8066/18 8067/12 8071/12 8079/18 identifying [11] 8022/15 8026/20 8059/16 8060/19 8065/5 8066/10 8070/13 8071/5 8072/19 8084/12 8089/6 if [162] 7906/24 7913/5 7915/12 7915/13 7917/2 7919/14 7920/24 7921/10 7922/4 7923/3 7923/15 7924/6 7925/7 7925/24 7928/2 7928/6 7929/24 7930/16 7931/15 7931/16 7933/2 7935/3 7935/6 7935/17 7936/14 7942/2 7942/8 7943/5 7945/24 7947/13 7947/24 7948/22 7948/22 7949/7 7949/10 7951/21 7951/22 7952/6 7952/17 7952/23 7953/9 7953/25 7954/7 7955/20 7956/1 7956/14 7956/18 7957/2 7957/22 7958/21 7960/8 7961/2 7961/6 7961/18 7961/23 7962/15 7963/13 7965/17 7965/24 7966/3 7966/16 7966/18 7969/18 7969/19 7969/21 7970/16 7970/20 7971/2 7973/2 7973/4 7973/7 7973/22 7975/9 7976/9 7976/11 7976/12 7976/22 7977/6 7979/23 7980/4 7980/4 7980/9 7980/10 7980/13 7980/13 7980/18 7981/10 7981/19 7982/1 7982/4 7982/9 7982/22 7983/1 7985/12 7986/22 7991/12 7991/13 7993/3 7993/20 7994/1 7995/2 7996/4 7999/9 7999/17 8000/24 8001/10 8002/2 8002/10 8002/19 8006/18 8010/3 8011/24 8019/22 8021/6 8022/1 8024/4 8025/6 8034/10 8034/18 8035/12 8036/17 8039/25 8042/22 8043/6 8044/5 8050/6 8050/14 8051/3 8051/18 8052/2 8056/12 8058/14 8060/25 8061/9 8064/10 8065/16 8065/21 8067/5 8068/2 8068/2 8068/15 8068/21 8069/16 8071/9 8071/24 8072/17 8073/16 8076/5 8076/10 8077/22 8078/2 8078/17 8079/10 8082/25 8082/25 8085/2 8088/10 8088/13 8089/20 8092/20 8093/17 8093/17 ignited [1] 8068/21 ignored [4] 8041/13 8056/19 8063/14 8074/18 Illinois [1] 7901/24 imagine [1] 8029/7
held... [3] 8019/24 8030/18 8040/6 helicopter [1] 7976/17 helicopters [1] 8077/16 help [8] 7915/18 7925/22 7942/15 7982/23 8021/10 8021/14 8077/14 8086/6 helpful [2] 7920/19 7924/6 helping [2] 7942/18 7971/4 hence [1] 8055/4 here [44] 7913/8 7916/1 7919/9 7919/21 7920/11 7920/22 7921/21 7921/23 7922/19 7936/8 7936/23 7939/1 7946/15 7948/6 7954/23 7963/11 7965/24 7970/9 7982/11 7992/10 7996/5 7999/24 8000/4 8013/3 8015/18 8024/23 8025/13 8029/4 8033/14 8037/14 8038/4 8040/4 8043/13 8043/22 8060/25 8069/25 8070/9 8070/10 8070/21 8071/16 8072/11 8076/15 8078/21 8085/13 Here's [2] 7922/22 7949/3 hereby [1] 8095/10 Herman [3] 7898/22 7898/22 7898/23 HES [2] 7931/3 7951/13 hierarchy [1] 7941/8 high [8] 7907/5 7931/4 7949/15 7950/10 7981/2 7981/6 7981/6 8026/10 higher [2] 7941/3 7941/6 highest [2] 8066/1 8067/22 highlight [4] 7925/7 7925/24 7931/15 8007/11 highlighted [4] 8003/11 8006/14 8061/17 8092/24 HILL [1] 7903/4 him [33] 7918/3 7919/4 7923/10 7923/18 7925/22 7937/2 7937/14 7937/15 7938/19 7948/23 7951/9 7958/18 7967/23 7982/1 7983/13 7986/1 7989/2 7989/4 7989/9 7989/15 7989/24 7990/5 7998/19 7998/19 8000/2 8000/3 8004/20 8011/21 8011/22 8011/24 8024/12 8024/13 8024/21 hindsight [1] 7939/23 hiring [1] 8070/18 his [43] 7905/11 7905/11 7917/11 7917/12 7917/19 7918/1 7918/17 7919/8 7919/11 7919/13 7920/15 7920/15 7920/24 7923/18 7927/17 7928/19 7934/18 7937/19 7957/2 7957/23 7962/22 7966/11 7971/16 7973/15 7975/21 7976/6 7989/15 7989/15 7989/16 7990/9 7993/10 7993/14 7995/21 7999/2 8000/12 8001/16 8011/16 8011/17 8011/21 8011/22 8011/23 8011/23 8092/19 history [2] 7908/6 8015/21 hold [6] 7942/22 8015/23 8015/24 8016/5 8016/8 8020/18 Holdings [5] 7902/5 7902/8 7902/12 7902/16 7902/19 holds [1] 8008/1 hole [7] 7931/3 7950/8 7956/12 7956/17 7964/7 7964/16 7965/9 holiday [1] 8040/6 Holthaus [1] 7899/21 home [3] 7917/11 7918/18 8000/12 honor [62] 7905/4 7905/18 7906/2 7918/20 7918/22 7919/19 7919/23 7920/7 7920/14 7921/4 7921/24 7922/24 7923/8 7926/24 7938/10 7938/22 7939/3 7940/19 7947/13 7947/25 7948/1 7948/4 7948/13 7948/18 7954/1 7954/5 7957/17	I I'll [5] 7923/17 7982/1 7982/4 8010/5 8078/19 I'm [72] 7906/17 7912/10 7913/2 7914/7 7915/25 7922/11 7923/13 7923/17 7923/18 7925/16 7926/20 7932/5 7938/19 7943/21 7945/4 7946/3 7948/1 7948/5 7948/18 7953/11 7957/2 7958/8 7958/9 7961/25 7962/18 7962/21	

immediate [2] 7959/17 8021/9	independent [1] 8019/1	7929/22 7930/3 7930/5 7933/11 7933/17
immediately [1] 7980/10	independently [2] 8048/11 8049/10	7933/22 7933/25 7934/17 7934/25
impact [7] 8069/3 8069/5 8069/5	indicate [3] 7969/22 7986/6 8060/19	7935/4 7935/8 7935/15 7935/19 7935/19
8075/25 8077/23 8088/18 8088/19	indicated [3] 7968/16 7968/21 8022/3	7935/23 7936/19 7937/18 7938/24
imperative [1] 8034/9	indicates [1] 7987/14	7943/11 7946/6 7946/11 7946/19
implement [7] 8046/2 8046/10 8046/12	indicating [2] 7949/18 7960/20	7952/18 7952/20 7953/25 7957/21
8046/18 8047/6 8047/9 8048/15	indication [3] 7985/10 7985/12 7987/15	7958/18 7958/20 7959/11 7961/17
implementation [2] 8056/8 8058/5	indicator [1] 8027/16	7968/20 7968/21 7968/23 7968/23
implemented [11] 8045/24 8047/11	indicators [1] 8027/15	7968/24 7969/5 7969/23 7969/24
8047/13 8047/19 8047/22 8048/6	individual [7] 8012/12 8034/20 8035/17	7969/25 7970/4 7970/23 7970/24
8050/20 8053/12 8053/21 8056/10	8036/7 8036/7 8053/7 8087/15	7970/25 7971/12 7973/22 7985/4
8072/15	individually [1] 8001/8	7990/18 7992/11 7992/14 7993/14
implementing [3] 8049/24 8050/11	individuals [5] 8033/3 8072/2 8092/18	7997/22 7998/12 7998/24 7999/4 7999/5
8089/21	8093/12 8093/20	7999/6 7999/8 7999/10 7999/20 8000/3
implications [1] 7972/10	industry [10] 7907/17 7907/18 7907/23	8000/5 8000/9 8000/13 8000/17 8000/20
important [17] 7945/12 8006/17 8028/14	7962/12 8054/11 8054/12 8054/16	8000/23 8001/6 8002/8 8003/3 8003/18
8029/4 8031/9 8031/15 8031/20 8031/21	8055/4 8055/16 8056/3	8003/19 8007/16 8010/15 8010/22
8031/25 8036/9 8036/12 8036/15	industrywide [1] 8082/15	8011/15 8011/18 8011/20
8037/25 8041/5 8042/4 8043/15 8057/18	influx [2] 7978/19 7982/8	interviewed [5] 7934/22 7992/17 7998/6
importantly [1] 8073/14	inform [1] 7925/19	8000/7 8000/11
impression [11] 7926/15 7927/6 7928/21	information [17] 7913/13 7942/18	interviewee [2] 7914/21 7915/12
7929/1 7933/12 7934/18 7937/19	7943/18 7957/23 7963/10 7973/12	interviewer [2] 7914/6 7916/6
7986/15 7986/17 7991/24 7992/4	7985/1 7986/7 7989/16 7995/14 7995/15	interviewing [3] 7916/10 7933/16
impressions [2] 7915/16 8024/13	8006/12 8006/21 8007/1 8025/8 8063/7	7974/21
Imprevento [1] 7899/8	8064/16	interviews [26] 7911/22 7913/16 7914/4
improve [11] 8026/22 8032/21 8032/22	infrastructure [2] 8022/19 8080/16	7914/14 7914/16 7915/8 7915/25 7916/2
8032/24 8034/23 8053/2 8061/20	Inglis [5] 8024/10 8024/25 8025/9 8052/3	7916/5 7916/21 7938/17 7939/16
8062/15 8062/19 8063/4 8063/19	8083/22	7940/10 7943/11 7945/17 7957/3 7990/5
improved [2] 7952/8 8077/23	Inglis' [2] 8021/5 8024/20	7990/6 7990/8 7997/12 7998/5 7998/6
improvement [10] 8032/9 8036/1 8036/3	initial [3] 8011/13 8017/12 8024/12	8006/10 8010/17 8012/3 8016/15
8060/6 8060/9 8060/23 8061/4 8061/11	initially [3] 7918/17 8047/3 8074/2	into [42] 7914/24 7917/9 7918/17 7921/7
8062/12 8062/22	initiatives [1] 8037/2	7921/12 7922/16 7935/6 7942/6 7943/19
improvements [1] 8075/18	injuries [3] 8037/15 8038/7 8038/25	7953/21 7958/10 7964/7 7964/15 7965/9
improving [6] 8032/3 8041/7 8044/9	Inlet [1] 7908/13	7966/13 7966/16 7966/17 7971/4 7974/9
8044/24 8089/4 8091/12	input [3] 8027/22 8044/1 8063/1	7974/25 7975/7 7979/15 7980/3 7980/7
in [734]	inputs [2] 8032/6 8061/22	7981/8 7981/16 7981/20 7982/17
in-flow [1] 7934/10	inquire [1] 7985/16	7985/16 7985/21 7987/23 7989/14
inaccurate [2] 8047/17 8074/22	inquired [1] 7985/20	7993/19 8011/12 8011/12 8015/6
INC [16] 7898/11 7901/19 7901/22	inquiry [2] 7942/6 7942/15	8018/14 8023/12 8025/15 8026/11
7902/3 7902/6 7902/7 7902/9 7902/10	insight [1] 8027/17	8080/5 8082/1
7902/13 7902/13 7902/17 7902/17	insisted [1] 7932/21	introduced [1] 7939/6
7902/20 7902/21 7903/3 7903/7	insofar [1] 7942/5	invented [1] 8091/8
incident [7] 8020/18 8021/1 8021/17	install [2] 7961/3 7961/15	invested [1] 8080/15
8030/22 8031/22 8038/18 8039/13	instead [1] 7980/19	investigate [4] 8037/17 8037/21 8038/10
incidents [17] 8029/19 8029/20 8037/17	instituted [2] 8031/10 8031/12	8059/11
8037/20 8037/25 8038/2 8038/3 8038/11	instructions [3] 8009/10 8009/12 8009/14	investigated [3] 7985/22 8039/1 8039/14
8039/21 8040/14 8059/12 8059/16	integrated [2] 8059/3 8059/9	investigating [5] 7944/21 8029/20
8060/24 8061/6 8061/15 8061/16	integrity [6] 7954/21 7955/4 7956/21	8037/24 8038/2 8059/15
8066/13	8011/11 8043/16 8064/22	investigation [50] 7910/17 7910/23
include [9] 7912/12 7939/15 8015/16	intend [6] 7919/24 7923/9 7988/11	7911/6 7911/7 7911/12 7911/23 7911/25
8027/19 8035/19 8037/21 8048/21	7990/1 8075/20 8089/22	7913/9 7913/16 7914/4 7914/8 7914/20
8052/10 8063/10	intended [2] 8073/21 8086/9	7915/22 7916/19 7941/24 7942/5 7942/9
included [15] 7933/13 7939/15 7988/25	Intense [1] 8027/6	7944/16 7955/2 7970/3 7970/5 7970/18
8023/7 8023/9 8027/21 8034/25 8050/17	intent [1] 8089/24	7972/22 7973/12 7974/6 7974/20
8050/24 8051/16 8052/11 8052/12	interaction [1] 8029/2	7974/25 7975/14 7976/4 7977/3 7977/3
8058/5 8062/25 8084/13	interest [3] 7914/22 7948/7 7948/10	7977/14 7978/18 7983/4 7986/6 7986/12
includes [6] 7912/18 7949/5 8029/7	interested [1] 8042/8	7987/3 7987/23 7992/8 7993/6 7998/3
8029/16 8033/8 8039/6	internal [2] 7910/17 7911/25	8001/4 8001/5 8005/16 8007/25 8008/13
including [7] 8009/9 8015/18 8054/18	interpret [1] 7924/12	8008/25 8009/16 8037/22 8039/10
8060/17 8062/9 8072/3 8091/23	interpretation [4] 7939/19 7939/21	investigations [4] 7914/10 8031/23
incomplete [1] 7981/14	8005/24 8006/6	8059/13 8061/16
incorrect [6] 7949/13 7951/21 8041/15	interpreted [2] 7939/24 8075/21	investigators [3] 7929/11 7929/14 7992/7
8041/16 8047/11 8076/12	interrogated [1] 8087/25	investing [1] 8080/22
incorrectly [1] 7952/10	interrupt [2] 7915/12 7930/22	investment [2] 8080/16 8081/25
increase [16] 8061/23 8078/15 8079/4	intersected [1] 8078/2	investments [3] 8026/16 8026/17
8079/8 8079/21 8079/23 8081/4 8081/6	intervention [1] 8068/20	8080/20
8081/8 8081/16 8081/22 8082/8 8082/12	interventions [1] 8028/2	invited [1] 7917/25
8083/7 8083/10 8086/17	interview [98] 7913/13 7913/19 7914/23	involved [22] 7913/24 7914/8 7914/10
increased [2] 8080/24 8083/4	7915/2 7915/16 7915/21 7917/5 7917/10	7918/24 7939/11 7944/16 7952/3
increases [2] 8081/7 8081/25	7917/13 7917/18 7917/22 7917/23	7961/19 7970/4 7970/20 7974/21
increasing [1] 8078/5	7918/7 7918/16 7920/16 7921/15 7924/1	7989/12 8000/15 8005/7 8017/3 8017/8
	7928/6 7928/20 7929/12 7929/14	8017/19 8037/24 8038/2 8058/19
		8071/17 8089/21

<p>involvement [1] 8053/15  involving [2] 7911/4 7941/24  IPT [1] 8087/19  Irpino [2] 7900/5 7900/6  is [377]  Island [2] 7909/20 7909/21  isn't [1] 7948/12  isolation [4] 7972/15 7972/16 7973/8  7973/16  issue [21] 7914/25 7932/2 7950/15  7951/2 7952/11 7952/22 7953/16  7953/19 7953/22 7955/3 7962/3 7974/5  7977/2 7977/7 7977/7 7984/21 8060/7  8069/8 8081/17 8084/12 8090/23  issued [2] 7913/11 8042/10  issues [18] 7947/17 7974/9 7974/14  7975/1 7975/5 7977/11 7977/15 7977/22  7977/25 7989/11 8010/25 8012/6 8031/2  8041/1 8061/13 8073/13 8084/6 8084/7  it [478]  it's [91] 7905/22 7913/4 7919/18 7921/4  7923/16 7926/23 7938/10 7941/5 7942/5  7947/21 7947/22 7954/3 7962/15  7962/15 7962/18 7963/7 7963/8 7964/14  7976/9 7978/17 7980/9 7981/14 7982/15  7982/19 7982/20 7982/22 7983/1 7990/6  7990/15 7991/3 7991/12 7996/20 7999/9  8002/10 8006/25 8007/9 8011/24  8012/11 8012/11 8012/12 8012/22  8013/14 8022/9 8023/3 8027/17 8028/14  8029/19 8029/20 8034/5 8034/5 8037/13  8039/5 8040/9 8040/10 8041/15 8041/16  8041/20 8042/1 8042/5 8050/2 8051/24  8052/6 8052/7 8053/6 8054/19 8054/25  8055/18 8059/18 8061/2 8061/3 8063/13  8068/5 8068/18 8069/7 8069/10 8070/3  8070/8 8071/15 8073/9 8074/22 8075/14  8076/11 8077/16 8077/16 8081/10  8081/12 8081/17 8086/20 8087/3  8088/25 8091/4  item [5] 8026/4 8030/24 8060/4 8085/4  8086/15  items [9] 8041/6 8041/8 8062/14  8063/15 8073/19 8074/16 8085/11  8086/12 8088/12  iterated [1] 7944/18  its [8] 7981/12 8023/2 8054/23 8054/23  8054/24 8080/9 8081/19 8088/9  itself [2] 7959/12 8054/9</p>	<p>7932/23 7946/16 7946/17 7947/8  7948/17 7949/7 7949/19 7949/20 8008/1  8008/3 8020/7 8035/12 8036/17 8040/11  8040/21 8041/3  JOHN [27] 7899/22 7902/20 7950/20  7951/2 7958/15 7959/8 7961/18 7965/23  7966/10 7966/24 7967/3 7967/4 7967/7  7967/13 7968/17 7969/10 7970/22  7971/12 7972/14 7972/15 7972/19  7972/20 7972/23 7973/23 7973/25  8012/3 8074/5  John's [2] 7974/3 7974/12  join [3] 7910/16 7930/24 8016/23  joined [3] 7935/25 7946/11 8016/24  joint [5] 8017/20 8017/21 8087/23  8088/1 8088/3  joked [1] 7927/17  journey [1] 8067/14  JR [3] 7899/12 7903/3 7903/4  judge [15] 7898/15 7907/21 7916/17  7919/10 7920/11 7922/14 7923/7  7947/20 7948/11 7948/22 7948/25  7951/9 7983/15 8006/5 8010/3  July [9] 7934/24 7935/8 7935/18 7937/25  7968/23 7968/24 7971/13 8002/8  8068/10  July 1 [1] 7971/13  July 2008 [1] 8068/10  July 8 [1] 7935/18  jump [2] 7916/6 7929/9  jumping [2] 7918/4 7927/8  junior [1] 7931/6  just [121] 7905/6 7905/10 7905/15  7905/21 7905/21 7905/22 7906/23  7907/21 7911/16 7911/23 7912/16  7912/17 7913/21 7916/4 7916/15  7917/11 7917/19 7919/18 7920/2  7920/22 7923/20 7924/4 7924/5 7925/2  7925/7 7925/21 7926/2 7926/14 7928/2  7928/7 7928/21 7929/9 7929/15 7930/18  7930/21 7930/25 7931/15 7932/9 7933/2  7935/6 7935/22 7936/7 7938/3 7939/3  7940/9 7945/17 7945/21 7946/13  7946/21 7947/13 7947/14 7948/20  7952/9 7953/17 7955/5 7955/12 7955/15  7957/19 7956/14 7957/3 7957/16  7957/23 7958/1 7958/8 7958/12 7968/20  7969/13 7973/11 7975/6 7979/1 7981/19  7988/23 7991/15 7994/2 7994/11  7995/22 7996/5 7996/18 7997/19  7998/19 7999/1 8000/4 8006/8 8007/9  8009/4 8010/10 8010/11 8010/21  8013/10 8017/6 8021/7 8021/9 8024/17  8026/6 8026/10 8026/13 8026/23  8031/16 8031/19 8036/14 8038/7  8039/23 8040/9 8040/11 8042/4 8043/18  8053/13 8060/9 8060/16 8062/9 8063/1  8066/1 8070/16 8071/24 8080/7 8082/21  8085/25 8088/24 8091/19 8092/3  8094/15  Justice [4] 7900/8 7900/12 7900/18  7901/2</p>	<p>keeper [1] 7952/24  keeping [2] 7913/12 8031/7  KELLEY [1] 7901/4  Kent [7] 7936/16 7946/7 7972/6 7972/18  7975/14 8001/3 8001/17  KERRY [1] 7902/6  Kevin [3] 7904/9 8012/21 8013/7  key [28] 7914/22 8023/6 8024/2 8025/24  8026/8 8026/9 8027/15 8027/16 8033/11  8035/25 8036/2 8036/23 8042/5 8043/25  8051/20 8052/2 8057/13 8057/22  8059/16 8060/5 8064/6 8064/9 8065/9  8066/9 8066/10 8066/15 8067/13  8073/12  kick [2] 7999/17 8000/25  kill [30] 7924/9 7924/15 7924/16 7927/5  7931/25 7932/2 7932/2 7932/3 7932/5  7932/7 7932/21 7932/22 7932/24  7934/12 7937/5 7937/7 7937/15 7937/21  7965/4 7965/5 7983/22 7984/5 7984/14  7984/22 7985/8 7985/9 7986/9 8003/13  8006/3 8007/3  Kinchen [2] 7902/19 7902/20  kind [8] 7914/24 7917/12 7918/4  7947/21 7967/16 7976/9 7977/22  8019/23  King [1] 8081/20  Kirkland [1] 7901/21  kitchen [1] 7917/12  knew [6] 7918/18 7951/17 7966/10  7968/11 7968/19 8028/17  know [66] 7905/15 7906/23 7919/8  7923/4 7923/5 7923/15 7924/7 7939/8  7951/21 7952/6 7952/8 7952/11 7952/11  7954/14 7956/18 7957/24 7958/7  7959/18 7962/20 7966/11 7968/2  7968/18 7968/20 7969/25 7970/2 7973/4  7973/6 7973/14 7977/6 7977/13 7980/3  7980/9 7980/10 7981/7 7982/8 7982/15  7983/4 7991/7 7991/8 7991/12 7991/21  7991/22 7991/23 7992/4 7992/5 7992/16  7994/25 7998/16 7999/9 8001/10  8001/11 8003/2 8003/4 8003/9 8004/24  8021/9 8040/15 8041/18 8042/9 8043/12  8055/7 8056/24 8057/3 8068/18 8077/14  8094/20  knowledge [12] 7914/1 7915/20 7936/19  7957/25 7958/2 7973/18 7974/6 7974/19  7974/19 7985/23 7987/22 7989/16  known [2] 7908/9 7980/14  knows [3] 7926/7 7960/9 7989/13  KPI [1] 8044/1  KPIs [4] 8027/11 8027/14 8027/14  8027/23  KRAUS [1] 7901/16  Kullman [1] 7899/5</p>
<p><b>J</b>  jack [2] 7908/14 7979/21  jack-up [2] 7908/14 7979/21  jackets [1] 8017/9  JAMES [3] 7898/19 7901/12 8021/3  January [2] 7910/6 7910/9  January 2009 [2] 7910/6 7910/9  Japan [1] 7909/22  Jason [7] 7927/17 7928/10 7932/14  7932/16 7933/3 7933/6 7995/6  Jefferson [2] 7898/20 7902/17  JEFFREY [1] 7899/9  JERRY [1] 7903/7  Jesse [2] 7951/5 7951/6  Jesse Gagliano [1] 7951/6  JESSICA [2] 7900/19 7900/20  Jim [5] 7917/16 7944/9 7946/7 7970/22  7997/25  Jim Cowie [1] 7944/9  JIMMY [1] 7900/3  job [20] 7907/20 7912/2 7915/7 7915/18</p>	<p><b>K</b>  Kaluzza [11] 7924/14 7927/18 7929/10  7930/3 7930/5 7930/8 7931/20 7933/10  7933/12 7933/16 7967/10  Kanner [2] 7901/15 7901/15  KARIS [4] 7901/22 7904/12 7921/6  8013/23  Katz [1] 7898/22  keep [8] 7913/10 7913/11 7922/4  7928/13 7947/16 7953/1 7961/23 8030/6</p>	<p><b>L</b>  Lacy [6] 7904/9 8012/21 8013/7 8068/9  8068/13 8069/19  laed.uscourts.gov [1] 7903/12  Lafayette [7] 7898/21 7902/18 7917/21  7929/6 7929/13 7990/20 8011/22  Lafleur [1] 7902/16  Lamar [1] 7903/8  Lambert [1] 7931/23  landing [1] 7918/1  LANGAN [1] 7901/22  language [1] 8003/11  large [10] 8018/15 8018/18 8022/12  8022/22 8026/15 8027/24 8042/8  8080/20 8081/18 8087/3  largest [1] 8085/4</p>

L	leaving [5] 7909/17 7910/2 8020/1 8020/3 8053/13	7959/24 lines [9] 7928/7 7943/9 7949/11 7953/9 7954/7 7955/9 7958/22 7973/23 8091/2
Las [2] 7929/8 7930/6	led [8] 7909/23 8015/21 8018/3 8018/15 8018/17 8041/16 8079/7 8082/15	linked [1] 8059/10
Las Vegas [2] 7929/8 7930/6	leeway [1] 7921/21	lion's [1] 8086/12
Lasalle [1] 7901/23	left [13] 7911/25 7929/4 7929/10 7933/6 7933/11 7937/18 7979/15 7986/15 7986/17 7986/20 7991/23 8053/22 8055/11	liquid [2] 7979/5 7979/10
last [21] 7916/2 7927/2 7927/25 7928/5 7936/6 7939/1 7976/14 7976/22 7986/24 7987/3 7989/10 8003/20 8003/22 8027/6 8030/22 8031/1 8039/1 8053/2 8065/12 8071/17 8082/11	legal [3] 7966/12 7977/17 8082/15	Liskow [1] 7901/18
last-minute [1] 7976/14	Legend [1] 7910/1	list [3] 7913/20 8026/5 8052/1
lasted [1] 7911/15	Leger [2] 7899/12 7899/12	listed [4] 7935/19 8041/6 8073/19 8092/19
lastly [1] 8011/15	legitimate [1] 8088/1	listen [1] 8035/13
late [6] 7909/6 7937/24 7946/11 8023/12 8053/12 8081/18	length [1] 8020/1	listened [3] 7955/22 7956/16 7956/23
later [9] 7915/14 7928/10 7934/22 7936/24 7955/16 7968/20 7968/23 7968/24 8052/7	Leo [2] 7927/18 7931/23	listening [1] 7948/18
latter [1] 8021/24	less [4] 8064/16 8082/23 8086/23 8094/8	Litigation [1] 7901/3
Laurie [1] 8061/3	let [18] 7905/15 7906/23 7907/14 7920/22 7924/7 7929/9 7933/9 7936/9 7938/22 7943/22 7976/13 7982/1 7986/1 7989/5 7994/18 8004/25 8032/14 8038/13	little [14] 7906/21 7906/24 7937/3 7955/9 7960/8 7966/18 8014/19 8015/20 8056/6 8061/21 8070/3 8077/21 8078/7 8092/3
Law [3] 7899/15 7899/18 7900/5	let's [51] 7918/10 7923/21 7933/20 7952/13 7955/9 7955/9 7958/12 7966/19 7969/6 7969/7 7970/20 7971/10 7971/19 7978/9 7978/9 7983/10 7990/2 7997/1 7997/1 7997/19 7998/9 7998/17 7998/23 7999/12 8001/12 8002/5 8003/16 8007/8 8008/3 8008/19 8009/5 8015/20 8032/14 8042/14 8044/8 8044/16 8045/7 8048/13 8050/14 8060/12 8061/21 8075/1 8079/22 8083/10 8083/12 8084/9 8084/24 8085/4 8088/20 8092/1 8094/9	live [2] 7906/12 7906/13
LAWRENCE [1] 7900/21	level [7] 7912/7 7933/6 7941/21 7974/14 7976/19 8026/11 8050/21	Liverpool [1] 8016/4
lawyer [1] 7971/16	levels [1] 8057/17	LLC [11] 7898/19 7898/22 7899/2 7899/15 7901/15 7902/5 7902/6 7902/9 7902/12 7902/16 7902/20
lawyer's [1] 8004/24	Leverage [1] 8052/20	LLP [6] 7899/21 7901/21 7902/2 7902/8 7902/12 7902/19
lawyers [2] 7971/16 8003/3	Lewis [4] 7899/5 7901/18 7903/2 7903/7	local [2] 8039/15 8040/17
lay [2] 7994/9 8085/1	LI [1] 7902/13	localized [1] 8036/5
lead [4] 7950/24 7972/22 8067/14 8068/22	licenses [1] 8016/8	lock [1] 7963/20
leader [45] 7908/9 7909/8 7951/1 7951/2 7958/14 7962/7 7972/23 7973/13 7973/19 7976/5 8009/13 8014/9 8014/18 8015/22 8019/17 8019/19 8019/20 8019/23 8020/2 8020/9 8022/3 8022/3 8022/8 8023/2 8023/12 8025/11 8025/18 8028/14 8028/24 8034/14 8036/11 8036/21 8041/13 8042/6 8043/1 8044/18 8045/3 8045/9 8045/12 8054/2 8055/14 8056/9 8056/21 8067/17 8067/24	light [2] 8063/21 8074/16	lockdown [1] 7964/8
leaders [10] 7914/1 7916/7 7941/15 7941/17 7941/20 8005/17 8008/16 8008/22 8033/11 8070/23	like [32] 7906/23 7930/2 7930/21 7932/7 7945/5 7946/7 7950/2 7952/22 7959/3 7959/14 7960/15 7971/13 7975/4 7979/20 7979/21 7983/14 7991/11 7994/4 7995/22 7996/3 7996/4 8001/16 8001/18 8012/20 8014/19 8016/9 8025/4 8028/19 8040/4 8043/6 8066/14 8093/6	lodge [1] 7919/25
leadership [57] 7952/2 7973/1 7974/22 7976/19 8021/18 8023/16 8024/9 8028/12 8029/2 8029/5 8029/24 8030/5 8030/8 8030/11 8030/19 8031/16 8031/24 8032/3 8032/6 8032/7 8033/1 8033/6 8033/7 8033/8 8033/10 8034/4 8035/24 8036/13 8036/19 8037/5 8037/23 8037/24 8038/1 8038/6 8038/10 8038/14 8038/20 8038/21 8041/7 8047/6 8049/13 8051/7 8057/11 8057/21 8057/25 8058/4 8062/15 8071/7 8071/22 8072/9 8072/11 8074/2 8074/7 8078/5 8089/14 8089/25 8093/24	likely [1] 7950/11	log [10] 7958/22 7958/22 7958/25 7959/8 7960/21 7961/7 7962/14 7966/7 7973/3 7978/2
leading [1] 7938/10	likes [1] 7968/7	logger [1] 7907/3
leads [1] 8037/22	limit [6] 7962/9 7962/11 7962/12 7962/18 7962/23 7963/9	logging [2] 7907/3 7907/24
learn [4] 8027/2 8037/6 8038/19 8063/4	limited [1] 8041/8	logical [4] 7950/14 8041/3 8054/19 8056/4
learned [4] 7939/16 8039/14 8039/21 8040/16	line [60] 7924/16 7924/16 7927/5 7931/25 7932/2 7932/2 7932/3 7932/6 7932/8 7932/21 7932/22 7932/24 7934/12 7937/5 7937/7 7937/9 7937/15 7937/21 7944/6 7944/12 7951/22 7952/17 7953/6 7955/11 7960/24 7965/4 7965/5 7968/15 7983/23 7984/5 7984/14 7984/22 7985/8 7985/9 7986/9 8003/13 8004/8 8004/13 8006/4 8007/3 8035/7 8035/7 8036/14 8059/20 8059/23 8062/4 8065/10 8082/18 8085/6 8089/18 8090/13 8091/13 8092/23 8093/2 8093/8 8093/9 8093/14 8093/21 8093/22 8093/24	logistics [2] 8077/17 8077/18
learning [7] 8037/15 8038/6 8038/25 8052/16 8060/24 8061/19 8066/13	lineage [1] 7941/19	logs [1] 7956/5
learnings [9] 8038/11 8038/15 8038/24 8039/3 8039/9 8039/17 8059/17 8062/12 8062/20	lined [8] 7925/22 7932/24 7937/8 7937/10 8003/13 8004/9 8006/4 8007/4	LOMS [1] 8053/16
leased [2] 8055/8 8056/1	liner [14] 7949/24 7950/4 7950/12 7950/12 7953/7 7954/8 7954/15 7954/17 7954/20 7955/3 7955/10 7956/4 7956/13	London [3] 8018/1 8019/6 8021/3
leases [1] 8022/15		lone [5] 7955/12 7955/21 7956/16 7958/1 7981/11
LEASING [1] 7898/8		long [27] 7911/11 7932/15 7950/5 7951/23 7952/5 7954/8 7954/8 7954/14 7954/16 7954/18 7954/21 7955/3 7955/10 7956/4 7956/14 7959/21 7959/23 7960/4 7960/5 7989/24 8009/25 8018/8 8018/23 8021/21 8055/8 8055/19 8080/12
least [11] 7939/7 7960/20 7977/2 7985/1 7993/19 8011/19 8028/4 8043/17 8046/20 8063/16 8095/1		look [44] 7949/10 7950/14 7951/22 7952/13 7952/17 7968/22 7969/18 7975/18 7978/15 7980/3 7987/23 7992/5 8001/16 8008/13 8008/16 8008/18 8024/4 8032/14 8042/14 8044/5 8049/1 8050/6 8051/3 8051/18 8058/14 8060/12 8060/15 8060/25 8061/9 8061/21 8064/10 8065/16 8068/2 8069/16 8071/9 8071/20 8072/17 8078/17 8079/10 8082/25 8084/9 8090/20 8092/1 8093/17
leave [10] 7920/22 7925/17 7955/24 7968/7 7968/10 7968/11 8007/22 8034/4 8035/10 8044/22		looked [21] 7919/2 7919/5 7919/5 7919/12 7926/10 7945/12 7949/14 7982/13 7991/11 8002/10 8008/10 8032/12 8032/18 8032/20 8041/22 8041/23 8051/24 8052/5 8058/16 8076/9 8077/19



L	7922/18 7992/18 manage [5] 8027/24 8050/5 8052/21 8066/9 8066/15 managed [2] 8027/5 8064/8 management [58] 7959/20 7959/24 7972/18 8021/12 8024/9 8027/4 8027/6 8029/22 8041/12 8043/16 8045/10 8045/13 8045/17 8045/22 8047/15 8047/24 8048/2 8048/16 8049/17 8049/18 8050/4 8051/6 8052/21 8053/16 8054/10 8054/17 8054/25 8055/1 8055/2 8055/15 8055/21 8058/22 8062/21 8064/15 8065/1 8065/4 8065/18 8065/24 8065/25 8066/7 8066/12 8067/2 8067/13 8067/14 8071/3 8076/16 8076/16 8076/19 8076/21 8076/22 8077/12 8079/12 8079/13 8083/24 8086/20 8086/25 8088/21 8089/4 manager [1] 8008/5 managers [1] 7914/1 managing [4] 8019/12 8028/1 8074/24 8088/16 manner [3] 7976/23 8026/17 8045/15 manual [1] 8070/13 manually [1] 7951/16 manufacturing [1] 8018/4 many [15] 7912/14 7917/13 7976/14 8006/10 8015/11 8015/13 8022/7 8023/16 8036/13 8037/18 8039/6 8055/11 8080/18 8080/18 8087/21 map [1] 8062/5 March [2] 7908/4 7912/6 March 2011 [1] 7912/6 margin [1] 7957/13 Mark [28] 7933/17 7933/22 7935/13 7936/24 7937/1 7937/4 7937/6 7937/8 7937/10 7937/12 7937/16 7950/19 7952/18 7960/12 7960/24 7963/17 7964/1 7966/20 7967/9 7968/2 7985/1 7986/6 8003/11 8003/21 8004/7 8004/13 8004/18 8025/3 Mark Hafle [1] 7952/18 marked [1] 7939/4 market [2] 8076/17 8077/9 marketing [1] 8018/6 Marlin [3] 8081/20 8081/21 8081/24 Martin [8] 7917/16 7969/11 7990/19 7992/7 7993/5 7997/25 7998/14 7999/14 master's [4] 7907/11 7907/16 8015/25 8016/5 match [2] 7965/21 7966/3 materials [3] 7905/11 8025/8 8077/16 Matt [2] 7905/18 8010/9 matter [5] 7919/3 7921/1 7995/23 8043/9 8095/13 mattered [1] 8044/24 matters [10] 8044/9 8044/16 8075/9 8075/21 8076/17 8076/19 8077/12 8078/1 8078/3 8083/8 MATTHEW [1] 7901/23 mature [1] 8046/22 may [24] 7917/18 7918/20 7919/8 7919/20 7921/19 7927/19 7937/24 7943/7 7948/6 7948/11 7952/21 7969/9 7969/23 7971/7 7974/23 7985/10 7985/12 8008/10 8009/4 8010/12 8010/14 8042/17 8043/17 8047/13 May 12 [3] 7969/9 7969/23 7971/7 May 6 [1] 8042/17 maybe [10] 7909/6 7919/17 7945/10 7959/15 8003/7 8055/12 8055/12 8077/14 8094/8 8094/23 MAZE [1] 7901/8	MBA [2] 8017/14 8017/17 mboe [1] 8078/21 mboe/d [1] 8078/21 McCLELLAN [1] 7900/19 McKay [4] 7946/7 7946/23 7947/1 7947/5 MD [1] 7898/4 me [48] 7906/21 7907/14 7908/8 7908/12 7909/7 7909/8 7909/12 7910/7 7917/17 7919/11 7920/22 7925/23 7929/9 7933/9 7936/9 7938/22 7943/22 7945/15 7946/13 7950/2 7951/1 7968/18 7975/6 7975/19 7976/13 7977/1 7981/19 7981/19 7983/19 7984/8 7989/5 7991/25 7994/4 7996/3 7998/6 8004/25 8007/23 8021/7 8026/12 8029/11 8029/12 8029/14 8030/14 8031/24 8032/14 8037/16 8038/13 8067/9 mean [20] 7920/18 7929/16 7938/3 7938/20 7943/7 7943/10 7943/21 7947/18 7955/14 7955/18 7962/10 7962/16 7962/17 7963/25 8029/15 8029/15 8036/2 8040/25 8089/16 8089/22 means [2] 7962/22 7977/17 meant [3] 7944/1 7944/11 8040/17 measures [4] 8034/22 8051/10 8063/16 8077/11 mechanical [6] 7903/16 8015/24 8016/1 8016/11 8016/18 8016/20 mechanically [1] 7982/10 Meche [3] 7992/12 7992/14 7994/9 meet [3] 8031/15 8039/20 8057/24 meeting [13] 7925/11 7950/21 8030/4 8030/5 8057/24 8065/1 8065/6 8067/15 8071/11 8071/16 8071/17 8071/20 8083/20 meetings [15] 7943/23 7948/8 8030/1 8030/2 8030/18 8031/10 8032/2 8036/23 8036/25 8037/5 8038/20 8042/8 8050/5 8064/6 8065/4 member [2] 7971/8 8001/3 members [2] 7998/3 8033/7 men [4] 7932/19 7937/25 7979/25 7982/17 mention [3] 7948/24 7983/25 8005/12 mentioned [11] 7977/11 7983/24 7984/1 7990/14 8026/23 8030/1 8033/6 8047/20 8050/13 8051/1 8054/4 mentions [2] 7924/13 7948/22 mere [1] 7993/20 merged [1] 7909/1 message [9] 8028/20 8028/22 8029/23 8036/20 8040/23 8042/3 8044/23 8044/23 8089/17 messed [2] 7935/12 7938/15 met [4] 7943/3 8024/10 8024/11 8030/5 metrics [7] 8027/11 8027/19 8027/21 8027/22 8027/22 8041/21 8063/1 MEXICO [73] 7898/5 7906/18 7909/13 7909/17 7910/10 7910/16 7912/3 7912/11 7941/1 7941/2 7941/3 7941/9 7952/3 7973/23 7974/9 8007/24 8008/14 8009/17 8014/10 8014/11 8014/14 8015/18 8015/23 8019/17 8020/3 8020/9 8021/8 8022/4 8022/23 8024/15 8028/9 8028/17 8028/23 8029/6 8031/11 8032/4 8032/18 8033/18 8034/15 8034/23 8036/11 8036/22 8040/3 8040/10 8041/14 8042/18 8043/5 8043/19 8044/11 8044/14 8045/16 8046/2 8046/4 8046/13 8048/21 8050/9 8051/7 8051/9 8051/21 8056/22 8064/2 8067/13
M	M-I [1] 7992/12 M54 [2] 7953/1 7953/3 Machine [1] 8052/15 Macondo [13] 7913/24 7941/10 7941/12 7941/13 7948/15 7952/3 7955/4 7974/10 7975/3 7977/5 7979/9 8082/9 8085/18 made [29] 7909/7 7919/20 7920/18 7927/4 7946/13 7949/6 7951/21 7959/8 7965/21 7965/22 7965/23 7972/3 7974/15 7976/17 8009/14 8026/25 8037/21 8037/22 8037/24 8041/18 8042/11 8043/19 8056/4 8056/15 8057/2 8058/1 8090/9 8090/24 8091/4 Magazine [1] 7900/6 Mahtook [1] 7902/16 mail [11] 7975/12 7975/15 7975/17 7975/22 7975/23 7975/24 7976/24 7977/10 7977/15 8033/7 8064/12 Main [1] 7899/22 maintenance [1] 8043/25 major [21] 7907/9 7961/19 8028/25 8040/14 8041/24 8059/3 8059/19 8060/1 8061/18 8061/22 8063/24 8064/14 8065/18 8065/23 8067/12 8071/12 8071/18 8073/14 8073/23 8084/6 8087/12 majored [1] 7907/10 majority [2] 8081/22 8086/20 make [23] 7905/22 7922/3 7925/21 7925/22 7932/22 7952/25 7970/6 7997/14 8003/5 8012/9 8025/22 8026/15 8026/16 8027/10 8027/25 8028/1 8034/1 8034/6 8034/23 8045/12 8046/3 8055/14 8067/11 makes [3] 7905/14 7951/7 8054/22 making [21] 7950/3 7956/4 7958/9 7963/10 7974/15 7974/16 7987/25 8003/7 8022/16 8037/3 8043/14 8043/22 8043/23 8044/10 8044/25 8058/4 8066/1 8073/12 8075/18 8076/22 8077/3 malfunction [1] 7988/17 MALINDA [1] 7900/21 man [6] 7908/9 7908/15 7919/21 7921/2	

M	months [9] 7907/2 7909/6 7909/6 7934/22 8033/4 8040/3 8043/1 8043/5 8080/7	Mr. Inglis [3] 8024/25 8025/9 8052/3 Mr. Inglis' [1] 8024/20 Mr. Jim [1] 7917/16 Mr. John [1] 8012/3 Mr. Kaluza [8] 7929/10 7930/3 7930/5 7930/8 7931/20 7933/10 7933/12 7933/16 Mr. Kent [1] 8001/3 Mr. Lacy [3] 8068/9 8068/13 8069/19 Mr. Lucari [3] 7935/25 7936/16 7971/17 Mr. Mark [2] 7933/17 7933/22 Mr. Martin [6] 7969/11 7990/19 7992/7 7993/5 7998/14 7999/14 Mr. Meche [2] 7992/14 7994/9 Mr. Morel [4] 7947/9 7949/5 7949/18 7950/7 Mr. Morrison [2] 8064/13 8092/12 Mr. Neil [1] 8012/20 Mr. Regan [8] 7921/11 7921/18 7921/21 7922/4 7923/1 7939/4 7990/14 7993/21 Mr. Richard [1] 8092/9 Mr. Robinson [41] 7906/11 7906/23 7907/7 7908/2 7910/13 7910/24 7912/15 7912/23 7913/8 7915/1 7915/20 7917/5 7920/15 7920/23 7923/25 7925/6 7925/10 7926/2 7928/6 7928/19 7930/11 7930/18 7931/19 7933/10 7933/21 7936/6 7938/25 7939/10 7940/7 7940/22 7947/15 7947/17 7949/4 7954/23 7987/22 7988/20 7989/12 7990/14 7997/8 8010/12 8012/14 Mr. Robinson's [2] 7921/11 7969/14 Mr. Ruehle [1] 8072/2 Mr. Shaw [4] 8012/23 8013/8 8014/3 8028/6 Mr. Sims [2] 7916/23 7944/4 Mr. Sprague [1] 7956/24 Mr. Sterbcow [5] 7978/5 7990/10 8010/24 8012/2 8012/4 Mr. Steve [1] 7906/2 Mr. Underhill [1] 7995/23 Mr. Vidrine [64] 7916/23 7917/5 7917/18 7917/25 7918/7 7918/11 7918/15 7918/25 7919/2 7919/3 7919/20 7920/1 7920/24 7922/18 7923/14 7924/1 7924/24 7925/12 7925/21 7926/15 7927/22 7928/6 7928/19 7928/22 7934/2 7934/19 7937/20 7937/23 7938/8 7938/13 7938/17 7938/25 7939/16 7944/3 7983/21 7983/24 7985/5 7985/16 7986/19 7991/19 7991/20 7992/18 7993/16 7994/21 7995/5 7995/11 7995/14 7997/16 7997/23 7999/20 8000/7 8000/11 8000/14 8000/21 8000/23 8001/6 8001/21 8001/24 8006/23 8007/2 8007/5 8007/16 8011/15 8011/17 Mr. Vidrine's [4] 7917/11 7929/4 7929/10 7938/18 Mr. Wall [2] 7942/14 7942/22 Mr. Walz [1] 7950/25 Ms [2] 7904/12 7988/15 Ms. [4] 7921/6 7992/24 8064/19 8065/13 Ms. Karis [1] 7921/6 Ms. Miller [1] 7992/24 Ms. Skelton [2] 8064/19 8065/13 much [10] 7924/18 7931/22 7954/1 7959/21 7959/22 8043/11 8052/7 8079/2 8087/2 8094/7 mud [18] 7907/3 7907/3 7907/24 7926/9 7926/9 7927/18 7927/18 7928/11 7928/16 7928/17 7931/10 7931/11 7931/21 7953/13 7953/21 7954/1 7954/4
MEXICO... [11] 8067/18 8078/13 8080/5 8080/24 8081/9 8081/11 8082/17 8083/4 8085/25 8088/9 8092/16	months' [2] 8054/21 8054/22 moored [1] 7910/1 more [28] 7910/4 7916/7 7921/14 7923/19 7945/7 7954/21 7955/4 7958/24 7961/10 7966/18 7969/4 7974/15 7976/21 7983/2 7986/11 8017/19 8025/16 8027/2 8027/2 8031/13 8037/19 8041/5 8059/11 8080/9 8087/9 8087/16 8093/25 8094/7 Morel [7] 7946/6 7947/9 7949/5 7949/18 7950/7 7950/19 7967/1 Moreover [1] 7976/17 morning [11] 7905/20 7910/25 7910/25 7916/20 7929/8 8013/13 8013/14 8064/20 8094/10 8094/17 8094/24 Morrison [3] 8064/13 8092/10 8092/12 most [7] 7945/12 8014/11 8022/4 8055/3 8055/3 8055/23 8055/23 motto [1] 8089/20 Mountain [1] 8082/11 move [10] 7920/7 7932/10 7955/9 7962/22 7967/25 7994/19 8046/7 8055/5 8055/18 8082/24 moved [7] 7907/2 7909/12 8018/3 8018/14 8018/14 8019/6 8020/5 mover [1] 8046/4 moves [1] 8054/20 moving [1] 7988/14 Mr [10] 7923/9 7927/2 7930/25 7942/17 7969/1 7989/17 7989/21 7991/3 8000/6 8002/14 Mr. [283] Mr. Anderson [2] 7946/24 7946/25 Mr. Azar [1] 8094/17 Mr. Bly [7] 7921/6 7921/10 7943/1 7983/12 8006/20 8024/25 8052/4 Mr. Brian [4] 7917/16 7922/3 7922/9 8010/11 Mr. Brock [2] 7975/13 8094/23 Mr. Brock's [1] 8094/16 Mr. Cocales [2] 7947/11 7950/24 Mr. Corser [15] 7942/9 7942/14 7942/22 7947/1 7947/6 7971/17 7972/7 8001/6 8001/8 8001/10 8001/21 8001/24 8002/1 8003/1 8006/20 Mr. Corser's [3] 8001/14 8001/15 8001/18 Mr. Cowie [10] 7942/17 7969/10 7975/12 7990/18 7998/14 7999/14 8006/20 8007/25 8008/8 8008/23 Mr. Cunningham [1] 7951/4 Mr. Donald [1] 7916/22 Mr. Emilsen [2] 7905/8 7978/25 Mr. Godwin [1] 7919/24 Mr. Guide [5] 7966/2 7968/22 7970/5 7971/16 8012/4 Mr. Guillot [1] 7942/17 Mr. Hafle [45] 7934/1 7934/5 7934/14 7934/17 7934/18 7934/22 7935/4 7935/8 7937/19 7937/24 7937/25 7938/8 7938/18 7939/16 7944/4 7947/10 7957/20 7957/22 7957/25 7958/20 7959/11 7960/23 7961/22 7964/5 7966/5 7968/21 7978/9 7983/21 7985/13 7985/20 7986/11 7986/13 7986/17 7987/4 7997/16 7999/21 8001/22 8001/23 8002/9 8006/2 8006/10 8006/13 8006/21 8007/1 8007/2 Mr. Hafle's [3] 7955/21 7956/16 8003/2 Mr. Hartley [1] 7918/22	
Mexico's [8] 8024/8 8025/10 8025/17 8042/2 8065/18 8065/25 8066/19 8084/25	Mr. Morrison [2] 8064/13 8092/12 Mr. Neil [1] 8012/20 Mr. Regan [8] 7921/11 7921/18 7921/21 7922/4 7923/1 7939/4 7990/14 7993/21 Mr. Richard [1] 8092/9 Mr. Robinson [41] 7906/11 7906/23 7907/7 7908/2 7910/13 7910/24 7912/15 7912/23 7913/8 7915/1 7915/20 7917/5 7920/15 7920/23 7923/25 7925/6 7925/10 7926/2 7928/6 7928/19 7930/11 7930/18 7931/19 7933/10 7933/21 7936/6 7938/25 7939/10 7940/7 7940/22 7947/15 7947/17 7949/4 7954/23 7987/22 7988/20 7989/12 7990/14 7997/8 8010/12 8012/14 Mr. Robinson's [2] 7921/11 7969/14 Mr. Ruehle [1] 8072/2 Mr. Shaw [4] 8012/23 8013/8 8014/3 8028/6 Mr. Sims [2] 7916/23 7944/4 Mr. Sprague [1] 7956/24 Mr. Sterbcow [5] 7978/5 7990/10 8010/24 8012/2 8012/4 Mr. Steve [1] 7906/2 Mr. Underhill [1] 7995/23 Mr. Vidrine [64] 7916/23 7917/5 7917/18 7917/25 7918/7 7918/11 7918/15 7918/25 7919/2 7919/3 7919/20 7920/1 7920/24 7922/18 7923/14 7924/1 7924/24 7925/12 7925/21 7926/15 7927/22 7928/6 7928/19 7928/22 7934/2 7934/19 7937/20 7937/23 7938/8 7938/13 7938/17 7938/25 7939/16 7944/3 7983/21 7983/24 7985/5 7985/16 7986/19 7991/19 7991/20 7992/18 7993/16 7994/21 7995/5 7995/11 7995/14 7997/16 7997/23 7999/20 8000/7 8000/11 8000/14 8000/21 8000/23 8001/6 8001/21 8001/24 8006/23 8007/2 8007/5 8007/16 8011/15 8011/17 Mr. Vidrine's [4] 7917/11 7929/4 7929/10 7938/18 Mr. Wall [2] 7942/14 7942/22 Mr. Walz [1] 7950/25 Ms [2] 7904/12 7988/15 Ms. [4] 7921/6 7992/24 8064/19 8065/13 Ms. Karis [1] 7921/6 Ms. Miller [1] 7992/24 Ms. Skelton [2] 8064/19 8065/13 much [10] 7924/18 7931/22 7954/1 7959/21 7959/22 8043/11 8052/7 8079/2 8087/2 8094/7 mud [18] 7907/3 7907/3 7907/24 7926/9 7926/9 7927/18 7927/18 7928/11 7928/16 7928/17 7931/10 7931/11 7931/21 7953/13 7953/21 7954/1 7954/4	
MICHAEL [2] 7900/9 7902/12	Mr. Morrison [2] 8064/13 8092/12 Mr. Neil [1] 8012/20 Mr. Regan [8] 7921/11 7921/18 7921/21 7922/4 7923/1 7939/4 7990/14 7993/21 Mr. Richard [1] 8092/9 Mr. Robinson [41] 7906/11 7906/23 7907/7 7908/2 7910/13 7910/24 7912/15 7912/23 7913/8 7915/1 7915/20 7917/5 7920/15 7920/23 7923/25 7925/6 7925/10 7926/2 7928/6 7928/19 7930/11 7930/18 7931/19 7933/10 7933/21 7936/6 7938/25 7939/10 7940/7 7940/22 7947/15 7947/17 7949/4 7954/23 7987/22 7988/20 7989/12 7990/14 7997/8 8010/12 8012/14 Mr. Robinson's [2] 7921/11 7969/14 Mr. Ruehle [1] 8072/2 Mr. Shaw [4] 8012/23 8013/8 8014/3 8028/6 Mr. Sims [2] 7916/23 7944/4 Mr. Sprague [1] 7956/24 Mr. Sterbcow [5] 7978/5 7990/10 8010/24 8012/2 8012/4 Mr. Steve [1] 7906/2 Mr. Underhill [1] 7995/23 Mr. Vidrine [64] 7916/23 7917/5 7917/18 7917/25 7918/7 7918/11 7918/15 7918/25 7919/2 7919/3 7919/20 7920/1 7920/24 7922/18 7923/14 7924/1 7924/24 7925/12 7925/21 7926/15 7927/22 7928/6 7928/19 7928/22 7934/2 7934/19 7937/20 7937/23 7938/8 7938/13 7938/17 7938/25 7939/16 7944/3 7983/21 7983/24 7985/5 7985/16 7986/19 7991/19 7991/20 7992/18 7993/16 7994/21 7995/5 7995/11 7995/14 7997/16 7997/23 7999/20 8000/7 8000/11 8000/14 8000/21 8000/23 8001/6 8001/21 8001/24 8006/23 8007/2 8007/5 8007/16 8011/15 8011/17 Mr. Vidrine's [4] 7917/11 7929/4 7929/10 7938/18 Mr. Wall [2] 7942/14 7942/22 Mr. Walz [1] 7950/25 Ms [2] 7904/12 7988/15 Ms. [4] 7921/6 7992/24 8064/19 8065/13 Ms. Karis [1] 7921/6 Ms. Miller [1] 7992/24 Ms. Skelton [2] 8064/19 8065/13 much [10] 7924/18 7931/22 7954/1 7959/21 7959/22 8043/11 8052/7 8079/2 8087/2 8094/7 mud [18] 7907/3 7907/3 7907/24 7926/9 7926/9 7927/18 7927/18 7928/11 7928/16 7928/17 7931/10 7931/11 7931/21 7953/13 7953/21 7954/1 7954/4	
MICHELLE [1] 7900/20	Mr. Morrison [2] 8064/13 8092/12 Mr. Neil [1] 8012/20 Mr. Regan [8] 7921/11 7921/18 7921/21 7922/4 7923/1 7939/4 7990/14 7993/21 Mr. Richard [1] 8092/9 Mr. Robinson [41] 7906/11 7906/23 7907/7 7908/2 7910/13 7910/24 7912/15 7912/23 7913/8 7915/1 7915/20 7917/5 7920/15 7920/23 7923/25 7925/6 7925/10 7926/2 7928/6 7928/19 7930/11 7930/18 7931/19 7933/10 7933/21 7936/6 7938/25 7939/10 7940/7 7940/22 7947/15 7947/17 7949/4 7954/23 7987/22 7988/20 7989/12 7990/14 7997/8 8010/12 8012/14 Mr. Robinson's [2] 7921/11 7969/14 Mr. Ruehle [1] 8072/2 Mr. Shaw [4] 8012/23 8013/8 8014/3 8028/6 Mr. Sims [2] 7916/23 7944/4 Mr. Sprague [1] 7956/24 Mr. Sterbcow [5] 7978/5 7990/10 8010/24 8012/2 8012/4 Mr. Steve [1] 7906/2 Mr. Underhill [1] 7995/23 Mr. Vidrine [64] 7916/23 7917/5 7917/18 7917/25 7918/7 7918/11 7918/15 7918/25 7919/2 7919/3 7919/20 7920/1 7920/24 7922/18 7923/14 7924/1 7924/24 7925/12 7925/21 7926/15 7927/22 7928/6 7928/19 7928/22 7934/2 7934/19 7937/20 7937/23 7938/8 7938/13 7938/17 7938/25 7939/16 7944/3 7983/21 7983/24 7985/5 7985/16 7986/19 7991/19 7991/20 7992/18 7993/16 7994/21 7995/5 7995/11 7995/14 7997/16 7997/23 7999/20 8000/7 8000/11 8000/14 8000/21 8000/23 8001/6 8001/21 8001/24 8006/23 8007/2 8007/5 8007/16 8011/15 8011/17 Mr. Vidrine's [4] 7917/11 7929/4 7929/10 7938/18 Mr. Wall [2] 7942/14 7942/22 Mr. Walz [1] 7950/25 Ms [2] 7904/12 7988/15 Ms. [4] 7921/6 7992/24 8064/19 8065/13 Ms. Karis [1] 7921/6 Ms. Miller [1] 7992/24 Ms. Skelton [2] 8064/19 8065/13 much [10] 7924/18 7931/22 7954/1 7959/21 7959/22 8043/11 8052/7 8079/2 8087/2 8094/7 mud [18] 7907/3 7907/3 7907/24 7926/9 7926/9 7927/18 7927/18 7928/11 7928/16 7928/17 7931/10 7931/11 7931/21 7953/13 7953/21 7954/1 7954/4	
mid [1] 7909/16	Mr. Morrison [2] 8064/13 8092/12 Mr. Neil [1] 8012/20 Mr. Regan [8] 7921/11 7921/18 7921/21 7922/4 7923/1 7939/4 7990/14 7993/21 Mr. Richard [1] 8092/9 Mr. Robinson [41] 7906/11 7906/23 7907/7 7908/2 7910/13 7910/24 7912/15 7912/23 7913/8 7915/1 7915/20 7917/5 7920/15 7920/23 7923/25 7925/6 7925/10 7926/2 7928/6 7928/19 7930/11 7930/18 7931/19 7933/10 7933/21 7936/6 7938/25 7939/10 7940/7 7940/22 7947/15 7947/17 7949/4 7954/23 7987/22 7988/20 7989/12 7990/14 7997/8 8010/12 8012/14 Mr. Robinson's [2] 7921/11 7969/14 Mr. Ruehle [1] 8072/2 Mr. Shaw [4] 8012/23 8013/8 8014/3 8028/6 Mr. Sims [2] 7916/23 7944/4 Mr. Sprague [1] 7956/24 Mr. Sterbcow [5] 7978/5 7990/10 8010/24 8012/2 8012/4 Mr. Steve [1] 7906/2 Mr. Underhill [1] 7995/23 Mr. Vidrine [64] 7916/23 7917/5 7917/18 7917/25 7918/7 7918/11 7918/15 7918/25 7919/2 7919/3 7919/20 7920/1 7920/24 7922/18 7923/14 7924/1 7924/24 7925/12 7925/21 7926/15 7927/22 7928/6 7928/19 7928/22 7934/2 7934/19 7937/20 7937/23 7938/8 7938/13 7938/17 7938/25 7939/16 7944/3 7983/21 7983/24 7985/5 7985/16 7986/19 7991/19 7991/20 7992/18 7993/16 7994/21 7995/5 7995/11 7995/14 7997/16 7997/23 7999/20 8000/7 8000/11 8000/14 8000/21 8000/23 8001/6 8001/21 8001/24 8006/23 8007/2 8007/5 8007/16 8011/15 8011/17 Mr. Vidrine's [4] 7917/11 7929/4 7929/10 7938/18 Mr. Wall [2] 7942/14 7942/22 Mr. Walz [1] 7950/25 Ms [2] 7904/12 7988/15 Ms. [4] 7921/6 7992/24 8064/19 8065/13 Ms. Karis [1] 7921/6 Ms. Miller [1] 7992/24 Ms. Skelton [2] 8064/19 8065/13 much [10] 7924/18 7931/22 7954/1 7959/21 7959/22 8043/11 8052/7 8079/2 8087/2 8094/7 mud [18] 7907/3 7907/3 7907/24 7926/9 7926/9 7927/18 7927/18 7928/11 7928/16 7928/17 7931/10 7931/11 7931/21 7953/13 7953/21 7954/1 7954/4	
mid-2006 [1] 7909/16	Mr. Morrison [2] 8064/13 8092/12 Mr. Neil [1] 8012/20 Mr. Regan [8] 7921/11 7921/18 7921/21 7922/4 7923/1 7939/4 7990/14 7993/21 Mr. Richard [1] 8092/9 Mr. Robinson [41] 7906/11 7906/23 7907/7 7908/2 7910/13 7910/24 7912/15 7912/23 7913/8 7915/1 7915/20 7917/5 7920/15 7920/23 7923/25 7925/6 7925/10 7926/2 7928/6 7928/19 7930/11 7930/18 7931/19 7933/10 7933/21 7936/6 7938/25 7939/10 7940/7 7940/22 7947/15 7947/17 7949/4 7954/23 7987/22 7988/20 7989/12 7990/14 7997/8 8010/12 8012/14 Mr. Robinson's [2] 7921/11 7969/14 Mr. Ruehle [1] 8072/2 Mr. Shaw [4] 8012/23 8013/8 8014/3 8028/6 Mr. Sims [2] 7916/23 7944/4 Mr. Sprague [1] 7956/24 Mr. Sterbcow [5] 7978/5 7990/10 8010/24 8012/2 8012/4 Mr. Steve [1] 7906/2 Mr. Underhill [1] 7995/23 Mr. Vidrine [64] 7916/23 7917/5 7917/18 7917/25 7918/7 7918/11 7918/15 7918/25 7919/2 7919/3 7919/20 7920/1 7920/24 7922/18 7923/14 7924/1 7924/24 7925/12 7925/21 7926/15 7927/22 7928/6 7928/19 7928/22 7934/2 7934/19 7937/20 7937/23 7938/8 7938/13 7938/17 7938/25 7939/16 7944/3 7983/21 7983/24 7985/5 7985/16 7986/19 7991/19 7991/20 7992/18 7993/16 7994/21 7995/5 7995/11 7995/14 7997/16 7997/23 7999/20 8000/7 8000/11 8000/14 8000/21 8000/23 8001/6 8001/21 8001/24 8006/23 8007/2 8007/5 8007/16 8011/15 8011/17 Mr. Vidrine's [4] 7917/11 7929/4 7929/10 7938/18 Mr. Wall [2] 7942/14 7942/22 Mr. Walz [1] 7950/25 Ms [2] 7904/12 7988/15 Ms. [4] 7921/6 7992/24 8064/19 8065/13 Ms. Karis [1] 7921/6 Ms. Miller [1] 7992/24 Ms. Skelton [2] 8064/19 8065/13 much [10] 7924/18 7931/22 7954/1 7959/21 7959/22 8043/11 8052/7 8079/2 8087/2 8094/7 mud [18] 7907/3 7907/3 7907/24 7926/9 7926/9 7927/18 7927/18 7928/11 7928/16 7928/17 7931/10 7931/11 7931/21 7953/13 7953/21 7954/1 7954/4	
Midland [2] 7908/8 7908/11	Mr. Morrison [2] 8064/13 8092/12 Mr. Neil [1] 8012/20 Mr	

<p><b>M</b></p> <p>mud... [1] 7987/15  multiple [3] 8055/13 8059/8 8068/23  Munger [1] 7902/12  must [3] 7932/21 7953/5 8067/11  my [74] 7906/7 7906/20 7907/2 7907/19  7907/19 7911/10 7912/2 7913/11  7919/10 7919/21 7920/11 7921/16  7922/15 7923/8 7926/20 7929/1 7933/20  7940/22 7964/6 7969/18 7985/24 7991/4  7991/12 7991/13 7993/23 7994/2 7994/9  7996/20 7997/18 7999/16 7999/19  7999/23 7999/24 8000/17 8006/9  8010/16 8011/6 8011/8 8013/20 8017/2  8017/14 8020/7 8021/9 8021/18 8021/19  8023/16 8024/10 8024/12 8029/1 8029/5  8029/6 8030/5 8032/7 8033/8 8033/9  8034/4 8035/24 8039/6 8044/18 8045/12  8049/12 8055/25 8057/12 8058/4 8070/1  8070/5 8072/11 8074/2 8083/21 8090/17  8090/17 8091/7 8094/12 8095/11  myself [12] 7917/17 7922/17 7936/16  8003/1 8023/17 8035/24 8049/12  8057/12 8057/21 8064/5 8072/11 8074/2</p>	<p>7910/2 7912/1 7925/4 7925/5 7925/5  7926/23 7927/10 7929/5 7929/8 7930/2  7950/18 7951/22 7953/6 7953/10  7953/25 7955/11 7959/14 7960/17  7960/24 7961/3 7961/23 7963/13  7965/17 7972/6 7973/2 7973/22 7974/12  8000/17 8004/13 8012/18 8012/19  8013/8 8017/1 8019/5 8020/11 8024/14  8026/14 8054/20 8055/6  night [2] 7929/20 7929/21  nine [2] 7912/16 8055/12  Ninth [1] 7899/19  no [124] 7913/2 7913/4 7914/7 7915/3  7915/3 7915/6 7915/9 7915/24 7915/24  7916/12 7917/25 7925/14 7930/12  7930/15 7932/25 7933/15 7934/21  7937/22 7939/2 7939/22 7940/19 7945/4  7948/1 7948/13 7948/13 7956/3 7956/3  7957/15 7957/25 7958/11 7960/4 7960/6  7961/7 7966/2 7966/6 7966/6 7966/7  7966/7 7966/17 7967/19 7968/2 7969/17  7970/8 7970/10 7970/15 7972/10 7974/7  7974/11 7974/14 7974/24 7974/25  7977/13 7978/2 7979/20 7981/10  7983/24 7984/3 7984/5 7984/14 7984/15  7984/15 7984/22 7985/15 7986/11  7986/19 7986/23 7987/7 7989/9 7990/20  7991/23 7995/8 7996/11 7996/22 7999/3  8000/2 8001/8 8001/23 8003/10 8004/12  8004/17 8004/23 8005/12 8005/16  8005/16 8005/19 8005/19 8005/21  8006/7 8006/18 8006/24 8007/7 8007/9  8007/12 8007/19 8007/21 8008/2 8008/5  8009/4 8009/22 8010/1 8011/19 8020/24  8034/4 8035/10 8037/8 8041/9 8041/15  8047/14 8047/17 8048/4 8048/23 8049/5  8053/6 8058/24 8059/25 8073/23  8077/23 8081/10 8088/18 8088/19  8091/10 8091/19 8092/13 8094/3  No. [3] 7961/24 8028/4 8073/23  No. 2 [1] 8028/4  No. 40 [1] 7961/24  No. 8 [1] 8073/23  nobody [1] 7958/2  nomenclature [1] 8019/23  none [1] 7956/6  NONJURY [1] 7898/14  nonproductive [1] 8031/6  nonrecurring [1] 8085/10  nonretained [1] 7989/7  nor [1] 7977/10  Norfolk [1] 7902/20  normal [2] 7924/15 7952/4  north [13] 7901/12 7909/21 7909/22  7910/3 7910/4 8008/1 8008/3 8008/6  8008/9 8008/21 8009/9 8017/5 8046/6  North Sea [1] 8017/5  not [181] 7913/2 7913/4 7914/7 7914/10  7914/11 7915/6 7915/9 7918/11 7919/1  7919/6 7919/8 7919/12 7919/17 7919/18  7920/9 7920/25 7921/8 7921/15 7921/24  7922/15 7922/18 7923/9 7923/16  7924/18 7926/7 7927/14 7928/17  7930/12 7930/15 7931/1 7931/21 7933/7  7936/18 7937/17 7938/19 7938/20  7939/14 7939/15 7941/5 7943/5 7943/15  7943/21 7944/6 7944/15 7944/25 7945/4  7945/20 7947/16 7948/24 7951/12  7951/21 7954/23 7956/14 7956/23  7957/2 7958/9 7958/9 7959/8 7960/16  7961/7 7961/18 7962/7 7962/7 7962/15  7962/19 7962/21 7962/21 7963/6 7963/8  7965/21 7967/15 7968/2 7968/19</p>	<p>7968/22 7969/19 7969/21 7969/22  7969/24 7969/25 7970/16 7970/25  7971/8 7972/15 7973/8 7973/14 7974/4  7974/7 7974/11 7974/12 7974/24 7975/4  7976/22 7977/15 7977/17 7979/14  7979/23 7980/3 7980/11 7980/13 7982/8  7983/10 7983/19 7984/15 7984/25  7985/7 7985/9 7985/21 7985/24 7986/12  7986/14 7987/4 7987/23 7989/14 7990/9  7992/18 7994/3 7994/5 7994/18 7995/23  7996/5 7996/6 7996/20 7998/7 7998/12  7999/2 7999/3 7999/23 7999/24 8000/21  8001/4 8001/7 8001/8 8002/5 8002/21  8003/10 8003/22 8005/4 8005/6 8005/10  8005/15 8006/5 8006/8 8006/25 8007/14  8007/17 8008/14 8009/22 8010/25  8020/24 8029/19 8029/19 8040/9  8046/14 8046/18 8047/9 8047/18 8048/1  8049/5 8049/6 8049/7 8053/17 8057/15  8058/24 8059/3 8059/9 8059/10 8059/19  8060/21 8068/18 8070/4 8075/24 8078/8  8082/10 8083/9 8085/9 8087/22 8087/25  8088/8 8088/9 8091/11 8091/17  note [1] 7946/13  note's [1] 7960/20  notebook [7] 7913/10 7913/11 7913/12  7913/14 7935/14 7946/3 7952/14  noted [5] 7937/1 7961/14 7972/18  7973/18 7973/21  notes [129] 7913/11 7913/13 7914/12  7914/13 7914/15 7915/10 7915/11  7916/4 7916/14 7916/16 7916/17 7917/4  7918/6 7918/6 7918/10 7918/11 7920/15  7920/16 7920/24 7920/25 7921/2 7921/8  7921/11 7921/16 7921/19 7922/10  7922/13 7922/16 7922/18 7922/23  7923/2 7923/9 7923/18 7923/25 7925/11  7925/19 7925/25 7926/3 7927/3 7927/10  7927/21 7928/5 7929/17 7929/18  7929/21 7929/24 7930/8 7930/19  7933/22 7934/4 7934/13 7934/25 7935/4  7935/6 7935/7 7935/18 7935/23 7935/24  7935/25 7936/1 7936/4 7936/7 7936/11  7936/12 7938/21 7943/11 7945/20  7946/5 7947/17 7949/5 7952/2 7958/8  7961/6 7961/8 7961/20 7964/19 7966/9  7969/9 7969/10 7969/14 7969/18  7970/22 7971/12 7974/11 7974/24  7978/5 7983/20 7984/1 7986/22 7988/10  7990/9 7990/15 7990/16 7990/21 7991/3  7991/5 7991/6 7991/12 7991/13 7991/13  7992/11 7992/14 7993/11 7993/14  7997/18 7999/2 7999/8 7999/10 7999/16  7999/23 7999/24 8002/1 8002/17  8002/18 8003/18 8004/5 8004/7 8004/10  8004/25 8005/1 8005/8 8007/17 8010/12  8010/13 8010/16 8010/20 8010/23  8011/16 8012/3  nothing [15] 7934/12 7948/15 7974/20  7975/7 7979/15 7979/25 7980/23 7982/7  7996/13 7996/16 7996/18 8009/23  8041/5 8045/5 8085/20  notified [2] 7965/22 7966/4  notion [1] 8078/4  notwithstanding [1] 7920/21  November [12] 7911/15 7912/1 8014/7  8014/15 8020/3 8024/12 8024/21  8045/25 8052/4 8052/6 8052/6 8064/13  November 1 [1] 8014/7  November 20 [1] 8064/13  November 2008 [1] 8045/25  November 2009 [1] 8052/6  now [85] 7908/9 7910/10 7912/14</p>
<p><b>N</b></p> <p>N-E-I-L [1] 8013/20  name [8] 7906/5 7906/7 7929/24  7940/22 7947/20 7957/2 8013/18  8013/20  names [1] 7917/15  narrow [1] 7983/13  NATHANIEL [1] 7900/16  nation [2] 8043/7 8043/11  natural [2] 7900/13 8055/19  nature [2] 8039/23 8082/4  near [1] 7930/6  necessarily [2] 7943/15 7944/6  necessary [4] 7959/25 7962/15 7963/8  8054/14  need [9] 7958/23 7961/9 7965/22  7968/16 7969/3 8028/2 8059/3 8066/5  8088/12  needed [11] 7932/2 7954/4 7958/24  7961/10 7968/19 8023/19 8044/19  8050/11 8053/9 8066/9 8070/22  needs [3] 7966/4 8033/25 8034/6  negative [46] 7924/24 7926/16 7927/7  7927/8 7927/9 7927/25 7928/22 7931/8  7931/24 7933/12 7934/19 7935/12  7937/2 7937/12 7937/15 7937/20  7937/21 7938/9 7939/21 7939/24 7956/5  7956/7 7956/9 7963/24 7964/3 7964/11  7964/16 7965/23 7966/7 7967/16  7968/12 7978/2 7984/9 7985/3 7986/25  7987/5 8001/22 8004/15 8004/21  8005/18 8005/20 8006/6 8009/19  8009/21 8011/10 8082/19  negative-test [3] 7956/7 7956/9 7963/24  negotiate [2] 8087/6 8087/14  Neil [5] 8012/20 8013/16 8013/20  8013/23 8064/19  neither [2] 7919/9 7919/9  never [9] 7983/25 7984/21 8007/1  8007/5 8012/11 8056/19 8056/23  8089/18 8089/24  new [20] 7898/6 7898/24 7899/7  7899/13 7900/7 7901/17 7901/20 7902/7  7903/11 7950/2 7973/8 7973/25 8049/17  8051/6 8055/19 8063/3 8081/13 8081/13  8081/14 8081/22  next [42] 7905/14 7906/1 7909/18</p>		

<p><b>N</b></p> <p>now... [82] 7913/1 7916/17 7918/10 7923/17 7926/19 7927/6 7930/2 7939/23 7941/5 7941/23 7943/3 7943/19 7943/20 7945/5 7946/3 7946/15 7947/8 7947/23 7947/25 7948/18 7954/14 7958/12 7959/24 7966/6 7973/12 7975/22 7976/24 7979/9 7979/11 7980/23 7982/7 7983/13 7993/12 7993/19 7994/18 7997/22 8001/3 8002/14 8003/11 8003/16 8007/11 8007/25 8008/2 8014/17 8016/22 8018/10 8020/18 8022/1 8025/6 8029/7 8034/17 8037/12 8038/10 8039/25 8041/6 8042/22 8044/5 8045/7 8046/12 8047/12 8048/5 8053/11 8053/21 8056/6 8058/7 8059/2 8060/25 8061/9 8063/21 8065/21 8067/20 8068/15 8069/12 8073/3 8073/16 8074/1 8077/25 8079/7 8082/1 8084/24 8092/18 8093/21 number [52] 7944/7 7948/5 7948/8 7978/1 7993/1 8000/2 8016/14 8017/3 8017/10 8017/18 8023/21 8025/13 8028/18 8028/20 8030/13 8033/3 8033/9 8034/1 8034/6 8034/11 8034/24 8034/25 8035/11 8036/10 8036/16 8036/21 8037/4 8037/7 8040/20 8040/24 8041/6 8042/8 8042/10 8042/13 8043/6 8051/9 8051/21 8056/2 8059/7 8061/14 8066/24 8066/24 8070/13 8072/2 8075/23 8076/12 8082/21 8085/10 8087/4 8087/13 8090/15 8092/18 numbers [2] 8002/12 8057/4 numerous [1] 7940/7 NW [1] 7902/3</p>	<p>7932/1 7932/25 7933/6 7951/15 7951/20 7952/3 7971/4 7982/23 8068/12 8069/19 8085/10 offer [6] 7918/23 7919/20 7922/14 7989/9 7994/2 8013/11 offered [2] 7935/25 7989/3 offering [1] 7955/15 office [17] 7898/20 7900/16 7900/22 7901/13 7902/17 7906/15 7928/9 7929/12 7929/13 7931/8 7967/9 7990/20 7990/21 7991/25 7999/11 8001/9 8021/3 officer [5] 8014/5 8014/22 8020/5 8024/22 8030/16 Official [3] 7903/10 8095/8 8095/17 offset [1] 8082/18 offshore [18] 7902/6 7902/9 7902/12 7902/16 7902/20 7912/19 8015/6 8017/4 8017/8 8018/17 8022/22 8035/8 8035/18 8036/14 8047/25 8050/21 8077/15 8077/16 often [2] 8039/19 8039/22 oh [7] 7912/25 7913/22 7953/1 7962/10 7964/13 8012/7 8060/8 OI [2] 8064/20 8064/21 oil [16] 7898/4 7898/4 7907/16 7907/18 7908/3 7979/14 7982/17 7982/24 8015/7 8018/16 8022/21 8022/23 8081/11 8082/23 8093/3 8093/11 okay [32] 7917/22 7920/12 7923/22 7924/8 7925/13 7926/10 7926/11 7930/4 7940/12 7946/4 7949/1 7949/7 7949/9 7949/14 7952/13 7952/16 7963/20 7977/20 7981/5 7982/1 7986/23 7990/11 7991/16 7995/12 8000/16 8011/24 8024/16 8026/2 8030/17 8032/16 8038/4 8048/20 Olson [1] 7902/12 OMS [49] 8025/24 8026/8 8045/24 8046/2 8046/4 8046/7 8046/10 8046/12 8046/18 8047/6 8047/9 8047/13 8047/19 8047/22 8047/22 8048/6 8048/12 8048/15 8048/19 8048/20 8049/17 8049/24 8049/24 8050/1 8050/10 8050/11 8050/20 8051/5 8051/11 8051/13 8051/16 8053/12 8053/21 8053/23 8054/2 8054/4 8054/7 8056/8 8056/10 8058/2 8058/5 8058/7 8058/25 8061/24 8061/25 8062/6 8075/1 8075/9 8077/4 on [322] on-rig [2] 7912/10 7941/2 on-site [1] 7953/22 onboard [1] 7918/2 once [13] 7965/19 7967/9 7979/14 7979/17 7980/9 7981/20 7982/17 7982/19 8025/10 8030/8 8031/10 8073/10 8083/23 one [112] 7905/20 7905/21 7905/21 7908/13 7912/16 7912/17 7914/18 7914/23 7916/1 7916/1 7916/3 7916/21 7918/12 7924/22 7938/15 7944/25 7946/5 7946/24 7947/6 7947/9 7948/5 7953/20 7955/3 7964/21 7966/2 7967/19 7969/5 7970/21 7971/6 7971/14 7978/2 7979/25 7988/16 7991/9 7992/7 7993/5 7998/7 8016/11 8018/5 8018/16 8025/13 8026/8 8026/12 8026/12 8026/14 8026/23 8027/3 8027/6 8027/8 8028/15 8028/18 8028/20 8030/3 8032/7 8032/12 8032/17 8033/25 8034/6 8034/24 8035/11 8036/10 8036/16 8036/21 8037/4 8037/7 8037/18 8038/17 8039/2 8039/3 8039/8 8040/20 8040/24 8042/6</p>	<p>8042/13 8042/14 8043/6 8043/13 8043/20 8045/8 8048/13 8049/17 8051/9 8051/21 8052/6 8052/8 8053/2 8053/6 8054/20 8055/5 8055/14 8058/17 8060/5 8061/23 8062/7 8062/9 8066/22 8066/23 8066/24 8066/24 8067/20 8068/24 8068/25 8071/18 8075/24 8080/4 8082/11 8084/11 8084/17 8085/10 8086/15 8090/15 8090/25 one-half [1] 7924/22 one-off [1] 8085/10 one-page [1] 8038/17 one-pager [2] 8039/3 8039/8 one-sided [1] 7969/5 one-step [1] 7978/2 one-year [1] 8084/17 ones [1] 8046/9 ongoing [2] 7943/5 8021/15 only [22] 7951/8 7974/13 7979/18 7981/20 7982/16 7982/20 7982/21 7985/4 7989/18 7989/22 7993/16 8000/13 8000/17 8000/20 8002/1 8010/16 8055/18 8057/20 8069/2 8076/23 8076/25 8078/8 onshore [5] 7909/10 8036/14 8047/16 8048/3 8050/21 onstream [2] 8081/18 8081/23 onto [1] 7980/16 open [1] 7956/12 Opened [2] 7926/5 7932/3 operate [1] 8055/23 operated [5] 7980/4 7982/9 8023/14 8050/20 8066/4 operating [15] 7912/14 8014/5 8014/21 8020/5 8024/8 8029/22 8033/12 8050/10 8051/6 8058/10 8059/20 8059/23 8070/12 8077/4 8082/5 operation [10] 7938/6 7945/10 7952/4 7976/14 7976/22 8009/11 8029/18 8029/18 8041/3 8047/23 operational [7] 7961/19 8017/12 8030/4 8033/11 8038/19 8064/22 8069/3 operations [50] 7911/4 7917/17 7941/23 7941/24 7942/19 7943/10 7945/6 7947/5 7950/24 7950/25 7960/17 7970/18 7971/2 7971/8 7972/24 7972/25 7973/14 7974/3 7974/17 7974/22 7976/6 8008/5 8014/12 8014/15 8025/23 8026/5 8026/7 8028/5 8028/13 8040/23 8046/8 8047/13 8048/24 8052/1 8052/9 8053/23 8054/2 8054/17 8056/3 8063/11 8065/3 8069/24 8074/19 8082/9 8085/18 8087/21 8089/12 8090/2 8090/6 8091/13 operations.' [1] 7972/21 operator [1] 8087/22 operators [1] 8082/16 opinion [4] 7954/19 7956/25 7974/12 7985/25 opinions [1] 7989/25 opponent [1] 7921/5 opportunity [4] 7958/17 8026/22 8030/6 8036/12 opposed [1] 7922/6 ops [4] 7965/18 7967/9 7974/13 8065/1 OptiCem [4] 7951/14 7951/15 7951/18 7952/4 option [2] 7956/24 7983/5 or [162] 7906/19 7907/2 7908/15 7909/6 7910/12 7911/7 7911/17 7913/20 7914/2 7914/22 7915/11 7915/15 7919/2 7919/12 7919/14 7919/24 7923/16 7923/16 7925/14 7927/7 7928/12 7928/15 7933/13 7933/19 7934/2 7934/9</p>
<p><b>O</b></p> <p>O'Keefe [1] 7898/23 O'ROURKE [1] 7900/14 oath [1] 8006/5 object [7] 7920/2 7921/9 7923/9 7947/14 7967/22 7978/4 7993/22 objected [1] 7989/11 objection [27] 7905/20 7918/23 7919/10 7919/19 7919/22 7919/25 7920/11 7921/25 7922/21 7923/11 7926/20 7926/25 7928/24 7930/22 7938/10 7954/22 7955/6 7955/7 7969/13 7978/7 7985/17 7988/5 7993/23 7993/25 7994/8 7996/2 8009/1 objections [2] 7920/6 7978/5 objective [4] 7953/1 7953/3 8091/11 8091/11 objectives [1] 8023/25 observation [1] 7919/13 obtain [1] 8016/6 obtained [1] 8019/16 obtaining [1] 8017/17 obviously [5] 7905/19 7941/17 7948/5 8060/9 8090/12 occasions [2] 7998/7 8011/19 occur [2] 7960/25 8053/13 occurred [6] 7928/17 7956/6 7970/16 7984/16 7984/17 7987/1 occurs [1] 7979/14 Ocean [1] 7909/14 Ocean Confidence [1] 7909/14 October [2] 7905/10 8014/7 October 17 [1] 7905/10 October 31 [1] 8014/7 off [18] 7908/18 7909/20 7909/21 7913/25 7917/12 7924/19 7928/18</p>		

<p>or... [136] 7936/18 7937/1 7937/9 7937/14 7937/24 7939/6 7941/4 7943/16 7944/12 7944/15 7944/15 7946/24 7947/17 7948/9 7950/5 7951/21 7954/19 7955/2 7956/13 7957/8 7961/13 7963/8 7966/11 7968/19 7968/25 7969/19 7969/21 7969/25 7970/4 7970/5 7970/17 7971/5 7971/8 7974/22 7974/25 7975/2 7976/17 7977/3 7977/23 7979/16 7979/21 7980/3 7980/3 7980/10 7980/12 7982/8 7983/2 7984/15 7985/21 7985/22 7986/7 7986/13 7986/14 7987/4 7987/23 7987/23 7990/4 7990/16 7991/7 7991/13 7993/19 7993/20 7997/16 7998/14 7999/10 7999/14 8000/5 8002/17 8002/19 8004/8 8004/20 8005/7 8006/20 8008/4 8008/14 8009/19 8011/6 8014/21 8016/14 8018/25 8021/19 8022/3 8028/3 8031/13 8033/4 8035/15 8035/17 8036/7 8042/25 8043/4 8046/9 8046/18 8047/8 8048/7 8049/24 8050/10 8050/10 8052/9 8053/12 8053/16 8055/12 8059/9 8059/10 8059/20 8059/23 8063/13 8063/16 8063/21 8066/21 8068/20 8068/22 8069/5 8069/13 8072/20 8073/9 8075/9 8075/20 8075/21 8075/22 8079/25 8080/23 8081/7 8081/8 8081/12 8082/8 8083/8 8084/16 8085/1 8085/18 8086/5 8086/23 8088/24 8089/20 8093/3 8094/1 8094/8 or has [1] 7941/4 Orange [1] 8064/20 order [9] 7915/18 7920/7 8021/15 8023/25 8040/23 8056/12 8062/8 8062/15 8089/23 orders [1] 8043/23 ordinarily [1] 7919/7 organization [53] 7910/11 7941/13 7975/4 8014/21 8015/1 8015/2 8018/6 8018/7 8018/18 8018/20 8019/3 8020/6 8020/7 8020/21 8021/12 8021/20 8021/22 8022/7 8022/8 8023/16 8026/24 8027/3 8027/10 8028/17 8034/8 8039/12 8039/18 8040/12 8040/15 8043/12 8046/19 8047/5 8048/22 8049/4 8050/3 8050/4 8053/13 8053/18 8057/11 8063/2 8063/22 8065/12 8067/22 8068/7 8090/19 8091/9 8091/17 8092/1 8092/19 8093/1 8093/6 8093/7 8093/9 organizational [9] 7973/25 7974/5 7974/9 7975/1 7977/1 7977/4 7977/11 8010/25 8053/3 organizations [3] 8038/22 8091/12 8093/2 organize [1] 8055/3 organized [1] 8027/1 original [1] 7963/25 originally [2] 7938/9 7954/16 Orleans [9] 7898/6 7898/24 7899/7 7899/13 7900/7 7901/17 7901/20 7902/7 7903/11 ostensibly [1] 7976/3 other [38] 7913/13 7916/3 7920/17 7929/13 7938/25 7945/1 7972/22 7973/1 7974/24 7979/16 7981/15 7984/24 7986/15 7987/7 8002/24 8005/8 8010/14 8011/1 8013/10 8023/16 8026/10 8027/3 8028/13 8033/9 8037/9 8051/16 8063/15 8075/1 8077/20 8081/15 8082/16 8082/19 8084/6 8085/19 8088/12 8091/8 8091/20 8092/18</p>	<p>others [8] 7922/15 7974/21 7976/3 7992/13 7995/7 8039/18 8083/11 8090/21 otherwise [2] 7918/24 7922/5 ought [1] 8006/22 our [110] 7910/4 7910/11 7917/16 7929/17 7929/17 7941/2 7952/20 7976/16 8012/19 8013/8 8015/2 8015/6 8018/3 8018/14 8019/12 8021/11 8024/11 8024/19 8025/4 8027/9 8029/2 8029/21 8030/6 8030/6 8030/20 8030/24 8031/24 8032/24 8033/21 8033/23 8034/10 8036/16 8036/23 8036/24 8037/1 8037/23 8038/19 8039/20 8039/24 8040/20 8043/14 8043/24 8043/25 8044/9 8044/11 8044/21 8044/22 8044/24 8044/25 8047/20 8047/21 8048/12 8050/20 8052/14 8053/10 8054/4 8054/7 8054/12 8055/1 8055/24 8057/13 8058/25 8059/25 8061/18 8061/20 8062/19 8063/3 8063/19 8063/25 8064/20 8065/6 8065/9 8065/9 8066/1 8066/2 8066/2 8067/15 8068/25 8075/19 8075/25 8076/23 8077/3 8077/4 8077/4 8077/4 8077/6 8077/7 8077/15 8077/20 8077/21 8077/23 8079/15 8079/15 8079/17 8086/20 8087/6 8087/10 8087/23 8087/24 8088/5 8088/6 8088/16 8089/3 8089/3 8090/4 8090/8 8091/11 8091/11 8091/13 8092/15 ourselves [8] 7918/4 8027/1 8037/1 8046/6 8055/3 8072/14 8077/20 8082/16 out [70] 7911/24 7914/5 7921/22 7927/19 7928/17 7932/13 7933/2 7934/11 7934/12 7937/16 7942/5 7952/25 7957/9 7964/12 7964/13 7967/13 7972/9 7973/9 7973/11 7975/7 7979/5 7979/11 7984/24 7990/23 7993/3 7993/12 8006/17 8011/21 8012/5 8012/9 8015/3 8020/25 8021/4 8021/5 8023/25 8025/9 8032/25 8042/2 8042/25 8043/4 8043/7 8045/2 8049/21 8050/2 8051/1 8051/13 8051/20 8052/3 8055/20 8056/13 8056/19 8056/23 8058/1 8058/12 8059/8 8060/4 8062/8 8065/12 8067/13 8068/3 8069/25 8070/1 8083/1 8085/1 8087/23 8087/25 8088/3 8092/2 8094/1 8095/2 outcome [4] 7954/14 8035/25 8036/2 8057/1 outcomes [1] 8059/9 output [2] 8027/22 8063/1 outputs [1] 8049/14 outside [5] 7988/3 8005/18 8009/1 8039/18 8074/4 over [23] 7909/8 7944/7 7954/15 7966/25 7976/13 7978/10 8016/13 8029/5 8030/7 8033/22 8038/13 8040/6 8043/1 8045/5 8051/6 8055/19 8064/20 8065/12 8080/22 8081/12 8082/23 8084/17 8084/22 overall [14] 8023/4 8027/9 8032/13 8036/24 8046/15 8049/12 8050/2 8058/5 8062/19 8071/2 8073/11 8075/16 8076/20 8077/13 overbalanced [1] 7926/11 overboard [3] 7980/8 7980/19 7980/19 overhead [3] 8085/24 8086/1 8086/3 overnighted [1] 7929/7 Overrule [1] 7926/25 Overruled [2] 7928/25 8009/2 oversee [1] 8015/11</p>	<p>overtly [1] 7975/8 overview [2] 8016/25 8025/15 overviews [1] 8026/11 overwhelm [1] 7980/10 own [3] 7929/15 8039/7 8047/10 owned [4] 8070/15 8070/16 8072/25 8073/1 owner [1] 8087/22 ownership [1] 8035/18</p> <p><b>P</b></p> <p>p.m [9] 7923/10 7926/21 7928/23 7933/13 7934/2 7934/8 7936/24 7997/13 8000/24 pack [1] 8072/17 package [1] 7991/24 page [36] 7904/2 7913/8 7925/4 7925/5 7925/25 7925/25 7927/10 7931/16 7931/16 7931/19 7932/10 7933/1 7946/5 7946/6 7946/6 7949/4 7952/13 7952/14 7952/15 7953/25 7958/14 7958/21 7961/3 7961/23 7961/24 7963/13 7963/13 7965/17 7965/17 7971/19 7973/22 7973/24 7975/19 7997/22 8007/9 8038/17 page 38 [1] 7952/14 pager [2] 8039/3 8039/8 pages [4] 7905/10 7905/12 7905/13 7905/15 Palmintier [1] 7899/21 panel [1] 7926/10 pants [2] 7976/8 7976/16 paragraph [7] 7921/13 7926/23 7928/5 7972/6 7973/3 7974/12 8007/11 paragraphs [1] 8043/13 paranoia [1] 7976/19 part [60] 7911/23 7913/15 7923/25 7941/24 7942/20 7945/13 7945/24 7952/3 7955/2 7966/7 7969/19 7971/1 7978/17 8006/13 8007/25 8008/13 8019/2 8021/17 8021/24 8021/25 8023/9 8025/8 8026/15 8026/18 8029/7 8029/21 8031/9 8032/2 8033/10 8035/4 8036/24 8039/23 8046/5 8046/15 8048/6 8049/6 8049/19 8049/23 8051/6 8052/24 8052/25 8055/24 8056/8 8057/14 8058/3 8058/7 8065/7 8067/16 8069/14 8070/19 8072/17 8072/21 8074/15 8077/15 8081/18 8085/13 8087/23 8088/1 8090/17 8091/8 Part A [1] 8090/17 participant [1] 7935/19 participants [2] 8002/24 8072/7 participate [5] 7936/1 7958/18 7969/22 7971/13 8006/10 participated [5] 7913/16 7917/13 7945/16 8049/15 8056/25 participation [1] 8040/5 particular [5] 7911/8 7914/24 7949/4 7970/4 8040/12 particularly [4] 7911/10 7913/24 7922/11 7922/25 particulars [1] 7968/12 parties [4] 7920/17 7989/10 7993/2 8012/22 Partner [1] 8087/19 partners [3] 8087/24 8088/6 8088/9 parts [4] 7914/22 7939/11 8091/9 8091/20 party [3] 7921/5 7922/6 7922/6 pass [1] 7929/25 passed [1] 7926/10 past [3] 7976/13 8031/5 8033/22</p>
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P	7939/11 7953/23 8014/14 8018/20 personal [22] 7919/13 7935/24 8003/2 8027/22 8029/1 8030/23 8041/8 8041/9 8041/13 8041/19 8041/22 8042/3 8042/12 8043/10 8044/9 8044/24 8045/4 8047/10 8052/9 8052/12 8067/3 8067/8 personally [9] 7940/2 8006/25 8036/19 8038/2 8056/25 8057/13 8058/19 8071/17 8090/7 personnel [7] 8009/14 8059/20 8059/24 8066/2 8066/3 8091/1 8094/1 persons [1] 7914/19 perspective [2] 7939/20 8087/10 perspectives [1] 8076/21 pertain [2] 7948/14 8049/3 pertains [1] 7973/16 PETITION [1] 7898/8 petrochemical [1] 8018/4 petrochemicals [1] 8018/3 petroleum [2] 7907/10 7907/12 phase [2] 8017/11 8017/12 phases [1] 8042/7 Phil [1] 8002/3 philosophy [1] 8053/3 phone [7] 7923/1 7935/7 7938/7 7986/8 7986/10 7987/7 7994/23 phrase [7] 8051/8 8075/4 8075/6 8075/13 8075/14 8076/4 8089/21 physically [2] 7992/5 8020/8 physics [1] 8081/10 picked [1] 8057/2 picture [2] 7925/23 8057/22 piece [8] 7979/25 7981/12 7981/21 7982/5 7982/16 8023/6 8070/25 8071/1 Pill [1] 7924/10 pipe [32] 7924/10 7924/11 7924/12 7924/22 7931/10 7931/23 7931/24 7932/18 7933/3 7933/5 7935/13 7937/5 7937/7 7964/22 7979/12 7979/15 7983/22 7983/25 7984/2 7984/4 7984/14 7984/17 7984/21 7985/7 7985/9 7986/8 7997/17 7999/22 8003/12 8003/21 8006/3 8007/3 pipeline [1] 8017/10 piping [1] 7968/3 place [66] 7915/16 7916/3 7916/5 7917/10 7917/18 7917/19 7926/17 7930/5 7938/1 7940/8 7955/23 7984/1 7999/2 8021/15 8024/1 8030/4 8031/24 8032/10 8034/22 8035/4 8035/16 8044/25 8045/10 8045/13 8045/17 8046/4 8046/22 8047/3 8047/15 8050/10 8050/11 8053/4 8056/12 8056/17 8058/10 8058/12 8059/14 8060/3 8060/5 8060/23 8061/11 8061/20 8061/25 8062/14 8063/17 8064/8 8066/11 8067/23 8068/1 8068/6 8071/6 8071/13 8072/16 8072/25 8073/15 8074/11 8074/14 8074/16 8074/24 8077/11 8080/16 8089/11 placed [2] 7908/8 8093/21 places [1] 7915/10 plaintiff's [1] 8078/20 plaintiffs [12] 7898/18 7898/22 7899/2 7899/5 7899/8 7899/12 7899/15 7899/18 7899/21 7900/2 7900/5 8090/24 Plaintiffs' [1] 7940/23 plan [54] 7953/1 7953/2 7955/20 7963/21 7966/11 7972/9 8027/9 8032/3 8032/9 8032/10 8034/17 8034/21 8035/1 8035/4 8038/5 8040/2 8047/1 8048/24 8050/10 8057/6 8058/10 8058/12 8059/1	8060/3 8060/6 8060/10 8061/4 8061/11 8062/8 8062/18 8063/15 8064/24 8067/1 8067/23 8068/1 8068/1 8068/5 8068/6 8069/4 8069/12 8069/18 8070/5 8070/9 8070/15 8070/19 8070/25 8072/25 8073/4 8073/9 8073/18 8073/21 8074/1 8074/7 8074/11 planned [5] 7924/9 7952/24 7954/16 7987/5 8059/9 planning [5] 7914/2 8017/20 8035/16 8047/23 8054/6 plans [22] 7973/7 8034/22 8036/1 8036/3 8036/5 8047/25 8057/3 8059/10 8060/23 8065/9 8069/15 8070/21 8071/6 8071/7 8072/4 8072/10 8072/14 8072/16 8073/15 8074/14 8074/24 8076/24 plant [1] 8018/5 platform [1] 8080/24 platforms [4] 7910/5 7910/5 8015/6 8085/16 play [4] 7974/8 7981/16 7981/21 8012/20 played [2] 7944/21 7988/1 PLC [3] 7901/20 7901/23 7902/4 please [40] 7905/3 7906/6 7906/11 7934/7 7935/10 7983/10 7983/16 7988/15 7990/23 7992/24 7993/3 7997/5 8003/24 8010/4 8013/19 8024/4 8025/3 8039/25 8042/15 8042/23 8044/5 8050/6 8050/15 8051/18 8058/14 8060/13 8064/10 8065/16 8067/5 8068/2 8071/9 8073/16 8076/6 8079/10 8083/1 8083/17 8084/9 8088/22 8092/2 8093/18 pleases [1] 8094/5 plenty [1] 7988/12 plug [16] 7926/5 7931/8 7934/8 7935/11 7936/25 7938/1 7938/3 7938/5 7956/9 7956/10 7956/11 7956/12 7963/17 7963/21 7965/14 7985/13 plugged [2] 7956/17 7956/21 plugging [1] 7956/22 point [33] 7910/7 7920/5 7922/3 7926/11 7928/20 7929/9 7938/24 7947/2 7952/5 7957/14 7958/6 7958/17 7959/17 7959/24 7962/4 7968/24 7970/1 7979/1 7979/11 7980/13 7980/25 7981/2 7981/5 7981/7 7981/11 7982/8 7983/5 7984/13 7985/15 7987/22 7988/2 8082/24 8084/20 pointed [1] 7972/9 pointing [1] 8012/5 points [2] 7906/19 7914/22 policy [17] 8063/24 8064/8 8064/15 8065/11 8065/13 8065/19 8065/24 8066/7 8066/17 8067/2 8067/7 8067/13 8067/25 8068/11 8069/14 8071/15 8072/14 polymer [1] 8018/4 pore [1] 7953/23 portion [1] 7942/8 portions [3] 7921/8 7926/22 7939/7 pose [1] 7982/4 position [29] 7906/16 7909/17 7910/3 7910/8 7910/12 7912/5 7912/7 7913/3 7919/3 7923/8 7941/10 7941/12 7948/6 7984/25 7985/4 7985/14 8007/23 8014/4 8014/6 8014/11 8015/22 8019/16 8019/23 8020/19 8022/4 8023/12 8024/20 8033/4 8094/16 positioned [2] 8020/8 8020/12 positions [1] 8018/2 positive [4] 7928/16 7983/3 7995/10 7995/15
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<p>P</p> <p>possible [3] 7954/1 7982/25 8005/2  post [7] 7898/20 7900/16 7900/22  7901/13 7902/17 7996/14 7996/19  post-trial [2] 7996/14 7996/19  potential [3] 8068/21 8068/23 8069/5  pound [1] 7926/8  pounds [1] 7999/21  power [2] 7928/17 7928/18  powerful [2] 8040/18 8041/4  Poydras [4] 7899/6 7901/19 7902/6  7903/10  ppg [1] 7949/11  practices [7] 7972/12 8019/10 8046/24  8047/21 8048/17 8071/4 8077/5  precisely [2] 7923/10 8082/3  precondition [2] 8088/18 8088/19  predicate [1] 7936/9  predictable [2] 8026/14 8026/17  prediction [1] 7953/23  predominantly [2] 7907/24 7961/19  prefer [1] 7991/4  preference [1] 7988/14  preparation [1] 7992/10  prepared [3] 7998/14 7999/14 8002/21  preparing [1] 8057/11  preread [3] 8025/1 8025/4 8076/8  present [4] 7948/8 7992/19 7998/1  8001/10  presented [1] 7940/16  president [12] 7906/17 7910/11 7912/5  7941/1 7941/9 8019/7 8019/9 8019/15  8030/14 8030/16 8068/12 8092/15  presidents [1] 8030/13  pressure [51] 7924/13 7924/24 7931/4  7931/25 7932/20 7933/3 7933/5 7934/9  7934/11 7934/19 7935/13 7937/1 7937/4  7937/5 7937/6 7937/7 7937/9 7950/10  7952/23 7953/23 7954/6 7978/3 7980/5  7981/6 7983/22 7983/24 7984/3 7984/5  7984/10 7984/13 7984/14 7984/17  7984/22 7984/22 7985/7 7985/9 7986/8  7986/9 7986/25 7987/5 7997/17 7999/21  8003/12 8003/13 8003/20 8004/8 8006/3  8006/3 8006/6 8007/3 8007/3  pressured [1] 7924/17  pressures [2] 7949/14 8081/7  presumably [2] 7956/17 7998/14  pretty [3] 8011/21 8052/7 8079/2  preventer [2] 7942/10 7979/24  previously [8] 8041/11 8052/5 8058/8  8058/16 8090/23 8091/22 8093/12  8093/21  primary [1] 8066/21  printed [1] 8072/7  prior [12] 7955/19 7957/9 7967/17  7974/10 7976/4 7978/5 8009/10 8030/7  8031/13 8037/16 8050/11 8081/12  priorities [12] 8023/5 8023/22 8024/3  8028/15 8042/9 8050/3 8051/15 8051/25  8057/3 8057/22 8061/17 8073/12  prioritization [2] 8061/18 8062/11  priority [18] 8026/9 8028/18 8028/21  8034/1 8034/4 8034/6 8035/11 8036/10  8036/16 8036/21 8037/4 8037/7 8040/20  8040/24 8042/13 8066/2 8067/11  8075/24  probably [5] 8080/14 8080/19 8086/10  8086/12 8094/8  problem [9] 7922/22 7937/17 7938/9  7949/24 7950/8 7950/13 7950/13 7953/6  7979/23</p>	<p>problems [3] 7953/7 7974/23 8001/23  procedure [19] 7925/14 7925/17 7925/18  7931/7 7931/9 7932/23 7963/15 7963/17  7963/23 7963/25 7965/25 7967/12  7968/2 7968/13 8007/12 8007/19  8007/21 8007/21 8007/22  procedures [12] 7925/15 8008/9 8008/11  8008/15 8009/8 8009/17 8009/19  8009/19 8009/21 8009/22 8070/12  8071/3  proceeded [1] 7987/5  proceedings [4] 7903/16 7921/25 8095/5  8095/12  process [86] 7913/15 7914/14 7943/22  7946/19 7950/3 7957/21 7962/12  7962/13 7962/14 7962/15 7962/18  7962/23 7963/9 7987/25 8010/19  8016/13 8027/21 8030/23 8035/6 8041/9  8041/13 8041/19 8041/23 8041/24  8042/4 8042/12 8043/10 8043/14  8043/18 8043/19 8043/25 8044/9  8044/24 8045/4 8046/16 8046/24  8047/21 8048/9 8048/10 8049/21  8049/23 8052/10 8052/11 8052/12  8055/22 8056/25 8057/8 8057/20  8058/22 8059/11 8059/15 8059/18  8060/1 8060/6 8060/9 8060/17 8060/20  8060/21 8060/24 8061/6 8061/11  8061/12 8061/14 8061/24 8062/1  8062/16 8062/19 8062/21 8062/22  8062/23 8063/1 8063/5 8063/7 8063/10  8063/14 8063/17 8063/18 8063/21  8063/22 8066/25 8067/3 8067/8 8067/15  8070/21 8074/19 8078/20  processes [6] 8048/17 8050/22 8054/24  8059/3 8066/11 8071/2  processes/results [1] 8059/3  processing [1] 8017/4  procurement [3] 8052/20 8086/19  8086/24  produce [6] 8015/7 8022/20 8073/10  8080/17 8082/23 8093/3  produced [1] 8080/10  producer [1] 8022/23  producing [2] 7915/7 8093/11  product [1] 8080/18  production [69] 7898/10 7901/19  7901/19 7901/22 7901/22 7902/3 7902/3  7912/12 7950/5 8015/6 8020/23 8022/14  8022/21 8022/25 8023/7 8024/19  8027/13 8027/19 8029/8 8029/12  8029/16 8030/14 8030/24 8030/25  8035/8 8036/7 8043/9 8044/21 8046/15  8046/20 8047/3 8048/23 8051/10  8051/22 8058/25 8059/25 8078/5 8078/9  8078/11 8078/12 8078/15 8078/21  8079/16 8079/18 8079/23 8080/5 8080/6  8080/9 8080/10 8080/12 8080/24  8080/24 8081/7 8081/8 8081/10 8081/13  8081/16 8081/19 8081/21 8081/25  8082/2 8082/7 8082/19 8083/3 8083/7  8083/11 8084/2 8084/4 8089/2  professional [4] 7914/6 8016/8 8016/10  8016/15  proffer [2] 7994/2 7996/4  profile [2] 7949/13 7949/14  profitability [1] 8089/23  program [5] 7908/13 7909/19 7910/6  7949/12 7952/4  programs [3] 7908/13 7909/22 7909/23  progress [7] 8043/14 8043/19 8043/22  8057/25 8058/4 8058/6 8073/11  progressed [1] 8062/18</p>	<p>progressing [2] 8057/6 8076/23  project [7] 7908/14 7947/10 7958/14  7973/1 8018/15 8026/14 8080/14  projects [20] 8014/5 8014/21 8015/8  8015/11 8015/14 8015/16 8017/7 8019/7  8019/9 8019/11 8019/14 8019/15  8020/12 8020/19 8021/20 8030/15  8046/17 8082/1 8093/3 8093/11  promise [1] 7948/24  properly [8] 7937/8 7937/10 7980/4  8003/13 8004/9 8006/4 8007/4 8088/5  property [1] 8068/23  proposal [1] 8094/16  propose [2] 7905/18 7905/21  proposed [2] 8024/13 8094/19  pros [1] 7954/7  prospects [2] 8022/15 8022/16  protect [1] 7979/15  protecting [2] 7981/12 8066/4  protection [1] 7981/21  protocol [1] 8074/6  proud [1] 8043/20  provide [1] 7955/4  provided [2] 7968/2 8088/20  PSC [1] 8095/2  PSC's [1] 7948/7  PSCM [4] 8076/16 8086/15 8086/18  8086/19  PSCM/Deflation [1] 8086/15  psi [10] 7924/21 7924/22 7926/11  7931/22 7932/1 7932/24 7932/25 7933/6  7983/22 7997/17  PU [1] 8079/24  public [1] 7944/20  publication [1] 7911/18  published [5] 7911/13 7944/19 7944/20  7945/3 7975/25  pull [18] 7942/2 7946/1 7969/21 7970/20  7975/9 7978/11 7997/19 7998/9 7998/17  8001/12 8002/5 8003/16 8003/24 8007/8  8007/9 8008/19 8009/5 8071/24  pulse [8] 8030/6 8035/2 8035/3 8035/6  8035/19 8035/23 8035/25 8036/8  pumped [3] 7924/16 7931/9 7931/21  pumping [1] 7932/16  purpose [6] 7913/12 7914/3 7936/18  7936/18 8066/5 8066/7  purposes [1] 7906/20  Pursuant [1] 8066/17  pushed [1] 7931/24  pusher [1] 7924/14  put [51] 7913/5 7916/16 7921/8 7921/13  7930/7 7936/3 7944/4 7955/19 7983/19  7994/23 8002/3 8005/22 8021/14 8024/1  8024/1 8030/4 8032/10 8032/22 8035/4  8035/16 8037/12 8037/14 8040/2 8043/7  8050/10 8050/11 8051/5 8056/12  8056/16 8058/10 8058/11 8059/13  8060/3 8060/5 8060/23 8061/11 8061/20  8061/25 8062/14 8063/16 8064/8  8066/11 8067/25 8071/13 8074/16  8077/11 8078/4 8079/14 8080/16 8082/1  8093/14  puts [1] 7932/20  putting [3] 7944/16 8046/4 8071/5</p> <p>Q</p> <p>quality [1] 8039/11  quarter [3] 8065/7 8065/12 8083/23  quarterly [2] 8083/20 8084/3  quarters [1] 8021/18  question [33] 7915/13 7916/2 7919/24  7920/2 7922/8 7936/9 7939/14 7957/19</p>
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<p><b>Q</b></p> <p>question... [25] 7957/20 7957/22 7961/24 7968/16 7982/2 7984/23 7985/18 7985/24 7986/1 7986/3 7991/9 7991/15 7995/22 7996/20 7998/20 7999/16 7999/19 8000/18 8008/17 8008/18 8055/25 8070/6 8070/7 8070/7 8070/8</p> <p>questioned [1] 7985/23</p> <p>questioning [1] 8010/23</p> <p>questions [29] 7914/24 7915/11 7916/3 7916/6 7916/8 7916/9 7916/11 7919/1 7919/25 7922/17 7940/19 7945/20 7945/21 7947/2 7983/18 7989/4 7996/9 7996/10 7996/11 7996/21 7997/12 8004/25 8010/1 8010/10 8010/19 8010/20 8010/24 8012/15 8029/11</p> <p>quick [1] 7928/12</p> <p>quickly [6] 7905/6 7932/1 7978/10 7982/25 7997/19 8021/13</p> <p>quiet [1] 7918/17</p> <p>quite [5] 7918/4 8026/25 8040/8 8070/11 8087/5</p> <p>quote [4] 7922/5 7976/15 8090/24 8093/13</p> <p>quote/unquote [1] 8093/13</p> <p>quotes [1] 8056/18</p>	<p>8006/24 8007/7 8008/10 8009/3 8009/4 8020/25 8021/6 8065/3 8070/7 8070/8</p> <p>received [5] 7907/10 7975/12 7976/3 7986/7 8065/19</p> <p>receiving [2] 7975/14 8064/16</p> <p>recent [1] 8061/16</p> <p>recess [4] 7997/2 7997/4 8094/9 8094/10</p> <p>recite [1] 7972/15</p> <p>recognize [2] 8001/14 8092/5</p> <p>recognizing [2] 8025/19 8053/21</p> <p>recollection [2] 7999/20 7999/25</p> <p>recommended [1] 7966/11</p> <p>record [13] 7905/7 7905/16 7905/22 7906/6 7913/13 7913/14 7924/20 7925/3 7939/3 7994/2 7994/9 8013/19 8095/12</p> <p>recordable [5] 8037/15 8038/3 8038/7 8038/25 8039/1</p> <p>recordables [1] 8037/21</p> <p>recorded [1] 7903/16</p> <p>records [1] 7938/4</p> <p>Recovery [1] 8087/19</p> <p>Recovery/IPT [1] 8087/19</p> <p>redactions [1] 8094/19</p> <p>redirect [3] 7921/7 8010/7 8010/9</p> <p>redo [1] 7935/12</p> <p>redrill [1] 7955/15</p> <p>reduce [3] 8057/18 8061/14 8087/4</p> <p>reduced [5] 7961/13 8077/23 8085/24 8087/5 8088/4</p> <p>reducing [1] 8089/5</p> <p>reductions [1] 8089/1</p> <p>refer [4] 7946/12 8026/24 8073/14 8093/8</p> <p>reference [12] 7947/4 8039/8 8040/4 8042/1 8049/2 8052/14 8061/3 8062/11 8077/25 8082/11 8089/1 8093/12</p> <p>referenced [9] 7905/11 8013/9 8024/16 8024/24 8027/14 8033/17 8057/8 8060/9 8073/9</p> <p>references [5] 7921/19 7922/23 7965/18 7969/10 7997/25</p> <p>referencing [9] 7950/18 7953/3 7959/14 7960/10 8026/6 8053/5 8059/23 8065/14 8072/18</p> <p>referred [1] 8045/20</p> <p>referring [2] 7950/10 8071/16</p> <p>refers [1] 8062/4</p> <p>reflect [4] 7918/6 7918/11 8012/4 8074/12</p> <p>reflected [2] 7999/23 8090/11</p> <p>reflects [1] 8084/15</p> <p>refresh [2] 7999/19 7999/25</p> <p>refused [1] 7915/22</p> <p>REGAN [13] 7901/23 7905/19 7921/11 7921/18 7921/21 7922/4 7923/1 7923/9 7939/4 7989/21 7990/14 7993/21 8010/9</p> <p>regarding [9] 7949/6 7950/4 7975/1 7977/3 7978/1 7997/12 8037/15 8056/15 8089/14</p> <p>region [4] 7906/17 7941/1 7941/5 8007/24</p> <p>regional [1] 8092/15</p> <p>register [1] 8073/24</p> <p>regs [1] 7972/1</p> <p>regular [3] 8036/23 8065/6 8071/8</p> <p>regularly [1] 7943/3</p> <p>regulations [1] 7958/6</p> <p>rehash [2] 7988/9 7988/10</p> <p>reinforce [2] 8037/25 8043/21</p> <p>reinforced [1] 8029/23</p> <p>reinforcement [1] 8040/19</p> <p>reinterview [1] 8006/22</p>	<p>Reiter [1] 8064/14</p> <p>related [6] 7977/16 8076/19 8077/12 8078/4 8080/1 8083/10</p> <p>relates [2] 7950/7 8080/6</p> <p>relationships [1] 8019/13</p> <p>relatively [1] 7983/13</p> <p>relayed [1] 7938/8</p> <p>released [2] 7912/16 7912/17</p> <p>relevant [3] 7948/7 8035/16 8036/6</p> <p>reliable [13] 7972/21 7972/24 7972/25 7973/13 8025/23 8026/5 8026/7 8028/5 8029/18 8051/25 8052/8 8089/12 8090/2</p> <p>relied [1] 8047/23</p> <p>relieved [1] 7932/15</p> <p>relocated [1] 8091/20</p> <p>rely [1] 8070/18</p> <p>remain [2] 8021/22 8067/16</p> <p>remember [22] 7909/15 7909/16 7910/21 7915/14 7957/2 7957/22 7970/2 7970/8 7970/15 7971/9 7973/11 7975/22 7979/7 7989/2 8000/2 8002/2 8002/19 8002/20 8010/3 8010/5 8057/4 8070/7</p> <p>renew [1] 7926/20</p> <p>renewed [1] 7955/5</p> <p>reopen [1] 8011/1</p> <p>reorganization [2] 7974/2 8091/8</p> <p>repair [2] 8085/6 8085/15</p> <p>repairs [1] 8085/12</p> <p>repeat [5] 7964/10 7964/12 7964/13 7982/2 7986/4</p> <p>repetitive [1] 7987/20</p> <p>rephrase [2] 7938/22 7954/25</p> <p>replaced [1] 7912/2</p> <p>report [51] 7905/7 7905/11 7905/14 7911/6 7911/7 7911/8 7911/13 7911/18 7939/11 7939/15 7939/17 7940/10 7940/15 7940/17 7941/9 7942/24 7943/20 7944/17 7944/22 7945/3 7971/5 7971/6 7973/18 7975/13 7975/25 7977/9 7977/12 7978/13 7978/18 7980/11 7981/1 7982/12 7983/12 7983/14 7987/9 7987/14 7988/9 7989/1 7989/11 7990/4 8005/9 8005/13 8005/15 8011/6 8030/13 8078/20 8079/12 8079/13 8079/14 8079/18 8094/15</p> <p>reported [2] 8005/19 8038/15</p> <p>reporter [5] 7903/10 7906/20 7996/7 8095/9 8095/17</p> <p>reporter's [1] 7931/1</p> <p>reporting [2] 8024/21 8084/4</p> <p>reports [6] 7941/19 8033/9 8039/6 8039/7 8057/12 8078/21</p> <p>reports' [1] 8090/18</p> <p>represent [6] 7940/23 7978/17 7997/9 7999/13 8078/19 8083/3</p> <p>represented [1] 8085/13</p> <p>reputational [1] 8069/10</p> <p>requested [2] 7958/23 7959/20</p> <p>required [7] 7913/3 7961/2 7961/4 7961/15 7965/25 8048/7 8048/15</p> <p>requirement [3] 8038/20 8070/24 8071/15</p> <p>requirements [2] 7971/22 7972/15</p> <p>requires [1] 7931/24</p> <p>reserve [1] 7923/11</p> <p>reserved [1] 7918/17</p> <p>reservoir [2] 7981/5 7981/8</p> <p>resolution [1] 8082/15</p> <p>resolve [1] 8094/24</p> <p>resources [4] 7900/13 8015/3 8017/9 8022/18</p> <p>respect [37] 7911/6 7914/12 7915/25 7920/22 7922/14 7922/25 7942/19</p>
<p><b>R</b></p> <p>R-O-B-I-N-S-O-N [1] 7906/8</p> <p>RACHEL [2] 7900/15 7902/9</p> <p>radar [1] 7950/15</p> <p>raise [1] 7985/1</p> <p>raised [2] 7977/11 8090/23</p> <p>ramped [2] 8080/8 8081/19</p> <p>ran [5] 7910/6 7924/9 7953/20 8008/5 8020/6</p> <p>Randy [2] 7931/23 7931/24</p> <p>range [1] 7945/18</p> <p>rates [1] 8077/9</p> <p>rather [3] 7952/15 7965/19 7969/4</p> <p>rating [1] 8057/16</p> <p>RE [2] 7898/4 7898/7</p> <p>reach [1] 7979/24</p> <p>reached [3] 7940/2 7978/19 7979/12</p> <p>reaction [1] 8021/9</p> <p>read [28] 7924/4 7924/5 7925/10 7926/2 7926/14 7926/22 7927/2 7927/13 7928/7 7929/17 7930/18 7931/1 7931/1 7934/7 7935/10 7936/7 7936/7 7938/21 7949/7 7953/10 7966/19 8005/9 8026/13 8066/5 8067/9 8068/18 8075/21 8092/5</p> <p>reading [5] 7925/16 7928/13 7932/5 7975/17 7978/5</p> <p>real [2] 7905/6 7919/22</p> <p>realizing [1] 8082/1</p> <p>really [28] 7919/19 8023/20 8026/21 8027/4 8027/8 8027/17 8029/4 8030/6 8031/7 8039/11 8040/11 8040/17 8044/3 8044/23 8045/15 8050/2 8057/17 8057/18 8069/25 8070/25 8073/11 8081/17 8086/11 8086/21 8087/11 8087/24 8088/2 8088/2</p> <p>reason [7] 7922/20 7948/1 7961/7 7966/21 7977/10 7992/25 8005/22</p> <p>reasons [1] 8031/18</p> <p>recall [36] 7932/15 7936/15 7944/10 7944/13 7944/15 7957/11 7957/13 7958/4 7958/10 7958/11 7969/1 7970/3 7970/9 7970/10 7973/21 7975/14 7975/17 7979/2 7979/3 7979/6 7980/12 7995/2 8000/3 8001/1 8003/1 8003/7</p>		



<p>R</p> <p>respect... [30] 7960/2 7994/1 7997/12 8008/15 8010/20 8011/3 8011/15 8012/2 8028/12 8046/20 8053/21 8053/23 8055/7 8060/2 8060/17 8062/1 8063/10 8065/4 8065/25 8067/2 8067/7 8072/19 8074/13 8075/4 8076/4 8084/11 8086/24 8091/18 8094/16 8094/17</p> <p>respond [3] 8045/2 8062/8 8063/16 response [7] 7919/2 8004/24 8021/14 8021/16 8021/20 8021/23 8055/25</p> <p>responsibilities [9] 7912/9 7940/25 8008/16 8014/17 8014/20 8019/8 8019/12 8022/2 8045/8</p> <p>responsibility [9] 7910/4 7911/9 8014/25 8020/21 8022/24 8046/1 8074/3 8078/8 8093/2</p> <p>responsible [4] 7976/5 8015/14 8022/11 8078/10</p> <p>rest [6] 7949/19 7971/24 8029/5 8058/4 8066/17 8080/8</p> <p>result [8] 8040/22 8049/16 8077/25 8081/25 8082/14 8083/13 8085/23 8085/23</p> <p>resulted [4] 7934/20 8082/12 8083/13 8084/24</p> <p>results [9] 7951/18 7969/25 7985/2 7985/4 7985/21 7990/18 8035/22 8035/24 8059/3</p> <p>resume [1] 7912/2</p> <p>returned [4] 7912/2 7929/6 7929/7 7991/25</p> <p>returns [1] 7928/11</p> <p>Revette [1] 7995/6</p> <p>review [19] 7916/17 7936/17 7951/5 7960/2 8031/22 8031/23 8041/21 8058/3 8064/24 8066/12 8071/6 8072/5 8072/6 8072/12 8072/13 8083/21 8083/23 8084/1 8084/7</p> <p>reviewed [14] 7918/6 7936/14 7951/11 7973/8 8030/21 8030/24 8031/3 8031/4 8035/24 8038/19 8057/1 8069/13 8071/8 8071/18</p> <p>reviewing [2] 8049/14 8057/13</p> <p>reviews [3] 8036/24 8049/15 8062/21</p> <p>reward [1] 8044/3</p> <p>rex [2] 7946/7 7946/8</p> <p>rex Anderson [1] 7946/8</p> <p>RICHARD [2] 7902/16 8092/9</p> <p>rig [54] 7898/4 7907/20 7907/20 7908/16 7912/10 7912/10 7912/17 7912/17 7913/25 7925/17 7928/15 7928/16 7933/6 7934/20 7937/11 7941/2 7941/2 7961/1 7961/2 7961/14 7961/21 7968/5 7968/7 7968/11 7968/13 7968/13 7972/20 7972/23 7976/6 7977/7 7979/21 7987/5 7987/15 7991/20 7991/24 7994/21 7995/5 7995/7 8004/14 8007/22 8007/22 8009/14 8035/15 8035/17 8036/7 8054/8 8054/9 8054/10 8054/17 8054/23 8055/5 8055/15 8055/17 8070/23</p> <p>rig-specific [1] 7968/13</p> <p>right [97] 7905/5 7905/25 7908/3 7909/2 7911/14 7912/14 7913/1 7915/19 7916/1 7916/19 7921/17 7923/17 7924/25 7925/10 7926/10 7926/13 7926/24 7929/12 7932/9 7933/25 7935/1 7938/16 7945/10 7947/7 7949/11 7950/12 7950/13 7954/5 7956/16 7957/10 7958/20 7959/3 7962/9 7965/17 7966/10 7966/22 7966/25 7967/25 7973/11</p>	<p>7973/20 7976/18 7979/8 7981/23 7982/15 7983/9 7987/10 7994/3 7997/15 7997/17 7998/5 7999/2 8000/7 8003/18 8004/5 8005/18 8007/12 8010/2 8012/24 8013/15 8017/11 8018/12 8021/16 8024/14 8025/21 8027/11 8027/11 8027/11 8027/14 8028/16 8032/8 8032/20 8033/14 8045/21 8051/2 8053/4 8053/4 8053/4 8053/8 8053/8 8053/8 8053/9 8053/9 8055/10 8059/7 8059/15 8068/11 8068/14 8069/14 8072/15 8082/6 8083/25 8084/19 8086/4 8089/8 8090/18 8092/6 8092/24</p> <p>right-hand [2] 8059/7 8092/6</p> <p>rigs [12] 7909/9 7910/4 7910/6 7912/14 7912/18 7912/18 7912/19 7912/21 8008/5 8035/8 8054/3 8070/17</p> <p>ring [1] 7963/20</p> <p>rise [2] 7997/3 8094/11</p> <p>riser [12] 7931/21 7978/19 7979/12 7979/15 7979/18 7980/8 7981/20 7982/18 7982/19 7982/24 7987/13 8011/13</p> <p>rising [1] 7979/11</p> <p>risk [44] 8046/25 8047/1 8050/5 8058/22 8059/2 8059/8 8061/18 8062/11 8064/14 8065/11 8065/13 8065/18 8065/23 8065/25 8066/7 8066/24 8066/25 8067/2 8067/7 8067/13 8067/13 8067/22 8068/5 8068/6 8068/16 8068/19 8068/24 8069/3 8069/5 8069/10 8069/11 8069/12 8069/18 8069/22 8070/4 8070/15 8070/19 8071/6 8071/22 8072/4 8072/6 8073/24 8074/12 8075/1</p> <p>risks [44] 8057/19 8059/19 8060/17 8060/20 8060/21 8063/14 8063/22 8063/23 8063/25 8064/3 8064/6 8064/7 8064/9 8064/25 8065/5 8065/9 8066/9 8066/10 8066/15 8066/15 8066/18 8066/22 8066/23 8067/12 8067/21 8067/21 8068/11 8068/24 8068/25 8069/2 8069/9 8069/23 8071/5 8071/5 8071/12 8072/10 8072/12 8072/13 8072/16 8073/23 8074/17 8074/19 8074/23 8074/24</p> <p>ROBERT [2] 7899/3 7902/3</p> <p>ROBERTS [1] 7902/9</p> <p>Robinson [48] 7906/2 7906/3 7906/7 7906/8 7906/11 7906/23 7907/7 7908/2 7910/13 7910/24 7912/15 7912/23 7913/8 7915/1 7915/20 7917/5 7920/15 7920/23 7923/25 7925/6 7925/10 7926/2 7927/2 7928/6 7928/19 7930/11 7930/18 7930/25 7931/19 7933/10 7933/21 7936/6 7938/25 7939/10 7940/7 7940/22 7947/15 7947/17 7949/4 7954/23 7987/22 7988/20 7989/12 7989/17 7990/14 7997/8 8010/12 8012/14</p> <p>Robinson's [3] 7921/11 7969/14 7991/3</p> <p>role [19] 7944/21 7974/8 7988/1 8014/17 8018/8 8018/9 8018/23 8018/24 8018/25 8019/6 8019/10 8020/3 8020/11 8023/2 8042/5 8042/7 8044/18 8045/12 8093/23</p> <p>roles [10] 8017/3 8017/11 8017/19 8017/21 8017/22 8019/22 8053/9 8091/9 8091/19 8093/23</p> <p>roll [1] 8064/25</p> <p>roll-up [1] 8064/25</p> <p>rolled [3] 7973/9 7973/11 8065/11</p> <p>room [7] 7903/10 7917/11 7944/8 7951/2 7951/17 7963/19 8001/9</p> <p>rotary [1] 7980/20</p> <p>Rouge [2] 7899/23 7901/13</p>	<p>Rowan [1] 7912/8</p> <p>Roy [2] 7898/18 7898/19</p> <p>royalty [1] 8082/11</p> <p>Ruehle [1] 8072/2</p> <p>rule [1] 7921/7</p> <p>ruling [1] 7994/1</p> <p>run [14] 7911/3 7931/3 7941/2 7950/4 7959/9 7960/16 7960/21 7964/7 7964/15 7965/9 7966/1 7970/13 8012/11 8012/11 running [5] 7909/8 7909/14 7910/4 7960/16 8029/7</p> <p>runs [1] 7976/18</p> <p>Rusnak [1] 7900/2</p> <p>Russia [2] 7909/20 7910/2</p> <p>résumé [1] 7911/24</p> <p>S</p> <p>S-H-A-W [1] 8013/21</p> <p>S-T-E-V-E-N [1] 7906/8</p> <p>sacrifice [1] 8075/22</p> <p>sacrificed [2] 8083/12 8089/22</p> <p>safe [14] 7972/21 7972/24 7972/25 7973/13 7976/5 8025/23 8026/5 8026/7 8028/5 8029/18 8051/25 8052/8 8089/12 8090/2</p> <p>safely [2] 8045/14 8053/10</p> <p>safest [1] 8055/23</p> <p>safety [185] 8022/25 8023/7 8027/12 8027/19 8027/21 8027/22 8027/22 8028/7 8028/12 8028/18 8028/20 8029/12 8029/13 8029/16 8030/21 8030/22 8030/23 8030/23 8031/8 8031/20 8031/22 8031/22 8032/4 8032/8 8032/11 8032/13 8032/19 8032/20 8032/24 8033/14 8033/21 8033/23 8034/1 8034/6 8034/10 8034/23 8034/24 8035/1 8035/1 8035/3 8035/4 8035/6 8035/10 8035/12 8035/16 8035/19 8035/23 8035/25 8036/5 8036/8 8036/10 8036/16 8036/18 8036/21 8036/25 8037/3 8037/7 8037/12 8038/1 8038/23 8039/19 8039/23 8040/6 8040/7 8040/8 8040/13 8040/14 8040/19 8040/21 8040/22 8040/23 8041/1 8041/5 8041/7 8041/8 8041/10 8041/13 8041/13 8041/20 8041/22 8041/23 8041/23 8041/24 8041/25 8042/4 8042/4 8042/12 8042/13 8042/13 8043/9 8043/10 8043/10 8043/14 8043/18 8043/19 8043/24 8043/25 8044/10 8044/24 8045/4 8045/10 8045/16 8045/22 8047/15 8048/2 8049/17 8049/18 8051/10 8051/22 8052/9 8052/10 8052/11 8052/12 8052/13 8054/16 8055/15 8058/22 8059/11 8059/16 8059/19 8060/1 8060/6 8060/9 8060/17 8060/20 8060/21 8060/24 8061/3 8061/6 8061/11 8061/13 8061/15 8061/24 8062/1 8062/16 8062/19 8062/21 8062/22 8062/23 8063/1 8063/5 8063/8 8063/10 8063/14 8063/17 8063/18 8063/21 8063/22 8064/22 8065/1 8065/3 8065/7 8066/2 8066/25 8067/3 8067/8 8067/15 8069/9 8071/1 8074/19 8075/22 8075/23 8075/25 8077/24 8078/2 8078/2 8078/9 8078/11 8078/20 8079/16 8083/12 8084/1 8084/4 8088/18 8088/19 8089/19 8089/22 8090/15 8090/25 8091/6 8091/14 8091/15 8092/9 8094/1 8094/2</p> <p>safety-critical [1] 8071/1</p> <p>said [107] 7916/18 7917/19 7919/2 7919/5 7919/6 7919/6 7920/1 7920/6</p>
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S	scenario [1] 7981/16 schedule [1] 8074/15 scheme [1] 7942/24 school [1] 7907/5 scope [11] 7947/15 7954/22 7955/5 7966/14 7988/3 7988/23 8009/1 8050/15 8050/17 8050/24 8089/3 score [3] 8062/21 8062/23 8062/25 SCOTT [1] 7900/14 scratched [2] 7964/12 7964/13 screen [8] 7913/8 7924/2 7930/7 7950/15 7983/20 7999/23 8024/23 8038/4 screwed [1] 7934/10 Sea [11] 7908/17 7910/3 7910/4 8008/1 8008/3 8008/6 8008/9 8008/21 8009/9 8017/5 8018/17 Seadrill [2] 7912/20 7912/21 seal [2] 7966/20 7966/23 seamless [1] 7974/2 seat [2] 7976/7 7976/16 seated [2] 7905/3 7997/5 seawater [10] 7924/10 7924/10 7928/16 7931/10 7964/4 7964/10 7964/14 7964/15 7964/16 7965/11 second [20] 7916/1 7937/14 7964/10 7964/15 7964/16 7965/10 7965/12 7965/12 7968/15 7985/6 7988/16 8004/21 8026/1 8026/3 8026/4 8030/24 8047/14 8067/1 8077/2 8089/4 Secondary [2] 7953/1 7953/3 secondly [1] 8035/13 section [18] 7898/5 7900/13 7901/3 7911/10 7911/10 7933/2 7936/3 7953/11 7953/12 7955/15 7955/18 7956/15 7957/3 7966/18 7971/21 7973/2 8011/6 8011/8 Section 5B [1] 7911/10 sections [3] 7911/8 7922/9 7945/1 secure [1] 8047/2 securing [2] 8022/14 8022/15 see [53] 7914/3 7915/7 7921/21 7923/25 7935/20 7936/11 7936/14 7937/16 7939/18 7949/16 7949/25 7950/1 7958/8 7958/25 7959/2 7959/3 7962/8 7969/6 7969/21 7970/20 7971/22 7973/10 7974/23 7975/4 7975/24 7976/13 7977/7 7977/22 7977/25 7980/15 7982/15 7986/10 7990/2 7992/14 7993/5 7997/25 7999/23 8003/14 8012/8 8026/23 8051/11 8052/18 8059/5 8059/21 8060/22 8068/9 8072/11 8072/22 8085/6 8086/6 8086/12 8088/20 8092/10 seeing [1] 8009/3 seeking [1] 8034/2 seem [2] 8011/16 8094/20 seemed [3] 7914/22 7916/8 7969/4 seems [1] 7919/11 seen [9] 7933/4 7935/17 7936/3 7939/8 7940/7 7962/24 7976/24 7999/18 8000/25 sees [1] 7929/24 Segment [1] 8085/22 select [1] 8059/11 self [2] 8054/23 8086/6 self-contained [1] 8054/23 Self-Help [1] 8086/6 send [1] 8042/2 sending [2] 8043/4 8045/2 senior [10] 7924/14 7952/18 7965/25 7966/25 7967/18 7985/15 8014/11 8018/20 8022/4 8049/11 sense [8] 7951/7 8006/16 8015/13	8030/12 8035/18 8054/22 8055/14 8056/4 sent [7] 7908/12 7936/16 8003/2 8024/25 8025/8 8032/25 8042/25 sentence [5] 7927/2 7927/6 7939/1 7976/22 8039/1 separate [6] 7921/23 7971/4 7982/13 8019/2 8058/11 8093/5 separated [1] 7971/3 September [5] 7911/14 7911/18 8071/16 8072/3 8084/18 September 24 [1] 8072/3 September 8 [2] 7911/14 7911/18 sequence [2] 7918/10 7918/12 series [2] 8010/24 8016/15 serious [3] 7927/16 7977/2 7977/6 service [1] 8093/6 services [4] 7903/3 7903/7 8077/9 8086/21 SESSION [2] 7898/14 7905/1 set [39] 7926/2 7927/13 7930/19 7935/18 7936/8 7936/23 7938/9 7938/14 7939/1 7953/8 7956/10 7956/11 7957/9 7963/17 7963/19 7963/20 7963/21 7965/14 8019/10 8020/6 8023/25 8027/9 8027/23 8029/2 8029/3 8031/20 8031/24 8031/25 8034/22 8036/15 8041/21 8051/8 8051/13 8051/20 8052/3 8066/8 8066/14 8070/21 8094/1 sets [10] 8009/8 8011/1 8028/12 8028/15 8028/15 8050/2 8051/1 8067/13 8069/25 8073/11 setting [8] 7938/5 8023/5 8023/9 8023/13 8025/9 8028/7 8031/19 8051/25 seven [11] 7908/20 7909/10 7910/5 8021/19 8030/7 8043/1 8043/5 8055/12 8080/19 8080/19 8080/23 seven-year [1] 8080/23 several [2] 8017/1 8069/1 severe [1] 8068/22 Sevette [1] 7927/18 Shaker [1] 7926/8 shall [1] 8009/12 shallow [1] 7979/20 share [11] 8034/7 8037/2 8038/23 8039/3 8039/8 8039/11 8039/17 8039/20 8086/13 8088/5 8088/10 shared [2] 8039/22 8093/6 SHARON [1] 7900/21 Sharpen [1] 8052/14 Shaw [9] 7899/12 8012/20 8012/23 8013/8 8013/16 8013/20 8013/23 8014/3 8028/6 Shaw's [1] 8090/25 she [3] 8064/23 8064/24 8065/10 sheen [19] 7926/6 7926/10 7928/8 7928/9 7989/18 7989/22 7990/4 7991/19 7991/25 7992/2 7992/5 7992/13 7992/19 7993/11 7993/17 7994/22 7995/2 7995/7 7995/16 Shell [2] 8054/21 8055/6 shipyard [1] 8055/11 shocked [2] 8021/8 8021/8 shoe [1] 7955/19 short [2] 8012/20 8045/21 shorthand [1] 8086/19 shortly [1] 7933/17 should [17] 7919/1 7919/9 7919/19 7937/1 7944/12 7967/19 7973/6 7980/8 7992/18 8009/14 8029/20 8061/2 8070/1 8075/22 8077/22 8088/24 8089/22 shouldn't [2] 7934/11 7947/25 show [5] 7914/13 7991/10 7998/19
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<p><b>S</b></p> <p>show... [2] 8024/12 8093/20</p> <p>showed [4] 7928/21 7949/14 7978/23 8043/21</p> <p>showing [1] 7993/8</p> <p>shown [1] 7992/11</p> <p>shows [2] 8069/8 8088/20</p> <p>Shreveport [4] 7906/25 7907/1 7907/4 7907/5</p> <p>shut [9] 7924/12 7924/21 7932/4 7932/14 7959/4 7959/6 7960/20 7961/7 7961/13</p> <p>shut-in [2] 7924/12 7932/4</p> <p>shutdowns [1] 8031/1</p> <p>SHUTLER [1] 7900/21</p> <p>side [9] 7919/9 7924/16 7924/18 7925/10 7933/3 7974/22 7974/23 8037/23 8059/7</p> <p>sided [1] 7969/5</p> <p>sidetrack [1] 7955/20</p> <p>SIDP [1] 7924/11</p> <p>sign [1] 8068/13</p> <p>signal [2] 8029/3 8041/4</p> <p>signature [1] 8068/9</p> <p>signed [3] 8009/13 8068/12 8069/19</p> <p>significant [6] 8003/8 8006/13 8006/15 8044/2 8059/7 8069/9</p> <p>significantly [1] 8087/5</p> <p>similar [2] 8009/16 8016/9</p> <p>simple [4] 7985/24 8030/20 8044/23 8089/17</p> <p>simplicity [1] 7905/20</p> <p>simplify [1] 8044/19</p> <p>simply [3] 8035/9 8039/12 8063/14</p> <p>Sims [9] 7916/23 7944/4 7950/20 7950/25 7959/14 7959/15 7959/17 7959/20 7975/21</p> <p>since [7] 7921/20 7934/12 7941/10 7941/12 8020/16 8028/21 8058/18</p> <p>SINCLAIR [1] 7901/9</p> <p>single [7] 7965/22 8000/13 8012/11 8030/22 8031/4 8031/22 8085/4</p> <p>sir [50] 7920/13 7925/8 7941/16 7941/18 7971/23 7978/16 7983/24 7984/3 7987/16 7990/20 7991/8 7992/9 7993/7 7998/2 7999/6 8000/8 8000/11 8000/15 8001/19 8001/20 8001/20 8002/22 8003/1 8004/11 8004/12 8004/17 8004/22 8004/23 8005/1 8005/10 8005/19 8006/7 8006/13 8006/16 8006/18 8006/24 8007/6 8007/7 8008/1 8008/2 8008/5 8008/7 8009/4 8009/18 8009/22 8011/7 8011/9 8012/16 8012/17 8013/2</p> <p>sit [3] 7915/22 7970/9 8005/4</p> <p>site [14] 7908/9 7914/1 7916/7 7941/17 7951/1 7953/22 7977/8 8005/17 8008/16 8008/22 8009/13 8036/1 8036/2 8070/23</p> <p>sitting [6] 7937/18 7982/11 7994/5 7999/5 8010/14 8011/17</p> <p>situation [3] 7969/3 7979/9 8087/8</p> <p>six [10] 7909/10 7909/13 7960/21 7985/13 8012/22 8042/25 8043/4 8054/21 8080/6 8081/12</p> <p>six-minute [1] 8012/22</p> <p>six-year [1] 7909/13</p> <p>sizers [1] 8017/10</p> <p>Skelton [3] 8064/12 8064/19 8065/13</p> <p>skills [2] 8052/17 8053/8</p> <p>skip [1] 7983/15</p> <p>skipped [1] 8065/10</p> <p>sleeve [1] 7964/8</p>	<p>slide [11] 8051/16 8072/5 8072/17 8083/3 8084/15 8085/1 8088/14 8088/20 8089/10 8093/18 8093/20</p> <p>Slidell [1] 7899/19</p> <p>slides [2] 8052/5 8084/11</p> <p>slip [1] 7995/25</p> <p>slow [2] 7906/20 7937/3</p> <p>slowing [1] 7906/21</p> <p>slowly [3] 7906/22 7908/7 7918/4</p> <p>small [1] 8070/3</p> <p>smaller [2] 7974/17 8086/1</p> <p>smaller-focused [1] 7974/17</p> <p>smooth [1] 7918/13</p> <p>smoothly [1] 7974/4</p> <p>so [179] 7905/22 7906/21 7907/3 7907/14 7908/25 7909/6 7909/6 7910/19 7912/4 7915/12 7915/14 7916/4 7918/10 7919/2 7919/5 7919/9 7919/17 7921/10 7921/15 7921/24 7922/12 7922/20 7923/8 7925/23 7926/19 7929/15 7929/19 7929/24 7936/1 7937/16 7939/3 7942/8 7942/17 7943/14 7944/3 7944/4 7944/19 7947/1 7950/15 7950/23 7951/17 7952/9 7953/16 7954/3 7954/11 7956/16 7957/25 7959/3 7959/3 7959/21 7960/5 7960/6 7960/12 7960/20 7961/6 7961/18 7962/3 7964/14 7964/18 7966/6 7967/13 7968/22 7968/24 7970/16 7970/25 7975/18 7976/3 7976/14 7979/9 7979/23 7981/2 7981/5 7982/22 7984/7 7984/12 7987/8 7987/12 7988/23 7989/9 7989/12 7992/1 7993/2 7994/18 7995/23 7997/11 7999/2 8001/18 8005/14 8006/2 8008/4 8010/23 8014/7 8014/14 8015/8 8018/10 8019/4 8019/22 8020/16 8021/21 8022/14 8026/9 8026/25 8027/14 8027/25 8028/14 8028/17 8030/8 8030/13 8031/4 8031/7 8031/24 8032/20 8032/22 8033/2 8033/3 8033/4 8035/15 8035/16 8036/15 8037/20 8037/22 8037/23 8038/22 8039/12 8040/18 8040/22 8043/10 8045/13 8046/4 8046/8 8047/2 8047/3 8047/8 8051/3 8052/2 8052/11 8053/9 8053/15 8054/7 8054/22 8057/5 8057/20 8063/4 8063/5 8063/13 8064/16 8066/14 8072/9 8072/25 8073/24 8076/20 8077/13 8077/17 8078/6 8079/4 8080/1 8080/5 8080/18 8080/22 8081/21 8081/24 8083/23 8084/3 8084/21 8085/12 8085/12 8085/15 8085/25 8086/3 8087/4 8087/13 8087/21 8088/2 8088/8 8089/20 8091/14 8093/5 8094/1 8094/8</p> <p>software [2] 7903/16 7952/9</p> <p>solely [1] 7961/18</p> <p>some [74] 7908/10 7908/19 7909/9 7911/22 7914/13 7916/16 7921/19 7921/20 7921/21 7941/19 7945/17 7947/2 7958/13 7958/17 7966/19 7966/24 7968/24 7974/1 7980/25 7981/2 7981/5 7981/7 7981/11 7982/8 7982/20 7983/5 7984/1 7984/13 7984/13 7991/12 7993/13 7997/11 7998/4 7998/6 8005/7 8015/18 8019/8 8022/1 8025/3 8025/16 8026/10 8026/15 8028/4 8028/6 8030/17 8033/11 8034/20 8035/15 8035/18 8037/19 8039/11 8046/20 8047/12 8049/1 8049/21 8056/11 8057/15 8057/15 8058/17 8062/8 8063/16 8064/6 8070/10 8071/18 8073/19 8075/5 8077/14 8077/20 8081/15 8082/16 8085/11 8094/19 8094/21 8094/24</p> <p>somebody [6] 7916/9 7922/4 7991/6</p>	<p>7993/14 8041/16 8048/11</p> <p>someone [7] 7920/10 7991/12 7999/7 7999/9 7999/10 7999/10 8010/17</p> <p>someplace [2] 7981/3 7991/24</p> <p>something [28] 7938/20 7938/25 7958/9 7960/25 7961/20 7970/16 7978/10 7979/21 7983/2 7985/2 7985/10 7985/12 7993/13 7993/20 7994/19 8010/18 8031/10 8032/5 8037/14 8040/8 8040/9 8060/8 8069/12 8073/3 8076/1 8083/14 8091/22 8092/22</p> <p>sometime [4] 7960/12 7984/16 7984/17 7996/5</p> <p>sometimes [2] 8055/18 8084/7</p> <p>somewhat [1] 7927/17</p> <p>somewhere [2] 7990/16 8013/14</p> <p>sorry [15] 7953/11 7969/16 7991/1 7991/19 7994/13 8002/12 8007/8 8032/14 8032/17 8042/22 8070/1 8074/9 8076/10 8076/11 8084/20</p> <p>sort [31] 7921/7 7921/22 8021/11 8023/1 8023/21 8024/2 8024/12 8025/21 8031/13 8032/8 8032/24 8038/23 8039/23 8044/1 8047/2 8065/8 8066/8 8066/10 8066/14 8069/8 8069/10 8070/8 8070/9 8071/1 8071/2 8075/14 8075/15 8076/20 8077/13 8081/10 8088/15</p> <p>sounds [5] 7945/5 7950/2 7979/7 7983/14 7995/22</p> <p>South [1] 8081/20</p> <p>spacer [3] 7926/7 7931/11 7931/12</p> <p>spanned [1] 7944/8</p> <p>speak [2] 7921/16 7959/12</p> <p>speaking [3] 7911/14 7913/19 7915/13</p> <p>special [2] 7961/4 7976/17</p> <p>specific [14] 7911/1 7916/1 7942/15 7968/13 7976/25 8000/2 8001/1 8035/16 8036/1 8036/2 8061/19 8062/5 8062/6 8062/18</p> <p>specifically [14] 7916/15 7942/18 7944/13 7949/10 7950/7 7973/19 7997/16 8027/1 8054/3 8060/6 8061/25 8063/17 8074/13 8076/3</p> <p>specifics [1] 7976/21</p> <p>specified [1] 8008/15</p> <p>specs [1] 8079/15</p> <p>spectrum [1] 8022/13</p> <p>Speculation [2] 7957/17 7966/14</p> <p>spelled [1] 8013/20</p> <p>spelling [2] 7906/6 8013/19</p> <p>spend [1] 8077/6</p> <p>spending [3] 7923/19 8075/19 8088/16</p> <p>spent [5] 7909/13 8017/2 8023/15 8049/13 8081/11</p> <p>spill [2] 7898/4 8021/15</p> <p>SPIRO [1] 7901/4</p> <p>Sprague [3] 7956/24 7957/1 7959/21</p> <p>spring [1] 8011/21</p> <p>SPU [38] 7941/4 7941/5 8008/21 8019/20 8019/22 8020/9 8022/3 8023/12 8026/19 8026/20 8039/2 8039/4 8042/21 8043/23 8045/25 8046/3 8046/7 8046/15 8046/20 8048/12 8050/21 8058/20 8059/8 8061/24 8063/24 8063/25 8064/7 8064/14 8064/25 8065/11 8067/13 8072/3 8072/6 8073/15 8074/4 8075/15 8075/19 8083/21</p> <p>SPUL [1] 8078/10</p> <p>SPUs [1] 8046/5</p> <p>Square [1] 8021/3</p> <p>squirrely [1] 8001/22</p> <p>St. [1] 8021/3</p> <p>St. James [1] 8021/3</p>
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<p><b>S</b></p> <p>stack [7] 7931/12 7963/24 7964/23 7964/24 7966/1 7966/3 7978/24 staff [4] 7972/3 8042/10 8042/11 8091/10 stage [1] 8073/11 stand [3] 7920/11 7966/9 8010/16 standard [12] 7925/14 7946/19 7963/21 7967/16 8007/12 8007/19 8007/21 8008/9 8030/20 8043/16 8054/12 8055/4 standardization [1] 8052/16 standardized [4] 8009/16 8009/19 8009/22 8027/2 standards [2] 8019/10 8073/13 standdown [3] 8040/6 8040/7 8040/8 standdowns [1] 8040/22 standing [3] 7921/25 7982/16 7994/21 stands [2] 7924/7 7931/11 start [15] 7910/23 7914/19 7914/23 7917/4 7917/23 7917/25 7918/3 7926/12 7926/15 7930/8 7931/19 7933/21 7935/4 7952/18 8038/13 started [12] 7907/18 7916/18 7926/5 7928/15 7932/3 7949/23 7950/12 7971/4 7979/5 8059/11 8075/15 8080/7 starting [6] 7910/8 7911/12 7918/19 7928/7 8032/17 8032/23 state [10] 7901/7 7901/11 7901/15 7905/6 7906/5 7989/5 8013/18 8043/6 8043/11 8043/13 stated [6] 7907/3 7955/17 7955/21 7972/20 7986/1 8063/13 statement [17] 7905/22 7921/5 8001/1 8028/11 8041/14 8041/15 8047/18 8056/15 8056/20 8056/22 8065/23 8074/18 8074/20 8074/21 8090/24 8091/3 8091/4 statements [5] 7919/12 7921/14 7949/6 7976/25 8047/8 STATES [13] 7898/1 7898/10 7898/15 7900/8 7900/12 7900/18 7901/2 7988/8 7988/22 7989/6 8015/16 8095/2 8095/9 Static [1] 7931/22 stating [2] 7976/6 8089/10 Station [1] 7901/5 stationed [1] 8020/8 status [9] 7988/23 7989/1 8031/3 8031/4 8033/21 8065/9 8072/12 8072/13 8073/13 staving [1] 7982/23 stay [4] 7907/5 7922/16 8018/8 8018/23 stayed [2] 7909/9 7954/17 steady [1] 7924/22 steering [2] 7940/23 8058/2 stenography [1] 7903/16 step [4] 7966/21 7978/2 7994/22 8048/10 STEPHEN [1] 7898/23 steps [2] 7986/13 8048/7 Sterbcow [8] 7899/5 7899/6 7940/22 7978/5 7990/10 8010/24 8012/2 8012/4 STERNBERG [1] 7903/7 Steve [2] 7906/2 7906/3 STEVEN [3] 7900/14 7902/9 7906/7 sticking [1] 7958/20 still [16] 7932/15 7937/5 7940/5 7941/4 7941/15 7956/7 7959/23 7962/6 7963/14 7971/7 7983/7 8016/20 8020/14 8056/4 8092/14 8093/23 stinger [3] 7963/24 7964/1 7964/21 stipulation [1] 7920/24 stood [1] 7989/10</p>	<p>stop [18] 7908/24 7926/13 7933/9 7948/23 7980/23 7981/10 7982/7 8005/8 8010/22 8011/20 8026/1 8032/14 8035/12 8036/17 8040/11 8040/11 8040/19 8041/3 stopped [3] 7926/6 7928/17 7981/8 stopping [2] 8040/20 8040/22 story [4] 7914/21 7918/1 7918/18 7944/5 straight [2] 7943/1 8021/24 straightened [1] 7934/11 STRANGED [1] 7901/8 strategic [39] 8014/9 8014/18 8015/22 8017/19 8017/21 8019/17 8019/19 8020/2 8022/2 8022/10 8023/2 8024/2 8025/10 8025/13 8025/16 8026/10 8027/3 8027/4 8034/14 8036/11 8039/2 8042/18 8044/18 8045/8 8046/2 8046/8 8048/5 8048/21 8050/9 8051/15 8054/1 8056/9 8056/21 8066/18 8067/16 8067/24 8076/15 8076/19 8077/11 strategies [2] 8051/20 8052/2 strategy [25] 8023/3 8023/4 8023/9 8023/13 8023/25 8024/7 8024/13 8024/14 8025/9 8025/22 8034/13 8043/8 8044/21 8050/3 8051/13 8052/3 8052/24 8052/25 8075/8 8075/16 8076/15 8076/23 8077/1 8084/6 8084/7 Street [16] 7898/20 7899/3 7899/6 7899/10 7899/13 7899/19 7899/22 7900/6 7901/12 7901/16 7901/19 7902/6 7902/10 7902/17 7903/5 7903/10 strength [2] 7958/24 7961/10 strictly [1] 8052/9 strike [2] 8038/13 8084/21 string [19] 7950/5 7951/23 7952/5 7953/8 7954/8 7954/8 7954/14 7954/16 7954/18 7954/21 7955/4 7955/10 7956/4 7956/14 7957/9 7959/21 7959/23 7960/4 7960/5 stroke [1] 7926/6 strokes [3] 7924/16 7926/6 7926/10 strong [3] 7963/7 8045/12 8089/2 stronger [1] 8059/3 structure [4] 7973/25 7974/13 7974/15 8067/14 struggle [1] 7918/19 studied [1] 8017/14 sub [1] 8061/19 sub-bullets [1] 8061/19 subject [7] 8033/14 8042/21 8058/17 8064/14 8072/3 8075/1 8094/5 subjected [2] 7982/6 7982/10 submittals [2] 7996/14 7996/19 subsea [1] 8081/21 substance [4] 7920/1 7920/3 7944/22 7944/24 substance -- the [1] 7944/24 substantial [1] 7911/5 subsurface [1] 7972/3 succeed [1] 7976/22 success [1] 7929/2 successful [3] 7937/12 7987/6 8004/15 successor [1] 8053/19 such [4] 7931/11 7954/24 8027/24 8035/19 suggested [3] 7947/23 7967/19 8063/13 suggestion [1] 8047/12 suggestions [2] 7920/18 8095/1 Suite [11] 7898/20 7899/6 7899/10 7899/16 7901/19 7902/6 7902/10 7902/17 7902/20 7903/5 7903/8 SULLIVAN [1] 7900/20 summarize [1] 8082/24</p>	<p>summarized [3] 7991/12 8032/25 8088/15 summarizes [2] 8086/10 8086/14 summarizing [1] 8033/21 summary [4] 8038/17 8049/12 8063/19 8089/8 summer [5] 7907/19 7909/22 7940/13 8049/13 8080/5 Sunday [2] 7910/25 7933/19 Sunfish [1] 7908/14 suppliers [9] 8039/24 8086/22 8087/4 8087/5 8087/7 8087/9 8087/9 8087/13 8087/15 supplies [1] 8077/7 supply [9] 8019/13 8052/20 8077/5 8077/7 8077/17 8086/19 8086/21 8086/24 8089/5 support [4] 8036/17 8091/13 8093/6 8093/23 supported [1] 8050/22 supporting [1] 8093/1 suppose [1] 7962/18 sure [31] 7924/18 7925/21 7925/22 7927/15 7928/18 7931/2 7932/22 7936/10 7943/21 7957/2 7958/9 7962/19 7962/21 7967/15 7972/3 7977/17 7981/1 7992/6 7997/14 8025/23 8026/13 8026/16 8027/10 8028/1 8043/24 8045/12 8067/10 8075/18 8076/22 8077/3 8077/8 surface [8] 7926/5 7936/25 7938/1 7938/3 7938/5 7953/21 7963/21 7975/8 surprised [1] 8021/9 surrounding [2] 7952/24 7961/8 suspect [1] 7994/8 sustain [8] 7955/7 7978/7 7985/18 7988/5 7993/21 7993/25 7996/2 8066/11 Sustained [3] 7938/11 7967/24 7992/22 Sutherland [1] 7902/8 switch [1] 8094/4 sworn [2] 7906/4 8013/17 sympathy [1] 7919/15 synthesized [1] 7943/19 system [27] 7956/22 7981/3 7982/13 8029/22 8045/10 8045/13 8045/17 8045/19 8045/22 8046/22 8047/2 8047/15 8047/24 8048/2 8048/16 8049/17 8049/18 8051/7 8054/4 8054/10 8054/17 8054/25 8055/1 8055/2 8055/15 8055/21 8071/3 systematic [2] 8029/21 8045/15 systems [3] 8017/10 8054/11 8055/22</p> <p><b>T</b></p> <p>TA [1] 7963/14 table [4] 8073/18 8073/20 8088/24 8088/25 tackle [1] 8060/6 take [33] 7909/4 7912/4 7916/2 7916/4 7916/14 7917/10 7918/3 7930/5 7931/22 7935/25 7944/3 7969/18 7975/18 7983/13 7984/25 7986/12 7997/1 8004/25 8011/21 8015/1 8019/4 8026/12 8033/23 8039/15 8040/11 8040/21 8041/2 8043/1 8048/8 8048/13 8060/12 8073/6 8085/4 taken [6] 7926/16 7978/13 7987/7 8002/1 8031/23 8058/19 takes [3] 8017/15 8017/24 8089/11 taking [12] 7914/15 7915/16 7919/8 7945/20 7999/7 8002/17 8005/8 8010/20 8010/23 8036/4 8063/19 8066/3 talk [39] 7906/21 7913/25 7920/10</p>
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T	8089/10	thanks [1] 8064/19
talk... [36] 7932/13 7936/25 7943/11	telling [5] 7918/1 7968/10 7968/25	that [1049]
7948/3 7949/3 7950/3 8006/23 8009/25	7970/5 7971/24	that's [233]
8011/23 8012/9 8012/9 8014/17 8014/19	tells [1] 7973/3	the Bly [1] 7939/24
8015/20 8020/1 8022/1 8028/3 8036/15	temperature [4] 7949/13 7949/13	their [27] 7915/5 7917/15 7950/15
8040/21 8047/14 8049/21 8052/20	7951/11 7981/6	7976/7 7976/15 8000/24 8005/18 8034/1
8053/1 8056/10 8060/1 8067/1 8071/21	temporary [1] 7963/14	8034/6 8034/7 8035/14 8035/14 8035/15
8076/3 8076/15 8078/2 8079/22 8083/10	tended [1] 7916/7	8038/21 8039/7 8039/15 8040/17
8083/12 8084/8 8084/24 8094/23	tenure [5] 8028/24 8029/6 8045/23	8054/10 8054/11 8054/11 8054/25
talked [25] 7905/7 7937/2 7937/23	8048/1 8067/17	8057/6 8059/24 8061/6 8088/9 8091/9
7945/17 7953/17 7958/12 7983/21	term [2] 7977/17 8045/21	8093/22
7993/10 7993/18 7995/9 7999/16 8000/9	terms [36] 7918/10 7919/14 7944/1	them [44] 7905/21 7920/19 7921/3
8005/17 8026/4 8030/21 8031/21	7956/4 7974/20 7981/21 7982/23 8012/8	7927/3 7927/4 7927/21 7929/14 7929/16
8036/25 8044/20 8051/15 8052/11	8027/18 8029/19 8029/21 8032/23	7929/17 7929/17 7929/24 7936/2
8056/7 8056/7 8058/8 8092/19 8095/1	8033/9 8038/14 8038/23 8044/16 8046/4	7936/14 7936/16 7946/21 7952/5
talking [23] 7915/5 7920/6 7926/16	8050/4 8051/10 8051/22 8051/25	7979/19 7982/20 7985/6 8017/10
7927/7 7937/14 7937/24 7937/24	8057/16 8057/23 8058/5 8061/15 8064/8	8021/12 8026/11 8026/12 8026/13
7946/17 7949/19 7949/19 7953/16	8066/4 8066/9 8066/15 8069/2 8070/9	8030/2 8034/4 8034/7 8035/10 8035/10
7953/18 7959/23 7960/12 7962/3 7968/5	8074/22 8074/23 8075/18 8087/10	8035/13 8036/15 8036/16 8038/16
7972/4 7973/2 8004/20 8011/6 8023/15	8091/19	8039/19 8039/21 8040/17 8049/19
8037/12 8057/9	terrible [1] 8021/7	8058/12 8060/22 8071/18 8088/13
talks [3] 7952/23 7953/9 7973/23	test [105] 7924/24 7925/22 7926/7	8091/20 8091/20 8092/20
tank [1] 7932/24	7926/10 7926/16 7927/4 7927/7 7927/8	themes [2] 8025/16 8026/10
Tap [3] 7953/20 7954/2 7954/5	7927/9 7927/25 7928/8 7928/9 7928/22	themselves [1] 7966/9
targets [2] 8044/12 8045/1	7928/23 7929/1 7930/20 7931/3 7931/4	then [115] 7905/8 7908/17 7908/20
task [1] 7911/11	7931/8 7931/24 7933/12 7933/14 7934/9	7909/1 7909/4 7909/12 7910/8 7910/19
tasks [2] 8070/10 8070/14	7934/9 7934/10 7934/19 7934/20	7911/14 7914/22 7917/23 7925/2
team [103] 7909/8 7910/17 7910/23	7935/12 7935/12 7936/25 7937/1 7937/1	7925/24 7927/13 7928/2 7928/5 7929/7
7911/3 7911/12 7911/23 7911/25 7913/9	7937/7 7937/12 7937/13 7937/20	7930/16 7931/14 7931/16 7931/21
7916/19 7917/17 7922/15 7941/15	7937/21 7938/9 7938/14 7938/18	7932/22 7933/1 7933/1 7933/16 7934/22
7941/20 7942/5 7951/1 7955/2 7958/14	7939/19 7939/21 7939/24 7951/18	7935/6 7936/22 7937/23 7938/6 7942/13
7962/7 7965/18 7965/18 7970/3 7970/5	7956/7 7956/9 7963/24 7964/1 7964/3	7943/1 7943/19 7950/17 7953/6 7953/22
7970/18 7971/1 7971/4 7971/8 7972/23	7964/10 7964/11 7964/14 7964/17	7954/7 7955/11 7955/24 7956/21
7973/12 7973/13 7973/19 7974/2 7974/6	7964/25 7965/3 7965/10 7965/12	7959/14 7962/24 7964/7 7965/9 7965/9
7974/17 7974/20 7976/4 7976/5 7977/3	7965/19 7965/23 7966/2 7966/7 7966/20	7965/11 7965/14 7966/12 7966/20
7977/3 7978/18 7982/13 7983/5 7986/12	7966/21 7966/23 7968/12 7968/14	7971/3 7971/5 7972/6 7981/25 7984/20
7987/23 7987/24 7992/8 7993/6 7993/14	7978/3 7984/10 7985/3 7985/6 7985/6	7997/19 8002/10 8006/19 8011/15
7998/3 8000/5 8001/4 8001/5 8005/16	7986/16 7986/18 7986/19 7986/25	8012/23 8015/2 8015/4 8015/7 8015/21
8005/18 8006/21 8008/1 8011/2 8012/13	7987/5 7989/19 7989/23 7990/4 7991/19	8016/5 8016/13 8016/14 8017/18 8018/2
8021/18 8023/16 8023/21 8029/5	7991/25 7992/2 7992/5 7992/13 7992/19	8018/12 8019/6 8020/4 8020/6 8020/11
8029/24 8030/5 8030/9 8030/11 8030/19	7993/11 7993/17 7994/22 7995/2 7995/7	8020/12 8021/14 8022/18 8022/19
8031/16 8032/3 8032/6 8032/7 8033/1	7995/16 8001/22 8003/13 8004/15	8022/20 8024/23 8026/19 8027/6
8033/6 8033/7 8033/8 8033/10 8034/4	8004/21 8005/18 8005/20 8005/24	8033/17 8038/20 8039/8 8047/4 8047/6
8035/18 8035/22 8035/24 8037/23	8006/4 8006/6 8006/19 8007/4 8009/19	8048/12 8049/21 8052/14 8052/20
8038/6 8038/10 8038/14 8038/20	8009/21 8011/10	8052/21 8053/12 8053/15 8053/19
8045/12 8048/8 8049/13 8053/8 8056/12	tested [2] 7956/13 7956/21	8054/22 8055/6 8058/10 8058/11
8056/16 8057/12 8057/21 8057/25	testified [18] 7906/4 7941/23 7947/15	8062/11 8062/12 8063/7 8064/23 8066/5
8058/4 8062/7 8066/12 8071/7 8071/22	7978/25 7992/17 7997/14 7997/15	8069/13 8072/22 8074/14 8078/12
8072/11 8074/3 8079/15 8089/25	7999/1 8004/24 8005/9 8005/22 8005/24	8078/24 8082/18 8085/21 8086/5
8093/24	8013/7 8013/17 8053/11 8056/8 8060/15	8087/18 8090/12 8092/20 8093/14
team's [1] 7977/14	8067/20	there [168] 7905/8 7907/2 7908/19
teams [9] 7909/23 7974/3 8029/3 8034/7	testifies [1] 8012/21	7908/20 7908/24 7911/8 7914/18
8038/21 8057/13 8091/8 8092/25	testify [2] 7922/19 7991/4	7915/20 7917/12 7920/6 7920/24
8092/25	testifying [2] 7920/23 7954/23	7923/25 7924/1 7924/6 7925/20 7926/3
tearful [1] 7918/19	testimony [7] 7911/5 7984/20 7992/10	7926/13 7927/2 7927/13 7927/20 7928/3
tech [8] 7907/8 7962/9 7962/11 7962/12	8006/4 8006/8 8006/9 8028/6	7928/7 7929/7 7929/9 7929/19 7930/19
7962/18 7962/22 7962/23 7963/9	testing [1] 7938/1	7931/23 7931/23 7932/9 7932/15 7933/9
technical [14] 7914/18 7914/19 7914/23	tests [11] 7937/2 7937/15 7956/6	7933/11 7934/11 7935/23 7938/8
7972/12 8019/8 8046/23 8047/20 8091/1	7960/21 7964/18 7965/13 7966/1	7938/24 7941/3 7941/6 7941/19 7943/5
8091/6 8091/6 8091/15 8091/16 8092/9	7967/17 7984/16 7984/18 8004/19	7943/25 7944/10 7944/13 7944/14
8094/2	Texas [8] 7900/4 7902/10 7902/21	7944/15 7945/20 7946/9 7946/13
technique [1] 7961/4	7903/5 7903/8 7906/13 7908/8 7908/25	7947/11 7953/22 7954/11 7954/13
technology [2] 8019/7 8019/15	than [20] 7923/20 7939/1 7941/3 7941/6	7956/1 7956/3 7957/4 7957/12 7957/13
telephone [1] 7984/20	7941/13 7952/15 7952/24 7954/21	7958/5 7960/6 7964/3 7964/12 7965/3
tell [36] 7906/11 7907/21 7914/21	7965/19 7969/5 7972/23 7974/24	7966/22 7976/7 7976/14 7977/2 7979/15
7923/17 7969/19 7970/11 7986/17	7979/16 7986/15 8011/1 8041/5 8055/15	7979/20 7979/24 7980/12 7981/3
8000/23 8001/21 8001/24 8007/2	8064/16 8075/1 8077/21	7981/10 7981/24 7982/7 7983/10
8007/23 8014/3 8014/6 8025/15 8035/3	thank [23] 7905/24 7920/13 7922/2	7983/24 7983/25 7984/1 7984/3 7985/2
8040/7 8041/16 8047/18 8050/1 8056/21	7923/7 7925/8 7948/25 7988/6 7990/3	7985/6 7985/7 7989/8 7993/1 7994/18
8058/21 8062/3 8062/23 8065/24 8066/6	7990/12 7990/22 7995/1 7996/9 7996/14	7997/16 7999/17 7999/21 8000/13
8069/4 8074/17 8075/12 8080/3 8081/15	7996/23 8012/14 8012/16 8012/17	8000/24 8001/9 8001/23 8003/20 8005/4
8082/13 8085/8 8085/22 8087/19	8013/5 8040/4 8044/2 8076/13 8092/7	8005/6 8005/13 8005/19 8005/21
	8092/17	8007/19 8008/11 8010/22 8011/1 8011/4

T	They're [1] 8015/15 thing [14] 7936/6 7943/12 7950/14 7976/18 8003/20 8003/22 8028/15 8030/21 8031/3 8031/21 8036/25 8037/25 8038/17 8039/23 things [30] 7927/7 7927/15 7929/20 7988/14 8000/4 8005/4 8005/7 8010/13 8023/18 8023/20 8025/14 8026/21 8027/17 8027/25 8029/3 8030/3 8031/16 8032/7 8032/12 8032/18 8032/23 8035/9 8037/19 8042/6 8043/20 8044/19 8053/4 8076/24 8076/25 8094/21 think [66] 7919/24 7920/1 7920/3 7920/18 7920/23 7921/1 7921/9 7921/11 7921/20 7923/1 7923/6 7926/22 7936/6 7939/4 7945/6 7955/5 7956/23 7958/17 7958/25 7961/7 7966/4 7968/3 7981/4 7981/14 7981/19 7987/14 7988/4 7988/13 7990/15 7991/17 7993/21 7997/14 7997/15 8000/10 8003/7 8006/12 8006/14 8007/9 8012/1 8017/15 8023/1 8023/19 8026/3 8028/14 8029/3 8029/10 8029/10 8030/2 8031/15 8037/25 8042/5 8052/7 8054/19 8055/12 8055/22 8060/22 8063/18 8069/7 8069/25 8070/20 8076/21 8077/14 8080/14 8080/23 8086/10 8086/11 thinking [1] 8076/20 thinks [1] 7960/18 third [6] 7901/12 7947/12 7973/3 8031/3 8077/5 8089/5 this [291] Thornhill [2] 7899/18 7899/18 those [104] 7905/12 7913/25 7916/17 7916/17 7918/10 7921/8 7921/16 7922/16 7922/17 7923/2 7923/10 7924/23 7934/13 7935/6 7935/10 7938/4 7938/13 7938/17 7940/9 7943/9 7943/19 7943/25 7944/4 7965/13 7977/10 7979/25 7982/17 7988/10 7989/12 7989/14 7998/7 8002/2 8003/9 8012/6 8012/14 8013/10 8013/11 8015/3 8015/5 8015/5 8015/6 8015/14 8017/9 8017/21 8017/22 8018/2 8022/16 8022/18 8022/20 8022/21 8022/21 8023/23 8026/17 8027/17 8028/3 8028/4 8028/23 8029/3 8035/1 8036/6 8036/25 8037/5 8037/18 8038/23 8042/11 8042/14 8044/15 8047/24 8048/13 8049/1 8049/3 8049/15 8049/22 8051/25 8056/13 8057/6 8057/8 8061/17 8062/8 8064/5 8064/9 8066/10 8066/23 8069/23 8071/6 8073/14 8075/5 8075/14 8079/2 8080/6 8081/24 8082/1 8082/2 8082/15 8083/13 8085/1 8087/15 8088/1 8089/6 8090/12 8090/20 8091/8 8091/12 8093/25 though [6] 7921/13 7945/16 7971/1 7983/21 8002/21 8055/13 thought [21] 7915/13 7920/7 7922/16 7929/1 7934/18 7938/8 7941/14 7962/10 7973/6 7983/12 7987/6 7989/20 7995/9 7995/25 8023/18 8024/14 8026/21 8026/22 8032/22 8040/18 8044/18 thoughtful [1] 8040/25 thoughts [1] 8024/13 thousand [8] 7979/1 7979/4 8018/18 8079/25 8080/25 8084/20 8087/4 8087/6 thousands [2] 8078/22 8078/24 three [20] 7908/22 7917/14 7942/13 7942/14 7947/11 7954/7 7975/21 7976/4 7987/17 8021/18 8029/13 8033/4 8049/13 8056/25 8057/8 8057/11 8057/24 8061/17 8076/21 8089/3	three-day [3] 8056/25 8057/8 8057/24 three-quarters [1] 8021/18 threshold [1] 8037/20 through [52] 7905/15 7907/5 7908/7 7909/16 7914/15 7918/1 7918/3 7922/9 7925/23 7931/16 7936/22 7945/5 7948/2 7950/4 7978/23 7980/19 7983/11 7983/14 7983/20 7984/7 7987/25 7988/4 7989/11 8014/7 8017/11 8021/17 8021/24 8022/13 8022/21 8034/8 8034/20 8038/21 8041/2 8043/17 8048/17 8049/12 8052/16 8054/13 8054/14 8057/20 8074/11 8077/7 8080/8 8080/8 8081/19 8084/18 8086/21 8086/21 8087/1 8087/22 8088/13 8090/19 throughout [3] 8027/10 8028/23 8067/17 thumb [1] 8013/3 Thunder [8] 8079/24 8080/2 8080/3 8080/4 8080/12 8081/24 8085/11 8085/15 Thunder Horse [6] 8080/2 8080/4 8080/12 8081/24 8085/11 8085/15 tieback [1] 7953/2 tiebacks [1] 8081/21 tight [1] 7947/16 time [93] 7907/14 7907/15 7908/6 7908/22 7909/9 7911/13 7911/17 7915/20 7916/11 7916/14 7918/1 7923/19 7927/24 7928/20 7929/9 7932/20 7936/11 7936/12 7937/23 7938/24 7944/6 7944/12 7951/8 7958/24 7960/25 7961/1 7961/2 7961/4 7961/10 7961/15 7961/21 7962/24 7963/7 7970/1 7971/3 7973/7 7979/23 7980/7 7980/9 7981/4 7981/24 7981/24 7983/2 7986/24 7987/3 7987/22 7992/10 7995/3 8002/17 8002/18 8011/18 8014/18 8015/8 8017/14 8017/25 8018/21 8020/18 8020/21 8021/2 8021/11 8021/16 8022/4 8024/10 8024/20 8031/6 8031/24 8033/4 8034/13 8036/17 8039/6 8040/11 8040/21 8043/17 8043/25 8046/13 8046/19 8048/13 8048/18 8052/11 8054/21 8054/22 8055/19 8064/7 8064/19 8064/25 8075/20 8081/23 8082/23 8083/21 8087/1 8089/22 8094/12 8094/24 time.' [1] 7932/17 timely [2] 7980/4 7982/9 times [5] 7912/24 7987/18 8010/22 8024/17 8035/11 timing [1] 7994/23 title [2] 7971/21 8062/15 titled [2] 8024/25 8086/5 today [9] 7906/19 7940/5 7970/9 7989/9 7992/11 8020/7 8020/14 8054/21 8072/8 together [7] 7943/10 7944/5 7944/17 7974/2 7974/14 8030/8 8079/14 told [33] 7911/3 7918/18 7924/14 7931/7 7932/4 7937/4 7937/6 7937/8 7937/10 7937/15 7968/18 7969/2 7969/6 7975/6 7981/19 7984/13 7985/5 7985/21 7985/22 7986/19 7991/25 7999/21 8000/23 8001/21 8001/22 8003/11 8004/7 8004/13 8006/13 8021/6 8021/7 8035/12 8079/22 Tolles [1] 7902/12 TOM [1] 7899/18 tomorrow [1] 7905/20 tone [6] 8028/7 8028/12 8031/19 8031/20 8031/25 8038/1 Toni [5] 7903/10 7903/12 8095/8
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T	TREX-00151.C.1 [1] 7971/10 TREX-0037.2 [1] 7969/7 TREX-03213 [1] 7992/24 TREX-192.1.1.TO [1] 7998/9 TREX-192.3.1.TO [1] 7998/17 TREX-193.3.2.TO [1] 8001/12 TREX-2398.4.2 [1] 8034/18 TREX-296.1.2 [1] 7935/17 TREX-296.6.10 [1] 7936/5 TREX-37031 [1] 8007/8 TREX-37031.1.1 [1] 7913/6 TREX-37031.13.1 [1] 7997/20 TREX-37031.95.1.TO [2] 8002/4 8003/16 TREX-40003 [1] 7905/8 TREX-4447.6 [1] 7939/7 TREX-4447.6.1.TO [1] 8002/4 TREX-447.6.1.TO [1] 8006/14 TREX-7313.1.1.TO [1] 8008/19 TREX-7313.6.1.TO [2] 8009/5 8009/6 TREX-7401 [2] 7905/8 7905/12 trial [7] 7898/14 7921/21 7922/23 7996/14 7996/19 8047/12 8091/2 tricked [2] 7970/6 7970/12 tried [3] 7914/21 7989/4 8062/5 trip [2] 7932/24 8021/2 triple [1] 7993/19 TRITON [1] 7898/8 trouble [2] 7925/16 7932/5 troubled [1] 8011/20 true [3] 7979/14 8037/9 8095/10 truth [1] 7948/13 try [9] 7906/21 7913/14 7916/10 7920/7 7931/1 7944/3 7947/16 8005/1 8027/24 trying [15] 7911/20 7920/8 7922/6 7922/17 7930/10 7930/13 7954/5 7977/19 7983/13 7984/24 7993/12 8000/4 8010/21 8038/23 8087/2 Tuesday [1] 7934/8 turn [7] 7930/2 7933/1 7951/15 7951/20 7992/23 8034/10 8075/1 turned [1] 7952/3 Tusa [5] 7903/10 7903/12 8095/8 8095/16 8095/16 twice [2] 7965/19 8012/1 two [34] 7908/13 7909/22 7914/18 7916/24 7919/24 7942/14 7947/9 7948/8 7961/19 7964/18 7966/1 7966/7 7966/21 7971/16 7984/16 7984/18 7985/5 7993/1 7998/3 8000/10 8002/12 8006/11 8011/19 8014/7 8014/15 8018/9 8031/18 8033/22 8035/9 8041/17 8045/5 8054/12 8081/20 8086/12 two-part [1] 7966/7 two-step [1] 7966/21 two-year [1] 8014/7 type [4] 7907/21 7911/16 7943/12 8017/6 typed [5] 7936/2 7969/17 7971/12 7991/6 7999/10 types [2] 7913/21 7913/22 typewritten [11] 7935/18 7935/23 7936/4 7936/12 7969/10 7998/11 7999/14 8002/8 8002/17 8002/21 8003/5 typically [4] 8016/14 8019/19 8040/13 8065/7 typing [1] 8002/19	UK [1] 8016/12 ultimate [2] 7944/17 7954/14 ultimately [6] 7909/9 7943/20 7980/16 7982/9 8054/10 8082/22 unchanged [1] 8093/23 uncontrolled [2] 7981/10 8068/19 uncovered [2] 8005/16 8005/16 under [25] 7921/7 7942/8 7942/24 7949/11 7952/17 7966/12 7971/2 7979/1 8006/5 8026/20 8037/13 8038/25 8041/7 8047/5 8051/7 8059/2 8061/22 8062/15 8062/20 8065/23 8072/9 8076/15 8078/5 8087/18 8092/19 UNDERHILL [3] 7900/9 7988/21 7995/23 underlying [1] 8082/22 understand [16] 7919/18 7921/17 7922/1 7922/8 7925/23 7965/24 7984/23 7986/21 7988/23 7989/8 7992/1 7996/16 8023/17 8037/19 8055/10 8057/17 understanding [12] 7923/4 7929/19 7964/6 7992/3 8031/7 8053/22 8054/15 8057/14 8057/21 8066/6 8069/22 8095/12 understood [8] 7923/3 7925/21 7964/20 7995/10 7995/10 8055/21 8059/19 8060/22 underway [1] 7946/11 undetected [1] 8011/12 unexpected [1] 7953/7 unilateral [1] 7978/1 unit [41] 8014/9 8014/18 8015/22 8019/17 8019/19 8020/2 8022/2 8022/11 8022/25 8023/2 8025/10 8025/11 8025/17 8028/24 8034/14 8036/11 8039/2 8041/16 8042/18 8044/18 8045/9 8046/2 8046/9 8047/9 8048/5 8048/21 8050/9 8054/2 8054/19 8054/23 8055/14 8056/9 8056/21 8064/2 8064/17 8066/18 8067/17 8067/24 8080/12 8089/1 8089/5 unit's [1] 8083/23 UNITED [13] 7898/1 7898/10 7898/15 7900/8 7900/12 7900/18 7901/2 7988/8 7988/22 7989/6 8015/16 8095/2 8095/9 United States [5] 7988/8 7988/22 7989/6 8015/16 8095/2 units [3] 8084/19 8091/21 8093/25 University [3] 7907/8 8016/4 8016/7 unless [2] 7981/7 8070/6 unload [3] 7980/22 7980/22 7980/23 unloaded [1] 7980/18 unloading [3] 7980/16 7980/21 7980/23 unnecessary [1] 7962/15 unquote [1] 8093/13 unreasonably [1] 7957/5 until [7] 7910/6 7911/13 7911/15 7912/2 7987/13 8065/2 8094/10 unusual [1] 8055/9 up [101] 7905/14 7906/24 7906/25 7907/1 7908/14 7910/6 7910/19 7913/5 7922/20 7925/22 7928/12 7928/14 7932/10 7932/24 7934/10 7935/12 7936/2 7936/3 7937/8 7937/10 7938/9 7938/14 7938/15 7942/2 7944/5 7945/10 7946/1 7947/20 7947/24 7947/25 7955/19 7956/5 7957/2 7958/2 7960/5 7962/1 7962/3 7963/2 7965/11 7966/6 7967/18 7968/12 7969/6 7970/17 7970/20 7971/12 7975/9 7978/1 7978/11 7979/21 7980/19 7983/4 7983/19 7983/23 7984/12 7985/22 7986/7 7986/11 7986/14 7987/8 7989/10 7991/6 7994/22 7997/11 7997/19 7998/9 7998/17 7999/10 8000/4 8001/12 8002/3
Toni... [2] 8095/16 8095/16 Tony [1] 7942/24 too [7] 7931/1 7946/9 7948/11 7949/15 7950/10 7956/25 7957/3 took [19] 7914/12 7914/13 7916/5 7917/18 7917/19 7918/25 7920/9 7920/15 7927/3 7934/25 7936/1 7938/1 7940/8 7974/16 7990/21 8005/1 8007/17 8019/6 8020/11 toolpusher [5] 7924/14 7928/10 7931/5 7931/6 8009/13 top [31] 7925/5 7925/7 7931/16 7931/19 7946/6 7972/4 8017/10 8028/7 8028/9 8028/12 8031/7 8037/13 8038/1 8039/5 8063/23 8063/25 8064/3 8064/7 8064/25 8066/18 8066/22 8066/23 8067/11 8067/21 8068/3 8068/5 8068/25 8070/14 8072/4 8072/6 8072/12 top-sizers [1] 8017/10 topic [7] 7934/5 7936/4 7946/15 7949/8 7983/23 7984/12 8040/12 topics [8] 7918/8 7922/10 7928/21 7945/18 8025/5 8030/17 8045/7 8062/18 topside [1] 7979/20 Torts [2] 7900/9 7900/19 total [2] 7908/20 7932/4 touches [1] 7912/11 tour [2] 7911/14 7924/14 toward [1] 7928/15 town [4] 7925/17 8007/22 8029/1 8042/8 track [3] 8033/24 8041/22 8043/15 tracking [1] 8063/5 tragedy [1] 8021/7 trained [1] 8070/22 Transcontinental [1] 7907/20 transcript [7] 7898/14 7915/7 7930/10 7936/19 8013/2 8091/2 8095/11 transcription [1] 7903/16 transcripts [1] 8013/1 transferred [5] 7908/21 7909/7 7909/19 7910/3 7910/7 transformation [5] 8025/1 8026/19 8026/20 8076/8 8076/16 transition [1] 8046/18 transitioning [3] 8049/17 8049/24 8051/6 translate [2] 7962/25 8052/2 Transocean [34] 7902/5 7902/6 7902/7 7902/8 7902/9 7902/10 7902/12 7902/12 7902/13 7902/16 7902/16 7902/17 7902/19 7902/20 7902/21 7910/1 7912/18 7919/23 7920/17 7927/16 7996/24 7997/8 7997/9 8010/11 8035/20 8037/6 8054/9 8054/13 8055/18 8055/20 8055/21 8070/24 8071/3 8094/14 Transocean Legend [1] 7910/1 Transocean's [1] 8094/16 transparency [1] 8063/3 transpired [3] 7915/2 7937/13 8004/19 trapped [2] 7937/9 8004/8 travel [1] 7911/20 tree [2] 7972/9 7973/4 TREX [28] 7905/8 7905/8 7905/12 7913/6 7935/17 7936/5 7939/7 7969/7 7971/10 7975/10 7988/15 7990/3 7990/17 7990/24 7992/24 7997/20 7998/9 7998/17 8001/12 8002/4 8002/4 8003/16 8006/14 8007/8 8008/19 8009/5 8009/6 8034/18 TREX-00003.2.2.U.S [1] 7990/24 TREX-0003 [2] 7988/15 7990/17 TREX-00096.1 [1] 7975/10	U U.S [5] 7900/8 7900/12 7900/18 7901/2 8016/10 Uh [1] 8028/8 Uh-huh [1] 8028/8	

U	7982/6 7982/17 7983/6 vessel's [2] 7980/1 7980/4 viable [2] 7983/5 7983/8 vice [12] 7906/17 7910/11 7912/5 7941/1 7941/9 8019/7 8019/9 8019/15 8030/13 8030/14 8030/16 8068/12 video [4] 7904/9 8012/21 8012/22 8013/7 videotape [1] 8012/21 Vidrine [74] 7916/22 7916/23 7917/5 7917/18 7917/25 7918/7 7918/11 7918/15 7918/25 7919/2 7919/3 7919/20 7920/1 7920/24 7922/18 7923/14 7924/1 7924/24 7925/12 7925/21 7926/15 7927/22 7928/6 7928/19 7928/22 7934/2 7934/8 7934/10 7934/19 7935/11 7936/24 7937/4 7937/20 7937/23 7938/8 7938/13 7938/17 7938/25 7939/16 7944/3 7983/21 7983/24 7984/12 7984/25 7985/5 7985/16 7986/19 7991/19 7991/20 7992/18 7993/16 7994/21 7995/5 7995/11 7995/14 7997/16 7997/23 7998/11 7999/20 8000/7 8000/11 8000/14 8000/21 8000/23 8001/6 8001/21 8001/24 8006/2 8006/23 8007/2 8007/5 8007/16 8011/15 8011/17 Vidrine's [4] 7917/11 7929/4 7929/10 7938/18 view [3] 7974/3 8022/16 8056/1 viewed [1] 8028/21 views [1] 8011/2 Virginia [2] 7899/10 7899/10 visible [4] 8059/10 8090/4 8090/5 8090/6 vision [11] 8034/13 8050/2 8050/13 8051/1 8051/5 8051/8 8051/12 8065/23 8065/25 8067/15 8067/16 voice [4] 7955/12 7955/21 7956/16 7958/1 volume [3] 7931/22 7980/5 7981/2 VON [1] 7903/7 VP [4] 7974/14 8007/24 8092/6 8092/9	was [579] Washington [4] 7900/17 7900/22 7901/6 7902/4 wasn't [12] 7937/13 7938/16 7939/19 7951/12 7952/7 7970/24 7984/1 7986/15 7995/10 8004/20 8005/23 8005/23 waste [4] 7962/12 7962/14 7962/24 7963/7 waster [1] 7931/11 waster-based [1] 7931/11 watched [2] 7924/22 7937/15 water [3] 7909/25 7931/10 7963/21 water-based [1] 7931/10 wave [4] 8046/5 8046/9 8048/6 8049/6 way [39] 7911/7 7915/25 7916/2 7917/23 7919/5 7919/6 7927/21 7938/9 7940/16 7946/20 7962/25 7964/20 7965/19 7967/16 7967/19 7967/20 7967/20 7967/20 7975/2 7981/10 7982/20 7985/23 7986/21 7987/8 7989/5 7989/17 7989/20 7993/2 8012/8 8012/11 8015/3 8023/1 8023/20 8049/3 8055/3 8055/23 8056/4 8075/21 8094/21 ways [2] 7956/19 7956/20 WBM [1] 7931/11 we [569] we'd [1] 7914/17 we'll [6] 7930/24 7967/25 8025/15 8047/14 8067/1 8071/20 we're [2] 7963/6 7999/3 we've [3] 7961/18 7966/6 8031/19 Weatherbee [3] 7942/17 7969/11 7971/1 Weatherbee's [1] 7970/22 week [7] 7934/14 7989/10 8030/8 8030/22 8031/1 8031/5 8031/21 weekend [1] 7933/18 weekly [6] 8030/1 8030/4 8030/18 8031/12 8031/15 8038/19 weeks [3] 7911/19 8064/5 8075/15 weight [9] 7926/7 7933/5 7934/9 7937/1 7953/13 7953/21 7954/4 7963/19 7964/7 welcomed [1] 7918/17 well [155] 7905/17 7905/25 7908/9 7908/18 7912/24 7913/1 7913/13 7913/25 7914/2 7916/7 7918/5 7919/17 7920/5 7920/14 7934/25 7939/18 7941/15 7941/17 7941/20 7943/22 7944/14 7948/10 7948/15 7948/20 7951/1 7951/1 7951/22 7952/22 7953/2 7954/12 7954/15 7954/21 7955/4 7955/12 7955/17 7955/23 7956/23 7957/5 7957/16 7957/23 7958/2 7958/5 7958/14 7958/18 7958/20 7959/21 7962/6 7962/18 7962/21 7965/13 7966/9 7966/19 7967/17 7972/9 7972/23 7973/1 7973/13 7973/19 7976/5 7979/2 7979/9 7980/16 7980/18 7981/8 7981/19 7982/6 7982/7 7983/7 7985/13 7987/9 7987/12 7998/23 7999/18 8000/25 8005/17 8008/16 8008/22 8009/11 8009/13 8011/11 8011/12 8011/13 8011/14 8013/12 8017/12 8021/7 8021/8 8022/25 8023/18 8023/19 8024/25 8025/19 8027/8 8027/19 8028/13 8029/18 8030/20 8031/4 8031/6 8031/18 8034/24 8034/25 8036/9 8038/17 8041/18 8046/22 8046/25 8047/19 8048/16 8051/22 8053/6 8054/4 8054/6 8055/9 8055/17 8056/24 8057/10 8061/14 8062/4 8066/1 8066/8 8066/21 8066/23 8067/3 8067/20 8068/20 8068/21 8068/22 8069/3 8069/6 8069/25 8070/12 8070/16 8070/22 8070/22 8070/23
V	vacation [1] 7960/12 valve [2] 7937/10 8004/9 Vance [4] 7931/3 7931/25 7932/3 7932/4 variety [2] 8008/11 8012/5 various [7] 7906/19 7909/10 8009/8 8071/3 8074/14 8075/3 8082/1 vast [2] 8081/21 8086/20 Vegas [2] 7929/8 7930/6 venture [5] 8017/20 8017/21 8087/23 8088/2 8088/4 verbatim [4] 7915/4 7915/5 7927/18 8004/25 verified [3] 7989/12 8048/11 8049/10 version [4] 7998/11 8002/8 8002/21 8003/5 versus [9] 7954/8 7955/3 7955/10 7956/4 7959/23 7960/21 7970/13 7986/8 8092/22 very [68] 7905/17 7905/25 7907/2 7916/12 7916/13 7916/23 7918/5 7921/4 7921/12 7925/5 7926/23 7927/10 7944/14 7947/7 7952/22 7965/16 7966/18 7968/15 7976/21 7978/10 7978/14 7985/24 7987/19 7994/6 7997/11 8013/12 8018/15 8018/18 8026/15 8026/17 8027/9 8027/23 8028/16 8030/20 8031/8 8032/6 8036/12 8038/24 8040/18 8040/25 8041/4 8041/24 8041/24 8042/6 8043/11 8043/14 8043/15 8043/20 8044/2 8044/15 8044/22 8048/9 8054/19 8060/22 8062/17 8063/18 8074/24 8075/23 8075/23 8076/1 8077/19 8080/19 8080/19 8081/18 8087/3 8088/17 8089/17 8090/4 vessel [11] 7908/14 7908/15 7909/14 7910/1 7979/16 7980/16 7981/7 7981/21	W Wait [2] 7989/2 7994/11 walk [5] 7925/23 7936/22 7957/16 7985/14 8011/22 walked [1] 7946/17 Walker [1] 7899/9 wall [4] 7942/10 7942/14 7942/22 7944/8 WALTER [1] 7899/12 Walz [5] 7950/20 7950/25 7966/25 7966/25 7974/15 want [37] 7910/15 7911/7 7911/24 7913/20 7916/15 7933/25 7936/3 7949/3 7955/11 7955/20 7956/15 7957/1 7958/2 7966/2 7967/19 7982/2 7988/9 7988/10 7997/14 8002/5 8006/8 8022/1 8026/1 8026/12 8028/4 8034/10 8039/15 8041/1 8056/10 8056/14 8058/18 8067/9 8075/4 8076/2 8076/11 8078/2 8078/6 wanted [37] 7905/6 7913/25 7965/18 7966/20 7985/13 8023/22 8024/1 8025/22 8026/16 8026/21 8027/10 8028/16 8031/19 8032/21 8034/3 8034/8 8035/9 8035/9 8035/13 8035/13 8037/1 8037/19 8039/10 8040/14 8043/21 8044/2 8044/22 8046/3 8051/9 8055/20 8055/20 8057/17 8066/8 8076/25 8077/8 8089/17 8094/15 wanting [1] 7957/16 wants [1] 7976/18 Warwick [1] 8016/7



W	8010/24 8031/1 8031/1 8056/14 8074/18 which [58] 7905/14 7910/5 7920/25 7921/19 7924/11 7925/25 7927/10 7929/21 7933/1 7935/18 7939/4 7945/17 7946/21 7949/23 7950/2 7950/10 7950/17 7951/23 7952/4 7952/5 7953/18 7961/20 7961/23 7964/21 7966/1 7966/3 7967/15 7972/10 7972/11 7981/11 7989/17 7990/24 8015/14 8016/9 8019/10 8020/7 8022/11 8022/15 8023/7 8029/16 8033/21 8044/20 8044/20 8045/24 8046/25 8054/4 8058/11 8059/9 8061/17 8062/6 8066/3 8068/21 8070/20 8071/11 8072/17 8076/25 8079/22 8086/12 whichever [1] 7911/7 while [22] 7907/19 7907/22 7918/22 7919/6 7927/14 7945/6 7949/18 7949/19 7971/5 7983/7 7994/12 8011/25 8020/2 8020/8 8022/7 8023/24 8024/6 8025/17 8047/13 8067/23 8078/6 8091/14 Whiteley [1] 7901/15 who [38] 7913/19 7920/9 7920/11 7922/12 7923/2 7929/20 7939/11 7942/14 7944/21 7946/11 7947/9 7948/14 7950/19 7965/22 7968/16 7972/6 7972/19 7975/13 7976/3 7992/12 7992/12 8003/3 8010/14 8016/23 8023/24 8024/10 8028/23 8030/12 8033/11 8036/13 8038/15 8041/12 8041/16 8047/16 8048/3 8083/21 8093/12 8093/20 whole [2] 7931/16 7987/24 whom [1] 8074/1 whose [1] 7991/13 why [33] 7908/24 7909/4 7919/19 7927/15 7928/14 7939/14 7939/15 7956/8 7957/16 7958/2 7986/13 8010/12 8031/15 8036/15 8036/16 8038/18 8039/13 8040/15 8040/20 8041/16 8043/4 8043/21 8044/19 8046/18 8047/18 8054/16 8055/4 8056/22 8068/13 8074/21 8081/16 8083/3 8085/1 wide [3] 7945/18 8040/5 8055/16 widely [1] 8038/24 will [48] 7905/24 7906/19 7906/21 7920/6 7921/21 7921/21 7925/3 7931/16 7932/18 7932/22 7936/6 7942/8 7945/24 7948/23 7950/3 7951/8 7952/13 7954/25 7955/7 7959/12 7960/24 7971/2 7978/17 7981/1 7999/13 8010/3 8012/23 8013/10 8020/1 8022/1 8029/11 8039/1 8049/21 8052/2 8060/22 8067/14 8070/6 8072/5 8072/7 8076/3 8078/3 8085/2 8088/10 8088/13 8089/20 8090/20 8092/20 8094/9 Williams [2] 7899/15 7899/15 Williamson [2] 7900/2 7900/3 willing [1] 8094/18 Willis [3] 7992/24 7992/25 7993/1 win [2] 8087/7 8087/7 win-win [1] 8087/7 WINFIELD [1] 7901/9 wisely [2] 8075/19 8088/16 wish [1] 7986/22 within [8] 7921/15 7944/11 7974/9 7976/24 7979/4 8089/12 8090/1 8092/21 without [2] 7919/4 8074/11 withstood [1] 7980/15 witness [16] 7906/1 7913/16 7915/4 7919/1 7948/12 7981/23 7983/12 7988/24 7993/9 7993/13 7995/21 7996/21 7999/1 8012/18 8012/20 8013/8	witnesses [3] 7920/9 7940/7 8013/11 wits' [1] 7976/15 won [2] 7967/14 7967/14 won't [2] 7918/23 7930/22 word [8] 7951/8 7952/25 7953/10 7963/18 7977/19 8007/20 8049/19 8091/14 wording [2] 7944/17 7961/8 words [10] 7915/5 7929/15 7930/14 7934/13 7984/24 8002/2 8044/15 8052/7 8075/17 8089/11 work [36] 7906/14 7906/15 7907/18 7907/21 7908/3 7908/4 7909/4 7911/16 7911/17 7913/9 7916/18 7931/8 7939/25 7940/10 7940/12 7951/25 7970/7 7989/13 7989/16 8008/24 8009/15 8011/2 8016/13 8016/23 8016/25 8037/18 8040/19 8043/23 8044/10 8044/25 8045/14 8049/14 8057/10 8061/15 8061/23 8080/19 worked [18] 7908/17 7908/21 7917/17 7944/9 7948/15 7992/7 7998/4 8007/25 8017/7 8021/16 8021/20 8026/22 8028/23 8047/16 8048/3 8055/22 8090/12 8095/2 working [25] 7907/15 7907/16 7907/22 7907/25 7908/25 7909/13 7910/23 7911/11 7911/19 7918/3 7947/6 7951/13 7974/2 7974/4 7980/4 8017/18 8023/18 8023/19 8029/20 8054/20 8054/21 8087/3 8093/1 8093/25 8095/3 workovers [1] 7908/11 works [2] 8050/4 8054/12 world's [1] 8018/16 worldwide [4] 8015/12 8046/8 8055/16 8056/3 would [189] 7905/18 7906/23 7912/23 7913/14 7914/14 7914/15 7914/17 7914/18 7914/18 7914/23 7915/1 7915/4 7915/5 7915/10 7915/12 7915/13 7916/2 7916/3 7916/9 7916/10 7916/23 7918/9 7918/19 7918/23 7919/2 7919/6 7919/10 7919/15 7920/3 7920/14 7920/19 7920/24 7922/14 7923/11 7924/6 7930/2 7930/21 7933/6 7936/14 7938/2 7938/5 7942/2 7942/9 7942/15 7942/17 7942/22 7943/10 7943/23 7944/24 7946/19 7946/20 7946/23 7946/24 7947/1 7947/14 7950/14 7950/19 7952/20 7954/20 7955/4 7955/22 7956/3 7956/6 7956/9 7956/12 7956/14 7956/17 7956/21 7958/23 7959/22 7961/2 7961/9 7961/15 7962/7 7962/9 7962/14 7962/24 7964/21 7966/1 7966/11 7968/22 7969/12 7970/23 7971/16 7972/6 7972/25 7975/9 7975/18 7977/1 7977/14 7979/20 7980/7 7980/10 7980/15 7980/18 7980/19 7980/21 7980/25 7981/3 7981/4 7981/7 7981/16 7981/24 7982/9 7982/11 7982/12 7983/8 7983/9 7983/18 7984/8 7989/1 7990/20 7991/4 7991/13 7994/4 7995/25 7996/3 7999/18 8000/25 8002/1 8005/6 8005/8 8006/18 8010/22 8010/23 8011/20 8011/22 8011/22 8011/23 8011/24 8011/24 8011/25 8011/25 8012/20 8014/19 8019/4 8022/16 8022/18 8025/4 8028/19 8030/8 8031/22 8031/23 8035/17 8035/23 8037/2 8037/3 8037/17 8037/21 8038/10 8039/20 8039/20 8039/24 8040/4 8040/25 8041/2 8041/3 8041/4 8041/22 8046/2 8049/7 8055/10 8055/17 8055/18 8055/19 8058/3 8062/19 8065/6
---	--	---

W  
would... [21] 8065/8 8066/10 8066/11  
8066/12 8066/13 8069/14 8071/4  
8071/12 8072/12 8072/13 8072/25  
8073/11 8075/18 8083/20 8083/23  
8084/1 8084/7 8084/7 8086/3 8089/18  
8093/25  
wouldn't [4] 7915/3 7915/12 7966/22  
7969/17  
Wright [1] 7898/18  
write [17] 7915/1 7915/3 7915/4 7915/5  
7915/10 7915/13 7915/15 7930/10  
7930/13 8004/6 8004/10 8004/13  
8004/16 8004/18 8004/21 8005/4  
8064/24  
writing [6] 7916/10 7929/20 7939/11  
7975/21 7996/4 8002/19  
written [12] 7918/9 7929/25 7963/23  
7964/1 7972/18 7976/6 8008/15 8009/10  
8010/13 8010/14 8029/1 8034/5  
wrong [4] 7981/19 7985/2 7985/10  
7985/12  
wrote [24] 7920/19 7920/20 7921/2  
7922/12 7923/2 7923/3 7924/5 7924/23  
7925/11 7927/21 7931/20 7935/8  
7935/14 7959/7 7959/10 7963/11  
7963/17 7965/24 7967/18 7967/23  
8003/20 8003/22 8007/19 8010/16  
WSL [1] 7968/7  
WSLs [3] 7960/18 7960/21 7976/15  
Wyman [1] 7931/5  
Wyoming [1] 7909/9

Y  
yeah [18] 7941/13 7952/11 7956/23  
7962/21 7968/20 7976/12 8032/20  
8036/23 8039/19 8054/19 8070/17  
8073/10 8078/10 8082/14 8082/21  
8087/15 8088/15 8089/17  
year [17] 7909/13 8008/4 8014/7 8017/7  
8017/13 8017/18 8043/16 8052/6  
8073/10 8080/15 8080/22 8080/23  
8084/17 8086/1 8086/1 8088/7 8088/7  
year-on-year [1] 8088/7  
years [28] 7908/10 7908/20 7908/22  
7909/10 7909/13 7909/15 8014/15  
8016/14 8016/14 8017/1 8017/2 8018/9  
8018/18 8018/24 8024/15 8033/22  
8041/17 8045/5 8054/16 8055/11  
8055/12 8055/13 8056/2 8080/18  
8080/19 8080/19 8081/12 8094/13  
yes [240]  
yesterday [1] 7988/13  
yet [3] 7926/21 7974/4 8095/3  
Yoakum [1] 7900/3  
you [872]  
you'd [2] 7944/3 7996/4  
you're [12] 7938/19 7947/4 7950/18  
7957/4 7968/5 7981/5 7986/24 7994/15  
8011/6 8014/20 8051/20 8071/16  
you've [1] 7947/23  
young [2] 7901/5 7907/2  
your [313]  
Your Honor [39] 7905/4 7905/18 7906/2  
7918/20 7919/19 7920/7 7920/14 7921/4  
7922/24 7926/24 7938/10 7938/22  
7940/19 7948/4 7948/13 7948/18  
7957/17 7978/4 7981/14 7988/16 7989/6  
7989/13 7990/7 7992/20 7993/1 7993/10  
7993/24 7996/1 7996/25 7998/18  
7998/21 7998/25 8009/1 8009/23  
8009/25 8012/19 8013/5 8013/13 8094/4

Your Honor's [1] 7988/13  
yourself [5] 7915/11 7947/1 7971/17  
8032/10 8064/3

Z  
zero [7] 7937/4 7937/7 7957/13 7983/22  
8003/12 8006/3 8007/3  
zonal [4] 7972/14 7972/16 7973/8  
7973/16  
zone [1] 7972/4