

Buddy J. Trahan

January 15, 2013

The Honorable Sarah S. Vance
United States District Court Judge
Eastern District of Louisiana
500 Poydras Street, Room C-255
New Orleans, LA 70130

Via Facsimile (504) 589-7598

Re: *United States v. BP Exploration and Production, Inc.*
Case Number 2012R00459 and Court Docket Number: 12-CR-00292

Dear Judge Vance:

I am writing to you in response to the recent letter from the Department of Justice notifying me of my right to submit a written impact statement as a victim of crimes committed by BP arising out of the Macondo well explosion. I write because I was on the rig at the time of the explosion and personally experienced the consequences of BP's criminal conduct on April 20, 2010, and every day thereafter.

It is incomprehensible that BP will be permitted to settle its criminal liability when, after nearly 3 years of opportunity, it has failed and refused to satisfactorily address the claims of victims injured or killed as a result of its conduct. Simply put, individuals, like myself, and families of individuals who were killed still have claims outstanding against BP that remain unresolved. Indeed, after close to 3 years and countless BP advertisements publicizing its commitment to the victims of the Macondo well explosion, BP has failed and refused to adequately address victims whose lives were irreparably damaged as a result of its conduct. BP has gone so far as to effectively disclaim responsibility by repeatedly telling me to seek my relief from other parties. I was therefore shocked to learn that at the same time BP was evading responsibility to victims of injuries caused by the well explosion, it was simultaneously negotiating a plea deal with the Department of Justice to minimize its punishment. A plea deal which, if approved, will do nothing to stop BP from continuing to evade responsibility to the victims of its crimes. I therefore strongly urge this Court to reject BP's proposed plea deal.

I am a father of three and have been married for 23 years. I have a high school education and 23 years of oil rig experience. I started as a roustabout and worked my way up to middle management, rarely missing a day's work and dedicating my life to being the best employee, supervisor, husband, father and follower of my faith I could be.

On April 20, 2010, I arrived on the *Deepwater Horizon* with (i) BP Vice President for Drilling and Completions, Pat O'Bryan, (ii) BP Ops Manager, David Sims, and (iii) Transocean Operation Performance Manager, Daun Winslow. I was an Operations Asset Manager for Transocean. On the evening of April 20th, I was in the process of making rounds when I heard a loud noise and saw fluid shooting from the side of the rig. I immediately recognized the signs of a "Blow Out" and ran from the bridge towards Transocean's rig offices for help. As I approached the offices, I felt the initial explosion. It blew down the hallway and knocked me off

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my feet. When I regained consciousness, I was on my hands and knees and felt intense heat. Disoriented, I realized that I was on fire and discovered that my shirt had literally burnt off my back. Without time to react, a second explosion hurled me approximately thirty feet down the hallway. I landed on my back and was covered in debris. I could not move. I tried calling for help. I could see a small light through the debris and I could hear alarms and people screaming for their lives. I then began to pray out loud, "God Please Help Me!" "God Please Help Me!" All I could see was my wife and kids, especially my youngest daughter crying, "Daddy Don't Leave Me!" "Daddy Don't Leave Me!" That vision comforts me to this day. She is my guiding angel.

Remarkably, Randy Ezell, a Sr. Toolpusher, who happened to be crawling along the dead end hallway where I laid, heard me praying. Randy and others then started removing the debris that covered me. I was going in and out of consciousness, but I remember him calling my name and saying, "Buddy, this door hinge is buried in your neck. I'm afraid to pull it." Hearing the alarms and smelling the gas, I knew we had no time. I responded, "We must go!" "Pull it!" But for the courageous efforts of Randy, I have no doubt I would have died in that pile of debris. With Randy's help, the hinge was pulled out of my neck and I was carried to a stretcher and laid on the deck. While lying on the stretcher, I could see the fire covering the entire rig floor and stretching high into the sky, far above the 200^{ft} derrick. I remember looking at the flames and hoping that everyone was safe.

As I lay on the stretcher, I began slipping in and out of consciousness. The noise was so loud; it was unlike anything I had ever experienced and terrifying at the same time. Unable to move, delirious from the pain and disoriented by the noise, I began to believe that I had been left on the deck--that all the lifeboats were gone and that in all the madness I had been forgotten. I began screaming hysterically for help. I was ultimately reassured that I had not been abandoned. But, despite those reassurances, I continue to suffer from that nightmare today.

Eventually, I was transferred to a lifeboat and then with much difficulty a supply boat. After lying several hours on the supply boat bleeding and burned, the Coast Guard transferred me by helicopter to a platform to await further rescue. As I was being lifted into the helicopter, I could see the rig burning in the distance. The sorrow for friends who I had seen only hours before burning to death was pulsating through my mind. It was the worst feeling I have ever experienced--the helplessness I felt was indescribable.

I waited, lying on a stretcher, for nearly **eight hours** before I was transported to a hospital in Mobile, Alabama.

My immediate post-explosion recovery was extremely painful. I spent over a month in hospitals including 3 weeks in burn units in Mobile and Houston undergoing burn treatments. No one deserved that kind of torture. Eventually, I was released home in a hospital bed and assigned nurses. With time, I learned to get around with the assistance of a wheelchair and have spent countless hours in physical therapy. Despite hard work, I am permanently disabled. I have a permanent limp, occasionally require the use of a cane, and can no longer--walk long distances, walk up/down stairs, swim, hike, throw a football, play volleyball, snow ski or participate in a number of activities I routinely did with family and friends before the explosion.

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I had my 11th surgical procedure in December and my doctors tell me to expect several more. In addition to the surgeries, I sustained numerous injuries including 16 scars, 9 deep lacerations (including one 9-inch bone deep laceration on my left thigh and a fist size hole in my neck), 12 broken bones (including two broken legs), burns over 25% of my body, crushed knee, closed head injury, ringing in the ears, and permanent nerve damage in my right shoulder/neck area, left leg and left foot.

In addition to my physical injuries, I also suffer from Post Traumatic Stress Disorder ("PTSD"), depression and anxiety. In particular, I fear that something bad will happen to me or my loved ones. My PTSD is sometimes overwhelming. It controls how I think and how I feel. I feel anxiety and a loss of control over every aspect of my life. Unless you have experienced a horrific event, it is difficult to understand how devastating and debilitating PTSD can be. My ability to cope with daily life situations has been impaired as a result of the inevitable happening to me. After the explosion, I was so afraid of losing my kids I smothered them and would not let them out my sight. I also experienced survivors' guilt and lost contact with friends and co-workers because all I could talk about were the horrible reminders of the explosion. Former co-workers have admitted they fear another catastrophic event due to the depletion of experienced people in the industry.

I continue to see a psychologist who works with me to accept my "New Normal." My "New Normal" means that I have to accept the fact my life is never going to be the same. My "New Normal" includes chronic pain, daily medication and insomnia. When I do fall asleep, my "New Normal" includes reoccurring nightmares, which include abandonment, reliving the explosion and flashbacks of those who died. I knew several of the crew members that died from when I worked offshore on a sister rig of the *Deepwater Horizon*, and considered them my friends.

Through the grace of God I survived, and for that, I am thankful. But, my life, body and mind will never be what they were before the explosion. I have no idea how I could support my family because drilling rigs is all I know. And, it is extremely unlikely that someone outside the industry would hire a middle-aged, high school educated individual with so many physical and mental limitations.

Although many people believe that the claims of those directly affected by the explosion would have been the first addressed, that did not happen with me. Instead, BP focused its attention on repairing its public image through billboards, commercials, large donations and publicity stunts. For example, I read that BP paid nearly \$5 million dollars for Christmas lights on a boardwalk in Florida and was lauded in business journals for paying hundreds of millions to Gulf Coast luxury condo owners. Yet, I was on the rig at the time of the explosion and despite needing 4 units of blood to survive my injuries, BP told me to look elsewhere when presented with my claim. I am reported to be the most seriously injured survivor of the Macondo well explosion, and, to date, I have not received any restitution for my injuries from BP or any other responsible parties.

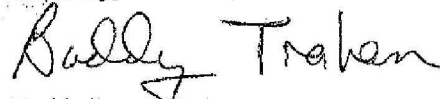
BP obviously wants to turn the page on this chapter of its corporate life and go back to business as usual--drilling for oil and obtaining large, profitable US government contracts. But, for me and others similarly situated, we cannot simply turn the page. Our lives have been

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permanently scarred as a result of BP's criminal acts. And, while BP can never give back what it has already taken from me, neither the US Government nor the Courts should permit BP or any of the other culpable parties from turning their backs on the victims that they so severely injured. To do otherwise would send a broad and clear message to corporations across the land that it is ok to do business in the US, physically injure its citizens, and never be held accountable to those individuals that you actually harmed. This cannot stand.

The plea agreement gives lip service to the notion that the MDL is somehow the appropriate vehicle for restitution for those harmed by BP's crimes. And, this may be true for fisherman, restaurants and beach condo owners whose resale value may have been depressed as a result of the spill. But, for those of us that were physically injured, the MDL has offered no justice at all. My state court lawsuit has been entangled in the MDL for more than 2 years. In Motions to Remand, my attorneys correctly pointed out that my case does not belong in Federal court. But, BP and others have used the delays of the MDL as an explicit threat that my claim will never see the light of day for years and years to come. Accordingly, without this Court's help, BP's prophecy will come true. Namely, that BP will be back to business as usual--drilling in US territory and bidding on US Government contracts--long before the claims of injured victims like me ever see the light of day. Therefore, I pray that this Court not reward BP's criminal conduct by approving a plea deal that permits BP to close the book on the Macondo well explosion while the claims of individuals and families physically harmed by BP's criminal conduct remain completely unresolved.

Sincerely,



Buddy Joseph Trahan