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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, \* October 3, 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 4, AFTERNOON SESSION  
TRANSCRIPT OF NONJURY TRIAL BEFORE  
THE HONORABLE CARL J. BARBIER  
UNITED STATES DISTRICT JUDGE

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I N D E X

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**AFTERNOON SESSION**

**(October 3, 2013)**

**THE COURT:** Please be seated, everyone.

**MR. IRPINO:** Good afternoon, Judge. Anthony Irpino for the PSC aligned parties.

We have a couple of exhibit lists we want to have introduced. First is our aligned parties list of exhibits and demonstratives used and offered in connection with the examination of Mark Mazzella yesterday, on October 2, 2013. The lists were sent around, all comments were incorporated, and there are currently no objections to the lists.

**THE COURT:** All right. Without objection, those are admitted.

**MR. IRPINO:** Our second list, I'll deal with James Dupree's testimony -- of the aligned parties list of exhibits, demonstratives, call-outs offered and used in connection with the examination of James Dupree on October 2, 2013.

There is one exception. There is still an objection on one of the documents on the list. We have marked that in red and stated that it requires a ruling by the Court, but we wanted to get the list in so that you had them. That is Exhibit 150307-N. We have stated that it requires a ruling by the Court. All others are not objected to.

**THE COURT:** Did you want to speak to that?

**MS. KARIS:** Yes, Your Honor.

01:17 1           **THE COURT:** Go ahead.

01:17 2           **MS. KARIS:** Your Honor, Exhibit 150307 is the video  
01:17 3 clip that Mr. Barr put up from CNN of Mr. Hayward. I stood up  
01:17 4 immediately, as is reflected on page 722, line 21, and objected  
01:18 5 to the use of that video clip. It pertained to the issue of  
01:18 6 what Tony Hayward said about the chance of success of Top Kill.

01:18 7           **THE COURT:** Is there anybody in the world who doesn't  
01:18 8 know what he said? What is this all about? Why are we arguing  
01:18 9 about it?

01:18 10          **MR. DOYEN:** Party admission.

01:18 11          **MR. BRIAN:** It's a party admission, Your Honor.  
01:18 12 That's what the objection is.

01:18 13          **MS. KARIS:** Your Honor, the objection is that that is  
01:18 14 not an -- the process we have been undertaking thus far is to  
01:18 15 list the exhibits that were admitted with the particular  
01:18 16 witness. If it's otherwise identified as an exhibit in a  
01:18 17 bundle or is part of the rest of the process, we had this  
01:18 18 elaborate category --

01:18 19          **THE COURT:** We can deal with this later. Let's try  
01:18 20 to finish the testimony.

01:18 21          **MR. IRPINO:** Your Honor, I would like to submit the  
01:18 22 list, which does indicate there's still an objection.

01:18 23          **THE COURT:** Subject to that objection, that's  
01:18 24 admitted.

01:18 25          **MR. IRPINO:** Thank you, Your Honor.



01:18 1           **THE COURT:** We had a slight discrepancy between  
01:18 2 myself and Cathy's timekeeping this morning. According to  
01:19 3 Cathy's calculations, BP has 30 minutes left. According to  
01:19 4 mine, you have 32 minutes. So I'll give you the benefit of the  
01:19 5 doubt; I'll give you the 32 minutes.

01:19 6           I didn't calculate how much the aligned parties  
01:19 7 have left, but they used 56 minutes this morning apparently.  
01:19 8 Okay.

01:19 9           **MR. DOYEN:** Good afternoon, Your Honor.

01:19 10                           **IAIN ADAMS,**  
01:19 11 having been duly sworn, testified as follows:

01:19 12                                   **CROSS-EXAMINATION**

01:19 13 **BY MR. DOYEN:**

01:19 14 **Q.** Good afternoon Mr. Adams.

01:19 15           **MR. DOYEN:** Let's call out TREX-1448. Let me say  
01:19 16 that again. 144843.1.1. This, just for context, is a May 16,  
01:19 17 2010 e-mail, I believe -- can you drag that a little further  
01:19 18 down the page, the bottom of that.

01:20 19           So we have an e-mail from BP to several people  
01:20 20 in the government, and that's being redistributed within the  
01:20 21 government. And then there's an attachment to that.

01:20 22           Let's call out what I think is 144843.10.2.

01:20 23 **BY MR. DOYEN:**

01:20 24 **Q.** You're aware, sir, that at some point right around this  
01:20 25 time, middle of May, there was a 700 psi drop in pressure there

## IAIN ADAMS - CROSS

01:20 1 at the bottom of the BOP, correct?

01:20 2 A. I was aware of that, yes.

01:20 3 Q. There's a statement here that this pressure drop indicates  
01:20 4 "the likelihood of a successful Dynamic or Momentum Kill  
01:20 5 increased significantly." Do you see that?

01:20 6 A. I see that.

01:20 7 Q. Now, that is not the only possible interpretation of the  
01:20 8 700 psi drop in pressure, is it?

01:20 9 A. I think there could be several interpretations; that's  
01:21 10 correct.

01:21 11 MR. DOYEN: Let's call out TREX-130491.1. I'm sorry,  
01:21 12 I'm doing that wrong. Let me do that again.

01:21 13 Let's call out TREX-9250.1.1.

01:21 14 BY MR. DOYEN:

01:21 15 Q. So this is an e-mail from Mr. Lockett. And you recognize  
01:21 16 him as one of the people working on the Flow Assurance Team,  
01:21 17 don't you?

01:21 18 A. Yes, I do.

01:21 19 Q. Mr. Lockett, responding to the same pressure drop: "Maybe  
01:21 20 I am being pessimistic but my first thought when I heard of the  
01:21 21 fall in pressure upstream of the BOP is that this is bad news  
01:21 22 rather than good, my thought would go to a reduced restriction  
01:21 23 within the BOP."

01:21 24 Do you see that?

01:21 25 A. Yes, I do.

## IAIN ADAMS - CROSS

01:21 1 Q. Let me put up one other, similar e-mail, and then I'm  
01:21 2 going to put a question to you, sir.

01:22 3 A. Okay.

01:22 4 MR. DOYEN: Let's look at call-out TREX-130491.1.

01:22 5 I may be doing this wrong.

01:22 6 Let's call out TREX-130491.1.2.

01:22 7 BY MR. DOYEN:

01:22 8 Q. This is another e-mail from Dr. Rygg. You recognize him,  
01:22 9 right?

01:22 10 A. Yes, I do.

01:22 11 Q. You saw his report and you recognize he is on the  
01:22 12 Hydraulic Kill Team with Mr. Mix over here, correct?

01:22 13 A. Yes.

01:22 14 Q. Dr. Rygg is saying about the same pressure drop: "Please  
01:22 15 note that if the reduction in the wellhead pressure is due to  
01:22 16 an increased flow rate since the restrictions at the wellhead  
01:22 17 is giving away, we have a different scenario. This means a  
01:22 18 large hole in the BOP stack and less chance of ever being able  
01:23 19 to do a dynamic Top Kill."

01:23 20 Do you see that?

01:23 21 A. I see that, yes.

01:23 22 Q. Dr. Rygg is saying, as you understand it, that one  
01:23 23 possible reason for a pressure drop is that the restriction in  
01:23 24 the BOP has -- there's now a bigger hole in the BOP than  
01:23 25 before, correct?

## IAIN ADAMS - CROSS

01:23 1 A. I think that's a reasonable -- one of the interpretations,  
01:23 2 yes. So yes.

01:23 3 Q. And, in fact, if the hole -- if there was increased  
01:23 4 erosion within the BOP, flow would increase and the pressure  
01:23 5 would drop at the bottom of the BOP, correct?

01:23 6 A. In that scenario, yes.

01:23 7 Q. And that would in fact decrease the likelihood of being  
01:23 8 able to do a successful Momentum Kill, correct?

01:23 9 A. For the scenario we are discussing, yes.

01:23 10 Q. And likewise, increasing the hole in the BOP stack would  
01:23 11 decrease the chances of a successful Junk Shot, correct?

01:23 12 A. That would depend on the Junk Shot procedure.

01:23 13 Q. Well, in general you would agree, wouldn't you, that the  
01:24 14 larger the hole, the more trouble you will have plugging it  
01:24 15 with the Junk Shot? Just in general.

01:24 16 A. Again, it depends on the size of the junk. So it's  
01:24 17 difficult to respond to that.

01:24 18 Q. You were limited at Macondo, in terms of the size of the  
01:24 19 junk that could be pumped down, by the radius of the lines,  
01:24 20 correct?

01:24 21 A. Yes.

01:24 22 Q. That placed limitations on how big a hole could be plugged  
01:24 23 in the BOP, correct?

01:24 24 A. What I would say is, if the hole eroded to the extent it  
01:24 25 was so large that you couldn't bridge that with the junk you

## IAIN ADAMS - CROSS

01:24 1 could pump down the line, yes, I would agree with that.

01:24 2 MR. DOYEN: Call out TREX-9160.1.2.

01:24 3 BY MR. DOYEN:

01:24 4 Q. Now, this was the text message from Kurt Mix that you were  
01:25 5 talking about earlier on your direct examination. You recall  
01:25 6 that, don't you?

01:25 7 A. Yes, I do.

01:25 8 Q. I think you indicated you wouldn't rely on a text message  
01:25 9 at this particular hour of the morning. Do you recall that?

01:25 10 A. I definitely recall that, yes.

01:25 11 Q. You do see here where Mr. Mix is apparently watching the  
01:25 12 Top Kill and says "too large an orifice." You see that, don't  
01:25 13 you?

01:25 14 A. Yes, I do.

01:25 15 Q. You are not saying, are you, that Mr. Mix was the only  
01:25 16 person to reach that conclusion about why the Top Kill failed,  
01:25 17 are you?

01:25 18 A. Are you linking that to the previous two demos I just saw?  
01:25 19 Or are we linking that to the previous note about Ole Rygg's  
01:25 20 comment that that could be a reason for --

01:25 21 Q. We have moved forward in time here. We are now on the  
01:25 22 27th of May.

01:25 23 I'm just asking you, sir, if it's your suggestion or  
01:25 24 your testimony that as far as you know, Mr. Rygg is the only  
01:25 25 person who suggested the reason the Top Kill wasn't working and

## IAIN ADAMS - CROSS

01:25 1 didn't finally work was the orifice was too large.

01:25 2 A. I think that's potentially misleading, because the  
01:26 3 previous e-mail from Dr. Rygg was --

01:26 4 Q. Just focus on my question. I'm not talking about Dr. Rygg  
01:26 5 and May 16. I'm talking about the Top Kill. Got the context?  
01:26 6 May 27, May 28, Top Kill fails. Have you got that?

01:26 7 You agree with that, don't you?

01:26 8 A. I agree with that.

01:26 9 Q. You understand Mr. Mix is watching the Top Kill procedure,  
01:26 10 correct?

01:26 11 A. Yes, I do.

01:26 12 Q. He is sending an e-mail over to Mr. Sprague here, correct?

01:26 13 A. Yes.

01:26 14 Q. He is saying: "Too much flow rate -- over 15,000, too  
01:26 15 large an orifice." Got that context?

01:26 16 A. If you take this in isolation, yes.

01:26 17 Q. I'm not sure what that means, but let me frame a question  
01:26 18 for you.

01:26 19 Are you saying that Kurt Mix was the only person that  
01:26 20 thought Top Kill failed because the orifice was too large?

01:26 21 A. I'm sure several people had that opinion.

01:26 22 Q. In fact, you know other people had that opinion, don't  
01:26 23 you, sir?

01:26 24 A. In what respect? The e-mail -- the correspondence you  
01:26 25 just showed me related to the 16th when they are analyzing why

## IAIN ADAMS - CROSS

01:26 1 the pressure dropped.

01:26 2 Q. I'm not talking about Dr. Rygg.

01:27 3 A. The pressure subsequently went back up again.

01:27 4 Q. I'm talking about the Top Kill procedure, sir.

01:27 5 A. Okay, sir.

01:27 6 Q. You understand it failed, right?

01:27 7 A. Yes, sir.

01:27 8 Q. May 28, we are over. It's failed. You got the context?

01:27 9 A. Okay. Got it.

01:27 10 Q. Several people concluded that it failed because the  
11 orifice was too large, correct?

01:27 12 A. I get that, yes.

01:27 13 Q. You agree with that, don't you?

01:27 14 A. It was one of several theories.

01:27 15 Q. Well, in fact, this was Wild Well Control's theory, wasn't  
16 it?

01:27 17 A. It was proposed by members of Wild Well Control.

01:27 18 Q. In fact, it's stated in Wild Well Control's report on the  
19 procedure, isn't it, sir?

01:27 20 A. Yes, it was.

01:27 21 Q. You heard Mr. Mazzella's testimony that his whole team,  
22 which included Wild Well and Robert Grace and Mr. Mix, all  
23 agreed that the cause of the Top Kill failure was the hole was  
24 too large. You heard that, didn't you?

01:27 25 A. Yes, I did.

## IAIN ADAMS - CROSS

01:28 1 MR. DOYEN: Let's call out TREX-11737.15.3.

01:28 2 BY MR. DOYEN:

01:28 3 Q. This is an excerpt from your report. You say you "have  
01:28 4 reviewed the expert report of Mr. Dan Gibson." That's correct,  
01:28 5 isn't it?

01:28 6 A. That's correct.

01:28 7 Q. You "believe his analysis used sound and accepted  
01:28 8 principles." Do you see that?

01:28 9 A. Yes.

01:28 10 Q. And you say you accepted his conclusion concerning the  
01:28 11 analysis of why Top Kill failed and what deductions could be  
01:28 12 drawn from that, correct?

01:28 13 A. Yes, I do.

01:28 14 Q. You did not independently analyze the data that Mr. Gibson  
01:28 15 used for his analysis, did you?

01:28 16 A. No. The rationale was that Mr. Gibson conducted an  
01:28 17 independent analysis of other people's data. So I reviewed his  
01:28 18 conclusions. I didn't conduct an independent analysis.

01:28 19 Q. Okay.

01:29 20 MR. DOYEN: Let's pull up TREX-11614.1.

01:29 21 BY MR. DOYEN:

01:29 22 Q. You understand that BP presented the government with an  
01:29 23 analysis of Top Kill on the 29th of May, correct?

01:29 24 A. Yes.

01:29 25 Q. And you understand later that day the decision not to



## IAIN ADAMS - CROSS

01:29 1 proceed with the BOP was reached, correct?

01:29 2 A. Yes, I do.

01:29 3 Q. So we have heard a little bit of testimony about these  
01:29 4 scenarios, and I want to try and make certain we are clear on  
01:29 5 this.

01:29 6 MR. DOYEN: Your Honor, if I can approach?

01:29 7 THE COURT: Yes.

01:29 8 BY MR. DOYEN:

01:29 9 Q. We had three scenarios: Scenario 1, Scenario 2,  
01:30 10 Scenario 3.

01:30 11 You understand -- you agree with Mr. Gibson's  
01:30 12 analysis that Scenario 1 requires massive flow through the BOP  
01:30 13 rams, correct?

01:30 14 A. That would indicate the mud was going upwards, that's  
01:30 15 correct.

01:30 16 Q. Scenario 2, you agree, involved the flow of hydrocarbons  
01:30 17 up the annulus, correct?

01:30 18 A. At the annulus. Yeah, that's correct.

01:30 19 Q. I should say it that way. Thank you, sir. Annulus flow.

01:30 20 Scenario 3 involved a rupture of the collapse disk,  
01:30 21 correct?

01:30 22 A. That's correct.

01:30 23 Q. Rupture disks. You understand that in the report that we  
01:31 24 have up on the screen over here, BP identified these as three  
01:31 25 possible scenarios, correct?

## IAIN ADAMS - CROSS

01:31 1 A. There were three possible scenarios, that's correct.

01:31 2 Q. They said Scenario 1 was not plausible, correct?

01:31 3 A. Possible but not plausible. I think it's key to say it  
01:31 4 was possible but not plausible.

01:31 5 Q. I already said possible. They are all three possible.  
01:31 6 Got that?

01:31 7 A. Yes.

01:31 8 Q. Not plausible for Scenario 1.

01:31 9 They said Scenario 2, while possible, was also not  
01:31 10 plausible, correct?

01:31 11 A. Yes.

01:31 12 Q. And for Scenario 3 they said possible and plausible,  
01:31 13 correct?

01:31 14 A. That's correct.

01:31 15 Q. And the significance of the rupture disks is that mud  
01:32 16 and/or hydrocarbons can flow in the annular region, through the  
01:32 17 disks, and out into the formation, correct?

01:32 18 A. That would be correct, yes.

01:32 19 Q. Leading to a broach of the seabed potentially.

01:32 20 A. That was a concern, highly likely to occur.

01:32 21 Q. As a result of Scenario 3, the decision was made not to  
01:32 22 shut in the well but to move toward containing, catching the  
01:32 23 oil, correct?

01:32 24 A. That's correct, due to the concern raised from that, yes.

01:32 25 Q. So we have not shut in and no BOP-on-BOP.

## IAIN ADAMS - CROSS

01:32 1 And again, just to get the date there, that decision  
01:32 2 is made on the same day, May 29, correct?

01:32 3 A. I believe that's correct.

01:33 4 Q. You also agree with Mr. Adams, don't you, that if we focus  
01:33 5 now not on what we thought and knew back at the time, but what  
01:33 6 we know today -- are you with me so far -- based on everything  
01:33 7 we know today --

01:33 8 A. So with the benefit of hindsight, yes.

01:33 9 Q. Yes, sir, with the benefit of all we know today,  
01:33 10 Mr. Gibson says Scenario 1 turns out to be the truth, correct?  
01:33 11 You agree with that characterization by Mr. Gibson, don't you?

01:33 12 A. I think the indication is -- I think he actually  
01:33 13 highlighted most likely, but yes.

01:33 14 Q. Do you want me to show his testimony that he says it's the  
01:33 15 truth?

01:33 16 A. If you could, if you don't mind. Thank you.

01:33 17 Q. No problem.

01:34 18 MR. DOYEN: So let me see -- Gibson 1, Gibson  
01:34 19 deposition, page 29, line 9, through page 30, line 7.

01:34 20 "QUESTION: Do you think, as a person who has  
01:34 21 reviewed this information, that Scenario 1 was possible  
01:34 22 and plausible?

01:34 23 "ANSWER: So I think Scenario 1 is possible. I  
01:34 24 struggle with the 'plausible' word because you said --  
01:34 25 I've said here it's a realistic case. So it's what we

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01:34 1 actually found out to be the truth."

01:34 2 Do you see that?

01:34 3 A. Yes, in the deposition statement. I thought you said  
01:34 4 report, sir.

01:34 5 Q. You don't disagree with Mr. Gibson on that, do you?

01:34 6 A. Well, that's what he testified to.

01:34 7 Q. You also agree with Mr. Gibson, don't you, that if the  
01:34 8 Unified Command had been able to confirm Scenario 1, it might  
01:35 9 have been able to close the well in earlier?

01:35 10 A. I think that's probably one of the key issues to the whole  
01:35 11 response, is the unknowns they were dealing with.

01:35 12 Q. I'm asking you, sir, whether you agree with Mr. Gibson's  
01:35 13 conclusion that if scenario -- if the Unified Command could  
01:35 14 confirm Scenario 1, they might have shut in the well earlier.

01:35 15 A. Again, sir, could you show me where he actually concluded  
01:35 16 that?

01:35 17 Q. Sure can.

01:35 18 MR. DOYEN: Let's call out TREX-11613.40.5.

01:36 19 BY MR. DOYEN:

01:36 20 Q. This is from Mr. Gibson's report, his Scenario 1  
01:36 21 assessment. Do you see the passage I've highlighted there that  
01:36 22 says, "If BP and the Unified Command had been able to confirm  
01:36 23 this case with certainty, the production casing hanger was  
01:36 24 still in place and sealing, preventing flow from the well to  
01:36 25 the collapse disks, and this may have enabled the Unified

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01:36 1 Command to shut in the well earlier"?

01:36 2 That's in Mr. Gibson's report. You read his report,  
01:36 3 didn't you?

01:36 4 A. Yes, I did.

01:36 5 Q. You had read that report when you said in your report that  
01:36 6 you accepted his conclusions, didn't you?

01:36 7 A. For sure. But what he is testifying, obviously, is if  
01:36 8 they had known with certainty. And they didn't.

01:36 9 Q. I had a simple question. Do you agree with the language  
10 written there?

01:36 11 A. I think the language is reasonable, yes.

01:36 12 Q. Okay. Thank you. Shut in.

01:36 13 You also agree with Mr. Gibson, don't you, that  
01:37 14 Scenario 3 -- again, sticking to what we know today. Okay?

01:37 15 A. Okay.

01:37 16 Q. Scenario 3 turns out not to be an accurate representation  
17 of what happened, correct?

01:37 18 A. I wouldn't necessarily agree with your wording, but, yes,  
01:37 19 the expectation is that looking back on it that probably that  
20 wasn't the case.

01:37 21 Q. Looking back on it, it's not what happened, is it, sir?

01:37 22 A. Well, with the data that's become available  
23 subsequently --

01:37 24 Q. Yes, sir, looking back.

01:37 25 A. Okay. With the benefit of hindsight and the knowledge we

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01:37 1 now have --

01:37 2 Q. It's not what happened?

01:37 3 A. -- it doesn't appear to be what happened, that's correct.

01:37 4 Q. I'll pull up Mr. Gibson saying not an accurate  
01:37 5 representation in a moment. Not accurate.

01:38 6 A. I think it might possibly be more accurate to say  
01:38 7 "accurate" and "not accurate" rather than the truth and not  
01:38 8 accurate.

01:38 9 Q. I'm sorry, I couldn't hear you.

01:38 10 A. I say it might be more applicable to put "accurate" and  
01:38 11 "not accurate" to keep it consistent.

01:38 12 Q. I put down Mr. Gibson's words there in his testimony.  
01:38 13 This is what they found to be the truth, sir.

01:38 14 A. Okay.

01:38 15 Q. So let's call up now -- now having gotten this broad  
01:38 16 context here, and our broad context here is that we had three  
01:38 17 possible scenarios as to which BP said only one was plausible  
01:38 18 and that scenario led to the decision not to shut in the well.  
01:38 19 That scenario turns out to be not accurate, correct, as we know  
01:38 20 today?

01:38 21 A. With the knowledge we now have.

01:38 22 Q. Okay. And Scenario 1, which BP said was not plausible,  
01:38 23 turns out to be the correct scenario, right?

01:39 24 A. The expectation is that Scenario 1 was the --

01:39 25 Q. We have agreed with Mr. Gibson that if that could be

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01:39 1 confirmed, you could shut in the well earlier?

01:39 2 A. I think it's reasonable to say if the risks associated  
01:39 3 with Scenario 3 could be eliminated and the Scenario 1 could be  
01:39 4 conclusively confirmed, which is what he said, that, yes, I  
01:39 5 would agree with that.

01:39 6 Q. Good. Thank you.

01:39 7 MR. DOYEN: Let's pull up TREX-11614.5.

01:39 8 BY MR. DOYEN:

01:39 9 Q. Because I want to understand these scenarios a little bit  
01:39 10 better.

01:39 11 So this is Scenario 1. You recognize that, don't  
01:39 12 you?

01:39 13 A. Yes, I do.

01:39 14 Q. It shows the flow of hydrocarbons up the casing, correct?

01:39 15 A. That's correct.

01:39 16 Q. That is what we now know today to be correct, right?

01:40 17 A. That's what we now know to be correct; that's correct.

01:40 18 Q. This also involves, as a result of the flow being up the  
01:40 19 casing, that as mud flows down, is pumped into the BOP, it goes  
01:40 20 predominantly straight back up out of the well past the rams  
01:40 21 and into the ocean, correct?

01:40 22 A. That would be correct in that scenario.

01:40 23 Q. Okay. Mr. Gibson says in his report this requires massive  
01:40 24 flow through the BOP rams.

01:40 25 MR. DOYEN: Let's pull up TREX-11614.6.4.

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01:40 1 BY MR. DOYEN:

01:40 2 Q. I want to understand what "massive flow" means here  
01:40 3 through the rams. We are talking about 50 barrels per minute  
01:40 4 bypass at the rams, correct?

01:40 5 A. That would be -- again, it's a model, but the total of  
01:40 6 78-barrels per minute would have to pass up between the rams  
01:41 7 and the pipe, but in principle, that's what the models  
01:41 8 indicate.

01:41 9 Q. The models indicate in this scenario, 25 barrels per  
01:41 10 minute go up the drill pipe, correct?

01:41 11 A. Correct.

01:41 12 Q. 50 barrels per minute go up through the rams, correct?

01:41 13 A. That would be correct in that model.

01:41 14 Q. 50 barrels per minute is about 72,000 barrels per day,  
01:41 15 correct?

01:41 16 A. That would work out to that, that's correct.

01:41 17 MR. DOYEN: Let's pull up TREN-11614.9.2.

01:41 18 BY MR. DOYEN:

01:41 19 Q. So in this scenario, we have the disks here in the annulus  
01:41 20 region open, correct?

01:41 21 A. That's correct.

01:41 22 Q. You agree with Mr. Gibson, don't you, that the rupture  
01:41 23 disks could be open only if there was at some point hydrocarbon  
01:41 24 flow up the annulus?

01:41 25 A. There would have to be an annular communication for that



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01:42 1 scenario, that's correct.

01:42 2 Q. To put it into different words, it would have to be  
01:42 3 hydrocarbon flowing up the annulus for those to breach,  
01:42 4 correct?

01:42 5 A. There would have to be a call on the hydrocarbons in the  
01:42 6 annulus, that's correct.

01:42 7 Q. We know today that did not happen, correct?

01:42 8 A. That's the understanding, that's correct.

01:42 9 Q. So you agree with Mr. Gibson that we also know today that  
01:42 10 the rupture disks were not, in fact, open, correct?

01:42 11 A. We don't have evidence the rupture disks were open, that's  
01:42 12 correct.

01:42 13 Q. Well, we know, in fact, that there was no annular flow  
01:42 14 and, therefore, no cause for them to be open, correct?

01:42 15 A. That's correct. At the current time looking back, yes.

01:42 16 MR. DOYEN: Let's call up Gibson 2, Gibson deposition  
01:42 17 page 11, line 18 through page 12, line 2.

01:42 18 BY MR. DOYEN:

01:42 19 Q. This is Mr. Gibson's testimony.

01:42 20 "QUESTION: Okay. We know today that the disks did  
01:42 21 not collapse, correct?

01:42 22 "ANSWER: We know today that the disks were not open,  
01:42 23 yes."

01:43 24 You agree with Mr. Gibson on this, don't you?

01:43 25 A. I would agree with that based on the fact -- yes, I would

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01:43 1 agree with that.

01:43 2 MR. DOYEN: Let's pull up Gibson 3, Gibson  
01:43 3 deposition, page 156, lines 10 to 25.

01:43 4 BY MR. DOYEN:

01:43 5 Q. You see here Mr. Gibson says in response to the following  
01:43 6 question:

01:43 7 "QUESTION: Okay. And I think we talked about this  
01:43 8 before, but you will agree that as of today, the data  
01:43 9 shows, proves that one or more collapse disks were closed,  
01:43 10 correct?

01:43 11 "ANSWER: So the data at the time didn't show. We  
01:43 12 have got additional data, new data that is from the well  
01:43 13 abandonment that has shown that Scenario 3 and loose  
01:43 14 casing hanger and collapse disk or rupture disk open is  
01:43 15 not an accurate representation."

01:43 16 Do you see that?

01:43 17 A. I see that.

01:43 18 Q. I promised to show you that earlier, so I'm showing it to  
01:43 19 you now.

01:43 20 A. Thank you.

01:43 21 Q. You agree with Mr. Gibson on that, don't you?

01:43 22 A. With the proviso that goes with his entire answer, yes.

01:43 23 Q. I understand. You also agree with Mr. Gibson, don't you,  
01:44 24 that Scenario 1, based on the data that was available at the  
01:44 25 time to BP, is realistic?

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01:44 1 A. I think it's possible.

01:44 2 Q. You agree with Mr. Gibson's conclusion that based on the  
01:44 3 data that was available to BP at the time, Scenario 3 was  
01:44 4 realistic, don't you?

01:44 5 A. I think -- well, yes, I can see that. I think all three  
01:44 6 scenarios are realistic, which is why they proposed them, so  
01:44 7 yes.

01:44 8 Q. Realistic. You also agree with Mr. Gibson that Scenario 1  
01:44 9 accounts for all the evidence that was available at the time,  
01:44 10 don't you?

01:44 11 A. When they did the analysis on that, I think they struggled  
01:45 12 to make the case for the flowing up through the ram cavity at  
01:45 13 the time.

01:45 14 MR. DOYEN: Let's look at call-out TREX-11613.40.7.

01:45 15 BY MR. DOYEN:

01:45 16 Q. This is what Mr. Gibson has to say about Scenario Number 1  
01:45 17 assessment: "Looking at the data and BP's interpretation,  
01:45 18 Scenario 1 reflects a realistic case that accounts for all the  
01:45 19 evidence."

01:45 20 Do you see that?

01:45 21 A. Yes, I do.

01:45 22 Q. You agree with Mr. Gibson on that, don't you?

01:45 23 A. I think all three cases are realistic, so yes.

01:45 24 Q. You also agree that Scenario 1 accounts for all the  
01:45 25 evidence, don't you?

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01:45 1 A. I probably disagree slightly with that in terms of the  
01:45 2 data available at the time, but, yes, I agree with the  
01:45 3 statement looking back.

01:46 4 Q. So let's look at Gibson 4, Gibson deposition at lines --  
01:46 5 I'm sorry, page 47, line 24 through page 48, line 3.

01:46 6 "QUESTION: Okay. Now, your opinion that Scenario 1  
01:46 7 was realistic is based on what BP knew as of May 29, 2010,  
01:46 8 correct?

01:46 9 "ANSWER: Is based on my interpretation of what BP  
01:46 10 knew at the time."

01:46 11 Do you see that?

01:46 12 A. I see that.

01:46 13 Q. You did not do your own analysis of the data that  
01:46 14 Mr. Gibson used, did you, sir?

01:46 15 A. No, I didn't.

01:46 16 Q. You stated in your report that you accept Mr. Gibson's  
01:46 17 analysis; isn't that correct?

01:46 18 A. That's correct.

01:46 19 Q. Let's look at Gibson deposition at -- I'm sorry, Gibson 4,  
01:46 20 Gibson deposition at 47, lines 24 through page 48, line 3.

01:47 21 I'm sorry, that's what I just called up. Let me see  
01:47 22 Gibson 5, Gibson deposition, at page 50, lines 3 through 19.

01:47 23 "QUESTION: Okay. Now, back on page 38 of your  
01:47 24 report, you write in this first sentence that Scenario  
01:47 25 Number 1 not only reflects a realistic case, but it also,

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1 quote, accounts for all the evidence, correct?

2 "ANSWER: Correct. With more in that sentence.

3 "QUESTION: What do you mean by all the evidence  
4 there?

5 "ANSWER: I think as they discuss, they had their  
6 five pieces of supporting evidence, which are detailed on  
7 page 36" -- of Mr. Gibson's report -- "and the scenario  
8 appears to me to account for all five of the -- what they  
9 call the defining observations or actually observation  
10 measurable evidence."

11 Do you see that?

12 A. Yes, I do.

13 Q. You have seen in the PowerPoint presentation provided to  
14 the government, they set forth five defining observations,  
15 didn't they?

16 A. That's correct.

17 MR. DOYEN: Let's look at TREN-11614.4.

18 BY MR. DOYEN:

19 Q. This is back to the May 29 presentation. These are the  
20 five defining observations that BP lists, correct?

21 A. That's correct.

22 Q. You understand Mr. Gibson to have concluded, based on his  
23 analysis of data available at the time, that Scenario 1 is  
24 consistent with all five of these defining observations, don't  
25 you?

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01:48 1 A. That's correct.

01:48 2 Q. You agree with that, don't you?

01:48 3 A. I agree with this finding. But the one thing I would  
01:48 4 clarify in there is the analysis, if you look further down this  
01:48 5 PowerPoint presentation, they split out which observations that  
01:48 6 they felt applied at the time.

01:48 7 Q. Understand. I'm just focusing at the moment on  
01:48 8 Mr. Gibson's conclusion based on the information available at  
01:49 9 the time. You with me?

01:49 10 A. Yes, sir, I understand.

01:49 11 Q. He said Scenario 1 is consistent with all five  
01:49 12 observations, correct?

01:49 13 A. Yes.

01:49 14 Q. You agree with that?

01:49 15 A. Yes.

01:49 16 Q. This is not what BP told the government at the time, is  
01:49 17 it?

01:49 18 A. They presented those two inconsistencies in the findings  
01:49 19 at the time.

01:49 20 Q. So Mr. Gibson said Scenario 1, based on evidence available  
01:49 21 at the time, is possible and realistic, correct?

01:49 22 A. Correct.

01:49 23 Q. He also said it is consistent with the defining  
01:49 24 observations, correct?

01:49 25 A. Correct.

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01:49 1 Q. And BP said it's not consistent with the defining  
01:50 2 observations 2 and 3, correct?

01:50 3 A. That indicated there's two different interpretations, but,  
01:50 4 yes, that's correct.

01:50 5 Q. You didn't find anywhere -- strike that.

01:50 6 MR. DOYEN: Do you have the number back there for the  
01:50 7 Mix text message?

01:50 8 Blow up that top part.

01:51 9 BY MR. DOYEN:

01:51 10 Q. You didn't find anywhere in this May 29 presentation, did  
01:51 11 you, where the government -- where BP tells the government  
01:51 12 Top Kill might have failed because of too much flow rate?

01:51 13 A. I think that's implicit in Point Number 2. Isn't it?

01:51 14 Q. Over 15,000. You didn't find any statement anywhere in  
01:51 15 this report of May 29 where BP says, Scenario 1, Top Kill may  
01:51 16 have failed, too much flow rate over 15,000, did you?

01:52 17 A. It doesn't specify 15,000. The Point Number 2 is  
01:52 18 hydrocarbon flow is predominantly through the drill pipe --

01:52 19 (Discussion off the record.)

01:52 20 THE WITNESS: Point 2 says hydrocarbon flow is  
01:52 21 predominantly through the drill pipe and may also be bypassing  
01:52 22 the rams. That indicates that the flow is all heading upwards.

01:52 23 BY MR. DOYEN:

01:52 24 Q. It indicates the flow is all heading upwards, is that what  
01:52 25 you said?

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01:52 1 A. Correct.

01:52 2 Q. That was pretty clear all along, wasn't it? When we got  
01:52 3 near the BOP, all the flow is coming upward, right?

01:52 4 A. That's what's presented in this scenario, yes.

01:52 5 Q. The oil wasn't flowing back down into the formation ever,  
01:52 6 was it?

01:52 7 A. Well, in the hindsight analysis, it looks that that wasn't  
01:52 8 the case.

01:52 9 Q. You don't see any indication here that the reason the  
01:52 10 hydrocarbon flows are flowing out the BOP is because the  
01:52 11 hydrocarbon flow is too high, do you?

01:52 12 A. It doesn't specify 15,000. I think the indication --  
01:52 13 well --

01:52 14 Q. So it doesn't say anywhere the flow is too high at any  
01:53 15 rate, does it?

01:53 16 A. It doesn't say too high, no.

01:53 17 Q. You also didn't see anywhere in here where it said  
01:53 18 Top Kill may have failed because too large an orifice, did you?

01:53 19 A. Again, I think that's implicit in Point 2.

01:53 20 Q. Hydrocarbon flow is predominantly through the drill pipe  
01:53 21 and may also be bypassing the rams?

01:53 22 A. Says all flowing up through the top.

01:53 23 Q. So your position is implicit in Number 2, in spite of not  
01:53 24 having these words, is the idea that there's too much flow rate  
01:53 25 and too large an orifice, correct?



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01:53 1 A. I think certainly too large an orifice. I think that  
01:53 2 would be an implicit statement.

01:53 3 Q. BP said that was not plausible, correct?

01:53 4 A. It was possible but not plausible, that's correct.

01:54 5 Q. I think you indicated on your direct examination that the  
01:54 6 Top Kill had significant potential to kill the well. That's  
01:54 7 what you had said, isn't it?

01:54 8 A. I think I said a significant reward to kill the well, but  
01:54 9 yes. If I said differently, you can remind me. Sorry.

01:54 10 Q. It is your opinion the Top Kill had the potential to kill  
01:54 11 the well?

01:54 12 A. I certainly think it had the potential to kill the well,  
01:54 13 that's correct.

01:54 14 Q. You understand that in Scenario 3 -- that BP put forward  
01:54 15 for the first time here in May 29, correct?

01:55 16 A. That's correct.

01:55 17 Q. -- that involves the rupture disk being open since the  
01:55 18 time of the explosion, correct?

01:55 19 A. It was a different scenario, that's correct. It was also  
01:55 20 a different rupture disk. It was a collapse scenario --

01:55 21 Q. I just want to focus on the timing here.

01:55 22 Scenario 3 posits that the rupture disks are open,  
01:55 23 correct?

01:55 24 A. Scenario 3 implies the rupture disks are open.

01:55 25 Q. To be open, they had to open back at the time of the

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01:55 1 explosion, correct?

01:55 2 A. That was the model scenario, that's correct.

01:55 3 Q. If they were open at the time of the explosion, then they  
01:55 4 were open at the time of Top Kill, correct?

01:55 5 A. That would be incorrect.

01:55 6 Q. If the broach -- if the rupture disks were open at the  
01:55 7 time of Top Kill and Top Kill succeeded in killing the well, we  
01:55 8 could have a broach out those disks and up to the seabed,  
01:55 9 correct?

01:55 10 A. In that scenario that's a possibility, that's correct.

01:55 11 Q. But it is, nevertheless, your view that in spite of what  
01:55 12 you call a reasonable risk of broaching the seabed, it was  
01:56 13 reasonable to do the Top Kill; isn't that correct?

01:56 14 A. I think when you're conducting these operations, you  
01:56 15 assess the risks that you anticipate at the time, and that was  
01:56 16 not an anticipated scenario.

01:56 17 Q. I have a different question.

01:56 18 A. I'll answer the question "yes."

01:56 19 Q. Is it your opinion that it was reasonable to conduct  
01:56 20 Top Kill?

01:56 21 A. Yes, it is.

01:56 22 Q. Now, we talked earlier about the statement in your report  
01:56 23 that the maintenance issues that had been identified for the  
01:56 24 DDII BOP were completed by May 29. Do you recall that just  
01:56 25 generally?

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01:56 1 A. Generally, yes.

01:56 2 Q. You mentioned some other things that you indicated needed  
01:56 3 to be done for the BOP-on-BOP option to go forward in your  
01:56 4 report?

01:56 5 A. That's correct.

01:56 6 Q. You said, for example, that we needed a procedure for  
01:56 7 removing the riser, correct?

01:56 8 A. Correct.

01:57 9 MR. DOYEN: And let's call out TREX-11737.13.6.

01:57 10 BY MR. DOYEN:

01:57 11 Q. You say in your report: "A procedure for riser removal  
01:57 12 was not approved until May 17."

01:57 13 Do you see that?

01:57 14 A. That's correct.

01:57 15 Q. You also indicated that we needed an LMRP removal  
01:57 16 procedure, didn't you?

01:57 17 A. Yes, I did.

01:57 18 MR. DOYEN: Let's call out TREX-11737.13.7.

01:57 19 BY MR. DOYEN:

01:57 20 Q. You state in your report that "The procedure for LMRP  
01:57 21 removal was not finalized and approved by the Unified Command  
01:57 22 until May 25."

01:57 23 Correct?

01:57 24 A. That's correct.

01:57 25 Q. So it was approved prior to the Top Kill, correct?

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01:57 1 A. That's correct.

01:57 2 Q. The riser cutting procedure was also approved prior to  
01:57 3 Top Kill, correct?

01:57 4 A. That's correct.

01:58 5 Q. You also mentioned in your report that we needed to  
01:58 6 construct a guide frame for installing the BOP, correct?

01:58 7 A. That's correct.

01:58 8 MR. DOYEN: Let's call out TREX-4319.1.1.

01:58 9 BY MR. DOYEN:

01:58 10 Q. You do understand, don't you, that as of May 26, the guide  
01:58 11 frame had been designed, built, and shipped to the *DDII* for  
01:58 12 installation?

01:58 13 A. Yes, I'm reading that, that's correct. It doesn't mean  
01:58 14 installed at that point, I don't think, but yeah.

01:58 15 Q. You also agree -- you are not suggesting that it took a  
01:58 16 month and a half to install it, are you?

01:58 17 A. No, I'm not.

01:58 18 Q. You are not trying to suggest the reason that we didn't go  
01:58 19 forward with the BOP-on-BOP was because there was some issue  
01:59 20 with the guide frame, are you?

01:59 21 A. No.

01:59 22 Q. You also agree with me, don't you, that the three days  
01:59 23 during which Top Kill was being executed offered no reason for  
01:59 24 slowing down work on the BOP option?

01:59 25 A. That's correct.

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01:59 1 Q. In fact, you have seen no evidence of such a slowdown,  
01:59 2 have you?

01:59 3 A. No.

01:59 4 MR. DOYEN: Let's call out TREX-11738.6.2.

01:59 5 BY MR. DOYEN:

01:59 6 Q. You indicated in your direct testimony that sometime in  
01:59 7 the middle of May, the need to have a venting option on the BOP  
02:00 8 was identified, correct?

02:00 9 A. Yes, I did.

02:00 10 Q. You agree -- in fact, you state in your report that a  
02:00 11 Transocean engineer estimated at that point that it would take  
02:00 12 10 to 14 days to complete that work, right?

02:00 13 A. That's correct.

02:00 14 Q. You agreed that was a reasonable, if optimistic, estimate,  
02:00 15 correct?

02:00 16 A. Yes, I would agree with that.

02:00 17 Q. In fact, you checked to see what the status of that was  
02:00 18 just before the BOP-on-BOP plan was canceled, didn't you?

02:00 19 A. That's correct.

02:00 20 MR. DOYEN: Let's look at call-out TREX-11738.8.2.

02:00 21 BY MR. DOYEN:

02:00 22 Q. You agree that earlier schedule by a Transocean engineer  
02:00 23 that this should take 10 to 14 days is consistent with the  
02:00 24 status of the work in May 28 where Transocean planning charts,  
02:00 25 as of that date, show continuing work on the choke system and

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0 2 : 0 0 1 the BOP estimated to be ready on June 2?

0 2 : 0 0 2 A. That was their forward projection at the time, that's  
0 2 : 0 0 3 correct.

0 2 : 0 0 4 Q. There is no statement in your report that that was an  
0 2 : 0 1 5 unrealistic or impossible date, is there?

0 2 : 0 1 6 A. I don't think it was an unrealistic date, but it tied in  
0 2 : 0 1 7 with the schedule, but it was a forward projection of when they  
0 2 : 0 1 8 thought it would be done.

0 2 : 0 1 9 MR. DOYEN: Let's pull up TREX-8542.1.1.

0 2 : 0 1 10 BY MR. DOYEN:

0 2 : 0 1 11 Q. You understand Mr. Wellings was the head of the BOP-on-BOP  
0 2 : 0 1 12 Team, correct?

0 2 : 0 1 13 A. Yes.

0 2 : 0 1 14 Q. You have seen this e-mail before, haven't you?

0 2 : 0 1 15 A. Yes, I have.

0 2 : 0 1 16 Q. You have seen Mr. Wellings' statement: "I was in charge  
0 2 : 0 1 17 of the team that built and installed the capping stack on the  
0 2 : 0 1 18 blowout. We were in a position early on to install a cap and  
0 2 : 0 1 19 the decision was made to do the Top Kill first. After the  
0 2 : 0 1 20 Top Kill failed we were again going to install the cap and then  
0 2 : 0 1 21 the decision was made to use the Top Hat and containment."

0 2 : 0 1 22 Do you see that?

0 2 : 0 1 23 A. Yes, I do.

0 2 : 0 2 24 Q. You understand, don't you, that having the BOP ready to  
0 2 : 0 2 25 get down to the bottom of the ocean and be installed was a

## IAIN ADAMS - CROSS

0 2 : 0 2 1 prerequisite to conducting the Top Kill exercise?

0 2 : 0 2 2 A. In what respect?

0 2 : 0 2 3 Q. In the respect that it was required that BP be ready with  
0 2 : 0 2 4 a BOP-on-BOP in order to proceed with Top Kill. You understand  
0 2 : 0 2 5 that, don't you?

0 2 : 0 2 6 A. I don't see -- I don't follow that the BOP-on-BOP would  
0 2 : 0 2 7 have to be on the seabed before conducting Top Kill.

0 2 : 0 2 8 MR. DOYEN: Let's see call-out TREX-142700.2.1.

0 2 : 0 2 9 BY MR. DOYEN:

0 2 : 0 2 10 Q. This is a letter from Doug Suttles -- you know who he is,  
0 2 : 0 2 11 don't you?

0 2 : 0 2 12 A. Yes, I do.

0 2 : 0 2 13 Q. To Admiral Landry. And you know who she is, don't you?

0 2 : 0 2 14 A. Yes, I do.

0 2 : 0 2 15 MR. DOYEN: Let's go to call-out TREX-142700.2.3.

0 2 : 0 2 16 BY MR. DOYEN:

0 2 : 0 2 17 Q. The date of that letter was May 23, 2010.

0 2 : 0 3 18 Do you see here where Mr. Suttles says, "The  
0 2 : 0 3 19 prerequisites for the Top Kill operation are" -- a couple of  
0 2 : 0 3 20 steps and then he says "procedures and equipment in place,  
0 2 : 0 3 21 ready to remove the riser from the top of the *Deepwater Horizon*  
0 2 : 0 3 22 BOP"?

0 2 : 0 3 23 Do you see that?

0 2 : 0 3 24 A. Yes, I do.

0 2 : 0 3 25 Q. And then he says, "Transocean *Development Driller II*" --

## IAIN ADAMS - CROSS

0 2 : 0 3 1 the *DDII*, right?

0 2 : 0 3 2 A. Yes.

0 2 : 0 3 3 Q. -- "ready to run their BOP on top of the *Deepwater Horizon*  
0 2 : 0 3 4 BOP."

0 2 : 0 3 5 Do you see that?

0 2 : 0 3 6 A. Yes, I do.

0 2 : 0 3 7 MR. DOYEN: Let's call out TREX-142700.3.1.

0 2 : 0 3 8 BY MR. DOYEN:

0 2 : 0 3 9 Q. Then Mr. Suttles goes on to list the series of steps, the  
0 2 : 0 3 10 operation execution order. Do you see that?

0 2 : 0 3 11 A. Yes, I do.

0 2 : 0 3 12 Q. Step 6 in this procedure, which includes the Top Kill, is:  
0 2 : 0 3 13 "Removal of the riser and LMRP from the top of the  
0 2 : 0 3 14 *Deepwater Horizon* BOP."

0 2 : 0 3 15 And Number 7: "Installation of the  
0 2 : 0 4 16 *Development Driller II* BOP on to the *Deepwater Horizon* BOP  
0 2 : 0 4 17 (these last two steps are expected to take one week)."

0 2 : 0 4 18 Do you see that?

0 2 : 0 4 19 A. I see what it says on the page, yes.

0 2 : 0 4 20 Q. That is consistent with the scheduling we saw earlier in  
0 2 : 0 4 21 which it's projected that the BOP-on-BOP can be installed and  
0 2 : 0 4 22 the well capped by June 6, isn't it?

0 2 : 0 4 23 A. I think that would be reasonable because he would  
0 2 : 0 4 24 obviously be using the forward projection schedule to come up  
0 2 : 0 4 25 with this time estimate. So I think that's reasonable, yes.



## IAIN ADAMS - CROSS

0 2 : 0 4 1 Q. You're aware that there was a peer assist reviewing the  
0 2 : 0 4 2 BOP-on-BOP in mid-May 2010, correct?

0 2 : 0 4 3 A. Yes, I am.

0 2 : 0 4 4 Q. One of the purposes of that peer assist was to assess the  
0 2 : 0 4 5 feasibility and risks associated with the BOP-on-BOP, correct?

0 2 : 0 4 6 A. Yes.

0 2 : 0 4 7 Q. The Peer Assist Team had source control expertise on it,  
0 2 : 0 4 8 didn't it?

0 2 : 0 4 9 A. Yes, it did.

0 2 : 0 4 10 Q. That was the purpose of that exercise, wasn't it, to bring  
0 2 : 0 5 11 in expertise in source control from around the industry and  
0 2 : 0 5 12 have them look at this process and see if this is feasible and  
0 2 : 0 5 13 safe; isn't that correct?

0 2 : 0 5 14 A. That's how the peer assist process works.

0 2 : 0 5 15 MR. DOYEN: Let's look at call-out TREX-10505.25.1.

0 2 : 0 5 16 BY MR. DOYEN:

0 2 : 0 5 17 Q. So this is the list of people we have attending peer  
0 2 : 0 5 18 assist, correct?

0 2 : 0 5 19 A. Yes.

0 2 : 0 5 20 Q. We have people from BP, people from Wild Well Control,  
0 2 : 0 5 21 right?

0 2 : 0 5 22 A. Yes.

0 2 : 0 5 23 Q. People from ExxonMobil?

0 2 : 0 5 24 A. Yes.

0 2 : 0 5 25 Q. People from Transocean?

## IAIN ADAMS - CROSS

02:05 1 A. Yes.

02:05 2 Q. The MMS?

02:05 3 A. Yes.

02:05 4 Q. Oceaneering?

02:05 5 A. Yes.

02:05 6 Q. Cameron?

02:05 7 A. Yes.

02:05 8 MR. DOYEN: Let's call out TREX-10505.5.2.

02:05 9 BY MR. DOYEN:

02:06 10 Q. You agree with me in general, don't you, that one of the  
02:06 11 things that's important to do in a drilling exercise or a  
02:06 12 blowout control exercise is to identify the risks and  
02:06 13 appropriately mitigate them, correct?

02:06 14 A. Yes, sir, I definitely agree with that.

02:06 15 Q. This peer assist process is part of that process itself,  
02:06 16 isn't it?

02:06 17 A. It is part of that process, that's correct.

02:06 18 Q. This peer assist identifies some key operational risks,  
02:06 19 correct?

02:06 20 A. Yes, it does.

02:06 21 Q. One of them is removal of the LMRP, correct?

02:06 22 A. Yes.

02:06 23 Q. Another is subsea visibility, which I think you mentioned,  
02:06 24 correct?

02:06 25 A. That's correct.

## IAIN ADAMS - CROSS

0 2 : 0 6 1 Q. Another is hydrate management. You see that, don't you?

0 2 : 0 6 2 A. Yes.

0 2 : 0 6 3 MR. DOYEN: And let me see also TREN-10505.15.1.

0 2 : 0 6 4 BY MR. DOYEN:

0 2 : 0 6 5 Q. They also identify the potential need to manage pressure  
0 2 : 0 6 6 buildup, right, bleeding pressure?

0 2 : 0 6 7 A. That is correct.

0 2 : 0 6 8 Q. Venting issues?

0 2 : 0 6 9 A. Yes.

0 2 : 0 6 10 Q. You understand --

0 2 : 0 6 11 MR. DOYEN: Well, let's pull up a document. Let's  
0 2 : 0 7 12 call out TREN-10505.5.1.

0 2 : 0 7 13 BY MR. DOYEN:

0 2 : 0 7 14 Q. You understand, sir, don't you, that this group of source  
0 2 : 0 7 15 control experts from around the industry, who have identified  
0 2 : 0 7 16 the risks you have talked about -- venting, hydrates,  
0 2 : 0 7 17 visibility, LMRP -- conclude that the BOP-on-BOP operation is  
0 2 : 0 7 18 feasible and can be managed safely?

0 2 : 0 7 19 A. Yes, and I think that was a reasonable statement for the  
0 2 : 0 7 20 team to come up with at the time.

0 2 : 0 7 21 THE COURT: What kind of statement?

0 2 : 0 7 22 THE WITNESS: Reasonable.

0 2 : 0 7 23 THE COURT: Oh, "reasonable."

0 2 : 0 7 24 MR. DOYEN: Can we pull up again TREN-141123.1.1.

25

## IAIN ADAMS - CROSS

0 2 : 0 7 1 **BY MR. DOYEN:**

0 2 : 0 7 2 **Q.** Coming back here to the lower marine riser package removal  
0 2 : 0 8 3 procedures that I think we had up earlier in this examination,  
0 2 : 0 8 4 do you recognize that?

0 2 : 0 8 5 **A.** Yes, I do.

0 2 : 0 8 6 **Q.** You understand this procedure was approved by the Unified  
0 2 : 0 8 7 Command, correct?

0 2 : 0 8 8 **A.** Yes, I do.

0 2 : 0 8 9 **Q.** I think you indicated in your direct examination that  
0 2 : 0 8 10 there was some risk that, when you tried to remove the LMRP, it  
0 2 : 0 8 11 would get struck. Correct?

0 2 : 0 8 12 **A.** There were several identified risks with the LMRP removal.  
0 2 : 0 8 13 That's correct.

0 2 : 0 8 14 **Q.** That was one of them that you mentioned?

0 2 : 0 8 15 **A.** That was one. That's correct.

0 2 : 0 8 16 **Q.** And in fact, this procedure contains contingencies in the  
0 2 : 0 8 17 event that the LMRP failed to release when they tried to pull  
0 2 : 0 8 18 it off, correct?

0 2 : 0 8 19 **A.** Failed to release, that's correct.

0 2 : 0 8 20 **MR. DOYEN:** Let's put up TREX-141123.12.1.

0 2 : 0 8 21 **BY MR. DOYEN:**

0 2 : 0 8 22 **Q.** This is the LMRP pulling contingencies for indicating what  
0 2 : 0 9 23 to happen if it fails to release?

0 2 : 0 9 24 **A.** That's correct.

0 2 : 0 9 25 **MR. DOYEN:** Let me clear away some of the stuff I put

## IAIN ADAMS - CROSS

0 2 : 0 9 1 up, Your Honor, so I can get back to our lovely models.

0 2 : 0 9 2 **BY MR. DOYEN:**

0 2 : 0 9 3 **Q.** Were you here when Mr. Turlak was testifying about the  
0 2 : 0 9 4 models?

0 2 : 0 9 5 **A.** I was here. I was in the back of the courtroom.  
0 2 : 0 9 6 Unfortunately, my eyesight isn't that good.

0 2 : 0 9 7 **Q.** You recognize Demonstrative 25026 that I am pointing to  
0 2 : 0 9 8 here as a model of the capping stack, correct, 3-ram capping  
0 2 : 0 9 9 stack?

0 2 : 0 9 10 **A.** Yes, I do.

0 2 : 0 9 11 **Q.** You testified on direct examination that, in your view,  
0 2 : 0 9 12 casing shear was essential to the -- important or essential, I  
0 2 : 0 9 13 can't remember the exact word -- for the BOP -- to use the BOP  
0 2 : 1 0 14 to cap the well, correct?

0 2 : 1 0 15 **A.** Well, what I stated was the casing shear rams were an  
0 2 : 1 0 16 integral part of the approved BOP-on-BOP installation  
0 2 : 1 0 17 procedure.

0 2 : 1 0 18 **Q.** I think, sir, what you actually said was that, in your  
0 2 : 1 0 19 view, it was important and essential that there be casing rams  
0 2 : 1 0 20 in that procedure, not merely that it was mentioned.

0 2 : 1 0 21 Wasn't that your testimony?

0 2 : 1 0 22 **A.** In the direct?

0 2 : 1 0 23 **Q.** Yes, sir.

0 2 : 1 0 24 **A.** I don't recall that.

0 2 : 1 0 25 **Q.** You don't recall that?

## IAIN ADAMS - CROSS

02:10 1 A. Not that specific wording.

02:10 2 Q. Just in the procedure, you recall it being referenced,  
02:10 3 right?

02:10 4 A. I definitely recall it in the procedure, and it was the  
02:10 5 first item on the well closure. Yes, sir.

02:10 6 Q. It's not actually a critical part of the procedure, is it,  
02:10 7 sir?

02:10 8 A. Well, I think it's highlighted as the -- it's a first step  
02:10 9 in the well closure mechanism.

02:10 10 Q. Are you saying: In every procedure we can imagine, the  
02:10 11 first step is always critical, sir?

02:10 12 I asked you whether it's critical, not whether it's  
02:10 13 the first step. Can you distinguish between those two things?

02:10 14 A. Well, I think one of the points that was highlighted in  
02:10 15 the concerns that they had during the closure mechanism was, if  
02:10 16 you close the blind shear rams without closing the blind  
02:11 17 shears, you can erode the elastomers in the blinds. So the  
02:11 18 mitigation for that was to close the casing shears first and  
02:11 19 then close the blind shears.

02:11 20 Q. Is it your opinion, sir, that it was essential to have a  
02:11 21 working casing ram to have a good plan for using the  
02:11 22 BOP-on-BOP?

02:11 23 A. I think, yes --

02:11 24 Q. Okay. It's fine.

02:11 25 Sir, could you identify -- we have three rams on a

## IAIN ADAMS - CROSS

0 2 : 1 1 1 capping stack, correct?

0 2 : 1 1 2 A. That's correct.

0 2 : 1 1 3 Q. Could you tell us which one of those is a casing shear  
0 2 : 1 1 4 ram?

0 2 : 1 1 5 A. Well, the capping stack was designed as a containment  
0 2 : 1 1 6 option. So it has three sets of blind shear rams on it.

0 2 : 1 1 7 Q. It doesn't have casing shears, correct?

0 2 : 1 1 8 A. That's correct.

0 2 : 1 1 9 Q. This device was used to shut in the well; isn't that  
10 correct?

0 2 : 1 1 11 A. Ultimately, yes.

0 2 : 1 1 12 Q. And the well was shut in with Hydril blind shear rams;  
13 isn't that correct?

0 2 : 1 1 14 A. It was also shut in with a large venting capability off to  
15 the side so that --

0 2 : 1 1 16 Q. It was shut in with a Hydril blind shear ram, correct?

0 2 : 1 1 17 A. Well, if you ask that specific question, yes, that's what  
18 it was shut in with.

0 2 : 1 2 19 Q. It also had venting capability, correct?

0 2 : 1 2 20 A. I think it's potentially misleading, but, yes, it had  
21 venting capability.

0 2 : 1 2 22 Q. I'm picking that point up so we are not being misleading.

0 2 : 1 2 23 You also understand that the *DDII* BOP had Hydril  
24 blind shear rams, correct?

0 2 : 1 2 25 A. It did.

## IAIN ADAMS - CROSS

0 2 : 1 2 1 Q. And by June 2, was scheduled to have venting capability,  
0 2 : 1 2 2 correct?

0 2 : 1 2 3 A. By June 2, it was scheduled to have venting capability.

0 2 : 1 2 4 Q. And the decision was made on June 9 not to install that  
0 2 : 1 2 5 BOP-on-BOP, correct?

0 2 : 1 2 6 A. No, the decision was made May 29 not to install  
0 2 : 1 2 7 BOP-on-BOP.

0 2 : 1 2 8 Q. I didn't hear that at all. I think I perceived it. Did I  
0 2 : 1 2 9 get the date wrong?

0 2 : 1 2 10 I got the date wrong. I'm sorry. On May 29, the  
0 2 : 1 2 11 decision -- I'm sorry for confusion.

0 2 : 1 2 12 A. That's okay.

0 2 : 1 2 13 Q. On May 29, the decision was made not to proceed with the  
0 2 : 1 2 14 BOP-on-BOP, correct?

0 2 : 1 2 15 A. That's correct.

0 2 : 1 2 16 MR. DOYEN: I have no further questions, Your Honor.

0 2 : 1 2 17 THE COURT: Redirect?

0 2 : 1 2 18 MS. KARIS: I do, Your Honor. Thank you.

0 2 : 1 3 19 THE COURT: You are down to the two-minute drill.

0 2 : 1 3 20 It's a 30-hour football game you are on.

0 2 : 1 4 21 MS. KARIS: I just need to make sure I'm finished  
0 2 : 1 4 22 running the ball by the time the clock runs out.

0 2 : 1 4 23 REDIRECT EXAMINATION

0 2 : 1 4 24 BY MS. KARIS:

0 2 : 1 4 25 Q. Hariklia Karis on behalf of BP, conducting your redirect



## IAIN ADAMS - REDIRECT

0 2 : 1 4 1 examination, for the record.

0 2 : 1 4 2 I want to start with where Mr. Doyen began about  
0 2 : 1 4 3 Mr. Mazzella's testimony and opinions about what could have  
0 2 : 1 4 4 caused Top Kill to fail.

0 2 : 1 4 5 Were you here when Mr. Mazzella was testifying?

0 2 : 1 4 6 A. Yes, I was.

0 2 : 1 4 7 Q. Counsel represented that Mr. Mazzella testified that his  
0 2 : 1 5 8 team concluded that it was because the orifice was too large;  
0 2 : 1 5 9 do you recall that?

0 2 : 1 5 10 A. I recall that line. That's correct.

0 2 : 1 5 11 Q. Then he indicated that that was not stated in one of the  
0 2 : 1 5 12 scenarios that BP presented to the government -- after working  
0 2 : 1 5 13 all night -- preliminary results on May 29. Do you recall that  
0 2 : 1 5 14 line of testimony?

0 2 : 1 5 15 A. Yes, I do.

0 2 : 1 5 16 MS. KARIS: If we can pull up Mr. Mazzella's  
0 2 : 1 5 17 testimony, page 828, line 6 through line 11.

0 2 : 1 5 18 Apparently, we don't have it on the system. Let me  
0 2 : 1 5 19 see if I can get it on the Elmo.

0 2 : 1 5 20 BY MS. KARIS:

0 2 : 1 6 21 Q. Do you recall, when he was asked whether it was his  
0 2 : 1 6 22 opinion that Top Kill failed because of orifice size and he  
0 2 : 1 6 23 said it was, and then Mr. Brock stood up on redirect and asked  
0 2 : 1 6 24 him whether it was correct that "following the Top Kill that  
0 2 : 1 6 25 there were opinions about why it failed other than orifice size

## IAIN ADAMS - REDIRECT

0 2 : 1 6 1 being too large"?

0 2 : 1 6 2 What did Mr. Mazzella say as to whether there were  
0 2 : 1 6 3 various opinions as to what caused Top Kill to fail?

0 2 : 1 6 4 A. He said, "Absolutely. There were opinions floating around  
0 2 : 1 6 5 like feathers on a bird. Some of them involved various  
0 2 : 1 6 6 components in the wellbore."

0 2 : 1 6 7 Q. Was it the case that, coming out of Top Kill, there were a  
0 2 : 1 6 8 variety of different opinions as to why it could have failed?

0 2 : 1 6 9 A. Yes, there was. Definitely.

0 2 : 1 6 10 Q. Now, you were asked about, with the benefit of hindsight,  
0 2 : 1 6 11 whether you could rule out some of these scenarios.

0 2 : 1 6 12 A. That's correct.

0 2 : 1 6 13 Q. What impact did the unknowns and uncertainties have in  
0 2 : 1 7 14 connection with ruling out any of those scenarios at the time  
0 2 : 1 7 15 of the incident?

0 2 : 1 7 16 A. Well, very often, it's the unknowns that drive your  
0 2 : 1 7 17 project forward rather than the knowns. So the very fact that  
0 2 : 1 7 18 this scenario was presented where the collapse disks could have  
0 2 : 1 7 19 failed and that that data was reviewed with the federal safety  
0 2 : 1 7 20 man by BP participants, it was a possible -- I guess using the  
0 2 : 1 7 21 terminology, a possible and plausible scenario. So it's more  
0 2 : 1 7 22 the fact that that was one that couldn't be discounted that  
0 2 : 1 7 23 drives things forward. So the unknowns have to be accounted  
0 2 : 1 7 24 for in risk assessment and risk mitigation and that was a key  
0 2 : 1 7 25 one.

## IAIN ADAMS - REDIRECT

0 2 : 1 7 1 Q. Was it known in April and May, as BP was deciding what the  
0 2 : 1 7 2 path forward would be, what the flow path was at that time?

0 2 : 1 8 3 A. No, it wasn't. And again, that's the whole point of it  
0 2 : 1 8 4 looking at things realtime rather than necessarily trying to  
0 2 : 1 8 5 second-guess the day-to-day decisions in hindsight. So, no, it  
0 2 : 1 8 6 wasn't known at that particular point in time and the  
0 2 : 1 8 7 information flow was evolving.

0 2 : 1 8 8 Q. So if I have Mr. Doyen's chart here, where he wrote under  
0 2 : 1 8 9 Scenario 3, "Not accurate," was that known in April or May of  
10 2010?

0 2 : 1 8 11 A. No. It definitely wasn't.

0 2 : 1 8 12 Q. When was the first opportunity to conclude that the  
13 riskiest scenario, Scenario 3, was actually not accurate?

0 2 : 1 8 14 A. That was after the well was killed and the BOP stack was  
15 recovered, so they could see that the wellhead -- the hanger  
16 was actually still in the wellhead.

0 2 : 1 8 17 Q. Would it have been prudent practice, in your opinion, for  
18 BP to proceed with BOP-on-BOP without the ability to rule out  
19 Scenario 3?

0 2 : 1 9 20 A. I think it's a very hard call to make. But absolutely?  
21 No, it had potential catastrophic sequences, so no.

0 2 : 1 9 22 Q. If it turned out to be that the rupture disks had failed,  
23 what would those possible consequences have been?

0 2 : 1 9 24 A. The big different scenario on failing the burst disks  
25 versus a collapse disk actually being failed would have meant

## IAIN ADAMS - REDIRECT

0 2 : 1 9 1 that, if the well had been shut in in that scenario,  
0 2 : 1 9 2 indications are that the well would have broached. So it was  
0 2 : 1 9 3 almost a certainty in the event the well was shut in  
0 2 : 1 9 4 completely.

0 2 : 1 9 5 Q. So was it only with the benefit of hindsight that you  
0 2 : 1 9 6 could rule out Scenario 3?

0 2 : 1 9 7 A. I think the only way you could view it as a certainty and  
0 2 : 2 0 8 rule it out, you had to know that that hanger was in place and  
0 2 : 2 0 9 the collapse disk in actual fact had not failed. So yes.

0 2 : 2 0 10 Q. Now, you were asked some questions about whether BP  
0 2 : 2 0 11 represented to the government that only Scenario 3 was possible  
0 2 : 2 0 12 and plausible. Do you recall that line of questioning?

0 2 : 2 0 13 A. Yes, I do.

0 2 : 2 0 14 MS. KARIS: If we can now pull up TREG-141245.2.1.

0 2 : 2 0 15 BY MS. KARIS:

0 2 : 2 0 16 Q. Is this a communication from Secretary Chu to Mr. Inglis  
0 2 : 2 0 17 of BP on May 31 following Top Kill?

0 2 : 2 0 18 A. Yes, it is.

0 2 : 2 0 19 Q. Secretary Chu writes to Mr. Inglis on May 31 and carbon  
0 2 : 2 1 20 copies several members of the United States government,  
0 2 : 2 1 21 including Tom Hunter, Dr. McNutt, as well as Deputy Secretary  
0 2 : 2 1 22 Hayes. And he says: "We should let BP, as soon as  
0 2 : 2 1 23 possible" -- I guess he missed the word "know," but -- "let BP  
0 2 : 2 1 24 as soon as possible that the is a modified Scenario 2 (mud  
0 2 : 2 1 25 going down the well to the reservoir with counterflow of oil

## IAIN ADAMS - REDIRECT

0 2 : 2 1 1 and gas upward) that is equally plausible without more  
0 2 : 2 1 2 calculations."

0 2 : 2 1 3 Do you see that?

0 2 : 2 1 4 A. That's correct.

0 2 : 2 1 5 Q. Do you have an understanding as to whether Secretary Chu  
0 2 : 2 1 6 communicated to Mr. Inglis that, based on the government's own  
0 2 : 2 1 7 investigation, they were suggesting it was Scenario 2 that was  
0 2 : 2 1 8 also plausible?

0 2 : 2 1 9 A. Well, it was certainly -- based on that correspondence,  
0 2 : 2 2 10 they are highlighting another plausible option.

0 2 : 2 2 11 Q. Then let's see what Mr. Inglis writes back. June 1, 2010.  
0 2 : 2 2 12 Again, this is as to the question of whether BP represented  
0 2 : 2 2 13 only that Scenario 3 was possible and plausible. This is just  
0 2 : 2 2 14 a couple days after Top Kill. This is an e-mail from Christina  
0 2 : 2 2 15 Verchere on behalf of Andy Inglis, June 1, sent to  
0 2 : 2 2 16 Secretary Chu and carbon copying those same individuals,  
0 2 : 2 2 17 replying, essentially, to Secretary Chu's e-mail, correct?

0 2 : 2 2 18 A. That's correct.

0 2 : 2 2 19 Q. Mr. Inglis says: "Mr. Secretary, I agree. There are two  
0 2 : 2 2 20 scenarios that could explain the observations from the  
0 2 : 2 2 21 Top Kill. Collapse disk failure during the initial event" --

0 2 : 2 2 22 That would be Scenario 3 that we spoke of, correct?

0 2 : 2 2 23 A. Correct.

0 2 : 2 2 24 Q. And also: "Mud down the well to the reservoir with  
0 2 : 2 3 25 counterflow of oil/gas upwards."

## IAIN ADAMS - REDIRECT

0 2 : 2 3 1 Correct?

0 2 : 2 3 2 A. That's correct.

0 2 : 2 3 3 Q. So does Mr. Inglis on behalf of BP acknowledge, just a  
0 2 : 2 3 4 couple days after the Top Kill operation, that there certainly  
0 2 : 2 3 5 could be two plausible explanations for why Top Kill failed?

0 2 : 2 3 6 A. Yes, he does.

0 2 : 2 3 7 Q. Then he goes on to say: "In line with our approach not to  
0 2 : 2 3 8 make the situation worse, our forward actions are being  
0 2 : 2 3 9 governed by Scenario A. We will ensure communications capture  
10 this."

0 2 : 2 3 11 A. That's correct.

0 2 : 2 3 12 Q. So was it the case that BP represented and stood by the  
0 2 : 2 3 13 view that's been advanced throughout this case that only  
0 2 : 2 3 14 Scenario 3 was a plausible explanation for what was observed?

0 2 : 2 3 15 A. Well, as indicated there, no.

0 2 : 2 4 16 Q. Now, you were asked several questions about Mr. Gibson's  
0 2 : 2 4 17 opinions and report. I believe it was represented to you that  
0 2 : 2 4 18 Mr. Gibson concluded that Scenario 3 was the most likely, or I  
0 2 : 2 4 19 think he called it the -- I'm sorry, Scenario 1 was "the  
20 truth." Correct?

0 2 : 2 4 21 A. That's what was represented, yes.

0 2 : 2 4 22 Q. You were shown parts of Mr. Gibson's report and parts of  
0 2 : 2 4 23 his testimony. I want to now show the rest of the opinion that  
0 2 : 2 4 24 Mr. Gibson expressed in his report that you weren't asked  
25 about.

## IAIN ADAMS - REDIRECT

0 2 : 2 4 1 Let's go to page 11, please, of TREN-011613.0013. Do  
0 2 : 2 4 2 you recognize this as the first opinion stated in Mr. Gibson's  
0 2 : 2 5 3 report?

0 2 : 2 5 4 A. Yes, I do.

0 2 : 2 5 5 Q. Mr. Gibson -- what is his Number 1 opinion in this case?

0 2 : 2 5 6 A. That "BP's concern was that one or more collapse disks  
0 2 : 2 5 7 could be open was reasonable."

0 2 : 2 5 8 Q. He begins by saying: "BP's concern that one or more of  
0 2 : 2 5 9 the collapse disks in the 16-inch liner might be open had  
0 2 : 2 5 10 significant implications for the future direction of the  
0 2 : 2 5 11 response. This concern was reasonable."

0 2 : 2 5 12 Correct?

0 2 : 2 5 13 A. That's correct.

0 2 : 2 5 14 Q. Did Mr. Gibson perform calculations to allow him to reach  
0 2 : 2 5 15 the conclusion that those concerns, based on the data available  
0 2 : 2 5 16 at that time, were reasonable?

0 2 : 2 5 17 A. Yes, he did.

0 2 : 2 5 18 Q. If we can now turn to page 41 of his report.

0 2 : 2 5 19 MS. KARIS: Call out the first paragraph on the  
0 2 : 2 6 20 Scenario 3 assessment.

0 2 : 2 6 21 BY MS. KARIS:

0 2 : 2 6 22 Q. Again, relying on the data that existed at the time, not  
0 2 : 2 6 23 with the benefit of hindsight, under Scenario 3, it says:  
0 2 : 2 6 24 "Looking at the data, this scenario appears to be consistent  
0 2 : 2 6 25 with all of the data and especially the low wellhead pressure."

## IAIN ADAMS - REDIRECT

0 2 : 2 6 1 Can you explain to the Court what your understanding  
0 2 : 2 6 2 was that Mr. Gibson was saying there?

0 2 : 2 6 3 A. He is indicating there that the Scenario 3 is a  
0 2 : 2 6 4 possibility based on the data -- the pressure data.

0 2 : 2 6 5 Q. Did he do calculations in his report to explain why  
0 2 : 2 6 6 Scenario 3 was a reasonable conclusion for BP to reach at the  
0 2 : 2 6 7 time?

0 2 : 2 6 8 A. Yes, he did.

0 2 : 2 6 9 Q. If we can now look at page 42 and 43. Are these the  
0 2 : 2 6 10 calculations that Dr. Gibson did which support the conclusion  
0 2 : 2 7 11 that, based on the data and information at the time, it was  
0 2 : 2 7 12 reasonable for BP to conclude that Scenario 1 was possible and  
0 2 : 2 7 13 plausible?

0 2 : 2 7 14 A. Yes, he is remarking on the pressures in the hydrostatic  
0 2 : 2 7 15 heads. So that's correct.

0 2 : 2 7 16 Q. Let's call out under "Summary of Conclusions" that you  
0 2 : 2 7 17 were asked about by Mr. Doyen.

0 2 : 2 7 18 To the suggestion that Mr. Gibson concluded that  
0 2 : 2 7 19 Scenario 1 was realistic, could you tell the Court what  
0 2 : 2 7 20 Mr. Gibson concludes there with respect to Scenario 3?

0 2 : 2 7 21 A. "Therefore, Scenario 3, with the fracture and surface  
0 2 : 2 7 22 breaching potential had to be considered a real possibility if  
0 2 : 2 7 23 the well was shut in."

0 2 : 2 7 24 So he is stating Scenario 3 has to be considered a  
0 2 : 2 7 25 real possibility.



## IAIN ADAMS - REDIRECT

0 2 : 2 7 1 Q. Did he reach that conclusion after calculating whether the  
0 2 : 2 8 2 data supported the view that there was a breach of the rupture  
0 2 : 2 8 3 disks?

0 2 : 2 8 4 A. Yes, he did.

0 2 : 2 8 5 Q. So looking at the data himself, independently, after the  
0 2 : 2 8 6 fact, has he reached the same conclusion that BP reached at  
0 2 : 2 8 7 that time based on data known then?

0 2 : 2 8 8 A. That's what he reported. That's correct.

0 2 : 2 8 9 Q. Let's move to a different topic.

0 2 : 2 8 10 (Brief cell phone interruption.)

0 2 : 2 8 11 MS. KARIS: My phone is turned off, Your Honor.

0 2 : 2 8 12 MR. BROCK: Keep going.

0 2 : 2 8 13 MS. KARIS: Can I get a minute back?

0 2 : 2 8 14 THE COURT: I can't tell you how many times I've  
0 2 : 2 9 15 talked to my wife about this. Women seem to put their cell  
0 2 : 2 9 16 phones, drop them somewhere in their purses, and then it takes  
0 2 : 2 9 17 minutes to find them.

0 2 : 2 9 18 MS. KARIS: If we are lucky, minutes.

0 2 : 2 9 19 THE COURT: If you're lucky.

0 2 : 2 9 20 MS. KARIS: Thank you, Your Honor. Having been  
0 2 : 2 9 21 there, I completely can sympathize and empathize.

0 2 : 2 9 22 BY MS. KARIS:

0 2 : 2 9 23 Q. You were asked about some correspondence that was sent to  
0 2 : 2 9 24 Admiral Landry about prerequisites to the Top Kill procedure.  
0 2 : 2 9 25 Do you recall that? I don't have the exhibit number.

## IAIN ADAMS - REDIRECT

0 2 : 2 9 1 MS. KARIS: Mr. Doyen, do you know what  
0 2 : 2 9 2 exhibit number that was, the letter to Admiral Landry that  
0 2 : 2 9 3 Mr. Dupree was asked about yesterday?

0 2 : 2 9 4 That Mr. Doyen just used with this witness to  
0 2 : 2 9 5 respond to your facial expression, Mr. Brian.

0 2 : 2 9 6 BY MS. KARIS:

0 2 : 2 9 7 Q. Let me ask you: Were you here when Mr. Dupree was asked  
0 2 : 2 9 8 about the letter that he sent to Admiral Landry with respect to  
0 2 : 2 9 9 whether the BOP-on-BOP had to be ready as was just represented  
0 2 : 3 0 10 to you?

0 2 : 3 0 11 A. Yes, I was.

0 2 : 3 0 12 Q. Is it accurate -- I'm sorry, Exhibit 142700.2.1. This is  
0 2 : 3 0 13 the letter?

0 2 : 3 0 14 A. That's correct.

0 2 : 3 0 15 Q. And were you here when Mr. Dupree said he was the one  
0 2 : 3 0 16 making the representation: That did not mean that the  
0 2 : 3 0 17 BOP-on-BOP had to be ready, but that they were engineering the  
0 2 : 3 0 18 BOP-on-BOP to be ready?

0 2 : 3 0 19 A. Yes, I heard that. That's correct.

0 2 : 3 0 20 Q. Is there anything inconsistent about BP's practices in  
0 2 : 3 0 21 engineering the BOP-on-BOP to be ready after Top Kill? Is  
0 2 : 3 0 22 there anything inconsistent with that with what is stated in  
0 2 : 3 0 23 this letter?

0 2 : 3 0 24 A. No, there's not.

0 2 : 3 0 25 Q. I think I might be on my very last question.

## IAIN ADAMS - REDIRECT

0 2 : 3 1 1 You were asked about the casing shear ram?

0 2 : 3 1 2 A. Yes, I was.

0 2 : 3 1 3 Q. It was suggested that the casing shear ram was not  
0 2 : 3 1 4 critical because it was Number 1 in a procedure and somehow  
0 2 : 3 1 5 that made it not critical. Do you agree with that?

0 2 : 3 1 6 A. No, I don't.

0 2 : 3 1 7 Q. Why not?

0 2 : 3 1 8 A. Well, for several reasons. Firstly, again, given the  
0 2 : 3 1 9 context of running the BOP in -- to be run in a BOP stack where  
0 2 : 3 1 10 there's identified defects, particularly in the casing rams --  
0 2 : 3 1 11 or the rams, is not a situation I would logically want to be  
0 2 : 3 1 12 in. Also, the identified procedure for closing those shear  
0 2 : 3 1 13 rams first had been discussed quite extensively in the lead-up  
0 2 : 3 1 14 to that. And the reason for closing the casing shear rams was  
0 2 : 3 1 15 to reduce the flow and minimize potential risk of damage on the  
0 2 : 3 2 16 other rams. So that was why.

0 2 : 3 2 17 Q. Now, after conducting your review, hearing the criticisms  
0 2 : 3 2 18 of BP's source control engineering efforts, including those  
0 2 : 3 2 19 raised by Mr. Doyen in the cross-examination, what is your  
0 2 : 3 2 20 impression of BP's source control efforts?

0 2 : 3 2 21 A. I think, having followed and reviewing the information,  
0 2 : 3 2 22 data, and talking to people, the "don't make it worse" ethos  
0 2 : 3 2 23 that runs through the source control response, it drove the  
0 2 : 3 2 24 process. When you are conducting operations like this, when  
0 2 : 3 2 25 operations go wrong, when they deviate badly from the plan,

## IAIN ADAMS - REDIRECT

0 2 : 3 2 1 there's an awful lot of drives trying to get things back on  
0 2 : 3 2 2 track. Understandably, there's a lot of pressure on people to  
0 2 : 3 2 3 get -- to make it right, sorted. An operation -- an incident  
0 2 : 3 3 4 like Macondo, that's escalated magnitudes. There's corporate  
0 2 : 3 3 5 pressure. There's departmental pressure. There's individual  
0 2 : 3 3 6 pressure on the personnel that are doing it to try and fix it  
0 2 : 3 3 7 as quickly as possible, and that's understandable.

0 2 : 3 3 8 When we are called in to assist in these kinds of  
0 2 : 3 3 9 jobs, one of the first points we are going to try and do is  
0 2 : 3 3 10 make sure that we keep our reality check, that they are looking  
0 2 : 3 3 11 at the risks, they are identifying and mitigating them and not  
0 2 : 3 3 12 going for the quick fix. Because that's the instinctive thing  
0 2 : 3 3 13 to try and do to get it back on track, to fix it. Again, it's  
0 2 : 3 3 14 understandable, but it's got to be done with the risks in mind  
0 2 : 3 3 15 and keeping options open, options available so that you don't  
0 2 : 3 3 16 end up taking a situation like this and making it significantly  
0 2 : 3 3 17 worse. That's got to be uppermost in people's minds.

0 2 : 3 3 18 So looking at the scheduling, looking at the risk  
0 2 : 3 4 19 process, the peer reviews, the process that went in, the  
0 2 : 3 4 20 assistance of industry, I personally think they did everything  
0 2 : 3 4 21 they could possibly have done. So it's -- was their approach  
0 2 : 3 4 22 robust and rigorous, and did they do it with the aim of safely  
0 2 : 3 4 23 securing it as quickly as possible? I think absolutely. So  
0 2 : 3 4 24 that's my independent opinion.

0 2 : 3 4 25 **MS. KARIS:** Thank you. No further questions.

0 2 : 3 4 1           **THE COURT:** All right, sir. Thank you very much.

0 2 : 3 4 2           **MR. BROCK:** Judge Barbier, we have two videotapes to  
0 2 : 3 4 3 play. The first of Marcia McNutt, who was the director of the  
0 2 : 3 5 4 United States Geological Survey, testifying about Top Kill and  
0 2 : 3 5 5 BOP-on-BOP. And Tom Hunter, the director and president of the  
0 2 : 3 5 6 Sandia National Labs -- former president of the Sandia National  
0 2 : 3 5 7 Labs and was the 30(b)(6) for the Federal Science Team.

0 2 : 3 5 8           **MR. DOYEN:** Your Honor, I meant to take care of one  
0 2 : 3 5 9 bit of business before Mr. Brock stood up. I would like to  
0 2 : 3 5 10 mark the two charts over there as demonstratives. We'll make  
0 2 : 3 5 11 what counsel called Mr. Doyen's chart here D -- this is the one  
0 2 : 3 5 12 that has the three scenarios across it, D-25029. I will find a  
0 2 : 3 5 13 marker and do that. 25029.

0 2 : 3 5 14           This chart over here that's Scenario 1 that  
0 2 : 3 5 15 is -- there are copies of TRES-011614, pages 5 and 6, will be  
0 2 : 3 6 16 Demonstrative D-25030.

0 2 : 3 6 17           Thank you, Your Honor. That's all I have.

0 2 : 3 6 18           **THE COURT:** Okay. Without objection, those are  
0 2 : 3 6 19 admitted.

0 2 : 3 6 20           Are you ready to play the two individuals?

0 2 : 3 6 21           **MR. BROCK:** Yes, sir.

0 2 : 3 6 22           (The video deposition clips of Marcia McNutt and Tom  
0 2 : 3 6 23 Hunter were played.)

0 2 : 4 2 24           **MR. BROCK:** I barely avoided Mr. Brian's fate trying  
0 2 : 4 2 25 to get up here, Your Honor.

0 2 : 4 3 1 Your Honor, that concludes BP's evidence, I  
0 2 : 4 3 2 think with about four minutes to spare.

0 2 : 4 3 3 THE COURT: Two minutes. You really are down to the  
0 2 : 4 3 4 two-minute drill.

0 2 : 4 3 5 MR. BRIAN: That's with the extra two minutes you  
0 2 : 4 3 6 gave them, Your Honor.

0 2 : 4 3 7 THE COURT: That's right.

0 2 : 4 3 8 MR. BROCK: At this point BP will rest its case  
0 2 : 4 3 9 subject to the following matters that I just need to put on the  
10 record.

0 2 : 4 3 11 As Your Honor is aware, we have pending a motion  
0 2 : 4 3 12 for partial judgment and findings pursuant to Rule 52(c), and  
0 2 : 4 3 13 that will progress next week, as I understand it. For the  
0 2 : 4 3 14 record we will just renew our motion for partial judgment at  
0 2 : 4 3 15 this point based on the evidence to date. In addition to  
16 that --

0 2 : 4 3 17 THE COURT: For the record -- I think we said this on  
0 2 : 4 3 18 the record -- the aligned parties are going to file their  
19 opposition by Monday?

0 2 : 4 4 20 MR. BRIAN: 5:00 Monday, Your Honor.

0 2 : 4 4 21 THE COURT: Okay. Good.

0 2 : 4 4 22 MR. BROCK: We are preparing our usual list of  
0 2 : 4 4 23 exhibits, call-outs, demonstratives used with our last few  
0 2 : 4 4 24 witnesses. We'll have those ready for the Court early next  
0 2 : 4 4 25 week. I assume that those will come in through the discussion

0 2 : 4 4 1 at the final marshaling conference. I believe that's set for  
0 2 : 4 4 2 November 7.

0 2 : 4 4 3 We also at this time would like to submit and  
0 2 : 4 4 4 have admitted our Category 2 and Category 4 list of exhibits,  
0 2 : 4 4 5 so we will offer those now. Those also will be addressed at  
0 2 : 4 4 6 the final marshaling conference.

0 2 : 4 4 7 At this time we also offer into evidence a thumb  
0 2 : 4 4 8 drive of the video clips that we played at trial today and as  
0 2 : 4 5 9 well as the excerpted transcripts of the testimony contained in  
0 2 : 4 5 10 those video clips, and I will pass those up in just a second.

0 2 : 4 5 11 We offer into evidence at this point also a list  
0 2 : 4 5 12 of our Phase Two deposition bundles that we designated for the  
0 2 : 4 5 13 Phase Two trial, and we have a thumb drive for Stephanie  
0 2 : 4 5 14 labeled deposition bundles offered, admitted by BP.

0 2 : 4 5 15 **THE COURT:** How many depositions?

0 2 : 4 5 16 **MR. BROCK:** We have, Your Honor, 13.

0 2 : 4 5 17 **THE COURT:** Okay. Without objection, those are  
0 2 : 4 5 18 admitted. The exhibits and the deposition bundles are  
0 2 : 4 5 19 admitted. I assume there are no objections, correct?

0 2 : 4 5 20 **MR. BROCK:** I just need to state for the record, just  
0 2 : 4 5 21 so that we're clear, on offering the bundles into evidence, we  
0 2 : 4 5 22 are not waiving, but we maintain our general and specific  
0 2 : 4 6 23 objections to designated testimony.

0 2 : 4 6 24 And then I do need to state also that we have  
0 2 : 4 6 25 offered into evidence our designations contained in the

0 2 : 4 6 1 deposition bundles that were offered by the aligned parties and  
0 2 : 4 6 2 I just want to say again in offering our portions, we are not  
0 2 : 4 6 3 waiving but maintain our objections to the portions of  
0 2 : 4 6 4 depositions designated by other parties.

0 2 : 4 6 5 I guess the only other thing I was going to  
0 2 : 4 6 6 mention is that we did-- Ms. Karis is pointing out I may have  
0 2 : 4 6 7 misspoken. Our Category 2 and 4 lists will be offered later.  
0 2 : 4 6 8 We are not putting those in now. I thought I had said that,  
0 2 : 4 6 9 but if I didn't, I correct that.

0 2 : 4 6 10 The only other thing I was going to mention,  
0 2 : 4 6 11 Judge Barbier, is that we did propose to the United States and  
0 2 : 4 6 12 the aligned parties this morning a briefing schedule that would  
0 2 : 4 6 13 relate to both segments of the trial. We have not had a chance  
0 2 : 4 7 14 to work that out, but that process is started and I would  
0 2 : 4 7 15 assume that probably sometime next week maybe we could come  
0 2 : 4 7 16 back with that proposal.

0 2 : 4 7 17 **THE COURT:** In other words, to do it all at once?

0 2 : 4 7 18 **MR. BROCK:** Yes, sir.

0 2 : 4 7 19 **THE COURT:** Probably makes sense.

0 2 : 4 7 20 **MR. BROCK:** It's a coordinated schedule where we  
0 2 : 4 7 21 would be filing our briefs, as I appreciate it, on both  
0 2 : 4 7 22 segments at the same time. The aligned parties and the  
0 2 : 4 7 23 United States would be doing the same. It's a similar schedule  
0 2 : 4 7 24 to what we had in Phase One where we will have simultaneous  
0 2 : 4 7 25 filings and simultaneous reply briefs. It's what we proposed,



0 2 : 4 7 1 but we need to talk a little bit more on that.

0 2 : 4 7 2 **THE COURT:** We can talk about that next week or  
0 2 : 4 7 3 whenever.

0 2 : 4 7 4 **MR. BROCK:** Sure.

0 2 : 4 7 5 **THE COURT:** I would like you-all to see if you can  
0 2 : 4 7 6 make a joint proposal to the Court, and if you-all agree and if  
0 2 : 4 7 7 it sounds reasonable, I will likely adopt what you-all suggest.

0 2 : 4 7 8 **MR. BRIAN:** Brad Brian for Transocean and the aligned  
0 2 : 4 8 9 parties, Your Honor. Let me start where Mr. Brock ended. We  
0 2 : 4 8 10 have had discussions already about it and we will be talking  
0 2 : 4 8 11 again next week. I agree with Mr. Brock that we should be able  
0 2 : 4 8 12 to propose something hopefully jointly next week.

0 2 : 4 8 13 **THE COURT:** Okay.

0 2 : 4 8 14 **MR. BRIAN:** We had circulated our exhibits for  
0 2 : 4 8 15 Mr. Ballard, my cross-examination, to BP. They wanted more  
0 2 : 4 8 16 time to review it, understandably. So we will be proposing  
0 2 : 4 8 17 those next week, so we reserve those and I want to leave that  
0 2 : 4 8 18 open.

0 2 : 4 8 19 **THE COURT:** Okay.

0 2 : 4 8 20 **MR. BRIAN:** We obviously have not had a chance yet to  
0 2 : 4 8 21 circulate our exhibits for Mr. Adams. We will do that. One or  
0 2 : 4 8 22 more of us will be here next week for the purpose of offering  
0 2 : 4 8 23 that, so we will take care of that.

0 2 : 4 8 24 Then I will turn over to Mr. Iripino, who will  
0 2 : 4 8 25 tell you everything else we are reserving.

0 2 : 4 8 1           **MR. IRPINO:** We are reserving a table at Ruth's Chris  
0 2 : 4 8 2 later.

0 2 : 4 8 3           Your Honor, we have just a couple things. There  
0 2 : 4 8 4 were a couple of exhibits that were objected to that haven't  
0 2 : 4 9 5 been resolved. We can handle that now if you want. We can  
0 2 : 4 9 6 handle it on Monday if everybody just wants to get out of here.

0 2 : 4 9 7           **THE COURT:** It doesn't matter to me. Why don't we  
0 2 : 4 9 8 handle it today, if you are ready to handle it. That way we  
0 2 : 4 9 9 don't have to waste trial time Monday morning.

0 2 : 4 9 10          **MR. IRPINO:** Sure, we can do that now. The only  
0 2 : 4 9 11 other main issue of the depo bundles from BP, I just want to  
0 2 : 4 9 12 make sure that the parties have an opportunity to kind of QA/QC  
0 2 : 4 9 13 those that are going in. We have no objection that the 20 that  
0 2 : 4 9 14 they have presented should go in.

0 2 : 4 9 15          **THE COURT:** 13. He said 13.

0 2 : 4 9 16          **MR. IRPINO:** I'm sorry, whichever they are, however  
0 2 : 4 9 17 many they are that they had listed them before. The procedure  
0 2 : 4 9 18 that we have been following is to send it around to the parties  
0 2 : 4 9 19 to QA/QC and make sure everything is right. There were a  
0 2 : 4 9 20 couple issues with ours and they got caught. We would just  
0 2 : 4 9 21 like to do the same.

0 2 : 4 9 22          **THE COURT:** Sure.

0 2 : 4 9 23          **MR. IRPINO:** I think all parties' Category 2 exhibits  
0 2 : 4 9 24 and Category 4 exhibits will go in at the final marshaling  
0 2 : 4 9 25 conference and everybody reserves that.

0 2 : 4 9 1 With that said, Your Honor, Exhibit 150307,  
0 2 : 4 9 2 which was that Tony Hayward CNN video clip, I want to be clear  
0 2 : 5 0 3 on one thing right off the bat is that the procedure was  
0 2 : 5 0 4 followed for it. It was properly listed on our exhibit list  
0 2 : 5 0 5 pursuant to the pretrial orders and, in fact, there was a whole  
0 2 : 5 0 6 realm of --

0 2 : 5 0 7 **MR. BROCK:** We don't object to that.

0 2 : 5 0 8 **MR. IRPINO:** That's the best argument --

0 2 : 5 0 9 **THE COURT:** You just won that argument, Mr. Irpino.

0 2 : 5 0 10 **MR. BROCK:** I want to get to Ruth's Chris ahead of  
0 2 : 5 0 11 him.

0 2 : 5 0 12 **THE COURT:** You should have headed out the door and  
0 2 : 5 0 13 not told him you didn't object.

0 2 : 5 0 14 I guess I should have asked, do the aligned  
0 2 : 5 0 15 parties have any rebuttal evidence?

0 2 : 5 0 16 **MR. SMITH:** Prescott B. Smith for Halliburton. Out  
0 2 : 5 0 17 of an abundance of caution, if I wasn't clear this morning, I  
0 2 : 5 0 18 want to make sure that it's noted on the record that we are  
0 2 : 5 1 19 finalizing the final exhibits for Mr. Ziegler.

0 2 : 5 1 20 **THE COURT:** You're talking about working out the  
0 2 : 5 1 21 redactions?

0 2 : 5 1 22 **MR. SMITH:** Right.

0 2 : 5 1 23 **THE COURT:** That's already on the record.

0 2 : 5 1 24 Anything else? Okay. So let's see. The  
0 2 : 5 1 25 aligned parties left time on the clock.

0 2 : 5 1 1           **MR. DOYEN:** Do we get something for that?

0 2 : 5 1 2           **THE COURT:** You get a gold star.

0 2 : 5 1 3                   Let's see. You don't get to add it to the --  
0 2 : 5 1 4 well, most of you won't be part of the next trial anyway.

0 2 : 5 1 5                   So Monday morning we will resume at 8:00 with  
0 2 : 5 1 6 Segment 2, quantification, and as I recall, the scheduling  
0 2 : 5 1 7 order says that each side has an hour and a half, 90 minutes  
0 2 : 5 1 8 for openings. Is that correct?

0 2 : 5 1 9                   Have you-all already exchanged -- that would be  
0 2 : 5 1 10 the United States, I guess --

0 2 : 5 1 11           **MR. BROCK:** With the United States --

0 2 : 5 1 12           **THE COURT:** -- the witness list?

0 2 : 5 2 13           **MR. BRIAN:** The exhibit lists have been exchanged,  
0 2 : 5 2 14 the demonstratives have been exchanged. We are still working  
0 2 : 5 2 15 through a few issues and meet and conferring about  
0 2 : 5 2 16 demonstratives --

0 2 : 5 2 17           **THE COURT:** You know who their witnesses are going to  
0 2 : 5 2 18 be and what order for next week?

0 2 : 5 2 19           **MR. BROCK:** Yes, sir.

0 2 : 5 2 20           **MR. O'ROURKE:** They owe us theirs next Monday.

0 2 : 5 2 21           **THE COURT:** Next Monday, correct.

0 2 : 5 2 22                   Anybody have anything else? Everybody wants to  
0 2 : 5 2 23 get out of town before the hurricane comes. I can't believe we  
0 2 : 5 2 24 are having a hurricane -- we may have a hurricane in the Gulf  
0 2 : 5 2 25 in almost mid-October. I mean, it's rather crazy. But I don't

0 2 : 5 2 1 think it's going to come anywhere near here. Now, you people  
0 2 : 5 2 2 in Florida may have a problem. Mr. Barr maybe needs to head in  
0 2 : 5 2 3 the other direction.

0 2 : 5 2 4 All right. Everyone have a good weekend and  
0 2 : 5 2 5 we'll see some of you, I guess, on Monday.

0 2 : 5 2 6 **THE DEPUTY CLERK:** All rise.

0 2 : 5 2 7 (Proceedings adjourned.)

0 2 : 5 2 8 \* \* \*

9 **CERTIFICATE**

10 I, Toni Doyle Tusa, CCR, FCRR, Official Court  
11 Reporter for the United States District Court, Eastern District  
12 of Louisiana, do hereby certify that the foregoing is a true  
13 and correct transcript, to the best of my ability and  
14 understanding, from the record of the proceedings in the  
15 above-entitled matter.

16  
17  
18 *s/ Toni Doyle Tusa*  
19 Toni Doyle Tusa, CCR, FCRR  
20 Official Court Reporter  
21  
22  
23  
24  
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