

# Deposition Testimony of:

## **John MacDonald**

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Page 14:10 to 14:12

00014:10 JOHN B. MACDONALD

11 was called as a witness by the Plaintiffs and,  
12 being first duly sworn, testified as follows:

Page 15:06 to 16:15

00015:06 Q. First off, tell us where you're from and

07 what you do, who you work for.

08 A. I'm from -- originally from Boston,  
09 Massachusetts.

10 Q. And who do you work for?

11 A. Transocean.

12 Q. What do you do there?

13 A. I'm a Marine Manager in the Marine  
14 Support Group.

15 Q. How long have you been in that Group,  
16 that position?

17 A. I think about three years.

18 Q. So you were in that position after -- or  
19 at the time of the blowout and the explosions on  
20 the DEEPWATER HORIZON?

21 A. Yes.

22 Q. Did you -- were you on the rig that -- at  
23 that time?

24 A. No.

25 Q. Do you -- you're basically shore-based?

00016:01 A. Yes.

02 Q. And have been during that entire  
03 three-year period?

04 A. Yes.

05 Q. Did you have any role in the response to  
06 the emergency on -- that began on the 20th of  
07 April?

08 A. Not a formal role. I was involved.

09 Q. Okay. What -- what was your first  
10 involvement?

11 A. I went to the Emergency Response Room.

12 Q. Is that Park Ten, the -- the Transocean  
13 Emergency Response Room, or a BP Response Room or  
14 somewhere else?

15 A. Park Ten.

Page 19:01 to 19:17

00019:01 Q. Okay. So from the afternoon of the 21st  
02 until long hours later, when you were able to  
03 leave, what specific tasks did you have?

04 A. I did not have -- let me try to clarify  
05 something. Is that okay?

06 Q. Sure.

07 A. Okay. In my position I did -- I did not  
08 have a formal role in that Emergency Response at

09 Park Ten. Park Ten has an Emergency Response  
10 Team with defined roles for the personnel who  
11 work there. So I went to offer support as  
12 required, really. What -- whatever they would  
13 need, I would try to help with or act like a  
14 sounding board to work with Steve.

15 Q. Okay. And what's Steve's role?

16 A. He's the Marine Manager for North  
17 America.

Page 25:17 to 25:25

00025:17 Q. So what else did you do after the vessel  
18 sank?

19 A. Okay. And I -- for the second portion,  
20 just for explanation, I just provided support,  
21 because, as part of the SimOps, our Marine guy  
22 for North America would be Steve Walker. I was  
23 asked to participate just to -- to get the SimOps  
24 on Transocean's side started and interface with  
25 BP and all the other companies.

Page 28:05 to 28:07

00028:05 Q. Do you remember being assigned to work  
06 under Derek Hart on the Investigation?

07 A. Yes.

Page 28:20 to 29:08

00028:20 Q. Are -- and are both of these documents  
21 consistent with your recollection of how the  
22 assignment tree was for the Investigation Team?

23 A. I'm not sure. I mean -- my -- my -- to  
24 clarify something, my involvement was short. My  
25 only -- my only real in -- my main involvement

00029:01 was taking interviews and asked to do a few  
02 little tasks. Nothing to do with, after the  
03 Investigation, putting together a Report or  
04 anything like that.

05 Q. Okay. Do you know in particular how the  
06 interview assignments were made?

07 A. I can speak for -- for mine. You know,  
08 mainly the Marine personnel.

Page 29:18 to 30:01

00029:18 Q. (By Mr. Lemmon) Did somebody give you a  
19 list of questions to ask of the people who you  
20 were interviewing?

21 A. Yes.

22 Q. Who gave you that list?

23 A. I believe I received it from Steve Myers.

24 Q. And do you know where that list of  
25 questions came from?  
00030:01 A. I'm not positive.

Page 30:04 to 30:18

00030:04 (Exhibit No. 5418 marked.)  
05 Q. (By Mr. Lemmon) And this document came  
06 from the -- this document, really, is more than  
07 one document, but it came from your file that --  
08 that was turned over by the Transocean lawyers.  
09 Can you tell us what this document is or what  
10 these documents are?  
11 A. They're interview notes.  
12 Q. They're interview notes?  
13 A. (Nodding.)  
14 Q. Now, is this something that, a format  
15 that was given to you by Transocean or by Steve,  
16 the guy who gave you the assignments and the  
17 questions?  
18 A. The -- yes.

Page 31:06 to 32:16

00031:06 Q. (By Mr. Lemmon) This is created and --  
07 and -- and passed on to somebody else in the  
08 course of the Investigation, isn't it?  
09 A. Passed -- oh, passed on to -- meaning  
10 more than one person after the interview in the  
11 Investigation Team looked at it?  
12 Q. Right, after you finished -- you created  
13 these documents, correct?  
14 A. Yes.  
15 Q. And --  
16 A. Well, let me -- can I try to clarify?  
17 Q. Sure, of course.  
18 A. The way the interview process was set up,  
19 I would sit at -- sit at the table, excuse me.  
20 The person who was going to be interviewed would  
21 be sitting there. We'd have somebody taking  
22 shorthand. Afterwards they'd type it up -- well,  
23 no, excuse me, we would -- I would -- I would ask  
24 whoever is taking shorthand to read it back to  
25 the people so they -- you know, they knew what  
00032:01 she was writing down was understood.  
02 Q. And accurate?  
03 A. Yes.  
04 Q. Okay.  
05 A. And then we would -- well, then she would  
06 type it in, and then it was -- I can't remember  
07 if it was SharePoint, but someplace where other  
08 people in the Group could read them and try to  
09 put together what happened that night with a  
10 timeline. Does that help at all?

11 Q. Yes. That was the ordinary course of the  
12 Investigation, it's fair to say?  
13 A. Sure.  
14 Q. Okay. And this document was created in  
15 the ordinary course of that Investigation?  
16 A. Yes. Yes.

Page 33:11 to 33:23

00033:11 Q. But in -- nevertheless, in any of the  
12 interviews -- in all of the interviews that you  
13 attended, the procedure was the same, where the  
14 questions were asked, shorthand was taken, the  
15 answers were read back so -- to -- for accuracy,  
16 and then a written or typed-out Report was made,  
17 and then other people had the opportunity to see  
18 it on SharePoint?  
19 A. That -- that's correct.  
20 Q. Okay. And if there was something that  
21 was not accurate in the transcript, then it would  
22 have been corrected at that time?  
23 A. Sure.

Page 34:02 to 34:04

00034:02 Q. Do you remember any of the people that  
03 you interviewed who were concerned about training  
04 issues?

Page 34:24 to 35:09

00034:24 A. Well, as -- as far as training goes,  
25 in -- in these interviews, my recollection is  
00035:01 that people were saying the training in  
02 Transocean was excellent, they -- they were happy  
03 to be able to receive so much training, and my  
04 involvement here or elsewhere with training is  
05 my -- I -- I always solicit, and most of the  
06 people I know solicit feedback from all of our  
07 employees to figure out how we can get better at  
08 what we do, and training -- training is one of  
09 those areas that Transocean prides itself on.

Page 44:13 to 50:21

00044:13 Did you formally write in some of the  
14 questions that you used during your interview?  
15 A. I did, yes.  
16 Q. And did you generally ask the same  
17 questions of each of the interviewees?  
18 A. Yes.  
19 Q. Was it -- try to get a sense of how the  
20 interview went. Was it one question, then one

21 answer, pretty much always the same way?  
22 A. I'm not posi -- I'm not sure. I'm not  
23 sure.  
24 Q. Take a look back at -- at -- I think it's  
25 Tab 1, 5418 is the exhibit number. And if you  
00045:01 look at the second page of that exhibit, it has a  
02 list of questions, "Training and Competency  
03 Interview Questions" 1 through 23, and then --  
04 A. M-h'm.  
05 Q. -- "Safety Culture Questions" 1  
06 through 8, and then "A, B, C."  
07 A. Sure.  
08 Q. Is that the list of questions --  
09 A. Yeah. I mean --  
10 Q. -- that you would have gone by?  
11 A. Well, I would go by those, and then if --  
12 if I heard something in some of the questions  
13 that would cause me to probe a little bit more,  
14 learn something else, then I would do that.  
15 I can't recall exactly what ones, but we  
16 would try to follow -- or I would try to follow  
17 this list for consistency. And just me, I would  
18 try to learn what I could -- anything that I  
19 thought I could learn that would -- would help us  
20 to understand things better or improve later.  
21 That's what I -- one of the things I was looking  
22 for.  
23 Q. Okay. Was that, the results of these  
24 interviews, incorporated into some kind of a  
25 "Lessons Learned" Presentation or --  
00046:01 A. I'm just talking about the marine aspect  
02 right now. For -- for me, the -- it reinforced  
03 what we already knew. It reinforced how  
04 important training is. It reinforced, you know,  
05 the type of people we hire.  
06 I -- you know, doing these interviews, if  
07 I -- I'd like to give you a couple of examples,  
08 if I may?  
09 Q. Sure.  
10 A. When -- when I was listening to people,  
11 where they were at different times, and, you  
12 know, like a -- you know, David Young, the Chief  
13 Mate, when he -- they had a crane -- crane  
14 oper -- a man down that he couldn't move, and he  
15 ran back to get some help and get into his bunker  
16 suit to try to go rescue the man. And when he --  
17 when they -- you know, they get suited up, and  
18 they're trying to get out, the -- the fire and --  
19 they made the effort, but they couldn't get back  
20 there, because of the fire and such.  
21 And then they went from there to the  
22 lifeboats, and at the lifeboats, you know,  
23 this -- this -- they were told, "Get in, we've  
24 got to go," and so he has a chance, you know, to  
25 go to safety. And he says, you know, "We have

00047:01 more people." And he went over to the life raft  
02 to help load an injured person on a stretcher.  
03 And the same thing with -- with -- from  
04 when -- what I heard from other people and -- and  
05 read later, too, was, you know, when the Captain  
06 came down off the Bridge, he had a chance to get  
07 into the lifeboat, and he said, "No, we've  
08 got" -- "we got more people." He, too, went over  
09 to the life raft.

10 And I know from talking to people in the  
11 interviews, they -- the people that were in the  
12 life raft, they thought they were going to burn  
13 to death. They thought they were going to fry.

14 And they were yelling at him to "Get in,  
15 get in, we've got to go."

16 And he says, you know, "Leave me. I'll  
17 be okay."

18 So the Captain had an opportunity to get  
19 in the lifeboat, the Captain had an opportunity  
20 to get into the life raft. Eventually jumps  
21 overboard, swims to get a knife so he can cut --  
22 cut that painter, help -- help them break away.

23 So those guys and -- and, you know,  
24 the -- all -- all -- all the other people -- some  
25 of the electrical guys that were going and  
00048:01 getting people on the stretchers and -- and, you  
02 know, you asked that question before about the  
03 training. They -- they train every week for fire  
04 and boat drills. They train to put people on  
05 stretchers. They train to help people keep their  
06 cool and -- at every level.

07 I mean, it's not always the Captain or  
08 it's not always the OIM that -- that has to make  
09 all the decisions. If the people around them --  
10 they're empowered to make decisions.

11 And talking to a lot of these folks, they  
12 were very happy that the people had that  
13 training, they had the situa -- situational  
14 awareness to make some of the calls they did,  
15 because there's a lot going on all at once, so to  
16 have other people support the efforts is a --  
17 it's a -- it's a great feeling.

18 Q. So -- so it sounds like, from the  
19 response standpoint, your conclusion from the  
20 interviews you conducted is that they did what  
21 every -- what they could do.

22 A. What I hear -- what I hear over and over  
23 from people, here and afterwards, is that the 115  
24 people that survived the initial explosions, the  
25 blowout, and the fact that they're all home with  
00049:01 their families, it's almost unheard of, and --  
02 and they feel blessed, and they all miss and they  
03 feel terrible for the 11 lost and -- and the 17  
04 injured.

05 But, overall, I mean, they -- yes, I

06 think they did an excellent job, and I haven't  
 07 talked to anybody who's -- who's -- who's  
 08 different in opinion, anybody that I talked with.

09 Q. Okay. What are the "Lessons Learned"  
 10 that -- that you drew from this -- from the  
 11 interviews that you conducted, form -- either the  
 12 formal ones we talked about or the discussions  
 13 that you had with the Captain or with Buddy  
 14 Trahan or Daun Winslow?

15 A. These -- I just want to reemphasize.  
 16 These -- it just reinforces things. These are --  
 17 these are not new, to me, for "Lessons Learned."

18 But 200 percent capacity on the  
 19 lifeboats. I think having a VHF radio in all the  
 20 boats. The continued training. We -- we have,  
 21 for -- for a lot of our people, Major Emergency  
 22 Management Training that's very good. The fact  
 23 that how important it is, when everybody gets  
 24 onboard a vessel, they meet the RSTC, the Rig  
 25 Safety Training Coordinator, who explains to  
 00050:01 them, you know, what -- what's going on in the  
 02 operation, who's in charge, and when, and shows  
 03 them the station bill. And the fact that they do  
 04 that weekly and daily rein -- it reinforced to me  
 05 the importance of that and -- and, also, the  
 06 importance of HR in the hiring process.

07 We get our Marine people involved when  
 08 they're hiring people, so it -- it's not just an  
 09 HR interview. It's more of a technical  
 10 interview, too, so that when the people go out  
 11 there and they get involved doing all the OJT  
 12 that Transocean offers, on-the-job training,  
 13 that, in my opinion, and the opinion of many  
 14 others, saved lives that night.

15 Q. So you don't -- you don't -- you didn't  
 16 come up with any criticism, from the interviews  
 17 that you conducted?

18 A. I don't recall any.

19 Q. Or -- or ways to improve?

20 A. Well, I -- I'll say this: We're -- we're  
 21 always looking to improve.

Page 54:23 to 55:10

00054:23 Q. (By Mr. Lemmon) In your -- in -- in the  
 24 course of your interviews, did you find out  
 25 anything -- or -- or in the course of your time  
 00055:01 at Park Ten during the emergency, did you hear or  
 02 do you remember there being an issue with the  
 03 alarms?

04 A. I heard that the general alarm sounded  
 05 and that PAs were made.

06 Q. But you never heard there being any  
 07 problems with any al -- any type of alarm?

08 A. I -- when are we talking about?



09 Q. At any time.  
10 A. In my interviews?

Page 55:15 to 55:15

00055:15 A. No.

Page 57:09 to 57:20

00057:09 Q. Who told you what to interview your  
10 subjects about?  
11 A. I received some questions, and I wrote up  
12 some questions that I thought would help us.  
13 Q. Okay. You spoke earlier that one of your  
14 goals was to help Transocean figure out how to  
15 get better and be the best that it could be. Is  
16 that accurate?  
17 A. Yes.  
18 Q. So would you say one of the goals of the  
19 Investigation, and later reporting at large, was  
20 to help Transocean better itself?

Page 57:22 to 58:02

00057:22 A. My understanding -- can you repeat the  
23 question, please?  
24 Q. (By Ms. Andre) Sure. Was it your  
25 understanding that the goal of the Investigation  
00058:01 and the later Report was -- was also to help  
02 Transocean know how to do better?

Page 58:04 to 58:09

00058:04 A. My understanding of the Investigation was  
05 to find out what happened.  
06 Q. (By Ms. Andre) So was it your personal  
07 goal, then, to figure out how to better  
08 Transocean's Operations?  
09 A. I always -- I'm always like that.

Page 58:11 to 58:14

00058:11 Q. (By Ms. Andre) It wasn't one of  
12 Transocean's goals to better its Operations?  
13 A. Transocean is continually trying to  
14 improve its operations, just like I am.

Page 58:22 to 58:25

00058:22 Q. (By Ms. Andre) Are these kind of  
23 interviews and investigations also used as tools  
24 to avoid future incidences like the Macondo Well

25 incident?

Page 59:02 to 59:09

00059:02 A. They're used to prevent reoccurrence or  
03 learn about what happened.  
04 Q. (By Ms. Andre) Okay. It's important,  
05 then, isn't it, that the interviews be unbiased?  
06 A. Sure.  
07 Q. In your opinion, did you achieve that  
08 aim?  
09 A. Yes.

Page 61:14 to 62:14

00061:14 If you turn to Tab 26. We'll mark this  
15 as Exhibit 5423.  
16 (Exhibit No. 5423 marked.)  
17 Q. (By Ms. Andre) The questions are on  
18 Page 2 and 3 of that exhibit. I think you looked  
19 at this -- this earlier this morning.  
20 Are these the questions that you were  
21 responsible for asking, in addition as you said  
22 to some followup questions that would come up  
23 during interviews?  
24 A. Yes.  
25 Q. Okay. Could you describe for me the  
00062:01 typical interview process used for investigating  
02 the Macondo Well incident?  
03 A. Yeah, I can try. I wanted the person to  
04 feel comfortable, try to arrange a seating so  
05 that they felt comfortable, not being directly  
06 across from somebody. Explain to them why  
07 they've been asked to join.  
08 Q. M-h'm.  
09 A. Let's see. Told them that anything  
10 that -- oh, if -- told them who I was, my  
11 background, and that I really wanted to help and  
12 listen to them.  
13 I also interview -- introduced the women  
14 that were taking the shorthand.

Page 62:22 to 63:04

00062:22 A. You're welcome.  
23 Told them that would -- there were  
24 certain amount of questions and then take time to  
25 read them back to them so that they understood  
00063:01 and asked, you know, "Are you comfortable with  
02 this? Do you have any second thoughts," you  
03 know. "Oh, is this clear enough," that type of  
04 stuff.

Page 64:03 to 64:08

00064:03 Q. Okay. But you never interviewed  
04 Mr. Kuchta?  
05 A. No, I definitely never interview -- and I  
06 know because I -- I -- if it was -- if I said it  
07 here, then, it -- you know, if it's in my E-mail.  
08 I just don't recall.

Page 64:20 to 65:03

00064:20 Q. Okay. And some of these people who  
21 arguably had more responsibility on the rig were  
22 at one time or another scheduled for interviews,  
23 including Robert Kaluza, Curt Kuchta, Brian  
24 Morel, David Sims, Donald Vidrine. I understand  
25 that you weren't scheduled to interview these  
00065:01 folks, but do you know why some people were  
02 interviewed and others weren't?  
03 A. No.

Page 65:11 to 65:13

00065:11 Q. How did you decide what questions to ask  
12 your interviewees? Was it anything more than  
13 just the standard list we've already gone over?

Page 65:15 to 65:25

00065:15 A. Can you ask me one more time?  
16 Q. (By Ms. Andre) Sure. I'm wondering how  
17 you decided what questions to ask your  
18 interviewees.  
19 A. I was given some, so I don't know why  
20 those questions -- whoever decided those  
21 questions, you have to ask them.  
22 The questions that I came up with made  
23 sense to me in regard to getting, I -- I guess,  
24 a -- a better understanding of what happened or  
25 how to improve things.

Page 66:08 to 66:12

00066:08 Q. All right. If you could turn to the  
09 second page at the bottom, the -- the "Safety  
10 Culture Questions." Did you ask everyone these  
11 questions?  
12 A. I -- I think so.

Page 66:16 to 66:18

00066:16 Q. Okay. So I want to read a couple. No. 1

17 is: "What are the Core Values of Transocean?  
 18 Does the company live up to these Core Values?"

Page 66:25 to 67:11

00066:25 "3. What are the...most positive safety  
 00067:01 issues on the" Deepwater Horizon?  
 02 "4. What are the three safety..." issues  
 03 "where improvement is needed?"  
 04 And then I had a question for you  
 05 about 5, which mentions a -- something called the  
 06 START card program; 6, the THINK planning  
 07 process; 7, the TOFS; and 8, the Management of  
 08 Change.  
 09 For the -- for Questions 5 through 8,  
 10 were those programs all safety-related?  
 11 A. (Reviewing document.) Yes.

Page 67:18 to 67:24

00067:18 Q. Okay. So why do you think it's important  
 19 to ask these Safety Culture Questions?  
 20 A. To learn. We -- this, we do all the  
 21 time. We -- we -- we didn't just do it for this  
 22 interview. Core values are the essence -- core  
 23 values are very important to us, to everybody  
 24 that works with Transocean.

Page 68:17 to 71:16

00068:17 A. "...the three most positive safety  
 18 issues...", a lot of -- you know, it could be  
 19 part -- a lot of the tools that we have, we're  
 20 always trying to refine them and make them  
 21 better.  
 22 Q. M-h'm.  
 23 A. "...three safety areas where improvement  
 24 is needed," I don't know. Mo -- all the guys I  
 25 work with are always trying to ascertain what  
 00069:01 those areas might be, so -- and it --  
 02 Q. And -- in this case -- I'm sorry, I  
 03 interrupted you.  
 04 MR. KALLAM: Yeah.  
 05 A. "Do you complete a START card every  
 06 day...", I mean that's something, you know, for  
 07 help monitoring -- monitoring to keep people  
 08 safe. Everybody is watching out for each other,  
 09 you know. In this type of stuff, watching out  
 10 for each other, it's huge.  
 11 I mean, I don't know if I can  
 12 emphasize -- if I'm going to overemphasize or if  
 13 I can emphasize it enough, when you -- when you  
 14 live out there for six months, and it's, you

15 know, it's not -- it's not like living here.

16 Q. Right.

17 A. So when something -- somebody needs  
18 something, whether it's, you know, a family deal,  
19 something emotional, if it's something physical,  
20 or if there's been an incident, or try to prevent  
21 an incident, it's a big deal. And these -- these  
22 things, all of these, are very important to keep  
23 people safe.

24 And, you know, the THINK planning  
25 process, you're thinking about the "What ifs,"  
00070:01 you know, the collaboration with other people so  
02 that they're talking, not just within the little  
03 group themselves, but if what they're doing may  
04 impact somebody else in drilling or electrical,  
05 if you are taking an engine offline or a  
06 thruster, all -- all that, that's key to  
07 understanding other people's work.

08 The Time Out For Safety, Transocean is  
09 huge on empowering people to do -- to stop the  
10 job, Time Out For Safety. Even if the job  
11 doesn't need to be stopped for a Safety reason,  
12 if somebody perceives it, they have the  
13 opportunity. And maybe they find a better way to  
14 do something, too, you know.

15 Management of Change, that -- that's an  
16 important area. You know, if you change  
17 something, you have to manage it. So you have to  
18 put certain safeguards in place or communicate it  
19 so other people know that changes are made.

20 I mean, I -- think that this part --  
21 this -- this part of the Management System, when  
22 I -- when I talk to guys in other companies or  
23 women in other companies that are in this  
24 industry, people I've known for 25 or 30 years,  
25 they're envious of it, because they go out --  
00071:01 some guys have left our company, where they might  
02 maybe, just for whatever the reason it is, and  
03 they get to the other ships or other rigs, and  
04 it's a rude -- it's a rude awakening for some of  
05 them, you know, in terms of the support they get  
06 in town, which Transocean has a lot of, or the  
07 people offshore and having that safety culture,  
08 so --

09 Q. Great. So it sounds like you would say  
10 that these questions are some of the most  
11 important questions that you had for your  
12 interviewers -- interviewees?

13 A. They're important. I'd have to look at  
14 all the other ones to see, but for me, this is  
15 the founda -- a lot of these are foundation,  
16 foundations of the company. I can say that.

00072:09 Q. Okay. So if you could turn, please,  
 10 to -- let me make sure I've got it right --  
 11 Tab 28. This is an "Interviewing Form" for  
 12 Stanley Carden. He was an Electronics Supervisor  
 13 on the rig?  
 14 A. M-h'm.  
 15 Q. "Interviewers Present" were yourself and  
 16 Ms. Stephanie Butefish. Am I pronouncing that  
 17 correctly?  
 18 A. I think so.

Page 73:04 to 73:19

00073:04 Under Safety Culture Questions, it's  
 05 clear that you asked Stanley about the company's  
 06 core values. It says: "Stanley knows the  
 07 company's core values, and believes that the  
 08 company lives up to them." His colors are red  
 09 and green. "When asked what he thought are  
 10 positive safety issues on DWH, he said the THINK"  
 11 Program, "THINK Plan program, and the START cards  
 12 were valuable because it makes one 'look at it,'  
 13 and reinforces something one needs to look...for.  
 14 He participates each day in the THINK Plan."  
 15 He talks about Time Out For Safety, and  
 16 then he talks about bonuses.  
 17 Ms. -- Captain MacDonald, I don't see in  
 18 here any discussion of how Transocean could have  
 19 improve?

Page 73:24 to 74:01

00073:24 A. What makes you think I didn't ask him?  
 25 Q. (By Ms. Andre) Well, it's not included in  
 00074:01 the memo here, and if you'll turn to Tab 29.

Page 74:23 to 74:24

00074:23 Q. (By Ms. Andre) My question is: If you  
 24 asked it, why wouldn't it be in the notes?

Page 75:01 to 75:21

00075:01 A. I -- give me a second to think about  
 02 this, because this -- this is important to me.  
 03 H'm -- do you remember when -- and -- and correct  
 04 me if I'm wrong on this, when you asked me how we  
 05 conducted what I talked to the people about  
 06 before they came in to the meeting why -- to the  
 07 interview, why they were there, because we --  
 08 and -- and -- I think -- did I say one of the  
 09 things was to help make things better? Did I say  
 10 that at the beginning of it?

11 Q. You know, I'm not sure. You may well  
12 have. But I'd have to go back and look at the  
13 transcript. But if that's something you remember  
14 saying, then go right ahead.

15 A. Well, I -- I'm not sure if I did. But  
16 I -- I think I did, and -- well, I know myself,  
17 so I don't know why it's not here, and I  
18 definitely know with all these other questions in  
19 trying to improve things -- I don't have an  
20 answer for you, why -- why that thing is not in  
21 there.

Page 76:25 to 77:18

00076:25 Q. (By Ms. Andre) So we're looking at Tab  
00077:01 38. It's William Jernigan's interview,  
02 interviewers present were yourself and Stephanie  
03 Butefish. And in case you didn't get it before,  
04 it's Exhibit 5427.

05 (Exhibit No. 5427 marked.)

06 Q. (By Ms. Andre) On the third page of the  
07 interview at the very top, it says: "When asked  
08 to describe the three most positive things that  
09 help with safety, he said...the drills on Sunday  
10 were helpful;...the Think Plan was a good way to  
11 check oneself and others, and" the "TSTP (Task  
12 Specific Think Plans) were also helpful."

13 He completes a START card every day. He  
14 talks about while that -- why that's positive.  
15 Talks about TOFS, Management of Change, and then  
16 bonuses.

17 Why didn't you ask Mr. Jernigan about  
18 what Transocean could do to improve?

Page 77:20 to 78:07

00077:20 A. I don't know that I did or didn't. I'm  
21 assuming I did ask him, and I'm assuming he  
22 probably -- you know, I'm trying to think how to  
23 say this. My instincts tell me that I -- that I  
24 would have asked him. My instincts to know that  
25 I'm trying to get -- make things better, that --  
00078:01 and I -- I'm not saying that he said this or  
02 didn't say it, I'm just telling you what I think.  
03 And I'm -- I'm guessing, that he -- he didn't say  
04 anything. I don't know. Like I said, I'm not  
05 sure.

06 Q. (By Ms. Andre) All right. But it's not  
07 in the memo?

Page 78:09 to 78:18

00078:09 A. Like I said, I don't want to speculate

10 as -- as to why it's not in there, but I know  
11 myself, as -- as a guy, as a person, wanted to do  
12 the right thing. And if I've got a list of a  
13 question to ask him, I would anticipate that I  
14 asked him.

15 Q. (By Ms. Andre) Were you ever encouraged  
16 to focus on what Transocean did well during the  
17 interview process?

18 A. No.

Page 79:06 to 79:09

00079:06 Q. You weren't asked to ask some of your  
07 interviewers about the Mike Williams' interview?

08 A. If I was, I don't recall. No, I don't  
09 think anybody would ask me to do that.

Page 80:23 to 81:06

00080:23 little bit about the editing process after the  
24 interviews. You said that stuff would get loaded  
25 up to a share file system, or SharePoint system?

00081:01 A. I -- I don't remember what -- I just  
02 remember there's a place that is -- that a -- a  
03 repository, I guess you'd call it.

04 Q. So the interview transcripts, the  
05 interview notes were edited before being  
06 finalized?

Page 81:08 to 81:13

00081:08 A. My recollection is they were edited when  
09 the person was there. And -- and -- and then  
10 the -- the woman who took our shorthand, just saw  
11 what she wrote and just put it from there to a --

12 Q. (By Ms. Andre) You didn't edit her  
13 typed-out version afterwards?

Page 81:15 to 81:20

00081:15 A. Oh, okay. Wait a second. I think on  
16 occasions if there was an acronym or something --  
17 something like that, I may have said, "You know,  
18 I don't know what you wrote here," and we -- we'd  
19 discuss it and go back and try to understand  
20 what -- what was written.

Page 83:04 to 83:09

00083:04 Q. So earlier you said that you thought it  
05 was important that this interviewing process be  
06 unbiased. And I'm just wondering if -- if you



07 think that these interview memos can be seen as  
08 accurate representations of what was said in the  
09 interview, if they were edited by several people?

Page 83:11 to 83:18

00083:11 A. Yes, I do think that they -- I think that  
12 they were done correctly, and -- and with -- with  
13 integrity.  
14 Q. (By Ms. Andre) And you think that they  
15 can be seen as accurate retellings of what was  
16 said in the interview, even though perhaps  
17 answers to some of your questions weren't  
18 included?

Page 83:20 to 83:24

00083:20 A. Yes, I do think, I think that they --  
21 they can be used. I think they were done with  
22 integrity. I think that everybody did the -- to  
23 the best of their ability. That -- that's my  
24 feeling.

Page 85:02 to 85:17

00085:02 Q. Okay. We didn't get to go into your  
03 prior employment history or your educational  
04 background. Can you briefly tell me what your  
05 educational background is.  
06 A. I went to Massachusetts Maritime Academy  
07 from 1977 through 1981. I graduated with a  
08 Bachelor of Science and a -- took a Coast Guard  
09 exam for a Third Officer's -- a Third Mate's  
10 License.  
11 Q. Okay. What was your first job after you  
12 got your -- your Third Mate or First Mate?  
13 A. Out of school, it was a Third Mate.  
14 Q. Okay. In '81, when you got your Third  
15 Mate License, what -- who did you start working  
16 for?  
17 A. A company called Sedco.

Page 85:25 to 86:01

00085:25 Q. Do you have any educational background in  
00086:01 how to perform an investigation?

Page 86:03 to 86:14

00086:03 A. Yes.  
04 Q. (By Mr. Kraus) What is that education --  
05 educational background in the best way to perform

06 an investigation?  
07 A. Well, I've taken classes on it.  
08 Q. Where -- when -- what classes did you  
09 take that are related to investigations?  
10 A. I can't recall a lot of them, but I --  
11 the one that comes -- the most recent one is Top  
12 Set.  
13 Q. Is this with Transocean?  
14 A. That course is.

Page 90:14 to 90:20

00090:14 Q. How long did your work on the  
15 Investigation last?  
16 A. I think six weeks.  
17 Q. Six weeks. And you did -- from what I  
18 understand from your prior testimony, you mainly  
19 participated in -- in interviews, correct?  
20 A. Correct.

Page 92:18 to 92:20

00092:18 Q. No? What was your -- what was your  
19 understanding of your role and the overall  
20 purpose of Transocean's Investigation?

Page 92:22 to 93:02

00092:22 A. My understanding?  
23 Q. (By Mr. Kraus) Yes.  
24 A. Was that -- it was to try to find out  
25 what happened.  
00093:01 Q. Okay.  
02 A. My role was to interview people.

Page 93:11 to 93:18

00093:11 Q. (By Mr. Kraus) Okay. You read the -- the  
12 Findings of Fact or -- or the Executive Summary  
13 of the Transocean Investigative Report. We've  
14 established that, correct?  
15 A. Yeah. I'm pretty sure I read that, yeah.  
16 Q. Okay. Can you tell me one thing that  
17 Transocean is noted to have done wrong in  
18 those -- in those Findings?

Page 93:20 to 93:20

00093:20 A. No.

Page 94:16 to 94:18

00094:16 Q. In all the interviews you did, you never  
17 uncovered anything that you thought was a mistake  
18 or an error by a Transocean employee?

Page 94:20 to 94:21

00094:20 A. Not that -- noth -- nothing's jumping  
21 into my head right now.

Page 96:18 to 96:21

00096:18 Q. (By Mr. Kraus) Do you think that there's  
19 any lessons learned -- any lessons to be learned  
20 related to the incident of April 20th, 2010, for  
21 Transocean?

Page 96:23 to 97:02

00096:23 A. As -- as I said earlier, it reinforces a  
24 lot of things, or some things that -- that we  
25 hold dear to our hearts about training,  
00097:01 competency of people, meaning flag, coastal  
02 requirements, those -- those type of things.

Page 97:11 to 97:14

00097:11 Q. (By Mr. Kraus) But as far as you're  
12 concerned, Transocean didn't do anything wrong  
13 that led to this incident?  
14 A. As far as I'm concerned, yes.

Page 98:08 to 98:23

00098:08 Q. After you got out of the Massachusetts  
09 Maritime Academy with a Third Mate's License,  
10 what was your first employer?  
11 A. Sedco.  
12 Q. Have you been with Sedco or successors to  
13 Sedco ever since graduation from Massachusetts  
14 Maritime Academy?  
15 A. Yes.  
16 Q. What was your -- what was the progression  
17 of companies? Sedco, then what, then what, until  
18 we get to Transocean today?  
19 A. I think it was Sedco to Sedco Forex to  
20 Schlumberger and I think Transocean.  
21 Q. Okay. At any of the com -- have you  
22 always worked in the Marine Department in all of  
23 the manifestations of that company?

Page 99:05 to 99:11

00099:05           A. Actually, my jobs have -- I'm sorry. I  
 06 stand corrected. My jobs have been involved with  
 07 the Marine Operations.  
 08           Q. Okay. So if we included all the  
 09 predecessors, or legacy companies within the  
 10 Transocean Group, how long have you worked for  
 11 Transocean, as we sit here today?

Page 99:15 to 99:15

00099:15 From 1981 until today.

Page 99:22 to 99:24

00099:22           Q. Yes. Okay. During that time, did you  
 23 obtain a Captain's License?  
 24           A. Yes.

Page 100:02 to 100:09

00100:02           Q. Do you -- what -- what is the category --  
 03 well, do you currently have a -- a Captain's  
 04 License, a current up-to-date not expired  
 05 Captain's License?  
 06           A. Yes.  
 07           Q. Okay. What is the category of License  
 08 that you hold? What's it called?  
 09           A. It's a Master's Unlimited.

Page 100:17 to 101:06

00100:17           Q. Okay. So either the Marshall Islands or  
 18 Liberian is the current issuing body for your  
 19 current Master's Unlimited License?  
 20           A. If I'm right about that. I don't think  
 21 there's an expiration on it. I could be wrong on  
 22 that, though.  
 23           Q. Okay. When -- when -- when did you last  
 24 hold a Master's Unlimited issued by the Coast  
 25 Guard that was not expired?  
 00101:01           A. I don't recall.  
 02           Q. Has it been in the last ten years?  
 03           A. No.  
 04           Q. Have you ever been the Master of a  
 05 Transocean or its predecessor companies in the 30  
 06 years you've worked for Transocean?

Page 101:08 to 102:16

00101:08           A. I've been a Master on a -- yes.  
 09           Q. (By Mr. Haycraft) And what rig or rigs?  
 10           A. The -- the 707 and the DEEPWATER

11 EXPEDITION.

12 Q. Okay. What year -- give me the rough  
13 approximation of the year or years you were on  
14 the SEDCO 711 [sic] and the DEEPWATER  
15 ENTERPRISE -- or excuse me. Was that EXPEDITION  
16 or ENTERPRISE that you said?

17 A. EXPEDITION.

18 Q. Sorry. EXPEDITION.

19 A. Ah, I think around 1995, 1997 for the --  
20 for the 707. Oh -- I -- I can't remember if it's  
21 '95 or '97.

22 And then the EXPEDITION was probably  
23 up -- from like 2002 to 2004 or some -- somewhere  
24 around there. I'm not quite sure how long it  
25 was.

00102:01 Q. And was operating as Master aboard the  
02 EXPEDITION the last time you sailed aboard a  
03 vessel as Master?

04 A. Yes.

05 Q. And after 2004, you moved ashore and  
06 began working in a shore-based position?

07 A. Yes.

08 Q. And your current position is Manager of  
09 Marine Operations?

10 A. Marine Manager might be --

11 Q. Okay. Marine Manager in the Marine  
12 Support Group?

13 A. Yes.

14 Q. Is that a Corporate or at a Division  
15 level?

16 A. Corporate.

Page 103:10 to 104:20

00103:10 Q. What are the responsibilities of the  
11 Marine Support Group of which you're a Marine  
12 Manager?

13 A. I -- I'd like to take this opportunity to  
14 sort of explain the role, then. Say we have nine  
15 different -- different Divisions --

16 Q. M-h'm.

17 A. -- and just say for every -- every vessel  
18 has a Performance Manager and an Asset Manager.  
19 So that's really the Line Management. And then  
20 from there, you know, it goes to the Operations  
21 Manager and the -- a GM and the Managing  
22 Director.

23 Same format in each -- each Division.  
24 We -- in the Support, you know, we have HSE, HR,  
25 Legal, Risk, Projects, all those support. And

00104:01 the Marine Group is part of the Engineering  
02 Group. So we're essentially -- let's say we're  
03 sort of like a consult -- we give advice as a --  
04 to the people that are responsible for the -- the  
05 Line Management, I guess

06 Q. Thank you for that.  
07 It -- it appears from that description  
08 that the -- that you don't have direct Management  
09 responsibilities for the individual's ves --  
10 individual vessels in the nine Divisions. Fair  
11 enough?  
12 A. Yes.  
13 Q. And then the -- that Management is -- is  
14 through the performance and asset of a Rig  
15 Manager role and their Management, as opposed to  
16 the Marine Operations Group, correct?  
17 A. Yes.  
18 Q. Okay. When you were on the SEDCO 707,  
19 did you report to the Offshore Installation  
20 Manager?

Page 104:22 to 105:01

00104:22 A. We -- I mean, we -- we collaborated. We  
23 worked together.  
24 Q. (By Mr. Haycraft) Who was the Person In  
25 Charge during normal operations on the SEDCO  
00105:01 707 -- 707, you as Captain or the OIM?

Page 105:03 to 105:18

00105:03 A. The -- the way it was run is I al --  
04 as -- as the Master, I was always responsible  
05 for -- for the -- the navigation, the safety of  
06 the people, the environment, and -- whether it  
07 was drilling or underway.  
08 If we were, say, drilling, then he would  
09 be running the day-to-day, sort of the industrial  
10 side. But whether we were drilling or underway,  
11 myself as Captain, I always had overriding  
12 authority  
13 Q. (By Mr. Haycraft) Okay. And same  
14 question for the EXPEDITION is: Would your  
15 explanation be the same?  
16 A. Yes, sir.  
17 Q. Did you report to the OIM in the  
18 organizational chart?

Page 105:20 to 105:22

00105:20 A. I -- I -- I don't recall the -- I  
21 remember collaborating together, and -- we -- we  
22 just worked together, really.

Page 106:20 to 106:21

00106:20 Q. (By Mr. Haycraft) Who is the overall  
21 Person In Charge on either of those two ships?

Page 106:23 to 107:25

00106:23       A. I -- I, as Master, always had overriding  
24 authority.  
25       Q. (By Mr. Haycraft) Were you the Person In  
00107:01 Charge on the SEDCO 707?  
02       A. Anytime I thought the environment, the  
03 people, safety, yes, absolutely.  
04       Q. So at those times you felt you were in  
05 charge?  
06       A. No, I knew I was.  
07       Q. Well, okay. You knew you were in charge  
08 when safety, health, environment were concerned?  
09       A. Or if we were underway.  
10       Q. Okay. So you were in charge when you  
11 were underway?  
12       A. Yes.  
13       Q. You were the Person In Charge of the  
14 SEDCO 707 when you're underway?  
15       A. Yes.  
16       Q. What about when you were in the drilling  
17 mode?  
18       A. As I said, I would always be in charge,  
19 or res -- or responsible for the navigation, for  
20 the environment, the people, whether we were  
21 drilling or underway. And the OIM would -- would  
22 sort of manage -- well, he'd be in charge of the  
23 day-to-day Operations, you know.  
24       Q. M-h'm. Who is the one Person In Charge  
25 during Drilling Operations?

Page 108:02 to 108:18

00108:02       A. The -- the one Person In Charge during  
03 Drilling Operations was the OIM; however, I could  
04 at any time take -- had overriding authority.  
05       Q. (By Mr. Haycraft) In other words, you  
06 could take over from the OIM, in your judgment?  
07       MR. KALLAM: Object to form.  
08       A. If -- if -- I had overriding authority,  
09 in regard to the safety or environment.  
10       Q. (By Mr. Haycraft) So at that -- at that  
11 time, you would exercise your overriding  
12 authority?  
13       A. I -- that's my right.  
14       Q. M-h'm. And the same would be true on the  
15 EXPEDITION, what you've just described on the  
16 707?  
17       A. Yes.  
18       Q. Okay. I'm going to show you something

Page 109:02 to 109:18

00109:02 Again, it's Exhibit 942. And what I want  
 03 to do is just circle on Exhibit 942, what I'd  
 04 like you to -- to read out loud to the Judge  
 05 about the role of the Master at DEEP -- at -- at  
 06 Transocean. (Tendering.) Just read out loud the  
 07 words that I've circled.  
 08 A. I -- "Master North American Division"  
 09 "Reports to the Offshore Installation Manager"  
 10 and has "...overriding authority and discretion  
 11 to take whatever action is required for the  
 12 safety" of the "crew," the "vessel and protection  
 13 of...environment." That -- that's what I've been  
 14 saying.  
 15 Q. Okay. Did you read just the words that I  
 16 circled on the page, or did you go down -- down  
 17 to the bullet points?  
 18 A. I read -- I read the "BASIC FUNCTION."

Page 110:18 to 110:25

00110:18 (Exhibit No. 5430 marked.)  
 19 Q. (By Mr. Haycraft) -- which will be  
 20 Exhibit 5430. And this -- this document is -- is  
 21 something I've only recently come into possession  
 22 of. And I'm going to tell the audience, I'm --  
 23 I'm handing out a copy, this is from the  
 24 "DEEPWATER HORIZON OPERATIONS INTEGRITY CASE  
 25 SECTION: 2," which is dated March 1st, 2008.

Page 111:04 to 111:07

00111:04 If you'd take a look at Exhibit 5430, and  
 05 tell me -- tell the Court what that is.  
 06 A. (Reviewing document.) It says it's the  
 07 "DEEPWATER HORIZON ORGANIZATION."

Page 111:10 to 111:18

00111:10 A. Where it says "client"? "OIM." "OIM."  
 11 Q. Okay. OIM stands for Offshore  
 12 Installation Manager, does it not?  
 13 A. Yes, it does.  
 14 Q. And you see the 1, 2, 3, 4 -- well, let's  
 15 see, of the boxes who report to the OIM, tell me  
 16 if I'm reading this right, the "RSTC, RSTT,  
 17 Senior Toolpusher, Captain," and "Maintenance  
 18 Supervisor."

Page 111:23 to 111:25

00111:23 Q. Yes. In other words, the Captain, the  
 24 RSTC, the Senior Toolpusher, and the Maintenance



25 Supervisor all report to the OIM?

Page 112:12 to 112:17

00112:12 Q. (By Mr. Haycraft) Isn't it true that on  
13 this organization chart for the DEEPWATER  
14 HORIZON, the RSTC, Senior Toolpusher, Captain,  
15 and Maintenance Supervisor are shown as reporting  
16 to the OIM?  
17 A. Well, there's a line there.

Page 113:03 to 113:07

00113:03 Q. Okay. So I'm going to repeat the  
04 question: Isn't it true that on this Org Chart,  
05 the RSTC, Senior Toolpusher, Captain, and  
06 Maintenance Supervisor show reporting lines to  
07 the OIM?

Page 113:09 to 114:16

00113:09 A. It's -- you know, we have a station bill,  
10 we -- and I -- I -- I've explained it, I think,  
11 three different times, the Captain always has  
12 overriding authority, whether we're drilling or  
13 underway. This is -- organi -- this is -- well,  
14 sort of managing the day-to-day operations.  
15 That's -- that's different than -- this doesn't  
16 explain everything, who's in charge and when.  
17 Q. (By Mr. Haycraft) Okay. Now, you can put  
18 that aside, and we're going to turn to another  
19 page in the "DEEPWATER HORIZON OPERATIONS  
20 INTEGRITY CASE," and before I turn to this next  
21 page, in your position as Marine Manager and the  
22 Marine Support Group at the Corporate level at  
23 TO, do you know -- can you tell anybody here what  
24 an operations integrity case is?  
25 A. It's -- it's used or it's made up to help  
00114:01 prepare a vessel's crews for different  
02 situations.  
03 (Exhibit No. 5431 marked.)  
04 Q. (By Mr. Haycraft) Okay. I'm going to  
05 hand to you what's now been marked as Exhibit  
06 5431, which is also from Section 2 of the  
07 "DEEPWATER HORIZON OPERATIONS INTEGRITY CASE."  
08 And what I'm going to do here is use a  
09 highlighter, so that you'll know what to read.  
10 I'm going to direct your attention to  
11 Section 2.3.10, entitled "Marine Operations and  
12 Site Assessment" specifically Section 2.3.10.1,  
13 which was en -- which is entitled "Marine  
14 Operations."  
15 And would you please read for the Court's

16 benefit the highlighted sentence on that page.

Page 114:19 to 115:03

00114:19 A. (Reviewing document.) Well, it says what  
20 it says.  
21 Q. (By Mr. Haycraft) Well, I'm asking you to  
22 read what it says.  
23 A. It says what it says here.  
24 Q. Well, I know. But I'm asking you to read  
25 the words that are highlighted at the bottom of  
00115:01 that page, sir.  
02 A. That's what it says. It says exactly  
03 what it says.

Page 115:19 to 116:06

00115:19 Q. (By Mr. Haycraft) I'm showing you again  
20 Exhibit 5431, Captain, and, please, I'm asking  
21 you to read the highlighted words on that page.  
22 (Tendering.)  
23 A. "Ultimate responsibility for...safety of  
24 the installation and the personnel remains with  
25 the OIM and the Installation's owners at all  
00116:01 times."  
02 Q. All right. I'll show you another page  
03 from the "DEEPWATER HORIZON OPERATIONS INTEGRITY  
04 CASE," and I'll be reading from Section 2.2 -- or  
05 will be reading from Section 2.2.1.5, "MODU  
06 Organization and Management Responsibilities."

Page 116:09 to 116:09

00116:09 (Exhibit No. 5432 marked.)

Page 116:14 to 116:14

00116:14 Q. (By Mr. Haycraft) Well, it may be that --

Page 116:17 to 116:20

00116:17 going to have to make do. We're going to call it  
18 Exhibit 5432. And as I said, it's under the  
19 Section 2.2.1.5, "MODU Organization and  
20 Management Responsibilities."

Page 116:25 to 117:15

00116:25 Q. Okay. If you would, please, on 5432,  
00117:01 read for the Court the highlighted sentences  
02 there, and the highlighted sentences there.  
03 (Indicating.)

04           A. "Onboard the Deepwater Horizon  
 05 the...(OIM) has the overall responsibility for  
 06 the command, activity co-ordination and control  
 07 of the management, organization and support  
 08 structure. He" direct -- "he is directly  
 09 supported by supervisors and department heads."  
 10           For "Master," it says: "The" -- "...the  
 11 Master is to provide marine support to the  
 12 industrial operation of the vessel. He" exer --  
 13 "exercises authority and discretion to take  
 14 whatever action is required for the safety of the  
 15 crew, vessel and protection of the environment."

Page 117:23 to 118:10

00117:23 (Exhibit No. 5433 marked.)  
 24           Q. (By Mr. Haycraft) Do you understand who  
 25 on the ship is the Person In Charge during an  
 00118:01 emergency in the Transocean -- in the Transocean  
 02 Management of its drilling vessels?  
 03           A. It's the Captain.  
 04           Q. Okay. Is there -- is there anyone else  
 05 in charge during an emergency?  
 06           A. There's one Person In Charge during an  
 07 emergency.  
 08           Q. Why is it important that one person be in  
 09 charge during an emergency?  
 10           A. Well, to keep people safe.

Page 118:24 to 119:02

00118:24           Q. (By Mr. Haycraft) Yes. Do you agree with  
 25 me, sir, that having one person clearly in charge  
 00119:01 during -- during an emergency on a ship is a good  
 02 thing?

Page 119:04 to 119:07

00119:04           A. During an emergency having one Person In  
 05 Charge, you're asking me -- you're saying during  
 06 an emergency, is it important to have one Person  
 07 In Charge?

Page 119:09 to 120:17

00119:09           A. Yes.  
 10           Q. Okay. And now I'm asking you why is it  
 11 good, from the safety perspective, with your  
 12 Marine education and your Marine background, to  
 13 have one Person In Charge during an emergency?  
 14           A. Because there will be a Captain that's  
 15 trained in it.  
 16           Q. Okay. Now, this section of the

17 "OPERATIONS INTEGRITY CASE" for DEEPWATER HORIZON  
 18 Section 5, specifically is labeled "5.2.1 Command  
 19 During Emergencies."  
 20 Did I read that right?  
 21 A. "5.2 COMMAND AND COMMUNICATION," "5.2.1,  
 22 Command During Emergencies."  
 23 Q. Okay. Now I'm going to read the last  
 24 paragraph out loud and ask you to follow along:  
 25 "United States Coast Guard regulations require  
 00120:01 the PIC to be designated in writing when MODUs  
 02 are operating on the U.S. Outer Continental Shelf  
 03 and for the destination to be posted. Onboard  
 04 the Deepwater Horizon the Offshore Installation  
 05 Manager (OIM) is the designated Person in Charge  
 06 (PIC) although the ship's captain (Master)  
 07 assumes command of the vessel in any emergency  
 08 when, in his opinion, the vessel and/or its crew  
 09 are in jeopardy. Under these conditions, all  
 10 personnel are required" in order -- excuse me,  
 11 "are required to follow his orders."  
 12 The question for you, sir, is, did I read  
 13 that correctly?  
 14 A. You read what you read, yes.  
 15 Q. You have -- oh, okay. So, yes, I read  
 16 that correctly?  
 17 A. Yes.

Page 120:22 to 121:01

00120:22 Q. Third line from the bottom, "...the  
 23 ship's captain (Master) assumes command of the  
 24 vessel in any emergency..."  
 25 Do you see the word "assumes"?  
 00121:01 A. I see it, yes.

Page 121:05 to 121:08

00121:05 Do you agree with me, sir, that if the  
 06 Master assumes command of the vessel in an  
 07 emergency, that prior to the emergency, the OIM  
 08 was the Person In Charge?

Page 121:10 to 121:10

00121:10 A. No, I -- no.

Page 121:18 to 121:24

00121:18 Q. (By Mr. Haycraft) Okay. So you -- it's  
 19 your belief that the Master is in command even  
 20 prior to an emergency?  
 21 A. It's -- it's my belief or it's my -- my  
 22 understanding that the Captain -- the Captain

23 can -- is in command anytime he deems  
24 appropriate.

Page 122:03 to 122:07

00122:03 Q. (By Mr. Haycraft) And we don't have to do  
04 an exhibit sticker because this has been  
05 previously marked as Exhibit 5336. And have you  
06 ever read the "FLOATING OPERATIONS MANUAL" in the  
07 Corporate organization?

Page 122:23 to 123:24

00122:23 Q. All I'm asking you, sir, is, is this a  
24 Corporate level document, or a Division level  
25 document, or is this a rig-specific document?  
00123:01 A. I'm sorry. Okay. Excuse me. This is  
02 used by all the vessels. This is a Corporate.  
03 Q. And you see that this section of the  
04 "MARINE OPERATIONS GUIDELINES" is entitled "OIM /  
05 MASTER'S AUTHORITY." Right?  
06 A. Yes.  
07 Q. And I'm going to read the first sentence  
08 of that Guideline, quote, "The OIM is the senior  
09 onboard manager, who reports directly to the  
10 shore-based Rig Manager."  
11 Did I read that correctly?  
12 A. Yes.  
13 Q. Second sentence: "It is his role..."  
14 "His" meaning OIM, correct, sir?  
15 A. That's what it says.  
16 Q. Okay. "It is his role to manage the  
17 overall operation and" -- "and" -- "and  
18 administration of the installation."  
19 Did I read that correctly?  
20 A. Yes.  
21 Q. Now, if you read the second and third  
22 paragraphs, you see that the Person In Charge  
23 changes during an emergency on a Transocean  
24 installation, correct?

Page 124:04 to 124:07

00124:04 Q. (By Mr. Haycraft) Yeah. And -- and I had  
05 a question, which is that in the Transocean  
06 Corporate Manual, the Master becomes the Person  
07 In Charge during an emergency, correct?

Page 124:09 to 124:12

00124:09 A. Well, the -- the -- the Captain is in  
10 charge anytime the vessel is underway and anytime  
11 he deems appropriate, whether drilling or

12 underway.

Page 124:17 to 124:20

00124:17 Q. Okay. So it's your testimony, sir, that  
18 as Marine Manager Marine Support Group, that the  
19 Captain, at any time and his discretion, can  
20 assume command of the vessel?

Page 124:22 to 124:23

00124:22 A. He's -- it's his -- his authority and  
23 responsibility to do so.

Page 124:25 to 125:13

00124:25 read together the last line of this section in  
00125:01 the Corporate "MARINE OPERATIONS GUIDELINES," do  
02 you see the sentence -- and I'm reading it out  
03 loud -- and I'll ask you if I read it correctly:  
04 "A 'Controlled Well' is not" a -- "is not an  
05 'emergency' event within the scope of this  
06 paragraph."  
07 Did I read that sentence correctly?  
08 A. Yeah. I mean, you read it.  
09 Q. And did I read it correctly?  
10 A. You read the words, yes.  
11 Q. I'm sorry. But I just have to ask you:  
12 Did I read it correctly?  
13 A. Yes.

Page 125:19 to 126:14

00125:19 E-mail that precedes it. I'm showing you what's  
20 been marked previously as Exhibit 5033, and  
21 the -- this is an E-mail that's been previously  
22 discussed in another deposition between the  
23 DEEPWATER HORIZON DP Operator and the DEEPWATER  
24 HORIZON Captain, specifically Katie Williams, the  
25 Senior DPO on the DEEPWATER HORIZON, and it's an  
00126:01 E-mail dated August 22, 2009, but none of those  
02 are questions.  
03 But I will ask you this question, do you  
04 happen to know Katie Williams?  
05 A. I think I do, yeah. I -- I'm pretty sure  
06 I've met her.  
07 Q. Okay. Now, if we turn the page and we  
08 look at what she's attaching in her E-mail, we  
09 see what looks to be a more rig-specific  
10 document, correct? It -- it has "DEEPWATER  
11 HORIZON" at the center on top of that page, does  
12 it not?  
13 A. I've never seen this document before.

14 Q. I know. But I'm asking you, do you see

Page 126:16 to 127:05

00126:16 at the top of the page?

17 A. Yes.

18 Q. And you see -- I'm going to just read the  
19 first sentence, "MASTER/OIM Relationship. The  
20 OIM is the senior onboard manager, who reports  
21 directly to the shore-based Rig Manager?"

22 Second sentence: "It is his role to  
23 manage the overall operations and" ad -- "and  
24 administration of the installation."

25 Is it true not only that I read those  
00127:01 two -- two sentences accurately, but those two  
02 sentence match, word for word, the first two  
03 sentences in Exhibit 5336, from the Corporate  
04 Marine Operations Guideline? So I -- I've asked  
05 you two questions in one.

Page 127:07 to 127:12

00127:07 Q. (By Mr. Haycraft) Right. Did I read the  
08 two sentences correctly?

09 A. Okay.

10 Q. And do those two sentences match, word  
11 for word, the preceding exhibit that we were  
12 discussing?

Page 127:14 to 127:14

00127:14 A. (Reviewing documents.) Yes.

Page 127:22 to 128:18

00127:22 But what I want you to do, sir, is to  
23 read out loud for me the underlined sentence at  
24 the bottom of the page, that is the "MASTER'S  
25 RESPONSIBILITY AND AUTHORITY" section in Exhibit

00128:01 5033.

02 A. Well, it says: "Well Control Operations  
03 are not an 'emergency' within the scope of" that  
04 "paragraph."

05 Q. Okay. You'll agree with me, sir, that  
06 that's a different last sentence than in the  
07 Corporate Statement of -- of the OIM Master's  
08 Authority found in the Floating Operations  
09 Manual, Marine Operations Guideline, that we  
10 showed -- that we looked together at as Exhibit  
11 5336?

12 A. Yes.

13 Q. Okay. Did you have any input into the  
14 DEEPWATER HORIZON's rig level discussion on

15 whether well control operations would be deemed  
16 an emergency within the Master OIM Division of  
17 authority?  
18 A. No.

Page 128:21 to 128:21

00128:21 (Exhibit No. 5434 marked.)

Page 129:11 to 129:14

00129:11 Q. Okay. Am I correct to understand that  
12 after the DEEPWATER HORIZON tragedy, the question  
13 of who was in charge on the DEEPWATER HORIZON  
14 came up within the Transocean organization?

Page 129:16 to 129:16

00129:16 A. I've not -- no.

Page 130:16 to 130:22

00130:16 The issue -- did the issue come up post-Macondo,  
17 post-April 20, 2010, of who was in charge on the  
18 DEEPWATER HORIZON before and during the events of  
19 April 20th --  
20 A. Okay.  
21 Q. -- 2010?  
22 A. Okay.

Page 131:04 to 131:06

00131:04 Q. Okay. Your answer remains "No," the  
05 issue didn't come up?  
06 A. Yes, sir.

Page 132:11 to 133:06

00132:11 to read -- I'm going to read a few lines from his  
12 E-mail on, like I said, Bates No. 3285. His  
13 questions in this E-mail are, quote, "Who is the  
14 PIC when it is not an emergency?  
15 "The Captain becomes the PIC in an  
16 emergency and when the vessel is navigating.  
17 According to the" pers -- excuse me. "According  
18 to the NOTICE OF PERSON IN CHARGE the OIM is the  
19 PIC when it is not an emergency.  
20 "That is basically what Transocean Policy  
21 is. The NOTICE OF PERSON IN CHARGE is mentioning  
22 that the Master (PIC) has got the legal  
23 overriding authority in situations involving  
24 safety. It is not clear if 'Safety' is meant in



25 times of Operation and Emergencies or only  
00133:01 Emergencies.  
02 "Basically, what is my function, acting  
03 as advisor, or am I responsible for deciding, am  
04 I accountable or not?"  
05 Did I read Mister -- or Captain  
06 Kriedemann's E-mail correctly?

Page 133:08 to 133:08

00133:08 A. Yes, you read what was there.

Page 138:04 to 138:08

00138:04 Q. Do you agree that as -- that it is  
05 essential that during emergencies, as well as  
06 normal operations, that there's a clear  
07 understanding of who is ultimately in charge?  
08 A. Yes.

Page 138:22 to 138:24

00138:22 Q. Do you agree that when latched onto the  
23 wellhead via the riser that it was still a  
24 vessel?

Page 139:01 to 139:01

00139:01 A. Yes.

Page 139:08 to 139:11

00139:08 Q. (By Mr. Haycraft) Do you agree that on  
09 April 20 DEEPWATER HORIZON was a vessel that was  
10 underway although not making way, according to  
11 the U.S. Coast Guard Regulations?

Page 139:13 to 139:25

00139:13 A. I would agree that -- that the vessel was  
14 manned according to flag and that the COLREGS  
15 ha -- has a definition for what you just --  
16 exactly what you said, underway, not making way,  
17 yes.  
18 Q. (By Mr. Haycraft) So the answer to my  
19 question is "Yes"?  
20 A. It's underway, not making way.  
21 Q. "Yes"?  
22 A. Yes, it's underway, not -- it -- it's --  
23 it is connected to the well, and as you said,  
24 the -- the Coast Guard, if you go to the COLREGS,  
25 it could -- it could meet that, yes.

Page 141:08 to 141:16

00141:08 trouble with the question, of answering -- well,  
09 let's break it into the three parts. We'll go  
10 real slow.  
11 One: Was it a vessel on April the 20th,  
12 2010, the DEEPWATER --  
13 A. Yes.  
14 Q. -- HORIZON?  
15 No. 2: Was it underway on April the  
16 20th, 2010?

Page 141:19 to 141:22

00141:19 A. Yes.  
20 Q. (By Mr. Haycraft) And No. 3: That is, it  
21 was underway, although not making way as that  
22 term is understood by mariners?

Page 141:24 to 142:07

00141:24 A. Yeah, it would fit that definition.  
25 Q. (By Mr. Haycraft) Right. In other words,  
00142:01 it's staying in the same geographic spot on  
02 the -- on the Gulf of Mexico, on an ocean,  
03 dynamically maintaining its position over the  
04 wellhead, correct?  
05 A. Yes.  
06 Q. It is a vessel exposed to the maritime  
07 environment in that condition, is it not?

Page 142:09 to 142:09

00142:09 A. Yes.

Page 143:12 to 143:14

00143:12 another way: Do you view it as a job  
13 responsibility of yours to be familiar with the  
14 provisions in the ISM Code?

Page 143:16 to 143:16

00143:16 A. Yes.

Page 144:04 to 144:09

00144:04 Okay. Do you know in that position,  
05 then, with that knowledge, that the ISM Code is a  
06 document provided or enacted pursuant to the

07 International Maritime Organization under the  
08 Safety of Life at Sea Treaty?  
09 A. Yes.

Page 144:19 to 145:07

00144:19 Q. (By Mr. Haycraft) Okay. I'm going to  
20 read out loud Section 5.2 from the ISM Code,  
21 quote: "The Company should ensure that the  
22 safety management system operating on board the  
23 ship contains a clear statement emphasizing the  
24 master's authority. The Company should establish  
25 in the safety management system that the master  
00145:01 has the overriding authority and the  
02 responsibility to make decisions with respect to  
03 safety and pollution prevention and to request  
04 the Company's assistance as may be necessary."  
05 Does that sound like Section 5.2 of --  
06 according to your famili -- familiarity with it?  
07 A. Yes.

Page 145:10 to 145:21

00145:10 Q. (By Mr. Haycraft) Are you aware of Det  
11 Norske Veritas DNV ever questioning Transocean  
12 and its Statement of the Master's Authority in  
13 its documentation?  
14 A. Yes.  
15 Q. Have you ever had any direct involvement  
16 in those discussions with DNV?  
17 A. I don't -- don't recall that, no.  
18 Q. Okay. Are you aware that DNV issued an  
19 observation regarding compliance with Section 5.2  
20 of the ISM Code to DEEPWATER Corporate structure?  
21 A. Yes.

Page 145:23 to 145:25

00145:23 Q. (By Mr. Haycraft) What did Transocean do  
24 to correct the activity which the DNV issued an  
25 observa -- observation for in that regard?

Page 146:02 to 146:02

00146:02 A. I'm not positive on that.

Page 147:12 to 147:12

00147:12 (Exhibit No. 5437 marked.)

Page 148:15 to 149:21

00148:15 Q. Okay. And so you're sending this E-mail  
 16 specifically to the vessels including those in  
 17 the Gulf of Mexico --

18 A. Yes.

19 Q. -- as well as South America?

20 A. Yes.

21 Q. Okay. And just I'm going to read the  
 22 opening few sentences: "All, To date 2008 has  
 23 been very challenging for all of us. We have  
 24 diluted crews and in the future we will face even  
 25 greater challenges in regard to our personnel and  
 00149:01 our operations. It is for this reason that I  
 02 must reiterate the importance of our commitment  
 03 to following Transocean's policies and  
 04 procedures. Anyone that has worked offshore for  
 05 a significant number of years understands that  
 06 the 'incidents' don't always happen to the other  
 07 guys. We're all susceptible and most of us have  
 08 heard about or seen some pretty ugly incidents  
 09 over the years."

10 Have I read that portion of your E-mail  
 11 correctly?

12 A. Yes.

13 Q. When you were talking about "in the  
 14 future," you were talking about beyond 2008?

15 A. Yes.

16 Q. At -- in your position at Transocean on  
 17 the Marine side, were you seeing an increase in  
 18 the number of drilling rigs for which Marine  
 19 staffing had to be made?

20 A. 2008?

21 Q. 2008, 2009.

Page 149:23 to 150:01

00149:23 A. Yes.

24 Q. (By Mr. Haycraft) And was that a  
 25 challenge for Transocean?

00150:01 A. Yes.

Page 150:14 to 150:24

00150:14 Q. And it was a challenge?

15 A. Yes.

16 Q. And fair to say that commitment -- when  
 17 you stated in this E-mail, we need to emphasize  
 18 the -- or "...reiterate the importance of our  
 19 commitment to following Transocean's policies and  
 20 procedures," and I'm harkening back to something  
 21 you said this morning. Fair to say that a  
 22 company can have core Procedures, but if the  
 23 personnel out in the field forget them, or don't  
 24 adhere to them, then accidents can happen?

Page 151:01 to 151:10

00151:01 A. It's possible.  
02 Q. (By Mr. Haycraft) And that a reason to  
03 reiterate even something that should be  
04 considered established is something that's  
05 important in any organization, but in -- in -- in  
06 your case, the Transocean organization, correct?  
07 A. Yes.  
08 Q. And that failure to adhere to the  
09 Company's Policies and Procedures can lead to  
10 risks?

Page 151:12 to 151:12

00151:12 A. It could.

Page 151:14 to 151:16

00151:14 Tab 4 in Binder No. 1. Tab 4 has been previously  
15 marked as Exhibit 1766 in the deposition record,  
16 and it is a document from DNV.

Page 152:25 to 153:19

00152:25 Q. Okay. I'm going to read out loud  
00153:01 Observation No. 1: "It was stated that manning  
02 is becoming an issue in the current economic  
03 climate for the drilling industry, and that there  
04 is a potential 'knowledge gap' between senior  
05 personnel nearing retirement age and new  
06 personnel coming into the industry. It is  
07 recommended" that -- "it is recommended the Owner  
08 prepare and execute a plan to maintain sufficient  
09 numbers of trained, qualified and suitably  
10 experienced personnel in the organization both"  
11 off -- excuse me, "both onshore and offshore to  
12 ensure safe operations..." and then reference the  
13 ISM Code.  
14 Did I read that correctly?  
15 A. Yes.  
16 Q. Did Transocean undertake a -- a Plan to  
17 address the problem of more experienced people  
18 leaving and the need to have adequate training  
19 for the younger people coming in?

Page 153:21 to 153:21

00153:21 A. Yes.

Page 153:24 to 154:01

00153:24 MR. HAYCRAFT: We'll mark this as  
25 Exhibit 5438.  
00154:01 (Exhibit No. 5438 marked.)

Page 157:22 to 158:08

00157:22 reading it. "It is therefore necessary on that  
23 at least one person on each watch be an unlimited  
24 mate (OOW). Our normal manning today is two  
25 DPO's on duty with at least one being an  
00158:01 unlimited mate. Transocean recognizes the value  
02 of a licensed person standing the bridge watch  
03 and the fact that they are trained in matters  
04 such as firefighting, safety, stability,  
05 navigation and so forth."  
06 Did I read that first paragraph  
07 correctly?  
08 A. Yes.

Page 160:06 to 160:25

00160:06 Q. (By Mr. Haycraft) Okay. Well, let me --  
07 let me ask you if you've ever looked into the  
08 qualifications of the DPOs on watch that night,  
09 Yancy Keplinger and Andrea Fleytas?  
10 A. I -- I did not.  
11 Q. Okay. Did anybody, to your knowledge?  
12 A. Yes.  
13 Q. Has anybody provided you with information  
14 about the qualifications of Fleytas and  
15 Keplinger?  
16 A. No.  
17 Q. Do you know if either of them has an  
18 Unlimited Mate's License?  
19 A. Yes.  
20 Q. And what -- that is one of them has an  
21 Unlimited -- one or both has an Unlimited Mate's  
22 License, to your knowledge?  
23 A. Yes.  
24 Q. Which one?  
25 A. Andrea Fleytas.

Page 161:14 to 161:25

00161:14 Q. Okay. Has either of those individuals,  
15 to your knowledge, been provided with Kongsberg  
16 Simrad K Chief training on the fire and gas  
17 system?  
18 A. Well, we've got 140 vessels. So I don't  
19 know who's had what training. So I -- I can't  
20 say "Yes" or "No."  
21 Q. Would it be your expectation based on  
22 your position within the company that at least

23 one stander of a DPO watch would be trained in  
 24 the Kongsberg Simrad Fire and Gas systems aboard  
 25 a Transocean-operated vessel?

Page 162:02 to 162:06

00162:02 A. No. No, I wouldn't say that. Huh-uh.  
 03 Q. (By Mr. Haycraft) Okay. Is it  
 04 Transocean's Policy that at least one watch  
 05 stander of the DPOs be trained in the be  
 06 Kongsberg Fire & Gas System?

Page 162:08 to 164:20

00162:08 A. Tran -- Transocean has a -- a, you know,  
 09 regular DP OJT, but then they get vessel specific  
 10 OJT, and part of that vessel specific OJT,  
 11 because Transocean realizes -- like I said there  
 12 so many vessels. Each vessels has different  
 13 manufactured equipment on it.  
 14 So -- so in -- in the case of any vessel,  
 15 they're expected to look at the -- the me -- not  
 16 look, I guess, read, understand, and be tested on  
 17 the understanding of all the Operators Manuals.  
 18 Say the Operator's Manual for the Fire & Gas, the  
 19 Operator's Manual for emergen -- Emergency  
 20 Shutdowns, the Operators Manuals for the DP  
 21 system, the Operator's Manuals for -- for the  
 22 vessel management.  
 23 And -- and also they'd -- excuse me --  
 24 they'd also be expected to know about, you know,  
 25 the Functional Design Specifications of the Fire  
 00163:01 & Gas, the Functional Design Specifications for  
 02 the Emergency Shutdown, I think the Safety  
 03 Philosophy for those systems and, you know, the  
 04 Cause and Effects Analysis. And -- and that  
 05 training -- well, that training is tied into --  
 06 you have -- you have a -- that -- the Corporate  
 07 Emergency Management Manual asks that -- not --  
 08 not asks -- excuse me a second, please.  
 09 It -- sort of -- I don't know how to say  
 10 -- it should be in a Level 3, the Emergency  
 11 Response Manual on -- onboard the vessels for,  
 12 you know, say shallow gas blowout, fire,  
 13 collision.  
 14 And -- and, you know, when you  
 15 mentioned -- I think you said safety case or  
 16 MIRAs, that type of -- those are supposed to be  
 17 used to help prepare people for the -- for the  
 18 weekly drills they have. And -- and all -- all  
 19 of that is part of the training, that. And they  
 20 have -- we have like a DP "Lessons Learned,"  
 21 which were taken, you know, from the fleets; say  
 22 there's 34 vessels. So all -- all the -- all

23 the -- for all the lessons from probably 1980 or  
 24 to -- probably the late '70s up through -- not  
 25 all of them, but some.

00164:01 You know, a lot of good lessons are  
 02 captured so they can show people how to react to  
 03 cer -- certain things, understand the systems a  
 04 little bit better, and what -- and what we also  
 05 have is -- for -- for their training on that,  
 06 it's a DP Power Simulator for Lessons Learned.  
 07 So let's say if there's a -- a voltage regulator  
 08 problem or a -- a few rackets stuck, that -- that  
 09 type of stuff, they're actually sitting on -- on  
 10 a simulator, time after time, seeing how they  
 11 would respond to it. And -- and we also have --  
 12 put table -- tabletop drills on our Internet  
 13 for -- for the folks and stuff like that.

14 The -- but some of the guys aren't -- you  
 15 know, it's sort of a -- they always give us a  
 16 hard time at Transocean; some of the guys on  
 17 here, kidding, saying they'll take our people  
 18 after we get them trained up. Then they'll take  
 19 our people because of our -- the training that we  
 20 have out there.

Page 165:03 to 165:12

00165:03 Q. (By Mr. Haycraft) Okay. What about  
 04 Master's, are Masters expected to understand the  
 05 Fire & Gas Systems, automated systems on their  
 06 vessels?

07 A. Yes.

08 Q. The same question about the EDS system,  
 09 Emergency Disconnect System: Do you expect --  
 10 does Transocean expect its Masters to understand  
 11 the functioning of the EDS system?

12 A. Yes.

Page 165:14 to 165:17

00165:14 Q. (By Mr. Haycraft) Does Transocean have a  
 15 policy that DPOs are not supposed to be the  
 16 functioners of the EDS, the pushers of the EDS  
 17 buttons on the Bridge?

Page 165:19 to 166:22

00165:19 A. No.

20 Q. (By Mr. Haycraft) In your view, do DPOs  
 21 aboard Transocean drilling vessels have the  
 22 authority to push the EDS button on their Bridge  
 23 consoles?

24 A. Do they have the authority?

25 Q. Yes.



00166:01           A. Yeah.  
02           Q. Does Transocean provide training to its  
03 DPOs that informs them that they have that  
04 authority?  
05           A. They have -- they have drills onboard.  
06 The Floating Operation Manual says they have the  
07 authority to -- to initiate the EDS. They --  
08           Q. So I should -- ex -- pardon me for  
09 interrupting. Go ahead.  
10           A. Okay. They -- you know, they do drills,  
11 and on -- on watches, they -- you know, they  
12 check the -- the -- I would -- you know, yes,  
13 because every time when they come on watch, the  
14 Driller and the -- the DPO discuss, you know,  
15 what the operations are.  
16           And -- and you -- you can't script for  
17 everything, but it -- it -- it's certainly  
18 helpful for people to know what the operations  
19 are on the drill floor, or vice versa, for the  
20 Drillers to know what this -- you know, an engine  
21 is out for maintenance and stuff like that,  
22 commonly talking.

Page 168:02 to 168:06

00168:02           Q. Well, why don't you tell us from your  
03 perspective, absent looking at a particular  
04 manual, who has authority; which personnel aboard  
05 a Transocean drilling vessel have authority to  
06 EDS?

Page 168:15 to 168:23

00168:15           Q. -- as a Manager in the company.  
16           A. Sure. I would say -- I would say the  
17 Captains, DPOs, the OIM, Toolpushers, Drillers,  
18 AD, Subsea. Those are the people that come --  
19 positions --  
20           Q. M-h'm. What --  
21           A. -- that immediately come --  
22           Q. I'm sorry.  
23           A. -- to mind.

Page 169:08 to 169:23

00169:08           Q. (By Mr. Haycraft) Yeah. Of the folks you  
09 mentioned -- Master, DPO -- excuse me, Master,  
10 DPO, OIM, Toolpushers, Drillers, ADs, and Subsea  
11 Engineers -- where should those people look for  
12 Standards, Guidelines, and/or Instructions on  
13 what criteria to use when making the decision to  
14 EDS?  
15           A. You -- you wouldn't -- for one thing,

16 the -- it's -- it's not that prescriptive. I  
17 mean, you could find in the -- like the  
18 well-specific operational criteria.  
19 Q. Well Specific Operating Guideline, or are  
20 we talking about two different things? The --  
21 A. Well --  
22 Q. -- WSOG or something else?  
23 A. They're the same thing.

Page 172:09 to 172:15

00172:09 Q. So -- so starting out, whether -- let's  
10 assume all crew members are vigilant at all  
11 times, but there's a formal process whereby for  
12 DP purposes and for EDS purposes there's  
13 something in the -- in the books of Manuals and  
14 Instructions of Transocean of an Advisory  
15 Condition, correct?

Page 172:17 to 173:05

00172:17 A. The -- the Advisory is in -- in the  
18 books, yes.  
19 Q. And beyond -- and then an Advisory can --  
20 the same circumstances that don't improve can  
21 then become what's known as a Yellow Alert within  
22 the Transocean guidance materials, correct?  
23 A. Potentially.  
24 Q. Yeah. And then from Yellow, the  
25 situation can turn into a Red Alert in the  
00173:01 Transocean Guidance Materials, correct?  
02 A. Potentially.  
03 Q. Yes. And in the Red Alert is when EDS  
04 occurs, correct?  
05 A. Yes.

Page 174:11 to 174:15

00174:11 Is well control situation one of those  
12 bullet-pointed con -- criteria for when the  
13 vessel -- key members of the crew be in an  
14 Advisory status?  
15 A. Yes.

Page 178:05 to 178:12

00178:05 Have you reviewed Captain Kuchta's  
06 qualifications to be the Master of the DEEPWATER  
07 HORIZON?  
08 A. No, sir.  
09 Q. Did the Transocean Investigative Team  
10 review Captain Kuchta's qualifications to be the  
11 Master of the DEEPWATER HORIZON on April 20th?

12 A. Some -- they looked at his records.

Page 179:09 to 179:11

00179:09 Q. Did they ask you to look into his  
10 qualifications?  
11 A. No.

Page 180:02 to 180:08

00180:02 Q. (By Mr. Haycraft) I'm going to represent  
03 to you that Exhibit 3750, which is at Tab 82,  
04 Binder 2, has been produced by Transocean in this  
05 litigation as the -- as the personnel training  
06 record of Captain Curt Kuchta as of April 20th,  
07 2010. Okay. Do you see that Exhibit 3750?  
08 A. Yes.

Page 180:11 to 180:15

00180:11 through it, but my question to you is: Did you,  
12 at any point after April the 20th, until the  
13 present moment, review Captain Kuchta's training  
14 record in this matter?  
15 A. I didn't.

Page 180:20 to 180:24

00180:20 Q. All right. Now, tell us what Major  
21 Emergency Management Training is at Transocean.  
22 A. It's a -- it's a class that teaches  
23 people how to handle major emergencies, how to  
24 manage them.

Page 181:17 to 181:18

00181:17 you-all call that "MEM" for short?  
18 A. Yes.

Page 182:15 to 182:17

00182:15 Q. The -- back to the MEM, do you know how  
16 long of a course that is?  
17 A. Four days.

Page 182:20 to 182:23

00182:20 Q. -- does it incur -- include simulations,  
21 scenarios, and running through scenarios?  
22 A. Actually, on something I think it's a  
23 five-day class, now that I'm thinking about it.

Page 183:02 to 183:08

00183:02 Q. Yeah. And by "simulations," I mean -- I  
03 can't think of the right word, but where you --  
04 you -- you play act in a sense, you go through  
05 scenarios in realistic conditions and you don't  
06 just get classroom instruction in. That's an  
07 awkward way of getting at my question.  
08 A. Yeah.

Page 183:13 to 183:16

00183:13 Q. And does MEM training -- does either  
14 vendor provide a Certificate of that training to  
15 the Trainee?  
16 A. Yes.

Page 183:23 to 184:04

00183:23 Q. And does -- in your experience at  
24 Transocean, does Transocean take some care to be  
25 sure that if a crew member such as a Master has  
00184:01 training accomplished at company expense, that  
02 that training record and that Certification goes  
03 in their -- their training record within the  
04 company files?

Page 184:06 to 184:09

00184:06 A. Yeah, they try to put it in.  
07 Q. (By Mr. Haycraft) Okay. Did Captain  
08 Kuchta, to your knowledge, have training in the  
09 EDS of the DEEPWATER HORIZON?

Page 184:11 to 184:25

00184:11 A. I -- yeah, I think Captain Kuchta had  
12 training through -- yes. Yes, my -- my answer is  
13 yes.  
14 Q. (By Mr. Haycraft) Okay. You've -- you've  
15 already told us that Captain Kuchta would have  
16 authority to EDS, correct?  
17 A. Yes.  
18 Q. And you would expect your Masters of your  
19 drilling vessels around the world to not only  
20 believe that they have the authority to EDS, but  
21 also that they know how to EDS?  
22 A. Yes.  
23 Q. Does Transocean require that its Masters  
24 of its drilling vessels around the world have MEM  
25 training?

Page 185:02 to 185:02

00185:02           A.   Yes.

Page 192:05 to 192:11

00192:05   MR. HAYCRAFT:  We're looking for the  
06   Emergency Response Manual.  
07           Q.   (By Mr. Haycraft) Have you -- have you --  
08   did -- were you asked to review by the Transocean  
09   Investigation Team whether or not all required  
10   Drills were actually carried out by the crew of  
11   the DEEPWATER HORIZON?

Page 192:13 to 192:13

00192:13           Q.   Okay.  Were you told what the results of

Page 192:22 to 193:03

00192:22   there's about 140 vessels, so I don't know who --  
23   who has done what Drills.  I'm not sure.  
24           Q.   Do you know whether or not it was a  
25   Requirement aboard the DEEPWATER HORIZON to do a  
00193:01   weekly EDS Drill?  
02           A.   From my understanding, yes.  
03           Q.   Is that true on all Transocean floaters?

Page 194:04 to 194:10

00194:04           Q.   (By Mr. Haycraft) Okay.  You know the --  
05   did you find out whether the DEEPWATER HORIZON  
06   crew conducted a weekly Fire Emergency Drill,  
07   Fire or Emergency Drill?  
08           A.   I assume they do every week.  
09           Q.   Okay.  Does the company prescribe that  
10   that Drill occur at the same time each week?

Page 194:12 to 194:15

00194:12           A.   Not to my knowledge.  
13           Q.   (By Mr. Haycraft) Does the -- so the  
14   company doesn't require that -- that Masters  
15   conduct the Drill at the same time each week?

Page 194:17 to 194:17

00194:17           A.   No.

Page 195:04 to 195:08

00195:04 Di -- did -- does Transocean have a  
 05 Policy about whether it is good, bad, or  
 06 indifferent to have the Drill at the same time,  
 07 say, Sunday at 10:00 or 10:30 in the morning,  
 08 each and every week?

Page 195:10 to 195:10

00195:10 A. No.

Page 198:19 to 199:06

00198:19 Q. Does Transocean have any Requirement that  
 20 its OIMs aboard DP vessels be -- be Licensed  
 21 Mariners?  
 22 A. They -- they have an OIM endorsement.  
 23 Q. An OIM endorsement from the Republic of  
 24 the Marshall Islands in the case of the DEEPWATER  
 25 HORIZON?  
 00199:01 A. Yes.  
 02 Q. Okay. What Coast Guard Licenses for  
 03 vessels operating in U.S. waters does Transocean  
 04 require of its OIMs?  
 05 A. It's -- it's the -- not -- it's not a --  
 06 a Coast Guard License.

Page 200:13 to 200:17

00200:13 Q. M-h'm. Does Transocean have any of its  
 14 DP vessels sail under the U.S. flag?  
 15 A. Yes.  
 16 Q. Which one?  
 17 A. The EXPLORER.

Page 201:17 to 202:03

00201:17 Q. (By Mr. Haycraft) The question is: What  
 18 are the eight situations that are covered in the  
 19 Emergency Response Manual EDS Procedures? Is  
 20 well control one of those?  
 21 A. It says: "The correct EDS sequence must  
 22 be consciously decided upon prior to the  
 23 commencement of operations and selected at the  
 24 BOP...Control Unit. The eight operations in this  
 25 text are: "Drilling." "Tripping." "Tripping -  
 00202:01 Bottom Hole..." "Logging." "Running..."  
 02 "Cementing." "Well Control Situation." And  
 03 "Well Testing."

Page 204:24 to 205:06

00204:24 Q. (By Mr. Haycraft) You -- I just pointed  
 25 you to a printed page from the DEEPWATER HORIZON  
 00205:01 Emergency Response Manual, and my simple question  
 02 was: Isn't it true that a well control situation  
 03 is one of the scenarios envisioned by the authors  
 04 of this manual where an EDS may be contemplated  
 05 by the people aboard the rig?  
 06 A. Sure. Along with --

Page 206:19 to 208:03

00206:19 We're looking at Exhibit 4644, which is a  
 20 couple of pages from the DEEPWATER HORIZON  
 21 Emergency Response Manual, Volume 1. And we're  
 22 looking at various conditions that are  
 23 contemplated by the authors of the Manual for  
 24 potential alerts. Do you see that section --  
 25 those sections?  
 00207:01 A. Yes.  
 02 Q. And among the potential situations for  
 03 EDS Procedures to be activated would be a well  
 04 control situation?  
 05 A. (Reviewing document.)  
 06 Q. Is that one of the eight or so scenarios  
 07 that must be borne in mind by the crew of the  
 08 DEEPWATER HORIZON for potential EDS, is a well  
 09 control situation?  
 10 A. (Reviewing document.)  
 11 What I'm reading here, that these -- my  
 12 understanding is these have to be EDS-sequenced,  
 13 because, you know, they're EDS-1, EDS-2. And by  
 14 looking at this, you decide which of these two to  
 15 apply to it.  
 16 Q. M-h'm. So your understanding -- and let  
 17 me have a look, so the record will be clear.  
 18 Your understanding of the general considerations  
 19 for EDS is before contemplating various  
 20 activities one has to know on the crew of the  
 21 DEEPWATER HORIZON whether you're going to go to  
 22 an EDS-1 or an EDS-2 sequence?  
 23 A. Depending on where they are with the Well  
 24 Program, yes, they'll make a decision. People  
 25 will be informed of that.  
 00208:01 Q. And that would be the drilling crew that  
 02 would make that decision?  
 03 A. Yes.

Page 208:10 to 209:13

00208:10 Q. You can see that on this page EDS 1 is  
 11 identified as shearables and EDS-2 as  
 12 nonshearables, correct?  
 13 A. That's what that page says.

14 Q. Okay. And that -- the first sentence  
 15 under "General" condition -- "Considerations"  
 16 states: "Action to be taken at each of the DP  
 17 Alert levels are dependent on the rig floor  
 18 operation at the time. These Yellow and Red  
 19 Alert actions are posted on the drill floor."  
 20 Did I read that correctly?  
 21 A. Yes.  
 22 Q. Okay. And then in the other page that we  
 23 were examining before the break, Section 12,  
 24 Subsection 11, is -- is a procedure for the  
 25 different alert levels in a well control  
 00209:01 situation, correct?  
 02 A. Yeah. Can I read that one, because I  
 03 haven't re -- read that one yet?  
 04 Q. (Tendering.)  
 05 A. Thank you.  
 06 (Reviewing document.)  
 07 And this is the one I'm talking about  
 08 with the Yellow Alert, where -- where, you know,  
 09 you hanging off and spacing out.  
 10 Q. Right. And a Yellow Alert is to be  
 11 entered into when a well consider -- a well  
 12 control situation is encountered by the drill  
 13 crew, correct?

Page 209:15 to 209:15

00209:15 A. Okay. Yes.

Page 209:19 to 210:01

00209:19 And the title of -- of this page at se --  
 20 at Section 12, Subsection 11 of Exhibit 4644,  
 21 "EMERGENCY DISCONNECT ACTIVATION-WELL CONTROL,"  
 22 and then bold: "Note: Well Control is the point  
 23 at which a kick is detected and the well is shut  
 24 in."  
 25 Did I read that correctly?  
 00210:01 A. Yes.

Page 210:25 to 212:12

00210:25 First, I want to make sure we've put a  
 00211:01 full stop to this issue, and that is, you agree  
 02 that a Yellow Alert is what happens, as far as  
 03 the alert status goes, upon detection of a kick?  
 04 A. The Yellow Alert -- yeah. Can I see that  
 05 page -- paper one more time?  
 06 Q. M-h'm. (Tendering.)  
 07 A. (Reviewing document.)  
 08 Q. Is -- is the answer "Yes"?  
 09 A. Yeah, but it's not just that, right?



10 Q. No. But -- but a yel -- a Yellow Alert  
 11 is the first in the series of Alerts that may  
 12 follow including Red, should the situation  
 13 develop further.

14 A. Well --

15 Q. A Yellow Alert is -- is to be called upon  
 16 detection of a kick, correct?

17 A. Yeah, but it's -- but it could be called  
 18 for location --

19 Q. Yeah.

20 A. -- you know, the whole thing.

21 Q. The Procedure described in Section 12,  
 22 Subsection 11, under "EMERGENCY DISCONNECT  
 23 ACTIVATION-WELL CONTROL" has to do with entering  
 24 Yellow Alert in a well control situation,  
 25 correct?

00212:01 A. Yes.

02 Q. Okay. And now to get back to what you  
 03 were clarifying, of the previous testimony, I had  
 04 asked you about EDS drills, and I think you're  
 05 making a correction of your earlier testimony on  
 06 that?

07 A. Yes. Thank you.

08 Kick drills, weekly drills.

09 Q. Okay. So -- so the -- the Drilling  
 10 Department undertakes a weekly well control-type  
 11 drill as required by Transocean?

12 A. Yes.

Page 212:20 to 212:24

00212:20 point prior was: Does the -- do the crews of DP  
 21 vessels in the Transocean fleet perform a weekly  
 22 EDS drill? I want to put that question back out  
 23 on the table for you to answer.

24 A. Not that I'm aware of.

Page 220:10 to 220:10

00220:10 (Exhibit No. 5446 marked.)

Page 220:20 to 221:07

00220:20 Q. Well, I -- I -- I must have -- you must  
 21 have turned it over in the handover, so let me --  
 22 maybe I put the sticker on the wrong side. Nope,  
 23 nope, you're -- you are a hundred percent right,  
 24 I'm a hundred percent wrong. Again, first  
 25 paragraph, under "General Considerations."

00221:01 A. "Actions to be taken at each of the DP  
 02 Alert levels are dependent on the rig floor  
 03 operation at the time. These Yellow and Red  
 04 Alert actions are posted on the drill floor. The

05 DEEPWATER HORIZON crews will strictly adhere to"  
06 those -- "to these" act -- "Alert Actions and EDS  
07 drills will be executed weekly."

Page 221:17 to 221:24

00221:17 Q. The second question is: In your  
18 investigation, or to your knowledge, your Team's  
19 investigation, ever learn whether the HORIZON  
20 crew conducted a weekly EDS drill?  
21 A. I don't -- I don't know.  
22 Q. Do you agree that drills are an important  
23 training exercise so that crewmen know what to do  
24 in a -- in an emergency situation?

Page 222:01 to 222:01

00222:01 A. I think drills are important.

Page 222:03 to 222:09

00222:03 A. Well --  
04 Q. -- crews know what to do in an emergency  
05 situation?  
06 A. Yes.  
07 Q. And is it true that drills create a sense  
08 of -- of understanding what to do even when chaos  
09 is around you?

Page 222:11 to 222:12

00222:11 A. Drills help -- drills help people to  
12 better prepare, in my opinion.

Page 223:04 to 223:10

00223:04 Q. (By Mr. Haycraft) Did you -- in -- in --  
05 in investigating the lifeboat situation, did you  
06 learn whether the crews of those who entered  
07 those lifeboats ever activated the sprinkler  
08 system on those lifeboats?  
09 A. I don't -- I remember something about it,  
10 but I can't remember -- I'm not sure.

Page 224:09 to 224:12

00224:09 Q. Did you -- did you look into whether they  
10 had on their consoles the compass heading to --  
11 to -- to -- to steer the boat in?  
12 A. No, sir.

Page 224:17 to 224:24

00224:17 right -- whether you -- you -- you, as Master,  
18 ensured that the lifeboats were -- it was  
19 prearranged on any particular well and any  
20 particular heading of the DP vessel that the  
21 console told whoever was at the helm to head in a  
22 particular direction so you would be sailing  
23 directly away from the -- the rig that's being  
24 abandoned?

Page 225:01 to 225:03

00225:01 A. Where I worked, did I have that?  
02 Q. (By Mr. Haycraft) Yes.  
03 A. Yes.

Page 225:06 to 225:16

00225:06 Q. Because in a -- in a -- in a situation of  
07 darkness, of fire and explosions, of confusion,  
08 and -- that it would be helpful for the -- the --  
09 the Person In Charge of steering that lifeboat to  
10 know which way to head, right?  
11 A. Yes.  
12 Q. And the same question: Are those  
13 lifeboats on DEEPWATER HORIZON and other DP  
14 vessels operated by Transocean, do they have a  
15 pos -- positive air system?  
16 A. They have -- they have air systems, yes.

Page 225:22 to 226:04

00225:22 Q. If one opens the hatch in the process  
23 of -- of -- of departing the rig, one breaks that  
24 positive air pressure, correct?  
25 A. I would say, yes.  
00226:01 Q. And part of the purpose of the sprinkler  
02 system is to cool the outside shell of the boat  
03 as it's in an emergency situation, correct?  
04 A. Yes.

Page 226:17 to 226:23

00226:17 Q. Is it important to check the batteries on  
18 the lifeboat on a regular basis?  
19 A. Yes.  
20 Q. Is that because you want to be sure the  
21 batteries will work when you need them on the  
22 lifeboat?  
23 A. Yes.

Page 233:18 to 233:21

00233:18 question I'm going to ask you is: You -- you  
19 were one of the Interviewers of Yancy Keplinger,  
20 correct?  
21 A. Yes.

Page 233:23 to 233:25

00233:23 as Exhibit 4367. You were one of the  
24 Interviewers of Paul Meinhart, correct, sir?  
25 A. Yes.

Page 241:13 to 241:17

00241:13 (Exhibit No. 5454 marked.)  
14 Q. (By Mr. Haycraft) And if you would turn  
15 to the second to last page of that exhibit, the  
16 interview of Mike Dow. Do you remember doing  
17 that interview?

Page 243:21 to 244:17

00243:21 together, then. I'll read out loud: "Mike  
22 indicated that the OIM is in charge on location  
23 during normal operations and the Captain is in  
24 charge during a marine emergency. He said that  
25 ideally the Captain is responsible for the  
00244:01 mayday, but whoever is on watch needs to be  
02 responsible in an emergency. When ordering an  
03 abandon ship, Mike said that the Captain would  
04 first be responsible, then the Chief Mate. He  
05 also said that the" -- "said the Captain would  
06 make the call to lower the lifeboats.  
07 "Mike was not" entirely -- "entirely sure  
08 what the documentation read with regard to  
09 activating the EDS. He said the primary  
10 authority should be the drill floor. When safety  
11 is an issue, it should be activated by the  
12 bridge. He said the DPO might be," quote, "'hard  
13 pressed,'" end quote, "and not feel like they had  
14 the authority to activate the EDS," period, end  
15 quote.  
16 Did I read that correctly?  
17 A. Yes.

Page 247:08 to 247:11

00247:08 Q. So basically, we can all be pretty sure  
09 that you probably were the Interviewer for Mike  
10 Dow as reflected in that form?  
11 A. Yeah, I think so.

Page 247:13 to 247:13

00247:13 (Exhibit No. 5456 marked.)

Page 247:16 to 247:22

00247:16 Q. Tab 47 is Yancy Keplinger, Interviewers,  
17 Perrin Roller and John MacDonald.  
18 Do you see that?  
19 A. I did his.  
20 Q. And that, you do recall doing that  
21 interview?  
22 A. Yes.

Page 247:25 to 248:05

00247:25 Q. (By Mr. Haycraft) And last -- and the  
00248:01 last tab in this particular binder is Tab 49, and  
02 Mike Mayfield is the interview subject.  
03 A. Yes.  
04 Q. Okay. You remember that one?  
05 A. Yes.

Page 248:08 to 248:25

00248:08 (Exhibit No. 5457 marked.)  
09 Q. (By Mr. Haycraft) Mike Mayfield was the  
10 Senior dynamic DPO, sen -- excuse me, the Senior  
11 DPO?  
12 A. Yes.  
13 Q. I'm going to turn to a specific page  
14 in -- in, or it's a paragraph that, which --  
15 which is third-to-last page, if you go three  
16 pages from the back. And Mike, this fellow,  
17 Senior DPO, down about two-thirds of the way down  
18 the page, I'll read the sentence in question  
19 here: "Mike believes that the Captain and the  
20 OIM have overall charge of the rig. Mike saw  
21 them both handling decisions together."  
22 Did I read that accurately?  
23 A. I'm sorry, again, which page are you on?  
24 Q. The Bates number at the bottom is 2993.  
25 It's three pages from the back.

Page 249:05 to 249:06

00249:05 Q. Okay. Did I read that accurately?  
06 A. Yes.

Page 253:11 to 253:19

00253:11 And nearing -- nearing the end here, turn  
12 to Tab 57, David Young, Chief Mate, John  
13 MacDonald listed as the Interviewer. Do you  
14 remember interviewing and having this record  
15 created of the interview with David Young?  
16 A. Yes.  
17 MR. HAYCRAFT: Mark that as  
18 Exhibit 5461.  
19 (Exhibit No. 5461 marked.)

Page 257:12 to 257:23

00257:12 The -- the question is: In your role as  
13 Marine -- Marine Manager or Marine Manager in the  
14 Marine Support Group at the Corporate level,  
15 you're not involved with Line Management, I  
16 understand, a ship -- an individual ship,  
17 correct?  
18 A. No.  
19 Q. Do you have any role in the decisions  
20 whether or not a Captain of one of the Transocean  
21 vessels is -- is qualified to be the Captain of  
22 one of the your ves -- one of Transocean's  
23 vessels?

Page 257:25 to 258:01

00257:25 A. It's -- it's not my -- it's not one of my  
00258:01 responsibilities.

Page 259:11 to 259:13

00259:11 Turn to Tab 12, "Rig Operations Drilling  
12 a Well - An Overview."  
13 (Exhibit No. 5464 marked.)

Page 260:03 to 260:09

00260:03 Q. (By Mr. Haycraft) In 2007, was this Rig  
04 Awareness Training Manual something that was  
05 provided to employees of Transocean from time to  
06 time?  
07 A. My -- my understanding is this the talk  
08 for TOPS for new employees, when they -- before  
09 they come to the rig.

Page 260:22 to 260:24

00260:22 Q. -- 5464. And we're going to go to a  
23 specific page, which is the last four digits of  
24 the Bates number is 3923.

Page 261:10 to 262:07

00261:10 Q. (By Mr. Haycraft) Okay. 3923 Bates  
11 number, do you see the big, bold words "Secondary  
12 Well Control"?  
13 A. Yes.  
14 Q. Okay. I'm going to read out loud, and  
15 you follow along.  
16 "Early recognition of warning signals and  
17 rapid shut-in are the key to effective well  
18 control. By taking action quickly, the amount of  
19 formation fluid that enters the wellbore and the  
20 amount of drilling fluid expelled from the  
21 annulus is minimized."  
22 Did I read that correctly?  
23 A. Yes.  
24 Q. Turn one page and look at Bates No. 3925,  
25 and the big bold words in the middle are  
00262:01 "Detecting a Kick." Are you with me?  
02 A. Yes.  
03 Q. I'm going to read it out loud: "A kick  
04 cannot occur without a warning sign or variation  
05 when drilling with 'returns to surface'?"  
06 Did I read that correctly?  
07 A. Yes.

Page 262:18 to 263:21

00262:18 Q. Turn a couple of pages to 3929, on the  
19 Bates numbers.  
20 3929, big bold words: "Kick  
21 Containment." Do you see that part of the page?  
22 A. Yes.  
23 Q. I'll read the first sentence first:  
24 "When a well kicks, it should be shut-in within  
25 the shortest possible time. By taking action  
00263:01 quickly, the amount of formation fluid that  
02 enters the wellbore and the amount of drilling  
03 fluid expelled from the annulus is minimized."  
04 Did I read that correctly?  
05 A. Yes.  
06 Q. And skip down to the bold words next on  
07 the page, quote: "Any suspected influx must be  
08 shut-in as fast as possible. The preferred  
09 method is a hard shut-in."  
10 Did I read that correctly?  
11 A. Yes.  
12 Q. And then skipping down to the words, "The  
13 Driller," I'll read out loud: "The Driller, or  
14 the person on the brake, has sole responsibility  
15 to take the initial steps in a potential well  
16 control situation. He has the authority to shut  
17 the well in" whenever an indication or --  
18 "whenever an indication of an influx or kick  
19 exists. False alarms should be treated as good

20 kick drills."  
21 Did I read that correctly?

Page 263:23 to 263:23

00263:23 A. Yes.

Page 264:09 to 264:17

00264:09 Q. (By Mr. Haycraft) Okay. When you were  
10 Master aboard the two vessels that you described  
11 at the beginning of my examination, had you taken  
12 well control at the time you -- by the time you  
13 were a Master on either of those two vessels?  
14 A. Yes.  
15 Q. Did you have, at that time, a fresh  
16 understanding of basics of drilling and well  
17 control?

Page 264:19 to 264:19

00264:19 A. Yes.

Page 264:25 to 265:17

00264:25 Again, that's Tab -- Tab 10, Exhibit  
00265:01 5463, Bates No. Page 3810, several pages in.  
02 Okay. Starting with the third paragraph,  
03 do you see the title of this page is "Basic Rig  
04 Crew"?  
05 A. Yes.  
06 Q. I'll start reading the third paragraph:  
07 At the rig site, the operating company and its  
08 interests are represented by a company  
09 representative. Known as the 'Company man,' will  
10 liaise" -- l-i-a-i-s-e -- with the drilling  
11 contractor to ensure safe and efficient  
12 operations take place in line with the drilling  
13 contract. During drilling operations it will be  
14 necessary for the company man to make on site  
15 company decisions but he will generally consult  
16 with senior staff on these and other issues."  
17 Did I read that correctly?

Page 265:19 to 265:19

00265:19 A. Yes.

Page 268:12 to 268:15

00268:12 Q. (By Mr. Haycraft) And you understood  
13 that, as Captain, you had command of the ship,



14 correct?  
15 A. Yes.

Page 268:17 to 268:20

00268:17 Q. (By Mr. Haycraft) And you knew that every  
18 second of every day you might have to exercise  
19 your skills and your judgment in an emergency,  
20 correct?

Page 268:22 to 268:25

00268:22 A. I knew that I had -- I had that  
23 responsibility.  
24 Q. You knew that you had authority to EDS,  
25 correct?

Page 269:02 to 269:02

00269:02 A. Yes.

Page 269:05 to 269:06

00269:05 you had either been trained or had read up on how  
06 to EDS, correct?

Page 269:08 to 269:12

00269:08 A. I -- I talked to the peop -- I was --  
09 yes, I was. I was trained.  
10 Q. M-h'm. And you knew how, when you were  
11 on the Bridge of either of those two DP vessels,  
12 how to EDS, if the situation called for an EDS?

Page 269:14 to 270:04

00269:14 A. The vessel -- when I worked with them, it  
15 was on the drill floor. Not all the vessels  
16 have --  
17 Q. (By Mr. Haycraft) Okay. So the two, the  
18 707 and the EXPEDITION, the EDS controls were  
19 down on the drill floor, for both?  
20 A. They were on the drill floor.  
21 Q. Okay. There weren't redundant EDSes, and  
22 the ECR and the CCR?  
23 A. For the E -- Emergency Disconnect?  
24 Q. Right, the EDS?  
25 A. No.  
00270:01 Q. Okay. Do you know that the DEEPWATER  
02 HORIZON had EDS functionality at three locations  
03 on the ship?  
04 A. I'm aware of that.

Page 270:14 to 270:18

00270:14 Q. (By Mr. Haycraft) Okay. Based on your  
15 experience with the two vessels you did work on,  
16 is the time from pushing the button to disconnect  
17 less than a minute? Was the time less than a  
18 minute?

Page 270:20 to 270:25

00270:20 A. It's varied.  
21 Q. (By Mr. Haycraft) Is it, the varied time,  
22 less than a minute?  
23 A. Yeah, it's -- it's -- it's var -- it's --  
24 it could be -- it's -- it could be more, it could  
25 be less.

Page 272:16 to 273:23

00272:16 Q. Okay. As I understand it, your  
17 interaction with the Investigation for Transocean  
18 in this matter was to interview crew members on  
19 the vessel; is that true?

20 A. Yeah, to interview people that came off  
21 the vessel, yes.

22 Q. Okay. And when Mr. Haycraft was going  
23 through the various statements that you had taken  
24 from your interviews, it seemed to me that they  
25 were all marine side employees of Transocean; is  
00273:01 that a fair statement?

02 A. Yes.

03 Q. You don't recall taking any statements,  
04 you personally, from anyone on the drilling side  
05 of the vessel; is that a fair statement?

06 A. Yes.

07 Q. Okay. You were not asked to participate  
08 in the Investigation of the drilling of the well,  
09 so to speak. Is that a fair statement, as well?

10 A. Yes.

11 Q. Okay. You didn't interview anyone in  
12 your official capacity as an Investigator for  
13 Transocean that did not work for Transocean; is  
14 that also true?

15 A. Yes.

16 Q. Okay. So I can take it then that you  
17 didn't speak to anybody from Halliburton in  
18 regards to this incident; is that correct?

19 A. Yes.

20 Q. And you didn't speak to anybody in  
21 reference to this incident from Sperry-Sun; is  
22 that true also?

23 A. Yes.

Page 274:12 to 274:16

00274:12 Q. Okay. And you, in fact, did not do so,  
13 you've not made an evaluation in your own mind as  
14 to the actions of the Captain and crew onboard  
15 the vessel on April 20th of 2010; is that  
16 correct?

Page 274:18 to 275:08

00274:18 A. In my -- in my mind?  
19 Q. (By Mr. von Sternberg) Yeah.  
20 A. I think they did a great job.  
21 Q. Okay.  
22 A. I think that under those circumstances,  
23 we had so many heroic things done, and I think  
24 that the training that they got for -- for --  
25 from the time they got onto the vessel, for all  
00275:01 their vessel-specific, all their external  
02 training, that their way -- the way that they  
03 worked together in such a short time when they --  
04 when we had the blowout, I -- personally, I'm  
05 very proud of everybody.  
06 Q. You're proud of the marine crew onboard  
07 the vessel; is that correct?  
08 A. Yes.

Page 276:04 to 276:16

00276:04 (Exhibit No. 5465 marked.)  
05 Q. (By Mr. Von Sternberg) This is an E-mail  
06 from you to Derek Hart; is that correct?  
07 A. Yes.  
08 Q. And on the page that's Bates-stamped  
09 with 3902 as the last four, you state that you've  
10 added some questions to those that he had  
11 provided you in reference to the interviews of  
12 the crew members. Is that a fair statement?  
13 A. Yes.  
14 Q. Okay. Do you remember this exercise of  
15 putting these questions together?  
16 A. Yes.

Page 276:23 to 278:10

00276:23 Q. Okay. So this E-mail that you dated  
24 June 1st of 2010 listed some proposed 58  
25 questions from you to interview -- to ask these  
00277:01 witnesses while you're interviewing them; is that  
02 correct?  
03 A. Yes.  
04 Q. Okay. Let me show you a document that's  
05 been previously marked as 4606. And I think

06 Mr. Haycraft marked it again today, but I'll --  
 07 as 5455. And it's going to be Tab 30 in our  
 08 binder. (Tendering.) This was a statement that  
 09 you looked at earlier today from David Hackney;  
 10 is that correct?  
 11 A. I didn't look at it, but it was  
 12 referenced, yes.  
 13 Q. Okay. And -- and you were the  
 14 Interviewer present -- present, John MacDonald;  
 15 is that correct?  
 16 A. Yes.  
 17 Q. Okay. And then if you'll look on the  
 18 second page, which is Bates 1749, there's the  
 19 list of questions that you asked Captain Hackney;  
 20 is that correct?  
 21 A. I did ask him these questions, yeah.  
 22 Q. Okay. And by my count, there's 32  
 23 questions on this list; is that right?  
 24 A. One, two -- 23, 24, 25 -- yes.  
 25 Q. And since I don't have the time to go  
 00278:01 back through the two lists of questions, needless  
 02 to say, someone culled your questions down from  
 03 some 58 to 32. Is that a fair statement?  
 04 A. Ah, I'm not sure.  
 05 Q. Okay. You can look at it if you need to  
 06 for a minute.  
 07 A. (Reviewing document.)  
 08 Q. It's a fair statement to say that 5465  
 09 has 58 questions on it, isn't it?  
 10 A. Yes.

Page 278:15 to 278:17

00278:15 Q. So do you know who was responsible for  
 16 cutting the list of questions down to the 32 that  
 17 you actually used to interview the witnesses?

Page 278:19 to 278:19

00278:19 A. No.

Page 289:24 to 291:01

00289:24 Sir, on April 20th, 2010, was the riser  
 25 deployed on the DEEPWATER HORIZON?  
 00290:01 A. I -- I was not there.  
 02 Q. Is it your understanding that the riser  
 03 was indeed latched up at that time?  
 04 A. My understanding.  
 05 Q. All right. Can you please describe for  
 06 me what a riser is?  
 07 A. Well, on -- from -- from the vessel down  
 08 to the -- the LMRP, BOP wellhead, and provides

09 the -- for the drill pipe and the mud to work its  
10 way up and down, and for -- to choke and kill  
11 with the BOP.

12 Q. Let me see if I can -- I can break that  
13 down a little bit.

14 Is it -- is it a rigid pipe?

15 A. Yes.

16 Q. All right. And it -- does it extend all  
17 the way from the seabed up to the rig itself?

18 A. Yes, with -- with the slip joint.

19 Q. Okay. And is the drilling rig -- rig  
20 attached to the seabed via the riser?

21 A. Yeah, it's -- yes.

22 Q. And is the purpose of the riser to  
23 facilitate the work of the drilling rig in  
24 exploring for or producing oil and gas from  
25 beneath the seabed?

00291:01 A. Yes.

Page 294:19 to 294:23

00294:19 Q. All right. Can you describe for us the  
20 conclusions that you reached concerning the  
21 activities of the Marine crew in general on the  
22 night of April 20, 2010, when they were faced  
23 with what they were faced with?

Page 294:25 to 296:22

00294:25 A. My -- my thoughts, based on my experience  
00295:01 and talking with all the people about all the  
02 things that they -- they were fighting, and had  
03 to -- to do to save themselves and their -- the  
04 crew members is that they did -- many, many  
05 people did many, many heroic things. They acted  
06 as I would expect Transocean people, or -- or  
07 people in another industry, I mean if people that  
08 are well trained and care about one another.

09 And everybody on the Bridge, everybody  
10 making the -- the rescues with the stretchers,  
11 keeping the people calm in the boats, getting the  
12 stretcher into the life raft, the people on the  
13 Bridge, how quickly they -- they reacted in terms  
14 of getting out the VHF, the Mayday, and the GMBSS  
15 distress, telling the boat to clear, making the  
16 PAs and the general alarms, to get all those  
17 people out there, and get them onto the two boats  
18 when they had nothing back aft, and people were  
19 coming from -- that -- that's a very big rig,  
20 very big vessel.

21 So I just know from my experience there  
22 could have been people anyplace, you know, way  
23 down the columns had to get up and things, and  
24 that they get everybody off, except for the

25 people who, you know, may -- except for the  
 00296:01 people who may not have perished dur -- during  
 02 the explosion, or asphyxiation, whatev -- what --  
 03 I don't know what would have done it, but I think  
 04 that all those people to get off, it just speaks  
 05 volumes for the training, the training that they  
 06 had.

07 And I can -- I can tell you after the  
 08 fact, talking to guys that used to work with our  
 09 company, I can tell you from working with people  
 10 in our industry that I've known for 20 and 30  
 11 years, they -- they -- they all say, "Our  
 12 training was a huge part of it."

13 Because I -- I talk to guys on other  
 14 vessels who, you know, get your basic Coast Guard  
 15 training when you get your License. And the  
 16 drills, the fact that they -- they did the  
 17 drills, they took them seriously.

18 Everybody knew the alarm signals, you  
 19 know, what the differences between, you know,  
 20 whether it's abandon, or fire and emergency or  
 21 tox -- or H -- H2S, the ones they hear every  
 22 week, those things made a huge difference --

Page 296:24 to 297:04

00296:24 A. -- and saved people's lives.

25 Q. Did you question each Marine crew member  
 00297:01 that you interviewed concerning the safety  
 02 culture of Transocean in general, but more  
 03 particularly on the DEEPWATER HORIZON?  
 04 A. Yes.

Page 297:06 to 297:10

00297:06 Q. (By Mr. Kallam) Can -- can you tell the  
 07 Court what the conclusions were, factually, that  
 08 you reached concerning the safety culture and  
 09 safety environment aboard the HORIZON in  
 10 particular, but among Transocean in general?

Page 297:12 to 298:03

00297:12 A. I -- excuse me. I -- my conclusion was  
 13 that they had very good teamwork. They had  
 14 respect for one another; that their -- that their  
 15 training and safe -- their safety culture was  
 16 very good. I mean, they're -- they're telling me  
 17 about -- I don't know how long ago it was, you  
 18 know, getting an award from BP, and the -- I  
 19 can't remember. I remember days without lost  
 20 time acc -- incidents, but I do remember that it  
 21 was pretty impressive. I can't -- you know,

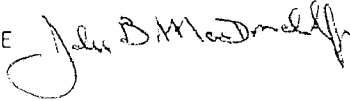
22 that's not -- my memory, that part of my memory  
23 is not -- not coming to me right now, but --  
24 Q. (By Mr. Kallam) All right. Based upon  
25 the interviews that you conducted and the  
00298:01 information that you received, was it fair to say  
02 that none of the Transocean crew members were  
03 acting callous or indifferent towards safety?

Page 298:07 to 298:22

00298:07 A. Yes. I think they -- they were all --  
08 they embraced safety. I mean, that -- they --  
09 they were proud to be -- you know, all the  
10 opportunities they had and the training that the  
11 Company offers them.  
12 And a lot of people have told me in the  
13 interviews, and outside of it, they're very happy  
14 about Transocean's safety culture, and the  
15 ability of Transocean to provide a lot of the  
16 classes that they do for people, like the THINK,  
17 the START, the Focus, you know, Time Out For  
18 Safety. All those type of things where they  
19 empower people and train people, teach people,  
20 and improve their situational awareness, that's  
21 why a hundred -- 115 people got home with their  
22 families.

1

CHANGES AND SIGNATURE



2 WITNESS NAME: CAPTAIN JOHN B. MACDONALD

3 DATE OF DEPOSITION: SEPTEMBER 30, 2011

4 PAGE LINE CHANGE REASON

5 100-12 **Change** to "The current unexpired unlimited Masters license that I hold is a Liberian License. **Reason** - Because the unexpired Unlimited Masters license was a Liberian License not my USCG license or Marshall Island license which were expired. I did not need either while working on shore.

6 101-1 **Change** "I don't recall" to "I have not. My unlimited USCG license and Marshall Islands licenses are expired. My only license that is current is my Liberian license. I do not require any license for my work ashore and I am on a lung transplant list and will not be returning to sea." **Reason** - To clarify that I did not hold an unexpired Masters License issue by the USCG. That my unlimited unexpired Masters license was Liberian.

7 165-12 **Change** "yes" to "they are expected to understand the system if there is one on the bridge". **Reason** - Because I do not believe they are expected to function the system located on the drill floor.

8 170-9 **Change** "I ... book" to "There is not a book called the DP Watch Circle Book" **Reason** Because I said I did not know it, we do not have one.

9 184-22 **Change** "Yes" to "Yes, if they work on a vessel that has the ability to EDS from the bridge" **Reason** - Because when I answered the question, that is what I meant. It is should be part of the vessel specific training put together by the marine department.

10 193-8 **Note** - Please note for change to Page 212 line 24 **Reason** We did them on the vessels I worked on. I thought everyone did them.



11 212-24 **Change** to "we performed them on the vessels that I worked on. I am not positive about the entire fleet" **Reason** - That is what I meant when I said earlier in the deposition that they were done but I did not think I could accurately say that for the entire fleet.

12 269- 25 **Change** "no" to "no, they were not redundant EDS's in the ECR and CCR on those vessels, but the Expedition did have a very small portable hydro acoustic box that could be used for emergencies. The DPO's were trained to use it. **Reason** - Because when he said, "redundant EDS's I thought he meant fully redundant, large fixed EDS controls.