

Deposition Testimony of:

Timothy Burns

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Page 11:09 to 11:11

00011:09 TIMOTHY ALEXANDER BURNS
10 was called as a witness by the Plaintiffs and,
11 being first duly sworn, testified as follows:

Page 11:14 to 11:16

00011:14 Q. Good morning, Mr. Burns. My name is Duke
15 Williams, and I represent the Plaintiffs Steering
16 Committee and some Plaintiffs individually in MDL

Page 13:02 to 13:10

00013:02 How many -- how -- how -- how much
03 preparation time did you spend getting ready for
04 this deposition?
05 A. Maybe a little less than two days.
06 Q. Okay. How -- how many hours a -- a day,
07 average?
08 A. I think we probably did four to six hours
09 the first day and maybe two hours on two
10 subsequent days.

Page 13:12 to 13:22

00013:12 Could you tell me who your current
13 employer is?
14 A. BP.
15 Q. And which BP entity do you actually get a
16 paycheck from?
17 A. I'm not -- I'm not sure I understand
18 that. I work for BP North American Gas Onshore.
19 Q. Okay. Okay. So it's the North American
20 Gas Energy Business Unit? Is that how it's
21 referred to, do you know?
22 A. NAG.

Page 13:25 to 14:09

00013:25 Q. And what is your current job title?
00014:01 A. I'm a Drilling Engineering Team Leader.
02 Q. And could you just give us a brief
03 overview of your areas of responsibility, what
04 you do as an Engineering Team Leader?
05 A. Okay. I have the -- the Drilling
06 Engineering responsibilities for Wyoming. We
07 have four drilling rigs operating in a Field
08 called Wamsutter, and I supervise a staff of
09 about ten Engineers.

Page 14:18 to 14:25

00014:18 Do you have an Engineering degree?
19 A. Yes, sir.
20 Q. And what -- what is that degree?
21 A. It's a Bachelor of Science in Petroleum
22 Engineering.
23 Q. And where did you receive that, what
24 institution?
25 A. Louisiana Tech University.

Page 15:06 to 16:11

00015:06 Q. Okay. Now, let's talk about April 20th,
07 2010. What -- what was your job ti -- and
08 that -- that was the day that the DEEPWATER
09 HORIZON exploded and caught fire. What -- what
10 were -- what was your job title then?
11 A. My official job title was Drilling
12 Engineer.
13 Q. Okay. And who did you work for?
14 A. My Supervisor was Greg Walz.
15 Q. So you -- you were working for the Gulf
16 of Mexico SPU at -- at that point in time?
17 A. Yes.
18 Q. When did you transfer out of Gulf of
19 Mexico to North American Gas Onshore?
20 A. It was late August, 2010.
21 Q. And was that a transfer that you
22 requested?
23 A. I believe that to be a mutual -- it was a
24 step up to a Supervisor role, and it was -- it
25 was scheduled to happen in early 2010.
00016:01 Q. Okay. Okay. Fair enough. So let's go
02 back to April 20th, 2010. Who -- who did you
03 directly report to? Was that Mr. Walz?
04 A. I had -- Wal -- Greg Walz was my Direct
05 Supervisor, but I had a dotted-line relationship
06 to Jon Sprague because of a project I was working
07 on.
08 Q. Okay. And what was that project?
09 A. I was working on the Realtime Operating
10 Center, the design and -- and prework for the
11 construction of that.

Page 17:03 to 17:04

00017:03 Q. (By Mr. Williams) This is an Org Chart
04 that was effective as of January 7th, 2010.

Page 17:11 to 17:17

00017:11 Q. (By Mr. Williams) Okay. Where is it?
12 Now, Mr. Burns, you appear in this Org
13 Chart -- and I'm referring to -- the Bates number

14 on this particular page is 1026816. Let me just
15 show you that real quick. (Tendering.) Take a
16 look at it.
17 A. (Reviewing document.) Okay.

Page 17:20 to 18:07

00017:20 Q. Is this the job you just described to me,
21 one of the jobs that you were engaged in on April
22 20th --
23 A. Yes, sir.
24 Q. -- 2010?
25 A. (Nodding.)
00018:01 Q. Okay. And your -- it looks like your --
02 your Supervisor, at least in this Technology
03 endeavor, was a fellow by the name of Michael
04 Edwards, correct?
05 A. Well, Michael Edwards was the Technology
06 Lead and -- and -- but, for the record, Michael
07 is a lady.

Page 18:14 to 18:23

00018:14 Q. (By Mr. Williams) And so she was the
15 Technology Manager. And were -- were -- were you
16 supplying the Engineering Technical advice to the
17 people who were putting -- working on this
18 Realtime Operations Center Project? What was
19 your -- what was your role, is what I'm
20 interested in.
21 A. I think most of the people on the Team
22 were Technical Specialists. My role was more of
23 oversight and to provide an end-user perspective.

Page 19:24 to 19:25

00019:24 MS. ABRAMSON: I think it's **Exhibit**
25 **3201.**

Page 21:04 to 21:23

00021:04 Did you -- before April 20th, and I'm not
05 talking about the -- your -- your -- your duties
06 with respect to RTOC development or matters, so
07 apart from that, did you have anything to do --
08 anything whatsoever to do professionally with
09 Gulf of Mexico Drilling & Completions?
10 A. Possibly in a -- an advisor or
11 coaching-type role.
12 Q. And could you -- could you expand on that
13 a little bit and just explain to me what that
14 role was exactly?
15 A. I think there were many times during the

16 course of regular business in our Group that
17 Engineers would bounce ideas off one another, and
18 other people would contribute to conversations,
19 whether they be hallway conversations or a -- a
20 brief E-mail exchange. It was fairly common
21 practice in our Group to exchange ideas and to --
22 and to ben -- and to bounce ideas and -- and test
23 concepts.

Page 23:05 to 23:19

00023:05 Q. Well, you described for me earlier that,
06 you know, the functional -- the dotted line --
07 I'm sorry, the dotted line relationship you had.
08 Who did you have a dotted line relationship with?
09 A. Jon Sprague.
10 Q. Okay. And what were your
11 responsibilities with respect to that
12 relationship?
13 A. My primary responsibility as Project
14 Manager for the RTOC was the design and construct
15 of that facility.
16 Q. Okay. And -- and -- and you provided
17 input, updates, that type of thing to Mr. Sprague
18 with respect to the RTOC --
19 A. Yes.

Page 23:22 to 24:15

00023:22 Q. Okay. And is it fair to say that in
23 addition to what you've just described, your
24 relationship with Mr. Walz and Mr. Sprague, that
25 occasionally you gave advice or participated in
00024:01 conversations with other Engineers in D&C
02 concerning various issues, problems, or, you
03 know, business that they were engaged in?
04 A. Yes, on occasion.
05 Q. Okay. Where did you actually -- where
06 was your office actually on April 20th, 2010?
07 A. I -- I had an office on the second floor
08 in the Exploration Group.
09 Q. Did you sit near anybody or --
10 A. Yes, I did.
11 Q. Who -- who?
12 A. I sat -- the -- the -- there were three
13 people in the six-cube circle that I sat in. It
14 was myself, Alex Tripp, John LeBleu, and Mark
15 Hafle.

Page 25:11 to 25:16

00025:11 Q. Let's talk about Mr. Guide. Was your
12 desk within earshot? Were you within earshot of

13 him in the office?
14 A. He was three cube farms down. Earshot,
15 if -- if -- if he stood up and talked very
16 loudly, I could hear him.

Page 25:20 to 26:15

00025:20 Here's maybe a better way to ask that is
21 how long did you know him, or were acquainted
22 with him professionally?
23 A. Professionally, I began working with him
24 in late 2008. That's when he arrived in our
25 Group.
00026:01 Q. Okay. Did you ever work for him?
02 A. No.
03 Q. Did he ever work for you?
04 A. No.
05 Q. Okay. Did you see Mr. Guide socially
06 outside the office?
07 A. Only on occasions where our Team might
08 have gone offsite to have a Team Builder or
09 participate in some event, like a bowling
10 tournament or something like that.
11 Q. Okay. While -- or at -- at any time, did
12 any of your colleagues, whether they worked
13 directly with you or not, but did any of your
14 colleagues complain about Mr. Guide's
15 personality?

Page 26:17 to 26:22

00026:17 A. Did any of my colleagues complain about
18 his personality?
19 Q. (By Mr. Williams) Yeah.
20 A. There were hall conversations about his
21 personality. I don't know that I would call that
22 a "complaint."

Page 27:01 to 27:04

00027:01 Q. Give me an idea of what those
02 conversations were. What -- what was the
03 discussion topic or topics with respect to his
04 personality?

Page 27:06 to 27:08

00027:06 A. I don't know that I could recall
07 specifics. Generally, a little rough around the
08 edges, a little short-tempered.

Page 27:15 to 27:17

00027:15 Q. (By Mr. Williams) Do you recall ever --
16 anybody ever complaining or questioning his
17 professional competence?

Page 27:19 to 27:22

00027:19 A. Well, the only person who would -- would
20 be able to speak to his competence would have
21 been his Supervisor. I -- I -- I think John was
22 recognized as being pretty good at what he did.

Page 29:11 to 29:15

00029:11 and -- and D&C. Was there a Realtime Operating
12 Center in Drilling & Completions before -- at any
13 time before April 20th, 2010?
14 A. I guess I probably need to understand
15 your definition of "Realtime Operating Center."

Page 30:07 to 30:10

00030:07 Q. What -- what existed, you know, based on
08 your knowledge, what existed before April 20th,
09 2010 in the way of an RTOC, or anything that
10 approximated an RTOC?

Page 30:12 to 30:19

00030:12 A. There were multiple locations around the
13 office where realtime data could be streamed
14 into, and often was. There was a conference room
15 on the tenth floor that had multiple screens that
16 should the desire or need arise, the realtime
17 data feeds from other rigs could be displayed.
18 But as -- as an official recognized workspace,
19 I -- I don't think so.

Page 30:21 to 30:25

00030:21 the -- the room you just described to me, you
22 said it was on the tenth floor?
23 A. Yes.
24 Q. Okay. Was -- was that manned 24/7?
25 A. No.

Page 31:03 to 31:11

00031:03 Was that actually up and operating or in
04 existence on April 20th, 2010?
05 A. April 20th? Yes.
06 Q. Could that facility, or did that facility

07 if somebody chose to go in and, you know, turn it
08 on and, I guess, select the data, could it
09 monitor what was going on on the DEEPWATER
10 HORIZON; by that, I mean the drilling of the
11 Macondo 252 No. 1 Well?

Page 31:13 to 31:20

00031:13 A. I don't know. I'm not sure.
14 Q. (Mr. Williams) Okay. And what about
15 the -- did you know anything about the office
16 down on the second floor that had a -- a PC or a
17 computer that could -- could get a realtime feed
18 that was available for people on the second floor
19 to use?
20 A. Yes.

Page 31:25 to 32:03

00031:25 Q. Why -- do you have any idea why there was
00032:01 a separate room on the second floor to monitor
02 separate from the one on the -- on the tenth
03 floor?

Page 32:05 to 32:15

00032:05 A. The room on the second floor was
06 designated for Exploration Operations; whereas,
07 the room on the tenth floor was pretty much in
08 support of Development Operations.
09 Q. (By Mr. Williams) Okay. How long had the
10 RTOC effort been ongoing before April 20th, 2010?
11 A. I'm not 100 percent sure. I know there
12 had been a lot of activity and -- and effort
13 in -- during the calendar year of 2009. If -- if
14 it -- if it was going on at BP in Houston before
15 then, I'm not aware of it.

Page 41:13 to 42:09

00041:13 Q. (By Mr. Williams) Is there a Realtime
14 Operations Center up and running at Westlake now?
15 A. There is a facility in Westlake 4 to
16 support the Gulf of Mexico.
17 Q. Okay. And what is that facility called?
18 A. It's actually called CORE.
19 Q. Okay. Is that an acronym that stands for
20 something?
21 A. It's an acronym.
22 Q. What does it stand for?
23 A. It's Collaborative Realtime Environment.
24 Q. Okay. And what floor is it at Westlake
25 and what building?

00042:01 A. It's on the 12th floor of Westlake 4.
 02 Q. And did you have anything to do with
 03 getting CORE up and running and operating?
 04 A. I was attached to that project up until
 05 the time that the design and all the plans were
 06 completed and -- and signed, and then I
 07 transitioned roles.
 08 Q. And when -- when was that, about?
 09 A. It was late First Quarter 2010.

Page 42:15 to 42:18

00042:15 Q. Okay. Could you tell me what the CORE
 16 facility -- what type of capabilities it has?
 17 A. Okay. Well, do you have specifics you
 18 want to know?

Page 42:25 to 43:02

00042:25 Q. I'm just interested in a top-to-bottom
 00043:01 overview of what it is and -- and -- and how it
 02 helps.

Page 43:05 to 44:08

00043:05 A. The -- the general design as -- was to
 06 construct a facility that would facilitate a more
 07 open and transparent process of working better
 08 together. It was designed to have rig lines
 09 and -- and Pods, as we called them, a -- a series
 10 of cubes, with the ability to just display each
 11 realtime data feed from each rig along one side
 12 of the floor.
 13 There were conference rooms on the other
 14 side of the floor that also had the same
 15 capability to pull realtime data into the
 16 conversation and into a little bit more, maybe
 17 less disturbing or less -- less noisy
 18 conversation when you need to have more people
 19 involved.
 20 There's a huge room in the center that
 21 it's just -- we call it the data wall. It's
 22 basically a half circle of screens that the
 23 intent was to have each rig line, realtime data
 24 feed displayed on the -- on the series of screens
 25 with the ability to move and transpose and --
 00044:01 and -- and allow anyone to kind of -- to walk
 02 through and kind of see very quickly what's going
 03 on everywhere.
 04 Q. (By Mr. Williams) Okay. Is this -- is --
 05 is this for Exploration -- all of Exploration &
 06 Production, or just Drilling & Completions?
 07 Is -- does it cover appraisal wells, what is

08 it -- what is its scope meant to cover?

Page 44:10 to 44:20

00044:10 A. It was designed to support all Gulf of
11 Mexico Drilling & Completion operations.
12 Q. (By Mr. Williams) Okay.
13 A. Well interventions.
14 Q. And is it designed to be up and
15 running 24 hours a day, seven days a week?
16 A. It does have the capability to
17 support 24/7.
18 Q. When you -- before you left, was it being
19 monitored 24/7? Was it being manned on a 24/7
20 basis?

Page 44:22 to 45:01

00044:22 A. When I left, it hadn't been built yet.
23 Q. (By Mr. Williams) Okay. Do you know
24 whether or not it's manned on a 24/7 basis?
25 A. Today?
00045:01 Q. Yes, sir.

Page 45:03 to 45:22

00045:03 A. I don't know.
04 Q. (By Mr. Williams) Okay. Now, is there
05 any one data provider that sends or provides a
06 system -- like Sperry-Sun or whomever, provides
07 the system to send the data from the rig or, you
08 know, operations site back to CORE?
09 A. I believe that service is provided by a
10 company called Kongsberg.
11 Q. Okay. And Kongsberg provides that
12 service for other BP CORE or ACE or Realtime
13 Operation Centers in other areas of the world, as
14 well, correct? Do you know?
15 A. I know of at least -- the Aberdeen site
16 uses Kongsberg.
17 Q. Now, is -- is this sent in what is called
18 the WITSML, or W-I-T-S-M-L format, or does
19 this -- does CORE not use that?
20 A. You're stretching the limits of my
21 technology side here. I believe that that's the
22 data format that is used.

Page 46:01 to 46:02

00046:01 Q. Do you know whether or not it includes
02 things like drill pipe pressure?

Page 46:05 to 46:12

00046:05 Q. No, I'm sorry. It's my fault. It's a
06 bad question. I'm talking about the datasets,
07 the data packets, what -- however it's
08 characterized that are sent actually from the rig
09 back to CORE to be monitored.
10 A. Whatever data can be monitored on the rig
11 is the same data that can be transmitted to the
12 office.

Page 48:03 to 48:07

00048:03 Q. (By Mr. Williams) Okay. Did you find
04 that BP was supportive of -- of your efforts to
05 get this realtime operations center up and
06 running?
07 A. Yes.

Page 48:09 to 48:11

00048:09 Q. (By Mr. Williams) How far along in that
10 process were you when -- how far along in that
11 process were you on April 20th, 2010?

Page 48:13 to 49:02

00048:13 A. And -- and which process?
14 Q. (By Mr. Williams) Getting the RTOC up and
15 running.
16 A. The -- the plans had been developed and
17 approved and, you know, there was other work that
18 had to be done, but as of April 20th, we were
19 waiting on the -- the tenants, who were currently
20 occupying the 12th floor, to vacate the premises
21 so that we could go in and begin construction.
22 Q. Okay. Was this Project subject to
23 "Beyond the Best," you know, stage gate analysis,
24 or -- or was it -- was it done in a different
25 way?
00049:01 A. I believe we tried to follow the "Beyond
02 the Best" stage gate process.

Page 49:10 to 49:13

00049:10 Q. (By Mr. Williams) If -- if an RTOC is
11 capable of -- I'm just asking for your individual
12 opinion -- if it's capable of being manned on
13 a 24/7 basis, should it be?

Page 49:15 to 49:20

00049:15 A. I don't know that that's -- that that's
 16 something I'm -- I'm qualified to --
 17 Q. (By Mr. Williams) Well, as an Engineer,
 18 is it safer to have additional eyes on the beach
 19 watching what is going on offshore during
 20 Drilling Operations?

Page 49:22 to 49:25

00049:22 A. Might be.
 23 Q. (By Mr. Williams) Why would -- why
 24 wouldn't it be?
 25 A. Depends on who's looking.

Page 52:12 to 53:16

00052:12 Turn to, if you would, please, Tab No. 4,
 13 and this is an E-mail from Brian Morel, sent on
 14 or about October 1st, 2009, correct?
 15 A. Appears to be.
 16 Q. And it has an attachment that's at least
 17 called in the E-mail the "Macondo_onepager_ZIP."
 18 And we've got the copy of what was attached with
 19 the E-mail.
 20 Do you remember getting this E-mail?
 21 A. I do not.
 22 Q. Okay. And what is -- but do you have any
 23 reason why Brian Morel might be sending you this
 24 information?
 25 A. I would -- that would be causing me to
 00053:01 speculate.
 02 Q. Well, it's okay if you -- if it's
 03 speculation. Just --
 04 A. Okay.
 05 Q. -- tell me -- tell me why --
 06 A. My -- my --
 07 Q. -- you think you got it.
 08 A. My best guess is that at this time frame
 09 in October -- it's on a Thursday. It could be
 10 that I had weekend duty that weekend and I was
 11 looking for information on what it was they were
 12 doing, or it could have been that I was preparing
 13 a final repair -- Well Report for a previous well
 14 and I may have been looking for some examples of
 15 some tools they had used, so that I might be able
 16 to incorporate them in my -- my Presentation.

Page 53:18 to 54:15

00053:18 Look at the -- on -- on the -- the
 19 attachment. Look at the third page of that for
 20 me. There -- there you go. Just ask you a
 21 couple -- couple of background questions on --

22 on -- on this.
 23 Up in the upper left-hand corner, it says
 24 "Performance Target (PT)." And then under that
 25 is "Not" -- is an NTE number, "Not To Exceed."
 00054:01 There are two different figures there. The Not
 02 To Exceed is \$139.5 million, correct?
 03 A. That's what it says.
 04 Q. And Performance Target is 99.7 million,
 05 correct?
 06 A. I believe -- that's what it says.
 07 Q. And, of course, I understand -- we all
 08 understand that those numbers can change as
 09 things evolve in the planning stage or the
 10 execute stage, correct?
 11 A. That's mostly true. I think that once a
 12 Performance Target is set, I don't know that that
 13 would change.
 14 Q. Okay. What is the Performance Target,
 15 just in layman's terms?

Page 54:21 to 55:04

00054:21 A. It appears this Performance Target was
 22 established based on offset well performance,
 23 similar wells in the area, from a time and -- and
 24 performance and nonproductive time.
 25 Q. (By Mr. Williams) Okay. So based on
 00055:01 historical learnings from other wells in the area
 02 with similar geological formations, a target is
 03 created, correct?
 04 A. Yes.

Page 55:06 to 55:17

00055:06 Q. (By Mr. Williams) Okay. Now,
 07 "Significant Risks to Delivery," down on the
 08 lower left-hand side of that page. Do you see
 09 where I am?
 10 A. Yes, sir.
 11 Q. It says: "Weather," then "Narrow pore
 12 pressure frac gradient window/uncertainty," and
 13 then it says "BOP stack issues." There's several
 14 others under that, but do you have any idea what
 15 BOP stack issues were being referred to in this
 16 document?
 17 A. I do not.

Page 55:22 to 56:06

00055:22 (Exhibit No. 3989 marked.)
 23 Q. (By Mr. Williams) I'd like to have you
 24 turn to Tab 5, please, and Tab 5 is an E-mail
 25 from Mr. Richard Davis to you on April 13th,

00056:01 2009, correct?
02 A. Appears to be.
03 Q. Okay. And do you remember who -- or
04 could you tell me who Mr. Richard Davis is?
05 A. I believe he was the En -- one of our
06 Environmental Coordinators.

Page 56:11 to 58:09

00056:11 Q. Gulf of Mexico Wells Environmental
12 Coordinator.
13 A. (Nodding.)
14 Q. Now, take a look at the attachment. You
15 don't have to read the whole thing. I'm not
16 going to ask you many questions about it at all,
17 but just take a look at it and tell me, if you
18 can, why you were seeking this information.
19 A. I think -- I think I remember -- I did
20 remember from the E-mail. There was an effort in
21 early 2009 to put a survey in front of the D&C
22 staff in the Gulf of Mexico to kind of get a feel
23 for how are we doing as an organization, what are
24 some things that we could do to improve, to
25 change, to make better.

00057:01 I was the -- the -- I guess you'd call it
02 a Project Lead for that -- that effort, and
03 Richard was one of the participants on that Team
04 who -- to help -- to help us do this piece of
05 work. And, obviously, when you ask 20, 30, 40
06 questions of a very large community of people and
07 you get all these different responses -- which is
08 what I believe these last several pages are.
09 These are individual responses -- what we did is
10 we divided up the questions among the people in
11 the Group, for them to try to take all the
12 responses and try to summarize that into what --
13 what are -- what are the big-ticket items that
14 we -- we want to communicate to Leadership to
15 go -- to go away and work on.
16 Q. Okay. Were these -- wa -- was the input
17 given anonymously -- input by the Members of
18 Drilling & Completions Team?
19 A. Yes.
20 Q. Okay. And did this ever wind up in --
21 in -- to -- to some kind of formal document or
22 Report that you or somebody working with or for
23 you generated and sent up the Chain of Command?
24 A. Yes.
25 Q. And do you have any idea what it was
00058:01 called or titled?
02 A. I -- I don't. It's going to have the
03 word "Zoomerang." That was the -- the online
04 survey company that we used to complete that.
05 Q. Okay. Did -- did you or anyone else, if
06 you know, sit down and analyze the results of

07 this survey and make recommendations with respect
 08 to learnings gotten from this -- this survey
 09 process?

Page 58:11 to 58:21

00058:11 A. We did ge -- we did compile our
 12 recommendations based on what we had heard from
 13 Staff, on all the questions that were asked.
 14 Q. (By Mr. Williams) Okay. And was that
 15 something you authored?
 16 A. That was a Group effort.
 17 Q. And who was it sent to?
 18 A. It was sent to the Leadership Team. I'm
 19 trying to remember who -- it was before Pat
 20 O'Bryan arrived. I don't remember who the Vice
 21 President was at that point in time.

Page 59:01 to 59:02

00059:01 Q. Mr. Lacy?
 02 A. Kevin Lacy.

Page 59:06 to 59:15

00059:06 Did Mr. Lacy or anybody working with
 07 Mr. Lacy ever provide you any reciprocal feedback
 08 or comments or call you up to ask you questions
 09 about the work?
 10 A. During the -- we -- we -- our Team did a
 11 Formal Presentation to the Leadership Team,
 12 including Kevin Lacy, and most of that feedback
 13 was -- was in the room. I -- I think they were
 14 fairly happy with what they saw and what they
 15 heard.

Page 59:23 to 59:23

00059:23 (Exhibit No. 3990 marked.)

Page 61:18 to 62:16

00061:18 Q. Okay. Thanks.
 19 Now turn to Tab 8 for me, please, real
 20 quick. And here, we have an article that
 21 apparently you and others drafted and presented,
 22 I guess, in an IADC conference; is that correct?
 23 A. I had some participation in this, but I
 24 did not present the paper.
 25 Q. Okay. And tell me just -- just briefly,
 00062:01 what -- what your participation in this digital
 02 interpretation of subsea blowout preventers was.

03 A. The -- the two other gentlemen named
 04 here, Warren Winters and Ron Livesay, were pretty
 05 much the architects of the technology. I was
 06 to -- I was designated to kind of act as a
 07 liaison between their Technical work and trying
 08 to find a way to get this deployed on one of our
 09 rigs in the Gulf.

10 Q. And were you ultimately able to get it
 11 deployed on -- on one of the rigs?

12 A. Yes.

13 Q. And what rig was that?

14 A. It started on the HORIZON.

15 Q. Okay. And did -- did the system work?

16 A. Yes, it did.

Page 62:24 to 63:03

00062:24 Q. Was it approved by the MMS?

25 A. To my knowledge, yes.

00063:01 Q. And were -- in your opinion, what were
 02 the primarily benefits of the -- these realtime
 03 digital BOP tests?

Page 63:05 to 63:16

00063:05 A. Well, the benefits are -- are actually
 06 summarized in the -- in the -- in the paper on
 07 Page 744. It's -- it's around in the correct
 08 interpretation of pressure tests. There are --
 09 there are obviously time savings. There's
 10 reduction on wear and tear of BOP components. We
 11 think that extends the life of BOP components.
 12 We don't expose people at surface to high
 13 pressure for any longer than absolutely
 14 necessary.

15 Q. (By Mr. Williams) Okay. We're going to
 16 go ahead and attach this to your deposition.

Page 63:19 to 63:24

00063:19 (Exhibit No. 3992 marked.)

20 Q. (By Mr. Williams) Could you turn to
 21 Tab 10 in your notebook, please, Mr. Burns, and
 22 take a -- take a couple of seconds and just take
 23 a look at the -- that E-mail string.

24 A. (Reviewing document.)

Page 64:02 to 64:20

00064:02 Q. Do you have any idea why you were making
 03 the inquiry you're -- you're making here, at
 04 least in the -- in the -- the first E-mail you
 05 sent on January 28th, 2008 that initiated the

06 discussion?
07 A. Well, let me finish reading.
08 Q. Okay.
09 A. (Reviewing document.) Well, I don't
10 recall specifics, but the timeline might suggest
11 that this -- this was ahead of perhaps my first
12 experience with the DEEPWATER HORIZON. The
13 previous rigs I had used did not have a -- a test
14 ram configuration. It -- it almost appears like
15 I'm trying to understand why they had their
16 procedures slightly different than what I was
17 accustomed to, but I -- I don't recall.
18 Q. Okay. Okay. Thanks.
19 MR. WILLIAMS: We're going to attach
20 that -- that as [Exhibit 3993](#).

Page 66:04 to 66:09

00066:04 Q. (By Mr. Williams) And I'd like you to
05 turn ahead now to Tab 17, please. And this is
06 a -- an E-mail dated May 4th, 2010, and it's from
07 John LeBleu to you, and it attaches "...annotated
08 Macondo mud loss summary..." reports, correct?
09 A. It appears to be.

Page 66:15 to 66:22

00066:15 Q. Why -- why would mud loss summary
16 information on the Macondo No. 1 be an important
17 piece of information to you or to other Engineers
18 involved in drilling the Relief Well?
19 A. It would be important from the standpoint
20 of being prepared for what they might have
21 observed in the original wellbore as to what we
22 might encounter in one of the relief wellbores.

Page 67:03 to 67:12

00067:03 Q. Okay. And there's a line right under the
04 26th, the day of or actual day of drilling,
05 there's a line, and out on the right, it says
06 "Marianas," with an arrow pointing up, and
07 "Horizon" with an arrow pointing down. It's --
08 is it your understanding that the -- the MARIANAS
09 went off station and the HORIZON completed the
10 drilling of this well, or at least up until
11 April 20th, 2010?
12 A. That's my understanding.

Page 68:09 to 68:13

00068:09 Q. Okay. In the middle -- in the middle of
10 this graph, you've got "Volume Data." You've got

11 "DOWN HOLE MUD LOSSES" in barrels.
12 Do you see that?
13 A. Yes.

Page 68:16 to 68:21

00068:16 Q. And there is a column all the way out to
17 the right, the green column, it's the middle
18 column that appears to have a running total of
19 barrels of mud lost.
20 Do you see where I'm reading?
21 A. Yes.

Page 69:05 to 69:19

00069:05 Q. Right. And if you go to the second page,
06 it's kind of cut off, but it says "Total mud lost
07 according to..." and you got to go to the page
08 after it to read the rest of it, "...Baroid and
09 M-I SWACO mud reports."
10 Correct?
11 A. That's what that says, yes.
12 Q. And it has a total volume of 15,926
13 barrels, correct, according to the Report?
14 A. If that's what that column represents.
15 Q. Okay. And you will agree, though, that
16 the box to the right of the circle says: "Total
17 mud lost according to Baroid and M-I SWACO mud
18 reports," correct?
19 A. I will agree to that.

Page 69:24 to 69:25

00069:24 Q. (By Mr. Williams) In your experience, is
25 that an excessive amount of mud loss?

Page 70:02 to 70:08

00070:02 A. Dif -- difficult to judge. I've seen
03 higher; I've seen lower.
04 Q. (By Mr. Williams) Okay.
05 A. I don't know what defines "excessive."
06 Q. We're going to mark this and attach it to
07 your deposition. It's going to be Exhibit 3995.
08 (Exhibit No. 3995 marked.)

Page 70:22 to 72:12

00070:22 Q. (By Mr. Williams) Again, this was in your
23 custodial file. There's no real identifying
24 information in the header of the E-mail, but it
25 does say: "Thanks, Tim." So I'd -- I'd ask you

00071:01 to take a quick look at the E-mail and a quick
 02 look at what's attached and -- and identify it
 03 for me, if you can, please.
 04 A. (Reviewing document.) Okay. It -- it
 05 appears to be a series of "Lessons Learned" by
 06 Interval that I may have shared with the
 07 individuals planning the relief wells, the ori --
 08 the "Lessons Learned" from the original Macondo
 09 Well. That's what it appears to be. It's not
 10 labeled.
 11 Q. (By Mr. Williams) Okay.
 12 A. And I -- I don't see who it was sent to,
 13 so it makes it difficult to judge.
 14 Q. Yeah, gotcha. Well, why don't -- why
 15 don't you tur -- tur -- turn to the second page
 16 for me. Actually, the first page of the Lessons.
 17 A. 159?
 18 Q. It would be 159, yes, sir. Now, when you
 19 talk about Intervals, you're talking about Casing
 20 Intervals, correct?
 21 A. Correct.
 22 Q. So did you go back and you looked at the
 23 casing plans, I guess casing design, and -- and
 24 then you looked at the Daily Drilling Reports or
 25 whatever, other information available to you to
 00072:01 determine what happened each step of the way on
 02 Macondo No. 1?
 03 A. I did not -- I did not do that.
 04 Q. Did you draft these Lessons?
 05 A. No.
 06 Q. You did not?
 07 A. No.
 08 Q. Do you know who did?
 09 A. I do not.
 10 Q. Okay. So you were just forwarding them
 11 on to -- to somebody to use?
 12 A. That's the best of my recollection.

Page 74:17 to 75:03

00074:17 MR. WILLIAMS: I'm going to mark and
 18 attach that E-mail and the attachment as Exhibit
 19 3996.
 20 (Exhibit No. 3996 marked.)
 21 Q. (By Mr. Williams) And if you could turn,
 22 Mr. Burns, to Tab 20. Could you just identify
 23 that -- the document attached to that E-mail for
 24 the record, please, Mr. Burns?
 25 A. (Reviewing document.) It appears to be a
 00075:01 Halliburton-produced document around a liner
 02 cementing, a planned or proposed liner cementing
 03 job for their 252 No. 3 well.

Page 75:07 to 75:15

00075:07 Q. Okay. Did you know Jesse Gagliano?
08 A. I did.
09 Q. Have you ever -- had you worked with him
10 previously?
11 A. Yes.
12 Q. Had you ever had any problems with him
13 from a personality or a professional competence
14 standpoint?
15 A. No.

Page 75:17 to 75:24

00075:17 Q. (By Mr. Williams) Now, do you -- can you
18 remember why Mr. Bradley would be sending you
19 this OptiCem Report?
20 A. I don't recall this specific E-mail.
21 Based on the date, I can -- I can -- I can
22 estimate that -- I was trying to coordinate data
23 gathering to feed it to the Engineers who were
24 writing the plans for the Macondo --

Page 76:02 to 77:13

00076:02 Q. And the cover page for the OptiCem --
03 this OptiCem Report says: "Macondo Relief #3,"
04 correct?
05 A. That's what it says.
06 Q. And it's dated Wednesday, June 16th,
07 2010, correct?
08 A. Correct.
09 Q. If you could turn to Page 19 of that
10 Report, which is also Bates 1284. And tell us
11 what's depicted on that page, please.
12 A. It appears to be a "Centralizer
13 Placement" Table.
14 Q. And how many centralizers are called for,
15 at least in this Report?
16 A. In this Report, 34.
17 Q. Do you know whether or not all 34 of
18 those centralizers were used in this well?
19 A. I do not.
20 Q. Do you have experience reading OptiCem
21 Reports previously?
22 A. Some.
23 Q. Okay. When you review these Reports, in
24 what context do you review them?
25 A. That's a pretty open-ended question.
00077:01 There -- there's a -- there are many things that
02 we take into consideration: Density, volumes,
03 cement placement, equivalent circulating density,
04 you know, can we -- can we get the job pumped
05 safely. What might our pressures -- what kind of
06 pressures might we expect. There's a

07 conversation around compressibility that we have
 08 both with Halliburton and our mud services
 09 provider.
 10 Q. As a -- as a Senior Drilling Engineer,
 11 would you agree that an -- that an OptiCem Report
 12 contains important data that you need to know
 13 about?

Page 77:15 to 77:18

00077:15 A. It does contain data.
 16 Q. (By Mr. Williams) Is it important -- is
 17 it important to look at all of the data in an
 18 OptiCem Report?

Page 77:20 to 78:03

00077:20 A. I think -- I think it's important to make
 21 sure that the data that's been put into the
 22 program is correct. If the data going in is not
 23 correct, then the data coming out, it's kind of a
 24 garbage in/garbage out scenario.
 25 Q. (By Mr. Williams) Sure. And I guess the
 00078:01 only way you could figure out whether garbage is
 02 going in or garbage is coming out is to -- is to
 03 carefully review the entire Report, correct?

Page 78:05 to 78:08

00078:05 A. And the inputs.
 06 MR. WILLIAMS: Okay. I'm going to
 07 mark that as Exhibit 3997.
 08 (Exhibit No. 3997 marked.)

Page 78:20 to 78:22

00078:20 Q. Mr. Burns, my name is Elizabeth Young. I
 21 represent the Department of Justice, along with
 22 my colleague, Kelly Hauser.

Page 78:25 to 80:12

00078:25 I was going to begin by just asking you
 00079:01 some general questions about your
 02 responsibilities as a Drilling Engineer. Are you
 03 involved in the interpretation of pressure
 04 integrity test results?
 05 A. In an official capacity?
 06 Q. Yes.
 07 A. What -- what kind of pressure test
 08 results?
 09 Q. For example, would you be involved in

10 interpreting a leakoff test?
 11 A. I would contribute to that conversation,
 12 yes.
 13 Q. And the formation integrity test?
 14 A. I would contribute to that conversation,
 15 as well.
 16 Q. Would you be the person responsible for
 17 determining if the test was valid?
 18 A. I could contribute to that conversation,
 19 but I would not be responsible, in -- in my
 20 opinion, to determining the validity of the test.
 21 Q. Who else would be involved in that
 22 conversation regarding the validity of a PIT?
 23 A. The Wells Team Leader, the Well Site
 24 Leaders, perhaps the Engineering Manager.
 25 Q. What about decisions involving what mud
 00080:01 weight to use, are you involved in those
 02 decisions?
 03 A. Drilling Engineers are typically involved
 04 with recommen -- recommending mud weights based
 05 on other inputs.
 06 Q. What inputs do you rely on when making
 07 those recommendations?
 08 A. There --
 09 MS. ALEXANDER: Object to form.
 10 A. There could be several inputs. The pore
 11 pressure frac gradient prediction, offset well
 12 data, hole size casing design.

Page 81:03 to 81:13

00081:03 Q. (By Ms. Young) Would you use the pore
 04 pressure fracture gradient reports that were
 05 generated by geologists on the well that you were
 06 working?
 07 A. I'm unfamiliar with the term "reports."
 08 There's a forecast or a prediction that is
 09 produced prior to drilling a deepwater well.
 10 And, yes, we would consult that.
 11 Q. Would you consult any realtime
 12 information about the pore pressure and fracture
 13 gradient data?

Page 81:15 to 82:04

00081:15 A. Yes, we would review realtime pore
 16 pressure frac gradient data.
 17 Q. (By Ms. Young) And where would you find
 18 that realtime pore pressure fracture gradient
 19 data?
 20 A. It could be found on the rig. It
 21 could -- it could come from the mud loggers. It
 22 could come from our geologists, our Subsurface
 23 Teams, our Pore Pressure Prediction Teams.

24 Q. In what form would the Pore Pressure
 25 Prediction Team give you that information? Would
 00082:01 they issue a report? Would they send you an
 02 E-mail?
 03 A. It could be an E-mail. It could be -- it
 04 could be a plot.

Page 82:12 to 83:03

00082:12 Q. (By Ms. Young) I guess, do you generally
 13 find those sources of information to be accurate
 14 and reliable?
 15 A. I've seen some be pretty accurate; then
 16 I've seen some be off by some margin.
 17 Q. And how would you determine whether that
 18 information was off by some margin?
 19 A. By experiencing a pore pressure or a frac
 20 gradient different than what was predicted.
 21 Q. And how would you experience that? For
 22 example, a kick, would that be an indication --
 23 A. A --
 24 Q. -- of your pore pressure?
 25 A. A kick might be an indication of a higher
 00083:01 pore pressure. Lost circulation might be an
 02 indication of a lower frac gradient. Tight hole
 03 might be an indicator of a higher pore pressure.

Page 83:07 to 83:25

00083:07 Q. Would you be involved in the past in
 08 wells that you've worked on in submitting
 09 information to MMS?
 10 A. Yes.
 11 Q. I'm sorry. To go back to your previous
 12 answer, what did you mean by a tight hole"?
 13 A. I'll see if I can describe that. When
 14 you're drill -- drilling a well, the -- the hole
 15 size is -- is created by the bit on the bottom of
 16 the assembly. You have other components in the
 17 bottomhole assembly that may be at or near the
 18 same out -- dimension as the bit in terms of
 19 diameter. If a formation is higher pressured
 20 than what you have for mud weight in the
 21 wellbore, you might actually see that in terms of
 22 the -- the -- the picking up and setting down of
 23 the drillstring getting a little sticky.
 24 Q. Okay.
 25 A. It could be the formation grabbing that.

Page 84:02 to 84:21

00084:02 And to go back to submissions to MMS,
 03 in -- in the past in wells that you've been

04 involved with, would you prepare the initial
05 drilling permit?
06 A. Yes.
07 Q. And which part of the permit would you
08 prepare? For example, would you prepare the
09 casing design information?
10 A. Yes. Myself or another Engineer on the
11 Team.
12 Q. Would you prepare the plots that contain
13 pore pressure fracture gradient information?
14 A. I would not prepare those plots.
15 Q. Would those be prepared by one of your
16 Tiger Team -- or I'm sorry, Subsurface
17 Geologists?
18 A. Yes.
19 Q. Would you also prepare any revised
20 drilling permits, in your experience?
21 A. I have done revised drilling permits.

Page 85:12 to 85:18

00085:12 Q. (By Ms. Young) Sure. When you submit a
13 Revised Permit to MMS, do you update that with
14 information that you've actually obtained in the
15 wellbore?
16 A. I might.
17 Q. And that's something that you would
18 always do?

Page 85:20 to 85:25

00085:20 A. It -- I think that would depend on
21 what -- what information I'm trying to convey to
22 the MMS.
23 Q. (By Ms. Young) For example, would you
24 update it with an actual leakoff test result that
25 you obtained?

Page 86:02 to 86:02

00086:02 A. Yes.

Page 86:06 to 86:08

00086:06 How would you define a, quote, narrow
07 pore pressure fracture gradient window when
08 drilling a well?

Page 86:10 to 87:04

00086:10 A. Define "narrow." You're asking me to
11 define "narrow"?

12 Q. (By Ms. Young) (Nodding.)

13 A. It's -- it's a subjective term. It's --
14 it's a conversation around how close together are
15 those lines on the plot.

16 Q. When you say "those lines," do you mean
17 the pore pressure?

18 A. Pore pressure line and a frac gradient
19 prediction. There's a -- there's a prediction
20 that's provided, and -- and -- and when those
21 numbers are close to one another, there --
22 there's -- there's kind of a generic term we use
23 to say, "That looks -- it looks pretty narrow,"
24 because on the graph it looks -- it looks narrow.
25 The lines approach one another.

00087:01 Is there an official distance apart in
02 pressure or pore -- pound -- pounds per gallon
03 that -- that constitutes "narrow," I'm not aware
04 of any.

Page 87:24 to 88:01

00087:24 Q. What difficulties did you face when
25 drilling the wells with narrow pore pressure
00088:01 windows and pressure fracture gradient windows?

Page 88:03 to 88:09

00088:03 A. Relative to?
04 Q. (By Ms. Young) Wells with larger windows
05 between pore pressure and fracture gradient.
06 A. Okay. So you -- you -- you want me to
07 describe troubles relative to a narrow window,
08 not necessarily troubles on a well?
09 Q. That's right.

Page 88:12 to 88:20

00088:12 A. I've experienced lost circulation. I
13 have taken kicks. I've had to set more than the
14 planned number of strings of casing relative to
15 that. There -- there may be more that I --
16 Q. Okay. Thanks.
17 What was your role with respect to the
18 Macondo Well?
19 A. I was not involved in the Macondo Well,
20 the original well.

Page 88:23 to 89:09

00088:23 MS. YOUNG: I'm going to mark this
24 as Exhibit 3998. The Bates number is
25 BP-HZN-2179MDL00198827.
00089:01 (Exhibit No. 3998 marked.)

02 Q. (By Ms. Young) Do you recall receiving
03 this E-mail?
04 A. I don't recall it. I have seen it.
05 Q. When did you review this E-mail?
06 A. During my preparation for this
07 deposition.
08 Q. Why were you asked to provide input and
09 comments by Mark Hafle on the Macondo Well?

Page 89:11 to 89:14

00089:11 A. I don't know why.
12 Q. (By Ms. Young) Did you provide any input
13 or comments on the Macondo Well?
14 A. I don't --

Page 89:16 to 89:16

00089:16 A. -- recall.

Page 90:03 to 90:08

00090:03 Q. Did you ever communicate with BP's
04 Drilling Engineers Hafle or Morel during the
05 drilling of the Macondo Well?
06 A. Yes.
07 Q. Do you recall what those communications
08 were about?

Page 90:10 to 90:14

00090:10 A. I think there were several
11 communications. Some of them were coaching
12 conversations, some of them were reminders, some
13 of them were some very poorly timed attempts at
14 humor.

Page 91:19 to 92:02

00091:19 Q. Okay. I'm now going to ask you to turn
20 to Tab 4, please. This has already been marked
21 as Exhibit 1558. I'm going to have you take a
22 look at Subsection B of this Regulation, which
23 states that, "While drilling, you must maintain a
24 safe drilling margin identified in the approved
25 APD."
00092:01 Are you familiar with this Regulation?
02 A. Somewhat.

Page 92:08 to 92:09

00092:08 Q. (By Ms. Young) How do you interpret what

09 you read in this --

Page 92:11 to 92:11

00092:11 Q. (By Ms. Young) -- Regulation?

Page 92:13 to 93:06

00092:13 A. And I'm not sure I'm qualified to
 14 interpret that. My opinion is that I need to
 15 main some type of -- of margin in terms of mud
 16 weight versus pore pressure while we're drilling.
 17 Q. (By Ms. Young) Do you think you have to
 18 maintain a -- as a Drilling Engineer, do you feel
 19 that you have to also maintain a margin between
 20 the mud weight and the fracture gradient?

21 MS. ALEXANDER: Object to form.

22 A. I do.

23 Q. (By Ms. Young) And in your experience as
 24 a Drilling Engineer, what margin do you maintain
 25 between the mud weight and the fracture gradient?

00093:01 A. And historically speaking, we have, to my
 02 recollection, maintained about .5 pound per
 03 gallon.

04 Q. Why do you think as a Drilling Engineer
 05 it's important to maintain a safe drilling
 06 margin?

Page 93:09 to 93:17

00093:09 A. I -- I think it -- I -- I think it's a
 10 conversation around Well Control.

11 Q. (By Ms. Young) And why does maintaining a
 12 safe drilling margin affect Well Control?

13 A. A margin above my pore pressure, I'm --
 14 I'm overbalanced. A margin below my frac
 15 gradient, I'm not losing circulation to the
 16 wellbore. I'm allowed to drill ahead, in a safe
 17 manner.

Page 94:07 to 94:09

00094:07 Q. (By Ms. Young) In what circumstance would
 08 fracturing the wellbore be a Well Control issue,
 09 in your opinion?

Page 94:11 to 95:01

00094:11 A. If I were to fracture the wellbore and
 12 lose fluid, I could become -- and I -- I don't
 13 continually refill the hole with a fluid capable
 14 of sustaining an overbalance situation, I could

15 get into an underbalance situation.
 16 Q. (By Ms. Young) Okay. Could you look,
 17 please, at the second sentence in the Subpart B
 18 of this Regulation, where it states, "When you
 19 cannot maintain the safe margin, you must suspend
 20 drilling operations and remedy the situation."
 21 Are you familiar with that part of the
 22 Regulation?
 23 A. I have read that before.
 24 Q. What is your understanding of how you
 25 can, quote, "remedy the situation," according to
 00095:01 this Regulation?

Page 95:03 to 95:04

00095:03 A. I think there are -- there are
 04 opportunities to stop and set casing.

Page 95:06 to 95:08

00095:06 A. There -- there have been appeals to get
 07 closer to that drilling margin when it makes
 08 sense. I'm not sure I understand the line.

Page 95:17 to 95:18

00095:17 MS. YOUNG: I'm marking this
 18 as 4087.

Page 95:21 to 96:09

00095:21 (Exhibit No. 4087 marked.)
 22 Q. (By Ms. Young) The Bates number is
 23 TRN-INV 00641046. Do you recall this E-mail
 24 exchange?
 25 A. I don't specifically recall this
 00096:01 exchange.
 02 Q. If you look at the second page, do you
 03 see where it says: "Verbal approval from...MMS
 04 Lake Charles, to increase mud weight up to
 05 10.9..."
 06 A. I see that.
 07 Q. What is your understanding of what mud
 08 weight you were able to use based on that
 09 approval?

Page 96:15 to 97:02

00096:15 A. Well, it looks like I can -- I can weight
 16 up to 10.9.
 17 Q. (By Ms. Young) In your recommendation,
 18 Subpart 2, you say, "Drill ahead to 1100...MD..."

19 (planned 18 inch liner point) OR until an
 20 additional" mud weight "above 10.8...is
 21 required -- WHICHEVER is SOONER."
 22 You then say, "If" you "need to weight up
 23 above 10.8...this will be the 18 inch liner
 24 point."
 25 Is it your understanding that you have to
 00097:01 set a casing shoe if you can't drill forward
 02 without raising the mud weight?

Page 97:04 to 97:09

00097:04 A. I don't recall the specific details of
 05 this. We -- we may not have chosen to -- to
 06 drill with the 10.9 mud weight. (Reviewing
 07 document.) It almost looks like we have approval
 08 to go to 10.9, but we opted to -- to cut it short
 09 to 10.8.

Page 97:16 to 97:18

00097:16 Q. Based on this E-mail, are you saying that
 17 if you have to use a mud weight above 10.9, you
 18 have to set a casing shoe?

Page 97:20 to 97:25

00097:20 A. I think it means that if I go above 10.9,
 21 my interpretation is that I have to do something
 22 different. I either have to have another
 23 conversation with MMS or I have to make plans to
 24 mitigate for that, of which one of those could be
 25 an 18-inch liner.

Page 100:01 to 100:04

00100:01 Q. If you were to encounter a fracture
 02 gradient lower than what you experienced at the
 03 shoe, would you conduct an open hole LOT to
 04 confirm what that fracture gradient was?

Page 100:06 to 100:06

00100:06 A. I might.

Page 101:15 to 101:18

00101:15 Q. If you obtain a pressure integrity test
 16 result that's significantly lower than your
 17 predrill estimate, would you re-test the pressure
 18 integrity test?

Page 101:20 to 101:24

00101:20 A. I might. I might.
21 Q. (By Ms. Young) How many times in your
22 experience have you retested at one casing shoe?
23 A. I think the most I've seen in my
24 experience is twice.

Page 102:14 to 102:19

00102:14 Q. Do you recall ever having obtained a
15 pressure integrity test that was above your
16 predrill estimate?
17 A. Yes.
18 Q. Did you consider that to be a valid
19 pressure integrity test?

Page 102:21 to 103:09

00102:21 A. I communicated it to our subsurface and
22 our Tiger Team pore pressure specialists, and we
23 had multiple conversations on that. That wasn't
24 my call to make whether or not that was a valid
25 pressure point.
00103:01 Q. (By Ms. Young) Who made the decision
02 about whether that pressure integrity test was a
03 valid pressure point?
04 A. I -- I think that was a mult -- a
05 multitude of -- of people far better at
06 interpreting that data than myself.
07 Q. Are you referring to people on the Tiger
08 Team?
09 A. Yes.

Page 105:09 to 105:11

00105:09 Q. (By Ms. Young) In your experience, what
10 is the smallest margin you've ever used to drill
11 a well?

Page 105:13 to 105:20

00105:13 A. In my -- in my opinion, the smallest I
14 have seen is -- is .3. It was in an area where
15 it was a shallow interval, there were no known
16 hydrocarbons, we had good control, we were above
17 salt.
18 Q. (By Ms. Young) Did you request a variance
19 from MMS to obtain that .3 margin?
20 A. Yes.

Page 109:11 to 109:13

00109:11 Q. Have you ever, in your experience, seen a
12 LOT above the overburden?
13 A. I have seen that once.

Page 110:02 to 110:02

00110:02 (Exhibit No. 4090 marked.)

Page 110:10 to 110:23

00110:10 Q. If you look on the second page, do you
11 remember why you asked Brian Morel and Mark Hafle
12 a question about the leakoff test?
13 A. I don't remember why specifically. I --
14 I have to speculate a little. There's -- it was
15 a Saturday. I -- I don't know why I would have
16 been reading morning reports on a Saturday,
17 unless perhaps I might have been on weekend duty.
18 But I must have seen something in the Report
19 that -- and -- and -- and subsequently, you know,
20 a conversation or a comment about a leakoff test
21 pressure, and I just wanted to ask a question.
22 Q. Do you know why they didn't test above
23 1,500 psi as you ask in your E-mail?

Page 110:25 to 110:25

00110:25 A. I don't know why.

Page 111:04 to 111:13

00111:04 Q. And Brian Morel's statement to you: We
05 did not second -- "We did a second test on the
06 casing to 1500 which isn't on the report, as we
07 are not expecting to get anywhere close to
08 16.0...with the lot. So when the pressure did
09 get that high on the lot we opted to shut down
10 without going to leak off because we wouldn't
11 know if it was casing or formation."
12 Do you know why they didn't take the LOT
13 to 16.0?

Page 111:15 to 111:15

00111:15 A. I don't know why.

Page 111:22 to 111:25

00111:22 Q. (By Ms. Young) If you were conducting a
23 LOT and were unsure whether you were testing

24 leakoff or formation, would you consider that to
25 be a valid test?

Page 112:02 to 112:12

00112:02 A. That's different from the first way you
03 asked that.
04 Q. (By Ms. Young) I'm sorry. I -- would you
05 conduct a second test?
06 A. I might.
07 Q. Have you ever conducted a second test
08 because you were unsure whether the first test
09 was testing the casing or formation?
10 A. I have conducted second tests, but I
11 don't recall a second test because of an
12 uncertainty.

Page 112:20 to 112:25

00112:20 Q. You advised -- I'm -- I'm sorry.
21 Your response was to: "Make sure the 2nd
22 test is on the IADC. That is what...MMS
23 inspectors...look at."
24 What is your experience about what MMS
25 Inspectors look for in the IADC?

Page 113:02 to 113:09

00113:02 A. I don't know what the MMS Inspectors
03 might be looking for, but if they showed a 900
04 psi pressure test on the casing and then they
05 went to 1,500 and they didn't document their
06 1,500, my guess is someone might -- might see
07 that and -- and -- and start asking questions,
08 and we wouldn't be able to pro -- you know, it
09 was a conversation around document what we did.

Page 119:11 to 119:11

00119:11 (Exhibit No. 4093 marked.)

Page 119:14 to 120:13

00119:14 Q. (By Ms. Young) Have you seen this E-mail
15 before?
16 A. I don't recall seeing this E-mail.
17 Q. If you look to the top of the E-mail,
18 it's in reference to the Macondo Well, from Bobby
19 Bodek. Do you know who Bobby Bodek is?
20 A. I do.
21 Q. And is he a Tiger Team Geologist?
22 A. He's a Tiger Team Ops Geologist, or he

23 was at that time.
 24 Q. Bobby Bodek says: "This sand pressure
 25 worked out to be a 14.15...downhole mud weight
 00120:01 equivalent. At that time, we were drilling with
 02 a 14.3...surface mud weight, giving us
 03 approximately a 14.5...equivalent static
 04 density."
 05 Further down, a few sentences down, it
 06 says: "Upon pulling off bottom, we lost full
 07 returns, and had to shut-in the well. Upon
 08 monitoring the well with pumps off, we observed
 09 static losses with a 14.3...surface..." mud
 10 weight.
 11 What is your understanding, based on a
 12 14.3 surface mud weight and a 14.1 pore pressure,
 13 of the drilling margin at this time?

Page 120:15 to 121:06

00120:15 A. I don't have many more details other than
 16 what you've read.
 17 Q. (By Ms. Young) What other details would
 18 you need?
 19 A. Well, I'd love to see a -- a schematic, a
 20 wellbore diagram. I'd love to see some logs. I
 21 can speak generically to a 14.15 downhole mud
 22 weight and a 14.3 surface mud weight. H'm --
 23 Q. If you look down lower in the E-mail,
 24 there's a sentence that says: "The absolute
 25 minimum surface mud weight we could use to cover
 00121:01 the pore-pressure in the sand was 14.0..."
 02 He later says: "It appeared as if we had
 03 minimal, if any, drilling margin."
 04 What is the difference between a 14.0
 05 surface mud weight and a fracture gradient -- I'm
 06 sorry -- and lost returns at 14.3?

Page 121:08 to 121:13

00121:08 A. I don't have enough information to answer
 09 that.
 10 Q. (By Ms. Young) If you were drilling a
 11 well and experienced total lost returns with a
 12 14.3 surface mud weight, what mud weight could
 13 you use to drill forward?

Page 121:15 to 121:18

00121:15 A. Well, I don't know. If I'm drilling with
 16 14.3, there's a -- there's a hundred questions I
 17 could ask: What hole size am I in? What
 18 formation am I in? How fast am I drilling?

Page 122:04 to 122:07

00122:04 Q. (By Ms. Young) If you obtained -- if you
05 experienced total losses with a 14.3 surface mud
06 weight, would you have to use a mud weight that
07 was .5 below that?

Page 122:09 to 122:12

00122:09 A. Not necessarily.
10 Q. (By Ms. Young) Under what circumstances
11 could you use a mud weight that was more than
12 .5 -- oh, I'm sorry, less than .5 below the 14.3?

Page 122:14 to 122:20

00122:14 A. Well, I -- I -- I think we're getting
15 mi -- mixed up here. You -- you're -- you're
16 equating a lost circulation event with a --
17 potentially a leakoff test number.
18 Q. (By Ms. Young) So is it your
19 understanding that you only have to have the mud
20 weight .5 below the leakoff test?

Page 122:22 to 122:25

00122:22 A. To meet the Regulatory Requirements. But
23 I might choose to lower my mud weight, if I have
24 a severe loss zone that I can't heal, at some
25 distance below there.

Page 124:12 to 124:21

00124:12 Q. If you could turn to the second page of
13 the E-mail.
14 A. 271?
15 Q. Yes, that's right. Bobby Bodek here
16 says: "We had simply run out of drilling margin.
17 At this point it became a well integrity and
18 safety issue."
19 In your experience, why does running out
20 of drilling margin become a well integrity and
21 safety issue?

Page 124:23 to 125:05

00124:23 A. Well, I can't comment on this because
24 I -- I -- I don't know that I've -- I have not
25 seen this E-mail before. So I -- I don't know
00125:01 why he thought that.
02 Q. (By Ms. Young) Do you agree with the
03 statement that a drilling margin -- running out

04 of drilling margin can become a well integrity
05 and safety issue?

Page 125:07 to 126:10

00125:07 A. It could.
08 Q. (By Ms. Young) And how would that happen?
09 A. You -- you could drill much farther than
10 you -- you -- you might should and not have any
11 room to be able to get your assembly out of the
12 hole.
13 Q. Well, could you explain that?
14 A. H'm, h'm -- you -- you have a safe
15 drilling -- you have a drilling margin, or a
16 window, between pore pressure and frac gradient
17 that you need to be able to -- you should be able
18 to stay between. If that window narrows or you
19 approach the high end of that, there -- there's
20 the concept of equivalent circulating density
21 that you need to be thinking about monitoring,
22 because when you shut your pumps off, that
23 additional energy you have placed into the
24 wellbore from circulation is then removed because
25 you've shut your pumps off.
00126:01 So that additional energy may be, in
02 fact, what's actually providing your overbalance,
03 so that when you stop drilling and you remove
04 that energy, you might be close to or possibly
05 even a little underbalanced. You would then need
06 to raise your mud weight to be able to safely
07 trip out of the hole, and if you can't raise your
08 mud weight because you might break the formations
09 down, you're kind of in a rock and a hard spot.
10 Does that make sense?

Page 128:06 to 128:15

00128:06 Q. (By Mr. Hassinger) Did you play any role
07 with respect to the Macondo Well prior to April
08 20th?
09 A. If -- if it was, if I did, it -- it would
10 have been casual hallway conversations, perhaps
11 a -- an occasional meeting, a review of peers.
12 But real -- in -- in a -- in an official sense,
13 no.
14 Q. No official role?
15 A. Correct.

Page 129:08 to 129:14

00129:08 Q. Do you recall serving weekend duty and
09 dealing with requests from the Macondo Well
10 Teams?

11 A. I didn't think I did, but I did -- I
12 believe I saw some documents during my
13 preparation for this that lead me to believe I
14 did.

Page 132:12 to 132:13

00132:12 Q. -- Mr. Burns, my name's John Kinchen. I
13 represent Transocean. My questions are going to

Page 132:18 to 133:08

00132:18 You were asked briefly by Mr. Williams
19 about the development of digital BOP data
20 testing, and -- and -- and I believe you
21 indicated you had some involvement in the
22 development of that testing?
23 A. I had some involvement in the -- how we
24 might deploy it, how we might communicate it,
25 some end-user input, not in the actual technical
00133:01 design of the software or -- or the construction
02 of the -- of the tools and the equipment that
03 were deployed.
04 Q. You indicated as far as deployment that
05 it was first tested on the DEEPWATER HORIZON; is
06 that correct?
07 A. To the -- to the best of my knowledge,
08 yes.

Page 134:06 to 135:13

00134:06 (Exhibit No. 4094 marked.)
07 Q. (By Mr. Kinchen) And this appears to be
08 a -- an E-mail from Warren Winters to several
09 individuals, and you're copied on it; is that
10 correct?
11 A. It appears to be that.
12 Q. And Warren Winters, he was one of the
13 people that you indicated was -- I believe you --
14 your phrase was he was "an architect" of this new
15 system?
16 A. I don't know that -- I don't remember
17 using "architect," but that's a good analogy.
18 Q. Okay. This E-mail from him, and I want
19 to focus on the -- the second to the last
20 paragraph that indicates "I appreciate your
21 support." Do you see that paragraph?
22 A. I do see that.
23 Q. Okay. I'll read it briefly, and I'm just
24 going to ask you if I read it correctly. "I
25 appreciate your support and that of the Bonsai
00135:01 ops. team..."
02 Let me just stop right there. What's the

03 Bonsai Ops Team?
 04 A. I believe that references the Team that
 05 drilled a well prospect named Bonsai.
 06 Q. Okay.
 07 "...especially Ronnie Sepulvado and
 08 Dwight Nunley, Transocean's subsea, Halliburton
 09 cementing and Sperry INSITE. This all adds up to
 10 an ideal situation on DW Horizon to accomplish
 11 new drilling technology."
 12 Did I read that correctly?
 13 A. I believe you read that correctly.

Page 136:16 to 136:23

00136:16 (Exhibit No. 4095 marked.)
 17 Q. (By Mr. Kinchen) Take a quick look at
 18 that, and I'm going to specifically ask you about
 19 your -- what appears to be your own E-mail.
 20 A. (Reviewing document.)
 21 Q. It's a -- it appears to be an E-mail from
 22 you dated June 19th, 2009; is that correct?
 23 A. That's correct.

Page 137:04 to 137:19

00137:04 Q. Okay. You had indicated -- and I believe
 05 accurately so -- that "A Team" is a relative
 06 term. The E-mail that you -- that you have
 07 sent -- and do you recall sending this?
 08 A. I don't recall specifically. But, yes,
 09 this is -- this is my writing.
 10 Q. When you say "Business as usual for the
 11 Horizon 'A Team,'" what do you mean when you say
 12 the "HORIZON A Team"?
 13 A. At -- at this time and date, my
 14 experience was, is that that was a -- it was a
 15 good team.
 16 Q. Okay. Let's talk a little bit more about
 17 generally the digital BOP software. Without
 18 getting into specifically who, BP was the
 19 architect of that digital testing?

Page 137:21 to 138:07

00137:21 A. I think the idea started at BP. It
 22 started out under a -- kind of a different idea
 23 of how to -- how we might better produce a
 24 technology like that, and then it kind of changed
 25 directions a little bit under Warren Winters'
 00138:01 leadership.
 02 I'm not sure I'm --
 03 Q. (By Mr. Kinchen) Well, if BP wasn't the
 04 architect -- and -- and you've indicated that

05 you're not entirely sure about that -- I guess,
06 who else besides BP would be?
07 A. I don't know for sure.

Page 138:09 to 138:19

00138:09 A. It -- it could have been a combination
10 of -- of people on the BP side. It could have
11 been a combination of people from the Transocean
12 side, trying to reduce exposure on their
13 equipment. I don't know.
14 Q. (By Mr. Kinchen) Okay. Did you
15 participate in the submission of a New Technology
16 Application to MMS with respect to the BOP
17 digital testing?
18 A. My participation was limited to a review
19 of that document before it was sent.

Page 139:07 to 139:07

00139:07 (Exhibit No. 4096 marked.)

Page 139:09 to 139:09

00139:09 Exhibit 4096. And if you would, put 4096 on that

Page 139:12 to 140:02

00139:12 Q. (By Mr. Kinchen) Do you recognize this
13 document as the "New Technology Application" for
14 "Digital BOP Testing" that you indicated you had
15 some involvement with?
16 A. Well, it's -- it's over -- it's over
17 three years, but it certainly looks like what
18 I -- what I recall.
19 Q. Okay.
20 A. I don't know if this is the actual
21 document that got submitted or if this is a
22 Draft.
23 Q. Fair enough. If you'll take a look at
24 page -- and really, the only page I want to talk
25 about, Page 3 of 45.
00140:01 A. Page 3 of 45? Oh, I'm sorry. I see it
02 now.

Page 140:05 to 140:18

00140:05 Q. And starting with the third paragraph,
06 last sentence, and I'll read it and I'll ask you
07 if I read it correctly: "BP launched a project
08 called 'Digital BOP Testing' in 2004 to develop a
09 reliable, time-saving computer aided method for

10 interpreting subsurface BOP tests."
 11 Did I read that correctly?
 12 A. You read that correctly.
 13 Q. And do you agree with that statement?
 14 A. I agree that it's written down here. And
 15 I don't know as -- I don't -- I can't testify to
 16 the time as to when that actually got started.
 17 Q. Okay. The time aside, you agree that BP
 18 launched the project?

Page 140:20 to 140:21

00140:20 A. Well, this note -- this -- this
 21 application sure seems to suggest that we did.

Page 141:02 to 142:09

00141:02 Q. (By Mr. Kinchen) Okay. And let's go to
 03 the next one then. "BP subsequently developed
 04 and thoroughly evaluated Digital BOP Testing
 05 software, concluding the software is accurate,
 06 reliable and capable of reducing subsea BOP test
 07 times by about 75 percent."
 08 Did I read that correctly?
 09 A. Yes.
 10 Q. Was that your understanding as to what
 11 happened as far as the development and evaluation
 12 of digital BOP testing software?
 13 MS. ALEXANDER: Object to form.
 14 A. I'm not sure I understand the question.
 15 Q. (By Mr. Kinchen) Well, do you have any
 16 reason to disagree with that statement that I
 17 just read?
 18 A. The 75 percent number is a little higher
 19 than the number I remembered, but it's -- it's
 20 mostly correct.
 21 Q. Okay. That 75 percent number is
 22 referring to time-saving periods. It's -- 75
 23 percent of the amount of time for testing has
 24 been saved because of this procedure?
 25 A. Because of this technology, yes.
 00142:01 Q. Okay. And so I guess it just seems like
 02 that is something that -- that you're -- you're
 03 somewhat involved in, because when you saw 75
 04 percent here, it wasn't what you remembered.
 05 What do you remember it to be?
 06 A. I remember the --
 07 MS. ALEXANDER: Object to form.
 08 A. I recall a number around two-thirds, or
 09 about 67 percent.

Page 142:20 to 142:24

00142:20 Q. (By Mr. Kinchen) Okay. Let's -- let's
21 spend a little bit of time talking about the time
22 saving. The saving of time and money was the
23 primary reason for developing this software,
24 correct?

Page 143:01 to 143:05

00143:01 A. I'm not sure if that was the primary
02 reason or the primary driver.
03 Q. (By Mr. Kinchen) Okay.
04 A. There are many benefits to using the
05 technology.

Page 144:06 to 144:07

00144:06 if you could put it on, it's Exhibit 4097.
07 (Exhibit No. 4097 marked.)

Page 144:13 to 145:11

00144:13 Q. (By Mr. Kinchen) Take a look at this, and
14 I'm going to ask you some questions about your
15 own E-mails in this E-mail chain, and I'll start
16 with the first one at the bottom, which is
17 earliest one.
18 It appears to be an E-mail from you to
19 Warren Winters, the "Subject: Digital BOP
20 Question," dated April 25th, 2000 -- 2009.
21 Do you remember sending this E-mail?
22 A. I don't remember this specific E-mail.
23 Q. Okay. It's a short E-mail, so I'll read
24 you and ask you if I've read it correctly. "Do
25 you guys still have access to monitor Deepwater
00145:01 Horizon Digital BOP testing?"
02 Did I read that sentence correctly?
03 A. Yes.
04 Q. "Was just curious -- if you did or have
05 been -- just wondering if time savings have been
06 improving, holding flat or otherwise."
07 Mr. Burns, all of the -- the -- the --
08 the many reasons that -- that you've stated exist
09 for using and implementing the digital BOP
10 testing, what's the one reason you're asking
11 about in this E-mail?

Page 145:13 to 145:18

00145:13 A. Well, if you're saving time, you're
14 generating -- you're delivering some of the other
15 benefits, as well.
16 Q. (By Mr. Kinchen) Okay.
17 A. If you're not saving time, then the other

18 benefits can't be realized.

Page 145:21 to 145:23

00145:21 Q. (By Mr. Kinchen) Are you asking about any
22 other benefits in this E-mail besides time
23 savings?

Page 145:25 to 148:14

00145:25 Q. (By Mr. Kinchen) It's a -- it's a -- it
00146:01 appears to be a two sentence E-mail?
02 A. Well, I don't specifically remember, but
03 it sure looks like I asked about time savings.
04 Q. Okay. Let's look two days later. It
05 appears you are -- and -- and I'm referring to
06 the top E-mail. It appears you're attaching some
07 test interpretations, and it's sent to David Sims
08 and John Guide. Can you recall any reason why
09 you're sending this information to David Sims and
10 John Guide?
11 A. In April of 2009 -- April 2009, David
12 Sims would have been my Direct Supervisor, and
13 John Guide was the Wells Team Leader for the
14 DEEPWATER HORIZON.
15 Q. Okay. You attached those test
16 interpretations, and you state in here -- and
17 I'll read it and you tell me if I read it
18 correctly: "Attached are April 4 test
19 interpretation. Suggests a time savings of"
20 greater than "7 hours."
21 Do you see that?
22 A. I do.
23 Q. Okay. What's the one observation that
24 you're making here based upon your review of
25 April 4 test operations?
00147:01 MS. ALEXANDER: Object to form.
02 A. Well --
03 Q. (By Mr. Kinchen) Are they observing
04 anything, or are you -- are you letting your
05 Superiors know anything more than time savings?
06 MS. ALEXANDER: Object to form.
07 A. Not in that statement.
08 Q. (By Mr. Kinchen) Okay. Not in that
09 statement.
10 In your custodial file, would we see any
11 E-mails where you're making any other
12 observations on the benefits of the digital
13 testing system other than time savings?
14 MS. ALEXANDER: Object to form.
15 A. I don't know.
16 Q. (By Mr. Kinchen) Okay. It's still your
17 testimony under oath that you're not sure whether
18 or not time savings is the primary reason why

19 this plan was implemented?
 20 MS. ALEXANDER: Object to form.
 21 A. I'm not sure that's the primary reason.
 22 Q. (By Mr. Kinchen) Okay. I guess we can at
 23 least agree that it was a reason to implement the
 24 plan?
 25 MS. ALEXANDER: Object to form.
 00148:01 A. We might agree.
 02 Q. (By Mr. Kinchen) Okay. I won't force
 03 you. I'm just asking you if we can agree to
 04 that. Are you suggesting that maybe at this
 05 point, it's not even a reason any more?
 06 A. I'm not suggesting that.
 07 Q. Okay. Can we agree that it is a reason?
 08 A. It is one of many reasons.
 09 Q. Okay. So we at least agree on that.
 10 BP, being aware that time savings is a --
 11 is a -- is a benefit, pressured you and others in
 12 June of '08 to expand the BOP digital testing
 13 program -- program beyond the DEEPWATER HORIZON
 14 before you really thought it was appropriate?

Page 148:16 to 148:18

00148:16 A. They pressured me?
 17 Q. (By Mr. Kinchen) That's the question.
 18 A. I don't remember that.

Page 148:24 to 148:24

00148:24 (Exhibit No. 4098 marked.)

Page 149:08 to 150:23

00149:08 Do you recall the situation where --
 09 that -- that -- that -- that caused you to send
 10 the E-mail that's on the first page dated
 11 June 27, 2008?
 12 A. (Reviewing document.) I think the
 13 previous E-mail conversation between our
 14 Regulatory Specialist, the MMS, and someone else
 15 in our -- in the BP organization who seemed to
 16 want to change directions, I -- I don't speci --
 17 remember specifically that who -- I -- I know who
 18 Perry Hill is, but I did not realize the timing
 19 of that transition. I knew I kind of
 20 transitioned out of that role. And I don't
 21 remember why I would have responded quite like I
 22 did.
 23 Q. Okay. And let's talk about how you
 24 responded. The first point you're making on
 25 June 27, 2008 to David Sims -- David Sims, your
 00150:01 Supervisor?

02 A. In 2008, yes.
 03 Q. Okay. Is: "Advise caution against
 04 handing this off too soon."
 05 Who are you advising against handing it
 06 off too soon?
 07 A. I -- I don't recall the specifics around
 08 that.
 09 Q. Okay. And -- and this would be the BOP
 10 digital testing?
 11 A. That's what the subject line says.
 12 Q. Okay. One point that you make, and I'll
 13 read it and you tell me if I've read it
 14 correctly: "Maybe this was all part of the grand
 15 scheme and" that "we just didn't know. But a
 16 quick and simple 'hand off' feels like a poor
 17 idea and it kind of pisses me off.
 18 'We're from the government and we're here to
 19 help.'"
 20 Did I read that correctly?
 21 A. You read that correctly.
 22 Q. What did you mean when you said "grand
 23 scheme"?

Page 150:25 to 151:01

00150:25 A. Well, hard for me to remember. I have to
 00151:01 speculate.

Page 151:04 to 151:05

00151:04 Q. Go ahead and tell me what you meant by
 05 "grand scheme."

Page 151:07 to 151:16

00151:07 A. I will speculate that the conversation in
 08 the previous two E-mails between Mick Leary and
 09 Perry Hill, that I read that to interpret that
 10 there might have been a plan in place to move
 11 this technology beyond the horizon that I was not
 12 aware of. But I'm speculating.
 13 Q. (By Mr. Kinchen) And you indicated
 14 "...quick and simple 'hand off' feels like a poor
 15 idea..."
 16 What do you mean by that?

Page 151:18 to 152:02

00151:18 A. I don't remember. I'd have to speculate
 19 again, that perhaps not being aware of some other
 20 plan, I was speculating that this might have felt
 21 too fast. But I don't know.
 22 Q. (By Mr. Kinchen) Okay. And why would it

23 have felt too fast?
24 A. I think it's a combination of -- of
25 seeing something change directions when I wasn't
00152:01 aware -- I might not have been aware that it was
02 supposed to have changed directions.

Page 152:08 to 152:10

00152:08 Q. (By Mr. Kinchen) This statement: "We're
09 from the government and we're here to help," what
10 does that mean?

Page 152:12 to 152:19

00152:12 Q. (By Mr. Kinchen) That is your statement,
13 right?
14 A. I wrote that statement.
15 Q. What does it mean?
16 A. I'm not the original author of that
17 statement. That's a -- that's a -- that's a
18 commonly used phrase I've heard throughout my
19 lifetime.

Page 152:23 to 152:24

00152:23 Q. Let me ask it a different way: Why did
24 you use it here?

Page 153:01 to 153:03

00153:01 A. I was probably trying to be funny.
02 Q. (By Mr. Kinchen) Understood. But what
03 was the funny point you were trying to make?

Page 153:05 to 153:16

00153:05 A. I don't remember.
06 Q. (By Mr. Kinchen) Okay. Let's talk
07 generally about the -- the DEEPWATER HORIZON BOP.
08 There's a -- in -- part -- much of this would be
09 you educating me because of my lack of technical
10 knowledge. There's a -- there's a Yellow and
11 a -- and a Blue Pod --
12 A. Correct.
13 Q. -- on the BOP?
14 A. I believe so.
15 Q. Okay. And what's their purpose; what's
16 the purpose of the Pods?

Page 153:18 to 153:21

00153:18 A. Well, I'm not -- by far, I'm not a BP

19 ex -- expert. My opinion or recollection is that
20 the Pods are used to control the functions on the
21 BOP stack.

Page 153:23 to 153:25

00153:23 MS. ALEXANDER: And I think you
24 meant BOP -- BOP expert?
25 A. I'm not a BOP Expert.

Page 154:23 to 155:19

00154:23 (Exhibit No. 4099 marked.)
24 Q. (By Mr. Kinchen) This appears to be a --
25 an E-mail chain where you are copied on both
00155:01 E-mails. Take a look at it. My first question
02 will be: Do you remember --
03 A. I --
04 Q. -- seeing this before.
05 A. -- I don't remember the specifics on that
06 E-mail.
07 Q. Okay. The first E-mail, the earliest
08 E-mail, dated March 23rd, 2009, appears to be
09 from Ronald Sepulvado to Jake Skelton and John
10 Guide, copying you. Do you see that?
11 A. I do.
12 Q. Okay. I'll read it, you tell me if I've
13 read it correctly. "We have a pilot leak
14 somewhere on the Blue Pod, subsea trouble
15 shooting it now, have sent the ROV down to
16 investigate. We are presently working off the
17 Yellow Pod."
18 Did I read that correctly?
19 A. Yes.

Page 155:22 to 156:11

00155:22 Q. (By Mr. Kinchen) The response E-mail from
23 Jake Skelton to Messrs. Sepulvado and Guide,
24 again copying you, and this time David Sims, is:
25 "Thanks for the note.
00156:01 "We will allow you guys the time to
02 properly troubleshoot to see if the leak point
03 can be defined. I have no problem continuing
04 with this hole section working with only the
05 yellow pod. Jake."
06 Did I read that correctly?
07 A. Yes.
08 Q. Okay. Did you have any concerns with
09 respect to Jake Skelton's point that there's no
10 problem continuing with this hole section with
11 only one Pod?

Page 156:13 to 156:13

00156:13 A. I -- I don't know one way or the other.

Page 158:23 to 158:24

00158:23 Q. Do you find this different, strange,
24 unique that Transocean's not copied?

Page 159:01 to 159:08

00159:01 A. I -- I don't know. It's obvious that
02 they knew, because they would have had to report
03 it to us.
04 Q. (By Mr. Kinchen) The Well Site Leader
05 wasn't onboard at the time?
06 A. No. They would have had to report it to
07 BP. One of who -- through one of our Well Site
08 Leaders on location.

Page 160:13 to 160:16

00160:13 Q. (By Mr. Kinchen) BP, in this situation,
14 is making the decision to go forward with
15 drilling, BP is, even though there is a leak on
16 the Blue Pod?

Page 160:18 to 160:18

00160:18 A. I'm not sure BP acted alone.

Page 160:25 to 160:25

00160:25 (Exhibit No. 4194 marked.)

Page 161:06 to 162:05

00161:06 Q. (By Mr. Kinchen) That is. Take a look at
07 this one page of an E-mail string, and I want to
08 ask you a question about your E-mail response.
09 A. (Reviewing document.) Okay.
10 Q. This appears to be a -- an E-mail string
11 started by Brian Morel, asking about
12 standardization of plugs for eleven and
13 seven-eighth-inch casing. Is that accurate?
14 A. It appears to be that.
15 Q. Okay. Let's talk about your response,
16 specifically the second paragraph. Well, you ask
17 the question: "Will this be written up and
18 posted somewhere?"
19 Did I read that correctly?
20 A. Yes.

21 Q. Do you -- do you recall sending this
22 E-mail -- I guess this was last year, February
23 28, 2010?
24 A. I don't recall sending the E-mail.
25 Q. Okay. "If so, my only request is to make
00162:01 sure that the overriding objective is
02 communicated as a quality cement job."
03 What did you mean when you said "the
04 overriding objective is communicated as a quality
05 cement job"?

Page 162:07 to 162:17

00162:07 A. I don't remember my -- my line of
08 thinking at that time. But based on the previous
09 comment about written up and being posted, I -- I
10 wanted to have some documentation in -- in the
11 history of this progression of change so that we
12 could assure that it's managed correctly, and
13 that -- that whatever we were changing, was for
14 the benefit of the quality cement job, not to
15 save time on drillouts, or not to save money on
16 plugs. It was basically that that's how we -- we
17 needed to document that.

Page 163:05 to 163:19

00163:05 Q. Let's -- let's talk briefly about --
06 well, one of the ways to ensure you have a
07 quality cement job is to review the OptiCem
08 Report, an example of which was showed to you by
09 Mr. Williams earlier this morning.
10 MS. ALEXANDER: Object to form.
11 A. That's one way.
12 Q. (By Mr. Kinchen) Okay. And I'm trying
13 not to restate Mr. Williams' questions on that,
14 but it's important for BP Drilling Engineers to
15 review the OptiCem Reports for the wells that
16 they're involved in?
17 MS. ALEXANDER: Object to form.
18 A. That's -- it's important to review that
19 document.

Page 164:03 to 164:12

00164:03 Q. (By Mr. Kinchen) It's important, because
04 one of the -- one of the things that the OptiCem
05 Report is used for is the determination of
06 whether or not you have the appropriate number of
07 centralizers in the well, correct?
08 MS. ALEXANDER: Object to form.
09 A. That's -- that's one piece of data that
10 is usually included in the OptiCem --

11 Q. (By Mr. Kinchen) Okay.
12 A. -- Report.

Page 165:05 to 165:07

00165:05 Q. How many years have you been a Drilling
06 Engineer?
07 A. 23.

Page 165:17 to 165:18

00165:17 Q. Okay. Have you ever reviewed an OptiCem
18 Report that predicted a severe gas flow problem?

Page 165:20 to 165:20

00165:20 A. I don't -- I don't remember.

Page 166:06 to 166:19

00166:06 Q. (By Mr. Kinchen) Okay. And in that
07 situation, as the Drilling Engineer, would you
08 have -- well, if you have a -- an OptiCem Report,
09 which you've indicated you've reviewed them
10 before, that indicates a severe gas flow problem,
11 what's your understanding of what a severe gas
12 flow problem is?
13 MS. ALEXANDER: Object to form.
14 A. I'm not sure I have the Technical
15 expertise around cementing to answer that.
16 Q. (By Mr. Kinchen) Okay. Would it cause
17 you concern?
18 A. It would cause me to ask a lot of
19 questions.

Page 167:18 to 169:24

00167:18 Q. (By Mr. Kinchen) You indicated that you
19 would ask a lot of questions, your words, if you
20 saw an OptiCem Report that warned of a severe gas
21 flow problem. And my question was: If you did
22 see a -- well, I'm actually going to look back
23 here.
24 As a -- a Drilling Engineer, was it
25 important to you to have a good cement job?
00168:01 MS. ALEXANDER: Object to form.
02 A. Generically speaking, yes.
03 Q. (By Mr. Kinchen) Okay. Well, generically
04 speaking, I mean, what -- what -- what is -- what
05 would you consider to be -- well, no. Scratch
06 that.
07 Okay. I -- I'll -- I'll take your answer

08 of "Yes" with respect to the good cement job.
 09 Is an -- a -- an OptiCem Report that
 10 warned of a severe gas flow problem -- would
 11 it -- would it be a -- a consideration for you in
 12 determining whether or not you had a good cement
 13 job?
 14 MS. ALEXANDER: Object to form.
 15 A. I don't know. I -- I -- I don't know.
 16 Q. (By Mr. Kinchen) As a Drilling Engineer
 17 for BP, you just don't know whether or not that
 18 would?
 19 MS. ALEXANDER: Object to form.
 20 A. Well, that's a -- that's a Report on a
 21 proposed cement job that might cause me to ask
 22 questions --
 23 Q. (By Mr. Kinchen) Ask some questions --
 24 A. -- change something, do something
 25 different.
 00169:01 Q. Okay. We can agree that you wouldn't
 02 move forward until you at least asked questions?
 03 MS. ALEXANDER: Object to form.
 04 A. We can agree to that.
 05 Q. (By Mr. Kinchen) Okay.
 06 A. Me personally.
 07 Q. Certainly. You say you personally.
 08 Would your personal position on that differ from
 09 BP's philosophy on how to handle those types of
 10 issues?
 11 MS. ALEXANDER: Object to form.
 12 A. Restate that.
 13 Q. (By Mr. Kinchen) Well, you said -- you --
 14 you -- you clarified and said you personally,
 15 and I -- I -- I was just curious as to why you
 16 said that.
 17 I'm not asking you to -- to -- to speak
 18 for -- for BP, but since you said you personally,
 19 is your position on that, as far as you know,
 20 consistent with BP's position?
 21 A. My comment was --
 22 MS. ALEXANDER: Object to form.
 23 A. My comment was based on I can't speak for
 24 what other Drilling Engineers might do.

Page 171:17 to 172:03

00171:17 Q. (By Mr. Kinchen) Okay. I asked you about
 18 moving forward. Well, what -- what -- as a Well
 19 Site Leader, what did you use the cement
 20 compression test -- you received cement
 21 compression tests, I'm assuming, in your
 22 experience as a Drilling Engineer, correct?
 23 A. Yes.
 24 Q. Okay. When -- when you received them,
 25 what did you use them for? What was the purpose,
 00172:01 at least for -- for -- for you as a Drilling

02 Engineer?
03 A. To unders --

Page 172:05 to 172:10

00172:05 A. (By Mr. Kinchen) To understand the --
06 a -- a com -- a -- a cement compressive test
07 is -- is a test, in -- in my opinion, that's run
08 to determine, based on the parameters in which
09 the slurry was tested, as to how long it will
10 take to reach a certain compressive strength.

Page 172:18 to 172:21

00172:18 Q. (By Mr. Kinchen) Are you suggesting that
19 sometimes it's not important to know that
20 information before you pump the cement into the
21 well?

Page 172:23 to 172:25

00172:23 A. There are scenarios where that
24 information is -- is not critical before the
25 slurry is pumped.

Page 173:10 to 173:17

00173:10 Q. (By Mr. Kinchen) It -- is it something
11 that you would want to know? The -- the -- you
12 explained what the cement compression test would
13 tell you.
14 And, again, my -- my question is: Is
15 that information something that you would want to
16 know before pumping cement into the well?
17 A. It might be.

Page 174:14 to 174:15

00174:14 Q. Good afternoon, my name is Bruce Bowman.
15 I represent Halliburton.

Page 175:04 to 175:09

00175:04 Q. Okay. And a matter of fact, I think you
05 said you knew Jesse Gagliano. You'd worked with
06 him previously, too?
07 A. Yes.
08 Q. And you found him to be a good Cement
09 Engineer, I presume?

Page 175:11 to 175:14

00175:11 A. I thought Jesse did a pretty decent
12 job --
13 Q. (By Mr. Bowman) Okay.
14 A. -- supporting us.

Page 176:05 to 176:11

00176:05 Q. Okay. Well, if you're not in the Gulf,
06 it's still -- is it still important to know where
07 the hydrocarbon zones are?
08 A. It is important to know.
09 Q. Okay. And that's something that I
10 presume you don't personally figure out, do you,
11 or maybe you do?

Page 176:13 to 177:07

00176:13 A. Figure out?
14 Q. (By Mr. Bowman) Where the hydrocarbons
15 zones are.
16 A. That information is generally a call from
17 the Subsurface Team.
18 Q. Okay. And who is that Subsurface Team?
19 A. It could be the -- the geologist on the
20 Team, the OPS geologist, the -- the mud loggers.
21 It could be a number of people contributing to
22 that.
23 Q. Okay. And there's been references in
24 this particular litigation to something called
25 the "Tiger Team." Have you ever -- have you ever
00177:01 heard that expression?
02 A. Yes.
03 Q. Okay. And what do they do?
04 A. The Tiger Team in the -- in the
05 Exploration Group, their responsibility was
06 around pore pressure prediction and forecasts and
07 then Ops G -- Ops Geo support.

Page 178:11 to 179:07

00178:11 Q. Okay. And when you're getting ready to
12 put down the cement for the final production
13 casing, why is it important to know where the, I
14 guess, highest or lowest -- however you want to
15 say it -- hydrocarbon zone is?
16 MS. ALEXANDER: Object to form.
17 Q. (By Mr. Bowman) Does that make sense to
18 you?
19 A. In -- in a way it does.
20 Q. Okay.
21 A. So I'm -- I'm trying to make sure I
22 understand the question, why is it --
23 Q. If it's --

24 A. -- important to know --
25 Q. If it's confusing, I will -- where the
00179:01 top hydrocarbon zone is.
02 A. That's something that you would need to
03 take into consideration for a cement job.
04 Q. Yes, sir. And why is that?
05 A. Because depending upon that interval,
06 there -- there -- there may be some reason for
07 you to put cement across it.

Page 179:20 to 179:22

00179:20 Q. Okay. Do you know if, in fact, there are
21 MMS Regulations that require the cement to be so
22 many feet above the highest hydrocarbon zone?

Page 179:24 to 180:02

00179:24 A. I believe the MMS Regulations do have a
25 requirement around hydrocarbon zones. I don't
00180:01 know if it specifically addresses the highest
02 hydrocarbon zone.

Page 180:16 to 180:20

00180:16 Q. Okay. Well, let -- let me ask you this:
17 Have you ever been in a situation where you
18 thought you had all the hydrocarbon zones
19 covered, and after you had finished the job,
20 someone told you there was another zone up there?

Page 180:22 to 180:25

00180:22 A. I -- I don't recall --
23 Q. (By Mr. Bowman) You've never -- never
24 seen that?
25 A. -- a conversation like that.

Page 181:10 to 181:14

00181:10 And has anyone told you or indicated to
11 you that apparently BP, after the blowout or
12 about the same time of the blowout, found that
13 there was a higher hydro -- hydrocarbon zone that
14 they did not know about?

Page 181:16 to 181:17

00181:16 A. I don't know if that's true, so I
17 don't -- can't say that I've heard that.

Page 181:24 to 181:25

00181:24 Let me show you what has been previously
25 been marked as Exhibit 3226.

Page 182:10 to 183:02

00182:10 Q. Okay. And if you can look at that table,
11 and that very first thing indicates that there is
12 a "Sand Name" M57B, and it talks about what the
13 pore pressure is, and it talks what the top and
14 the bottom are. And over at the far right,
15 you'll see it says: "Identified as...hydrocarbon
16 June 2010 not a major pressure."
17 Do you see that?
18 A. Well, it says "possible hydrocarbon."
19 Q. Yours says "possible hydrocarbon"?
20 A. M57B?
21 Q. Okay. Okay. Well, let's assume that
22 there has been testimony that, in fact, after --
23 on or after June 20th, that zone was identified
24 as a gas zone, okay?
25 A. I'm assuming that there's been testimony?
00183:01 Q. Yes, sir.
02 A. Okay.

Page 183:07 to 183:10

00183:07 Q. (By Mr. Bowman) Would you find that as
08 unusual? In other words, that after an event
09 like this, that a new hydrocarbon zone was
10 discovered?

Page 183:12 to 183:17

00183:12 A. I -- I don't know one way or the other.
13 Q. (By Mr. Bowman) Don't know one way or the
14 other.
15 It's something that should have been
16 discovered prior to the final cement job, though,
17 don't you think?

Page 183:19 to 183:24

00183:19 A. I don't know.
20 Q. (By Mr. Bowman) You don't know. Okay.
21 If you were the Drilling Engineer
22 responsible for having the completion of this
23 well, you would have liked to have known,
24 wouldn't you?

Page 184:01 to 184:06

00184:01 A. If I was the Drilling Engineer on the
 02 well, I would like to know where the hydrocarbon
 03 zones are.
 04 Q. (By Mr. Bowman) Sure. And if you were
 05 the Cementing Engineer, likewise, you would like
 06 to know, correct?

Page 184:08 to 184:20

00184:08 A. I can't speak for him or her.
 09 Q. (By Mr. Bowman) Because you've never been
 10 in that position?
 11 A. I've never served as a Cementing
 12 Engineer.
 13 Q. Okay. So you don't have the expertise to
 14 do that?
 15 A. To do what?
 16 Q. To make a decision as to whether you
 17 believe a Cement Engineer would also like that
 18 information?
 19 A. It's my opinion he or she probably should
 20 want to see that.

Page 185:14 to 186:05

00185:14 Q. In connection with the plan that the
 15 Cementing Engineer is coming up with to make sure
 16 the cement goes above the highest zone, he would
 17 need the information of where the highest zone
 18 is, wouldn't he?
 19 MS. ALEXANDER: Objection, form.
 20 A. He -- he might.
 21 Q. (By Mr. Bowman) Yes, sir. Yes, sir. And
 22 in -- in situations that you've been involved
 23 with, with BP, does that Engineer go out on his
 24 own and calculate the zone, or does someone from
 25 BP tell him where the zone is?
 00186:01 MS. ALEXANDER: Objection, form.
 02 A. The Cementing Engineer?
 03 Q. (By Mr. Bowman) Yes, sir.
 04 A. If he would get that information, he
 05 would most likely get it from someone at BP.

Page 187:14 to 187:15

00187:14 Q. (By Mr. Bowman) Okay. Now, and -- and
 15 what's the importance of the pore pressure?

Page 187:19 to 187:20

00187:19 What's the importance of knowing the pore
 20 pressure?

Page 187:22 to 188:18

00187:22 A. What's the importance of knowing the pore
23 pressure?
24 Q. (By Mr. Bowman) Yes, sir. For -- from a
25 Drilling Engineers' standpoint.
00188:01 A. From a -- from a drilling standpoint,
02 knowing the pore pressure kind of dictates a -- a
03 direction towards a -- a mud weight.
04 Q. Okay. And the mud weight is supposed to
05 be the same, more or less, than the pore
06 pressure?
07 A. That depends.
08 Q. Okay. On what?
09 A. Well, where's the pore pressure coming
10 from? If it's a shale, you can't flow.
11 It's a --
12 Q. Okay.
13 A. It's a wellbore stability question --
14 Q. Uh-huh.
15 A. -- not a well control question.
16 Q. Okay.
17 A. If it's a surface mud weight versus a
18 downhole mud weight.

Page 188:22 to 189:03

00188:22 Q. Well, let's -- let's relate. Do you --
23 do you know what the conditions of the Macondo
24 Well were? In other words, are we dealing with
25 shale, are we dealing with salts? Do you have
00189:01 some idea of what we were dealing with at
02 downhole pressures of 17,300 feet downward?
03 A. I don't know the specifics of that well.

Page 189:05 to 189:10

00189:05 Q. So with the mud weight -- well, let me
06 just ask you this: If you -- if the mud weight
07 was 14.17, and the pore pressure was either 14.15
08 or 14.2, depending on how you interpret it, what
09 does that tell you from a Drilling Engineering
10 standpoint?

Page 189:12 to 189:23

00189:12 A. It tells me that you have a mud weight
13 measurement, but I don't know where from. Is it
14 surface mud weight or is it downhole --
15 Q. (By Mr. Bowman) Downhole.
16 A. -- mud weight? Downhole mud weight?
17 Q. Yes, sir.

18 A. And I have a --
19 Q. Pore pressure of either 14.15 or 14.2.
20 A. And a mud weight of, downhole?
21 Q. 14.17.
22 A. Then I could be at or very close to
23 balance in that scenario.

Page 190:15 to 190:18

00190:15 Q. Well, does that mean if you're at or near
16 balance you have a possibility of the gas
17 actually flowing out from the formation and not
18 being controlled by the mud?

Page 190:20 to 190:22

00190:20 A. Yeah. Well, it's a very general
21 statement. I think, in my opinion, that is a
22 possibility.

Page 191:08 to 191:24

00191:08 Q. Okay. Now, what does the frac
09 gradient -- how does the frac gradient play in
10 with the pore pressure as far as you're concerned
11 as a Drilling Engineer? You want to know them
12 both, why?
13 A. The -- the pore pressure will tell me --
14 will -- will drive me towards a conversation
15 around mud weight.
16 Q. Yes, sir.
17 A. The frac gradient will drive me to a
18 conversation around how much energy can I put
19 against the rock before it -- it might start
20 breaking down and leaking.
21 Q. And does the same team that works on the
22 pore pressure also works on the frac gradient
23 from BP?
24 A. Yes.

Page 192:08 to 195:08

00192:08 Q. Okay. Now, have you been involved in any
09 negative tests in deepwater vessels?
10 A. Yes.
11 Q. Okay. Say when's the last one you were
12 involved in?
13 A. 2009.
14 Q. Okay. And who conducted -- who -- who
15 was it that finally made the determination as to
16 whether the negative test was successful or not?
17 A. I think that was a combined effort.
18 Q. Okay. Of whom?

19 A. I think -- I think the Well Site Leaders
20 review that information, I think the -- the Rig
21 Team in general, the Rig Leadership --
22 Q. Okay.
23 A. -- reviews that document.
24 Q. Okay.
25 A. I think the Wells Team Leader --
00193:01 Q. Okay.
02 A. -- in -- in Houston.
03 Q. Okay.
04 A. I think the Drilling Engineer looks at
05 that document.
06 Q. Okay.
07 A. It's -- it's my opinion, I think the
08 Wells Team Leader is the -- is the person who has
09 the authority to approve that as a -- an
10 accepted.
11 Q. Okay. Is the Wells Team Leader -- is he
12 the person in Houston or is he the person on the
13 rig?
14 A. Well, let -- let me -- let me back up.
15 Q. Okay.
16 A. If there's an issue or a -- or a -- a --
17 a debate as to a valid test --
18 Q. M-h'm.
19 A. -- that's -- that's -- that's going to
20 start on the rig. That conversation is going to
21 be at the Well Site Leader level.
22 Q. Well Site Leader. Is he --
23 A. Yeah.
24 Q. -- also called the Company Man?
25 A. Yes.
00194:01 Q. Okay.
02 A. Commonly.
03 Q. Okay. So the Well Site Leader, if
04 there's no debate on the test, does the Well Site
05 Leader then have the authority to say, "This test
06 is a good test"?
07 MS. ALEXANDER: Object to form.
08 A. I believe that's correct.
09 Q. (By Mr. Bowman) Okay. And if there's a
10 debate, you were getting ready to tell me what
11 would happen. If there's some disagreement or
12 some question, what would the Well Site Leader
13 do?
14 MS. ALEXANDER: Object to form.
15 A. I'm not sure what the Well Site Leader
16 would do.
17 Q. (By Mr. Bowman) Okay. Have you ever seen
18 that happen? Over all your tests, there's been
19 no questions?
20 A. No questions.
21 Q. Okay. So you had to be guessing as to
22 what the Well Site Leader would do?
23 A. I would have to guess.

24 Q. Is there any kind of instructions given a
25 Well Site Leader that you know of?
00195:01 MS. ALEXANDER: Objection, form.
02 A. Not that I'm aware of.
03 Q. (By Mr. Bowman) Okay. And do you know --
04 that brings up a good point. Do you know if Well
05 Site Leaders are trained on interpreting negative
06 tests?
07 MS. ALEXANDER: Objection, form.
08 A. I don't know.

Page 198:04 to 198:05

00198:04 Tab 36. Okay. Tab 36 has actually previously
05 been marked as 3552.

Page 198:16 to 198:20

00198:16 Q. (By Mr. Bowman) Okay. Now, earlier today
17 you said you had some attempts -- bad attempts at
18 humor. Is this one of your bad attempts at
19 humor?
20 A. Poorly timed.

Page 198:22 to 199:03

00198:22 Q. (By Mr. Bowman) No, I understand. And --
23 and that's the reason I'm asking it like that. I
24 mean, you -- you must have known Mr. Kaluza well
25 enough to, I'll say, joke with him as far as this
00199:01 E-mail goes, right?
02 A. My relationship with Kaluza was -- it was
03 dated. I met Bob in the late 1990s in Alaska.

Page 200:06 to 200:09

00200:06 Q. Okay. We'll state a little hypothetical:
07 If you were shown an OptiCem that predicted a
08 high degree of channeling, would you -- what
09 would you do, if anything?

Page 200:11 to 200:18

00200:11 A. I would want to have a conversation with
12 the Cementing Engineer who ran the model and
13 understand what his inputs were.
14 Q. (By Mr. Bowman) And that's because you do
15 not want channeling in cement?
16 A. That's because if his -- if his output
17 said it was going to channel, I would want to
18 know why.

Page 201:18 to 201:19

00201:18 Q. (By Mr. Bowman) Do you want channels or
19 not?

Page 201:21 to 202:04

00201:21 A. My opinion is, is that I would probably
22 not want the channels.
23 Q. (By Mr. Bowman) Okay. Fair enough.
24 Now then --
25 A. Depending on what I was trying to do with
00202:01 my cement job.
02 Q. Like, if you were trying to isolate
03 zones, hydrocarbon zones, you probably would not
04 want channeling, would you?

Page 202:06 to 202:06

00202:06 A. I might not.

Page 203:11 to 203:24

00203:11 Q. When you get OptiCem Reports, do -- do
12 you read them?
13 A. Yes.
14 Q. Yes, sir. And you read -- read all of
15 them, properties. And part of what you read does
16 have something about gas flow potential. Do you
17 recall seeing that before?
18 A. I've seen that before.
19 Q. Okay. And do you have an understanding
20 that that's something that -- well, what's your
21 understanding of gas flow potential?
22 A. It's pretty small. It's -- it's a signal
23 from the software program based on the inputs
24 that there is a potential for gas flow.

Page 205:02 to 205:04

00205:02 Q. Okay. Have you used Weatherford
03 centralizers?
04 A. I think so.

Page 205:08 to 205:12

00205:08 Q. Okay. You've -- have you used in-line
09 centralizers?
10 A. "In-line" meaning screwed to the pipe?
11 Q. Screwed to the pipe, yes.
12 A. Yes.

Page 206:05 to 206:05

00206:05 Q. And why do you use centralizers?

Page 206:07 to 206:12

00206:07 A. In --
08 Q. (By Mr. Bowman) In -- in -- in the wells
09 you're dealing with.
10 A. In the wells, I've dealt with?
11 Q. Yes, sir.
12 A. To center the pipe in the hole.

Page 206:20 to 206:23

00206:20 Q. (By Mr. Bowman) Okay. And is -- it
21 brings up another point. After you have a cement
22 job and you had it poured, how is the best way to
23 try to tell what the top of cement is?

Page 206:25 to 207:16

00206:25 A. I don't know what the best way is.
00207:01 There -- there are -- there are a multitude of
02 methods.
03 Q. (By Mr. Bowman) Tell them to me.
04 A. There's -- you can determine lift
05 pressure, calculate a lift pressure, that would
06 be an indicator of an approx -- estimated top of
07 cement.
08 Q. Okay.
09 A. You could run a Temperature log.
10 Q. All right.
11 A. You could run a Cement Bond Log.
12 Q. Okay. Okay. Have you run CBLs?
13 A. Not in the Gulf of Mexico, I have not.
14 Q. Okay. Have you -- what do you do in the
15 Gulf of Mexico? What have you done instead of
16 run a CBL?

Page 207:18 to 208:01

00207:18 Q. (By Mr. Bowman) To determine top of
19 cement?
20 A. On the wells I've been involved with --
21 Q. Yes, sir.
22 A. -- that's generally a lif -- a lift
23 pressure calculation. But, again, I have not run
24 any production casing or all the wells I have
25 drilled have been expendable wellbores.
00208:01 Q. Okay. Okay.

Page 208:03 to 208:11

00208:03 Q. (By Mr. Bowman) Okay. In -- in a lift
04 pressure, where you lift -- the lift pressure,
05 that's the pressure that's generated from the
06 cement turning around and coming up the annulus?
07 A. Generally, it's you -- you're displacing
08 a heavier fluid with a lighter fluid, and it
09 takes pressure to push the heavier fluid up to a
10 certain distance, and by that pressure
11 differential, you can calculate it.

Page 209:08 to 209:19

00209:08 Q. (By Mr. Bowman) Okay. Well, let me ask
09 you this: Let -- let -- let's assume that
10 there's a lift pressure and you're anticipating
11 getting around 500 psi, okay?
12 A. Okay.
13 Q. And you run it and you get lift pressure,
14 but you get about 60 psi.
15 A. Okay.
16 Q. If the -- if that happened, what would
17 you do, if you were the Drilling Engineer and
18 you're relying on lift pressure to see if there
19 was a good cement job?

Page 209:21 to 209:25

00209:21 A. Well, I would probably want to look at
22 the data and understand why the numbers are what
23 they are. Are they correct? What was the
24 anticipated outcome? And then I might choose to
25 consider other alternatives.

Page 210:08 to 210:13

00210:08 Well, will you assume that right now, that --
09 that there was a negative test, and after the
10 negative test was done, they continued then to
11 displace the mud with seawater, okay?
12 Would that create an imbalance in the
13 well?

Page 210:15 to 210:24

00210:15 A. I don't know.
16 Q. (By Mr. Bowman) You don't know? You
17 don't know if that's a likely scenario?
18 A. I -- I don't. I don't know the details.
19 I don't know the pressures. I don't know -- I
20 don't know what they saw.
21 Q. Well, I've told you what they saw. But

22 is one of the scenarios that, if you continued
23 displacing mud with seawater, that that could
24 lead to an imbalance in the well, causing a flow?

Page 211:01 to 211:07

00211:01 A. If I displace the well from mud to
02 seawater?
03 Q. (By Mr. Bowman) Yes, sir.
04 A. Under what condition?
05 Q. Well, specifically under the condition
06 where you misinterpreted a negative test, and
07 that the wellbore is not secured.

Page 211:09 to 211:09

00211:09 A. It might.

Page 211:11 to 211:13

00211:11 Q. (By Mr. Bowman) Have you ever displaced
12 mud with seawater after an unsuccessful negative
13 test?

Page 211:15 to 211:21

00211:15 A. I'm -- I'm -- I'm -- I'm making an
16 assumption that unsuccessful means it didn't meet
17 what my objectives were, I think that --
18 Q. (By Mr. Bowman) And it was -- somehow
19 there was a flow and that -- that -- that the
20 bore was not sealed.
21 A. I have not seen that.

Page 211:23 to 211:24

00211:23 Q. (By Mr. Bowman) Okay. And you would not
24 do that, would you?

Page 212:01 to 213:12

00212:01 A. Pretty sure --
02 Q. (By Mr. Bowman) Okay.
03 A. -- I wouldn't do that.
04 Q. Have you ever seen the Risk Register that
05 BP has put out for Drilling & Completion that's
06 been previously marked as Exhibit 4160?
07 (Tendering.)
08 A. I have seen Risk Registers before, but
09 I'm not sure what this one is.
10 Q. Okay. This was identified yesterday in
11 the deposition of Mr. Jassal. And if we could,

12 let's look on the second page, where it shows
 13 "Performance," "Risk Name," "Zone" --
 14 "Zone isolation and well integrity."
 15 Do you see that?
 16 A. Yes.
 17 Q. And it goes over, it says: "Cause
 18 Description," "Poor primary cement job."
 19 You see that?
 20 A. I do.
 21 Q. Then you go over here, "Consequence
 22 Description," and can you -- what does that say,
 23 "Loss of reserves..."?
 24 A. I can't -- I'm -- I'm thinking that
 25 I'm -- I'm going to read what I think's in that
 00213:01 box.
 02 Q. Okay.
 03 A. "Loss of reserves HSE and reputational
 04 additional capital for remediation. Schedule
 05 impacts."
 06 Q. Okay. And that additional capital would
 07 be because you would have to remediate the
 08 cement?
 09 A. Well, I -- I assume that's what that
 10 means.
 11 Q. Yeah. Had -- had you ever been in a
 12 situation where you have had to remediate cement?

Page 213:14 to 213:18

00213:14 A. Re -- remediate a cement job?
 15 Q. (By Mr. Bowman) Yes, sir.
 16 A. Yes.
 17 Q. And is -- is that commonly called like a
 18 "squeeze job"?

Page 213:20 to 213:20

00213:20 A. It can be called a squeeze job.

Page 214:23 to 214:24

00214:23 Q. Good afternoon, Mr. Burns. I'm Kat
 24 Gallagher, and I represent Cameron.

Page 219:20 to 219:24

00219:20 Q. Okay. Let me hand you what has -- and I
 21 don't have copies of this -- previously been
 22 marked Exhibit 1149, and it's an E-mail exchange
 23 between Mr. Hafle and yourself. Have you seen
 24 this recently?

Page 220:02 to 220:18

00220:02 A. (Reviewing document.) Okay.
 03 Q. (By Ms. Gallagher) Do you recall that
 04 E-mail?
 05 A. I don't.
 06 Q. All right. At the bottom of the chain,
 07 or the start of the chain, Mr. Hafle asks you
 08 about your MOC, and then you respond with "No MOC
 09 yet," or something to that effect?
 10 A. Correct.
 11 Q. What is that talking about?
 12 A. I think --
 13 Q. Or what are y'all talking about?
 14 A. I'm think -- I'm -- I'm guessing, but
 15 I -- this is about the time that I was expecting
 16 to transfer from the Gulf of Mexico to an onshore
 17 role, and I -- I think he's asking me about have
 18 I started my documentation to move over there.

Page 221:02 to 221:09

00221:02 The last thing that Mr. Hafle writes to
 03 you is: "Have you been within earshot of any of
 04 the Sims/Guide conversations lately?" Did you
 05 know what he was referring to?
 06 A. I do not.
 07 Q. Had you heard anything about a difficult
 08 working relationship between Mr. Sims and
 09 Mr. Guide?

Page 221:11 to 221:16

00221:11 A. Had I heard?
 12 Q. (By Ms. Gallagher) M-h'm.
 13 A. There was hallway talk that --
 14 Q. What were you aware of as far as a
 15 difficult working relationship between Mr. Sims
 16 and Mr. Guide?

Page 221:18 to 221:21

00221:18 A. I don't know that it was difficult, but I
 19 did not witness that myself.
 20 Q. (By Ms. Gallagher) All right. What had
 21 you heard?

Page 221:23 to 222:04

00221:23 A. I had heard that they had disagreements.
 24 Q. (By Ms. Gallagher) About anything in
 25 particular?
 00222:01 A. I don't have specifics.

02 Q. You don't remember anything in
03 particular?
04 A. No.

Page 222:08 to 223:03

00222:08 Q. (By Ms. Gallagher) I'm going to hand you
09 what's previously been marked Exhibit 6030 --
10 there's -- and ask you if you remember this
11 document, which the "Subject" is -- line is the
12 "Maersk Developer Subsea BOP Report."
13 A. (Reviewing document.) I -- I have some
14 recollection of this -- this document being
15 shared, but I don't recall the details in the
16 document itself.
17 Q. Okay. This -- to start with, the first
18 page of Exhibit 6030 is an E-mail from you to a
19 number of people, forwarding the attachment,
20 which appears to me to be a PowerPoint on this
21 BOP failures on the Maersk Developer; is that
22 right?
23 A. That's what it appears to be to me.
24 Q. All right. And it's from March 6 of
25 2010, correct?
00223:01 A. Okay. Yes.
02 Q. Now, this involved a Hydril BOP; is that
03 right?

Page 223:06 to 223:14

00223:06 A. -- I don't know. I could probably read
07 far enough into her and -- and make that
08 assumption.
09 Q. (By Ms. Gallagher) Well, I can give
10 you -- look on the --
11 A. I see a couple of references to Hydril.
12 Q. And are you aware that Hydril is a
13 manufacturer of BOPs?
14 A. Yes.

Page 223:19 to 223:23

00223:19 Q. Okay. Looking at this, this involves a
20 rig that is not a BP rig; is that right?
21 A. Correct.
22 Q. How did you come about getting this
23 PowerPoint?

Page 223:25 to 224:14

00223:25 A. I think, based on the context of the note
00224:01 that "I will copy this into the Tucker (Walker
02 Ridge 543) server folder," that this is a well

03 that Statoil was drilling that we were partners
04 on, that I was kind of shadowing in the
05 background, just kind of watching what they were
06 doing. And as they passed along Learnings, I
07 would put them in a -- a lo -- for a server
08 location that was to the -- our -- our nearest
09 offset, and I was sharing the information with
10 other people who might be interested in that.
11 Q. (By Ms. Gallagher) And that was my next
12 question: Why were you sharing it with these
13 people? What interest did you think they might
14 have?

Page 224:16 to 224:20

00224:16 A. H'm. Wow. I just don't remember the --
17 the details, if it was a -- if it was a Maersk
18 question or if it was just people who were
19 wanting to know about that kind of stuff. I
20 don't remember.

Page 226:07 to 226:12

00226:07 Q. (By Mr. Neger) Okay. And Ms. Gallagher
08 went through your employment history, and just
09 re -- refresh me. You've been -- now been with
10 BP since what year?
11 A. I officially joined the company in late
12 '96.

Page 231:17 to 231:21

00231:17 Q. Okay. If you would turn, please, to --
18 to Tab 14 in the binder, I think that this is a
19 document that Mr. Bowman showed you earlier. Do
20 you recognize it?
21 A. I don't remember the gentleman's name.

Page 232:03 to 233:01

00232:03 a moment, when -- when he asked you this: What
04 were the circumstances of -- of this -- this
05 E-mail being written, your exchange with
06 Mr. Kaluza?
07 A. In -- in all honesty, Bob and I have
08 exchanged occasional notes through the years, and
09 it's always some kind of joke, or humor, or
10 jabbing at one another.
11 On this date, I was stranded in a London
12 hotel room, trying to find a way to get back
13 to -- get home. And I -- I was probably reading
14 Morning Reports. I saw his name, and I thought,
15 you know, it --

16 Q. Give him a little jab?
17 A. Give him a little jab. I sent it to the
18 Engineers, but I copied Bob. And it's clear
19 by -- and it's in my mind, it's clear by the my
20 exchange that it was -- it was just meant in good
21 fun.
22 Q. Okay. Do you have -- had you heard any
23 information regarding Mr. Kaluza's competence as
24 a Well Site Leader?
25 A. No. I've never worked with Bob as a Well
00233:01 Site Leader.

Page 235:03 to 235:05

00235:03 Q. Good afternoon, Mr. Burns. My name is
04 Suzanne Alexander, and I'll ask you some
05 questions on behalf of BP.

Page 235:07 to 236:19

00235:07 Q. This morning you were asked some
08 questions with regard to submitting Permits to
09 the MMS. Do you remember that?
10 A. Yes.
11 Q. And as a Drilling Engineer, and in your
12 experience, what's your understanding of your
13 role as a Drilling -- a Drilling Engineer in
14 submitting those Permits to MMS?
15 A. My understanding is I'm to provide
16 several documents as backup, along with the
17 contribution of others to that process, and then
18 those documents go to one of our Regulatory
19 Specialists who then take that information and
20 enter it in into eWells, I think, which is the
21 MMS -- at that point in time, it was the MMS
22 electronic Permitting System.
23 Q. Okay. So you do not prepare all of the
24 documentation that goes into submitting the
25 Permits? Is that correct?
00236:01 A. Not all of the documentation.
02 Q. And do you log into eWells, as you call
03 it?
04 A. No.
05 Q. That's -- someone else does that?
06 A. Correct.
07 Q. Who does that?
08 A. The Regulatory Specialist.
09 Q. And -- so you are not the person who
10 actually sends any documents to MMS; is that
11 right?
12 A. Correct.
13 Q. Is that the same for any revised Permits
14 that get sent to MMS? Are you the person who
15 actually sends those documents to MMS?

16 A. No. Generally, I would send my
17 documentation to the Regulatory Specialists, and
18 then they would then communicate that with the
19 MMS.