

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**In re: Oil Spill by the Oil Rig
“Deepwater Horizon” in the Gulf
Of Mexico, on April 20, 2010**

Applies to: *All Cases.*

* **MDL No. 2179**
*
* **SECTION: J**
*
* **JUDGE BARBIER**
* **MAGISTRATE SHUSHAN**

* * * * *

**ALL PARTIES OBJECTIONS TO DEPOSITION DESIGNATIONS OF
GREGORY MECHE**

<u>From</u>		<u>To</u>		<u>Objecting</u> <u>Party</u>	<u>Objection</u>	<u>Ruling</u>
<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>			
17	1	17	2	BP	Colloquy	
23	18	24	2	BP	Colloquy	
					Narrative by Counsel, where no question was asked, should be stricken. (23:18-21, 23:24-24:3). The Witness was only asked: “[D]oes a Compliance Specialist actually perform what I’ve had described to me as a mud check?” (24:3-5). The question lacks foundation, and calls for speculation and opinion, because the Witness has no way of knowing how a “mud check” was “described” to Counsel.	
23	18	24	9	M-I		
					The Witness was asked: “So maybe the better question is – I mean, in your training they didn’t give you the scientific background for the evaluation performed in a – in a sheen test. Is that a fair statement?” (33:13-17). The question is vague and ambiguous for numerous reasons. First, it is not apparent to whom the pronoun “they” refers, particularly given that the Witness testified about three previous jobs in	
33	13	33	22	M-I		

					the oil and gas industry. (17:1-25). Second, the terms “scientific background” and “evaluation” are vague. Third, it is unclear whether the Witness was being asked to provide his opinion about what “maybe the better question”.	
35	1	35	2	BP	Colloquy	
46	3	46	11	M-I	The terms “different kind of spacer” and “usually used” render the question vague and ambiguous, because there is no context for comparison. (46:3-6). There was also no showing that the Witness had the requisite personal knowledge to testify about a usual “kind of spacer” might have been. Accordingly, the question also calls for speculation and opinion. Furthermore, the question calls for hearsay, and the testimony in response – that he “was told” certain facts – is inadmissible hearsay. (46:3-11).	
47	25	48	18	BP	Hearsay	
54	4	54	6	M-I	Counsel asked: “Well, if somebody discharged something without going through you, that would have been inappropriate, wouldn’t it have?” (54:4-6). The question patently calls for speculation, and is vague and ambiguous because of the terms “somebody,” “something,” and “inappropriate.” (Id.)	
54	8	54	8	M-I	Counsel asked: “Well, if somebody discharged something without going through you, that would have been inappropriate, wouldn’t it have?” (54:4-6). The question patently calls for speculation, and is vague and ambiguous because of the terms “somebody,” “something,” and “inappropriate.” (Id.)	
57	6	57	13	M-I	The question is vague and ambiguous because it is unclear what was meant by the phrase “look	

					at . . . in any other nonprotocol [sic] ways”. (57:6-7). Moreover, the question lacks foundation, because there has been no showing that the Witness has sufficient personal knowledge to testify as to the alleged conduct of “any other M-I individual”. (Id.)	
62	24	63	22	M-I	The Witness was told: “We have your testimony before the MBI. I’d like to walk through that with you.” (62:24-25). The designated section is inadmissible because of the statutory prohibition against using the testimony from the Coast Guard hearings, and this Court’s ruling on motions in limine regarding the admissibility of same.	
62	24	62	25	BP	Inadmissible per statute (46 U.S.C. § 6301)	
63	15	63	16	BP	Inadmissible per statute (46 U.S.C. § 6301)	
65	17	65	17	BP	Colloquy	
75	13	75	15	BP	Colloquy	
83	6	83	12	BP	Vague; Ambiguous	
83	6	83	12	M-I	The Witness is asked two separate questions, and the inquiry is thus compound, vague and ambiguous, and inadmissible. (83:6-12).	
83	14	14	14	M-I	The Witness is asked two separate questions, and the inquiry is thus compound, vague and ambiguous, and inadmissible. (83:6-12).	
83	14	83	21	BP	Vague; Ambiguous	
83	15	83	21	M-I	The Witness is asked two separate questions, and the inquiry is thus compound, vague and ambiguous, and inadmissible. (83:6-12). Moreover, the first question mischaracterizes the Witness’s previous testimony and assumes facts not in evidence. (Id.)	
83	23	83	23	BP	Vague; Ambiguous	
83	23	83	23	M-I	The Witness is asked two separate questions, and the inquiry is thus	

					compound, vague and ambiguous, and inadmissible. (83:6-12). Moreover, the first question mischaracterizes the Witness's previous testimony and assumes facts not in evidence. (Id.)	
106	25	107	8	BP	Not Relevant	
107	9	107	15	BP	Colloquy	
108	5	109	19	M-I	Narrative by Counsel, where no question was asked, should be stricken. (108:5-10). That statement also mischaracterizes the Witness's previous testimony, and – for context and foundation – relies on earlier, inadmissible questions about the Witness's MBI testimony. (Id.) Accordingly, the question should be stricken if this Court grants M-I's Objection, supra. (62:24–63:22). Independent of the previous testimony, this section lacks foundation, and is vague and ambiguous.	
110	19	110	20	BP	Colloquy	
113	10	113	13	M-I	The question calls for speculation and opinion on two occasions, and is vague and ambiguous by virtue of being compound, because the Witness is asked about two different situations. (113:10-13).	
113	15	113	20	M-I	The question calls for speculation and opinion on two occasions, and is vague and ambiguous by virtue of being compound, because the Witness is asked about two different situations. (113:10-13).	
116	18	116	21	BP	Colloquy	
121	1	121	5	BP	Not Relevant	
122	11	122	13	M-I	The Witness was asked: "So is it fair to say when you don't know what your [sic] testing your normal protocol is you – you – you run the full test?" (122:11-13). The question is vague and confusing as phrased. (Id.) The question is also	

					vague and ambiguous, because it is unclear what was meant by the terms “normal protocol” and “full test.” (Id.) The question also seeks to improperly characterize the Witness’s previous testimony. (Id.)	
122	15	122	23	M-I	The Witness was asked: “So is it fair to say when you don’t know what your [sic] testing your normal protocol is you – you – you run the full test?” (122:11-13). The question is vague and confusing as phrased. (Id.) The question is also vague and ambiguous, because it is unclear what was meant by the terms “normal protocol” and “full test.” (Id.) The question also seeks to improperly characterize the Witness’s previous testimony. (Id.)	
136	11	136	13	M-I	The question is vague and ambiguous because the phrase “at any of those times” does not adequately provide the Witness with the context to fairly respond. (136:11-13). The question is also vague and ambiguous by virtue of being multi-part and compound. (Id.)	
136	15	136	15	M-I	The question is vague and ambiguous because the phrase “at any of those times” does not adequately provide the Witness with the context to fairly respond. (136:11-13). The question is also vague and ambiguous by virtue of being multi-part and compound. (Id.)	
139	13	139	24	Transocean	Testimony lacks foundation. (Fed. R. Evid. 602).	
141	8	141	11	M-I	The Witness was asked: “If it weren’t, are you familiar with what EPA Regulations would require as to the disposal of that LCM pill?” (141:8-10). Given the Witness’s response to the immediately preceding question – where he	

					agreed that every time an LCM pill was built, it was pumped down hole (141:5-7) – the instant question calls for speculation and opinion, and is vague and ambiguous. (141:8-10). The Witness cannot be expected to guess as to what regulatory requirements might theoretically be implicated when “that LCM pill” would be hypothetically at issue.	
147	24	147	25	BP	Vague; Ambiguous	
147	24	148	3	M-I	The question calls for speculation, and is vague and ambiguous, because it is unclear what Counsel would consider to be “an unusual spacer in composition,” and the Witness should not be forced to guess as to the subject matter at issue. (147:25). The question also calls for inadmissible hearsay.	
148	3	148	3	BP	Vague; Ambiguous	
150	20	151	7	M-I	The question consists, in part, of narrative by Counsel, which assumes facts in evidence, mischaracterizes the Witness’s previous testimony. (150:20-25). The question is also multi-part, compound, vague and confusing. (Id.) Furthermore, there has been no showing that the Witness has the requisite personal knowledge to testify about the alleged importance of “composition of the spacer” (150:20), particularly in light of the Witness’s previous testimony that “[t]he composition of the spacer is – is not within the – the scope of what I’m there for.” (150:17-19). The question therefore also calls for speculation.	
157	18	157	24	M-I	Narrative by Counsel, where no question was asked, should be stricken. (157:18-22). The Witness is asked: “Well, you understand that there are times, like the – the exhibits that Mr. Chakeres showed	

					you, that the sheen is not apparent in the first instance, but then later, the second test, after 10 minutes, it is. You understand that that happens at times?” (157:18-23). To the extent that Counsel’s testimony is not stricken, the question is multi-part, compound, vague and confusing.	
158	1	158	4	M-I	The Witness was asked: “Did you tell Mr. Vidrine that?” (158:2-4). The question is vague and ambiguous, because it is unclear to what the pronoun “that” was referring. The question also relies on objectionable testimony for context and foundation, and should be stricken if this Court grants M-I’s Objection, immediately supra. (157:18–157:22). Independent of the previous testimony, this section lacks foundation, and is vague and ambiguous.	
160	23	161	5	M-I	The Witness was asked: “You – you talked about the Displacement Procedure meeting, and as I understood it, that that was led by Mr. Lindner?” (160:23-25). Narrative by Counsel, regarding his understanding, should be stricken. The question calls for speculation to the extent it calls for the Witness to guess as to Counsel’s understanding. Furthermore, the question relies on earlier, inadmissible questions about the Witness’s MBI testimony for context and foundation, and should be stricken if this Court grants M-I’s Objection, supra. (62:24–63:22). Independent of the previous testimony, the questions in the instant section lack foundation, and are vague and ambiguous.	
161	10	161	15	M-I	The Witness was asked: “You – you talked about the Displacement Procedure meeting, and as I understood it, that that was led by	

					<p>Mr. Lindner?” (160:23-25). Narrative by Counsel, regarding his understanding, should be stricken. The question calls for speculation to the extent it calls for the Witness to guess as to Counsel’s understanding. Furthermore, the question relies on earlier, inadmissible questions about the Witness’s MBI testimony for context and foundation, and should be stricken if this Court grants M-I’s Objection, supra. (62:24–63:22). Independent of the previous testimony, the questions in the instant section lack foundation, and are vague and ambiguous.</p>	
161	10	161	15	M-I	<p>Additionally, after being handed a document [Exhibit 967], the Witness was asked: “And if – if I have it correct, this is a copy of the Displacement Procedure that Mr. Lindner drafted and circulated at that meeting. Does it look familiar to you?” Narrative by Counsel, regarding whether he has “it correct,” should be stricken. Furthermore, the question relies on earlier, inadmissible questions about the Witness’s MBI testimony for context and foundation, and should be stricken if this Court grants M-I’s Objection, supra. (62:24–63:22). Independent of the previous testimony, the questions in the instant section lack foundation, and are vague and ambiguous.</p>	
163	7	163	13	M-I	<p>The question calls for speculation, because the Witness is being asked about Counsel’s “understanding”. (163:7-12). Moreover, the question mischaracterizes the document at issue [Exhibit 967] and the Witness’s testimony regarding same.</p>	
170	8	170	12	M-I	<p>The question mischaracterizes the Witness’s testimony, and consists of narrative by Counsel where it states</p>	

					<p>“before collecting your sample based on the –based on the pump strokes.” (170:10-11). The Witness did not testify that he was collecting his sample based on the pump strokes and there is no evidence in the record to support that assertion. Furthermore, Counsel does not ask a question and is simply testifying by stating “So you go to the gumbo box...collect your sample.” If, however, that is considered to be a question and not a narrative, Counsel then asks a compound question because he does not allow the witness to answer before stating “[y]ou go where to do the sheen test?”</p>	
171	20	171	25	M-I	<p>The question mischaracterizes the Witness’s previous testimony regarding the document at issue [Exhibit 967] because the Witness never identified the document as it is being described by Counsel. (171:21-22).</p>	
173	18	173	21	M-I	<p>The question is vague and ambiguous because of the term “typical Displacement Procedure”. (173:20).</p>	
177	20	177	23	M-I	<p>The Witness was asked: “I understand this was Mr. Lindner’s Displacement Procedure that he discussed at the meeting on April 20th, correct?” (177:20-22). The question calls for speculation because the Witness is being asked about Counsel’s understanding. The question also mischaracterizes the document at issue [Exhibit 967] because the Witness never identified the document at it being described by Counsel.</p>	
182	14	182	15	M-I	<p>The question is vague and ambiguous because it does not define or elaborate upon what “abbreviated” means. Further, the</p>	

					witness demonstrates his confusion asking “Does that answer?” (182:23-24). In addition, the question mischaracterizes the Witness’s testimony because he testified that it was “inside of 10 minutes to be safe” (182:10) and “[d]efinitely under 10 minutes” (182:13) but he never characterizes or describes that as “abbreviated”.	
200	2	200	17	M-I	The question calls for speculation because the Witness was asked: “If you’re going to conduct the sheen test...” (200:3-4). In addition, the question begins with a narrative from Counsel: “I want – I actually just want to try to make sure I understand how this works...” (200:2-3). The question also is compound because it first asks “wouldn’t you need to stop once that fluid comes to the top, to sort of determine whether or not you can go overboard” (200:10-12) without allowing Meche to answer, and then asks “because you sort of stop the flow and then allow it to continue if it’s a pass?” (200:12-14)	
201	4	201	16	M-I	The question is vague and ambiguous because it states “[a]nd so doing that” (201:4) without specifying what “that” refers to. In addition, it is vague and ambiguous because it asks “obviously shutting down the pumps slows down the process of whatever was happening that day, because it’s a break?” (201:5-7). The question is vague and calls for speculation to the extent it asks the Witness to testify as to “whatever was happening that day” (201:6) without specifying which day, clarifying what was happening on the rig, or what it was a “break” (201:7) from.	
202	11	202	12	BP	Inadmissible per statute (46 U.S.C. §	

					6301)	
224	4	224	22	M-I	The question is vague and ambiguous, because it asks “based on what you know, some combination of that – those factors contribute to their decision to call the shaker hand” (224:4-6), without specifying which factors, whose decision Counsel is referring to, or Meche’s knowledge as to what. Furthermore, the question lacks foundation and calls for speculation, since Counsel has not established how the Witness may have had the knowledge about what factors ostensibly contributed to another person’s decision.	
237	15	237	16	BP	Inadmissible per statute (46 U.S.C. § 6301)	
237	18	237	19	BP	Inadmissible per statute (46 U.S.C. § 6301)	
237	22	237	22	BP	Inadmissible per statute (46 U.S.C. § 6301)	
239	5	239	6	BP	Inadmissible per statute (46 U.S.C. § 6301)	
239	13	239	29	M-I	The Witness was asked: “So I’d presume it would be someone’s notes from a meeting with you?” (239:13-14). There has been no showing that the Witness has the personal knowledge to testify about another person’s conduct at a meeting about which the Witness has no recollection. The question calls for speculation because the Witness cannot know what or why Counsel would presume.	
246	5	246	14	M-I	The question calls for speculation, because the Witness was being asked to testify about the mental impressions of other persons, or why “Gordon and Blair left the room” (246:3). Additionally, this question calls for hearsay by asking “[a]nd you understood that to be because they thought that it had been a	

					pass...” (Id.)	
248	4	248	23	M-I	The question patently calls for speculation and opinion, because the Witness was asked about what might occur “[i]f [he] were doing a sheen test”, and is also vague and ambiguous, because it asks about doing a sheen test “on something that had the Rheliant mud in it”, which is unclear. (248:4-5)	
250	11	255	5	M-I	Narrative from Counsel should be stricken: “[w]ell, I’ll tell you that they did prepare a Report...” (250:11-12). The question also is vague and ambiguous because it does not specify who “they” is. (250:11). Additionally, the question lacks foundation because Counsel simply told the Witness that a Report was prepared and calls for speculation on the Witness’s part, since the Witness cannot testify as to why BP Well Site Leaders thought the sheen test was successful. (250:21-22). Furthermore, Counsel asked the Witness if that was “an accurate statement” (251:20-21) without establishing that the Witness has the personal knowledge to determine if it is an accurate statement. This, the question calls for speculation. Finally, the statement to which Counsel was referring to (251:15-19) is conclusory in nature, and there are multiple parts to the statement so the question whether it is an accurate statement is compound.	
262	23	263	1	M-I	The question is vague and ambiguous because it is unclear what was meant by the phrase “sign off on” the Witness’s alleged conclusion. (262:23-263:1). The question is also compound, vague and ambiguous, because it asks about two separate circumstances,	

					and it is unclear which circumstance is at issue.	
262	23	263	4	Transocean	Question is vague.	
263	4	263	4	M-I	The question is vague and ambiguous because it is unclear what was meant by the phrase “sign off on” the Witness’s alleged conclusion. (262:23-263:1). The question is also compound, vague and ambiguous, because it asks about two separate circumstances, and it is unclear which circumstance is at issue.	