



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

In Re: Oil Spill by the Oil Rig  
"Deepwater Horizon" in the Gulf  
of Mexico, on April 20, 2010

\* MDL NO. 2179  
\*  
\* SECTION J  
\*  
\* JUDGE BARBIER  
\*  
\* MAG. JUDGE SHUSHAN

THIS DOCUMENT RELATES TO:  
*ALL CASES*

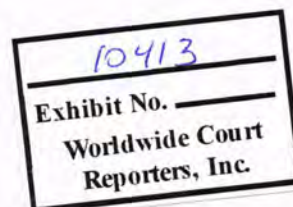
\*\*\*\*\*

VIDEO DEPOSITION NOTICE PURSUANT TO THE FEDERAL RULES  
OF CIVIL PROCEDURE  
(WITH 30(b)(2) DOCUMENT REQUESTS)

PLEASE TAKE NOTICE that the deposition of Intertek Group, Plc ("Intertek"), will be taken under oath and pursuant to the Federal Rules of Civil Procedure including Fed. R. Civ. Pro. 45 and 30(b)(6) and Pre-Trial Orders 17 and 27 (MDL-2179, E.D. La). For this deposition, Intertek shall designate and produce one or more officers, managers, agents, employees, or other representatives of the Intertek to discuss the Areas of Inquiry identified below. The times and locations of the depositions will be scheduled in conjunction with the designees' fact depositions in their individual capacities, or otherwise as may be scheduled with Judge Shushan and the parties.

Definitions

1. "Document" shall mean any printed, type-written or handwritten matter of whatever character, including, without limitation, the original and each non-identical copy of each and any writing, memorandum, letter, e-mail, correspondence, telegram, note, minutes, contract, agreement, interoffice and intraoffice communications, procedure, pamphlet, diary, record or note of telephone conversation, chart, schedule, entry, print, representation, record,



report, photograph and any tangible item or thing of written, readable, graphic, audible, or visual material.

2. In those instances where requested documents are stored only on software or other data compilations, the responding party should either produce the raw data along with all codes, programs and metadata for translating it into usable form or produce the information in a finished usable form, which would include all necessary glossaries, keys and indices for interpretation of the material.

3. "BP" means, without limitation, BP Exploration and Production, Inc., BP America, Inc., BP America Production Company, and BP, P.L.C., including their predecessors, successors, subsidiaries, departments, divisions, attorneys, accountants, and current and former directors, officers, employees, agents, representatives and persons acting on their behalf.

#### **Areas of Inquiry**

1. All analysis conducted by Intertek of or related to fluid properties of the hydrocarbons from the Macondo Well, including but not limited to single-phase flash, separator test, constant composition expansion, and any interpretations towards determination of bubble-point pressure and/or pressure dependent compressibility.
2. Sampling conditions relating to the hydrocarbon fluid samples taken from the Macondo Well, including but not limited to pressure, temperature, depth, and pressure profile with time during and after sampling.
3. All communications between Intertek and/or any entity working for Intertek and BP and/or any entity working with or for BP about the services BP, or any entity working with or for BP, requested of, or were provided by, Intertek provided in relation to the Macondo Well.

#### **Document Requests**

Intertek is further requested, in accordance with Rules 45 and 30(b)(2) of the Federal Rules of Civil Procedure, as well as Rule 26, Rule 34, and Pre-Trial Orders Nos. 16, 17 and 27, to produce, or identify by specific Bates Number(s) (if already produced), the following documents.

at least fifteen (15) business days prior to the time of the relevant designee's deposition:

**First Set of Requests**

For each Area of Inquiry identified above, please produce all files or documents, including computer models and/or simulations, which relate, pertain, evidence and/or reflect the issues, topics and/or events described therein or associated therewith.

**Second Set of Requests**

For each Area of Inquiry identified above, please produce all documents provided to, reviewed with, utilized by, and/or relied upon by the deponent to prepare for his or her deposition testimony.

This 2<sup>nd</sup> day of August, 2012.

Respectfully submitted,

IGNACIA S. MORENO  
Assistant Attorney General  
Environment & Natural Resources  
Division

STUART F. DELERY  
Acting Assistant Attorney General  
Civil Division

JAMES NICOLL  
Senior Counsel  
NANCY FLICKINGER  
Senior Attorney  
SARAH HIMMELHOCH  
Senior Attorney  
DEANNA CHANG  
SCOTT CERNICH  
A. NATHANIEL CHAKERES  
RACHEL HANKEY  
ABIGAIL ANDRE  
JUDY HARVEY  
MATT LEOPOLD  
JEFFREY PRIETO  
TOM BENSON  
GORDON YOUNG  
BETHANY ENGEL

Trial Attorneys

PETER F. FROST  
Director, Torts Branch, Civil Division  
Admiralty and Aviation  
STEPHEN G. FLYNN  
Assistant Director  
MICHELLE DELEMARRE  
SHARON SHUTLER  
JESSICA SULLIVAN  
JESSICA MCCLELLAN  
JILL DAHLMAN ROSA  
DAVID PFEFFER  
MALINDA LAWRENCE  
ROBIN HANGAR  
LAURA MAYBERRY  
BRIENA STRIPPOLI  
Trial Attorneys  
Torts Branch, Civil Division  
P.O. Box 14271  
Washington, D.C. 20044-4271  
Telephone: 202-616-4000  
Facsimile: 202-616-4002

/s/ Steven O'Rourke  
STEVEN O'ROURKE  
Senior Attorney  
Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044  
Telephone: 202-514-2779  
Facsimile: 202-514-2583  
E-mail: [steve.o'rourke@usdoj.gov](mailto:steve.o'rourke@usdoj.gov)

/s/ R. Michael Underhill  
R. MICHAEL UNDERHILL, T.A.  
Attorney in Charge, West Coast Office  
Torts Branch, Civil Division  
U.S. Department of Justice  
7-5395 Federal Bldg., Box 36028  
450 Golden Gate Avenue  
San Francisco, CA 94102-3463  
Telephone: 415-436-6648  
Facsimile: 415-436-6632  
E-mail: [mike.underhill@usdoj.gov](mailto:mike.underhill@usdoj.gov)

JIM LETTEN  
United States Attorney  
SHARON D. SMITH  
Assistant United States Attorney  
Eastern District of Louisiana  
Hale Boggs Federal Building  
500 Poydras Street, Ste. B-210  
New Orleans, LA 70130

Attorneys for the UNITED STATES OF AMERICA

#### **CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that on August 2, 2012 the above and foregoing 30(b)(6) Notice was served on All Counsel by electronically uploading the same to Lexis Nexis File & Serve in accordance with Pretrial Order No. 12.

/s/ Abigail E. André

**Issued by the**  
**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF TEXAS**

In re: Oil Spill by the Oil Rig "Deepwater Horizon"

**SUBPOENA IN A CIVIL CASE**

v.

This document relates to: All Cases

Case Number:<sup>1</sup> MDL No. 2179 (E.D. La.)

TO: Intertek USA Inc., c/o John J. Kenney, Hoguet Newman Regal & Kenney, LLP,  
 10 East 40th Street, New York, NY 10016

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION <small>United States Attorney's Office, Southern Dist. of Texas, 1000 Louisiana, Suite 2300, Houston, Texas 77002          (or a mutually agreed alternate location)</small>	DATE AND TIME September 12, 2012, 9:30 a.m.
---	--

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

The documents requested to be produced by representative(s) of Intertek USA Inc. are listed in the attached Notice of Deposition.

PLACE <small>United States Attorney's Office, Southern Dist. of Texas, 1000 Louisiana, Suite 2300, Houston, Texas 77002          (or a mutually agreed alternate location)</small>	DATE AND TIME August 22, 2012, 9:30 a.m.
---	---

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) , Trial Attorney for Plaintiff United States	DATE August 2, 2012
---	------------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Abigail Andre, United States Department of Justice, Environment and Natural Resources Division, Environmental Enforcement Section, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 (202) 305-2775.

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

If action is pending in district other than district of issuance, state district under case number



Civil Action No. MDL No. 2179

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_ for

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**

**(c) Protecting a Person Subject to a Subpoena.**

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) ***Appearance Not Required.*** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) ***Objections.*** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) ***When Required.*** On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(ii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) ***When Permitted.*** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) ***Specifying Conditions as an Alternative.*** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) ***Documents.*** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) ***Form for Producing Electronically Stored Information Not Specified.*** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) ***Electronically Stored Information Produced in Only One Form.*** The person responding need not produce the same electronically stored information in more than one form.

(D) ***Inaccessible Electronically Stored Information.*** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) ***Information Withheld.*** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) ***Information Produced.*** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) ***Contempt.*** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).