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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL BY THE OIL RIG	*	Docket 10-MD-2179
DEEPWATER HORIZON IN THE	*	
GULF OF MEXICO ON APRIL 20, 2010	*	Section J
	*	
Applies to:	*	New Orleans, Louisiana
	*	
Docket 10-CV-02771,	*	April 17, 2013
IN RE: THE COMPLAINT AND	*	
PETITION OF TRITON ASSET	*	
LEASING GmbH, et al	*	
	*	
Docket 10-CV-4536,	*	
UNITED STATES OF AMERICA v.	*	
BP EXPLORATION & PRODUCTION,	*	
INC., et al	*	
	*	
* * * * *		

DAY 29, MORNING SESSION  
TRANSCRIPT OF NONJURY TRIAL  
BEFORE THE HONORABLE CARL J. BARBIER  
UNITED STATES DISTRICT JUDGE

Appearances:

For the Plaintiffs:	Domengeaux Wright Roy & Edwards, LLC BY: JAMES P. ROY, ESQ. 556 Jefferson Street, Suite 500 Post Office Box 3668 Lafayette, Louisiana 70502
---------------------	--

For the Plaintiffs:	Herman Herman & Katz, LLC BY: STEPHEN J. HERMAN, ESQ. 820 O'Keefe Avenue New Orleans, Louisiana 70113
---------------------	--

1 Appearances:

2 For the Plaintiffs: Cunningham Bounds, LLC  
3 BY: ROBERT T. CUNNINGHAM, ESQ.  
4 1601 Dauphin Street  
Mobile, Alabama 36604

5 For the Plaintiffs: Lewis Kullman Sterbcow & Abramson  
6 BY: PAUL M. STERBCOW, ESQ.  
7 601 Poydras Street, Suite 2615  
New Orleans, Louisiana 70130

8 For the Plaintiffs: Breit Drescher Imprevento  
9 & Walker, PC  
10 BY: JEFFREY A. BREIT, ESQ.  
11 600 22nd Street, Suite 402  
Virginia Beach, Virginia 23451

12 For the Plaintiffs: Leger & Shaw  
13 BY: WALTER J. LEGER JR., ESQ.  
14 600 Carondelet Street, 9th Floor  
New Orleans, Louisiana 70130

15 For the Plaintiffs: Williams Law Group, LLC  
16 BY: CONRAD "DUKE" WILLIAMS, ESQ.  
17 435 Corporate Drive, Suite 101  
Houma, Louisiana 70360

18 For the Plaintiffs: Thornhill Law Firm  
19 BY: TOM THORNHILL, ESQ.  
20 1308 Ninth Street  
Slidell, Louisiana 70458

21 For the Plaintiffs: deGravelles Palmintier Holthaus  
22 & Frugé, LLP  
23 BY: JOHN W. DEGRAVELLES, ESQ.  
24 618 Main Street  
25 Baton Rouge, Louisiana 70801

1 Appearances:

2  
3 For the Plaintiffs: Williamson & Rusnak  
4 BY: JIMMY WILLIAMSON, ESQ.  
4310 Yoakum Boulevard  
Houston, Texas 77006

5  
6 For the Plaintiffs: Irpino Law Firm  
7 BY: ANTHONY IRPINO, ESQ.  
2216 Magazine Street  
New Orleans, Louisiana 70130

8  
9 For the United States U.S. Department of Justice  
10 of America: Torts Branch, Civil Division  
BY: R. MICHAEL UNDERHILL, ESQ.  
450 Golden Gate Avenue  
11 7-5395 Federal Bldg., Box 36028  
San Francisco, California 94102

12  
13 For the United States U.S. Department of Justice  
14 of America: Environment & Natural Resources  
Environmental Enforcement Section  
BY: STEVEN O'ROURKE, ESQ.  
15 SCOTT CERNICH, ESQ.  
DEANNA CHANG, ESQ.  
16 RACHEL HANKEY, ESQ.  
A. NATHANIEL CHAKERES, ESQ.  
17 Post Office Box 7611  
Washington, D.C. 20044

18  
19 For the United States U.S. Department of Justice  
20 of America: Torts Branch, Civil Division  
BY: JESSICA McCLELLAN, ESQ.  
MICHELLE DELEMARRE, ESQ.  
21 JESSICA SULLIVAN, ESQ.  
SHARON SHUTLER, ESQ.  
MALINDA LAWRENCE, ESQ.  
22 Post Office Box 14271  
Washington, D.C. 20004  
23  
24  
25

1 Appearances:

2 For the United States  
3 of America:

U.S. Department of Justice  
Fraud Section  
Commercial Litigation Branch  
BY: DANIEL SPIRO, ESQ.  
KELLEY HAUSER, ESQ.  
ELIZABETH YOUNG, ESQ.  
Ben Franklin Station  
Washington, D.C. 20044

7 For the State of  
8 Alabama:

Attorney General of Alabama  
BY: LUTHER STRANGE, ESQ.  
COREY L. MAZE, ESQ.  
WINFIELD J. SINCLAIR, ESQ.  
500 Dexter Avenue  
Montgomery, Alabama 36130

11 For the State of  
12 Louisiana:

Attorney General of Louisiana  
BY: JAMES D. CALDWELL, ESQ.  
1885 North Third Street  
Post Office Box 94005  
Baton Rouge, Louisiana 70804

15 For the State of  
16 Louisiana:

Kanner & Whiteley, LLC  
BY: ALLAN KANNER, ESQ.  
DOUGLAS R. KRAUS, ESQ.  
701 Camp Street  
New Orleans, Louisiana 70130

18 For BP Exploration &  
19 Production Inc.,  
20 BP America Production  
Company, BP PLC:

Liskow & Lewis, APLC  
BY: DON K. HAYCRAFT, ESQ.  
701 Poydras Street, Suite 5000  
New Orleans, Louisiana 70139

21 For BP Exploration &  
22 Production Inc.,  
23 BP America Production  
Company, BP PLC:

Kirkland & Ellis, LLP  
BY: J. ANDREW LANGAN, ESQ.  
HARIKLIA "CARRIE" KARIS, ESQ.  
MATTHEW T. REGAN, ESQ.  
300 N. LaSalle  
Chicago, Illinois 60654

25

1 Appearances:

2  
3 For BP Exploration & Covington & Burling, LLP  
4 Production Inc., BY: ROBERT C. "MIKE" BROCK, ESQ.  
BP America Production 1201 Pennsylvania Avenue, NW  
Company, BP PLC: Washington, D.C. 20004

5  
6 For Transocean Holdings Frilot, LLC  
7 LLC, Transocean Offshore BY: KERRY J. MILLER, ESQ.  
8 Deepwater Drilling Inc., 1100 Poydras Street, Suite 3700  
Transocean Deepwater Inc.: New Orleans, Louisiana 70163

9  
10 For Transocean Holdings Sutherland Asbill & Brennan, LLP  
11 LLC, Transocean Offshore BY: STEVEN L. ROBERTS, ESQ.  
12 Deepwater Drilling Inc., RACHEL G. CLINGMAN, ESQ.  
13 Transocean Deepwater Inc.: 1001 Fannin Street, Suite 3700  
Houston, Texas 77002

14 For Transocean Holdings Munger Tolles & Olson, LLP  
15 LLC, Transocean Offshore BY: MICHAEL R. DOYEN, ESQ.  
16 Deepwater Drilling Inc., BRAD D. BRIAN, ESQ.  
17 Transocean Deepwater Inc.: LUIS LI, ESQ.  
355 S. Grand Avenue, 35th Floor  
Los Angeles, California 90071

18 For Transocean Holdings Mahtook & Lafleur  
19 LLC, Transocean Offshore BY: RICHARD J. HYMEL, ESQ.  
20 Deepwater Drilling Inc., 600 Jefferson Street, Suite 1000  
21 Transocean Deepwater Inc.: Post Office Box 3089  
Lafayette, Louisiana 70501

22 For Transocean Holdings Hughes Arrell Kinchen, LLP  
23 LLC, Transocean Offshore BY: JOHN KINCHEN, ESQ.  
24 Deepwater Drilling Inc., 2211 Norfolk, Suite 1110  
25 Transocean Deepwater Inc.: Houston, Texas 77098

1 Appearances:

2  
3 For Halliburton Energy  
Services, Inc.:

Godwin Lewis, PC  
BY: DONALD E. GODWIN, ESQ.  
BRUCE W. BOWMAN JR., ESQ.  
FLOYD R. HARTLEY JR., ESQ.  
GAVIN HILL, ESQ.  
1201 Elm Street, Suite 1700  
Dallas, Texas 75270

4  
5  
6  
7  
8 For Halliburton Energy:  
Services, Inc.:

Godwin Lewis, PC  
BY: JERRY C. VON STERNBERG, ESQ.  
1331 Lamar, Suite 1665  
Houston, Texas 77010

10

11

12 Official Court Reporter:

Jodi Simcox, RMR, FCRR  
500 Poydras Street, Room HB-406  
New Orleans, Louisiana 70130  
(504) 589-7780  
Jodi\_Simcox@laed.uscourts.gov

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18 computer-aided transcription software.

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1 MORNING SESSION

2 (April 17, 2013)

3 \* \* \* \* \*

7:45 AM 4 THE DEPUTY CLERK: All rise.

8:03 AM 5 THE COURT: Good morning.

8:03 AM 6 Everyone.

8:03 AM 7 All right. Any preliminary matters?

8:03 AM 8 MR. BRIAN: Yes, Your Honor. Brad Brian for  
8:03 AM 9 Transocean.

8:03 AM 10 We've circulated our list of exhibits used  
8:03 AM 11 during my cross-examination of Mr. John Guide. We've received  
8:03 AM 12 no objection. I would offer this list of exhibits into  
8:03 AM 13 evidence, Your Honor.

8:03 AM 14 THE COURT: All right.

8:03 AM 15 Any remaining objections to Transocean's  
8:03 AM 16 Exhibits? Without objection, those are admitted.

8:04 AM 17 MR. GODWIN: Good morning, Judge. Don Godwin for  
8:04 AM 18 Halliburton.

8:04 AM 19 Your Honor, we have here our list from the  
8:04 AM 20 exhibits that we used during our examination of John Guide,  
8:04 AM 21 circulated them, no objections. We'd offer them into evidence  
8:04 AM 22 at this time, sir.

8:04 AM 23 THE COURT: All right. Any objections to  
8:04 AM 24 Halliburton's exhibits? Hearing none, those are admitted.

8:04 AM 25 MR. GODWIN: Thank you, Your Honor.



8 : 0 4 A M 1           **MR. IRPINO:** Good morning, Your Honor. Anthony  
8 : 0 4 A M 2           Irpino for the PSC.

8 : 0 4 A M 3                         We have two lists this morning. One is our list  
8 : 0 4 A M 4           of exhibits -- demonstratives used in connection with John  
8 : 0 4 A M 5           Guide's testimony. The second is our list used in connection  
8 : 0 4 A M 6           with Mr. Shanks' testimony. We've circulated Mr. Guide's list,  
8 : 0 4 A M 7           there were no objections received for that. We've also  
8 : 0 4 A M 8           circulated the list relative to Mr. Shanks. We haven't  
8 : 0 4 A M 9           received any objections, although that list was sent around a  
8 : 0 4 A M 10          little later last night, at 9:00.

8 : 0 4 A M 11           **THE COURT:** All right. Are there any objections to  
8 : 0 4 A M 12          either of those lists presented by the PSC?

8 : 0 5 A M 13           **MS. KARIS:** Your Honor, Hariklia Karis.

8 : 0 5 A M 14                         We don't have an objection to any of the  
8 : 0 5 A M 15          exhibits, but I believe one of the demonstratives had the issue  
8 : 0 5 A M 16          with the time that I raised during Mr. Guide's examination.  
8 : 0 5 A M 17          Mr. Cunningham sent me an e-mail regarding an agreement,  
8 : 0 5 A M 18          stipulation as to the corrected times. Subject to correcting  
8 : 0 5 A M 19          those times, we have no objection.

8 : 0 5 A M 20           **THE COURT:** All right. So you-all will submit some  
8 : 0 5 A M 21          type of stipulation to that effect?

8 : 0 5 A M 22                         Okay. With that understanding, those are  
8 : 0 5 A M 23          admitted.

8 : 0 5 A M 24           **MR. IRPINO:** Thank you, Your Honor.

8 : 0 5 A M 25           **THE COURT:** Okay.

8 : 0 5 A M 1 MS. LAWRENCE: Good morning, Your Honor, Malinda  
8 : 0 5 A M 2 Lawrence on behalf of the United States.

8 : 0 5 A M 3 We have our list of exhibits used with witness  
8 : 0 5 A M 4 Alexander John Guide. We circulated the list yesterday  
8 : 0 5 A M 5 afternoon. We've received no objections. We'd like to offer  
8 : 0 5 A M 6 them into evidence.

8 : 0 5 A M 7 THE COURT: All right. Any objection to the United  
8 : 0 5 A M 8 States' list of exhibits?

8 : 0 5 A M 9 Hearing none, those are admitted.

8 : 0 5 A M 10 MS. LAWRENCE: Thank you.

8 : 0 5 A M 11 MS. KARIS: Good morning, Your Honor. Hariklia Karis  
8 : 0 5 A M 12 on behalf of BP.

8 : 0 5 A M 13 I have the list of exhibits that we used with  
8 : 0 5 A M 14 Mr. Guide. We've circulated those, and we've received no  
8 : 0 5 A M 15 objections. So we would offer those to the Court at this time.

8 : 0 6 A M 16 THE COURT: Any remaining objections to BP's  
8 : 0 6 A M 17 exhibits? If not, those are admitted.

8 : 0 6 A M 18 MS. KARIS: And we've also circulated the list with  
8 : 0 6 A M 19 respect to Mr. Shanks. Mr. Doyen asked me this morning to have  
8 : 0 6 A M 20 a little bit of time to review them this afternoon, and we have  
8 : 0 6 A M 21 no objection to that. Subject to that, we would tender the  
8 : 0 6 A M 22 exhibits for Mr. Shanks as well.

8 : 0 6 A M 23 THE COURT: No problem.

8 : 0 6 A M 24 MS. KARIS: Thank you.

8 : 0 6 A M 25 THE COURT: Any other preliminary matters?

## PATRICK LEON O'BRYAN - DIRECT

8 : 0 6 A M 1 All right. We can resume BP's case.

8 : 0 6 A M 2 **MR. BROCK:** Our first witness is Mr. O'Bryan.

8 : 0 6 A M 3 **THE COURT:** Mr. O'Bryan.

8 : 0 6 A M 4 **MR. BROCK:** Our next witness is Mr. O'Bryan.

8 : 0 6 A M 5 **THE COURT:** Stephanie?

8 : 0 6 A M 6 And your first witness.

8 : 0 6 A M 7 **MR. BROCK:** Today.

8 : 0 6 A M 8 **THE COURT:** Today.

8 : 0 6 A M 9 (WHEREUPON, **PATRICK LEON O'BRYAN**, having been duly

8 : 0 6 A M 10 sworn, testified as follows.)

8 : 0 6 A M 11 **THE DEPUTY CLERK:** Please state your full name and

8 : 0 6 A M 12 correct spelling for the record.

8 : 0 6 A M 13 **THE WITNESS:** Yes. My name is Patrick Leon O'Bryan,

8 : 0 6 A M 14 that's O-B-R-Y-A-N.

8 : 0 6 A M 15 **DIRECT EXAMINATION**

8 : 0 7 A M 16 **MS. KARIS:** May I proceed, Your Honor?

8 : 0 7 A M 17 **THE COURT:** Go ahead.

8 : 0 7 A M 18 **BY MS. KARIS:**

8 : 0 7 A M 19 **Q.** Good morning. Hariklia Karis on behalf of BP conducting

8 : 0 7 A M 20 the direct examination of Mr. O'Bryan.

8 : 0 7 A M 21 Mr. O'Bryan, what position did you hold on

8 : 0 7 A M 22 April 20th of 2010, with BP?

8 : 0 7 A M 23 **A.** I was the vice president of drilling and completions for

8 : 0 7 A M 24 the Gulf of Mexico.

8 : 0 7 A M 25 **Q.** Were you also on the rig on the evening of April 20th?

## PATRICK LEON O'BRYAN - DIRECT

8:07AM 1 A. Yes, I was.

8:07AM 2 THE COURT: Let me ask you to pull that microphone a  
8:07AM 3 little closer to you.

8:07AM 4 THE WITNESS: Sure. Is that better?

8:07AM 5 THE COURT: That's good. Thank you.

8:07AM 6 BY MS. KARIS:

8:07AM 7 Q. We're going to come back and talk a little bit about your  
8:07AM 8 role as the vice president of drilling and completions for the  
8:07AM 9 Gulf of Mexico at the time of the incident, as well as your own  
8:07AM 10 experience on the *Deepwater Horizon* on that evening.

8:07AM 11 But before we get do that, let's go through your  
8:07AM 12 background a little bit.

8:07AM 13 First, who do you currently work for?

8:07AM 14 A. I work for Fidelity Exploration and Production Company in  
8:08AM 15 Denver, Colorado.

8:08AM 16 Q. When did you join Fidelity?

8:08AM 17 A. September of 2011.

8:08AM 18 Q. What position do you hold with Fidelity?

8:08AM 19 A. Vice president of drilling and completions.

8:08AM 20 Q. So you left BP in September of 2011?

8:08AM 21 A. Actually, August, September.

8:08AM 22 Q. Okay. Can you tell the Court why you left BP?

8:08AM 23 A. One of the things that I had done -- that I'd always  
8:08AM 24 looked at doing in my career was once I got to retirement age,  
8:08AM 25 was going to work for a smaller company. I got to retirement

## PATRICK LEON O'BRYAN - DIRECT

8 : 0 8 A M 1 age in August of 2011, an opportunity presented itself a bit  
8 : 0 8 A M 2 sooner than I expected, and so I took the opportunity to go to  
8 : 0 8 A M 3 work for a former boss that I had worked for at BP a few  
8 : 0 8 A M 4 different times.

8 : 0 8 A M 5 Q. So do you now currently head up the entire drilling and  
8 : 0 8 A M 6 completions organization for Fidelity?

8 : 0 8 A M 7 A. Yes, I do.

8 : 0 8 A M 8 Q. Can you describe your educational background for the  
8 : 0 8 A M 9 Court, please.

8 : 0 8 A M 10 A. Sure. I received a bachelor of science degree in  
8 : 0 9 A M 11 petroleum engineering from Mississippi State University in  
8 : 0 9 A M 12 1983. Upon graduation, enrolled in graduate school at  
8 : 0 9 A M 13 Louisiana State University. I received a master's of science  
8 : 0 9 A M 14 degree in 1985 and a doctorate of philosophy in petroleum  
8 : 0 9 A M 15 engineering in 1988.

8 : 0 9 A M 16 Q. So you hold a Ph.D. in petroleum engineering from LSU --

8 : 0 9 A M 17 A. Yes, I do.

8 : 0 9 A M 18 Q. -- in 1988?

8 : 0 9 A M 19 A. Yes, I do.

8 : 0 9 A M 20 Q. Do you know Dr. Ted Bourgoyne?

8 : 0 9 A M 21 A. Yes, I do.

8 : 0 9 A M 22 Q. How do you know Dr. Bourgoyne?

8 : 0 9 A M 23 A. Dr. Bourgoyne was my major professor. I worked for  
8 : 0 9 A M 24 Dr. Bourgoyne for about four and a half years during the time I  
8 : 0 9 A M 25 was in grad school.

## PATRICK LEON O'BRYAN - DIRECT

8:09 AM 1 Q. So you had an opportunity to study under Dr. Bourgoyne?

8:09 AM 2 A. Yes.

8:09 AM 3 Q. Did you also have an opportunity to publish with

8:09 AM 4 Dr. Bourgoyne?

8:09 AM 5 A. Yes. The research that we -- that I did for my master's

8:09 AM 6 thesis and my Ph.D. dissertation was well control problems

8:09 AM 7 associated with gas soluble and oil-based muds. And the

8:09 AM 8 research that we did, Dr. Bourgoyne and I published three

8:09 AM 9 papers in the Society of Petroleum Engineers' drilling

8:09 AM 10 engineering magazine.

8:10 AM 11 Q. On behalf of the court reporter, I'm going to ask you to

8:10 AM 12 just slow down a little bit.

8:10 AM 13 A. Sure.

8:10 AM 14 Q. Now, you've published, you said, a number of papers with

8:10 AM 15 Dr. Bourgoyne?

8:10 AM 16 A. Yes.

8:10 AM 17 Q. Are you familiar with Dr. Bourgoyne's textbook?

8:10 AM 18 A. Yes.

8:10 AM 19 Q. Do you still rely on that textbook every day of your

8:10 AM 20 career?

8:10 AM 21 A. Not every day, but I have it on the bookshelf. And from

8:10 AM 22 time to time, if I have to pull it out and look at something, I

8:10 AM 23 certainly do that.

8:10 AM 24 Q. Okay. Now, Dr. Bourgoyne was asked about a few people's

8:10 AM 25 grades, not yours, but how did you do studying under

## PATRICK LEON O'BRYAN - DIRECT

8 : 10 AM 1 Dr. Bourgoyne?

8 : 10 AM 2 A. Well, good enough to get my master's and Ph.D., so . . .

8 : 10 AM 3 Q. All right.

8 : 10 AM 4 THE COURT: Maybe we have to ask Dr. Bourgoyne about

8 : 10 AM 5 him.

8 : 10 AM 6 MS. KARIS: That's right, Your Honor.

8 : 10 AM 7 THE WITNESS: It makes me wonder what he has to say.

8 : 10 AM 8 MS. KARIS: Maybe we can recall Dr. Bourgoyne and

8 : 10 AM 9 find out.

8 : 10 AM 10 BY MS. KARIS:

8 : 10 AM 11 Q. When did you start working in the oil and gas industry?

8 : 10 AM 12 A. After receiving my Ph.D. in 1988, I went to work for

8 : 11 AM 13 Tenneco Oil and Gas Company as a drilling engineer in

8 : 11 AM 14 Bakersfield, California.

8 : 11 AM 15 Q. Okay. Just a second. So you've been in the oil and gas

8 : 11 AM 16 industry for about 25 years?

8 : 11 AM 17 A. That's correct.

8 : 11 AM 18 Q. And have you remained in the industry throughout those

8 : 11 AM 19 25 years?

8 : 11 AM 20 A. Yes, I have.

8 : 11 AM 21 Q. Let's walk through at least some of the jobs that you've

8 : 11 AM 22 held in the oil and gas industry.

8 : 11 AM 23 A. Okay.

8 : 11 AM 24 Q. Focusing on drilling, in particular, for the past

8 : 11 AM 25 25 years.

## PATRICK LEON O'BRYAN - DIRECT

8 : 1 1 A M 1 You said after graduating from LSU with your Ph.D.,  
8 : 1 1 A M 2 you went to work for Tenneco Oil and Gas?  
8 : 1 1 A M 3 A. That's correct.  
8 : 1 1 A M 4 Q. And walk us through your career path with Tenneco Oil and  
8 : 1 1 A M 5 Gas.  
8 : 1 1 A M 6 A. So I started, as I said, as a drilling engineer. As I  
8 : 1 1 A M 7 started my job, Tenneco was being sold and ARCO Oil and Gas  
8 : 1 1 A M 8 Company purchased the Pacific Coast division, which is where I  
8 : 1 1 A M 9 worked. Then I moved over to ARCO.  
8 : 1 1 A M 10 Q. When did you join ARCO?  
8 : 1 1 A M 11 A. It was late 1988, early 1999.  
8 : 1 2 A M 12 Q. Okay. What did you do for ARCO in late 1988, early 1989?  
8 : 1 2 A M 13 A. Drilling engineer.  
8 : 1 2 A M 14 Q. Was that in deepwater?  
8 : 1 2 A M 15 A. No, that was onshore in California.  
8 : 1 2 A M 16 Q. All right. Can you then walk us through your career path  
8 : 1 2 A M 17 with ARCO?  
8 : 1 2 A M 18 A. Sure. After my assignment as a drilling engineer, I moved  
8 : 1 2 A M 19 into various roles in production engineering, commercial and  
8 : 1 2 A M 20 management positions. My last position that I had with ARCO  
8 : 1 2 A M 21 was the -- I led the engineering -- drilling engineering  
8 : 1 2 A M 22 planning for all of our international new ventures exploration  
8 : 1 2 A M 23 projects.  
8 : 1 2 A M 24 Q. What did that entail, that is, leading the well  
8 : 1 2 A M 25 planning -- having the title of well planning manager?



## PATRICK LEON O'BRYAN - DIRECT

8 : 1 2 A M 1 A. So this was working with our exploration teams as they  
8 : 1 2 A M 2 came up with prospects overseas, doing all of the engineering  
8 : 1 2 A M 3 planning work from the time that they came up with the idea all  
8 : 1 2 A M 4 the way through putting the execution plan together, and then  
8 : 1 2 A M 5 handing that over to our execution team to actually go drill  
8 : 1 2 A M 6 the well.

8 : 1 3 A M 7 Q. And did that include deepwater wells?

8 : 1 3 A M 8 A. Yes, it did.

8 : 1 3 A M 9 Q. How long did you stay with ARCO?

8 : 1 3 A M 10 A. I was with ARCO until 2000.

8 : 1 3 A M 11 Q. And then what happened in 2000?

8 : 1 3 A M 12 A. In 2000, BP purchased ARCO and I transferred -- moved from  
8 : 1 3 A M 13 Plano, Texas to Houston.

8 : 1 3 A M 14 Q. And can you now walk us through your career path with BP  
8 : 1 3 A M 15 once you joined BP in approximately 2000.

8 : 1 3 A M 16 A. Sure.

8 : 1 3 A M 17 So the first couple of -- three years with BP, I led  
8 : 1 3 A M 18 an organization -- I started out in the deepwater Gulf of  
8 : 1 3 A M 19 Mexico, but it expanded to include deepwater, the onshore U.S.,  
8 : 1 3 A M 20 Alaska, and Canada that held accountability for drilling  
8 : 1 3 A M 21 performance, for implementation of our common process, for  
8 : 1 3 A M 22 planning and execution -- planning the wells.

8 : 1 3 A M 23 We also had accountability for capital budgets and  
8 : 1 3 A M 24 also the rig schedule for the deepwater Gulf of Mexico and  
8 : 1 4 A M 25 ensuring that our rigs were on track and everything in the

## PATRICK LEON O'BRYAN - DIRECT

8 : 1 4 A M 1 deepwater.

8 : 1 4 A M 2 Q. Let me interrupt you for a second there. You said that

8 : 1 4 A M 3 included planning under a common process?

8 : 1 4 A M 4 A. That's correct.

8 : 1 4 A M 5 Q. What is the common process that you were involved in

8 : 1 4 A M 6 developing and implementing?

8 : 1 4 A M 7 A. Beyond the Best.

8 : 1 4 A M 8 Q. We've heard about Beyond the Best. We're not going to

8 : 1 4 A M 9 walk back through it. But is that the process that BP

8 : 1 4 A M 10 continued to use in planning and designing, executing wells

8 : 1 4 A M 11 throughout the time that you were vice president of drilling

8 : 1 4 A M 12 and completions in the Gulf of Mexico?

8 : 1 4 A M 13 A. Yes.

8 : 1 4 A M 14 Q. Okay. So you were involved in drafting it as well as

8 : 1 4 A M 15 implementing it, then, in the company?

8 : 1 4 A M 16 A. Yes. When I joined the company -- kind of go back into

8 : 1 4 A M 17 2000 -- BP had merged and purchased several companies. So we

8 : 1 4 A M 18 had engineers from Amoco, from ARCO, from Vastar, from BP. And

8 : 1 4 A M 19 Chris Rhodes, who was our technical vice president at the time,

8 : 1 4 A M 20 head of -- global head of D&C, pulled several of us together in

8 : 1 5 A M 21 London to actually look at and understand how were wells

8 : 1 5 A M 22 planned and executed with the different heritage companies, and

8 : 1 5 A M 23 I was one of the participants in that meeting.

8 : 1 5 A M 24 And from that, we actually created Beyond the Best,

8 : 1 5 A M 25 which was basically the best practices that all the different

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8 : 1 5 A M 1 heritage companies brought to the company.

8 : 1 5 A M 2 Q. And did you call upon your years of experience in the  
8 : 1 5 A M 3 industry as well as the experience of the others at BP in order  
8 : 1 5 A M 4 to develop this common process of Beyond the Best?

8 : 1 5 A M 5 A. Yes.

8 : 1 5 A M 6 Q. And throughout the time that you remained with BP,  
8 : 1 5 A M 7 including when you were the vice president of drilling and  
8 : 1 5 A M 8 completions, what was your view as to whether Beyond the Best  
8 : 1 5 A M 9 was the industry standard or even above the industry standard  
8 : 1 5 A M 10 for planning, designing, and executing wells?

8 : 1 5 A M 11 MR. BRIAN: Objection. Calls for opinion, Your  
8 : 1 5 A M 12 Honor. No foundation. He's not designated as an expert.

8 : 1 5 A M 13 THE COURT: I'll let him answer that.

8 : 1 5 A M 14 Go ahead, sir.

8 : 1 5 A M 15 THE WITNESS: It certainly was the industry  
8 : 1 5 A M 16 standard -- it was an industry standard process.

8 : 1 6 A M 17 BY MS. KARIS:

8 : 1 6 A M 18 Q. Now, when -- I'm sorry. You were walking us through your  
8 : 1 6 A M 19 career path with BP. What did you do after being with -- being  
8 : 1 6 A M 20 with the business assurance organization?

8 : 1 6 A M 21 A. So I then moved in 2003 to an asset manager role. I was  
8 : 1 6 A M 22 an asset manager for one of our gas assets in the Hugoton Gas  
8 : 1 6 A M 23 Field in the onshore.

8 : 1 6 A M 24 I held that position for about two years. And then  
8 : 1 6 A M 25 in 2005, I moved into a role where I led the drilling and

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8 : 1 6 A M 1 completions organization for our North American gas SPU, which  
8 : 1 6 A M 2 included our businesses in the shelf -- offshore shelf, the  
8 : 1 6 A M 3 onshore U.S., as well as Canada.

8 : 1 6 A M 4 I held that position for a couple years, and then I  
8 : 1 6 A M 5 moved into a role as the global head of completions engineering  
8 : 1 6 A M 6 and base management engineering for the company.

8 : 1 6 A M 7 Then in late 2009, I was asked to lead the Gulf of  
8 : 1 6 A M 8 Mexico D&C organization.

8 : 1 6 A M 9 Q. So prior to being asked to lead the Gulf of Mexico  
8 : 1 7 A M 10 drilling and completions organization, had you held other  
8 : 1 7 A M 11 leadership roles with BP as well as other companies?

8 : 1 7 A M 12 A. Yes.

8 : 1 7 A M 13 Q. Now, when you were asked to join the drilling and  
8 : 1 7 A M 14 completions organization in the Gulf of Mexico, did you know  
8 : 1 7 A M 15 many of the men and women who worked in that organization as a  
8 : 1 7 A M 16 result of the various positions that you had held with the  
8 : 1 7 A M 17 company?

8 : 1 7 A M 18 A. Yes, I did.

8 : 1 7 A M 19 Q. Tell us about that.

8 : 1 7 A M 20 A. So, obviously, as I said earlier, I started my career with  
8 : 1 7 A M 21 BP in 2000 in the deepwater organization. So I knew a lot of  
8 : 1 7 A M 22 the engineers and a lot of the leaders in that team. As global  
8 : 1 7 A M 23 head or vice president for completions engineering and base  
8 : 1 7 A M 24 management, I had the opportunity to work and meet a lot of the  
8 : 1 7 A M 25 completion engineering folks that were in the drilling and

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8 : 17 AM 1 completions organization. I had a lot familiarity with the  
8 : 17 AM 2 various roles that I had with that team.

8 : 17 AM 3 Q. Were you also familiar with the business of deepwater  
8 : 17 AM 4 drilling at that time?

8 : 17 AM 5 A. Yes.

8 : 18 AM 6 Q. And how were you familiar with the business of deepwater  
8 : 18 AM 7 drilling, including, specifically, drilling in the Gulf of  
8 : 18 AM 8 Mexico?

8 : 18 AM 9 A. As I said earlier, one of the things that I did was manage  
8 : 18 AM 10 the deepwater fleet, the rig schedule. So I knew a lot of the  
8 : 18 AM 11 wells that we were drilling. I knew a lot of the engineers  
8 : 18 AM 12 that were in the organization. I actually led some of the  
8 : 18 AM 13 peer-reviews that we did as part of our stage gate process in  
8 : 18 AM 14 planning wells. A process, basically we would have an external  
8 : 18 AM 15 review to say, "Could we move this project to the next phase of  
8 : 18 AM 16 planning?"

8 : 18 AM 17 So I participated as well as led some of these  
8 : 18 AM 18 reviews in the deepwater Gulf of Mexico.

8 : 18 AM 19 Q. And how long did you hold the position of vice president  
8 : 18 AM 20 of drilling and completions?

8 : 18 AM 21 A. For the Gulf of Mexico?

8 : 18 AM 22 Q. For the Gulf of Mexico, I'm sorry.

8 : 18 AM 23 A. Late 2009 until November 2010.

8 : 18 AM 24 Q. What did you do after November of 2010?

8 : 18 AM 25 A. Moved into a role -- we had a global response team. So as

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8 : 1 9 A M 1 a result of the learnings from the Macondo incident, we created  
8 : 1 9 A M 2 a team that first had -- we wanted to make sure that our other  
8 : 1 9 A M 3 deepwater businesses were prepared to manage an incident. One,  
8 : 1 9 A M 4 we wanted to make sure, from a prevention standpoint, they had  
8 : 1 9 A M 5 all the lessons learned; from a response standpoint, had all  
8 : 1 9 A M 6 the lessons learned built into their business plans.

8 : 1 9 A M 7 The other thing we did, we went around and met with a  
8 : 1 9 A M 8 lot of the government regulators around the world to share what  
8 : 1 9 A M 9 we had learned from the incident.

8 : 1 9 A M 10 Q. Okay. Did you remain in that role until you left BP in  
8 : 1 9 A M 11 August of 2011?

8 : 1 9 A M 12 A. Yes.

8 : 1 9 A M 13 Q. Mr. O'Bryan -- is it okay if I call you Mr. O'Bryan? I  
8 : 1 9 A M 14 know you have a Ph.D.

8 : 1 9 A M 15 A. Sure.

8 : 1 9 A M 16 Q. Mr. O'Bryan, I want to focus on your responsibilities as  
8 : 1 9 A M 17 the vice president of drilling and completions from late 2009  
8 : 1 9 A M 18 until the time of the incident.

8 : 1 9 A M 19 A. Okay.

8 : 1 9 A M 20 Q. What, if anything, did you do to familiarize yourself with  
8 : 2 0 A M 21 the operations of the Gulf of Mexico in drilling and  
8 : 2 0 A M 22 completions once you became the head of that organization,  
8 : 2 0 A M 23 recognizing, as you told us, that you already knew a lot about  
8 : 2 0 A M 24 the business?

8 : 2 0 A M 25 A. So, obviously, I had a handover with my predecessor who

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8 : 2 0 A M 1 was in that role and --

8 : 2 0 A M 2 Q. Was that Mr. Lacy?

8 : 2 0 A M 3 A. That was Mr. Lacy. We did have a handover, walked through

8 : 2 0 A M 4 the operations, what was going on with the business. I also

8 : 2 0 A M 5 met with Harry Thierens, who reported to Mr. Lacy. He was the

8 : 2 0 A M 6 wells director for the organization. I also met with our

8 : 2 0 A M 7 global director of organizational capability. We walked

8 : 2 0 A M 8 through the organization, talked about the leaders that were in

8 : 2 0 A M 9 the organization, got their opinion, their views.

8 : 2 0 A M 10 So I had a real good understanding from those

8 : 2 0 A M 11 different meetings the leadership that we had in place, the

8 : 2 0 A M 12 engineering staff we had in place.

8 : 2 0 A M 13 I also then scheduled, in the first part of my tenure

8 : 2 0 A M 14 there, meetings with the teams. So I had regularly scheduled

8 : 2 1 A M 15 meetings with them to actually talk about what they were

8 : 2 1 A M 16 actually doing, their wells that they were working. It was an

8 : 2 1 A M 17 opportunity to see what they were working on, the projects, any

8 : 2 1 A M 18 issues or concerns that they may have, share with them what

8 : 2 1 A M 19 my -- what I was going to be doing, what my agenda was going to

8 : 2 1 A M 20 be.

8 : 2 1 A M 21 So I did all that --

8 : 2 1 A M 22 Q. Okay.

8 : 2 1 A M 23 A. -- to start with.

8 : 2 1 A M 24 Q. All right. Now, given everything you've identified that

8 : 2 1 A M 25 you did, can you tell us what was your responsibility as the

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8 : 2 1 A M 1 vice president of drilling and completions?

8 : 2 1 A M 2 A. To ensure that we had all of the resources, the  
8 : 2 1 A M 3 organizational capability in place to deliver the drilling and  
8 : 2 1 A M 4 completions portion of the Gulf of Mexico's business plan.

8 : 2 1 A M 5 MS. KARIS: Okay. And if we can now look at  
8 : 2 1 A M 6 D-4780.1, please.

8 : 2 1 A M 7 BY MS. KARIS:

8 : 2 1 A M 8 Q. Just to put your position in context here, we looked at  
8 : 2 2 A M 9 this -- some of this demonstrative previously. We focused here  
8 : 2 2 A M 10 on the Macondo drilling team, pulling out the organization you  
8 : 2 2 A M 11 were in charge of.

8 : 2 2 A M 12 Just to orient ourselves, was this -- were these  
8 : 2 2 A M 13 members of the Macondo drilling team that were part of your  
8 : 2 2 A M 14 organization?

8 : 2 2 A M 15 A. Yes.

8 : 2 2 A M 16 Q. Okay. And so all of these folks -- Mr. Morel, Mr. Hafle,  
8 : 2 2 A M 17 and so forth on the engineering side, as well as Mr. Sims,  
8 : 2 2 A M 18 Mr. Guide, the wells team leaders -- they ultimately reported  
8 : 2 2 A M 19 up to you. Is that accurate?

8 : 2 2 A M 20 A. That's correct.

8 : 2 2 A M 21 Q. And then who did you report?

8 : 2 2 A M 22 A. I reported to James Dupree. He was the senior vice  
8 : 2 2 A M 23 president and overall lead for the Gulf of Mexico business.

8 : 2 2 A M 24 Q. And had Mr. Dupree taken over for Mr. Shaw?

8 : 2 2 A M 25 A. Yes.



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8 : 2 2 A M 1 Q. Okay. Thank you.

8 : 2 2 A M 2 Now, you have described what your responsibilities

8 : 2 3 A M 3 were, including making sure you had the right resources and

8 : 2 3 A M 4 capabilities. Were you involved in the day-to-day design and

8 : 2 3 A M 5 execution of wells; that is, the actual design of the wells?

8 : 2 3 A M 6 A. No, I was not.

8 : 2 3 A M 7 Q. Okay. Who had responsibility for the design and execution

8 : 2 3 A M 8 of drilling wells in your organization?

8 : 2 3 A M 9 A. That would be the engineering teams and the operations

8 : 2 3 A M 10 teams that sat underneath the various team leaders.

8 : 2 3 A M 11 Q. And approximately how many wells was drilling and

8 : 2 3 A M 12 completions in the Gulf of Mexico drilling at any one time

8 : 2 3 A M 13 under your leadership?

8 : 2 3 A M 14 A. The last couple of years within BP with the rig fleet that

8 : 2 3 A M 15 we had, we were averaging about 10 to 15 wells that were being

8 : 2 3 A M 16 drilled and completed a year.

8 : 2 3 A M 17 Q. Was that approximately the number of wells that were being

8 : 2 3 A M 18 drilled while you were the vice president of drilling and

8 : 2 3 A M 19 completions, 10 to 15?

8 : 2 3 A M 20 A. I believe that's what we had on the rig schedule, yes.

8 : 2 3 A M 21 Q. Were you personally -- were you asked, I should say, for

8 : 2 3 A M 22 any advice with respect to any of the individual design or

8 : 2 3 A M 23 operational decisions at the Macondo well?

8 : 2 4 A M 24 A. No, I was not.

8 : 2 4 A M 25 Q. Okay. Were you involved in any meetings with respect to

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8 : 2 4 A M 1 making any decisions as to what design decisions were to be  
8 : 2 4 A M 2 made at the Macondo well?

8 : 2 4 A M 3 A. No, I was not.

8 : 2 4 A M 4 Q. Now, despite the fact that you were not involved in any of  
8 : 2 4 A M 5 the day-to-day decisions at Macondo, did you remain informed as  
8 : 2 4 A M 6 to the overall status of those 10 to 15 wells that you  
8 : 2 4 A M 7 identified, including the Macondo well?

8 : 2 4 A M 8 A. Yes, I had weekly regularly scheduled meetings with Dave  
8 : 2 4 A M 9 Rich, he was our wells manager. We would meet on Thursday  
8 : 2 4 A M 10 mornings, and Dave would give me an update on each one of the  
8 : 2 4 A M 11 rigs, the wells that they were on and the status of it.

8 : 2 4 A M 12 Q. Okay. And I believe you testified, just to be clear, in  
8 : 2 4 A M 13 those meetings, that no concerns were raised?

8 : 2 4 A M 14 Let me ask you this: Were any concerns raised in  
8 : 2 4 A M 15 connection with the drilling on the Macondo well in any of your  
8 : 2 4 A M 16 weekly meetings?

8 : 2 4 A M 17 A. No.

8 : 2 5 A M 18 Q. There's been some testimony in this case regarding BP's  
8 : 2 5 A M 19 management and its focus on personal versus process safety. So  
8 : 2 5 A M 20 I'd like to ask you, as the vice president of drilling and  
8 : 2 5 A M 21 completions, do you agree with the statement that BP's  
8 : 2 5 A M 22 management was focused only on personal safety and ignored  
8 : 2 5 A M 23 process safety, which was an assertion that one of the experts  
8 : 2 5 A M 24 in this case, Dr. Bea, made?

8 : 2 5 A M 25 A. No, I don't.

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8 : 2 5 A M 1 Q. Tell us why not.

8 : 2 5 A M 2 A. So if you -- let's take it in two pieces. Obviously, from  
8 : 2 5 A M 3 a process safety standpoint, the whole process of planning a  
8 : 2 5 A M 4 well that you're going to drill and complete and execute is all  
8 : 2 5 A M 5 about process safety. The major accident risk associated with  
8 : 2 5 A M 6 drilling a well is a blowout.

8 : 2 5 A M 7 So everything that we do when we -- from the time  
8 : 2 5 A M 8 that we get a request to drill a well, during the planning  
8 : 2 5 A M 9 phase is to actually identify what are the risks associated  
8 : 2 5 A M 10 with drilling the well, making sure that we have the most  
8 : 2 6 A M 11 accurate pore pressure frac gradient profiles, casing points  
8 : 2 6 A M 12 selected appropriately, casing design done appropriately. All  
8 : 2 6 A M 13 those things are done in the planning phase.

8 : 2 6 A M 14 And then when we get into the execute phase, it's  
8 : 2 6 A M 15 24/7 to monitor the well. We look at did we -- are pore  
8 : 2 6 A M 16 pressure frac gradients being looked at on a real-time basis.  
8 : 2 6 A M 17 If they're off on a pore pressure frac gradient, we need to  
8 : 2 6 A M 18 look at how that impacts the casing points, the casing design.  
8 : 2 6 A M 19 And that's what the engineers do on a daily basis while we're  
8 : 2 6 A M 20 executing the well.

8 : 2 6 A M 21 And we have also all the mitigations from a well  
8 : 2 6 A M 22 control standpoint. And those are all the things that you do  
8 : 2 6 A M 23 to manage and mitigate the process safety risk of drilling a  
8 : 2 6 A M 24 well, which is a blowout. On a personal safety standpoint, we  
8 : 2 6 A M 25 certainly looked at our recordable incidents, high-potential

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8 : 2 6 A M 1 incidents. All of those things are things that we looked at  
8 : 2 6 A M 2 from a personal safety standpoint.

8 : 2 6 A M 3 During my tenure, we had -- up until Macondo, we had  
8 : 2 7 A M 4 not had any process safety incidents and our personal safety  
8 : 2 7 A M 5 performance had continued to improve over the last several  
8 : 2 7 A M 6 years and it continued while I was there.

8 : 2 7 A M 7 Q. Now, I'd like to show you TREN-48272.1.2, please.

8 : 2 7 A M 8 Mr. O'Bryan, this is an e-mail from you to  
8 : 2 7 A M 9 Jason Caldwell, dated March 29th of 2010, 21 days before the  
8 : 2 7 A M 10 incident. What is the -- first of all, who is Mr. Caldwell?

8 : 2 7 A M 11 A. Jason is -- or was James Dupree's executive assistant.

8 : 2 7 A M 12 Q. What's the subject that you've listed here on this e-mail?

8 : 2 7 A M 13 A. "What I'm Personally Doing to Improve Safety."

8 : 2 7 A M 14 Q. Why did you prepare a document -- first of all, who did  
8 : 2 7 A M 15 you prepare this document for?

8 : 2 7 A M 16 A. James Dupree.

8 : 2 7 A M 17 Q. Okay. So Mr. Dupree was the strategic performance unit  
8 : 2 7 A M 18 leader for the Gulf of Mexico at the time?

8 : 2 8 A M 19 A. That's correct.

8 : 2 8 A M 20 Q. Why did you prepare a document for Mr. Dupree titled,  
8 : 2 8 A M 21 "What I'm Personally Doing to Improve Safety"?

8 : 2 8 A M 22 A. James was preparing for a meeting that -- a quarterly  
8 : 2 8 A M 23 performance review that he was having with the executives of  
8 : 2 8 A M 24 the upstream business, and one of the things that he wanted to  
8 : 2 8 A M 25 be able to share with them was what was each of his direct

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8 : 2 8 A M 1 reports, the vice presidents of the various portions of the  
8 : 2 8 A M 2 business, personally doing in the matter of improving safety.

8 : 2 8 A M 3 Q. And so you said James was having a meeting with his  
8 : 2 8 A M 4 leadership. Do you know who his leadership was?

8 : 2 8 A M 5 A. That would have been Andy Inglis, who was the upstream  
8 : 2 8 A M 6 segment CEO, and Doug Suttles, who was the chief operating  
8 : 2 8 A M 7 officer.

8 : 2 8 A M 8 Q. And you testified that there was an upcoming performance  
8 : 2 8 A M 9 test. What is a performance test?

8 : 2 8 A M 10 A. A performance test is a terminology for a quarterly  
8 : 2 8 A M 11 performance review.

8 : 2 8 A M 12 Q. And as part of this quarterly performance review, would  
8 : 2 8 A M 13 you have to report how you were performing both on personal as  
8 : 2 9 A M 14 well as process safety?

8 : 2 9 A M 15 A. Yes.

8 : 2 9 A M 16 Q. Now, I'd like to discuss a couple of the items here that  
8 : 2 9 A M 17 you listed in your e-mail about what you're personally doing to  
8 : 2 9 A M 18 improve safety. It says: "Per your request on Friday, the  
8 : 2 9 A M 19 following are things I'm doing."

8 : 2 9 A M 20 Could you briefly describe for the Court some of the  
8 : 2 9 A M 21 things that you identified as things you were personally doing  
8 : 2 9 A M 22 to improve safety?

8 : 2 9 A M 23 A. Sure. And I won't go through all of them, but I'll pick  
8 : 2 9 A M 24 some of the highlights here.

8 : 2 9 A M 25 "Quarterly rig visits," clearly being able to go out

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8 : 2 9 A M 1 to the rigs. That's where our operations take place. So I  
8 : 2 9 A M 2 felt like it's important that leadership, senior leadership,  
8 : 2 9 A M 3 gets out to the rigs, visits with not only the BP employees  
8 : 2 9 A M 4 that are on the rigs, but contract employees. One, to make  
8 : 2 9 A M 5 sure that there aren't any issues or concerns, but also to  
8 : 2 9 A M 6 share with folks, you know, what my vision was, what I wanted  
8 : 2 9 A M 7 to -- my personal commitment to safety, and what I wanted to do  
8 : 3 0 A M 8 in terms of our agenda for the Gulf of Mexico.

8 : 3 0 A M 9 "Participation in the Week in Houma in March and  
8 : 3 0 A M 10 September." We actually had just done this meeting in March,  
8 : 3 0 A M 11 and this was an opportunity to meet with -- collectively with  
8 : 3 0 A M 12 our wells team leaders who we held accountable, I held  
8 : 3 0 A M 13 accountable for delivery, safe delivery of the operations for  
8 : 3 0 A M 14 the rigs that were assigned to them, but also to meet the  
8 : 3 0 A M 15 contractor rig managers. So it wasn't just a BP meeting; it  
8 : 3 0 A M 16 was also a meeting that we had with the rig managers from  
8 : 3 0 A M 17 Transocean, who was our predominant rig contractor at the time.

8 : 3 0 A M 18 Q. Let me stop you there for a second.

8 : 3 0 A M 19 A. Sure.

8 : 3 0 A M 20 Q. Was this "Week in Houma" in March?

8 : 3 0 A M 21 A. Yes, it was.

8 : 3 0 A M 22 Q. Do you recall whether Mr. Guide was at that "Week in  
8 : 3 0 A M 23 Houma"?

8 : 3 0 A M 24 A. Yes, he was.

8 : 3 0 A M 25 Q. All right. And we've heard about Houma week. Do you

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8 : 3 0 A M 1 recall whether Mr. Guide presented at this meeting in Houma?

8 : 3 0 A M 2 A. Yes, he did.

8 : 3 0 A M 3 Q. Go ahead, I'm sorry. Continue on, what you were  
8 : 3 0 A M 4 personally doing to improve safety.

8 : 3 0 A M 5 A. Sure. And then the next one is wells site leader  
8 : 3 1 A M 6 face-to-face meetings. So what we'd always done -- and we had  
8 : 3 1 A M 7 done this back even in the early 2000s when I was first  
8 : 3 1 A M 8 associated with the deepwater organization -- was to twice a  
8 : 3 1 A M 9 year bring our wells site leaders in to Houston.

8 : 3 1 A M 10 And it was an opportunity for us to meet collectively  
8 : 3 1 A M 11 with the leadership in the organization, with the wells site  
8 : 3 1 A M 12 leaders, again, to talk about what -- where we were in the  
8 : 3 1 A M 13 business, how we were actually performing, what the forward  
8 : 3 1 A M 14 agenda was. Again, to understand were there any issues or  
8 : 3 1 A M 15 concerns that they might have that we needed to be aware of.

8 : 3 1 A M 16 So -- and we had just had that meeting that I  
8 : 3 1 A M 17 participated in the week before -- before the incident  
8 : 3 1 A M 18 occurred.

8 : 3 1 A M 19 Q. Okay. And so did you, as the vice president of drilling  
8 : 3 1 A M 20 and completions, attend this meeting with the wells site  
8 : 3 1 A M 21 leaders where they could express any issues or concerns they  
8 : 3 1 A M 22 had?

8 : 3 1 A M 23 A. Yes.

8 : 3 1 A M 24 Q. And did you attend also the meeting with your contractors  
8 : 3 1 A M 25 in March of 2010 at this Houma week, including Transocean?

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8 : 3 2 A M 1 A. Yes.

8 : 3 2 A M 2 Q. At any of those meetings that you attended or participated

8 : 3 2 A M 3 in, did anyone at any time, the contractors, the wells site

8 : 3 2 A M 4 leaders, anyone raise any concerns that they had with respect

8 : 3 2 A M 5 to safety?

8 : 3 2 A M 6 A. No.

8 : 3 2 A M 7 Q. Did anybody at any time raise any concerns about pressure

8 : 3 2 A M 8 being put on them with respect to costs?

8 : 3 2 A M 9 A. No.

8 : 3 2 A M 10 Q. Did anybody raise any concerns with respect to pressure

8 : 3 2 A M 11 about speeding up operations?

8 : 3 2 A M 12 A. No.

8 : 3 2 A M 13 Q. Okay. Go ahead.

8 : 3 2 A M 14 A. Do you want me to continue to go through these?

8 : 3 2 A M 15 Q. Well, does that give us an overview of the type of things

8 : 3 2 A M 16 that you were involved in and that you reported to your

8 : 3 2 A M 17 management as things you were personally doing to improve

8 : 3 2 A M 18 safety?

8 : 3 2 A M 19 A. Yeah. One other one I would add.

8 : 3 2 A M 20 Q. Sure.

8 : 3 2 A M 21 A. I regularly met with Keelan Adamson, who was the managing

8 : 3 2 A M 22 director for North America for Transocean. We met monthly and

8 : 3 2 A M 23 we not only talked about the drilling performance and the

8 : 3 3 A M 24 things that were going on, we obviously talked about safety

8 : 3 3 A M 25 issues as well. So that was something that Keelan and I did on



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8 : 3 3 A M 1 a regular basis.

8 : 3 3 A M 2 Q. Any concerns raised by Mr. -- is it Adamson, you said?

8 : 3 3 A M 3 A. That's correct.

8 : 3 3 A M 4 Q. Any concerns that were raised by Mr. Adamson about how BP

8 : 3 3 A M 5 was conducting itself in connection with wells that Transocean

8 : 3 3 A M 6 was involved in?

8 : 3 3 A M 7 A. No.

8 : 3 3 A M 8 Q. Now, how did you think that these items that you've listed

8 : 3 3 A M 9 on TREN-48272.1.1 were going to help improve safety?

8 : 3 3 A M 10 A. Well, obviously, you can't, as a leader of an

8 : 3 3 A M 11 organization, make any changes or improvements or do anything

8 : 3 3 A M 12 if you don't know what the issues are. And the only way that

8 : 3 3 A M 13 you can find those things out, you have to go out and you have

8 : 3 3 A M 14 to visit with the teams and be out there with them.

8 : 3 4 A M 15 The other thing that it does for you, it also helps

8 : 3 4 A M 16 you understand what are the good things that are happening,

8 : 3 4 A M 17 because there are a lot of good things going on. I said

8 : 3 4 A M 18 issues, but it's also about the good things that are going on

8 : 3 4 A M 19 because you certainly want to be able to -- in my position, I

8 : 3 4 A M 20 have obviously a line of sight to the whole of the operation.

8 : 3 4 A M 21 But if there's something that's happening on one

8 : 3 4 A M 22 particular rig that's actually good practice, doing these

8 : 3 4 A M 23 things gives me the opportunity to take those learnings and

8 : 3 4 A M 24 actually see about having those applied to the -- to the other

8 : 3 4 A M 25 rigs in the fleet.

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8 : 3 4 A M 1 Q. And can you tell us what you learned about some of the  
8 : 3 4 A M 2 good things that people were doing that you learned as a result  
8 : 3 4 A M 3 of participating in these meetings?

8 : 3 4 A M 4 A. Well, certainly, the -- I was really -- the Houma week,  
8 : 3 4 A M 5 the thing that I took away from that was the teamwork that was  
8 : 3 4 A M 6 actually occurring between the wells team leaders from BP and  
8 : 3 4 A M 7 the rig managers from Transocean.

8 : 3 4 A M 8 They -- from my -- I was with them for a couple days  
8 : 3 4 A M 9 there in Houma and certainly they seemed to be on the same page  
8 : 3 5 A M 10 around what they were doing from a safety standpoint just from  
8 : 3 5 A M 11 managing the rigs and in delivering the business. So the  
8 : 3 5 A M 12 teamwork was great between those guys.

8 : 3 5 A M 13 Again, some of the things that I learned from the  
8 : 3 5 A M 14 *Deepwater Horizon* in particular just -- again, I'll go back to  
8 : 3 5 A M 15 teamwork. They were really a well performing team. So, again,  
8 : 3 5 A M 16 I would say some of -- a lot of it has been -- that I learned  
8 : 3 5 A M 17 was, again, the -- the good interaction between our BP staff  
8 : 3 5 A M 18 and our contractor staff.

8 : 3 5 A M 19 Q. As a result of participating in these meetings, as well as  
8 : 3 5 A M 20 in the weekly meetings that you held with your leadership team,  
8 : 3 5 A M 21 did you form an impression as to what the appreciation for  
8 : 3 5 A M 22 safety as being the number one priority was?

8 : 3 5 A M 23 A. I can say that on the BP side, and I'll also say it on the  
8 : 3 5 A M 24 drilling contractor side, everybody cared about safety. They  
8 : 3 6 A M 25 cared -- they took pride in what they did. They wanted to

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8 : 3 6 A M 1 deliver a good -- a good well, but they wanted to deliver a  
8 : 3 6 A M 2 safe well. And that's certainly something that I came across  
8 : 3 6 A M 3 in all my interactions with -- again, not only with the BP team  
8 : 3 6 A M 4 that I had, but also with the drilling contractor team.

8 : 3 6 A M 5 Q. While you were the vice president of drilling and  
8 : 3 6 A M 6 completions, was the organization nominated for an award by  
8 : 3 6 A M 7 Minerals Management Service?

8 : 3 6 A M 8 A. Yes, it was.

8 : 3 6 A M 9 Q. Okay.

8 : 3 6 A M 10 MS. KARIS: And if we can look at 47962.1.1, please.

8 : 3 6 A M 11 BY MS. KARIS:

8 : 3 6 A M 12 Q. This is an e-mail from Mr. Grant to a number of  
8 : 3 6 A M 13 individuals dated March 26th of 2010, including a copy to you,  
8 : 3 6 A M 14 right there --

8 : 3 6 A M 15 A. Yes.

8 : 3 6 A M 16 Q. -- and a number of other individuals. And it's titled,  
8 : 3 6 A M 17 "MMS Safe Award Program."

8 : 3 6 A M 18 Mr. Grant says: "Folks, we have been notified that  
8 : 3 7 A M 19 BP is a finalist for the 2009 MMS National Safety Award for  
8 : 3 7 A M 20 Excellence in the High Activity Operator category. This award  
8 : 3 7 A M 21 recognizes and commends companies with exemplary conduct of  
8 : 3 7 A M 22 safe and pollution free operations by adhering to all  
8 : 3 7 A M 23 regulations, employing trained and motivated personnel, and  
8 : 3 7 A M 24 going the extra mile to enhance safety and environmental  
8 : 3 7 A M 25 protection. This is the second year in a row that BP has been

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8 : 3 7 A M 1 a National SAFE Award finalist."

8 : 3 7 A M 2 Was it your experience that -- first of all, were you

8 : 3 7 A M 3 proud as an employee of BP to be nominated by the MMS for this

8 : 3 7 A M 4 SAFE award?

8 : 3 7 A M 5 A. Yes, absolutely.

8 : 3 7 A M 6 Q. It's been suggested that this award is an insignificant

8 : 3 7 A M 7 award. Do you agree with that?

8 : 3 7 A M 8 A. No, I don't. I mean, any time you're recognized by

8 : 3 8 A M 9 regulators for your safety and your environmental protection, I

8 : 3 8 A M 10 think it's a good thing.

8 : 3 8 A M 11 Q. Do you agree that based on your experience, the team that

8 : 3 8 A M 12 was working with you did, in fact, show exemplary conduct for

8 : 3 8 A M 13 safe and pollution free operations?

8 : 3 8 A M 14 A. Yes.

8 : 3 8 A M 15 Q. Let's go to a different subject.

8 : 3 8 A M 16 There's also been some -- a lot of talk -- a lot of

8 : 3 8 A M 17 discussion and testimony, I should say, regarding OMS, and we

8 : 3 8 A M 18 won't go back through all of that, I promise. One of the

8 : 3 8 A M 19 benefits of being later in the day is there's less to talk

8 : 3 8 A M 20 about.

8 : 3 8 A M 21 But there's been lots said about what you understood,

8 : 3 8 A M 22 you personally understood OMS to apply to. And I'd like to ask

8 : 3 8 A M 23 you about that.

8 : 3 8 A M 24 MS. KARIS: If we can pull up D-3175.1.1.

8 : 3 8 A M 25

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8 : 3 9 A M 1 **BY MS. KARIS:**

8 : 3 9 A M 2 **Q.** This is part of a demonstrative that has been shown to

8 : 3 9 A M 3 numerous witnesses and multiple times in this case. And it's

8 : 3 9 A M 4 been asserted that it was your view that "We do not operate the

8 : 3 9 A M 5 drilling rigs under a BP OMS," citing from your testimony.

8 : 3 9 A M 6 First of all, is that the complete answer that you

8 : 3 9 A M 7 gave in your deposition?

8 : 3 9 A M 8 **A.** No, it's not.

8 : 3 9 A M 9 **Q.** Can you tell us, do you agree that we do not -- with this

8 : 3 9 A M 10 slide, that we do not operate under the drilling rigs -- I'm

8 : 3 9 A M 11 sorry, "We do not operate the drilling rigs under a BP OMS"?

8 : 3 9 A M 12 **A.** Do I agree that we don't?

8 : 3 9 A M 13 **Q.** Yes.

8 : 3 9 A M 14 **A.** No.

8 : 3 9 A M 15 **Q.** Can you explain to the Court how you understand, as the

8 : 3 9 A M 16 vice president of drilling and completions in the Gulf of

8 : 3 9 A M 17 Mexico for 2010, how OMS applied to contractor-owned rigs?

8 : 3 9 A M 18 **A.** So we have the safety management system that sits within

8 : 4 0 A M 19 the BP OMS. And what we do is that we take the drilling

8 : 4 0 A M 20 contractor's safety management system and we compare it to our

8 : 4 0 A M 21 OMS, and we do that via a bridging document. And basically

8 : 4 0 A M 22 what that is, is by comparing the two safety management

8 : 4 0 A M 23 systems, we identify any gaps that may exist and through that

8 : 4 0 A M 24 bridging document, we put in place mitigations to close those

8 : 4 0 A M 25 gaps.

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8 : 4 0 A M 1 But as far as the drilling contractor's rig, we  
8 : 4 0 A M 2 operate a drilling contractor's rig under the contractor's  
8 : 4 0 A M 3 safety management system, but it is bridged back to BP's OMS.

8 : 4 0 A M 4 Q. Is BP's practice consistent with the practice of the  
8 : 4 0 A M 5 industry based on your 25 years of experience?

8 : 4 0 A M 6 A. Yes, it is.

8 : 4 0 A M 7 MS. KARIS: If we can pull up D-4943.

8 : 4 0 A M 8 BY MS. KARIS:

8 : 4 0 A M 9 Q. This is a demonstrative that we've put together titled,  
8 : 4 0 A M 10 "How OMS Applied to Macondo Operations, as of April 20th of  
8 : 4 0 A M 11 2010." And on the right-hand side here, we've got BP engineers  
8 : 4 1 A M 12 working onshore and on the left-hand side, we've got *the*  
8 : 4 1 A M 13 *Deepwater Horizon*.

8 : 4 1 A M 14 Is this an accurate representation of how  
8 : 4 1 A M 15 BP's operating management system applied to the  
8 : 4 1 A M 16 *Deepwater Horizon*?

8 : 4 1 A M 17 A. Yes.

8 : 4 1 A M 18 Q. Okay. And on the right-hand side, we've got BP engineers  
8 : 4 1 A M 19 working onshore. Can you walk us briefly through what those  
8 : 4 1 A M 20 policies and practices are that applied to onshore activities,  
8 : 4 1 A M 21 just an overview.

8 : 4 1 A M 22 A. Sure. Sure. So very briefly, I'll just start from the  
8 : 4 1 A M 23 top. "Beyond the Best," we've already talked about that. That  
8 : 4 1 A M 24 is the common process that has been in place at BP since 2001  
8 : 4 1 A M 25 to plan -- plan wells and engineer the wells.

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8 : 4 1 A M 1 Our "Drilling Wells and Operations Practice," that  
8 : 4 1 A M 2 practice has been in place since I joined the company in 2000.  
8 : 4 1 A M 3 That lays out how we're to actually operate and execute the  
8 : 4 2 A M 4 wells.

8 : 4 2 A M 5 "The Way We Work" was actually a Gulf of Mexico  
8 : 4 2 A M 6 deepwater organization document. One of the key pieces that  
8 : 4 2 A M 7 was included in that was a really nice chart around explaining  
8 : 4 2 A M 8 the roles and responsibilities of the various folks in the  
8 : 4 2 A M 9 organization, so the drilling engineers, wells team leaders,  
8 : 4 2 A M 10 completion engineers, managers, even BP, what they were  
8 : 4 2 A M 11 accountable for, how it was -- how they were supposed to work  
8 : 4 2 A M 12 together to deliver safely a deepwater well.

8 : 4 2 A M 13 And the "Engineering and Technical Practices" were  
8 : 4 2 A M 14 really -- were 18 of these technical practices. They were  
8 : 4 2 A M 15 things like zonal isolation, which was cementing, tubular  
8 : 4 2 A M 16 design, which was all about how you design the casing string  
8 : 4 2 A M 17 for the well. Those were the technical practices that were  
8 : 4 2 A M 18 focused on the things that you worry about for process safety.  
8 : 4 2 A M 19 So those were all the things that the -- the onshore team  
8 : 4 2 A M 20 worked with.

8 : 4 2 A M 21 Q. Let me interrupt you for a second. It's been suggested  
8 : 4 3 A M 22 that engineering technical practices, or ETPs as we've heard  
8 : 4 3 A M 23 them, did not apply to drilling. As the vice president of  
8 : 4 3 A M 24 drilling and completions, is that accurate?

8 : 4 3 A M 25 A. No, it is not.

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8 : 4 3 A M 1 Q. Were there ETPs that applied to drilling?

8 : 4 3 A M 2 A. Yes. As it shows here on the diagram, as I said, there

8 : 4 3 A M 3 were 18 of these engineering and technical practices for D&C.

8 : 4 3 A M 4 Q. Okay. I'm sorry. Continue, then, telling us how the rest

8 : 4 3 A M 5 of this demonstrative shows --

8 : 4 3 A M 6 A. Sure.

8 : 4 3 A M 7 Q. -- OMS applies.

8 : 4 3 A M 8 A. So you've got the OMS. And, again, that's what BP works

8 : 4 3 A M 9 under.

8 : 4 3 A M 10 However, as I said earlier, the thing that you want

8 : 4 3 A M 11 to ensure that you do is you want to work -- the drilling

8 : 4 3 A M 12 contractor, work under their safety management system. It's

8 : 4 3 A M 13 their rig, it's their employees, and you want to make sure that

8 : 4 3 A M 14 they're working under a system that they're familiar with. But

8 : 4 3 A M 15 at the same time, you want to ensure that their system is

8 : 4 3 A M 16 consistent with what your expectations are as a company in

8 : 4 3 A M 17 terms of how the operations are to be conducted. And so you do

8 : 4 4 A M 18 this via the bridging document.

8 : 4 4 A M 19 And you can see in this particular demonstrative that

8 : 4 4 A M 20 you have Transocean's safety management system, which has their

8 : 4 4 A M 21 emergency response plan, their well control handbook, their

8 : 4 4 A M 22 field operations handbook. Again, this would be what you would

8 : 4 4 A M 23 expect the contractors to be working under, is their system.

8 : 4 4 A M 24 But you want to make sure it's consistent with the operator's

8 : 4 4 A M 25 system, and you do that through the bridging document.



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8 : 4 4 A M 1 Q. Okay. And if we can go back to D-3175.1.1, which is a  
8 : 4 4 A M 2 portion of your testimony in response to a question you were  
8 : 4 4 A M 3 asked.

8 : 4 4 A M 4 It says: "The only drilling rig that we had in our  
8 : 4 4 A M 5 fleet that would fall under the BP OMS is a BP-owned rig, the  
8 : 4 4 A M 6 PDQ on *Thunder Horse*."

8 : 4 4 A M 7 Can you explain to the Court what you were testifying  
8 : 4 4 A M 8 to there?

8 : 4 4 A M 9 A. So, again, this particular facility is a BP-owned  
8 : 4 4 A M 10 facility. So that is where you would expect to see the BP OMS  
8 : 4 5 A M 11 would apply, because it's a BP facility. It's not a  
8 : 4 5 A M 12 contractor's rig. So that was what I was referring to here  
8 : 4 5 A M 13 when I made that statement.

8 : 4 5 A M 14 Q. Okay. Let's change topics. Enough about OMS.

8 : 4 5 A M 15 I want to talk to you now about gaps and gap  
8 : 4 5 A M 16 closures, I guess, under OMS. Was OMS implemented in the Gulf  
8 : 4 5 A M 17 of Mexico drilling and completions organization when you were  
8 : 4 5 A M 18 the vice president?

8 : 4 5 A M 19 A. Yes.

8 : 4 5 A M 20 Q. Do you know when it was implemented?

8 : 4 5 A M 21 A. I believe it was in December of 2009.

8 : 4 5 A M 22 Q. Okay. Now, prior to implementing OMS, was there a  
8 : 4 5 A M 23 requirement to conduct a gap assessment?

8 : 4 5 A M 24 A. Yes.

8 : 4 5 A M 25 Q. Did drilling and completions have a separate gap

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8 : 4 5 A M 1 assessment than the one that had been done for the strategic  
8 : 4 5 A M 2 performance unit, the GoM SPU?  
8 : 4 5 A M 3 A. Yes.  
8 : 4 5 A M 4 MS. KARIS: And if we can look at 45076. I'm sorry,  
8 : 4 5 A M 5 D-45 -- nope, TREX-45076.  
8 : 4 6 A M 6 BY MS. KARIS:  
8 : 4 6 A M 7 Q. Mr. O'Bryan, when Mr. Shaw was here, he testified  
8 : 4 6 A M 8 regarding the phase or the ways in which D&C -- I'm sorry, the  
8 : 4 6 A M 9 GoM SPU implemented OMS. Just to orient ourselves, here would  
8 : 4 6 A M 10 be Mr. Dupree, the strategic performance team leader, and here  
8 : 4 6 A M 11 is your organization, D&C; is that accurate?  
8 : 4 6 A M 12 A. Yes, it is.  
8 : 4 6 A M 13 Q. And then there are a number of other organizations under  
8 : 4 6 A M 14 this, under Mr. Dupree's leadership; correct?  
8 : 4 6 A M 15 A. Yes.  
8 : 4 6 A M 16 Q. When we say that the SPU had a separate gap assessment,  
8 : 4 6 A M 17 can you explain to us why that does not include drilling and  
8 : 4 6 A M 18 completions? What did that include?  
8 : 4 6 A M 19 A. Well, when the SPU does their gap assessment, obviously  
8 : 4 6 A M 20 there's a lot -- there's lots of organizations that report up  
8 : 4 7 A M 21 through the SPU. For example, you've got the exploration  
8 : 4 7 A M 22 appraisal, you've got the finance group that's under the chief  
8 : 4 7 A M 23 financial officer, you have vice president of HSE and  
8 : 4 7 A M 24 engineering. So the SPU would need to -- in the implementation  
8 : 4 7 A M 25 of OMS would need to ensure that it did a gap assessment to

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8 : 4 7 A M 1 include those organizations.

8 : 4 7 A M 2 For D&C, since it is obviously a line operation, it

8 : 4 7 A M 3 did its own gap assessment separate from the SPU's gap

8 : 4 7 A M 4 assessment.

8 : 4 7 A M 5 **MS. KARIS:** Okay. You can take this down. Thank

8 : 4 7 A M 6 you.

8 : 4 7 A M 7 **BY MS. KARIS:**

8 : 4 7 A M 8 **Q.** Now, Dr. Bea testified that BP, quote, ignored or never

8 : 4 7 A M 9 closed out gaps that were identified as part of the OMS gap

8 : 4 7 A M 10 limitation process.

8 : 4 7 A M 11 Focusing on drilling and completions and the gap

8 : 4 7 A M 12 assessment that was done for D&C, do you agree with that

8 : 4 7 A M 13 statement?

8 : 4 7 A M 14 **A.** No, I don't.

8 : 4 7 A M 15 **Q.** Tell us why not.

8 : 4 7 A M 16 **A.** So when the D&C gap assessment was done -- as part of

8 : 4 8 A M 17 rolling out the implementation of OMS, the gap assessment was

8 : 4 8 A M 18 done. And we actually had a coordinator that led the overall

8 : 4 8 A M 19 coordination of the implementation of OMS, which included

8 : 4 8 A M 20 ensuring that the gaps were closed.

8 : 4 8 A M 21 So we -- during the gap assessment, the gaps were

8 : 4 8 A M 22 identified, actions were agreed, and there were accountable

8 : 4 8 A M 23 parties that were assigned with making sure those gaps got

8 : 4 8 A M 24 closed.

8 : 4 8 A M 25 We had an overall coordinator that -- his role was to

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8 : 4 8 A M 1 regularly keep track of were we on track with getting the gaps  
8 : 4 8 A M 2 closed and providing regular updates on that.

8 : 4 8 A M 3 Q. And were you then updated on the progress that was being  
8 : 4 8 A M 4 made?

8 : 4 8 A M 5 A. Periodically, yes.

8 : 4 8 A M 6 MS. KARIS: Okay. If we can look at TREX-6025-C.3.1,  
8 : 4 8 A M 7 please.

8 : 4 8 A M 8 BY MS. KARIS:

8 : 4 8 A M 9 Q. Do you recognize this document?

8 : 4 8 A M 10 A. Yes.

8 : 4 8 A M 11 Q. And I recognize it's a big spreadsheet and a little  
8 : 4 9 A M 12 difficult to read. And if you need to see a hard copy, I have  
8 : 4 9 A M 13 a hard copy with us as well.

8 : 4 9 A M 14 But can you first tell us what this is.

8 : 4 9 A M 15 A. So this is the risk register that was generated -- or I'm  
8 : 4 9 A M 16 sorry, the gap assessment that was created and a register to  
8 : 4 9 A M 17 keep track of it.

8 : 4 9 A M 18 If you look at the different columns -- I won't go  
8 : 4 9 A M 19 through all of them, but it basically has what is the OMS  
8 : 4 9 A M 20 element. It has the -- you know, the statement of what was  
8 : 4 9 A M 21 required for that particular element. It had a conformance  
8 : 4 9 A M 22 rating, which is something that -- as you go through the gap  
8 : 4 9 A M 23 assessment, you want to understand what systems you already had  
8 : 4 9 A M 24 in place that were in service of that particular element. And  
8 : 4 9 A M 25 you actually did an assessment of the level of conformance.

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8 : 4 9 A M 1 So in this particular -- if we look at the top one  
8 : 4 9 A M 2 there, a Level 4 would indicate that you had a high degree of  
8 : 5 0 A M 3 conformance with that element. Then there was a risk ranking  
8 : 5 0 A M 4 of the particular element. And then there was a summary of the  
8 : 5 0 A M 5 evidence.

8 : 5 0 A M 6 So what were the things that -- so we -- obviously,  
8 : 5 0 A M 7 if you said you had a Level 4 conformance rating, 5 was the  
8 : 5 0 A M 8 highest level of conformance, so what was the evidence of the  
8 : 5 0 A M 9 level of conformance that you came up with.

8 : 5 0 A M 10 And then there were some gap comments. If we scroll  
8 : 5 0 A M 11 over to the right.

8 : 5 0 A M 12 Q. Keep going. Keep going.

8 : 5 0 A M 13 A. So we had gap comments, the gap title.

8 : 5 0 A M 14 And then if you go all the way to the right, you had  
8 : 5 0 A M 15 a SPA, which is a single-point accountable person that was  
8 : 5 0 A M 16 tasked with closing the gap, the target date for having that  
8 : 5 0 A M 17 gap closed, and then a status update. And the final column was  
8 : 5 0 A M 18 an indication as to whether the gap was closed or not.

8 : 5 0 A M 19 Q. And do you see there on the far right-hand side "Closed,"  
8 : 5 1 A M 20 "Y," and "N"? Do you see that?

8 : 5 1 A M 21 A. Yes.

8 : 5 1 A M 22 Q. Is that part of the tracking that was done to see what  
8 : 5 1 A M 23 progress was being made in connection with the gap assessment,  
8 : 5 1 A M 24 identification, ranking, and closure?

8 : 5 1 A M 25 A. Yes.

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8 : 5 1 A M 1 Q. Now, I'd like to focus on just a couple areas. One is,  
8 : 5 1 A M 2 was there an assessment for risk management and assessment?  
8 : 5 1 A M 3 A. Yes.  
8 : 5 1 A M 4 MS. KARIS: If we can look at 6025-C.9.2, please.  
8 : 5 1 A M 5 Actually, before we do that, 6025-C.12.2.  
8 : 5 1 A M 6 BY MS. KARIS:  
8 : 5 1 A M 7 Q. How many gaps were identified in connection with -- these  
8 : 5 1 A M 8 are the process -- risk process safety gaps. How many risks  
8 : 5 1 A M 9 were identified?  
8 : 5 1 A M 10 A. There were three.  
8 : 5 1 A M 11 Q. Okay. And can you tell us what the status of those three  
8 : 5 2 A M 12 gaps was.  
8 : 5 2 A M 13 A. Two were closed, and one that had a very high conformance  
8 : 5 2 A M 14 rating was yet to be closed.  
8 : 5 2 A M 15 Q. Okay. And then was there also an assessment with --  
8 : 5 2 A M 16 regarding to risk management?  
8 : 5 2 A M 17 A. Yes.  
8 : 5 2 A M 18 MS. KARIS: And if we can now look at 6025-C.9.T.  
8 : 5 2 A M 19 BY MS. KARIS:  
8 : 5 2 A M 20 Q. Were there 15 different gaps with different levels of  
8 : 5 2 A M 21 conformance identified?  
8 : 5 2 A M 22 A. I believe that's correct.  
8 : 5 2 A M 23 Q. And of those 15 gaps, do we see here that all but one was  
8 : 5 2 A M 24 closed?  
8 : 5 2 A M 25 A. Yes.

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8 : 5 2 A M 1 Q. Is this representative of the progress that your  
8 : 5 2 A M 2 organization was making in identifying, ranking, and closing  
8 : 5 2 A M 3 out gaps that had been identified as part of the OMS process?  
8 : 5 2 A M 4 A. Yes.

8 : 5 3 A M 5 Q. Now, do you expect to see all of these gaps closed within  
8 : 5 3 A M 6 a three-month or six-month or even one-year period?  
8 : 5 3 A M 7 A. Well, obviously, you will look at what the risk rating is  
8 : 5 3 A M 8 of the gap and your level of conformance with it, and you will  
8 : 5 3 A M 9 determine what the time frame is with which you'll get the gaps  
8 : 5 3 A M 10 closed.

8 : 5 3 A M 11 But the key piece of OMS and risk management was  
8 : 5 3 A M 12 continuous improvement. So it wasn't intended that you would  
8 : 5 3 A M 13 get all of it done in a set period of time. It was something  
8 : 5 3 A M 14 that you would continually look at, take the risk out of the  
8 : 5 3 A M 15 business. But it was a continuous improvement cycle.

8 : 5 3 A M 16 So this was not something you do this once and put it  
8 : 5 3 A M 17 on the shelf and not come back to it. This was something that  
8 : 5 3 A M 18 you continually looked at in your business going forward for --  
8 : 5 3 A M 19 in the spirit of continuous improvement.

8 : 5 3 A M 20 Q. In connection with the SPU OMS gap assessment, which you  
8 : 5 3 A M 21 told us was different, there was a gap identified for process  
8 : 5 4 A M 22 safety major hazards and risks not being fully understood by  
8 : 5 4 A M 23 engineering or line operating personnel.

8 : 5 4 A M 24 Was that a gap that was ever identified to you as  
8 : 5 4 A M 25 part of the D&C gap assessment?

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8 : 5 4 A M 1 A. No, it was not.

8 : 5 4 A M 2 Q. And was it your experience, based on working with the men  
8 : 5 4 A M 3 and women in the Gulf of Mexico drilling and completions  
8 : 5 4 A M 4 organization, that they did understand, both engineering and  
8 : 5 4 A M 5 line operations, the risks associated with drilling?

8 : 5 4 A M 6 A. As I said earlier, the major accident risk associated with  
8 : 5 4 A M 7 drilling a well is a blowout. And in my 25 years of experience  
8 : 5 4 A M 8 in this industry, I haven't met anyone that works in drilling  
8 : 5 4 A M 9 and completion that doesn't understand and appreciate the risk  
8 : 5 4 A M 10 associated with drilling a well, which is a blowout.

8 : 5 4 A M 11 Q. A completely different subject.

8 : 5 4 A M 12 A. Okay.

8 : 5 4 A M 13 Q. You testified early on that part of your involvement after  
8 : 5 4 A M 14 the incident -- well, were you involved after the incident with  
8 : 5 4 A M 15 some of the relief operations?

8 : 5 5 A M 16 A. Yes. I led the drilling of the relief wells.

8 : 5 5 A M 17 Q. Okay. We'll get back to that momentarily.

8 : 5 5 A M 18 But as part of your efforts to lead the drilling of  
8 : 5 5 A M 19 the relief wells, did you retrieve the casing hanger from the  
8 : 5 5 A M 20 Macondo -- was the casing hanger from the Macondo well  
8 : 5 5 A M 21 retrieved?

8 : 5 5 A M 22 A. Yes. So after we got the relief wells drilled, I was also  
8 : 5 5 A M 23 accountable for the abandonment of the Macondo well, and part  
8 : 5 5 A M 24 of that abandonment process was to cut the 9 5/8 casing and  
8 : 5 5 A M 25 retrieve that.



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8 : 5 5 A M 1 MS. KARIS: If we can now look at D-4878-A, please.

8 : 5 5 A M 2 BY MS. KARIS:

8 : 5 5 A M 3 Q. Is the photograph on the right-hand side the casing hanger

8 : 5 5 A M 4 that was retrieved from the Macondo well?

8 : 5 5 A M 5 A. On the left side? Yes.

8 : 5 5 A M 6 Q. I'm sorry, on the left-hand side.

8 : 5 5 A M 7 A. Yes, yes.

8 : 5 5 A M 8 Q. Okay. There's been some testimony in this case regarding

8 : 5 5 A M 9 what the flow path was. And I'm not going to ask you any

8 : 5 5 A M 10 opinions about what you concluded the flow path was, but I

8 : 5 6 A M 11 would like you to tell us what the condition was of the casing

8 : 5 6 A M 12 hanger when that casing hanger was retrieved from the Macondo

8 : 5 6 A M 13 well.

8 : 5 6 A M 14 A. As you can see in the picture on the left side, it still

8 : 5 6 A M 15 had the label attached to it. There was no evidence when it

8 : 5 6 A M 16 came out that there was any fluid erosion. By comparison, if

8 : 5 6 A M 17 you look at the picture on the right, that was a picture on the

8 : 5 6 A M 18 inside of the BOP cavity, and you can see to the right of that

8 : 5 6 A M 19 significant fluid erosion.

8 : 5 6 A M 20 And so when we looked at the hanger -- when we got

8 : 5 6 A M 21 this picture onshore, when they pulled it, certainly if it had

8 : 5 6 A M 22 come up the back side, we would have thought you would have

8 : 5 6 A M 23 seen similar fluid erosion that you saw in the BOP.

8 : 5 6 A M 24 So our conclusion was that it didn't, from that.

8 : 5 6 A M 25 Q. And when you say if it would have come up the back side --

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8 : 5 6 A M 1 A. I'm sorry.

8 : 5 6 A M 2 Q. -- what do you mean?

8 : 5 6 A M 3 A. So coming up the back side would be around this hanger.

8 : 5 6 A M 4 And certainly you wouldn't have expected the paper label to

8 : 5 7 A M 5 still be affixed to the hanger when it came out.

8 : 5 7 A M 6 Q. Okay. And when you say "up the back side," then are you

8 : 5 7 A M 7 talking about had the hydrocarbons flowed up the annulus, you

8 : 5 7 A M 8 would not have expected to see the casing hanger with no

8 : 5 7 A M 9 erosion?

8 : 5 7 A M 10 A. That's correct.

8 : 5 7 A M 11 Q. A different subject.

8 : 5 7 A M 12 A. Okay.

8 : 5 7 A M 13 Q. You began today by telling us that you were on the

8 : 5 7 A M 14 *Deepwater Horizon* on the evening of April 20th; correct?

8 : 5 7 A M 15 A. Yes.

8 : 5 7 A M 16 Q. Tell us what led to your going to the *Deepwater Horizon* on

8 : 5 7 A M 17 April 20th.

8 : 5 7 A M 18 A. Sure. As I said earlier, one of the things I said I was

8 : 5 7 A M 19 going to do -- my personal commitment to safety was to visit

8 : 5 7 A M 20 the rigs. And this was my first opportunity to go to one of

8 : 5 7 A M 21 the rigs. In fact, this particular visit, I could have gone to

8 : 5 7 A M 22 the *Deepwater Horizon* or the *Development Driller III*, which was

8 : 5 7 A M 23 another one of the rigs that was working for us, I believe, in

8 : 5 8 A M 24 the Atlantis field.

8 : 5 8 A M 25 But as I said, one of the things that -- not only do

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8 : 5 8 A M 1 you want to understand what the issues are, but you also want  
8 : 5 8 A M 2 to learn what's going well. And the *Deepwater Horizon* at that  
8 : 5 8 A M 3 point in time had been the best performing rig certainly within  
8 : 5 8 A M 4 the BP fleet globally when you looked at safety, when you  
8 : 5 8 A M 5 looked at drilling performance. And just -- it was, kind of  
8 : 5 8 A M 6 what I've said, what good looks like.

8 : 5 8 A M 7 And what I wanted to do on this particular visit was,  
8 : 5 8 A M 8 since it was my first out, in my role, one of the things I said  
8 : 5 8 A M 9 earlier, is to take lessons learned from one rig and make sure  
8 : 5 8 A M 10 we apply those to other rigs.

8 : 5 8 A M 11 So I wanted to visit the *Deepwater Horizon*. Because,  
8 : 5 8 A M 12 again, based on its performance since it had been in the fleet,  
8 : 5 8 A M 13 it was one of the better rigs in Transocean's fleet. So that's  
8 : 5 8 A M 14 the reason why I chose to go to the *Horizon*.

8 : 5 8 A M 15 Q. Who else was going to go on this rig visit with you?

8 : 5 9 A M 16 A. So David Sims, our wells operations manager, who had  
8 : 5 9 A M 17 accountability for the rig, was going out with me. Originally,  
8 : 5 9 A M 18 Keelan Adamson, who was the managing director for Transocean  
8 : 5 9 A M 19 for North America, was going to go out on the visit.

8 : 5 9 A M 20 Because I do think it's important when you go out and  
8 : 5 9 A M 21 visit a rig you also go with your counterpart from the drilling  
8 : 5 9 A M 22 contractor. So Keelan was going to go. Something came up last  
8 : 5 9 A M 23 minute the week before and he wasn't going to be able to make  
8 : 5 9 A M 24 it.

8 : 5 9 A M 25 So Daun Winslow, who was the Transocean operations

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8 : 5 9 A M 1 manager, and Buddy Trahan, who was another one of the managers  
8 : 5 9 A M 2 for Transocean, took Keelan's spot and joined me on the visit.  
8 : 5 9 A M 3 Q. So were Mr. Winslow, Mr. Trahan, Mr. Sims on the rig with  
8 : 5 9 A M 4 you on the evening of April 20th as a result of you scheduling  
8 : 5 9 A M 5 this rig visit?  
8 : 5 9 A M 6 A. Yes.  
8 : 5 9 A M 7 Q. Did you do anything to prepare to go to that rig visit?  
9 : 0 0 A M 8 A. Yes. I asked David Sims to give me what we call "speaking  
9 : 0 0 A M 9 points" so that I could understand just what was going on on  
9 : 0 0 A M 10 the rig, some of the things I needed to be aware of about the  
9 : 0 0 A M 11 rig's performance, and things that he wanted to share with me  
9 : 0 0 A M 12 so that I was aware of it, and when I was out visiting with the  
9 : 0 0 A M 13 rig and the crews, I would have knowledge of what they were  
9 : 0 0 A M 14 doing.  
9 : 0 0 A M 15 Q. Okay. So you asked Mr. Sims, who we've heard some about  
9 : 0 0 A M 16 previously, to prepare for you these speaking points of what  
9 : 0 0 A M 17 the operations were like at the Macondo well. Is that fair?  
9 : 0 0 A M 18 A. Yes.  
9 : 0 0 A M 19 MS. KARIS: Okay. And if we can now look at  
9 : 0 0 A M 20 D-47964.1.1, please.  
9 : 0 0 A M 21 BY MS. KARIS:  
9 : 0 0 A M 22 Q. Is this an e-mail that you received from Mr. Sims, dated  
9 : 0 0 A M 23 April 19th of 2010?  
9 : 0 0 A M 24 A. Yes.  
9 : 0 0 A M 25 Q. Okay. And did he, in fact, provide you with what he calls

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9:00 AM 1 "talking points for the rig visit. *Horizon*, Macondo, and  
9:01 AM 2 safety leadership-related stuff"?

9:01 AM 3 A. Yes.

9:01 AM 4 Q. And now if we can look at the attachment --

9:01 AM 5 MR. BRIAN: Your Honor, just for the record, I think  
9:01 AM 6 she misspoke and referred to it as a D. I think it's a TREX.

9:01 AM 7 MS. KARIS: I'm sorry, yes, TREX. Thank you.

9:01 AM 8 THE COURT: Thank you.

9:01 AM 9 MS. KARIS: Trial Exhibit 47964.1.1. I apologize.

9:01 AM 10 BY MS. KARIS:

9:01 AM 11 Q. Now we're looking at TREX-47964-N.3.1, which are the  
9:01 AM 12 talking points that Mr. Sims provided to you regarding the  
9:01 AM 13 *Deepwater Horizon* visit.

9:01 AM 14 He identifies there "Hallmarks of the *Horizon* team."  
9:01 AM 15 Can you tell us what hallmarks Mr. Sims identified in  
9:01 AM 16 preparation for your going to the rig visit?

9:01 AM 17 A. Yes. If you -- again, as I said earlier, the *Horizon* team  
9:02 AM 18 had delivered some really great performance, a very safe,  
9:02 AM 19 efficient rig. And some of the things that David put here as  
9:02 AM 20 to what -- kind of what were the key contributors, you know,  
9:02 AM 21 "Genuine concern for health, safety, and environment - just not  
9:02 AM 22 ticking the box." They really cared about getting it right  
9:02 AM 23 from a health and safety environment perspective.

9:02 AM 24 "Tremendous rigor put into risk awareness,  
9:02 AM 25 mitigation, reporting, investigations, lessons learned."

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9:02 AM 1 This rig drilled exploration wells, and in our  
9:02 AM 2 business exploration wells are the more risky wells simply  
9:02 AM 3 because you don't have -- you don't have all the knowledge of  
9:02 AM 4 the subsurface and whatnot that you have when you drill  
9:02 AM 5 development wells. So putting rigor into risk awareness and  
9:02 AM 6 mitigation is really important for an exploration well to get  
9:02 AM 7 it right.

9:02 AM 8 Same goals, there was no conflict between the  
9:03 AM 9 operator and the contractor. Everybody had the same goal, we  
9:03 AM 10 were on the same page.

9:03 AM 11 There was a no-blame culture, fix the problem, learn  
9:03 AM 12 from it, and move on.

9:03 AM 13 "No egos, no divisions, no agendas on the rig,"  
9:03 AM 14 everybody shared equally.

9:03 AM 15 "Utilizes all available resources to get back on  
9:03 AM 16 track."

9:03 AM 17 And the last one is really important because  
9:03 AM 18 drilling a well involves -- particularly these types of wells,  
9:03 AM 19 involves a lot of different folks, "Excellent communication on  
9:03 AM 20 the rig between the office and the rig site," critical for a  
9:03 AM 21 rig to be successful like this one had been.

9:03 AM 22 Q. Okay. And I notice this is updated 4/15 of 2010, and he  
9:03 AM 23 sends it to you on April 19th of 2010.

9:03 AM 24 Did Mr. Sims at any time indicate that any of these  
9:03 AM 25 talking points or views that he had had changed in light of any

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9 : 0 3 A M 1 communications that he had had or any other concerns that he  
9 : 0 3 A M 2 had?

9 : 0 3 A M 3 A. No.

9 : 0 3 A M 4 Q. Did Mr. Sims at any time indicate to you that he had any  
9 : 0 4 A M 5 concerns -- any safety concerns associated with the operations  
9 : 0 4 A M 6 at the Macondo well?

9 : 0 4 A M 7 A. No.

9 : 0 4 A M 8 Q. Did Mr. Sims himself accompany you on this rig visit on  
9 : 0 4 A M 9 April 20th?

9 : 0 4 A M 10 A. Yes, he did.

9 : 0 4 A M 11 Q. Now, we'll talk in a moment about your visit on the  
9 : 0 4 A M 12 *Deepwater Horizon*. But at any time prior to you going to the  
9 : 0 4 A M 13 *Deepwater Horizon* on April 20th, did anyone from Transocean  
9 : 0 4 A M 14 ever raise any concern that BP was rushing them to complete the  
9 : 0 4 A M 15 well?

9 : 0 4 A M 16 A. No, they did not.

9 : 0 4 A M 17 Q. While you were on the rig, did anybody raise any concerns,  
9 : 0 4 A M 18 including when you were with Transocean's leadership?

9 : 0 4 A M 19 A. No.

9 : 0 4 A M 20 Q. At any time prior to April 20th, including the entire day  
9 : 0 4 A M 21 that you were on the rig with Transocean's leadership, did  
9 : 0 5 A M 22 anyone say anything to you about BP cutting corners?

9 : 0 5 A M 23 A. No.

9 : 0 5 A M 24 Q. Did anybody say anything to you about BP pushing too hard,  
9 : 0 5 A M 25 rushing too much, or asking anyone to sacrifice safety?

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9:05 AM 1 A. No.

9:05 AM 2 Q. Did you spend the entire day with Transocean's leadership?

9:05 AM 3 A. On the rig, yes. We was going to spend the night there as

9:05 AM 4 well.

9:05 AM 5 Q. And had you participated in meetings with Transocean, as

9:05 AM 6 well as other contractors, up through April 20th?

9:05 AM 7 A. Yes. As I mentioned earlier, I met with Keelan Adamson on

9:05 AM 8 a regular basis. We had also just had -- I believe it was a

9:05 AM 9 couple, three weeks prior -- a global business review with

9:05 AM 10 Transocean, and that's where we meet to talk about all the

9:05 AM 11 Transocean operations globally, and no issues raised, any

9:05 AM 12 concerns that anybody had.

9:05 AM 13 Q. Okay. There's been testimony in this case, again, from

9:05 AM 14 Mr. Bea, quote: "BP and its Macondo drilling team were under

9:06 AM 15 significant pressure to complete the well, and if the Macondo

9:06 AM 16 operations took too long, BP was in danger of losing the

9:06 AM 17 Kaskida lease."

9:06 AM 18 First of all, are you familiar with the Kaskida

9:06 AM 19 lease?

9:06 AM 20 A. Yes.

9:06 AM 21 Q. Do you agree with Mr. Bea's statement -- Dr. Bea's

9:06 AM 22 statement?

9:06 AM 23 A. No.

9:06 AM 24 Q. Tell us why not.

9:06 AM 25 A. We had -- one of the things that -- obviously, the rig



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9:06 AM 1 schedule was having -- the *Deepwater Horizon* was going to go to  
9:06 AM 2 the Nile to do a P & A, and then it was going to the Kaskida  
9:06 AM 3 well to do a -- the Kaskida lease to do an appraisal well.

9:06 AM 4 Obviously, with the Macondo well running a bit -- a  
9:06 AM 5 bit long, we were looking at the schedule that we had; and one  
9:06 AM 6 of the things that we wanted to understand was would the MMS  
9:06 AM 7 provide us with an extension on the deadline.

9:06 AM 8 So I believe it was on the day I went out or the day  
9:06 AM 9 before, we had actually sent a letter to the MMS inquiring  
9:07 AM 10 about our ability to get an extension. We had a couple of  
9:07 AM 11 issues. Obviously, we wanted to use the *Deepwater Horizon* to  
9:07 AM 12 drill the well.

9:07 AM 13 But the other bit was we had a wellhead system which  
9:07 AM 14 was a Generation 1, 20,000-pound wellhead system that was being  
9:07 AM 15 developed by Dril-Quip, and there had been some delays in  
9:07 AM 16 getting that because, again, it was a Serial No. 1 piece of  
9:07 AM 17 technology.

9:07 AM 18 Q. Was that to be used at Kaskida?

9:07 AM 19 A. It was to be used at Kaskida, and it was needed to be able  
9:07 AM 20 to drill that well. And so there was actually some concerns  
9:07 AM 21 whether it would actually be ready by the deadline.

9:07 AM 22 So we wanted to approach the MMS to find out, one,  
9:07 AM 23 could we get an extension. If we couldn't, then we had  
9:07 AM 24 options. We could have obviously not gone to the Nile well.  
9:07 AM 25 We could have gone and actually started open-water work with

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9:07 AM 1 the *Horizon*. That would be work we could do without the  
9:07 AM 2 requirement of the wellhead. We also had the option of being  
9:08 AM 3 able to pull rigs off of other wells if we needed to.

9:08 AM 4 So we had several options to mitigate that. But  
9:08 AM 5 until you -- until you actually understood whether you were  
9:08 AM 6 going to get the extension, we had not entertained any of those  
9:08 AM 7 different options yet.

9:08 AM 8 Q. With respect to the reference by Dr. Bea about BP's  
9:08 AM 9 drilling team being under significant pressure to complete the  
9:08 AM 10 well, did anybody at any time ever indicate to you, including  
9:08 AM 11 Mr. Sims, that BP's drilling team was under significant  
9:08 AM 12 pressure to complete the Macondo well?

9:08 AM 13 A. No.

9:08 AM 14 Q. While you were with Mr. Sims, did he express satisfaction  
9:08 AM 15 as to how things were progressing at Macondo?

9:08 AM 16 A. I think, you know, he was -- I think he was fine with  
9:08 AM 17 things. I think, obviously, the cost -- the well was costing  
9:08 AM 18 more than we thought. It was running longer than we had  
9:08 AM 19 planned. But as far as the interaction with the rig and  
9:09 AM 20 whatnot, no issues were expressed to me.

9:09 AM 21 Q. Was it unusual in your experience for some wells to cost  
9:09 AM 22 more than originally planned?

9:09 AM 23 A. You certainly have -- particularly with exploration wells,  
9:09 AM 24 it's not uncommon to have cost overruns.

9:09 AM 25 Q. Let's talk about your actual visit on the

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9 : 0 9 A M 1 *Deepwater Horizon.*

9 : 0 9 A M 2 A. Okay.

9 : 0 9 A M 3 Q. When did you actually arrive on the rig?

9 : 0 9 A M 4 A. It was about 2:30 on the afternoon of April 20th.

9 : 0 9 A M 5 Q. And can you tell us what you did after you arrived on the

9 : 0 9 A M 6 *Horizon* at about 2:30 on April 20th.

9 : 0 9 A M 7 A. Sure. So after we got off the helicopter, we went down

9 : 0 9 A M 8 below and met at a point where we signed in on the rig and were

9 : 0 9 A M 9 greeted by Jimmy Harrell, who was the OIM, and Curt Kuchta, who

9 : 0 9 A M 10 was the captain for the rig, signed in.

9 : 1 0 A M 11 And then because it was my first time to visit the

9 : 1 0 A M 12 rig, they took me into the -- I believe they call it their

9 : 1 0 A M 13 cinema room to do a safety orientation. That took, I'd say,

9 : 1 0 A M 14 about 30 to 45 minutes. The safety orientation was to assign

9 : 1 0 A M 15 me to a lifeboat in case there was an incident, so I would know

9 : 1 0 A M 16 which lifeboat to get on.

9 : 1 0 A M 17 They also -- different alarms, what they meant,

9 : 1 0 A M 18 muster points, those -- those sorts of things that you would

9 : 1 0 A M 19 typically do in a safety orientation for a visit to a rig.

9 : 1 0 A M 20 Q. So you started with a safety orientation. How long

9 : 1 0 A M 21 approximately did that last?

9 : 1 0 A M 22 A. I'm guessing 30 to 45 minutes.

9 : 1 0 A M 23 Q. All right. What did you do after you finished the safety

9 : 1 0 A M 24 orientation?

9 : 1 0 A M 25 A. So while I was doing the orientation, they had taken my

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9:10 AM 1 bag off of the helicopter and had set it outside the door. I  
9:10 AM 2 left, got my bag. They took me down to where my quarters were  
9:10 AM 3 going to be for the night. As I said, we were going to spend  
9:10 AM 4 the night on the rig. We were actually staying until about  
9:10 AM 5 noon the next day. And I went down to my quarters and changed  
9:11 AM 6 clothes, put on my coveralls and the rest of my PPE because we  
9:11 AM 7 were going to do a rig tour.

9:11 AM 8 Q. Before doing the rig tour, did you stop by the BP company  
9:11 AM 9 man office?

9:11 AM 10 A. Yes, I did.

9:11 AM 11 Q. Tell us about that.

9:11 AM 12 A. Sure. So as I said, one of the things -- when I go out  
9:11 AM 13 and do a field visit, the first thing I'll do is check in with  
9:11 AM 14 the company man to find out what's going on on the rig, explain  
9:11 AM 15 to him what we were -- what we were doing and --

9:11 AM 16 Q. Let me interrupt you. I'm sorry. I called him a "company  
9:11 AM 17 man," and so did you. Is that the well site leaders?

9:11 AM 18 A. Yes. I'm sorry, that's the well site leaders.

9:11 AM 19 Q. Go ahead.

9:11 AM 20 A. -- met me -- met me in the company man's office, and the  
9:11 AM 21 well site leader that was on duty at the time was Bob Kaluza.  
9:11 AM 22 David Sims was also there as well. And I sat down and visited  
9:11 AM 23 with Bob and asked him, you know, what was going on on the rig.

9:11 AM 24 He explained that he had just cemented the casing  
9:11 AM 25 that night, had just completed the positive pressure test,

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9 : 1 2 A M 1 which is part of the well integrity testing.

9 : 1 2 A M 2 He actually showed me the pressure recording chart  
9 : 1 2 A M 3 for the positive test and everything looked fine and said that  
9 : 1 2 A M 4 they were in the process of getting lined up to do the negative  
9 : 1 2 A M 5 pressure test.

9 : 1 2 A M 6 I asked Bob, were there any issues or concerns or  
9 : 1 2 A M 7 things I needed to be aware of while I was out there, and he  
9 : 1 2 A M 8 did not express anything to me.

9 : 1 2 A M 9 Q. What did you do after leaving the company man's office?

9 : 1 2 A M 10 A. So David and I went up on deck and we met up with Daun  
9 : 1 2 A M 11 Winslow, Buddy Trahan, Jimmy Harrell, who was the OIM, and  
9 : 1 2 A M 12 Randy Ezell, who was the senior toolpusher. And there were a  
9 : 1 2 A M 13 couple other Transocean personnel there as well.

9 : 1 2 A M 14 Q. Tell us about that tour that you did.

9 : 1 2 A M 15 A. Yes. So we started the tour. I think we went back to the  
9 : 1 2 A M 16 riser bay area first and spent a bit of time there talking  
9 : 1 3 A M 17 about -- they had some joints of the riser there. And we were  
9 : 1 3 A M 18 talking about the connections, and they were sharing some  
9 : 1 3 A M 19 things about that.

9 : 1 3 A M 20 After we spent a little bit of time in that area, we  
9 : 1 3 A M 21 made our way towards the rig floor. And when we got to the rig  
9 : 1 3 A M 22 floor, to that area, it was cordoned off. Transocean's policy  
9 : 1 3 A M 23 is, if an area's cordoned off, you have to get permission from  
9 : 1 3 A M 24 whoever is in charge of that area to -- to enter it. And I'm  
9 : 1 3 A M 25 not sure who from our tour party actually went and got

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9 : 1 3 A M 1 permission, but they went and got permission for us to enter  
9 : 1 3 A M 2 the area.

9 : 1 3 A M 3 Q. Approximately what time is this?

9 : 1 3 A M 4 A. Oh, I'm guessing this is probably sometime 4:30, quarter  
9 : 1 3 A M 5 of 5:00, something like that.

9 : 1 3 A M 6 Q. Go ahead.

9 : 1 3 A M 7 A. So we entered the area and we went into an area called the  
9 : 1 3 A M 8 "heavy toolshed" and went into that area to look around in  
9 : 1 3 A M 9 there. Jimmy Harrell, the OIM, and myself got engaged in a  
9 : 1 4 A M 10 conversation about the harnesses. One of the things I look for  
9 : 1 4 A M 11 when I go out is -- harnesses will typically have a tag on them  
9 : 1 4 A M 12 that indicates when they were last inspected, and I noticed  
9 : 1 4 A M 13 that these didn't have that tag.

9 : 1 4 A M 14 And I got into a conversation with Jimmy about the  
9 : 1 4 A M 15 fact that Transocean has a chip that they put into it and all  
9 : 1 4 A M 16 of that recordkeeping is done electronically. While Jimmy and  
9 : 1 4 A M 17 I were having our conversation, the rest of our party had left  
9 : 1 4 A M 18 the toolshed area. And when Jimmy and I finished our  
9 : 1 4 A M 19 conversation, we walked out.

9 : 1 4 A M 20 And we were headed towards the -- the driller's area  
9 : 1 4 A M 21 where everybody was congregated. And about that time, Daun  
9 : 1 4 A M 22 Winslow said, "We ought to let these guys get back to work."

9 : 1 4 A M 23 Q. Approximately what time was this that Mr. Winslow told you  
9 : 1 4 A M 24 "we should let these guys get back to work"?

9 : 1 4 A M 25 A. Again, we were in that area sometime 4:30, 5:00.

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9:15 AM 1 Q. Then what did you guys do after completing your tour?

9:15 AM 2 A. So we left the rig floor area, and we went down into one  
9:15 AM 3 of the legs of the rig. The rig was going to be doing -- going  
9:15 AM 4 into dry dock, I believe, in 2011, and they were wanting to  
9:15 AM 5 show me one of the thrusters that they were going to be taking  
9:15 AM 6 out. They were going to show me how they actually took the  
9:15 AM 7 thruster, lifted it out of the leg to get it off the rig. So  
9:15 AM 8 we spent a good time there.

9:15 AM 9 Then we walked the length of the pontoon to another  
9:15 AM 10 leg, and then we came back up on deck.

9:15 AM 11 From there, when we got back up on deck, we talked  
9:15 AM 12 about what were the plans for the rest of the evening.

9:15 AM 13 Q. Okay. So that would take us to approximately to 6:00 or  
9:15 AM 14 so?

9:15 AM 15 A. Yeah, probably a little bit before 6:00.

9:15 AM 16 Q. And if you can then walk us forward. What did you do  
9:15 AM 17 after that?

9:16 AM 18 A. Sure. So we -- Daun had suggested that we meet in the  
9:16 AM 19 galley at 6:00 for dinner. So we left and went to my room and  
9:16 AM 20 took my coveralls off and cleaned up, headed up towards the  
9:16 AM 21 galley. And I stopped off at the well site leader's/company  
9:16 AM 22 man's office. I wanted to call my wife and let her know that I  
9:16 AM 23 had made it to the rig safely.

9:16 AM 24 And then I got to the galley and had dinner with Daun  
9:16 AM 25 and Buddy and David Sims and I believe Jimmy Harrell and

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9:16 AM 1 Randy -- I don't remember if Randy Ezell was there, but I  
9:16 AM 2 remember Jimmy being there.

9:16 AM 3 Q. After having dinner with Mr. Ezell, Mr. -- possibly  
9:16 AM 4 Mr. Ezell, Mr. Harrell, Mr. Trahan, Mr. Sims, at any time did  
9:16 AM 5 anybody raise any concerns about any of the operations that  
9:16 AM 6 were taking place?

9:16 AM 7 A. No.

9:16 AM 8 Q. Following that, did you guys then head to the bridge?

9:17 AM 9 A. No. Before that, we actually had -- once we finished  
9:17 AM 10 dinner, one of the things we wanted to talk with the team about  
9:17 AM 11 was dropped objects campaign, some of the things that they were  
9:17 AM 12 doing with that, maintenance. And so Daun had suggested that  
9:17 AM 13 we have a meeting with the rig's leadership team at  
9:17 AM 14 approximately 7:00.

9:17 AM 15 So after we finished -- finished our dinner, we met  
9:17 AM 16 up in a conference room around 7:00. And as I said, the  
9:17 AM 17 purpose of the meeting was to visit about the -- we had several  
9:17 AM 18 dropped object incidents around the company and wanted to talk  
9:17 AM 19 about a campaign that Transocean had implemented focused on  
9:17 AM 20 elimination of dropped objects.

9:17 AM 21 We wanted to talk about the maintenance program,  
9:17 AM 22 preventive maintenance. Buddy, if I remember correctly, was  
9:17 AM 23 specifically wanting to talk about the upcoming dry dock and  
9:17 AM 24 what things needed to be done in preparation for that.

9:17 AM 25 And then we actually got into a conversation about



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9:17 AM 1 the things that we had looked at earlier that David had sent  
9:18 AM 2 about why was this rig just a great performing rig and what  
9:18 AM 3 were the things that -- from Transocean's perspective, why they  
9:18 AM 4 felt like the rig was as successful as it was.

9:18 AM 5 Q. And did they identify for you why Transocean believed that  
9:18 AM 6 this rig was as successful as it was while it was drilling the  
9:18 AM 7 Macondo well?

9:18 AM 8 A. They again talked about the teamwork, talked about the  
9:18 AM 9 communication between the team. A lot of the same things that  
9:18 AM 10 David had actually highlighted in his slide.

9:18 AM 11 Q. And then walk us forward.

9:18 AM 12 A. So they had this meeting. It lasted until, I'm guessing,  
9:18 AM 13 around 8:30 or so. We broke up. We were having a conversation  
9:18 AM 14 on whether we were going to turn in for the night. And Daun  
9:18 AM 15 actually said that he wanted to take us up on the bridge  
9:18 AM 16 because he said on this these types of visits, typically that's  
9:18 AM 17 an area that's always missed, and he wanted us to go up on the  
9:18 AM 18 bridge.

9:18 AM 19 So Daun took David and I up on the bridge. I can't  
9:19 AM 20 remember if Buddy joined us, but certainly myself, Daun, and  
9:19 AM 21 David, and we went up on the bridge and that was probably  
9:19 AM 22 around 9:00.

9:19 AM 23 MS. KARIS: If we can now look at D-6710.

9:19 AM 24 BY MS. KARIS:

9:19 AM 25 Q. So this is approximately 9:00, as you just said?

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9:19 AM 1 A. Yes.

9:19 AM 2 Q. And this is a demonstrative. Do you recognize this --

9:19 AM 3 first of all, this location?

9:19 AM 4 A. Yes. It's the bridge.

9:19 AM 5 Q. Mr. O'Bryan, do you have a pointer up there?

9:19 AM 6 A. I do.

9:19 AM 7 Q. And at about 9:00, when you're on the bridge -- I'd like

9:19 AM 8 to discuss with you what happened from then until you evacuated

9:19 AM 9 the *Deepwater Horizon*.

9:19 AM 10 A. Sure.

9:19 AM 11 Q. Can you walk us through what you did once you got to the

9:19 AM 12 bridge.

9:19 AM 13 A. So we -- we came on the bridge. There's an entry door

9:19 AM 14 here. And we came up from below here. And I believe it was

9:19 AM 15 Captain Kuchta was in this area here. He met us as we walked

9:20 AM 16 into the bridge. There were a couple of DP operators, dynamic

9:20 AM 17 position operators, that were on the bridge as well.

9:20 AM 18 Just to kind of orient, the BOP panel was on this

9:20 AM 19 back wall here. You can't see it in this diagram. And I

9:20 AM 20 believe the DPO operator, one of them was either in this chair

9:20 AM 21 or this chair here. I can't remember which. And there was

9:20 AM 22 another one --

9:20 AM 23 Q. DPO is dynamically position --

9:20 AM 24 A. Position operator.

9:20 AM 25 Q. Go ahead.

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9:20 AM 1 A. The person that was driving the -- keeping the vessel on  
9:20 AM 2 station.

9:20 AM 3 And then there was another operator that was over in  
9:20 AM 4 this area. So when we got up on the bridge, they spent quite a  
9:20 AM 5 bit of time -- obviously, from this picture, you can see  
9:20 AM 6 there's lots of panels in the console, lots of different  
9:20 AM 7 monitors and whatnot.

9:20 AM 8 And so they walked -- walked us around, showed us the  
9:20 AM 9 different controls and panels, explained to us what they were,  
9:20 AM 10 the current meters, the radar.

9:20 AM 11 There was actually a drilling rig that you could see  
9:21 AM 12 in the distance. You could see the light off the -- the left  
9:21 AM 13 side, the port side of the rig. And we actually could see the  
9:21 AM 14 call numbers on the radar, and Captain Kuchta was looking up to  
9:21 AM 15 see what the rig name was. And we did that -- I don't know how  
9:21 AM 16 long we -- we did that. But once we were finished with those  
9:21 AM 17 conversations, we moved over into this area here, where there  
9:21 AM 18 was a simulator --

9:21 AM 19 Q. And by "this area over here," just for the record, you  
9:21 AM 20 mean to the right --

9:21 AM 21 A. To the right side, the starboard side.

9:21 AM 22 Q. -- where you see the desks?

9:21 AM 23 A. Yes, in this area here. The right side of the bridge.

9:21 AM 24 There was a dynamic position simulator. So it was  
9:21 AM 25 basically they could program in different weather conditions,

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9:21AM 1 different currents, different headings of the vessel. And this  
9:21AM 2 was something that the DP operators used to practice  
9:21AM 3 stationkeeping.

9:22AM 4 So they -- they loaded up some different scenarios  
9:22AM 5 for -- Daun went first. Then David did a simulation, and then  
9:22AM 6 I was doing a simulation. I was the last one doing one. And  
9:22AM 7 sometime in there, Daun left the bridge. As I said, I think  
9:22AM 8 Buddy was up there for a bit, but he had -- he had left by  
9:22AM 9 then. So it was really David and I were the only two from our  
9:22AM 10 party that was still on the bridge at that time.

9:22AM 11 Q. Is this shortly after -- sometime after 9:00?

9:22AM 12 A. This would have been, I'm guessing, probably 9:30. We  
9:22AM 13 had -- as I said, we had been up there quite a bit. By the  
9:22AM 14 time it had got to me, it would have been 9:30, something like  
9:22AM 15 that.

9:22AM 16 Q. Tell us how you noticed that something was wrong.

9:22AM 17 A. So I was on the simulator and this set over here, and all  
9:22AM 18 of a sudden, the rig started shaking violently. And I remember  
9:22AM 19 looking at David and the DP operator that was there. I'm not  
9:23AM 20 sure exactly the words I used, but I said, "What is that?"

9:23AM 21 And no one knew. And as I said, the rig was really  
9:23AM 22 shaking violently. And what I remember, Captain Kuchta walked  
9:23AM 23 over to a door that's on the left side of the bridge right  
9:23AM 24 here. As I said, we were over on the right side, on the front  
9:23AM 25 of the bridge. And he opened this door here, and you could

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9 : 2 3 A M 1 actually -- there was a supply boat that was moored up to  
9 : 2 3 A M 2 the -- to the rig and you could see mud showering over the rig  
9 : 2 3 A M 3 and -- over the boat, I'm sorry.

9 : 2 3 A M 4 And he closed the door. And shortly thereafter,  
9 : 2 3 A M 5 there was an explosion. You could actually hear a hissing  
9 : 2 3 A M 6 noise, and then there was an explosion. And within seconds,  
9 : 2 3 A M 7 the way I would describe it is that you could hear just a big  
9 : 2 4 A M 8 sucking sound, and there was a second, much larger explosion.

9 : 2 4 A M 9 And, of course, we were -- we kind of hunkered down,  
9 : 2 4 A M 10 didn't know if there was going to be a third, much larger  
9 : 2 4 A M 11 explosion that was actually going to take the bridge out. We  
9 : 2 4 A M 12 didn't know. Out these windows on the right side here, you  
9 : 2 4 A M 13 could actually have -- you had a view of the rig floor, and it  
9 : 2 4 A M 14 was on fire.

9 : 2 4 A M 15 And at that time when the second explosion occurred,  
9 : 2 4 A M 16 the lights went out on the bridge, and you started to have some  
9 : 2 4 A M 17 people coming into the bridge from this door that I mentioned  
9 : 2 4 A M 18 earlier that Captain Kuchta opened. And one particular  
9 : 2 4 A M 19 individual, I don't know who it was, came in and sat down in a  
9 : 2 4 A M 20 chair right here, and he was bleeding. And someone gave him a  
9 : 2 4 A M 21 towel or a rag or something to wrap around his head. And he  
9 : 2 4 A M 22 just said the back of the rig was on fire.

9 : 2 5 A M 23 Captain Kuchta told us to put on our life vests, and  
9 : 2 5 A M 24 there was a life vest locker somewhere along the front here.  
9 : 2 5 A M 25 And so David and I got our life jackets and put them on. And

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9 : 2 5 A M 1 as I said, we -- from the time we were on the bridge, during  
9 : 2 5 A M 2 this time frame, we were in this part of the bridge, the right  
9 : 2 5 A M 3 front portion of the bridge.

9 : 2 5 A M 4 Q. Okay. I want to step back for a couple -- ask you a  
9 : 2 5 A M 5 couple of follow-up questions.

9 : 2 5 A M 6 I believe you testified that Captain Kuchta opens  
9 : 2 5 A M 7 this door here to the left and you could see mud raining down,  
9 : 2 5 A M 8 as you described it?

9 : 2 5 A M 9 A. Yes.

9 : 2 5 A M 10 Q. And at this time, Captain Kuchta closed the door and came  
9 : 2 5 A M 11 back inside?

9 : 2 5 A M 12 A. Yes, he did.

9 : 2 5 A M 13 Q. Some time elapsed, then, between then and when the  
9 : 2 5 A M 14 explosion took place?

9 : 2 5 A M 15 A. Yes. I don't know -- I mean, there was a lot going on,  
9 : 2 6 A M 16 obviously. And I remember -- I don't know if it was  
9 : 2 6 A M 17 Captain Kuchta or somebody got on the phone, but I just heard a  
9 : 2 6 A M 18 conversation that they were telling the supply boat to move  
9 : 2 6 A M 19 away. But I don't know how much time had elapsed.

9 : 2 6 A M 20 Q. That was going to be my question to you was after  
9 : 2 6 A M 21 Captain Kuchta came in and closed the door and you said you  
9 : 2 6 A M 22 could see mud raining down, somebody then called the supply  
9 : 2 6 A M 23 boat?

9 : 2 6 A M 24 A. Yes.

9 : 2 6 A M 25 Q. And do you know what was said to the folks on the supply

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9 : 2 6 A M 1 boat?

9 : 2 6 A M 2 A. What I recall that they said was to move away from the

9 : 2 6 A M 3 rig.

9 : 2 6 A M 4 Q. Did anybody from Transocean's crew at that time take

9 : 2 6 A M 5 action to activate -- before calling the supply boat, did

9 : 2 6 A M 6 anybody take any action to activate the BOP which you told us

9 : 2 6 A M 7 was on a panel back here?

9 : 2 6 A M 8 A. No.

9 : 2 6 A M 9 Q. After Captain Kuchta came back in and someone called the

9 : 2 6 A M 10 supply boat, you said some period of time elapsed and then you

9 : 2 7 A M 11 felt the first -- the first explosion?

9 : 2 7 A M 12 A. Yeah. You heard a hissing sound and then there was an

9 : 2 7 A M 13 explosion -- the first explosion. And then, as I said, it was

9 : 2 7 A M 14 a few seconds later, there was a much larger explosion. And as

9 : 2 7 A M 15 I said, you could look out the window here on the right side of

9 : 2 7 A M 16 the bridge and you could see the rig floor on fire.

9 : 2 7 A M 17 Q. Okay. And so are these all windows here around this area?

9 : 2 7 A M 18 A. Yes.

9 : 2 7 A M 19 Q. And if you look out these windows right here, what are you

9 : 2 7 A M 20 looking -- by "right here," I mean the windows on the

9 : 2 7 A M 21 right-hand side of this demonstrative -- what are you looking

9 : 2 7 A M 22 out at?

9 : 2 7 A M 23 A. So you could see -- obviously, you can't see it here, but

9 : 2 7 A M 24 out to the right on the starboard side, you had two escape

9 : 2 7 A M 25 boats. You could actually see the deck from the rig, the

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9 : 2 8 A M 1 quarters to the escape boats.

9 : 2 8 A M 2 You could also -- back at an angle, you could see the  
9 : 2 8 A M 3 rig floor back over in here. And that's where you could see it  
9 : 2 8 A M 4 on fire.

9 : 2 8 A M 5 Q. And so by looking out of these windows, you could see the  
9 : 2 8 A M 6 rig floor on fire at this point?

9 : 2 8 A M 7 A. Yes.

9 : 2 8 A M 8 Q. At this point in time when you could see the rig floor on  
9 : 2 8 A M 9 fire, did anybody take any action from Transocean to activate  
9 : 2 8 A M 10 the BOP, which is sitting back -- right back here?

9 : 2 8 A M 11 A. No. In fact, what I recall is that Captain Kuchta --  
9 : 2 8 A M 12 someone came up and asked about it. And Captain Kuchta had  
9 : 2 8 A M 13 indicated that we couldn't EDS unless we had permission from  
9 : 2 8 A M 14 the OIM to do it. And so no one had activated the EDS.

9 : 2 8 A M 15 Q. So after you see the fire and after you see mud raining on  
9 : 2 8 A M 16 deck, you recall somebody asking Captain Kuchta about  
9 : 2 9 A M 17 activating the BOP?

9 : 2 9 A M 18 A. Yes. As I said -- as I said, after the explosion, people  
9 : 2 9 A M 19 started coming on the bridge. And someone asked -- he was  
9 : 2 9 A M 20 pretty emphatic that he couldn't do it unless he had permission  
9 : 2 9 A M 21 from the OIM.

9 : 2 9 A M 22 Sometime after the second explosion -- and, again, I  
9 : 2 9 A M 23 don't know the -- there's lots going on and I don't remember  
9 : 2 9 A M 24 the time frames. But shortly -- a period later, Jimmy Harrell  
9 : 2 9 A M 25 does make it up to the bridge. And I don't know if it was



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9:29 AM 1 Jimmy or somebody asked again, had the EDS been hit.

9:29 AM 2 And Jimmy said, "Hit it." And somebody reached -- I  
9:29 AM 3 just remember we -- as I said, during the whole time, we stayed  
9:29 AM 4 back here in this area. And somebody, I don't know who,  
9:29 AM 5 reached over. And there's a -- on this panel, as I said, you  
9:29 AM 6 can't see it, but the BOP panel here, there's a red button by  
9:29 AM 7 it and somebody pushed it.

9:29 AM 8 **THE COURT:** The panel you're talking about, is that  
9:29 AM 9 the -- I'd call it the lower end or the rear end -- rear of the  
9:30 AM 10 bridge near where you entered?

9:30 AM 11 **THE WITNESS:** Yes, sir.

9:30 AM 12 **THE COURT:** Okay.

9:30 AM 13 **BY MS. KARIS:**

9:30 AM 14 **Q.** When somebody asked Captain Kuchta whether they could EDS  
9:30 AM 15 or activate the BOP and he said, no, he couldn't because he  
9:30 AM 16 needed to wait for the captain -- I mean, for the master, the  
9:30 AM 17 OIM -- let me start again.

9:30 AM 18 When someone asked Captain Kuchta to activate the BOP  
9:30 AM 19 and Captain Kuchta said he needed to wait for Jimmy Harrell,  
9:30 AM 20 how would you describe the atmosphere in the room -- in the  
9:30 AM 21 bridge here?

9:30 AM 22 **A.** Very excited. There was lots going on, a lot of people  
9:30 AM 23 coming in to the bridge. I remember Captain Kuchta saying,  
9:30 AM 24 "What's going on? This can't be right. We've lost power." It  
9:30 AM 25 was just lots of excitement going on on the bridge.

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9:31AM 1 Captain Kuchta actually told us several times to stay  
9:31AM 2 inside on the bridge. And at some point, as I said, out these  
9:31AM 3 windows on the right side of the bridge, I had -- I could see  
9:31AM 4 people were moving out of the -- below the rig onto the escape  
9:31AM 5 boats. And I could tell that they were getting close to being  
9:31AM 6 loaded because the trickle of folks coming out was down.

9:31AM 7 And I told -- I looked at David and I said, "We've  
9:31AM 8 got to go." So that's when he and I exited this door on the  
9:31AM 9 right side and made our way down to the lifeboats.

9:31AM 10 Q. Okay. Before you exited and made your way out, you said  
9:31AM 11 at some point Mr. Harrell arrived?

9:31AM 12 A. Yes.

9:31AM 13 Q. How much time elapsed between the first explosion and when  
9:31AM 14 Mr. Harrell arrived?

9:31AM 15 A. Again, several minutes, I'm sure. Like I said, there was  
9:32AM 16 just so much going on, obviously, we were all in a bit of a  
9:32AM 17 state of shock of what was going on. But it was a few minutes  
9:32AM 18 that had transpired before he got there.

9:32AM 19 Q. In those few minutes, however many minutes they were  
9:32AM 20 before Mr. Harrell got there, did Captain Kuchta at any time  
9:32AM 21 indicate that anybody should take any action to activate the  
9:32AM 22 blowout preventer?

9:32AM 23 A. No.

9:32AM 24 Q. Did he, in fact, say the exact opposite; that is, he can't  
9:32AM 25 do that until the master -- I'm sorry, the OIM --

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9 : 3 2 A M 1 MR. BRIAN: Objection. Leading, asked and answered.

9 : 3 2 A M 2 THE COURT: That is leading.

9 : 3 2 A M 3 MS. KARIS: Yes, sir. Thank you, Your Honor.

9 : 3 2 A M 4 BY MS. KARIS:

9 : 3 2 A M 5 Q. Did Captain Kuchta at any time indicate that he could

9 : 3 2 A M 6 activate the BOP?

9 : 3 2 A M 7 A. No.

9 : 3 2 A M 8 Q. Why not?

9 : 3 2 A M 9 A. Because he needed to have permission from the OIM to do

9 : 3 2 A M 10 that.

9 : 3 2 A M 11 Q. Now, once the OIM, Mr. Harrell, arrived, was any action

9 : 3 3 A M 12 taken to activate the BOP?

9 : 3 3 A M 13 A. Yes. I believe Jimmy asked had the EDS been activated,

9 : 3 3 A M 14 and Captain Kuchta said no. And he said, "We need to activate

9 : 3 3 A M 15 it," and somebody reached over and hit the button.

9 : 3 3 A M 16 Q. So once Mr. Harrell arrived, he then asked about the

9 : 3 3 A M 17 activation of the BOP?

9 : 3 3 A M 18 A. Yes.

9 : 3 3 A M 19 Q. Did you see who activated the BOP?

9 : 3 3 A M 20 A. No. As I said, the -- the button's back here on this rear

9 : 3 3 A M 21 wall of the bridge, and I was in this area here in the front

9 : 3 3 A M 22 right portion. I could just see it across the room, and I

9 : 3 3 A M 23 could see somebody lean over and hit it.

9 : 3 3 A M 24 Q. And after the BOP was activated, is that when you and

9 : 3 3 A M 25 Mr. Sims then left to go outside?

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9 : 3 3 A M 1 A. Yes. That's when I looked at David and said, "We need  
9 : 3 3 A M 2 to -- we need to go."

9 : 3 3 A M 3 And just about the time we got to the door, I  
9 : 3 3 A M 4 remember Captain Kuchta saying, "We need to abandon ship."

9 : 3 3 A M 5 And then David and I walked out. There was some  
9 : 3 4 A M 6 walkways and some latch steps that we had to take. There  
9 : 3 4 A M 7 was -- mud was everywhere, so everything was really slick.

9 : 3 4 A M 8 And when we finally arrived to the deck where the  
9 : 3 4 A M 9 escape boats were, I asked -- somebody was standing there and I  
9 : 3 4 A M 10 said, "Which lifeboat do we get in?"

9 : 3 4 A M 11 And he asked, "Which one were you assigned to?"

9 : 3 4 A M 12 And I happened to have the pamphlet that I had gotten  
9 : 3 4 A M 13 during my safety orientation that had the numbers in it, and I  
9 : 3 4 A M 14 pulled it out of my back pocket and I said, "No. 2," and he  
9 : 3 4 A M 15 pointed to the one to our right.

9 : 3 4 A M 16 And as I stepped in, and it was -- it was full. And,  
9 : 3 4 A M 17 in fact, someone said to me, said, "There's no room."

9 : 3 4 A M 18 And I said -- I don't know what I said, but I said,  
9 : 3 4 A M 19 "I'm getting on this boat." And so I wedged myself into it,  
9 : 3 4 A M 20 and then David Sims came in and then Daun Winslow boarded.

9 : 3 5 A M 21 And there was a lot -- a lot of shouting and crying,  
9 : 3 5 A M 22 saying, "We've got to go, we've got to go, we've got to go."  
9 : 3 5 A M 23 And as soon as Daun got on, they lowered the escape boat down  
9 : 3 5 A M 24 into the water.

9 : 3 5 A M 25 And from there we made our way over to the

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9 : 3 5 A M 1 *Damon Bankston*. And then alongside the *Damon Bankston*, they  
9 : 3 5 A M 2 had a rope ladder and we were able to climb out of the escape  
9 : 3 5 A M 3 boat and climb up the side of the *Damon Bankston* and up the  
9 : 3 5 A M 4 rope ladder.

9 : 3 5 A M 5 Q. During this time, Mr. O'Bryan, did you have an opportunity  
9 : 3 5 A M 6 to observe the behaviors of Captain Kuchta?

9 : 3 5 A M 7 A. It just seemed to me he -- he was -- wasn't sure what to  
9 : 3 5 A M 8 do. He was surprised by the loss of power. As I said, I heard  
9 : 3 5 A M 9 him say, "This can't be happening. We've lost power."

9 : 3 5 A M 10 It just appeared to me that he wasn't quite sure what  
9 : 3 5 A M 11 to do. And as I said, instead of telling us that we needed to  
9 : 3 6 A M 12 get to the lifeboats -- he did tell us to put our life jackets  
9 : 3 6 A M 13 on, but he was telling us to stay put, stay inside.

9 : 3 6 A M 14 And as I said, I just finally got to a point where I  
9 : 3 6 A M 15 said -- I thought to myself, I'm not jumping into the Gulf  
9 : 3 6 A M 16 tonight, I'm going to get on a lifeboat. So that's when I  
9 : 3 6 A M 17 said, "David, we need to go and get on a lifeboat."

9 : 3 6 A M 18 Q. Once you got onto the *Damon Bankston*, how long did you  
9 : 3 6 A M 19 stay on the *Damon Bankston*?

9 : 3 6 A M 20 A. Until we got to Fourchon, which I believe it was about  
9 : 3 6 A M 21 1:00 in the morning on the 22nd of April.

9 : 3 6 A M 22 Q. So you got to Port Fourchon on April 22nd, you said?

9 : 3 6 A M 23 A. That's correct.

9 : 3 6 A M 24 Q. And at some point, did you then go home?

9 : 3 6 A M 25 A. Yes. I -- they picked me up in Fourchon and I went to

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9:36 AM 1 New Orleans, caught a flight the next morning, that Thursday  
9:37 AM 2 morning, and I flew back to Houston. I had got home to get an  
9:37 AM 3 extra set of keys to get my vehicle from the airport because,  
9:37 AM 4 obviously, my briefcase and my keys and everything had been  
9:37 AM 5 burned up.

9:37 AM 6 And I retrieved my vehicle from the airport, spent a  
9:37 AM 7 couple hours with my wife. And then I went into the crisis  
9:37 AM 8 center at Westlake for just a couple of hours. I had some  
9:37 AM 9 things -- some packing stuff to give to the folks there. And  
9:37 AM 10 then I spent the evening, had dinner with my youngest son. He  
9:37 AM 11 was -- obviously, he was upset about everything.

9:37 AM 12 And then the next morning, I started working in the  
9:37 AM 13 crisis center full time. And sometime that weekend, I was  
9:37 AM 14 assigned to lead the drilling of the relief wells.

9:37 AM 15 Q. So after having lived through this experience, including  
9:37 AM 16 the explosion, did you then return to assist with the crisis  
9:38 AM 17 response?

9:38 AM 18 A. Yes.

9:38 AM 19 Q. And you said you were assigned to drill the relief wells.  
9:38 AM 20 What was your role in connection with drilling the relief wells  
9:38 AM 21 that were intended to stop the flow?

9:38 AM 22 A. So we needed to put together teams. We were going to  
9:38 AM 23 drill two relief wells. We wanted to have two going in case we  
9:38 AM 24 encountered problems --

9:38 AM 25 Q. Mr. O'Bryan, I don't mean to interrupt you.

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9:38 AM 1 A. I'm sorry.

9:38 AM 2 Q. But just at a very high level.

9:38 AM 3 A. Okay. Sure.

9:38 AM 4 Q. What were you assigned to do?

9:38 AM 5 A. Put the -- get the resources and the teams in place and

9:38 AM 6 get the rigs secured to actually drill the relief wells.

9:38 AM 7 Q. And did you, in fact, after living through this

9:38 AM 8 experience, oversee the drilling of the relief wells?

9:38 AM 9 A. Yes.

9:38 AM 10 MS. KARIS: I have nothing further, Your Honor.

9:38 AM 11 Thank you.

9:38 AM 12 THE COURT: All right. Plaintiffs?

9:38 AM 13 MR. HERMAN: Yes, Your Honor.

9:38 AM 14 CROSS-EXAMINATION

9:39 AM 15 BY MR. HERMAN:

9:39 AM 16 Q. Good morning, Mr. O'Bryan.

9:39 AM 17 A. Good morning.

9:39 AM 18 Q. My name is Steve Herman, and I have you under

9:39 AM 19 cross-examination on behalf of the Plaintiffs' Steering

9:39 AM 20 Committee.

9:39 AM 21 A. Okay.

9:39 AM 22 Q. At the time of the blowout, the *Deepwater Horizon* was

9:39 AM 23 about a month behind schedule?

9:39 AM 24 A. I believe something like that, yes.

9:39 AM 25 Q. It was originally supposed to be off Macondo by around

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9:39 AM 1 March 17th; is that correct?

9:39 AM 2 A. I don't remember the exact date, but somewhere in March.

9:39 AM 3 Q. And then after the Macondo, the rig was supposed to go to

9:39 AM 4 the Nile; correct?

9:39 AM 5 A. That's correct.

9:39 AM 6 Q. And then after the Nile, to the Kaskida?

9:40 AM 7 A. That's correct.

9:40 AM 8 Q. And the Nile was going to take around 30 days; correct?

9:40 AM 9 A. That's what we had estimated, yes.

9:40 AM 10 Q. So you're to at least around May 20th?

9:40 AM 11 A. Yeah, somewhere around there, yes.

9:40 AM 12 Q. And under the existing permit, if you didn't spud the

9:40 AM 13 Kaskida by May 16th, you had a risk of losing that lease;

9:40 AM 14 correct?

9:40 AM 15 A. That was the deadline to spud the -- to do something on

9:40 AM 16 the Kaskida lease, yes.

9:40 AM 17 Q. At that point, you didn't have an extension from MMS;

9:40 AM 18 correct?

9:40 AM 19 A. No. We had just sent a letter to MMS, I believe, on the

9:40 AM 20 Monday that I went out.

9:40 AM 21 Q. Okay.

9:40 AM 22 **MR. HERMAN:** Can we please look at TREG-4232.1.1.

9:40 AM 23 **BY MR. HERMAN:**

9:40 AM 24 Q. Mr. O'Bryan, do you recognize this e-mail?

9:41 AM 25 A. Yes.



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9:41AM 1 Q. This is something that was forwarded to you around  
9:41AM 2 March 8th?

9:41AM 3 A. I believe that's correct, yes.

9:41AM 4 Q. And it says here: "Shell has proudly presented the  
9:41AM 5 benefits they derived from having a dedicated team for failure  
9:41AM 6 investigation."

9:41AM 7 Do you see that?

9:41AM 8 A. Yes.

9:41AM 9 Q. "I believe there are a lot of benefits to be derived from  
9:41AM 10 a consistent and effective failure investigation for every  
9:41AM 11 failure in GoM."

9:41AM 12 Do you see that?

9:41AM 13 A. Yes, sir.

9:41AM 14 Q. And that was reported to you around March 8th; correct?

9:41AM 15 A. I believe that's correct, yes.

9:41AM 16 **MR. HERMAN:** And if we can go to TREN-4232.1.2.

9:41AM 17 **BY MR. HERMAN:**

9:41AM 18 Q. Mr. Porter -- who's Mr. Porter?

9:41AM 19 A. David Porter at the time, if I remember correctly, was our  
9:41AM 20 technical authority for well integrity.

9:41AM 21 Q. And the next day, March 9th of 2010, he forwarded the same  
9:41AM 22 e-mail string to you and he's got some comments; correct?

9:41AM 23 A. Yes.

9:42AM 24 Q. And he says: "Here's a real life example of where one of  
9:42AM 25 our competitors has had success with what we have been

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9 : 4 2 A M 1 struggling to do."

9 : 4 2 A M 2 Do you see that?

9 : 4 2 A M 3 A. Yes, sir.

9 : 4 2 A M 4 Q. "It takes resources and focus to deliver this type of NPT

9 : 4 2 A M 5 reduction."

9 : 4 2 A M 6 What's NPT reduction?

9 : 4 2 A M 7 A. Nonproductive time.

9 : 4 2 A M 8 Q. What's that mean?

9 : 4 2 A M 9 A. So one of the things that we track during the course of

9 : 4 2 A M 10 drilling is productive time versus nonproductive time.

9 : 4 2 A M 11 Q. You're making more money during productive time than

9 : 4 2 A M 12 nonproductive time; right?

9 : 4 2 A M 13 A. You want your rig being productive, yes.

9 : 4 2 A M 14 Q. And he says: ". . . not just someone's part-time or

9 : 4 2 A M 15 short-term attention as we so often do."

9 : 4 2 A M 16 Do you see that?

9 : 4 2 A M 17 A. Yes, sir.

9 : 4 2 A M 18 Q. "We need this discipline in the Gulf of Mexico and across

9 : 4 2 A M 19 BP to investigate failures on our rig equipment (to reduce

9 : 4 2 A M 20 downtime), wellbore installation equipment and practices

9 : 4 2 A M 21 (reduce NPT), and completion equipment and practices (reduce

9 : 4 2 A M 22 well failures)."

9 : 4 2 A M 23 Do you see that?

9 : 4 2 A M 24 A. Yes, sir.

9 : 4 2 A M 25 Q. And that was reported to you in March of 2010; correct?

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9 : 4 3 A M 1 A. Yes, sir.

9 : 4 3 A M 2 Q. And in this e-mail exchange, there's no express reference  
9 : 4 3 A M 3 to safety; correct?

9 : 4 3 A M 4 A. In the clip you've shown me here, no.

9 : 4 3 A M 5 Q. And there's no express reference to the environment;  
9 : 4 3 A M 6 correct?

9 : 4 3 A M 7 A. Again, there's nothing here in what you're showing me, no.

9 : 4 3 A M 8 Q. The references that are expressed are reducing downtime;  
9 : 4 3 A M 9 correct?

9 : 4 3 A M 10 A. Yes, sir.

9 : 4 3 A M 11 Q. Reducing nonproductive time; correct?

9 : 4 3 A M 12 A. Yes, sir.

9 : 4 3 A M 13 Q. And reducing well failures; correct?

9 : 4 3 A M 14 A. Yes, sir.

9 : 4 3 A M 15 Q. Okay. Thank you.

9 : 4 3 A M 16 Now, I think you addressed this a little bit in your  
9 : 4 3 A M 17 direct.

9 : 4 3 A M 18 **MR. HERMAN:** If we could pull up D-3280.

9 : 4 3 A M 19 **BY MR. HERMAN:**

9 : 4 3 A M 20 Q. I want to ask you, OMS on contractor-owned rigs in the  
9 : 4 3 A M 21 Gulf: A, was complete on April 20th, 2010; B, was intended to  
9 : 4 3 A M 22 be completed sometime after April 20th, 2010; or C, is a bad  
9 : 4 3 A M 23 idea because it might lead to confusion.

9 : 4 3 A M 24 What's the answer to that?

9 : 4 4 A M 25 A. I can give you D. I mean, I don't know --

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9 : 4 4 A M 1 Q. None of the above?

9 : 4 4 A M 2 A. Do you want me to pick one of these or -- I'm just trying  
9 : 4 4 A M 3 to be--

9 : 4 4 A M 4 Q. What's the correct answer?

9 : 4 4 A M 5 A. So OMS was a framework that had been put together for the  
9 : 4 4 A M 6 company. We had a safety management system in place, and there  
9 : 4 4 A M 7 had been a bridge of the safety management system to the rigs.  
9 : 4 4 A M 8 And so we did have a safety management system.

9 : 4 4 A M 9 OMS, all the things that we talked about earlier,  
9 : 4 4 A M 10 DWOP, the common process, the segment engineering technical  
9 : 4 4 A M 11 practices, those things have been in place for quite a while.  
9 : 4 4 A M 12 And, in fact, as I said, the drilling wells and operation  
9 : 4 4 A M 13 practices had been in place since I joined the company in 2000.  
9 : 4 4 A M 14 So that was not something that was new.

9 : 4 4 A M 15 So all of these things had been bridged back to the  
9 : 4 4 A M 16 safety management system for Transocean before OMS, the OMS  
9 : 4 4 A M 17 framework came into play.

9 : 4 4 A M 18 Q. So is your testimony that OMS was complete on April 20th,  
9 : 4 5 A M 19 2010, with respect to contractor-owned rigs in the Gulf?

9 : 4 5 A M 20 A. I would say the safety management system portion of OMS  
9 : 4 5 A M 21 was, because it would have been bridged back to Transocean's  
9 : 4 5 A M 22 safety management system.

9 : 4 5 A M 23 Q. As a matter of substance, did BP management decide to  
9 : 4 5 A M 24 apply OMS to contractor-owned rigs differently than it applied  
9 : 4 5 A M 25 OMS to BP-owned rigs?

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9 : 4 5 A M 1 A. No. As I said, the way we did it is we compared their  
9 : 4 5 A M 2 safety management system to our safety management -- to BP's  
9 : 4 5 A M 3 safety management system, and we identified any gaps; and if  
9 : 4 5 A M 4 there was a gap in their safety management system as to what  
9 : 4 5 A M 5 our safety management system required, we would then put  
9 : 4 5 A M 6 mitigation in place to close that gap.

9 : 4 5 A M 7 So it was totally consistent with the OMS. And the  
9 : 4 5 A M 8 OMS that was applied to BP-owned rigs, that was the OMS safety  
9 : 4 5 A M 9 management system.

9 : 4 6 A M 10 MS. KARIS: Your Honor, I just want to make an  
9 : 4 6 A M 11 objection. This demonstrative has never been disclosed.  
9 : 4 6 A M 12 There's a rule in this case that we need to disclose  
9 : 4 6 A M 13 demonstratives at least 24 hours before -- or the night before  
9 : 4 6 A M 14 for cross-examination. We've never seen this demonstrative.

9 : 4 6 A M 15 There's a reference to some testimony as  
9 : 4 6 A M 16 sources. We've never had an opportunity, obviously, to look at  
9 : 4 6 A M 17 whether that's even accurate.

9 : 4 6 A M 18 THE COURT: All right.

9 : 4 6 A M 19 MR. HERMAN: Well, this is a question. I thought it  
9 : 4 6 A M 20 was like a blackboard thing. I was just trying to save time.  
9 : 4 6 A M 21 That was my understanding, that these types of blackboard  
9 : 4 6 A M 22 summary questions did not have to be disclosed in advance.

9 : 4 6 A M 23 MS. KARIS: Your Honor --

9 : 4 6 A M 24 MR. HERMAN: We can take it down.

9 : 4 6 A M 25 THE COURT: So you're not going to introduce it as an

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9 : 4 6 A M 1 exhibit?

9 : 4 6 A M 2 MR. HERMAN: I will agree not to introduce it.

9 : 4 6 A M 3 THE COURT: Okay. Okay.

9 : 4 6 A M 4 MR. HERMAN: I apologize.

9 : 4 6 A M 5 THE COURT: Okay. Go ahead.

9 : 4 6 A M 6 BY MR. HERMAN:

9 : 4 6 A M 7 Q. Were you finished with your answer?

9 : 4 6 A M 8 A. Yes.

9 : 4 6 A M 9 MR. HERMAN: We can take this down, Carl. Thank you.

9 : 4 6 A M 10 BY MR. HERMAN:

9 : 4 6 A M 11 Q. As a matter of timing, did BP management decide to apply

9 : 4 7 A M 12 OMS to contractor-rigs along a different timetable than it

9 : 4 7 A M 13 applied OMS to BP-owned rigs?

9 : 4 7 A M 14 A. Again, the safety management system that had already been

9 : 4 7 A M 15 in place -- the safety management system, as far as OMS, had

9 : 4 7 A M 16 been in place.

9 : 4 7 A M 17 Q. Well, I think we just saw and heard in direct part of your

9 : 4 7 A M 18 previous deposition where you said, as of April 20th, 2010, the

9 : 4 7 A M 19 only drilling rig in your fleet that fell under BP OMS was the

9 : 4 7 A M 20 BP-owned rig the PDQ on Thunder Horse. Correct?

9 : 4 7 A M 21 A. That was a part of an answer -- much broader answer to a

9 : 4 7 A M 22 another -- different -- to a question around how did OMS apply

9 : 4 7 A M 23 to contractor rigs.

9 : 4 7 A M 24 Q. So in terms of either the substance or in terms of the

9 : 4 7 A M 25 timetable, as of April 20th, 2010, BP applied OMS differently

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9 : 4 7 A M 1 to contractor-owned rigs than to BP-owned rigs; correct?

9 : 4 8 A M 2 MS. KARIS: Your Honor, objection. Asked and  
9 : 4 8 A M 3 answered multiple times.

9 : 4 8 A M 4 THE COURT: I think he did.

9 : 4 8 A M 5 MR. HERMAN: I don't think that question --

9 : 4 8 A M 6 THE COURT: Well, let's see. I think that has been  
9 : 4 8 A M 7 answered.

9 : 4 8 A M 8 MR. HERMAN: Okay. I'll move on.

9 : 4 8 A M 9 Can we please pull up TREN-1975.1.1, please.

9 : 4 8 A M 10 BY MR. HERMAN:

9 : 4 8 A M 11 Q. Does that look familiar, Mr. O'Bryan?

9 : 4 8 A M 12 A. Yes.

9 : 4 8 A M 13 Q. This document relates to OMS implementation; correct?

9 : 4 8 A M 14 A. This document pertains to the recommended practice for  
9 : 4 8 A M 15 risk management, which is a part of OMS.

9 : 4 8 A M 16 Q. Okay. The BP risk assessment tool, is that what you're  
9 : 4 8 A M 17 referring --

9 : 4 8 A M 18 A. BP risk assurance tool, yes.

9 : 4 8 A M 19 Q. Risk assurance tool. And that's part of OMS; correct?

9 : 4 8 A M 20 A. That's correct.

9 : 4 8 A M 21 MR. HERMAN: And if we pull up 1975.1.2.

9 : 4 8 A M 22 BY MR. HERMAN:

9 : 4 8 A M 23 Q. This shows you as the authority; correct?

9 : 4 8 A M 24 A. Yes. I was the authorizing person for this document, yes.

9 : 4 8 A M 25 Q. And just to be clear for the Court, this document, the

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9 : 4 9 A M 1 recommended practice for risk management for drilling  
9 : 4 9 A M 2 completions dated January 2010, was never put into effect at  
9 : 4 9 A M 3 Macondo; correct?

9 : 4 9 A M 4 A. This particular document, no. But may I explain? There  
9 : 4 9 A M 5 were other risk assessment tools that were in place as part of  
9 : 4 9 A M 6 Beyond the Best. As we talked earlier, Beyond the Best had  
9 : 4 9 A M 7 been in place since 2001. If you go and look at Beyond the  
9 : 4 9 A M 8 Best and within DWOP, our drilling and well operations  
9 : 4 9 A M 9 practice, it required risk assessments to be done in all of our  
9 : 4 9 A M 10 projects.

9 : 4 9 A M 11 And, in fact, the requirement was you got to use  
9 : 4 9 A M 12 this, the risk assurance tool, or you could use the risk  
9 : 4 9 A M 13 assessment tools that were a part of the Beyond the Best common  
9 : 4 9 A M 14 process. And those -- as I said, Beyond the Best had been in  
9 : 4 9 A M 15 place since 2001.

9 : 4 9 A M 16 So there were other tools that were in place when the  
9 : 4 9 A M 17 risk assessment was done for Macondo.

9 : 4 9 A M 18 **MR. HERMAN:** Okay. Can we please pull up  
9 : 5 0 A M 19 TREN-1975.6.1.

9 : 5 0 A M 20 **BY MR. HERMAN:**

9 : 5 0 A M 21 Q. Do you recognize this from your implementation draft?

9 : 5 0 A M 22 A. Yes.

9 : 5 0 A M 23 Q. "The need to standardize the risk management process was  
9 : 5 0 A M 24 driven by the requirement to conform to OMS, to increase the  
9 : 5 0 A M 25 transparency and manageability of risks across GoM D&C, and to



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9:50 AM 1 move away from the multiple approaches that existed to manage  
9:50 AM 2 risk."

9:50 AM 3 And that's consistent with your understanding?

9:50 AM 4 A. Yes.

9:50 AM 5 Q. And why you wanted to implement this process?

9:50 AM 6 A. Yes.

9:50 AM 7 Q. Okay. "The recommended practice and the enhanced risk  
9:50 AM 8 tool will simplify the risk management process by enabling a  
9:50 AM 9 collaborative environment across all of GoM D&C."

9:50 AM 10 Do you see that?

9:50 AM 11 A. Yes, sir.

9:50 AM 12 Q. And that's consistent with what you were trying to do;  
9:50 AM 13 correct?

9:50 AM 14 A. Yes, sir.

9:50 AM 15 MR. HERMAN: Can we please look at TREX-1975.9.1.

9:51 AM 16 BY MR. HERMAN:

9:51 AM 17 Q. It says in this implementation draft: "GoM D&C's  
9:51 AM 18 definition of 'facility,' as defined in OMS, is the D&C  
9:51 AM 19 function referred to from here on as GoM D&C."

9:51 AM 20 Do you see that?

9:51 AM 21 A. Yes, sir.

9:51 AM 22 Q. Do you recall the definition of "facility" that you were  
9:51 AM 23 operating under?

9:51 AM 24 A. No, I don't.

9:51 AM 25 MR. HERMAN: Okay. If we look at TREX-6205.194.1.

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9:51AM 1 BY MR. HERMAN:

9:51AM 2 Q. This is from the OMS manual. Do you see the definition of

9:51AM 3 facility there?

9:51AM 4 A. Yes, sir.

9:51AM 5 Q. What's the definition of facility?

9:51AM 6 A. Do you want me to read it?

9:51AM 7 Q. If you could.

9:51AM 8 A. Sure. "Facility is a portion of a -- of or a complete

9:51AM 9 plant, unit, site, complex, or any combination thereof, for the

9:51AM 10 purpose of exploration, drilling, production, storage or

9:52AM 11 transportation."

9:52AM 12 Q. And so you intended that your implementation draft that

9:52AM 13 was never applied to Macondo would apply to facilities as

9:52AM 14 defined herein in the OMS manual?

9:52AM 15 A. Yes.

9:52AM 16 Q. And another word that's frequently used is "entity." Do

9:52AM 17 you see the definition of entity there?

9:52AM 18 A. Yes, sir.

9:52AM 19 Q. That's an "organizational unit within BP which may be a

9:52AM 20 performance unit, a business unit, a strategic performance

9:52AM 21 unit, segment, or some logical sub-group of one of these,

9:52AM 22 defined by the segment, function, or region."

9:52AM 23 Do you see that?

9:52AM 24 A. Yes, sir.

9:52AM 25 Q. Would you fall within "entity"?

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9 : 5 2 A M 1 A. Yes. The D&C organization, yes.

9 : 5 2 A M 2 Q. Would Mr. Guide have fallen within "entity"?

9 : 5 2 A M 3 A. He was part the D&C organization, yes.

9 : 5 2 A M 4 Q. And the well site leaders would have part of the entity?

9 : 5 2 A M 5 A. Yes, sir.

9 : 5 2 A M 6 Q. And the drilling engineers would have been part of the

9 : 5 2 A M 7 entity; correct?

9 : 5 2 A M 8 A. Yes, sir.

9 : 5 2 A M 9 Q. Okay. Thank you.

9 : 5 2 A M 10 MR. HERMAN: Now, let's go back to the implementation

9 : 5 3 A M 11 draft, TRES-1975.14.1.

9 : 5 3 A M 12 BY MR. HERMAN:

9 : 5 3 A M 13 Q. And this is the detail process flow. Do you see that?

9 : 5 3 A M 14 A. Yes, sir.

9 : 5 3 A M 15 Q. And where it says "BTB" there, is that Beyond the Best

9 : 5 3 A M 16 that you've been talking about?

9 : 5 3 A M 17 A. Yes, sir.

9 : 5 3 A M 18 Q. And the "MPCP," what's that?

9 : 5 3 A M 19 A. I believe that's the major -- major projects common

9 : 5 3 A M 20 process.

9 : 5 3 A M 21 Q. So Beyond the Best that you've been talking about and this

9 : 5 3 A M 22 other thing that you've just described, "both contain sections

9 : 5 3 A M 23 on managing risks but provide limited direction, particularly

9 : 5 3 A M 24 on the use of an appropriate tool. This recommended practice

9 : 5 3 A M 25 provides a best practice that leverages these procedures,

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9 : 5 3 A M 1 addresses the use of bpRAT" -- that's a risk assurance tool  
9 : 5 3 A M 2 that you were talking about; correct?  
9 : 5 3 A M 3 A. Yes, sir.  
9 : 5 3 A M 4 Q. -- "and provides a bridge between them and the OMS risk  
9 : 5 3 A M 5 management process"; correct?  
9 : 5 3 A M 6 A. Yes, sir.  
9 : 5 3 A M 7 Q. And that's something you intended to do at some point;  
9 : 5 4 A M 8 correct?  
9 : 5 4 A M 9 A. Yes, sir.  
9 : 5 4 A M 10 Q. But you didn't get to it and you didn't apply it to  
9 : 5 4 A M 11 Macondo; right?  
9 : 5 4 A M 12 A. Well, Macondo, when it was planned -- it had actually been  
9 : 5 4 A M 13 planned the previous year and was using the Beyond the Best  
9 : 5 4 A M 14 risk register that was, again, what was required per our  
9 : 5 4 A M 15 drilling wells and operations practice.  
9 : 5 4 A M 16 Q. Okay. And that was developed in 2001; correct?  
9 : 5 4 A M 17 A. Yes, sir.  
9 : 5 4 A M 18 Q. And as we see here, it provides limited direction;  
9 : 5 4 A M 19 correct?  
9 : 5 4 A M 20 A. That's what this says, yes.  
9 : 5 4 A M 21 Q. And, in fact, there were some incidents that -- we're not  
9 : 5 4 A M 22 going to get into the specifics for purposes of this trial, but  
9 : 5 4 A M 23 there were some incidents that made BP management realize that  
9 : 5 4 A M 24 Beyond the Best wasn't really that great; right?  
9 : 5 4 A M 25 MS. KARIS: Objection, Your Honor. First of all, I

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9:54 AM 1 think we all know that the "incidents" that Mr. Herman is  
9:54 AM 2 referring to is what the Court has excluded; second, those  
9:54 AM 3 incidents have nothing to do with Beyond the Best, which is for  
9:55 AM 4 drilling.

9:55 AM 5 **THE COURT:** Okay. I overrule the objection.

9:55 AM 6 You can answer it.

9:55 AM 7 **THE WITNESS:** Can you repeat the question, please.

9:55 AM 8 **BY MR. HERMAN:**

9:55 AM 9 **Q.** Following some incidents that we're not going to talk  
9:55 AM 10 about, BP management realized that Beyond the Best really  
9:55 AM 11 wasn't so great, huh?

9:55 AM 12 **A.** I don't believe -- I don't recollect that. What I believe  
9:55 AM 13 they wanted to do was to implement a risk assurance tool that  
9:55 AM 14 cut across the whole of the company. I don't recall ever  
9:55 AM 15 having Beyond the Best singled out as that it was not  
9:55 AM 16 appropriate. I just don't recall that.

9:55 AM 17 **Q.** Well, it is true that BP was replacing or at least  
9:55 AM 18 updating Beyond the Best with OMS; right?

9:55 AM 19 **A.** Beyond the Best was going to be rolled into OMS.

9:55 AM 20 **Q.** And the OMS included this risk assurance tool that -- that  
9:55 AM 21 BTB or Beyond the Best didn't have; correct?

9:55 AM 22 **A.** Again, Beyond the Best had a risk tool associated with it.  
9:55 AM 23 The risk assurance tool was the next step in risk management,  
9:56 AM 24 and that was the recommended practices and that's what we were  
9:56 AM 25 moving to.

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9:56 AM 1 Q. And it was intended at some point that OMS and these risk  
9:56 AM 2 assurance tools would be applied to projects like Macondo;  
9:56 AM 3 correct?

9:56 AM 4 A. Yes. I believe on January 26th, when we sent this out,  
9:56 AM 5 when I authorized it, I believe there was a note from Dave  
9:56 AM 6 Rich, who was the wells manager, that the teams were to  
9:56 AM 7 transition to the risk assurance tool.

9:56 AM 8 Q. But that wasn't going to happen until the end of 2010;  
9:56 AM 9 correct?

9:56 AM 10 A. I can't remember the time frame. I'd have to go back and  
9:56 AM 11 look at the implementation document.

9:56 AM 12 Q. Okay. Would it help you refresh your recollection if we  
9:56 AM 13 showed some of your deposition testimony?

9:56 AM 14 A. Yes.

9:56 AM 15 MR. HERMAN: Okay. Why don't we pull up  
9:56 AM 16 TREN-26144.134.1.

9:57 AM 17 BY MR. HERMAN:

9:57 AM 18 Q. And this kind of goes on for a couple of pages, so I'll  
9:57 AM 19 give you a chance to make sure you get the complete context  
9:57 AM 20 with the questions and answers.

9:57 AM 21 A. Okay.

9:57 AM 22 MR. HERMAN: And can we go to the next page, which is  
9:57 AM 23 TREN-26144.134.2.

9:57 AM 24 MS. KARIS: Your Honor, if I could just ask that  
9:57 AM 25 Mr. O'Bryan see the rest of his answer -- sorry.

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9:57 AM

1 MR. HERMAN: Yeah.

9:57 AM

2 THE WITNESS: Yes, sir.

9:57 AM

3 BY MR. HERMAN:

9:57 AM

4 Q. And does that refresh your recollection about the  
5 application of these processes for Macondo?

9:57 AM

9:57 AM

6 A. What I think I said was that there were risk assessment  
7 tools that were in place that were from Beyond the Best and  
8 major projects common process. You had asked me specifically  
9 about the risk assurance tool being implemented in 2010, and I  
10 don't see any reference in here to that.

9:57 AM

9:58 AM

9:58 AM

9:58 AM

10

11 Q. Well, okay. I may have showed you the wrong thing, and I  
12 apologize.

9:58 AM

9:58 AM

13

14 Before we leave this, though, do you see at the  
15 bottom where it says, "I've not seen a specific risk register  
16 for the Macondo well"?

9:58 AM

9:58 AM

9:58 AM

9:58 AM

16

17 MS. KARIS: Your Honor, I'm going to object to the  
18 use of this testimony.

9:58 AM

9:58 AM

18

19 MR. HERMAN: I apologize. I'll move on.

9:58 AM

9:58 AM

20

21 Let's go to TREN-26144.153.1. Hopefully, this  
22 is the right one. I'm sorry.

9:58 AM

9:58 AM

21

22 MS. KARIS: Well, same objection. There's no  
23 question pending to use as a predicate.

9:58 AM

9:58 AM

23

24 THE COURT: Well, I believe he's going back to the  
25 previous question.

9:58 AM

25

MR. HERMAN: I believe the question here is --

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9 : 5 8 A M 1 THE COURT: Hold on. My understanding is Mr. Herman  
9 : 5 8 A M 2 inadvertently pulled up the wrong transcript.

9 : 5 8 A M 3 MR. HERMAN: Yeah. I apologize.

9 : 5 8 A M 4 MS. KARIS: But, Your Honor, I think my point was  
9 : 5 8 A M 5 that this, what's shown, doesn't have anything to do with when  
9 : 5 8 A M 6 it was implemented --  
9 : 5 8 A M 7 Which is what I thought you were trying to  
9 : 5 9 A M 8 refresh him on.

9 : 5 9 A M 9 MR. HERMAN: I'm trying to give him the full context.  
9 : 5 9 A M 10 We can go to the next page if you want to.

9 : 5 9 A M 11 THE COURT: Okay. Continue on, Mr. Herman.

9 : 5 9 A M 12 MR. HERMAN: Okay.

9 : 5 9 A M 13 BY MR. HERMAN:

9 : 5 9 A M 14 Q. Do you have the context, Mr. O'Bryan?

9 : 5 9 A M 15 A. Let me just read it real quick.

9 : 5 9 A M 16 I believe the document that we're referring to here  
9 : 5 9 A M 17 is the OMS, not the risk assurance. I'm reading the  
9 : 5 9 A M 18 question -- the next -- Mr. Sterbcow's question. I'm just  
9 : 5 9 A M 19 trying -- what is it exactly you want me to read? His question  
9 : 5 9 A M 20 or --

9 : 5 9 A M 21 Q. Have you read this page?

9 : 5 9 A M 22 A. Yes, sir, I have.

9 : 5 9 A M 23 Q. Okay. So you're oriented with this page?

9 : 5 9 A M 24 A. Yes, sir.

9 : 5 9 A M 25 MR. HERMAN: Okay. Now if we could go to the next



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9:59 AM 1 page, which hopefully is 26144.154.1.

9:59 AM 2 **BY MR. HERMAN:**

9:59 AM 3 **Q.** Do you see how the testimony continues on?

9:59 AM 4 **A.** Yes, sir. I'm reading it.

9:59 AM 5 **Q.** Yeah.

10:00 AM 6 **A.** Yes, sir.

10:00 AM 7 **Q.** And does that refresh your recollection that as you move

10:00 AM 8 into 2010, living inside of OMS, that that wasn't going to be

10:00 AM 9 applied and you weren't going to get full implementation and be

10:00 AM 10 inside the BP risk assessment tool until later in the year?

10:00 AM 11 Do you see that?

10:00 AM 12 **A.** Yes, sir. You had asked me earlier, though, by the end of

10:00 AM 13 2010.

10:00 AM 14 And as I said, you had projects that were in various

10:00 AM 15 stages of implementation. Some -- as with the Macondo well, it

10:00 AM 16 had already been planned and the risk assessment tools that had

10:00 AM 17 been used were the ones that were prescribed in Beyond the

10:00 AM 18 Best.

10:00 AM 19 And you had other wells that were in execution phase

10:00 AM 20 also. So as you transitioned and began planning new wells, you

10:00 AM 21 would -- the expectation and the requirement was that you would

10:00 AM 22 start using the BP risk assurance tool as the risk management

10:01 AM 23 tool.

10:01 AM 24 **Q.** So later in the year, after Macondo; correct?

10:01 AM 25 **A.** Yes.

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10:01AM 1 So this was -- again, this was authorized in January.  
10:01AM 2 So, you know, I can't tell you a specific timelines, but the  
10:01AM 3 different wells teams and projects would have moved into it at  
10:01AM 4 different phases. We didn't just say, "Today you will stop  
10:01AM 5 using what you've got in place."

10:01AM 6 You're transitioning to it. So there would have been  
10:01AM 7 a transition plan to it.

10:01AM 8 Q. Do you believe that the implementation draft was put into  
10:01AM 9 effect in January?

10:01AM 10 A. So the implementation draft was sent out. This was a  
10:01AM 11 draft to get feedback from the teams as to any -- any concerns  
10:01AM 12 or any issues or opportunity to improve it. And the intent had  
10:01AM 13 been to make it the issuing document, REV 1, if you will, from  
10:01AM 14 a control document standpoint. That was to happen in, I  
10:01AM 15 believe, late March.

10:01AM 16 Q. And March 4th was the original date that it was intended  
10:02AM 17 to be released; correct?

10:02AM 18 A. It was in March.

10:02AM 19 Q. Okay. But it wasn't released when it was originally  
10:02AM 20 intended, on March 4th; correct?

10:02AM 21 A. No, it wasn't.

10:02AM 22 Q. And would you defer to Kal Jassal as to when he might have  
10:02AM 23 actually distributed it, made it effective?

10:02AM 24 A. Would I defer to Kal?

10:02AM 25 Q. Yeah, Kal Jassal.

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10:02 AM 1 A. In terms of what? In terms of when he released it or --

10:02 AM 2 Q. You don't know, sitting here today, when the document, if  
10:02 AM 3 ever, was put into final and released; correct?

10:02 AM 4 A. As I said, we -- as originally planned, we had the  
10:02 AM 5 implementation draft that was issued in January of 2010; and in  
10:02 AM 6 March, it was to be, in REV 1, issued to the organization.

10:02 AM 7 We made a conscious decision to not do that because  
10:02 AM 8 of the reorganization and, quite frankly, because we had risk  
10:02 AM 9 assessment tools that had been in place for quite some time,  
10:02 AM 10 that had been used -- obviously, the team had been using these  
10:03 AM 11 for the previous nine years.

10:03 AM 12 And so we felt like the prudent thing to do was let's  
10:03 AM 13 get the reorganization done, get all the folks in place, and  
10:03 AM 14 then we'll do the final issue of the document in April/May time  
10:03 AM 15 frame.

10:03 AM 16 Q. Sitting here today, do you know when, if ever, that  
10:03 AM 17 document was put into final and issued?

10:03 AM 18 A. I was on the rig when it exploded. I got back. I was  
10:03 AM 19 assigned to drill the relief wells, and that was my sole focus  
10:03 AM 20 until the time I left the Gulf of Mexico D&C. So I can't sit  
10:03 AM 21 here and tell you that.

10:03 AM 22 Q. You don't know?

10:03 AM 23 A. As I said, I wasn't -- I was focused on relief wells. And  
10:03 AM 24 I don't know when it was issued.

10:03 AM 25 Q. If ever?

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10:03 AM 1 A. As I said, I don't know.

10:03 AM 2 Q. And would you defer to Mr. Jassal as to who he distributed  
10:03 AM 3 it to or when?

10:03 AM 4 A. So I would -- so during the course of drilling the relief  
10:03 AM 5 wells when the emergency response was set up, the way in which  
10:03 AM 6 the day-to-day business of the Gulf of Mexico was handled to  
10:04 AM 7 allow folks like myself, James Dupree to be solely focused on  
10:04 AM 8 the response, we had designated alternates.

10:04 AM 9 And so this would have been -- wouldn't have been  
10:04 AM 10 part of the day-to-day running of the SPU business. And my  
10:04 AM 11 alternate was Dave Rich. You would have to ask Dave as to if  
10:04 AM 12 they got it implemented while I was focused on the relief well.  
10:04 AM 13 I just don't know.

10:04 AM 14 MR. HERMAN: Okay. Can we please pull up  
10:04 AM 15 TREN-26144.668.1.

10:04 AM 16 THE COURT: Let me ask the witness a question. I  
10:04 AM 17 want to make sure I understand.

10:04 AM 18 You said that the -- the way you -- the way I  
10:04 AM 19 understood what you said earlier was that BP would not directly  
10:04 AM 20 apply OMS to a contractor-owned rig like Transocean, you would  
10:04 AM 21 effectively use -- allow the use of the contractor's safety  
10:05 AM 22 system and then using something called a bridging document;  
10:05 AM 23 correct?

10:05 AM 24 THE WITNESS: Yes, sir.

10:05 AM 25 THE COURT: Okay. What does a bridging document do

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10:05 AM 1 on a -- how does that work?

10:05 AM 2           **THE WITNESS:** So, basically, you -- in its simplest  
10:05 AM 3 form, you take their safety management system and the elements  
10:05 AM 4 of it and what you require your operations to be conducted  
10:05 AM 5 under your safety management system and you identify, Are there  
10:05 AM 6 any gaps? And if there's a gap, the bridging document actually  
10:05 AM 7 documents what the contractor's going to do to fulfill that  
10:05 AM 8 requirement.

10:05 AM 9           If there are not any gaps, then the bridging document  
10:05 AM 10 simply documents that we've looked at it, they're consistent  
10:05 AM 11 with -- the drilling contractor's safety management system is  
10:05 AM 12 consistent with ours, and you move forward.

10:05 AM 13           But it --

10:05 AM 14           **THE COURT:** No, go ahead and finish your answer.

10:05 AM 15           **THE WITNESS:** So it is simply a process by which you  
10:05 AM 16 identify any disconnects between your safety management system  
10:06 AM 17 and theirs.

10:06 AM 18           **THE COURT:** And that was done in the case of the  
10:06 AM 19 Macondo?

10:06 AM 20           **THE WITNESS:** I believe there was a bridging document  
10:06 AM 21 done by Transocean for the *Horizon*, yes, sir.

10:06 AM 22           **THE COURT:** Were there any gaps that had been  
10:06 AM 23 identified?

10:06 AM 24           **THE WITNESS:** I don't recall, Your Honor.

10:06 AM 25           **THE COURT:** Okay.

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10:06 AM 1 MR. HERMAN: Thank you, Your Honor.

10:06 AM 2 THE COURT: Is that document in evidence?

10:06 AM 3 MS. KARIS: It is --

10:06 AM 4 THE COURT: The bridging document?

10:06 AM 5 MS. KARIS: It is, through the deposition bundle,  
6 Your Honor.

10:06 AM 7 And I want to object to the use of, again -- the  
8 use of Mr. O'Bryan's testimony for something that is not  
9 inconsistent with what he had just said.

10:06 AM 10 MR. HERMAN: I think I asked him if he would defer  
11 to -- if he would defer to Mr. Jassal.

10:06 AM 12 THE COURT: Well, he said he doesn't know, so I guess  
13 he would have to defer to anybody you put up there because he  
14 doesn't know.

10:06 AM 15 MR. HERMAN: Sure.

10:06 AM 16 MS. KARIS: And he says exactly that in his  
17 deposition.

10:06 AM 18 THE COURT: Let's move on.

10:06 AM 19 MR. HERMAN: Sure.

10:06 AM 20 Can we please pull up TREX-45006.6.1.

10:07 AM 21 BY MR. HERMAN:

10:07 AM 22 Q. Do you recognize that, Mr. O'Bryan?

10:07 AM 23 A. Yes, sir. It's been a while since I've looked at it,  
24 though.

10:07 AM 25 Q. I have the date of November 3rd, 2008. Does that sound

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10:07 AM 1 about right?

10:07 AM 2 A. Okay. Yes, sir.

10:07 AM 3 Q. And this talks about OMS governance and interpretation?

10:07 AM 4 A. Yes, sir.

10:07 AM 5 Q. And it says: "The BP group chief executive has determined  
10:07 AM 6 that OMS shall be a control process relevant to all projects,  
10:07 AM 7 facilities, sites, and operations."  
10:07 AM 8 Do you see that?

10:07 AM 9 A. Yes, sir.

10:07 AM 10 Q. And if we go to TREN-45006.8.1. It says, for  
10:07 AM 11 applicability: "The OMS framework is relevant to all projects  
10:07 AM 12 as well as all facilities" -- oh, excuse me -- "as well as  
10:08 AM 13 facilities, sites, and operations."  
10:08 AM 14 Do you see that?

10:08 AM 15 A. Yes, sir.

10:08 AM 16 Q. And then it says: "OMS applicability requirements,  
10:08 AM 17 including its application to joint ventures, acquisitions and  
10:08 AM 18 contractors, are described in Appendix 7."  
10:08 AM 19 Do you see that?

10:08 AM 20 A. Yes, sir.

10:08 AM 21 Q. And so if we go to Appendix 7, that is 45006.15.1.PSC and  
10:08 AM 22 that's Appendix 7, "OMS Applicability." Do you see that?

10:08 AM 23 A. Yes, sir.

10:08 AM 24 Q. And it says: "References in this section to 'BP' are to a  
10:08 AM 25 BP entity that is operating under the BP OMS. References to

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10:08 AM 1 'applying OMS' relate to applying both the management system  
10:08 AM 2 and the requirements within it, such as the group essentials in  
10:08 AM 3 accordance with OMS."

10:08 AM 4 Do you see that?

10:08 AM 5 A. Yes, sir.

10:08 AM 6 Q. And is that consistent with your understanding of what BP  
10:08 AM 7 was supposed to do?

10:08 AM 8 A. Yes, sir.

10:08 AM 9 Q. Now, continuing on to the next page, specifically with  
10:09 AM 10 respect to contractors -- and for the record, this is  
10:09 AM 11 TREX-45006.16.1.

10:09 AM 12 Are you familiar with this provision?

10:09 AM 13 A. Again, it's been a while since I've read this, but, yes,  
10:09 AM 14 it looks familiar.

10:09 AM 15 Q. "Where BP relies on a contractor" -- like Transocean;  
10:09 AM 16 correct?

10:09 AM 17 A. Yes, sir.

10:09 AM 18 Q. -- "to carry out work, BP shall, as needed, include and  
10:09 AM 19 apply contract provisions such that the work is carried out in  
10:09 AM 20 a way that supports and is consistent with BP's application of  
10:09 AM 21 OMS to BP's operating activities."

10:09 AM 22 Do you see that?

10:09 AM 23 A. Yes, sir.

10:09 AM 24 Q. And then it says: "Where such contract provisions are not  
10:09 AM 25 included in an existing contract, BP shall endeavor to amend



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10:09 AM 1 the contract as needed, immediately or on renewal."

10:09 AM 2 Do you see that?

10:09 AM 3 A. Yes, sir.

10:09 AM 4 Q. It doesn't say anything about BP deferring to the  
10:09 AM 5 contractor's safety management system, does it?

10:10 AM 6 A. This piece doesn't, no.

10:10 AM 7 Q. It doesn't say anything about the contractor's safety  
10:10 AM 8 management system at all, does it?

10:10 AM 9 A. No, it doesn't.

10:10 AM 10 Q. It refers to the contract; correct?

10:10 AM 11 A. Yes, sir.

10:10 AM 12 Q. Let's go to 45006.16.2.  
10:10 AM 13 This is the deviation process for OMS; correct?

10:10 AM 14 A. Yes, sir.

10:10 AM 15 Q. And it says: "A decision by a BP entity to deviate from  
10:10 AM 16 the complete application of the BP OMS framework Parts 1 to 4  
10:10 AM 17 shall be based on a risk assessment, including defining and  
10:10 AM 18 documenting the risk reduction measures that are to be applied  
10:10 AM 19 and shall be formally justified, recorded, and authorized by  
10:10 AM 20 the line executive vice president or group vice president or  
10:10 AM 21 group head of function after consultation and approval from the  
10:11 AM 22 group head of operations."

10:11 AM 23 Do you see that?

10:11 AM 24 A. Yes, sir.

10:11 AM 25 Q. And so under this document, you don't say, "Follow the

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10:11AM 1 contractor's policy unless somebody says it's insufficient";  
10:11AM 2 correct?

10:11AM 3 A. Correct.

10:11AM 4 Q. It says follow OMS unless someone documents and proves  
10:11AM 5 that something else is sufficient; correct?

10:11AM 6 A. Yes, sir.

10:11AM 7 Q. And, yet the decision was made from the very top of BP  
10:11AM 8 management to apply OMS to contractor-owned rigs in the Gulf  
10:11AM 9 differently than as dictated here; correct?

10:11AM 10 A. I don't agree with that.

10:11AM 11 Q. Okay.

10:11AM 12 Shifting gears a little, would you agree that audits  
10:11AM 13 are the best way to confirm that BP employees are following  
10:11AM 14 good process safety practices and procedures?

10:11AM 15 A. Audits should be the way to verify that the processes are  
10:11AM 16 being followed, yes.

10:12AM 17 Q. At least during the time that you were vice president from  
10:12AM 18 December 2010 through the date of the explosion, there was no  
10:12AM 19 process safety audit conducted on Macondo; correct?

10:12AM 20 A. There was no process safety audit done that I recall on  
10:12AM 21 any of our operations.

10:12AM 22 Q. Nor was there a procedure in place whereby a team,  
10:12AM 23 independent of the engineering team or the operations team,  
10:12AM 24 would come in on a periodic basis and audit what was being  
10:12AM 25 done; correct?

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10:12 AM 1 A. Again, I don't know if that was one of the gaps that was  
10:12 AM 2 identified in the gap assessment and if we had actions in place  
10:12 AM 3 to close the gap. I just don't know.

10:12 AM 4 Q. And you personally have never even seen a risk register  
10:12 AM 5 specific to Macondo; correct?

10:12 AM 6 A. I have not seen one prior to, but I have seen one  
10:12 AM 7 afterwards, yes.

10:12 AM 8 Q. You had not seen one as of the date of your deposition;  
10:12 AM 9 correct?

10:12 AM 10 A. I don't believe so, no.

10:12 AM 11 Q. Somebody showed it to you for the trial?

10:12 AM 12 A. No.

10:12 AM 13 Q. You got curious after your deposition?

10:13 AM 14 A. I don't recall.

10:13 AM 15 Q. You were shown a June 2009 gap assessment on direct;  
10:13 AM 16 correct?

10:13 AM 17 A. I'm sorry. Can you repeat your question?

10:13 AM 18 Q. When you were on direct, the gap assessment that was put  
10:13 AM 19 up there was from June 2009; correct?

10:13 AM 20 A. That's correct.

10:13 AM 21 Q. We didn't look at the gap assessment that was then done  
10:13 AM 22 later in the first quarter of 2010; correct?

10:13 AM 23 A. Which gap assessment are you referring to?

10:13 AM 24 Q. Are you aware that there was a second gap assessment?

10:13 AM 25 A. For D&C?

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10:13 AM 1 Q. For either D&C or SPU.

10:13 AM 2 A. I'm only aware of a D&C gap assessment.

10:13 AM 3 Q. Only one D&C gap assessment?

10:13 AM 4 A. I believe we only did one gap assessment for D&C, that's

10:13 AM 5 correct.

10:13 AM 6 Q. So to your knowledge and understanding, the first quarter

10:13 AM 7 2010 gap assessment would have been for the SPU?

10:13 AM 8 A. First quarter 2010?

10:13 AM 9 Q. Yes.

10:13 AM 10 A. It must have been because it was not a D&C gap assessment.

10:13 AM 11 We didn't do one in my time there.

10:13 AM 12 Q. You're not familiar with any of those gaps, correct, if

10:13 AM 13 any?

10:13 AM 14 A. No. No, I'm not.

10:13 AM 15 MR. HERMAN: Can we please pull up TREX-2523.1.1.

10:14 AM 16 BY MR. HERMAN:

10:14 AM 17 Q. Do you recall getting this e-mail at some point?

10:14 AM 18 A. Can I read it just a minute?

10:14 AM 19 Q. Yeah, sure.

10:14 AM 20 A. Yes, sir, I recognize it.

10:14 AM 21 Q. And this is from Steve Haden or Haden?

10:14 AM 22 A. Haden.

10:14 AM 23 Q. And who is he?

10:14 AM 24 A. Steve was a -- one of our vice presidents in the global

10:14 AM 25 D&C function.

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10:14 AM 1 Q. And do you see where I highlighted here, it says:  
10:14 AM 2 "Transocean is at the top of the list"?

10:14 AM 3 A. Yes, sir.

10:14 AM 4 Q. And attached to this --

10:14 AM 5 MR. HERMAN: If we could pull up TREX-2523.7.1.

10:14 AM 6 BY MR. HERMAN:

10:14 AM 7 Q. It is a PowerPoint. Do you recall that?

10:14 AM 8 A. Vaguely. I'd have to look at it and . . .

10:14 AM 9 Q. Okay.

10:15 AM 10 Have you had a chance to look at it?

10:15 AM 11 A. Yes, sir.

10:15 AM 12 Q. Do you see where it says, "Drilling contractor supervisors  
10:15 AM 13 have a poor understanding of their own company SMS"?

10:15 AM 14 A. Yes, sir.

10:15 AM 15 Q. And SMS is safety management system?

10:15 AM 16 A. Yes, sir.

10:15 AM 17 Q. And you recall this being reported to you or conveyed to  
10:15 AM 18 you in January of 2010?

10:15 AM 19 A. It was part of Steve's packet he sent around, yes.

10:15 AM 20 Q. And then it says: "A majority of our bridging documents  
10:15 AM 21 linking BP and drilling contractor safety systems are outdated  
10:15 AM 22 and/or poorly understood."

10:15 AM 23 Do you see that?

10:15 AM 24 A. Yes, sir.

10:15 AM 25 Q. Do you recall that being reported to you in January of

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10:15 AM 1 2010?

10:15 AM 2 A. I remember this being part of his packet, yes.

10:15 AM 3 Q. And then it says: "Both BP and key contractors" -- excuse

10:15 AM 4 me. Let me start over.

10:15 AM 5 "Low value realized from HSE advisers by both BP and

10:16 AM 6 key contractors due to poorly defined roles."

10:16 AM 7 Do you see that?

10:16 AM 8 A. Yes, sir.

10:16 AM 9 MR. HERMAN: Thank you, Carl.

10:16 AM 10 BY MR. HERMAN:

10:16 AM 11 Q. Now, one of the things that was just noted in the document

10:16 AM 12 that we looked at and one of the things that the Court asked

10:16 AM 13 you about was bridging documents. Do you recall that?

10:16 AM 14 A. Yes, sir.

10:16 AM 15 Q. And the demonstrative that you showed us, you had a

10:16 AM 16 reference to a bridging document. Do you recall that?

10:16 AM 17 A. Yes, sir.

10:16 AM 18 MR. HERMAN: If we could pull up D-4943, please.

10:16 AM 19 BY MR. HERMAN:

10:16 AM 20 Q. Now, this chart -- who made this chart?

10:16 AM 21 A. I believe counsel did.

10:16 AM 22 Q. And when was it made?

10:16 AM 23 A. I don't know.

10:16 AM 24 MS. KARIS: I object to foundation, Your Honor.

10:16 AM 25 MR. HERMAN: Okay. He said he didn't know.

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10:16 AM 1 THE COURT: Go ahead.

10:16 AM 2 BY MR. HERMAN:

10:16 AM 3 Q. Let me ask you this question: This chart that, I guess,  
10:16 AM 4 is supposed to explain how everything fits together, that  
10:16 AM 5 wasn't available in 2010 to the well site leaders, the wells  
10:17 AM 6 team leaders, the drilling engineers, and the people on the  
10:17 AM 7 Transocean side of things; correct?

10:17 AM 8 A. I don't know whether it was or wasn't.

10:17 AM 9 Q. You don't recall seeing it prior to the explosion, do you?

10:17 AM 10 A. No.

10:17 AM 11 Q. Now, do you see where it says, "S -- HSE bridging doc"?

10:17 AM 12 A. Yes, sir.

10:17 AM 13 Q. And down at the bottom there's some sources. Do you see  
10:17 AM 14 that? "Source," it says your depo and then some TREXs and some  
10:17 AM 15 numbers. One of the numbers is 948. Do you see that?

10:17 AM 16 A. 948 -- okay. I see it. Yeah.

10:17 AM 17 Q. Okay. And to your knowledge, is that supposed to refer to  
10:17 AM 18 the bridging document that's there?

10:17 AM 19 A. I have no idea.

10:17 AM 20 Q. Have no idea, huh?

10:17 AM 21 MR. HERMAN: Let's pull up TREX-948.1.1.

10:17 AM 22 BY MR. HERMAN:

10:17 AM 23 Q. Is this the document that you were referring to in the  
10:17 AM 24 previous demonstrative as the bridging document?

10:18 AM 25 A. I believe that's correct, yes.

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10:18 AM 1 Q. And it's really hard to read the date, but I think it's  
10:18 AM 2 2008, September of 2008. Does that sound about right?

10:18 AM 3 A. Yes, sir.

10:18 AM 4 Q. And I think if we go to the last page, TREX-948.5.1, that  
10:18 AM 5 will probably give us a better idea.  
10:18 AM 6 This shows a revision log; correct?

10:18 AM 7 A. Yes.

10:18 AM 8 Q. And that's intended to show whoever's looking at the  
10:18 AM 9 document what revisions were made on what dates?

10:18 AM 10 A. That's correct.

10:18 AM 11 Q. And there's an August 31st, 2008, date on there; correct?

10:18 AM 12 A. Yes.

10:18 AM 13 Q. And that's right before September 2008 when it might have  
10:18 AM 14 been signed. Does that make sense?

10:18 AM 15 A. I --

10:18 AM 16 Q. Well, in any event --

10:18 AM 17 A. I wasn't part of this document, so I can't -- I wasn't  
10:18 AM 18 part of preparing it, so I can't tell you.

10:18 AM 19 Q. Okay. Well, you see where it says, "October 20, 2009"?

10:18 AM 20 A. Yes, sir.

10:18 AM 21 Q. And the revision details are: "Changed authority to  
10:19 AM 22 Curtis Jackson; changed custodian to Steve Tink; no other  
10:19 AM 23 content changes."  
10:19 AM 24 Do you see that?

10:19 AM 25 A. Yes, sir.



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10:19 AM 1 Q. And so in your experience of being at BP and reading these  
10:19 AM 2 types of documents, you would assume that there were no  
10:19 AM 3 material or substantive revisions after August 31st, 2008;  
10:19 AM 4 correct?

10:19 AM 5 A. Again, I wasn't part of putting this document together  
10:19 AM 6 and -- in fact, I didn't get -- didn't assume this role until  
10:19 AM 7 December of 2009. So I can't tell you.

10:19 AM 8 Q. Okay. This bridging document which appears to be dated  
10:19 AM 9 September 2008, to your knowledge, predates the OMS governance  
10:19 AM 10 and interpretation document that we were just looking at;  
10:19 AM 11 correct? November of 2008?

10:19 AM 12 A. I believe that's correct, yes.

10:19 AM 13 Q. And it predates the January 2010 implementation draft that  
10:19 AM 14 you're not sure, sitting here today, ever got implemented;  
10:19 AM 15 correct?

10:19 AM 16 A. Well, you're comparing two different things here. This is  
10:20 AM 17 an HSE safety management system bridging document. The thing  
10:20 AM 18 that you were asking me about earlier was the risk assurance  
10:20 AM 19 tool implementation, which, I think, are two different things  
10:20 AM 20 here.

10:20 AM 21 Q. Okay. But am I correct that this bridging document  
10:20 AM 22 predates the implementation draft of January 2010?

10:20 AM 23 A. The implementation draft of the risk assurance tool was  
10:20 AM 24 rolled out in January of 2010. And, yes, September of 2008 is  
10:20 AM 25 before January 2010.

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10:20AM 1 Q. And it even predates, as I understand it, an amendment to  
10:20AM 2 the contract between BP and Transocean. Do you recall that?  
10:20AM 3 A. An amendment to the contract? I don't recall an amendment  
10:20AM 4 to the contract. I wasn't involved in that.  
10:20AM 5 Q. Okay. Let's look at TREN-948.4.1.  
10:20AM 6 And this says: "The primary function will be as  
10:21AM 7 follows:  
10:21AM 8 "1. To resolve BP" --  
10:21AM 9 And then I assume the "TODDI NAM" is Transocean?  
10:21AM 10 A. Yes.  
10:21AM 11 Q. Okay. So "to resolve BP/Transocean gaps in the HSE  
10:21AM 12 system."  
10:21AM 13 I keep messing that up. I'm sorry.  
10:21AM 14 "Manage the resolution of gaps across the different  
10:21AM 15 business units in the Gulf of Mexico operating area."  
10:21AM 16 Do you see that?  
10:21AM 17 A. Yes, sir.  
10:21AM 18 Q. And "To review and implement new programs, as well as  
10:21AM 19 deletion or changes to the existing program."  
10:21AM 20 Correct?  
10:21AM 21 A. Yes, sir.  
10:21AM 22 Q. So this document doesn't actually bridge any gaps;  
10:21AM 23 correct?  
10:21AM 24 A. It does. I mean, that's the purpose of a bridging  
10:21AM 25 document is to identify gaps with the safety management system.

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10:21AM 1 That's been my experience. I wasn't part of this particular  
10:21AM 2 gap -- or this particular bridging because it was before I got  
10:21AM 3 to the Gulf of Mexico. But my experience is a bridging  
10:21AM 4 document is simply looking and comparing the operator -- BP's  
10:22AM 5 side, the operator and the drilling contractor's safety  
10:22AM 6 management system and identifying any gaps and putting in place  
10:22AM 7 actions to close those gaps.

10:22AM 8 As I said, I wasn't part of putting together this  
10:22AM 9 bridging document.

10:22AM 10 Q. Okay. But this document, this bridging document that you  
10:22AM 11 guys referred to in your demonstrative to show how things were  
10:22AM 12 bridged together, this Exhibit 948 --

10:22AM 13 A. Uh-huh.

10:22AM 14 Q. -- this in only five pages; correct?

10:22AM 15 A. I don't remember how many pages. I mean, I haven't looked  
10:22AM 16 at this bridging document in a while. I mean, if you would  
10:22AM 17 like for me to review it and look at it --

10:22AM 18 MR. HERMAN: May I approach, Your Honor?

10:22AM 19 THE COURT: Well, he says he had nothing to do with  
10:22AM 20 it. He hasn't seen it and it's in evidence, so I think that  
10:22AM 21 will allow you to make whatever argument you want to make from  
10:22AM 22 it. Let's move on. I think we've heard enough about bridging  
10:22AM 23 documents here.

10:22AM 24 MR. HERMAN: Sure, Your Honor.  
25

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10:23 AM 1 **BY MR. HERMAN:**

10:23 AM 2 **Q.** Let me ask one last question then.

10:23 AM 3 In terms of bridging documents, have you ever seen a

10:23 AM 4 bridging document specific to the *Deepwater Horizon*?

10:23 AM 5 **A.** No, I've not.

10:23 AM 6 **Q.** Have you ever seen a bridging document specific to the

10:23 AM 7 Macondo well?

10:23 AM 8 **A.** I wouldn't expect to see one specific to the Macondo well.

10:23 AM 9 **MR. HERMAN:** Thank you. No further questions.

10:23 AM 10 **THE COURT:** United States -- let's take our 15-minute

10:23 AM 11 recess.

10:23 AM 12 **THE DEPUTY CLERK:** All rise.

10:23 AM 13 (WHEREUPON, the Court took a recess.)

10:42 AM 14 **THE COURT:** Please be seated, everyone.

10:42 AM 15 **MR. UNDERHILL:** Proceed, Your Honor?

10:42 AM 16 **THE COURT:** Yes.

10:42 AM 17 **MR. UNDERHILL:** Thank you, Your Honor.

10:42 AM 18 **CROSS-EXAMINATION**

10:42 AM 19 **BY MR. UNDERHILL:**

10:42 AM 20 **Q.** Mr. O'Bryan or Dr. O'Bryan, whichever you prefer, my name

10:42 AM 21 is Mike Underhill. I work with the United States and I have

10:42 AM 22 got you on cross-examination. Are you ready to go?

10:42 AM 23 **A.** Yes, sir.

10:42 AM 24 **Q.** Your counsel approached me before and said somebody had to

10:42 AM 25 show this exhibit.

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10:42 AM 1 MR. UNDERHILL: Will you pull up TREN-759, please.

10:43 AM 2 BY MR. UNDERHILL:

10:43 AM 3 Q. You're familiar with that e-mail, are you, sir?

10:43 AM 4 A. Yes, sir.

10:43 AM 5 Q. I promise you, we've probably beat negative pressure tests  
10:43 AM 6 more than a dead horse is beat, so I'm not going to have much  
10:43 AM 7 on it.

10:43 AM 8 A. Okay.

10:43 AM 9 Q. Let's put this in context.

10:43 AM 10 MR. UNDERHILL: Could you go to the bottom of the  
10:43 AM 11 e-mail. There's a second page, I don't think we need to read  
10:43 AM 12 it.

10:43 AM 13 BY MR. UNDERHILL:

10:43 AM 14 Q. Just for context, this is an e-mail string that had  
10:43 AM 15 initiated with Bob Kaluza, one of the well site leaders that  
10:43 AM 16 was on board the rig on the 20th of April; correct?

10:43 AM 17 A. Yes, sir.

10:43 AM 18 Q. And again, just for context without reading through it,  
10:43 AM 19 this was Mr. Kaluza's attempt to explain to the BP folks how  
10:43 AM 20 the bladder effect worked; correct?

10:43 AM 21 A. Yes, sir.

10:43 AM 22 MR. UNDERHILL: And then if we could go, Dawn, to the  
10:43 AM 23 front page, please. Let's cut to the chase here. Dawn, could  
10:43 AM 24 you pull out from the top all the way down to the signature of  
10:43 AM 25 Mr. O'Bryan where he signs, "Regards, Pat." Thank you.

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10:44 AM 1 BY MR. UNDERHILL:

10:44 AM 2 Q. And the subject line there is "Bladder Effect"; correct,  
10:44 AM 3 sir?

10:44 AM 4 A. Yes, sir.

10:44 AM 5 Q. And that was forwarded to you by one of your people in BP;  
10:44 AM 6 is that right?

10:44 AM 7 A. Yes, one of my peers.

10:44 AM 8 Q. And I think this is self-explanatory, but when you  
10:44 AM 9 received this e-mail of Mr. -- forwarded to you of Mr. Kaluza's  
10:44 AM 10 attempt to explain the bladder effect that he and Mr. Vidrine  
10:44 AM 11 used to explain the results of the negative pressure test, you  
10:44 AM 12 responded with -- believe it or not, I actually counted  
10:44 AM 13 these -- approximately 560 question marks; right?

10:44 AM 14 A. I haven't counted them, but I'll take your word for it.

10:44 AM 15 Q. A lot of them. Can you agree with that?

10:44 AM 16 A. Yes, sir.

10:44 AM 17 Q. Sir, that means to you, you had no clue -- no clue  
10:44 AM 18 whatsoever -- about whatever Mr. Kaluza was trying to explain  
10:44 AM 19 about what he called "bladder effect"; right?

10:44 AM 20 A. May I explain the question marks?

10:44 AM 21 Q. Please. Please.

10:45 AM 22 A. So I received this e-mail, as it says, on the 27th of  
10:45 AM 23 April. I was actually in Robert, Louisiana, at the command  
10:45 AM 24 center there for purposes of meeting with MMS to get the  
10:45 AM 25 drilling permits for the relief wells. And if we put it in

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10:45 AM 1 time, I had gotten off the rig the night of the 20th and didn't  
10:45 AM 2 actually make it to shore until the -- 1:00 a.m. on the 22nd.

10:45 AM 3 I had started work in the response center, the crisis  
10:45 AM 4 center, assigned to relief wells. In fact, when I flew to  
10:45 AM 5 Robert on that Monday, I had not intended on spending the  
10:45 AM 6 night, wound up spending the night that night. And when I got  
10:45 AM 7 this e-mail, I personally don't understand the bladder effect,  
10:45 AM 8 I didn't understand what Mr. Kaluza was trying to explain.

10:46 AM 9 Hindsight's always 20/20. I could have simply  
10:46 AM 10 responded with, "I don't understand," a couple of question  
10:46 AM 11 marks. But I was tired when I got this. And as I said, as I  
10:46 AM 12 sit here today, I don't understand what Mr. Kaluza was trying  
10:46 AM 13 to define, and this is what we have in front of us.

10:46 AM 14 Q. I'm not challenging you. Trust me, sir.

10:46 AM 15 Who in BP -- well, if you can give me a name, that's  
10:46 AM 16 great, but if you can't give me a name, can you give me a  
10:46 AM 17 position in BP, a title, corporate title, that was responsible  
10:46 AM 18 for training well site leaders like Mr. Kaluza in interpreting  
10:46 AM 19 negative pressure tests so that they have the adequate  
10:46 AM 20 information, training, and understanding that they wouldn't  
10:46 AM 21 rely upon a nonexistent phenomena to explain something so  
10:46 AM 22 critical, something so important, and something that turned out  
10:47 AM 23 in this specific case to be so deadly as a negative pressure  
10:47 AM 24 test?

10:47 AM 25 Can you give me a name or a title or a position? You

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10:47 AM 1 name it.

10:47 AM 2 A. Or can I explain to you the process? There's several that  
10:47 AM 3 are involved in it. And if you'd like, I'd be happy to explain  
10:47 AM 4 it.

10:47 AM 5 Q. And if you can do me a favor, start from the top going  
10:47 AM 6 down. Biggest guy, littlest guy.

10:47 AM 7 A. Sure. So our well site leaders, the way in which we  
10:47 AM 8 assign them to the specific wells and rigs and whatnot, we have  
10:47 AM 9 a process that starts with our global organization capability  
10:47 AM 10 group. We develop our well site leaders. They're assigned to  
10:47 AM 11 various responsibilities early in their career in the onshore,  
10:47 AM 12 and then as they progress and mature as well site leaders, they  
10:47 AM 13 move in to more challenging roles, more responsibility, bigger  
10:47 AM 14 projects like a deepwater operation.

10:47 AM 15 And so we have a director of organizational  
10:47 AM 16 capability, who at that time was Ken Tucker. We had processes  
10:48 AM 17 in place, annual performance reviews, capability assessments,  
10:48 AM 18 what we called a personal development plan, where we actually  
10:48 AM 19 talked about all of our folks on a regular basis, at least  
10:48 AM 20 annually, in terms of what their development needs were, where  
10:48 AM 21 they needed to move to develop.

10:48 AM 22 So there were a lot of processes in place. And they  
10:48 AM 23 were -- as I said, Ken was the director of organizational  
10:48 AM 24 capability at that time, but there were people like  
10:48 AM 25 Mike Zanghi. Mike was actually a global D&C vice president.



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10:48 AM 1 He would have been involved in those conversations along with  
10:48 AM 2 myself, the team leaders.

10:48 AM 3 So there were a lot of processes to provide assurance  
10:48 AM 4 that the people we had on these rigs were capable to do things  
10:48 AM 5 like the interpretation of a negative test.

10:48 AM 6 Q. Thank you very much for that comprehensive answer.

10:48 AM 7 So all the training you described, all the  
10:48 AM 8 BP management executives that were involved in these processes  
10:49 AM 9 of training, still wasn't sufficient -- when BP tried to train,  
10:49 AM 10 at least Mr. Kaluza, wasn't sufficient that he couldn't  
10:49 AM 11 understand the basics of the hydrostatics so you couldn't  
10:49 AM 12 explain what they saw on the rig that night based upon  
10:49 AM 13 something -- a nonexistent phenomena called "bladder effect";  
10:49 AM 14 correct?

10:49 AM 15 MS. KARIS: I'm going to object, Your Honor.

10:49 AM 16 THE COURT: Overruled.

10:49 AM 17 THE WITNESS: So I can't -- I cannot sit here and  
10:49 AM 18 tell you what they talked about, what they discussed. I wasn't  
10:49 AM 19 a party to the conversation. I believe that Bob Kaluza was  
10:49 AM 20 capable to do the job he was sent out there to do. But I can't  
10:49 AM 21 tell you what -- I don't know his training background, I  
10:49 AM 22 haven't seen it. I wasn't part of the conversations that  
10:49 AM 23 occurred between BP well site leaders and Transocean folks. I  
10:49 AM 24 just can't tell you that.

10:49 AM 25 So I don't know what conversations, what they

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10:49 AM 1 discussed to come to the conclusions that they came. But we  
10:50 AM 2 all, I think, have agreed that the negative test was  
10:50 AM 3 misinterpreted.

10:50 AM 4 **BY MR. UNDERHILL:**

10:50 AM 5 **Q.** Thank you for that answer. Unfortunately, it wasn't the  
10:50 AM 6 answer to my question.

10:50 AM 7 My question: Despite whatever training BP gave its  
10:50 AM 8 people, Mr. Kaluza specifically, and all the people that you  
10:50 AM 9 discussed were involved in that training, presumably over the  
10:50 AM 10 years, that training still didn't adequately prepare Mr. Kaluza  
10:50 AM 11 so that on April 20th, he didn't understand the basics of  
10:50 AM 12 hydrostatics enough to determine he can't interpret the  
10:50 AM 13 negative pressure test like he did based upon a nonexistent  
10:50 AM 14 phenomena like the bladder effect described here in your  
10:50 AM 15 e-mail; correct?

10:50 AM 16 **MS. KARIS:** Your Honor, that's the same question.

10:50 AM 17 **THE COURT:** Same, overruled. Overruled.

10:50 AM 18 **THE WITNESS:** I can't sit here -- ask your question  
10:50 AM 19 again. I'm sorry.

10:50 AM 20 **BY MR. UNDERHILL:**

10:50 AM 21 **Q.** I was hoping you wouldn't do that. I'll give it the best  
10:50 AM 22 shot. Okay?

10:50 AM 23 **A.** Okay. Great.

10:50 AM 24 **Q.** As a favor to our court reporter, I won't ask her to read  
10:50 AM 25 it back.

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10:50AM 1 THE COURT: Why don't you try to show it to him?  
10:50AM 2 Maybe that would be easier.

10:50AM 3 BY MR. UNDERHILL:

10:50AM 4 Q. Whatever training Mr. Kaluza got, it wasn't enough to  
10:51AM 5 teach him that you can't interpret the negative pressure test  
10:51AM 6 that he interpreted that night based upon a nonexistent  
10:51AM 7 phenomena called "bladder effect"; correct?

10:51AM 8 A. Again, I don't know what training Mr. Kaluza had. And as  
10:51AM 9 I said, he sent an explanation that I don't understand.  
10:51AM 10 That's all I can -- that's the only context I can tell you.

10:51AM 11 Q. So I think we're getting closer to my question and an  
10:51AM 12 answer. Again, whatever it was, it didn't work. That's the  
10:51AM 13 point of my question.

10:51AM 14 A. And we've said that it was misinterpreted.

10:51AM 15 Q. Thank you.

10:51AM 16 MR. UNDERHILL: Could we put up -- Dawn, could we put  
10:51AM 17 up D-4943, please.

10:51AM 18 BY MR. UNDERHILL:

10:51AM 19 Q. And, Mr. O'Bryan, while she's calling this up, this is  
10:51AM 20 actually one of your counsel's demonstratives. I think you  
10:51AM 21 said this was prepared by counsel?

10:51AM 22 A. Yes, sir.

10:51AM 23 Q. I got to tell you, it's beautiful. It looks like almost  
10:51AM 24 pulled out of a children's book. I mean, you've got nice  
10:51AM 25 primary colors, things that almost can pass for a rainbow.

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10:51 AM 1 You've got the BP sunflower logo over on the right. You've got  
10:52 AM 2 the Transocean *Deepwater Horizon* there in a circle over on the  
10:52 AM 3 left. Do you see that?

10:52 AM 4 A. Yes, sir.

10:52 AM 5 Q. Now, maybe I just don't get the disconnect, but this says  
10:52 AM 6 as of April 20th, 2010. That's up on the top; correct?

10:52 AM 7 A. Yes, sir.

10:52 AM 8 Q. Can we safely assume that this is intended to depict the  
10:52 AM 9 *Deepwater Horizon* before it blew up, before 11 men died, before  
10:52 AM 10 she sank to the bottom? Can we safely assume that?

10:52 AM 11 A. Yes.

10:52 AM 12 Q. So I'm not going to get into what OMS was, wasn't, what  
10:52 AM 13 you had in place, what you didn't have in place. I'm not going  
10:52 AM 14 there.

10:52 AM 15 My only question to you: Whatever all these  
10:52 AM 16 processes that you've claimed to exist in BP, whether OMS was  
10:52 AM 17 on the rig or not, Beyond the Best, we see Drilling Wells  
10:52 AM 18 Operation Practice, The Way We Work, all those things you claim  
10:52 AM 19 to exist and to be in place in the *Deepwater Horizon* on  
10:52 AM 20 April 20th, 2010, they didn't work, did they?

10:53 AM 21 A. I believe we know that all of the things that were in  
10:53 AM 22 place to mitigate a blowout, which is a major accident risk,  
10:53 AM 23 including the monitoring of the well and the shutting down of  
10:53 AM 24 the well when a kick was taken, those barriers didn't work.

10:53 AM 25 Q. Could we focus, please -- let me get my pointer out here.

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10:53 AM 1 Over here, I'm pointing to this building, it says  
10:53 AM 2 were, "BP Engineers Working Onshore." Do you see that?  
10:53 AM 3 A. Yes, sir.  
10:53 AM 4 Q. Is that the Westlake building -- I've never been there so  
10:53 AM 5 I've got to ask you, is that Westlake?  
10:53 AM 6 A. It's a depiction of it. I don't believe it looks like  
10:53 AM 7 that.  
10:53 AM 8 Q. Yeah, that's what I mean. I'm not asking if it's an  
10:53 AM 9 architectural drawing. But in Houston, that's where BP North  
10:53 AM 10 America headquarters is; right?  
10:53 AM 11 A. That's correct.  
10:53 AM 12 Q. When you were working -- let's just focus on April of  
10:53 AM 13 2010. Was that office -- was that your office?  
10:53 AM 14 A. Yes, sir.  
10:53 AM 15 Q. And that's where Mr. Guide worked?  
10:53 AM 16 A. Yes, sir.  
10:53 AM 17 Q. Where Mr. Sims worked?  
10:54 AM 18 A. Yes, sir.  
10:54 AM 19 Q. Where Mr. Hafle worked?  
10:54 AM 20 A. Yes, sir.  
10:54 AM 21 Q. Where Mr. Cocalles worked?  
10:54 AM 22 A. Mr. who?  
10:54 AM 23 Q. Cocalles.  
10:54 AM 24 A. Yes, sir.  
10:54 AM 25 Q. You know Brett Cocalles?

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10:54 AM 1 A. Brett Cocalles, yes, sir.

10:54 AM 2 Q. I'm sorry.

10:54 AM 3 A. That's all right.

10:54 AM 4 Q. I'm dialect challenged. And I think Mr. Walz, he worked  
10:54 AM 5 there also?

10:54 AM 6 A. Yes, sir.

10:54 AM 7 Q. Now, this office here, the BP headquarters on Westlake,  
10:54 AM 8 Houston, is that where you folks, BP, its management also  
10:54 AM 9 manages operations in Alaska? I'm just trying to get the  
10:54 AM 10 breadth of what's managed out of that office.

10:54 AM 11 A. No, sir.

10:54 AM 12 Q. So that's just the Gulf of Mexico?

10:54 AM 13 A. In Westlake 4, that's correct.

10:54 AM 14 Q. I'm sorry. I didn't hear you.

10:54 AM 15 A. Westlake 4, I believe that's correct.

10:54 AM 16 Q. Got it.

10:54 AM 17 A. I haven't been there in a couple years, so I'm not sure if  
10:54 AM 18 that's the way it is today. But that's the way it was when I  
10:54 AM 19 was there.

10:54 AM 20 Q. Got it. And just so I -- perhaps I didn't get the answer.  
10:54 AM 21 BP's operations in the Gulf of Mexico, drilling operations, D&C  
10:54 AM 22 specifically --

10:54 AM 23 A. Yes, sir.

10:54 AM 24 Q. -- were managed out of that office?

10:54 AM 25 A. Yes, sir.

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10:54 AM 1 Q. Now, if we go over there, there's this gap here between  
10:55 AM 2 the -- where it says -- that circle around "OMS Safety  
10:55 AM 3 Management System" and then over here in the circle where the  
10:55 AM 4 "Deepwater Horizon" is, there's a gap. And I don't want to use  
10:55 AM 5 that in terms of gap analysis. That's not the way I intend it.

10:55 AM 6 Let's call that -- there's an interface. In other  
10:55 AM 7 words, there are BP people here, the BP corporate headquarters  
10:55 AM 8 in Houston, you've got two BP well site leaders on the rig.  
10:55 AM 9 And at some point, they have to communicate with each other so  
10:55 AM 10 you folks can manage the rig; right?

10:55 AM 11 A. Yes, sir.

10:55 AM 12 Q. Got it. Now, the interface -- maybe I'm wrong on this  
10:55 AM 13 one. But the interface between the well site leaders would be  
10:55 AM 14 the person directly above them in the headquarters office, and  
10:55 AM 15 that would be Mr. Guide; right?

10:55 AM 16 A. Yes, sir.

10:55 AM 17 Q. And his name -- or his title, I should say, was wells team  
10:55 AM 18 leader?

10:55 AM 19 A. That's correct.

10:55 AM 20 Q. I take it that the name "wells team leader" speaks for  
10:55 AM 21 itself? I'm not being -- you know, this isn't a word game, I'm  
10:56 AM 22 sincere. He's the leader for that well; correct?

10:56 AM 23 A. Yes, sir.

10:56 AM 24 Q. The Macondo well?

10:56 AM 25 A. Yes, sir.

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10:56 AM 1 Q. Now, there are people that manage operations. I mean,  
10:56 AM 2 just take a hypothetical and I'm not going to ask you to answer  
10:56 AM 3 a hypothetical, but a guy can be the manager of a McDonald's  
10:56 AM 4 and maybe his company makes, I don't know, 10,000 bucks a day  
10:56 AM 5 on a good day.

10:56 AM 6 Now, let's shift to Mr. Guide. The Macondo well, and  
10:56 AM 7 I'm not going to hold you to exact figures on this one, but its  
10:56 AM 8 projected budget was, I think, north of 90 million, maybe a  
10:56 AM 9 little south of 100 million originally as projected?

10:56 AM 10 A. It was over budget. I don't know what the number was.

10:56 AM 11 Q. That's it. I'm not getting over budget yet. That's next.

10:56 AM 12 A. Okay.

10:56 AM 13 Q. When it was originally planned, its estimated budget was,  
10:56 AM 14 I think, somewhere between 90 to 100 million bucks?

10:56 AM 15 A. Yeah. It's been a while since I've seen those numbers.

10:56 AM 16 Q. Okay. But would you disagree with that? It's in the  
10:56 AM 17 record. I'm not going to --

10:56 AM 18 A. It's in the millions, tens of millions.

10:56 AM 19 Q. Oh. And whatever that number was, and the record will  
10:56 AM 20 reflect it, it was over budget by the time that we got to  
10:57 AM 21 April 20th. Can we agree on that?

10:57 AM 22 A. Yes, sir.

10:57 AM 23 Q. And I'll represent to you that -- and the record will back  
10:57 AM 24 me up or not that by April 20th, it was substantially north of  
10:57 AM 25 \$100 million they had already into that well. Okay? Will you



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10:57 AM 1 accept that?

10:57 AM 2 A. Okay.

10:57 AM 3 Q. So Mr. Guide, the well team leader for Macondo, was BP's  
10:57 AM 4 management leader for an operation that had a budget of at  
10:57 AM 5 least \$100,000 [verbatim]; correct?

10:57 AM 6 A. Okay. Yes, sir.

10:57 AM 7 Q. So, I mean, this -- I had that McDonald's guy by  
10:57 AM 8 comparison. His store sells 10 grand worth of burgers and  
10:57 AM 9 cheeseburgers a day. This job, this operation, this well had a  
10:57 AM 10 budget of \$100 million or more that Mr. Guide was appointed by  
10:57 AM 11 BP, presumably delegated authority from you as vice president  
10:57 AM 12 of the Gulf, to manage that well; right?

10:58 AM 13 A. To manage the execution of that well, that's correct.

10:58 AM 14 Q. On a day-to-day operation?

10:58 AM 15 A. Yes, sir.

10:58 AM 16 Q. And Mr. Kaluza, the well team leader -- I should say the  
10:58 AM 17 well site leader, the fellow that wrote you that or passed you  
10:58 AM 18 that e-mail on the bladder effect, he's down in the trenches.  
10:58 AM 19 He's on the rig. He takes his orders from Mr. Guide in  
10:58 AM 20 Houston; right?

10:58 AM 21 A. That's correct.

10:58 AM 22 Q. Now, obviously, you can't be advised of every decision  
10:58 AM 23 that goes on. I think you said there are roughly 15 wells you  
10:58 AM 24 had responsibility for at that time in April --

10:58 AM 25 A. Yes.

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10:58 AM 1 Q. April the --

10:58 AM 2 A. Not 15 wells, but we had five rigs running at that time.

10:58 AM 3 Q. Good enough. Five. I wouldn't expect you to be aware of  
10:58 AM 4 every daily operations report, every regulatory filing with  
10:58 AM 5 MMS. You, as a corporate vice president, you have to delegate  
10:58 AM 6 that authority to people like Mr. Guide so they can actually  
10:58 AM 7 run the well, this \$100 million-plus operation; right?

10:59 AM 8 A. Yes, sir.

10:59 AM 9 Q. And you, you personally, through delegated authority,  
10:59 AM 10 delegated that authority specifically to Mr. Guide for the  
10:59 AM 11 Macondo well; is that right?

10:59 AM 12 A. Yes, sir. As I've stated, my accountability was to ensure  
10:59 AM 13 we have the people, the resources in place to do that. And,  
10:59 AM 14 yes, that meant to make sure that we had John Guides in place  
10:59 AM 15 to execute that well.

10:59 AM 16 Q. And I think you just said that was your job, your job as  
10:59 AM 17 the vice president for that area to delegate that authority and  
10:59 AM 18 you did. In fact, you did to Mr. Guide; correct?

10:59 AM 19 A. That was part of the delegation, yes.

10:59 AM 20 Q. No dispute about that, is there?

10:59 AM 21 A. No.

10:59 AM 22 Q. So when Mr. Guide takes action on that well, he's acting  
10:59 AM 23 pursuant to authority delegated to him by a vice president of  
10:59 AM 24 BP, which is you; correct?

10:59 AM 25 A. Down through the chain of command.

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10:59 AM 1 Q. Now, have -- are you aware of testimony in this case  
10:59 AM 2 that -- evidence in this case that the temporary abandonment  
11:00 AM 3 plan pursuant to which BP was acting on April 20th, that it  
11:00 AM 4 contained a negative pressure test?  
11:00 AM 5 A. I know that there was a negative pressure test conducted,  
11:00 AM 6 yes.  
11:00 AM 7 Q. I should say a negative -- the temporary abandonment plan  
11:00 AM 8 contained a negative pressure test procedure is what I meant to  
11:00 AM 9 say.  
11:00 AM 10 A. Yes, sir. I believe I saw it in my deposition, yes.  
11:00 AM 11 Q. And are you aware of the fact there's testimony that  
11:00 AM 12 temporary abandonment plan that was approved by MMS on or  
11:00 AM 13 about, I think, April 15th or 16th of 2010, provided for two  
11:00 AM 14 separate negative pressure tests? Are you aware of that?  
11:00 AM 15 A. No, I'm not.  
11:00 AM 16 Q. Are you aware of the fact that they only performed one  
11:00 AM 17 negative pressure test on April 20th -- I should say, they  
11:00 AM 18 skipped a second negative pressure test called for in the  
11:00 AM 19 approved temporary abandonment plan procedure? Are you aware  
11:01 AM 20 of that?  
11:01 AM 21 A. Let me just say, I haven't seen the negative pressure test  
11:01 AM 22 plans other than what was shown to me in my deposition. I  
11:01 AM 23 wasn't involved in the development of them, and I don't know  
11:01 AM 24 what the MMS required. I don't know.  
11:01 AM 25 Q. So the answer is you don't know?

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11:01AM 1 A. Right.

11:01AM 2 Q. Are you aware that there is evidence and testimony in this  
11:01AM 3 case that Mr. Guide, the man to whom you delegated corporate  
11:01AM 4 authority to act on behalf of BP on the Macondo well, are you  
11:01AM 5 aware of testimony and evidence in the case that he decided  
11:01AM 6 they could combine these two tests into one and, further, that  
11:01AM 7 he decided, Mr. Guide decided, they did not need MMS approval  
11:01AM 8 for that change of plan? Are you aware of that evidence?

11:01AM 9 MS. KARIS: Your Honor, I'm going to object to  
11:01AM 10 foundation of this line of testimony. Mr. Guide was here.  
11:01AM 11 Mr. O'Bryan was not involved in any of this. This is just an  
11:01AM 12 attempt to rehash --

11:01AM 13 THE COURT: I'll sustain that.

11:02AM 14 MR. UNDERHILL: Could we put up, Dawn, please, the  
11:02AM 15 next one. Thank you.

11:02AM 16 And for the record, this is D-3618, US.

11:02AM 17 BY MR. UNDERHILL:

11:02AM 18 Q. I'm not going to go through all these, sir. I would like  
11:02AM 19 to focus on one of these. The big one in the middle, do you  
11:02AM 20 see that? Where it starts, "I will hand this well over to  
11:02AM 21 you," do you see that?

11:02AM 22 A. Yes, sir.

11:02AM 23 Q. I'll read it. Tell me if I get it correctly.

11:02AM 24 "I will hand this well over to you in the morning and  
11:02AM 25 then you will be able to do whatever you want. I would

## PATRICK LEON O'BRYAN, PH.D. - CROSS

11:02 AM 1 strongly suggest, for everyone's sake, that you make logical  
11:02 AM 2 decisions, based on facts, after weighing all the opinions.  
11:03 AM 3 Taking an action just because the well site leaders want to do  
11:03 AM 4 it" -- well site leaders is abbreviated WSL -- "when there is a  
11:03 AM 5 strong argument against and multiple contrary opinions is not  
11:03 AM 6 advised."

11:03 AM 7 Did I read that correctly?

11:03 AM 8 A. That's what it says.

11:03 AM 9 Q. And the first question, have you seen the e-mail from  
11:03 AM 10 which that comes, which is TREX-01127?

11:03 AM 11 A. That's what I was going to ask. Are these excerpts from  
11:03 AM 12 e-mails? I recognize the one with the question marks. We've  
11:03 AM 13 already gone through that one. But I haven't -- I mean, I've  
11:03 AM 14 seen them post-incident in different forms and fashions, so --

11:03 AM 15 Q. If you haven't seen -- oh, to be fair --

11:03 AM 16 A. I don't think I'm on any of these e-mails.

11:03 AM 17 Q. Just to be fair to you, it's a draft e-mail that was  
11:03 AM 18 drafted by David Sims talking about John Guide. And if you  
11:03 AM 19 haven't read it, I won't ask you about the specifics.

11:03 AM 20 A. Okay.

11:03 AM 21 Q. Here's my question, though, take it out of the specifics  
11:04 AM 22 there of Mr. Sims talking about Mr. Guide. You, as the man,  
11:04 AM 23 the vice president, sitting in that office headquarters,  
11:04 AM 24 BP headquarters in Houston, BP headquarters that delegated your  
11:04 AM 25 authority to act on a well like Macondo, doesn't making logical

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11:04 AM 1 decisions based on facts after weighing all the opinions,  
11:04 AM 2 doesn't that come with the job description of a well site  
11:04 AM 3 leaders?

11:04 AM 4 A. I'm not specific -- so ask -- I'm not sure exactly what  
11:04 AM 5 you're asking me. Specifically about what? What the well  
11:04 AM 6 site --

11:04 AM 7 Q. Let me make it clear. Don't you expect a well site leader  
11:04 AM 8 appointed to act in your stead through your delegation, to  
11:04 AM 9 already know that he's supposed to make logical decisions based  
11:04 AM 10 on facts after weighing all the opinions? Wouldn't you expect  
11:04 AM 11 that?

11:04 AM 12 MS. KARIS: Your Honor, I object to this line of  
11:04 AM 13 questioning. Mr. O'Bryan knows nothing about the context of  
11:04 AM 14 this --

11:04 AM 15 THE COURT: I'll sustain the objection. We've  
11:05 AM 16 already talked about this with other witnesses.

11:05 AM 17 MR. UNDERHILL: That's all I have, Your Honor. Thank  
11:05 AM 18 you.

11:05 AM 19 THE COURT: Alabama?

11:05 AM 20 MR. MAZE: Yes, sir.

11:05 AM 21 Corey Maze for the State of Alabama on  
11:05 AM 22 cross-examination.

**CROSS-EXAMINATION**

11:05 AM 24 BY MR. MAZE:

11:05 AM 25 Q. Dr. O'Bryan, we met at your deposition; correct?

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11:05 AM 1 A. Yes, we did.

11:05 AM 2 Q. I am going to cut down a lot of what I was going to ask  
11:05 AM 3 you. But one thing that you brought up at your deposition  
11:05 AM 4 was -- Mr. Underhill asked you about Westlake. Describe to  
11:05 AM 5 Judge Barbier how close Mr. Sims and Mr. Guide were when they  
11:06 AM 6 worked together in proximity.

11:06 AM 7 A. Sure. I would say probably about the distance between you  
11:06 AM 8 and I.

11:06 AM 9 Q. So from day to day, Mr. Sims and Mr. Guide literally sat  
11:06 AM 10 5 feet from each other?

11:06 AM 11 A. That's correct.

11:06 AM 12 Q. Did -- and I pulled up Demonstrative 4800.

11:06 AM 13 David Sims was John Guide's boss; correct?

11:06 AM 14 A. That's correct.

11:06 AM 15 Q. Did Mr. Sims have the authority to fire John Guide if he  
11:06 AM 16 felt it necessary?

11:06 AM 17 A. David could make the recommendation if he felt like John  
11:06 AM 18 was not performing the job responsibilities that he was  
11:06 AM 19 assigned, and that would have been elevated to Dave Rich and  
11:06 AM 20 ultimately with myself, and our HR group would be involved in  
11:06 AM 21 that conversation.

11:06 AM 22 Q. And to your knowledge, Mr. Sims never made that  
11:06 AM 23 recommendation, did he?

11:06 AM 24 A. Not to my knowledge, no.

11:06 AM 25 Q. You testified earlier that on the night of April the 20th,

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11:06 AM 1 you went into the company man's room twice; correct?

11:06 AM 2 A. That's correct.

11:06 AM 3 Q. The second time, you called your wife?

11:06 AM 4 A. That's correct.

11:06 AM 5 Q. Did you do that on the telephone that's in the company

11:06 AM 6 man's office?

11:06 AM 7 A. Yes, I did.

11:07 AM 8 Q. And that's basically like a land line. You can call back

11:07 AM 9 to Houston or somewhere on land from that phone; correct?

11:07 AM 10 A. Yes, I believe so.

11:07 AM 11 Q. That would have been after 6:00 p.m.?

11:07 AM 12 A. That's correct.

11:07 AM 13 Q. Did you have any problems making that phone call?

11:07 AM 14 A. I believe -- if I remember correctly, I might have called

11:07 AM 15 one -- I can usually call my wife on two different numbers.

11:07 AM 16 And so I'll call her on one to see if she's at home, and if

11:07 AM 17 she's not, then I'll call her on her cell phone. So that's all

11:07 AM 18 I remember.

11:07 AM 19 Q. But the phone itself worked?

11:07 AM 20 A. As far as I know, yes.

11:07 AM 21 **MR. MAZE:** Carl, could you put that back up, please.

11:07 AM 22 **BY MR. MAZE:**

11:07 AM 23 Q. And this, again, is after 6:00 on the night of the

11:07 AM 24 incident; correct?

11:07 AM 25 A. Yes.



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11:07 AM 1 Q. Both times you went into the office, was the well site  
11:07 AM 2 leader in the company man office?  
11:07 AM 3 A. Not when I made the phone call to my wife, no.  
11:07 AM 4 Q. Okay. How big is that office?  
11:07 AM 5 A. Oh, if I'm guessing, I'm going to guess it's probably  
11:07 AM 6 maybe 8-foot by 10-foot, something --  
11:07 AM 7 Q. Pretty small; right?  
11:07 AM 8 A. Yes.  
11:07 AM 9 Q. If the phone rang, you would hear it; correct?  
11:08 AM 10 A. Yes.  
11:08 AM 11 Q. Is it imperative, in your opinion, for there to be good  
11:08 AM 12 communications between the wells team leader on the shore and  
11:08 AM 13 well site leaders on the rig?  
11:08 AM 14 A. Oh, absolutely. And that was one of the hallmarks of this  
11:08 AM 15 operation. If you recall the slide that we looked at earlier,  
11:08 AM 16 the hallmarks of the success of the *Deepwater Horizon*, good  
11:08 AM 17 communication between the on-rig as well as between the rig and  
11:08 AM 18 the shore. So absolutely.  
11:08 AM 19 Q. And you actually were a well site leader at some point in  
11:08 AM 20 your career; correct?  
11:08 AM 21 A. I did early on in my career, as part of my training, sat  
11:08 AM 22 on rigs. Yes.  
11:08 AM 23 Q. So if your wells team leader called you on the phone, you  
11:08 AM 24 would answer it, right, if you were there?  
11:08 AM 25 A. If I was in the office, yes.

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11:08 AM 1 Q. And if you weren't in the office and he left you a  
11:08 AM 2 message, you would call him immediately back; correct?

11:08 AM 3 A. Yes.

11:08 AM 4 Q. I don't want to talk to you about whether or not you agree  
11:08 AM 5 with the results or how the negative pressure test was  
11:08 AM 6 conducted. I just want a very narrow question.

11:08 AM 7 The -- John Guide -- the wells teams leader and the  
11:09 AM 8 well site leaders were authorized by BP to conduct that test;  
11:09 AM 9 correct? They had the authority to actually do that?

11:09 AM 10 A. To do -- to conduct the negative test?

11:09 AM 11 Q. Yes.

11:09 AM 12 A. Yes.

11:09 AM 13 Q. And they had the authority to do it -- to use whatever  
11:09 AM 14 procedure they deemed best in that situation; correct?

11:09 AM 15 A. They put together the procedure consistent with what the  
11:09 AM 16 requirements were for the MMS, yes.

11:09 AM 17 Q. Right. And BP gave them the authority to do that?

11:09 AM 18 A. Yes.

11:09 AM 19 MR. MAZE: Carl, if you can bring up TREN-2940.4.

11:09 AM 20 BY MR. MAZE:

11:09 AM 21 Q. When you took over as vice president of D&C -- remind us  
11:09 AM 22 again when you did that.

11:09 AM 23 A. That was the end of December 2009.

11:09 AM 24 Q. You can barely see it, but in the bottom left corner, this  
11:09 AM 25 shows a chart that was made on January 7th, 2010. Can you see

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11:09 AM 1 that?

11:09 AM 2 A. You're saying the --

11:09 AM 3 Q. The REV date, the revision date.

11:09 AM 4 A. Yes, I see it. Yes.

11:09 AM 5 MR. MAZE: Thank you, Carl.

11:10 AM 6 BY MR. MAZE:

11:10 AM 7 Q. At that point in time, you basically inherited

11:10 AM 8 Curtis Jackson as director of HSE; correct?

11:10 AM 9 A. I wouldn't say "inherited." At that time, the HSE

11:10 AM 10 organization reported up through the vice president of D&C.

11:10 AM 11 That was the way the organization was structured.

11:10 AM 12 Q. I didn't mean anything negative by it. He was already in

11:10 AM 13 the position?

11:10 AM 14 A. Yes.

11:10 AM 15 Q. And, in fact, I think you told us in deposition that you

11:10 AM 16 met with him early on. Correct?

11:10 AM 17 A. Yes. I've known Curtis a number of years.

11:10 AM 18 Q. And you talked to him about things like safety and

11:10 AM 19 implementing Lessons Learned; correct?

11:10 AM 20 A. Yes.

11:10 AM 21 Q. Judge Barbier's already heard from Neil Shaw. Can you

11:10 AM 22 remind us who Neil Shaw is.

11:10 AM 23 A. Neil Shaw was the -- my boss was James Dupree, and Neil

11:10 AM 24 was James' predecessor.

11:10 AM 25 Q. And Neil Shaw testified that HSE at BP includes both

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11:10 AM 1 personal and process safety. Do you agree with that?

11:10 AM 2 A. Yes, sir.

11:10 AM 3 Q. And do you also agree that Curtis Jackson was the  
11:10 AM 4 director, the manager of the HSE for the Gulf of Mexico SPU?

11:11 AM 5 A. Yes, sir.

11:11 AM 6 Q. And he reported directly to you at this particular period  
11:11 AM 7 of time?

11:11 AM 8 A. That's correct.

11:11 AM 9 Q. And he did all the way up until April of 2010, the month  
11:11 AM 10 of the incident?

11:11 AM 11 A. That's correct.

11:11 AM 12 MR. MAZE: So, Carl, if you can switch to 2940.33.

11:11 AM 13 BY MR. MAZE:

11:11 AM 14 Q. This is as of January 2010 the Gulf of Mexico SPU HSSE  
11:11 AM 15 team. And, again, it shows that Curtis Jackson is the  
11:11 AM 16 director; correct?

11:11 AM 17 A. Yes.

11:11 AM 18 Q. So this would have been BP's HSSE team as of January 2010;  
11:11 AM 19 right?

11:11 AM 20 A. Yes.

11:11 AM 21 Q. And, again, they focus on personal and process safety;  
11:11 AM 22 correct?

11:11 AM 23 A. Yes.

11:11 AM 24 Q. Because BP cares about both equally; right?

11:11 AM 25 A. Yes.

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11:11AM 1 Q. Have you read Curtis Jackson's deposition in this case?

11:11AM 2 A. No, I've not.

11:11AM 3 Q. Are you aware that Curtis Jackson testified under oath  
11:11AM 4 that he never did anything with regard to process safety?

11:11AM 5 A. So -- so --

11:11AM 6 Q. The question is: Yes or no, are you aware of what he  
11:12AM 7 testified to?

11:12AM 8 A. No, I'm not.

11:12AM 9 MR. MAZE: Carl, if you can bring up Curtis Jackson's  
11:12AM 10 deposition at page 93, lines 2 through 14, please.

11:12AM 11 MS. KARIS: Your Honor, this witness has just  
11:12AM 12 testified he has no knowledge of Mr. Jackson's testimony.

11:12AM 13 MR. MAZE: I just want to get him to comment on --

11:12AM 14 THE COURT: He can still be asked about it.

11:12AM 15 BY MR. MAZE:

11:12AM 16 Q. I'm going to read to you part of Curtis Jackson's  
11:12AM 17 testimony.

11:12AM 18 "QUESTION: First, let me ask you, during your time  
11:12AM 19 as HSE director in the Gulf, would you agree with the  
11:12AM 20 statement that focus was on personal safety and not  
11:12AM 21 process safety, as far as you could tell?

11:12AM 22 "ANSWER: What I can tell you is, my focus was  
11:12AM 23 personal safety. And what -- what was going on around  
11:12AM 24 process safety and assets, I have no knowledge of."

11:12AM 25 Did I read that correctly?

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11:12 AM 1 A. Yes, sir.

11:12 AM 2 MR. MAZE: One more, Carl, and then we'll be done  
11:12 AM 3 with the deposition.

11:12 AM 4 Page 94, line 6. I want to go all the way  
11:12 AM 5 through to page 95. So 94, line 6. Okay.

11:13 AM 6 BY MR. MAZE:

11:13 AM 7 Q. (Reading.)

11:13 AM 8 "QUESTION: My question is, did -- do you recall  
11:13 AM 9 anybody ever discussing, or did you have any meeting with  
11:13 AM 10 anyone within the Gulf where the statement was made that  
11:13 AM 11 there was a need to focus on process safety, not only  
11:13 AM 12 personal safety?

11:13 AM 13 "ANSWER: Yes. I've been to meetings where we said  
11:13 AM 14 that we need to -- that there needs to be a focus on  
11:13 AM 15 process safety and not only personal safety.

11:13 AM 16 "QUESTION: And who would have -- do you recall who  
11:13 AM 17 would have made a statement like that?

11:13 AM 18 "ANSWER: No. I don't recall who was in the rooms at  
11:13 AM 19 the time this statement was made.

11:13 AM 20 "QUESTION: All right.

11:13 AM 21 "ANSWER: But the -- you know, the -- yeah, I think  
11:13 AM 22 the Baker report, we focus" --

11:13 AM 23 MR. MAZE: And, Your Honor, I'm not getting into the  
11:13 AM 24 specifics of the Baker report. This is the context in which he  
11:13 AM 25 was asked.

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1 BY MR. MAZE:

2 Q. (Reading.)

11:13 AM 3 "ANSWER: -- over-focused on personal safety."

11:13 AM 4 Next page.

11:13 AM 5 "And so the feedback was that we need to -- need  
11:13 AM 6 more balance on that, need to focus on process safety.

11:13 AM 7 "QUESTION: All right. And you're not aware, based  
11:14 AM 8 on what you told me -- and I want to confirm this -- that  
11:14 AM 9 you're not aware of any actual effort made to focus more  
11:14 AM 10 on process safety within the Gulf of Mexico drilling and  
11:14 AM 11 completions?

11:14 AM 12 "ANSWER: That's correct.

11:14 AM 13 "QUESTION: All right. And as of the date of the  
11:14 AM 14 Macondo well started up to the date of the blowout, you're  
11:14 AM 15 not aware of any effort at all to implement process safety  
11:14 AM 16 on that particular project?

11:14 AM 17 "ANSWER: I have no knowledge of that.

11:14 AM 18 "QUESTION: Okay. And again, you're not even aware,  
11:14 AM 19 in a general sense, on what efforts were made, if any, to  
11:14 AM 20 focus on process safety, period, outside of Macondo within  
11:14 AM 21 drilling and completions?

11:14 AM 22 "ANSWER: No. I -- I don't, no."

11:14 AM 23 MS. KARIS: Your Honor, I'm going to object to the  
11:14 AM 24 use of this testimony. First of all, the questioning --

11:14 AM 25 THE COURT: Overruled.

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11:14 AM 1 BY MR. MAZE:

11:14 AM 2 Q. Did I read that correctly, Mr. O'Bryan?

11:14 AM 3 A. That's what Curtis said, yes.

11:14 AM 4 Q. And this is the guy that you testified and Neil Shaw

11:14 AM 5 testified was the director, the manager of safety at BP from

11:14 AM 6 2007 all the way up until the month of the Macondo blowout;

11:15 AM 7 correct?

11:15 AM 8 A. Yes.

11:15 AM 9 Q. And he testified that he and nobody he knows did anything

11:15 AM 10 with regard to process safety; correct?

11:15 AM 11 A. So may I explain?

11:15 AM 12 Q. Answer yes or no, did he testify they did nothing with

11:15 AM 13 process safety?

11:15 AM 14 A. That's what he says here, yes.

11:15 AM 15 MR. MAZE: Carl, if you can please bring up

11:15 AM 16 TREX-948.5.1.PSC.

11:15 AM 17 BY MR. MAZE:

11:15 AM 18 Q. This is what Mr. Herman showed you earlier, the bridging

11:15 AM 19 document that you testified on direct bridged BP's OMS to

11:15 AM 20 Transocean's *Deepwater Horizon*; correct?

11:15 AM 21 A. Yes.

11:15 AM 22 Q. The name of the authority for the Gulf of Mexico HSSE

11:15 AM 23 director is Curtis Jackson; correct?

11:15 AM 24 A. That's what it says.

11:15 AM 25 Q. Because he was in charge of safety at that time; correct?



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11:15 AM 1 A. I believe so. Again, this was before I joined the  
11:15 AM 2 organization.

11:15 AM 3 Q. Understood.

11:15 AM 4 MR. MAZE: Carl, the last slide I'm going to pull up  
11:15 AM 5 is 948.3.1.

11:16 AM 6 BY MR. MAZE:

11:16 AM 7 Q. This is the actual bridging document. It's only five  
11:16 AM 8 pages. And this shows -- does this generally show the  
11:16 AM 9 additional BP requirements for safety that they want on the  
11:16 AM 10 *Deepwater Horizon*?

11:16 AM 11 A. This is the gaps and the things that needed to be done.

11:16 AM 12 Q. Okay. I want you to take about a minute or two and read  
11:16 AM 13 through there and find any example whatsoever that you can find  
11:16 AM 14 where BP asked for a process safety -- an OMS process safety  
11:16 AM 15 example to be placed on the Macondo rig as opposed to personal  
11:16 AM 16 safety. And take whatever time you need.

11:16 AM 17 A. I don't believe there's any here.

11:16 AM 18 Q. Not one, is there?

11:16 AM 19 A. No. Because this is -- this was focused on the personal  
11:16 AM 20 safety side of it.

11:16 AM 21 Q. And the whole bridging document was focused on personal  
11:16 AM 22 safety; correct?

11:16 AM 23 A. This particular bridging document, yes. But, again, I  
11:16 AM 24 wasn't involved in the development of this bridging document.

11:16 AM 25 Q. Right. As you said earlier, this is the only bridging

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11:16 AM 1 document -- it's the bridging document that BP's attorney put  
11:17 AM 2 on this and said that's what applied to Macondo; correct? This  
11:17 AM 3 document.

11:17 AM 4 A. This is the bridging document between Transocean and BP,  
11:17 AM 5 yes.

11:17 AM 6 MR. MAZE: No further questions.

11:17 AM 7 THE COURT: Louisiana?

11:17 AM 8 MR. KANNER: No questions, Your Honor.

11:17 AM 9 THE COURT: Transocean?

11:17 AM 10 CROSS-EXAMINATION

11:17 AM 11 BY MR. BRIAN:

11:17 AM 12 Q. Good morning, Mr. O'Bryan.

11:17 AM 13 A. Good morning.

11:17 AM 14 Q. My name is Brad Brian, without the "O." I represent  
11:17 AM 15 Transocean, and I have you on cross-examination.

11:17 AM 16 Mr. Herman, when he was asking you questions, showed  
11:17 AM 17 you a document with regard to whether there was discussion at  
11:17 AM 18 BP about whether its contractors understood the safety  
11:18 AM 19 management system.

11:18 AM 20 Do you recall that questioning, generally?

11:18 AM 21 A. Yes, sir.

11:18 AM 22 Q. At the time you went out to visit this rig on April 20th,  
11:18 AM 23 2010, you went there in part because the *Deepwater Horizon*,  
11:18 AM 24 from your perspective, was the best rig in all of BP's fleet in  
11:18 AM 25 the Gulf of Mexico from a safety perspective as well as a

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1 performance perspective; right, sir?

2 A. I would say it was actually the best performing rig in the  
3 BP fleet globally from a performance and safety perspective.

4 Q. And you had gotten regular reports from the people under  
5 you about the progress of the Macondo well and specifically  
6 about the commitment to performance and safety of the crew on  
7 the *Deepwater Horizon*, hadn't you, sir?

8 A. Yes. Not only with my team on a weekly basis, but also  
9 from the Transocean team.

10 MR. BRIAN: Let's put up TREN-20615.1.1.

11 BY MR. BRIAN:

12 Q. As part of the updates that you received about the  
13 *Deepwater Horizon*, you received an e-mail from David Rich on  
14 March 9th of 2010 about a kick that was taken on the  
15 *Deepwater Horizon* the day before, did you not?

16 A. Yes, sir, I did.

17 Q. And based on what you were told by the people at BP who  
18 reported to you, you agreed that the kick was detected early,  
19 didn't you, sir?

20 A. I didn't have -- recall any conversation about the speed  
21 with which it was detected.

22 The conversation I actually specifically had --  
23 there's another portion of this e-mail that you haven't shown  
24 me, that actually talks about the resources that Dave Rich, who  
25 was our wells manager, had put in place to take care of the

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11:19 AM 1 problem.

11:19 AM 2 I was actually at a global leadership conference in  
11:19 AM 3 Orlando, Florida. And when I got this e-mail, I actually  
11:19 AM 4 visited with several of my colleagues about the -- our plan  
11:20 AM 5 forward and whatnot, but didn't get into any conversation about  
11:20 AM 6 the speed and whatnot.

11:20 AM 7 Q. Based on the reports you got, you determined that it was  
11:20 AM 8 detected early, didn't you? Yes or no.

11:20 AM 9 A. No.

11:20 AM 10 Q. And that it was successfully shut-in. You determined that  
11:20 AM 11 as well, didn't you, sir?

11:20 AM 12 A. Yes. It was successfully shut-in.

11:20 AM 13 MR. BRIAN: Let's put up Deposition 718, lines 4  
11:20 AM 14 through 8, please.

11:20 AM 15 BY MR. BRIAN:

11:20 AM 16 Q. At your deposition the question was asked:

11:20 AM 17 "QUESTION: And the March 8th kick, it was detected  
11:20 AM 18 early?

11:20 AM 19 "ANSWER: Yes, it was.

11:20 AM 20 "QUESTION: And was successfully shut-in?

11:20 AM 21 "ANSWER: Yes."

11:20 AM 22 That was your deposition testimony in this case,  
11:20 AM 23 wasn't it, sir?

11:20 AM 24 A. Yes.

11:20 AM 25 MR. BRIAN: Now, let's put up D-4780, please.

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11:20AM 1 **BY MR. BRIAN:**

11:20AM 2 **Q.** This is the -- let's call it the pre- and  
11:21AM 3 post-organizational chart that you were shown by your counsel  
11:21AM 4 during your testimony, was it not?

11:21AM 5 **A.** Correct.

11:21AM 6 **Q.** And you see in the left, it's the 2009 organization. And  
11:21AM 7 on the right, it's the April 2010 organization, after you took  
11:21AM 8 over for Mr. Lacey; correct?

11:21AM 9 **A.** Yes.

11:21AM 10 **Q.** So let's focus first on the 2009 organization. You see  
11:21AM 11 that -- in the 2009, you see where Mr. John Guide and  
11:21AM 12 David Sims are at the same level, both reporting to Mr. Little;  
11:21AM 13 correct?

11:21AM 14 **A.** That's correct.

11:21AM 15 **Q.** And then because of the reorganization, as of April 2010,  
11:21AM 16 Mr. Guide is now reporting to Mr. Sims, was he not?

11:21AM 17 **A.** That's correct.

11:21AM 18 **MR. BRIAN:** Let's put up TREX-45118.1.1.T0.

11:21AM 19 **BY MR. BRIAN:**

11:21AM 20 **Q.** This is an e-mail from Jonathan Sprague to you, among  
11:21AM 21 others, dated March 25th, 2010, is it not?

11:21AM 22 **A.** Yes, sir.

11:21AM 23 **Q.** And do you see it references an attachment called "April 1  
11:22AM 24 ORG Strategy PowerPoint"? Do you see that?

11:22AM 25 **A.** Yes, sir.

## PATRICK LEON O'BRYAN - CROSS

11:22 AM 1 MR. BRIAN: So let's pull up that attachment,  
11:22 AM 2 TREN-45118.2.1.T0.  
11:22 AM 3 BY MR. BRIAN:  
11:22 AM 4 Q. And that appears to be the PowerPoint that was attached to  
11:22 AM 5 it, is it not?  
11:22 AM 6 A. It's been a long time since I've seen it. Yes.  
11:22 AM 7 MR. BRIAN: Okay. So let me -- let's pull up  
11:22 AM 8 TREN-45118.4.1.T0.  
11:22 AM 9 BY MR. BRIAN:  
11:22 AM 10 Q. And do you see where the attachment says at the top "Goals  
11:22 AM 11 and Objectives"? Do you see that?  
11:22 AM 12 A. Yes, sir.  
11:22 AM 13 Q. And one of the goals and objectives that's identified is  
11:22 AM 14 to establish crystal clear roles and responsibilities. Do you  
11:22 AM 15 see that?  
11:22 AM 16 A. Yes, sir.  
11:22 AM 17 Q. To make sure that people understood the scope of their  
11:22 AM 18 authority and their responsibility; correct?  
11:22 AM 19 A. Yes, sir.  
11:22 AM 20 MR. BRIAN: Now, let's take and pull up now  
11:22 AM 21 TREN-45118.5.1.T0.  
11:22 AM 22 BY MR. BRIAN:  
11:23 AM 23 Q. Do you see the reference to "today's situation"?  
11:23 AM 24 A. Yes, sir.  
11:23 AM 25 Q. And it states, does it not, "Roles, responsibilities,

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11:23 AM 1 accountabilities, and decision rights unclear and differ on  
11:23 AM 2 each project." Did I read that correctly?  
11:23 AM 3 A. That's what it says.  
11:23 AM 4 Q. Now, you traveled out to the rig on April 20th, 2010, with  
11:23 AM 5 Mr. David Sims, did you not?  
11:23 AM 6 A. I did.  
11:23 AM 7 Q. So I take it you went out by helicopter?  
11:23 AM 8 A. Yes, sir.  
11:23 AM 9 Q. At any time -- what's that, about an hour flight?  
11:23 AM 10 A. I think that's about right, yeah.  
11:23 AM 11 Q. At any time during that one-hour flight, did Mr. Sims tell  
11:23 AM 12 you that just a few days before he had gotten an e-mail from  
11:23 AM 13 Mr. Guide saying that decisions by the engineering team was  
11:23 AM 14 creating chaos?  
11:23 AM 15 A. Well, first off, there in the helicopter it's hard --  
11:23 AM 16 Q. Sir, listen to the question.  
11:23 AM 17 A. -- but before then -- lunch beforehand, no, he did not.  
11:24 AM 18 Q. Okay. Did he tell you that Mr. Guide had written an  
11:24 AM 19 e-mail saying, "What is my authority?"  
11:24 AM 20 A. No, sir, he did not.  
11:24 AM 21 Q. The first time you ever saw that e-mail -- which I don't  
11:24 AM 22 even need to put up for His Honor -- is when you saw the  
11:24 AM 23 Presidential Commission study; right?  
11:24 AM 24 A. I believe so, yes.  
11:24 AM 25 Q. When you got to the rig, you went through a safety

## PATRICK LEON O'BRYAN - CROSS

11:24 AM 1 briefing put on by the Transocean crew for about a half hour,  
11:24 AM 2 did you not?  
11:24 AM 3 A. Yes, sir.  
11:24 AM 4 Q. Including, fortunately, indicating which lifeboat you  
11:24 AM 5 should get to in the event of an emergency; right?  
11:24 AM 6 A. Yes, sir.  
11:24 AM 7 Q. It was that level of detail, wasn't it, sir?  
11:24 AM 8 A. Yes, sir.  
11:24 AM 9 Q. And then you went by the company man's office and spoke to  
11:24 AM 10 Mr. Kaluza; correct?  
11:24 AM 11 A. Yes, sir.  
11:24 AM 12 Q. And I think you testified that he just told you in that  
11:24 AM 13 meeting that they had just run the positive test and he  
11:24 AM 14 actually showed you the pressure results of that test, didn't  
11:24 AM 15 he?  
11:24 AM 16 A. Yes, sir.  
11:24 AM 17 Q. He then told you that they were about to run and set up  
11:25 AM 18 the negative pressure test; correct?  
11:25 AM 19 A. That's correct.  
11:25 AM 20 Q. During that conversation, did Mr. Kaluza tell you that the  
11:25 AM 21 procedure that the BP well site leaders were telling the  
11:25 AM 22 Transocean crew to set up was different than what had been  
11:25 AM 23 submitted to the MMS a few days before?  
11:25 AM 24 A. No.  
11:25 AM 25 Q. You talked about a conference in March of 2010 at -- how



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11:25 AM 1 do you pronounce it, Houma?

11:25 AM 2 A. Yes, sir.

11:25 AM 3 Q. And you talked about the teamwork between the well site

11:25 AM 4 leaders and the Transocean rig managers. Was Mr. Kaluza at

11:25 AM 5 that conference?

11:25 AM 6 A. Let me clarify: The wells team leaders, not the well site

11:25 AM 7 leaders.

11:25 AM 8 Q. Okay. Wells team leaders.

11:25 AM 9 Was Mr. Kaluza at that conference?

11:25 AM 10 A. No, he was not.

11:25 AM 11 Q. Was it -- so after you saw Mr. Kaluza, you did some more

11:25 AM 12 touring of the rig, and then you came back to the rig floor

11:25 AM 13 during the time they were actually conducting the negative

11:26 AM 14 pressure test; correct?

11:26 AM 15 A. It was around that time. I don't remember what they were

11:26 AM 16 actually doing, but I think that was about the time frame when

11:26 AM 17 they were doing it.

11:26 AM 18 Q. And you indicated that the area was cordoned off, wasn't

11:26 AM 19 it?

11:26 AM 20 A. Yes, sir.

11:26 AM 21 Q. And it was clear to you that the Transocean folks and the

11:26 AM 22 well site leader were seriously about their business at that

11:26 AM 23 time, were they not, sir?

11:26 AM 24 A. They were.

11:26 AM 25 Q. And you didn't feel that your tour in any way got in the

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11:26 AM 1 way of the work they were doing, do you, sir?

11:26 AM 2 A. No.

11:26 AM 3 Q. Then you went to dinner, and you made it up to the bridge  
11:26 AM 4 about 9:00; is that right?

11:26 AM 5 A. Yes, sir.

11:26 AM 6 Q. There's been some testimony in the case about an 8:52 p.m.  
11:26 AM 7 telephone conference conversation between Mr. Vidrine, who was  
11:26 AM 8 the other BP company man, and Mark Hafle onshore.  
11:26 AM 9 You know Mr. Hafle, do you not, sir?

11:27 AM 10 A. I do.

11:27 AM 11 Q. At any time between 8:52 p.m. and when you first felt the  
11:27 AM 12 rig shaking, did Mr. Vidrine contact you on the bridge to tell  
11:27 AM 13 you that he had had a conversation with Mr. Hafle about the  
11:27 AM 14 differential pressure during the negative pressure test?

11:27 AM 15 A. I had no conversation with Mr. Vidrine.

11:27 AM 16 Q. And I take it that Mr. Hafle did not try to reach you  
11:27 AM 17 during that time period to inform you about that conversation  
11:27 AM 18 either -- did he, sir?

11:27 AM 19 A. No.

11:27 AM 20 Q. And to the best of your knowledge, Mr.-- neither  
11:27 AM 21 Mr. Vidrine nor Mr. Hafle contacted David Sims to tell him  
11:27 AM 22 about that conversation, did they, sir?

11:27 AM 23 A. I don't know if they did or they didn't.

11:27 AM 24 Q. But you're not aware of it, are you, sir?

11:27 AM 25 A. I'm not aware of it, no.

## PATRICK LEON O'BRYAN - CROSS

11:27 AM 1 Q. You were on the bridge continuously from the time you  
11:27 AM 2 arrived at approximately 9:00 until you evacuated after the  
11:28 AM 3 second explosion; correct?

11:28 AM 4 A. That's correct.

11:28 AM 5 MR. BRIAN: And let's pull up D-6710, please.  
11:28 AM 6 This is the -- how do I use this?

11:28 AM 7 BY MR. BRIAN:

11:28 AM 8 Q. This is the chart, the diagram of the bridge that you were  
11:28 AM 9 shown earlier, is it not?

11:28 AM 10 A. That's correct.

11:28 AM 11 Q. And I think you indicated that right about here, there's  
11:28 AM 12 that chair in front of -- it looks like some sort of computer  
11:28 AM 13 module. That's the simulator, is it not, sir?

11:28 AM 14 A. I believe that's correct, yes.

11:28 AM 15 Q. And you were the last, I think, of three people to go on  
11:28 AM 16 the simulator that night, about 9:30; is that right?

11:28 AM 17 A. Yes, sir.

11:28 AM 18 Q. And while you were engaged there, was somebody from  
11:28 AM 19 Transocean, Mr. Keplinger, helping you get set up on that?

11:28 AM 20 A. I don't recall his name, but certainly it was a Transocean  
11:29 AM 21 person helping, that was actually setting them up, yes.

11:29 AM 22 Q. One of the dynamic position officers?

11:29 AM 23 A. Yes.

11:29 AM 24 Q. I'll represent to you that was Mr. Keplinger.

11:29 AM 25 A. Okay.

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11:29 AM 1 Q. And it was while you were there that you began to feel the  
11:29 AM 2 rig shaking; is that right?

11:29 AM 3 A. That's correct.

11:29 AM 4 Q. And then do you recall looking up with Mr. Keplinger to  
11:29 AM 5 one of the monitors up here after you felt the shaking, or not?

11:29 AM 6 A. No, I didn't.

11:29 AM 7 Q. But you do recall seeing Mr.-- Captain Kuchta open this  
11:29 AM 8 door in the lower left-hand corner of D-6710 right there?  
11:29 AM 9 Right?

11:29 AM 10 A. That's correct.

11:29 AM 11 Q. And you were able to see outside the door and see mud  
11:29 AM 12 shooting out over the *Damon Bankston*; correct?

11:29 AM 13 A. That's correct.

11:29 AM 14 Q. And then very shortly after you first felt this shaking  
11:29 AM 15 and Mr. Kuchta did that, you heard a hissing sound and then the  
11:29 AM 16 first explosion; correct?

11:30 AM 17 A. That's correct.

11:30 AM 18 Q. And very shortly after that, there was a second explosion;  
11:30 AM 19 right?

11:30 AM 20 A. I mean, I don't remember the time frame between the door  
11:30 AM 21 being opened and seeing the mud and the first explosion. But  
11:30 AM 22 certainly, the time frame between the first and the second was  
11:30 AM 23 really quick.

11:30 AM 24 Q. Okay. And you see right here the series of panels right  
11:30 AM 25 about the middle of D-6710? Do you see where I'm pointing at?

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11:30 AM 1 A. Yes, sir.

11:30 AM 2 Q. Now, there was another dynamic position officer, Andrea

11:30 AM 3 Fleytas, a woman, on the bridge that evening as well; correct?

11:30 AM 4 A. Yes. She was the one that I believe was sitting -- as I

11:30 AM 5 said, when I -- in my earlier testimony, I couldn't remember

11:30 AM 6 which chair she was -- she was in, the one you're pointing to

11:30 AM 7 there or this one; but she was there, yes.

11:30 AM 8 Q. Okay. And she was behind you; correct?

11:30 AM 9 A. Yes. We were --

11:30 AM 10 Q. You're over here?

11:30 AM 11 A. -- over here. And actually, David and the DPO operator

11:30 AM 12 were here when it all -- when that started. But yes.

11:30 AM 13 Q. And you could not see what she was doing, could you?

11:31 AM 14 A. I didn't really pay any attention to what she was doing.

11:31 AM 15 Q. Okay. So you don't know, for example, whether she was

11:31 AM 16 making calls to the drilling crew to find out what was going on

11:31 AM 17 and whether they were undertaking well control actions? You

11:31 AM 18 don't know that one way or the other, do you?

11:31 AM 19 A. I don't recall that, no.

11:31 AM 20 Q. You would expect, would you not -- consistent with BP's

11:31 AM 21 own procedures for when there's a situation like this, to try

11:31 AM 22 to make contact with the drilling crew, to find out what's

11:31 AM 23 happening and what steps they are taking in connection with

11:31 AM 24 well control, wouldn't you?

11:31 AM 25 A. Again, I'd have to look at what Transocean's safety

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11:31AM 1 management system for well control would say. I don't know. I  
11:31AM 2 haven't looked at that, but...

11:31AM 3 Q. But under BP's own procedures, you would expect, would you  
11:31AM 4 not -- the first step is to make contact with the drill crew to  
11:31AM 5 find out if they are undertaking well control actions; correct?

11:31AM 6 A. I don't know what -- I have no specific knowledge of what  
11:32AM 7 BP required for the bridge to do in terms of well control.

11:32AM 8 The well control -- shutting in the well and what  
11:32AM 9 well control is being implemented, that's the driller, which is  
11:32AM 10 Transocean. And that's what our policy -- that's what the BP  
11:32AM 11 policy says as well.

11:32AM 12 What the requirements are for the bridge operator --  
11:32AM 13 the DPO operator to do, I couldn't tell you.

11:32AM 14 Q. Fair enough. Fair enough.

11:32AM 15 Now, after the second explosion -- okay. We agree  
11:32AM 16 that there was a very short period of time between the first  
11:32AM 17 explosion and the second; correct?

11:32AM 18 A. Yes.

11:32AM 19 Q. And after the second explosion, you looked out that window  
11:32AM 20 and saw fire on the rig floor; correct?

11:32AM 21 A. Yes.

11:32AM 22 Q. And the power went out on the bridge about that time,  
11:32AM 23 didn't it, sir?

11:32AM 24 A. With the second explosion, yes.

11:32AM 25 Q. Now, Mr. Harrell, the OIM, arrives sometime after the

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11:33 AM 1 second explosion, when the power's out; correct?

11:33 AM 2 A. That's correct.

11:33 AM 3 Q. And you've testified that there's a conversation between

11:33 AM 4 the captain and Mr. Harrell after the second explosion, when

11:33 AM 5 Mr. Harrell gets there, and it's after that that the EDS is

11:33 AM 6 activated; correct?

11:33 AM 7 A. That's correct.

11:33 AM 8 Q. Now, whatever was said, you would agree, would you not,

11:33 AM 9 that there was a very quick discussion between Mr. Harrell and

11:33 AM 10 Mr. Sims?

11:33 AM 11 A. Mr. Sims?

11:33 AM 12 Q. I'm sorry, between Mr. Harrell and Captain Kuchta?

11:33 AM 13 A. Yes. When he got up there, I think he asked, "Has the EDS

11:33 AM 14 been hit?" and then it was hit shortly thereafter.

11:33 AM 15 Q. And you don't know who actually pushed the button, though,

11:33 AM 16 do you, sir?

11:33 AM 17 A. I don't.

11:33 AM 18 Q. You're still over here?

11:33 AM 19 A. Yes, sir.

11:33 AM 20 Q. Near the simulator?

11:33 AM 21 A. Yes, sir.

11:34 AM 22 Q. There was a lot of stuff going on on the bridge during

11:34 AM 23 these few minutes we're talking about; correct, sir?

11:34 AM 24 A. Yes, sir.

11:34 AM 25 Q. And there was a lot of talking, even some shouting, wasn't

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11:34 AM 1 there?

11:34 AM 2 A. There was a lot of excitement on the bridge, yes.

11:34 AM 3 Q. No one as hysterical, were they, sir?

11:34 AM 4 A. I -- there was a lot of excitement, is just the way I  
11:34 AM 5 remember it.

11:34 AM 6 Q. You would -- don't you agree that the overall -- the  
11:34 AM 7 behavior on the rig was professional and calm?

11:34 AM 8 A. I would not call it calm.

11:34 AM 9 MR. BRIAN: Okay. Let's put up TREX-37031.5.2.TO.

11:34 AM 10 BY MR. BRIAN:

11:34 AM 11 Q. These are notes in evidence of the Bly investigator's  
11:34 AM 12 interview of David Sims. Do you see where the interviewer has  
11:34 AM 13 reported Mr. Sims saying, "Everyone professional and calm,  
11:34 AM 14 shouting and talking, but not hysterical."

11:34 AM 15 Do you see that?

11:35 AM 16 A. Yes, sir.

11:35 AM 17 Q. You have known Mr. Sims for a number of years and you  
11:35 AM 18 regard him as an honest fellow, don't you, sir?

11:35 AM 19 A. Yes, I do.

11:35 AM 20 Q. Now, you headed to the lifeboats and made sure you got on  
11:35 AM 21 that lifeboat, didn't you, sir?

11:35 AM 22 A. Yes, sir.

11:35 AM 23 Q. Now, Captain Kuchta was actually the last or next-to-last  
11:35 AM 24 man to leave that rig, wasn't he, sir?

11:35 AM 25 A. I believe he jumped in the Gulf, if I remember correctly.



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11:35 AM 1 Q. And he was, in fact -- from what you could see, he was the  
11:35 AM 2 last person off the rig; isn't that right?

11:35 AM 3 A. I don't know. When I told David, "We need to go," I  
11:35 AM 4 didn't pay attention to who was getting on or off. So I  
11:35 AM 5 couldn't tell you.

11:35 AM 6 Q. You were interviewed by the Bly investigators as well,  
11:35 AM 7 weren't you, sir?

11:35 AM 8 A. Yes.

11:35 AM 9 MR. BRIAN: Let's put up TREX 62864.16.1.T0.

11:35 AM 10 BY MR. BRIAN:

11:35 AM 11 Q. These are interviews of Mr. Corser of your interview:  
11:36 AM 12 "Captain/OIM jumped, last off."

11:36 AM 13 Is that what you told Mr. Corser?

11:36 AM 14 A. Yes. I just said that he jumped into the Gulf.

11:36 AM 15 Q. Now, let me ask you just a couple quick questions about  
11:36 AM 16 the BOP.

11:36 AM 17 When BP charters a rig, BP specifies how the BOP is  
11:36 AM 18 to be configured, doesn't it?

11:36 AM 19 A. That's correct.

11:36 AM 20 Q. And that includes the decision whether to use a BOP with  
11:36 AM 21 one blind shear ram as opposed to two, doesn't it?

11:36 AM 22 A. Yes.

11:36 AM 23 Q. After you got in the lifeboat that night, you went to the  
11:36 AM 24 *Damon Bankston*; correct?

11:36 AM 25 A. Yes.

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11:36 AM 1 Q. That was the supply ship that Captain Kuchta had ordered  
11:36 AM 2 away from the rig, wasn't it?  
11:36 AM 3 A. Yes, sir.  
11:36 AM 4 Q. That was a sensible decision by Captain Kuchta, wasn't it,  
11:36 AM 5 sir?  
11:36 AM 6 A. I'm assuming that's consistent with -- with Transocean's  
11:36 AM 7 safety management system, but yes.  
11:36 AM 8 Q. Well, with a rig with --  
11:36 AM 9 A. With mud --  
11:36 AM 10 Q. -- being tied to a rig on fire, you would agree that was a  
11:36 AM 11 good decision; right?  
11:36 AM 12 A. It wasn't on fire at that time.  
11:37 AM 13 Q. Okay. When you got over to the *Damon Bankston*, you spoke  
11:37 AM 14 briefly with Don Vidrine and Robert Kaluza, the two BP company  
11:37 AM 15 men, didn't you, sir?  
11:37 AM 16 A. On the *Damon Bankston*? Yes.  
11:37 AM 17 Q. Yes. And you asked them to write an account of what had  
11:37 AM 18 happened, didn't you, sir?  
11:37 AM 19 A. Yes, sir.  
11:37 AM 20 MR. BRIAN: Let's pull up TREN-51133.1.T0.  
11:37 AM 21 BY MR. BRIAN:  
11:37 AM 22 Q. This is the account that they prepared at your  
11:37 AM 23 instruction, isn't it, sir?  
11:37 AM 24 A. Yes, sir.  
11:37 AM 25 Q. Now, what's it say up there in the left-hand corner?

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11:37 AM 1 A. I believe it says "in the hole."  
11:37 AM 2 Q. "In the hole"?  
11:37 AM 3 And the depth 8367?  
11:37 AM 4 I'd like you to read the document, starting from  
11:37 AM 5 right there, 0600 to 1100. What does it say? RIH? That's  
11:37 AM 6 "run in hole" -- to what?  
11:38 AM 7 A. Plus or minus 4900 feet.  
11:38 AM 8 Q. What does that next paragraph say? Just read it out loud.  
11:38 AM 9 A. "Close blind shear rams, pressure-tested casing" -- and I  
11:38 AM 10 can't really read the...  
11:38 AM 11 "Blind shear rams to 250 psi low to 2500 psi high;  
11:38 AM 12 250 test for five minutes; 2500 for 30 minutes. Good test."  
11:38 AM 13 Q. Then 1130 to 1300, go ahead and read from there.  
11:38 AM 14 A. "Run in the hole to 8367."  
11:38 AM 15 Q. Go ahead and read all the way down to the end of the page.  
11:38 AM 16 A. "Displaced boost line from 14-pound gallon synthetic  
11:38 AM 17 oil-based mud (SOBM) to 8.6 ppg seawater. Displaced choke line  
11:38 AM 18 from 14 pounds per gallon synthetic oil-based mud to 8.6 pound  
11:39 AM 19 per gallon seawater. Displaced kill line from 14 pound per  
11:39 AM 20 gallon to 8.6 pound per gallon seawater with" -- I can't make  
11:39 AM 21 that out -- "with Pumps 1 and 2. Displaced well" -- I can't  
11:39 AM 22 make the next word out.  
11:39 AM 23 "Displaced the drill pipe with 400 barrels of  
11:39 AM 24 16-pound per gallon spacer followed by seawater to a calculated  
11:39 AM 25 volume where the entire spacer was circulated above the top

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11:39 AM 1 annular preventer. Closed the top annular preventer to conduct  
11:39 AM 2 a negative pressure test of the kill line."

11:39 AM 3 **MR. BRIAN:** Let's go to the next page,  
11:39 AM 4 TREX-51133.2.TO.

11:39 AM 5 **BY MR. BRIAN:**

11:39 AM 6 **Q.** And if you could read from the top, 1700 to 2000.

11:40 AM 7 **A.** I'm not sure what that first is -- "operations safety."

11:40 AM 8 "After initial displacement, drill pipe pressure was  
11:40 AM 9 at 1260 psi, 0 kill pressure, 0 choke pressure. Kill line was  
11:40 AM 10 open with no flow."

11:40 AM 11 Something -- I guess "decided to block drill pipe,  
11:40 AM 12 bleed 15 barrels off drill pipe side through Halliburton line.  
11:40 AM 13 With kill line closed, bled drill pipe to 0."

11:40 AM 14 Something -- or "permit, was required to" --

11:40 AM 15 **Q.** Monitor?

11:40 AM 16 **A.** -- "monitor the negative test through kill line. Opened  
11:40 AM 17 kill line, which causes flow to the drill pipe side. Closes in  
11:40 AM 18 drill pipe -- closed in drill pipe side at Halliburton unit.

11:41 AM 19 Blow approximately 3 barrels before full closure at the

11:41 AM 20 Halliburton unit. Closed kill at the BOP. Pump down kill to  
11:41 AM 21 verify line was full. Line was full, pressure up immediately.

11:41 AM 22 Open kill line at the BOP with kill line choke closed.

11:41 AM 23 Pressure increases from 0 to 30 psi. Lined up to pump -- trip

11:41 AM 24 tank-- monitor trip tank. Open choke and bleed .2 barrels to

11:41 AM 25 trip tank, tank pressured to 0. Left kill open. Monitored on

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11:41AM 1 the mini trip tank for 30 minutes. No gain in mini trip tank.  
11:41AM 2 Successful negative test. Test monitored at the kill line."

11:41AM 3 **MR. BRIAN:** Put up TREX-51133.3.T0.

11:41AM 4 **BY MR. BRIAN:**

11:41AM 5 **Q.** Do you see the names at the bottom, signed by Donald  
11:42AM 6 Vidrine and Robert Kaluza?

11:42AM 7 **A.** Yes, sir.

11:42AM 8 **Q.** Now, feel free to read that last page yourself if you'd  
11:42AM 9 like. But you would agree, would you not, that -- there's no  
11:42AM 10 mention in this document, written by and signed by Don Vidrine  
11:42AM 11 and Robert Kaluza, of "bladder effect," is there?

11:42AM 12 **A.** No, sir.

11:42AM 13 **Q.** Certainly no mention of the Transocean crew trying to  
11:42AM 14 convince Mr. Vidrine or Mr. Kaluza of some bladder effect, is  
11:42AM 15 there, sir?

11:42AM 16 **A.** No, sir.

11:42AM 17 **Q.** There's no mention about an 8:52 p.m. call between  
11:42AM 18 Mr. Vidrine and Mr. Hafle, is there, sir?

11:42AM 19 **A.** No, sir.

11:42AM 20 **Q.** Now, you would expect and did expect -- when you were the  
11:42AM 21 vice president of drilling completions for the Gulf of Mexico,  
11:42AM 22 you did expect that your well site leaders would know how to  
11:42AM 23 conduct a negative test -- wouldn't you, sir?

11:43AM 24 **A.** Yes, sir.

11:43AM 25 **Q.** And how to interpret one; you expected that as well,

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11:43 AM 1 didn't you?

11:43 AM 2 A. Yes, sir.

11:43 AM 3 Q. Now, you said in the past that the well site leaders were  
11:43 AM 4 responsible for interpreting the negative pressure test in  
11:43 AM 5 collaboration with the drilling contractor. That's your view,  
11:43 AM 6 is it not, sir?

11:43 AM 7 A. Yes, sir.

11:43 AM 8 Q. But you would agree, would you not, that the final  
11:43 AM 9 decision of whether that negative pressure test is a pass or a  
11:43 AM 10 fail is BP's responsibility? You agree with that, don't you,  
11:43 AM 11 sir?

11:43 AM 12 A. Yes, sir.

11:43 AM 13 Q. In fact, during the negative pressure test, the well is  
11:43 AM 14 shut in, isn't it?

11:43 AM 15 A. It depends on how they got it set up, but I'm assuming in  
11:43 AM 16 this case it was, yes.

11:43 AM 17 Q. And so to continue with the operations, the BP company man  
11:43 AM 18 has to give the instruction to open up the well and proceed,  
11:44 AM 19 doesn't he, sir?

11:44 AM 20 A. So the BP well site leader would accept that the negative  
11:44 AM 21 test was passed, and then the instructions to move forward with  
11:44 AM 22 the operations would be given -- my experience, would be given  
11:44 AM 23 to -- and I don't know how it was done here -- but my  
11:44 AM 24 experience would be given to the toolpusher, who would then  
11:44 AM 25 instruct the crew to progress with -- move forward with the

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11:44 AM 1 operations.

11:44 AM 2 Q. Given by the BP well site leader to the toolpusher;  
11:44 AM 3 correct?

11:44 AM 4 A. BP well site leader would have said, "Yes, it's a pass, we  
11:44 AM 5 can move forward with the operations."

11:44 AM 6 Q. You were shown by Mr. Underhill that e-mail from  
11:44 AM 7 Mr. Kaluza to you about bladder effect that you then wrote all  
11:44 AM 8 those question marks?

11:44 AM 9 A. Yes, sir.

11:44 AM 10 Q. After you wrote those question marks, did you pick up the  
11:44 AM 11 phone and call Mr. Kaluza?

11:44 AM 12 A. No, I did not. My focus was on drilling relief wells.

11:44 AM 13 MR. BRIAN: Nothing further, Your Honor.

11:44 AM 14 THE COURT: Halliburton?

11:44 AM 15 MR. GODWIN: No questions, Your Honor.

11:44 AM 16 THE COURT: Thank you.

11:44 AM 17 BP?

11:45 AM 18 MS. KARIS: Very quickly, Your Honor. May I proceed?

11:45 AM 19 THE COURT: Yes.

11:45 AM 20 MS. KARIS: Thank you, Your Honor. Hariklia Karis  
11:45 AM 21 conducting the redirect examination of Mr. O'Bryan.

11:46 AM 22 **REDIRECT EXAMINATION**

11:46 AM 23 **BY MS. KARIS:**

11:46 AM 24 Q. Mr. O'Bryan, let me pick up where Mr. Brian just left off.  
11:46 AM 25 He asked you whether you would expect, as the vice president of

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11:46 AM 1 drilling and completions for BP's well site leaders, to know  
11:46 AM 2 how to conduct and interpret a negative test.

11:46 AM 3 Do you recall that question?

11:46 AM 4 A. Yes, I do.

11:46 AM 5 Q. As the vice president, did you also expect the contractor  
11:46 AM 6 to know how to conduct and interpret a negative test?

11:46 AM 7 A. Yes. I would expect it to be required since it's their  
11:46 AM 8 rig and they would expect the safety of the rig and they need  
11:46 AM 9 to be involved and sign off on it before we progressed, ensure  
11:46 AM 10 that the rig would be safe.

11:46 AM 11 Q. In your experience and based on your expectations, if  
11:46 AM 12 Transocean's crew has any question or doubt about the  
11:46 AM 13 interpretation or how the negative test was conducted, can the  
11:46 AM 14 process proceed?

11:46 AM 15 A. No.

11:46 AM 16 Q. Why not?

11:46 AM 17 A. Because, again, if you read the accountability and  
11:47 AM 18 expectations of the OIM, the offshore installation manager,  
11:47 AM 19 they're accountable for ensuring the safety of that operation.  
11:47 AM 20 And if they believe that there's anything that's being done  
11:47 AM 21 that jeopardizes that vessel, they have the obligation to shut  
11:47 AM 22 that operation down and not to proceed.

11:47 AM 23 Q. Okay. Different subject.

11:47 AM 24 You were shown some testimony from Mr. Jackson, who  
11:47 AM 25 was the HSSE director --



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11:47 AM 1 A. Yes.

11:47 AM 2 Q. -- under your leadership.

11:47 AM 3 First of all, do you have any idea what Mr. Jackson  
11:47 AM 4 was referencing when he was giving that testimony?

11:47 AM 5 A. No.

11:47 AM 6 Q. Now, Mr. Jackson, as you saw up there --

11:47 AM 7 MS. KARIS: And if we could pull up Mr. Jackson's  
11:47 AM 8 testimony, page 94, please.

11:47 AM 9 BY MS. KARIS:

11:48 AM 10 Q. Line 6 to 15, which I believe you were shown.

11:48 AM 11 Mr. Jackson was asked:

11:48 AM 12 "QUESTION: Do you recall anybody ever discussing or  
11:48 AM 13 did you have any meetings with anyone within the Gulf  
11:48 AM 14 where there was a statement that was made that there was a  
11:48 AM 15 need to focus on process safety, not only personal safety?

11:48 AM 16 And his answer is:

11:48 AM 17 "ANSWER: Yes. I've been in meetings where we said  
11:48 AM 18 that we need -- that there were needs to focus on process  
11:48 AM 19 safety and not only personal safety."

11:48 AM 20 Based on your experience in the Gulf of Mexico, did  
11:48 AM 21 you emphasize the need to focus both on personal and process  
11:48 AM 22 safety?

11:48 AM 23 A. Yes.

11:48 AM 24 Q. What was Mr. Jackson's position? You said his focus was  
11:48 AM 25 on personal safety.

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11:48 AM 1 A. So as I explained earlier, the whole process of planning  
11:48 AM 2 and -- let's start with the premise that a major accident risk  
11:48 AM 3 in drilling a well is a blowout. That is the single major  
11:48 AM 4 accident risk, is a blowout. The whole process of planning the  
11:49 AM 5 well, executing it is all about mitigating that risk, keep the  
11:49 AM 6 hydrocarbons in the pipe.

11:49 AM 7 So from the start, with the pore pressure frac  
11:49 AM 8 gradient, casing sheaths picked, casing design, to the  
11:49 AM 9 selection of the contractors, to the execution of the well  
11:49 AM 10 itself, with the well control equipment on the rig, the BOPs,  
11:49 AM 11 the pit volume totalizers, the flow meters. All of those  
11:49 AM 12 things are focused on mitigating the single biggest process  
11:49 AM 13 safety risk associated with drilling a well, which is a  
11:49 AM 14 blowout.

11:49 AM 15 And so the fact that, you know -- and Curtis' primary  
11:49 AM 16 focus was personal safety. But process safety, that's what the  
11:49 AM 17 whole process of planning and executing the drilling and  
11:49 AM 18 completion of a well is all about, mitigating that process  
11:49 AM 19 risk.

11:49 AM 20 Q. You were asked earlier on -- a different subject. You  
11:50 AM 21 were asked about OMS and its implementation. I certainly don't  
11:50 AM 22 want to go back over all that. But I believe you were shown a  
11:50 AM 23 provision from OMS, Appendix 7, which referenced how OMS  
11:50 AM 24 applied to contractors.

11:50 AM 25 And Mr. Herman asked you, you don't see anything in

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11:50 AM 1 there that talks to a bridging document.

11:50 AM 2 Do you remember that generally?

11:50 AM 3 A. Yes.

11:50 AM 4 Q. The reference says that "where BP relies on a contractor  
11:50 AM 5 to carry out work, BP shall, as needed, include and apply  
11:50 AM 6 contract provisions such that the work is carried out in a way  
11:50 AM 7 that supports and is consistent with BP's application to OMS."

11:50 AM 8 That's what Mr. Herman showed you.

11:50 AM 9 MS. KARIS: Now, if we can pull up TREX-4721,  
11:50 AM 10 please -- I'm sorry, 4271. And page 18 of 36 is TREX ending in  
11:51 AM 11 1481 Bates number.

11:51 AM 12 BY MS. KARIS:

11:51 AM 13 Q. Again, this is the contract provisions that applied to the  
11:51 AM 14 operations between Transocean and BP, including those at the  
11:51 AM 15 Macondo well.

11:51 AM 16 So the contract required that the contractor shall  
11:51 AM 17 have the primary responsibility for the safety of all  
11:51 AM 18 operations, shall take all measures necessary or proper to  
11:51 AM 19 protect the personnel, facilities and, in addition, shall  
11:51 AM 20 observe all safety rules and regulations and so forth.

11:51 AM 21 Now, I don't want you to read the whole contract.  
11:51 AM 22 But do you see at the end where it says, "The contractor may  
11:51 AM 23 also have its own safety manual" -- next page, please -- "and  
11:51 AM 24 when contractor's and company's safety manuals conflict, the  
11:51 AM 25 contractor's safety manual shall control"?

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11:52 AM 1 Is that provision consistent with the requirement in  
11:52 AM 2 OMS for how contractors apply BP's OMS system?

11:52 AM 3 A. Yes.

11:52 AM 4 Q. Mr. O'Bryan, as the vice president for drilling and  
11:52 AM 5 completions for the Gulf of Mexico in 2010 at the time of this  
11:52 AM 6 incident, did you believe Mr. Guide, Mr. Sims, Mr. Hafle,  
11:52 AM 7 Mr. Walz, and Mr. Morel, and all of the other individuals in  
11:52 AM 8 your organization were focused on safety as their number one  
11:52 AM 9 priority?

11:52 AM 10 A. Absolutely.

11:52 AM 11 Q. And why do you believe that?

11:52 AM 12 A. These are guys that -- number one, they obviously had a  
11:52 AM 13 track record of great, safe performance. Again, as I said  
11:52 AM 14 earlier, it's the reason why I went out to visit this rig. And  
11:52 AM 15 I know these guys personally, and they care deeply about --  
11:53 AM 16 they take pride in what they do and they care deeply about the  
11:53 AM 17 folks that are on the rigs and what they do.

11:53 AM 18 So, I mean, that's what they're about and that's who  
11:53 AM 19 they are. So I have no doubt about that.

11:53 AM 20 **MS. KARIS:** I have nothing further. Thank you.

11:53 AM 21 **THE COURT:** Thank you, sir. You're done. Okay.

11:53 AM 22 All right. Let's see -- we have one more  
11:53 AM 23 witness, right, and that will be Mr. Andrew Mitchell.

11:53 AM 24 **MR. BROCK:** Yes, Your Honor. And then about  
11:53 AM 25 15 minutes of tape. He's an expert. And I think we're in good

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11:53 AM 1 shape, Judge.

11:53 AM 2 THE COURT: About 15 minutes of tape?

11:53 AM 3 MR. BROCK: Yes, sir.

11:53 AM 4 THE COURT: Okay. Let's go ahead and recess for  
11:53 AM 5 lunch and come back at 1:15.

11:53 AM 6 THE DEPUTY CLERK: All rise.

12:05 PM 7 (LUNCHEON RECESS)

12:05 PM 8 \* \* \* \* \*

9 \*\*\*\*\*

10 CERTIFICATE

11 I, Jodi Simcox, RMR, FCRR, Official Court Reporter  
12 for the United States District Court, Eastern District of  
13 Louisiana, do hereby certify that the foregoing is a true and  
14 correct transcript, to the best of my ability and  
15 understanding, from the record of the proceedings in the  
16 above-entitled and numbered matter.

17 *s/Jodi Simcox, RMR, FCRR*  
18 Jodi Simcox, RMR, FCRR  
19 Official Court Reporter  
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21  
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10 [4] 9239/15 9239/19 9240/6 9343/8 10,000 [1] 9342/4 10-CV-02771 [1] 9215/7 10-CV-4536 [1] 9215/9 10-foot [1] 9351/6 10-MD-2179 [1] 9215/4 100 million [2] 9342/9 9342/14 1000 [1] 9219/19 1001 [1] 9219/11 101 [1] 9216/16 11 [1] 9338/9 1100 [2] 9219/7 9377/5 1110 [1] 9219/23 1130 [1] 9377/13 1201 [2] 9219/3 9220/5 1260 psi [1] 9378/9 1300 [1] 9377/13 1308 [1] 9216/19 1331 [1] 9220/9 14 [3] 9355/10 9377/18 9377/19 14-pound [1] 9377/16 14271 [1] 9217/22 1481 [1] 9385/11 15 [10] 9239/15 9239/19 9240/6 9260/20 9260/23 9268/22 9343/23 9344/2 9383/10 9387/2 15 barrels [1] 9378/12 15 minutes [1] 9386/25 15-minute [1] 9330/10 16-pound [1] 9377/24 1601 [1] 9216/3 1665 [1] 9220/9 16th [1] 9294/13 16th of [1] 9345/13 17 [2] 9215/7 9222/2 1700 [2] 9220/5 9378/6 17th [1] 9294/1 18 [3] 9253/14 9254/3 9385/10 1885 [1] 9218/12 1975.1.1 [1] 9301/9 1975.1.2 [1] 9301/21 1975.14.1 [1] 9305/11 1975.6.1 [1] 9302/19 1975.9.1 [1] 9303/15 1983 [1] 9227/12 1985 [1] 9227/14 1988 [5] 9227/15 9227/18 9229/12 9230/11 9230/12 1989 [1] 9230/12 1999 [1] 9230/11 1:00 a.m [1] 9333/2		5 feet [1] 9349/10 500 [3] 9215/20 9218/9 9220/12 5000 [1] 9218/19 504 [1] 9220/13 51133.1.TO [1] 9376/20 51133.2.TO [1] 9378/4

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