

Transcript of the Testimony of
**The Joint United States Coast
Guard/Bureau of Ocean Energy
Management Investigation**

Date taken: October 7, 2010
PM Session

USCG/BOEM Board of Investigation (Re: Deepwater
Horizon)

*****Note*****

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USCG/BOEM BOARD OF INVESTIGATION INTO
 THE MARINE CASUALTY, EXPLOSION,
 FIRE, POLLUTION AND SINKING
 OF MOBILE OFFSHORE DRILLING UNIT
 DEEPWATER HORIZON, WITH LOSS OF LIFE
 IN THE GULF OF MEXICO, 21-22 APRIL 2010
 THURSDAY, OCTOBER 7, 2010 P.M. SESSION

* * * * *

The Transcript of the Joint United States Coast Guard/Bureau of Ocean Energy Management Investigation of the above entitled cause before Pat Kennedy Quintini, a certified court reporter authorized to administer oaths of witnesses pursuant to Section 961.1 of Title 13 of the Louisiana Revised Statute of 1950, as amended, reported at the Holiday Inn, 2261 North Causeway Boulevard, Metairie, Louisiana 70001, on Thursday, October 7, 2010, beginning at 1:00 p.m.

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1 APPEARANCES:
 2
 3 MEMBERS OF THE BOARD:
 4 CAPTAIN HUNG M. NGUYEN
 CO-CHAIR UNITED STATES COAST GUARD
 5
 6 JUDGE WAYNE R. ANDERSEN
 UNITED STATES DISTRICT JUDGE (RET.)
 7
 8 CAPTAIN MARK R. HIGGINS
 STAFF JUDGE ADVOCATE
 COAST GUARD ATLANTIC AREA
 9
 10 DAVID DYKES
 CO-CHAIR MINERALS MANAGEMENT SERVICE
 11
 12 JASON MATHEWS
 MINERALS MANAGEMENT SERVICE
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 14 JOHN MCCARROLL
 MINERALS MANAGEMENT SERVICE
 15
 16 ROSS WHEATLEY
 UNITED STATES COAST GUARD
 17
 18 LT. R. BUTTS, COURT RECORDER
 UNITED STATES COAST GUARD
 19
 20 REPORTED BY:
 21 PAT KENNEDY QUINTINI
 CERTIFIED COURT REPORTER
 22
 23
 24
 25

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P R O C E E D I N G S

1 CAPTAIN NGUYEN:
 2 Mr. Walz, you are still under
 3 oath, sir.
 4
 5 THE WITNESS:
 6 Yes, sir.
 7
 8 CAPTAIN NGUYEN:
 9 Mr. Brian, please proceed.
 10 EXAMINATION BY MR. BRIAN:
 11 Q. Good afternoon, Mr. Walz. Do you
 still have the binder in front of you?
 12 A. Yes, sir.
 13 Q. Could you turn to Tab 24, please.
 14 I want you to start with the email at the
 15 bottom of the first page, an email from
 16 Jesse Gagliano on Thursday the 15th, and
 17 then above that is an email from Brian Morel
 18 to Jesse Gagliano and you and some other
 19 folks. Do you see that?
 20 A. Yes, sir.
 21 Q. In Brian Morel's email he asked
 22 Mr. Gagliano to make all the changes set
 23 yesterday minus the removal of the spaces
 24 behind the plug. Do you see that?
 25 A. Yes, sir.

Page 4

1 Q. And he sent that out on Saturday,
 2 April 17, 2010, did he not?
 3 A. Yes, sir.
 4 Q. And at the top of the page is an
 5 email that comes back from Jesse Gagliano to
 6 you and Mr. Morel that same day, Saturday,
 7 April 17, correct?
 8 A. Yes, sir.
 9 Q. And you received that email on
 10 that day, did you not?
 11 A. I believe so.
 12 Q. And in the second paragraph you
 13 see where he says: Can you also confirm if
 14 we are running the additional centralizers
 15 or not? I heard from the rig we were not
 16 going to run them. If this is the casing --
 17 I think he means case -- I will update the
 18 OptiCem to reflect. Do you see that?
 19 A. Yes, sir.
 20 Q. Did you ever get back to him and
 21 tell him whether or not -- how many
 22 centralizers you were running?
 23 A. No, sir.
 24 Q. After you got that email -- well,
 25 do you know if anybody did, anybody from BP?
 Page 5

1 A. No, sir.
 2 Q. After you got this email saying:
 3 If this is the case I will update the
 4 OptiCem to reflect, were you on the lookout
 5 for an updated OptiCem?
 6 A. I knew he was generating one based
 7 off of this email.
 8 Q. So turn to Tab 25. I want you to
 9 look at the email starting in the middle of
 10 the page from Jesse Gagliano on Sunday,
 11 April 18 at 8:58 p.m. Do you see that?
 12 A. Yes, sir.
 13 Q. He says: Attached is the revised
 14 information from the upcoming nine and
 15 seven-eighths time seven inches production
 16 casing job. Do you see that?
 17 A. Yes, sir.
 18 Q. Did you receive this email?
 19 A. Yes, I did.
 20 Q. And just take a look at the next
 21 tab, which is A behind that. That's a copy
 22 of the same email, is it not?
 23 A. Yes, sir, it appears so.
 24 Q. The only difference is it has a BP
 25 Bates stamp at the bottom of the right-hand
 Page 6

1 corner and the other one has a Halliburton;
 2 is that right?
 3 A. Yes.
 4 Q. Now turn to Tab 26, which is Bates
 5 stamped HAL_0010988. Do you see that?
 6 A. Yes, sir.
 7 Q. This is the OptiCem that came with
 8 the April 18, 8:58 p.m. email from
 9 Mr. Gagliano, is it not?
 10 A. Yes, sir.
 11 Q. Did you read it?
 12 A. Not at that time.
 13 Q. Did you ever read it?
 14 A. I looked at it the following
 15 morning.
 16 Q. On April 19?
 17 A. Yes, sir.
 18 Q. Take a look at Page 18, which is
 19 Bates stamped HAL_0011005. Do you see that?
 20 A. Yes, sir.
 21 Q. Do you see where he states about
 22 the middle of the page that: Based on the
 23 analysis of the above outlined well
 24 conditions this well is considered to have a
 25 severe gas flow. Do you see that?
 Page 7

1 MR. TUOHEY:
 2 Excuse me. I think it says severe
 3 gas flow problem.
 4 EXAMINATION BY MR. BRIAN:
 5 Q. I'm sorry, severe gas flow
 6 problem.
 7 A. Yes, sir, I see that.
 8 Q. Did you read that on April 19?
 9 A. No, I did not.
 10 Q. Did anybody read that, to your
 11 knowledge, on or before April 20 at BP?
 12 A. Not to my knowledge. We had
 13 discussed -- when we had our meeting on the
 14 14th, we had talked about how we were
 15 handling the hydrostatic pressure reduction
 16 that goes along from the transition phase
 17 from liquid to solid to cement and we
 18 generated the problem. Cement was the
 19 solution for that problem.
 20 Q. After you got Mr. Gagliano's
 21 April 17 email in which he said he was going
 22 to update the OptiCem, did you ask anyone on
 23 your staff to take responsibility for
 24 reviewing the updated OptiCem when it came
 25 in?
 Page 8

1 A. I did not ask anybody, because we
 2 were all receiving them and my expectations
 3 was if there was anything in there that we
 4 needed to know about, we were informed by
 5 Mr. Gagliano.
 6 Q. Was it your normal practice, with
 7 the exception of this email, to read the
 8 entirety of the OptiCems that he sent you?
 9 A. I would look at various parts
 10 depending on the conversations that were
 11 going on through things during the day as
 12 far as what major issues that we had been
 13 talking about. And in this case all the
 14 discussions from the 14th on had been
 15 centered around the ECD effects.
 16 Q. When you knew with ten
 17 centralizers that he had predicted a
 18 moderate gas flow problem, were you
 19 interested in finding out what it would be
 20 with six?
 21 A. No, sir. Because basically, as I
 22 stated earlier, in our original work session
 23 with Eric Cunningham with BP and Jesse and
 24 the other engineers, we had discussed -- the
 25 whole purpose of that meeting was to discuss

Page 9

1 how are we going to place the cement. And
 2 then also manage how, as it goes from a
 3 liquid to a solid there is a hydrostatic
 4 reduction, as it goes through that
 5 transition. And the solution to that was
 6 the foam -- we were using the foam, being an
 7 energized fluid, to manage that transition.
 8 I always felt that we had already addressed
 9 this issue at that point in time.
 10 Q. Did Mr. Gagliano's model assume
 11 nitrified foam cement?
 12 A. I do not know.
 13 Q. Did you discuss his April 18
 14 OptiCem with anybody at BP prior to the
 15 incident on April 20?
 16 A. I'm sorry. Could you repeat that?
 17 Q. Did you discuss his April 18
 18 OptiCem with anybody at BP prior to the
 19 April 20 incident?
 20 A. Yes, sir.
 21 Q. Who?
 22 A. Mr. Gagliano. As I recall,
 23 Mr. Gagliano came to me and asked me late in
 24 the morning on the Monday, the 19th, if I
 25 had seen the report. I said no, and that's

Page 10

1 when he pointed out about the channeling
 2 problem that we had. We discussed other
 3 things. It was all the same issues that we
 4 had been discussing through the whole series
 5 of events from the planning session back on
 6 the 14th. We had a discussion and all that
 7 and he was highlighting the channeling and
 8 the ECD effects. And then we talked and
 9 then we got into a discussion that maybe we
 10 needed to circulate bottoms up. And then
 11 after that, I had a conversation with
 12 Mr. Guide about that issue.
 13 Q. Take a look at Tab 27. On May 1
 14 you sent an email to John Guide, did you
 15 not?
 16 A. Yes, I did.
 17 Q. Did he request you to send it?
 18 A. Yes, he did.
 19 Q. And he asked you to send him a
 20 copy of the last OptiCem you had received
 21 from Mr. Gagliano, right?
 22 A. That was his request.
 23 Q. And you sent him -- you forwarded
 24 to him the email you received on April 17,
 25 not April 18; isn't that right, sir?

Page 11

1 A. That is what I forwarded him by
 2 mistake.
 3 Q. Did you still have the April 18
 4 document in your file, sir?
 5 A. Yes, sir.
 6 Q. Did you ever correct your mistake
 7 in this email in subsequent conversations
 8 with Mr. Guide?
 9 A. No, sir. I was actively
 10 working -- I was in charge of the relief
 11 well planning for both rigs at that point in
 12 time. My focus of attention was totally for
 13 the relief well efforts.
 14 Q. Did you want to conceal from
 15 Mr. Guide that you received the April 18
 16 OptiCem, sir?
 17 A. No, sir.
 18 Q. You are familiar with BP's
 19 engineering technical practices, are you
 20 not, sir?
 21 A. Yes, I am.
 22 Q. Do you know whether those
 23 practices require that you conduct, and I
 24 quote, a proven cement evaluation technique,
 25 unquote, to determine the TOC if less than

Page 12

1 1,000 feet of cement above a distinct
 2 permeable zone is planned?
 3 A. Yes, sir.
 4 Q. One such proven cement evaluation
 5 technique is a cement bond log, isn't it,
 6 sir?
 7 A. That is one of the proven
 8 techniques listed in BP.
 9 Q. Did BP put less than a thousand
 10 feet of cement above a distinct permeable
 11 zone in connection with the Macondo well?
 12 A. When we received the OptiCem on
 13 April 14, that was the initial work session
 14 based off the decision for liner versus log
 15 string. I talked with David Sims. He
 16 looked at the top of cement listed in that
 17 model report. It stated that the top of the
 18 cement was going to be 920 feet above the
 19 top of the distinct permeable zone that we
 20 were aware of in the well.
 21 Q. Is that more or less than a
 22 thousand?
 23 A. It's less than a thousand feet,
 24 but in our judgment we felt it was
 25 sufficient and met the intent of the ETP and
 Page 13

1 consequently, by pumping a thousand --
 2 basically we thought we had, or I thought we
 3 had 920 feet of coverage planned for this
 4 well, because our cement log was never
 5 changed from that model.
 6 Q. If someone else thought that 920
 7 was less than a thousand feet, you should
 8 have done a proven cement evaluation
 9 technique, right?
 10 MR. TUOHEY:
 11 Objection.
 12 JUDGE ANDERSEN:
 13 If you have an opinion you can
 14 give it. Also, while you are thinking about
 15 that, what would you guess your time is
 16 going to be?
 17 MR. BRIAN:
 18 15 minutes, maybe less.
 19 JUDGE ANDERSEN:
 20 The engineers on the Board
 21 obviously have gone over this material
 22 fairly substantially.
 23 MR. TUOHEY:
 24 We have been very tolerant of the
 25 questioning, and -- but we think it's now
 Page 14

1 getting --
 2 MR. BRIAN:
 3 I have not asked this area of
 4 questions yet, but I will ask it again.
 5 EXAMINATION BY MR. BRIAN:
 6 Q. If the amount of cement was less
 7 than a thousand feet, BP's engineering
 8 technical procedures required --
 9 JUDGE ANDERSEN:
 10 He said yes. He agreed that it
 11 did. And then he explained -- he said he
 12 thought it was okay even though it wasn't
 13 there.
 14 EXAMINATION BY MR. BRIAN:
 15 Q. Who participated in that decision
 16 besides yourself?
 17 A. David Sims and I had that
 18 conversation.
 19 Q. Anybody else?
 20 A. No, sir.
 21 Q. Take a look at Tab 12A. It's
 22 actually the A after 12. Do you see that?
 23 A. Yes, sir.
 24 Q. If you look at the page, you flip
 25 a page and go to Bates stamp HAL_0010649.
 Page 15

1 Do you see that?
 2 A. I have it.
 3 Q. And that's a diagram that
 4 Mr. Morel prepared on April 15 setting forth
 5 the placement of six centralizers, correct?
 6 A. That was a draft plan.
 7 Q. Do you know if this placement as
 8 set both in this diagram was the one that
 9 was, in fact, used?
 10 A. To my knowledge, this was not what
 11 was used.
 12 Q. Do you know if what was, in fact,
 13 used differs from this?
 14 A. I know we had -- that Brett and
 15 Brian went back --
 16 MR. TUOHEY:
 17 Use full names.
 18 THE WITNESS:
 19 I knew that Brian Morel and Brett
 20 Coteles went back and readjusted the
 21 positioning of the existing six and to make
 22 sure that they were searing out in gauge
 23 hole sections to maximize the centralization
 24 to lengthen the centralization that was
 25 needed, which is what the modeling was
 Page 16

1 telling us was the real issue that was
 2 causing the channeling.
 3 EXAMINATION BY MR. BRIAN:
 4 Q. Simple question. As you sit here
 5 today, could you tell me -- could you take
 6 his diagram on 12A and tell me exactly where
 7 they --
 8 A. No, I cannot.
 9 Q. Take a look at Tab 22, please.
 10 And I want you to turn to the second page,
 11 which bears Bates stamp BP-HZN-MBI00128409.
 12 Do you see that?
 13 A. Yes, we have it.
 14 Q. There is an email from Mr. Cocales
 15 to Mr. Morel on Friday, April 16 at
 16 4:15 p.m. Do you see that?
 17 A. Yes, sir.
 18 Q. He states in the first paragraph:
 19 Even if the hole is perfectly straight, a
 20 straight piece of pipe even in tension will
 21 not seek the perfect center of the hole
 22 unless it has something to centralize it.
 23 Do you see that?
 24 A. Yes, sir.
 25 Q. Do you agree with that?

Page 17

1 A. In other words, it is dependent
 2 upon the force of the centralizer and the
 3 length of pipe that is -- that distance of
 4 pipe between there. The longer that length
 5 is, the more that it would tend to relax,
 6 but there is a relationship there.
 7 Q. Do you agree with his statement?
 8 A. Which one?
 9 Q. The sentence I read: Even if the
 10 hole is perfectly straight --
 11 A. That can occur.
 12 Q. Take a look at Tab 17. This is an
 13 email you received from Mr. Morel on Friday,
 14 April 16, is it not?
 15 A. Yes, it is.
 16 Q. And you see it has -- there is a
 17 recommendation out here, displace to
 18 seawater at 8,300 feet then set the cement
 19 plug. Do you see that?
 20 A. Yes, sir.
 21 Q. And it says: Does anyone have
 22 issues with that? Do you see that?
 23 A. Yes, sir.
 24 Q. Do you respond to that?
 25 A. No. I don't recall that I

Page 18

1 responded to it. Brian was responding back
 2 to a question I had asked him to get
 3 information on before he went offshore.
 4 Q. Did you have any concerns about
 5 displacing mud down to 8,300 feet in light
 6 of the modeling that Mr. Gagliano had
 7 provided to you and the predictions of a
 8 channeling problem?
 9 A. No, sir.
 10 Q. Now, you understood that the MMS
 11 had to approve setting the cement plug at
 12 8,300 feet, didn't you?
 13 A. Yes, sir.
 14 Q. Did you participate in the process
 15 of seeking their approval of that?
 16 A. No, I did not.
 17 Q. Who did that?
 18 A. That was all being handled by
 19 Mr. Hafle from an engineering standpoint.
 20 Q. Who reported to you?
 21 A. Yes, sir.
 22 Q. When he handled that, did you
 23 instruct him as part of that process to tell
 24 the MMS about Halliburton's models and
 25 predictions of a potential channeling

Page 19

1 problem?
 2 A. No, sir.
 3 Q. Did you tell them to tell the MMS
 4 about their modeling which predicted a gas
 5 flow problem?
 6 A. No, sir.
 7 Q. Did you instruct anyone to do --
 8 make any design changes other than the
 9 lengthening the placement of the
 10 centralizers in response to the modeling and
 11 problems predicted by Halliburton?
 12 A. No. We had not received any other
 13 suggestions or recommendations from
 14 Halliburton as far as the slurry design
 15 around any of this other than just the
 16 centralizers stuff.
 17 Q. This morning you answered some
 18 questions about a conversation you
 19 understood Mr. Hafle had had with the BP
 20 engineer and the BP company man on the
 21 morning of April 20. You recall that
 22 generally?
 23 A. Yes, sir. That was my
 24 understanding.
 25 Q. I don't mean to put words in your

Page 20

1 mouth, so if I misstate it, correct me. But
 2 I understood you to say that there was some
 3 discussion of some uncertainty in the
 4 procedures; is that right?
 5 A. Yes. The morning call of the
 6 20th, the well site leader on the morning
 7 call had requested him to clarify exactly
 8 what the plans are around the negative
 9 testing. And Mr. Hafle was asked to follow
 10 up with the rig and to make sure everybody
 11 was in agreement and on the plans forward
 12 and also checking regulatory issues.
 13 Q. Now, you instructed Mr. Hafle to
 14 follow up on that, correct?
 15 A. Yes, I did.
 16 Q. Now, in light of that conversation
 17 which was reported to you about some sort of
 18 uncertainty in the procedure, did you
 19 instruct him to monitor the data that was
 20 coming out of the rig that day on a realtime
 21 basis?
 22 A. No, I did not.
 23 Q. He had the ability, or you had the
 24 ability to do that, didn't you, sir?
 25 A. Anybody that had the INSITE
 Page 21

1 software could do that.
 2 Q. Which you had, right?
 3 A. Yes.
 4 Q. To your knowledge, did Mr. Hafle
 5 or anybody else onshore at BP monitor the
 6 data on April 20 on a realtime basis?
 7 A. I do not know of anybody.
 8 Q. I'm going to ask you some
 9 questions now about the cement job. Go back
 10 to Tab 6, if you would.
 11 JUDGE ANDERSEN:
 12 You have about six minutes left.
 13 MR. BRIAN:
 14 I will talk fast.
 15 EXAMINATION BY MR. BRIAN:
 16 Q. Look at Page 9. Do you see where
 17 it says: Long string was the primary
 18 option. Cement simulations indicate it is
 19 unlikely to be a successful cement job due
 20 to formation breakdown. Do you see that?
 21 A. Yes, sir. Just one second. Let
 22 me make sure I understand which document I'm
 23 looking at here. This is the original slide
 24 pack that was sent by Mr. Hafle, if I'm not
 25 mistaken.
 Page 22

1 Q. What was that statement based on,
 2 if you know?
 3 A. My understanding, talking with
 4 Mr. Morel and Mr. Hafle, that the
 5 preliminary modeling that we had received
 6 from Halliburton on the hydraulics modeling
 7 was indicating that we would have loss
 8 circulations.
 9 Q. Turn to Tab 7, Page 6. This time
 10 it says: Cement simulations indicate it is
 11 possible to obtain a successful cement job.
 12 Do you see that?
 13 A. Yes, sir.
 14 Q. Do you know what happened in
 15 between the two PowerPoints that led to the
 16 change?
 17 A. Yes, sir. That was the April 14
 18 meeting which we had Eric Cunningham, the BP
 19 cementing specialist, Jesse Gagliano,
 20 Mr. Morel, Mr. Hafle, Mr. Coteles and myself
 21 working in a workshop or work session with
 22 the model up on the screen, going through,
 23 looking at the whole design from the time
 24 that we -- pumping it, getting it in place
 25 all the way through its transition time.
 Page 23

1 Q. Had you participated in the
 2 decision to use the nitrified foam cement?
 3 A. No, sir. My understanding was
 4 that the decision around the foam cement had
 5 been made previous to my official start
 6 date.
 7 Q. Did you object to it in any way
 8 once you started?
 9 A. No, sir.
 10 Q. Do you know what temperature was
 11 used to calculate the nitrogen ratio to add
 12 to the base load to achieve the downhole
 13 density of 14 and a half pounds per gallon?
 14 A. No, sir. This is something I
 15 would rely on Halliburton to work through.
 16 Q. Did you discuss with Halliburton
 17 how long it would take the nitroified foam
 18 cement to achieve the desired compressive
 19 strength?
 20 A. I do not recall a conversation
 21 there.
 22 Q. I'm talking fast, because I'm down
 23 to three minutes.
 24 JUDGE ANDERSEN:
 25 Three and a half.
 Page 24

1 EXAMINATION BY MR. BRIAN:
 2 Q. Did BP conduct any tests to
 3 determine if the cement had achieved the
 4 desired strength before going ahead with the
 5 negative pressure test and the displacement?
 6 A. We had performed a positive test
 7 prior to the negative test.
 8 Q. And was that designed to determine
 9 whether it had achieved a compressive
 10 strength?
 11 A. That was just doing a positive
 12 test of the general system.
 13 Q. Do you know how long Halliburton
 14 would say it would take for the nitrified
 15 foam cement to achieve that strength, the
 16 desired strength?
 17 A. For which test? I'm sorry.
 18 Q. Not for a test. Do you know how
 19 long -- once they set the cement in place,
 20 do you know how long it would take for the
 21 nitrified foam cement to achieve the desired
 22 compressive strength?
 23 A. I do not recall.
 24 Q. Did you ask Halliburton to provide
 25 BP with all of the completed cement tests

Page 25

1 before they actually did the cement job?
 2 A. No, I did not.
 3 Q. Do you know if a batch blender was
 4 used to obtain a uniform density of the base
 5 load?
 6 A. I do not believe one was used.
 7 Q. Did you have any conversations
 8 with anyone at Halliburton or otherwise
 9 about that?
 10 A. No, I did not.
 11 Q. Do you know who supplied the
 12 bottomhole static temperature to Halliburton
 13 for use in its lab test?
 14 MR. TUOHEY:
 15 Let me ask for a clarification.
 16 In Halliburton's test?
 17 EXAMINATION BY MR. BRIAN:
 18 Q. In Halliburton's.
 19 A. That information would normally be
 20 conveyed through our drilling engineering
 21 team to Mr. Gagliano, who then would be
 22 working with his lab folks.
 23 Q. Do you know what the bottomhole
 24 static temperature actually was that was
 25 used in the test?

Page 26

1 A. I do not recall.
 2 Q. Does 210 Fahrenheit ring a bell?
 3 A. That sounds close, but I don't
 4 recall the exact number.
 5 Q. Do you know if that was more or
 6 less than the actual bottomhole static
 7 temperature?
 8 A. I don't recall the specific
 9 numbers.
 10 Q. Do you know what hole volume was
 11 used to calculate the correct cement volume?
 12 A. We were using the caliper log from
 13 the OBMI, that's a four caliper.
 14 Q. Do you know whether there was a
 15 difference between that and the data that
 16 was used by Halliburton in their test?
 17 A. I do not know.
 18 MR. BRIAN:
 19 Nothing further.
 20 JUDGE ANDERSEN:
 21 Thank you very much. Halliburton?
 22 MR. GODWIN:
 23 Yes, Your Honor.
 24 JUDGE ANDERSEN:
 25 And we asked Mr. Brian and he

Page 27

1 generously consented to try to minimize
 2 going over information at other stages of
 3 the hearing we have gone over. We know that
 4 there is lots of significant information,
 5 but thank you for trying to minimize the
 6 duplication in advance. Thank you to you,
 7 too.
 8 MR. GODWIN:
 9 I will, Judge.
 10 Your Honor, may I ask counsel if
 11 they have a copy of the BP incident
 12 investigating team notes which were passed
 13 out by the Panel this morning?
 14 JUDGE ANDERSEN:
 15 Do you?
 16 MR. TUOHEY:
 17 I think so, Your Honor.
 18 MR. GODWIN:
 19 May I proceed, Your Honor?
 20 JUDGE ANDERSEN:
 21 Sure.
 22 EXAMINATION BY MR. GODWIN:
 23 Q. Good afternoon, Mr. Walz. How are
 24 you, sir?
 25 A. Fine.

Page 28

1 Q. My name is Don Godwin. I
 2 represent Halliburton. I met your attorney
 3 at a break. I introduced myself to him.
 4 But we have not met before, have we, sir?
 5 A. No, we have not.
 6 Q. Do you have before you the BP
 7 incident investigating team notes?
 8 A. Yes, sir.
 9 Q. And this is a compilation of about
 10 ten pages, is it not, sir, of notes that
 11 were taken during and then typed up
 12 following the meeting with you, with your
 13 attorney present and a BP attorney and
 14 others?
 15 A. I believe that's what it is. I
 16 know it's a recap of a meeting I had.
 17 Q. If you will, it shows there that
 18 these are notes of an interview with you on
 19 July 29, 2010, and that's 10:00 a.m. central
 20 daylight time. And then if you will, turn
 21 over to Page No. 10, and there is a
 22 statement there that -- there is
 23 clarifications and corrections by you after
 24 conferring with you and your attorney. You
 25 see what I'm referring to, sir? And then
 Page 29

1 down below there are four or five different
 2 changes that you made to these notes.
 3 MR. TUOHEY:
 4 If I may, Your Honor, I can't
 5 validate the accuracy of the statements, but
 6 there were corrections made, and whether
 7 this is accurate, I'm not sure. Yes, it
 8 says that.
 9 MR. GODWIN:
 10 I'm just relying upon the notes
 11 that were given to me this morning by the
 12 panel and no changes have been made. Okay.
 13 EXAMINATION BY MR. GODWIN:
 14 Q. If we can, sir, let's go through
 15 some of these briefly. I would like to see
 16 if you, in fact, do agree with some of the
 17 statements that are made here in these
 18 notes. Okay? If you will, turn over to
 19 Page 2, and in the first full paragraph
 20 there it says: Selection of foam cement
 21 slurry design. And the second full
 22 sentence, if you will just follow along with
 23 me, I'm going to try to go through it
 24 quickly in the essence of time: Gregg said
 25 there was discussion of the cement design at
 Page 30

1 a meeting on April 14. But the decision to
 2 go with a foam cement had been made sometime
 3 before that meeting. Gregg had no specific
 4 recollection of when that decision had been
 5 made. Do you agree with that statement?
 6 A. Yes, sir. As far as the base plan
 7 to be a foam job had been made prior to me
 8 joining the group.
 9 Q. When did you join the group?
 10 A. Roughly the 1st of April give or
 11 take a couple of days.
 12 Q. Do you believe then the decision
 13 to use a nitrified cement was made sometime
 14 during the month of March of 2010?
 15 A. That's what I suspect, yes, sir.
 16 Q. If you joined around the 1st of
 17 April, the decision was made before, likely
 18 made in March. Do you have any reason to
 19 believe it was made earlier than March?
 20 A. I do not know when it was actually
 21 made. I just know that when I joined the
 22 group and the initial briefings I had -- I
 23 believe actually when I was doing vacation
 24 relief for Mr. Sims, the foam had already
 25 been proposed.
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1 Q. It's established, then, that
 2 whenever you joined around the 1st of April
 3 of this year, the decision to use foam
 4 cement had already been made?
 5 A. Yes, sir.
 6 Q. Thank you, sir. It goes on to say
 7 that: Walz said he concurred in the
 8 selection of the cement slurry decided at
 9 the April 14 meeting. Is that a correct
 10 statement?
 11 A. Yes, sir.
 12 Q. You go down next, if you will,
 13 please, to the next to the last sentence in
 14 the same paragraph, quote: During the
 15 meeting on April 14 he asked Eric Cunningham
 16 if he was comfortable with the foam cement
 17 slurry and Cunningham said he was. Do you
 18 understand the "he" there is referring to
 19 you, sir?
 20 A. Yes, it is.
 21 Q. And Mr. Eric Cunningham, he is an
 22 employee of BP, is he not?
 23 A. Yes, he is.
 24 Q. And he is a gentleman with a
 25 specialty, if you will, in cementing, is he
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1 not?
 2 A. Yes, he is.
 3 Q. And you know Mr. Cunningham?
 4 A. Yes, I do.
 5 Q. And if you go down to the next
 6 paragraph, if you will, it says in the
 7 second full sentence: Gregg said he asked
 8 Jesse Gagliano and Eric Cunningham if they
 9 were comfortable with the foam cement choice
 10 and neither of them expressed any concern
 11 about using the foam cement at the depth of
 12 this well. Is that a correct statement?
 13 A. That's how I recall things.
 14 Q. Thank you. And it says: Gregg
 15 recalled that contamination of foam was
 16 discussed on the April 14 meeting. Is that
 17 a correct statement?
 18 A. Yes, it is, sir. That's how I
 19 recall it.
 20 Q. I apologize, sir, for overstepping
 21 you there. Who was it that brought up the
 22 subject of contamination of foam in that
 23 April 14 meeting?
 24 A. I know I was asking questions
 25 because that was centering around our cement
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1 volumes when we were talking about all the
 2 various spacer volumes. As I said earlier,
 3 that meeting was focused on how we were
 4 going to get the cement slurry in place and
 5 through things. And so as I recall, I know
 6 I had asked to make sure everybody was
 7 comfortable with the cement volumes and the
 8 like, and part of that was based off of the
 9 contamination issues.
 10 Q. And when you talk about
 11 contamination issues, where was the
 12 contamination going to come from if, in
 13 fact, it were to exist?
 14 A. The primary contamination that I
 15 was concerned with was with the synthetic
 16 based mud.
 17 Q. With the mud?
 18 A. Yes, sir.
 19 Q. What effect, if any, would the
 20 contaminated foam have, if you will, in a
 21 cement job? You said you were concerned
 22 about it being contaminated.
 23 A. I can't speak -- I'm not an expert
 24 in foam cement, but I know that typically
 25 synthetic based mud and cement of any type
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1 it works as a retarder. I mean, it prevents
 2 it from setting up properly.
 3 Q. And setting up properly would have
 4 some impact on its ability, then, to cure
 5 out as it should and serve its intended
 6 purpose?
 7 A. Yes, sir.
 8 Q. Now, did Eric Cunningham assure
 9 you before that meeting on the 14th of April
 10 was through that he was satisfied there
 11 would be no contamination of the foam
 12 cement?
 13 A. That was my perception. Everybody
 14 that walked out of that room thought the job
 15 that we had come up with was adequate for
 16 the execution.
 17 Q. And, in fact, I believe you said
 18 earlier that BP had used foam cement in two
 19 wells at this depth or greater, and both had
 20 been successful wells. Did I understand
 21 that correctly?
 22 A. I don't know the exact depths. I
 23 know they are similar but they may be within
 24 a thousand feet.
 25 Q. Yes, sir.
 Page 35

1 A. And I don't know if one is deeper
 2 or shallower, but they were in the
 3 neighborhood and both of those jobs were
 4 successful.
 5 Q. Thank you, sir. Go down, if you
 6 will, please, to the paragraph entitled
 7 Discussion of Gas Flow Potential, and it
 8 says there: Gregg said Eric talked about
 9 compressibility as one of the reasons he was
 10 comfortable with the foam cement. He also
 11 noted that either Eric or Jesse brought up
 12 the addition of latex (foam seal 2000) as an
 13 additional means of blocking fluid flow. Is
 14 that a correct statement as written?
 15 A. That is what I -- my
 16 understanding, that was my recollection,
 17 yes.
 18 Q. I understand. Thank you, sir, for
 19 that. And so as early as April 14, my
 20 understanding is that you were familiar with
 21 the words gas flow potential, at least by
 22 that date, were you not, based on what you
 23 say here?
 24 A. I wasn't necessarily familiar with
 25 the Halliburton term gas flow potential.
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1 What I was familiar with was the
 2 transitional changes when cement goes from
 3 liquid to solid and the loss of hydrostatic
 4 which ties in with the gas flow.
 5 Q. And you are, of course, familiar
 6 with gas flow and you were as of April 14,
 7 are you not?
 8 A. Like I said, that phenomena of
 9 loss of hydrostatic during transition is
 10 what I was familiar with.
 11 Q. Thank you, sir. And if you go
 12 down to the next paragraph under Channeling
 13 and it says: Gregg had no recollection of
 14 any discussion of channeling at the April 14
 15 meeting. Is that a correct statement?
 16 A. Yes, sir.
 17 Q. That subject did not come up that
 18 day on April 14, correct?
 19 A. Not that I recall.
 20 Q. Had the subject of channeling come
 21 up at any time with you and any of the BP
 22 team members before April 14 in connection
 23 with the cement job?
 24 A. I have no recollection of that.
 25 Not that I know of.

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1 Q. It goes on to say: He said the
 2 discussion started the next day, April 15,
 3 when Jesse loaded all the data, ten
 4 centralizers, cap caliper data, directional
 5 data, et cetera, into the OptiCem model. Is
 6 that a correct statement?
 7 A. Yes, sir. That's how I recall it.
 8 Q. We now know that we have
 9 established a second thing, among others.
 10 The second thing is that channeling was
 11 discussed among you and your team members at
 12 BP with Jesse on April 15, 2010?
 13 A. Yes, sir.
 14 Q. Thank you, sir. And it says:
 15 Gregg recalled -- in that same paragraph on
 16 the third page, sir: Gregg recalled that
 17 there were a lot of discussions later in the
 18 day among Jesse, Mark Hafle and Brent Morel
 19 about ECDs spiking at 14.2 PPG. The model
 20 was predicting channeling. The team was
 21 working with the issue and concluding that
 22 the easiest solution was to add more
 23 centralizers. Is that a correct statement
 24 as written?
 25 A. We had two options -- I knew we

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1 had two options there. Getting centralizers
 2 was one of the options out there from the
 3 easiness standpoint, because I knew the rig
 4 had already gotten the casing in place with
 5 the original subs in there. So from my
 6 perception the easiest thing was going to be
 7 maybe adding centralizers versus
 8 redistributing them.
 9 Q. Where I'm going, sir, is the
 10 statement is written, do you agree, and I
 11 appreciate that additional information, but
 12 do you agree with the statement as it is
 13 written in that paragraph at the bottom of
 14 Page 2 and the top of Page 3?
 15 A. Yes, sir.
 16 Q. And what I understand is the
 17 decision had been made prior to April 1 to
 18 use foam cement on the job, correct?
 19 A. To my knowledge.
 20 Q. We established that No. 1, so we
 21 know we are going to have foam on this job.
 22 And according to the OptiCem, using ten
 23 centralizers, the model was predicting
 24 channeling. And then it says: The team was
 25 working the issue and concluded that the

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1 best and easiest solution was to add more
 2 centralizers.
 3 A. Yes.
 4 Q. Now, were you a member of that
 5 team?
 6 A. Yes, I was.
 7 Q. Was Jesse Gagliano a member of
 8 that team?
 9 A. On that day, yes, he was.
 10 Q. On that day is what I'm referring
 11 to. Mr. Brent Morel?
 12 A. Yes, sir.
 13 Q. And Mr. Mark Hafle?
 14 A. Mr. Hafle had left during the day
 15 of the centralizers. He was involved at the
 16 beginning, but then he had a family
 17 commitment and he left in the middle of
 18 things, so he was not there for the full
 19 time.
 20 Q. I understood you to say here a
 21 little while ago that the decision was made
 22 by BP without consulting with Halliburton
 23 that you would not use 21 centralizers but
 24 instead would go with six. Did I understand
 25 that correctly?

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1 A. Yes.
 2 Q. Now, I understood you to say that
 3 that decision was based on the fact that you
 4 guys, the team there, excluding Jesse, were
 5 comfortable that with a foam cement job you
 6 were going to be able to take care of the
 7 channeling and the ECD problem. Did I
 8 understand that correctly that you said that
 9 earlier?
 10 A. Yes, sir.
 11 Q. Well, then, that seems
 12 inconsistent to me with this paragraph where
 13 it says, one, we were going to use a foam
 14 job to reduce the ECDs and reduce the
 15 channeling, but now that we have an ECD
 16 issue where we have channeling, the team
 17 decided that we need to add more
 18 centralizers. Doesn't that seem in terms of
 19 the way it's written there to be
 20 inconsistent with what you said earlier
 21 today?
 22 A. But when we discovered an issue,
 23 another risk associated with the
 24 centralizers, it became a judgment call
 25 between which risk to take on.

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1 Q. I understand that and I respect
 2 that and thank you for offering that. My
 3 point is not so much that judgment. We're
 4 going to talk about that in a little bit.
 5 JUDGE ANDERSEN:
 6 He did agree that it was
 7 inconsistent. Now he's explained why he
 8 switched to the other option.
 9 MR. TUOHEY:
 10 Let me say, I realize Mr. Godwin
 11 represents Halliburton. I respect that, but
 12 we have been over this twice today.
 13 MR. GODWIN:
 14 No, we haven't, Judge.
 15 MR. TUOHEY:
 16 Well, we went over it with
 17 Mr. Brian --
 18 JUDGE ANDERSEN:
 19 Actually, the last three questions
 20 you asked him were referring to his
 21 testimony, which is what you wanted probably
 22 that Mr. Brian brought out, so obviously
 23 this is really important. I don't want to
 24 impinge too much, but if we could cover new
 25 ground since Mr. Brian actually generously

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1 brought out a lot of the testimony that I
 2 assume you wanted.
 3 MR. GODWIN:
 4 He did.
 5 JUDGE ANDERSEN:
 6 I think the witness probably can
 7 still remember that testimony, so if you
 8 could build on that, that would be helpful.
 9 MR. TUOHEY:
 10 Most importantly, I think the
 11 Panel can remember it.
 12 JUDGE ANDERSEN:
 13 Well, we remember it from before.
 14 MR. GODWIN:
 15 This document was not gone over
 16 and that last point was not gone over. I'm
 17 trying to minimize any repetition
 18 whatsoever, but this is all data. Since we
 19 can't go into the BP report, I want to go
 20 through the data itself and nothing to do
 21 with that report. But let's go back, if we
 22 can, to Page 3.
 23 EXAMINATION BY MR. GODWIN:
 24 Q. Do I understand, sir, that the
 25 decision that was made by the BP team to go

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1 with six centralizers as opposed to the 21
 2 recommended by Halliburton was made in part
 3 based upon two reasons. One is the
 4 repositioning of the six, as you said
 5 earlier. Would you agree with that, No. 1?
 6 A. Yes, sir.
 7 Q. And No. 2 was that the foam cement
 8 was going to be used. Would you agree with
 9 that as the second reason, that the decision
 10 was made to go with six rather than 21?
 11 A. Yes, sir.
 12 Q. Now, are there any other reasons,
 13 other than those two which I just enumerated
 14 and you have agreed with, that were made by
 15 the team justifying the decision by BP to go
 16 with six centralizers rather than 21; that
 17 is, one, the repositioning of the six, and
 18 two, using the foam cement? Any others?
 19 A. It was around the risk of running
 20 the extra 15 that we identified that
 21 basically that we had deemed that as a new
 22 risk so we went to the six centralizer
 23 option, so there was that fact.
 24 Q. Without belaboring that point your
 25 understanding was the additional 15 were

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1 there on the rig and could have been run had
 2 the decision been made to run them?
 3 A. Yes, sir.
 4 Q. And has anybody told you at any
 5 time since you were a part of the decision
 6 to run the six that, in fact, the additional
 7 15 that were taken to the rig were the right
 8 centralizers? Have you heard that from any
 9 source other than your attorney?
 10 MR. TUOHEY:
 11 Your Honor, I'm going to object.
 12 We have been over this twice today.
 13 MR. GODWIN:
 14 No, we haven't, Judge.
 15 JUDGE ANDERSEN:
 16 He hasn't been asked if anybody
 17 after these events has said those were the
 18 correct centralizers. The assumption of his
 19 testimony is that they weren't the
 20 centralizers he had hoped would be there, so
 21 therefore, it enhanced the risk, so has
 22 anybody since, at any time contradicted that
 23 assessment?
 24 THE WITNESS:
 25 The only thing I know of is what I

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1 have heard about in the Bligh report.
 2 EXAMINATION BY MR. GODWIN:
 3 Q. But you heard it from some source?
 4 A. Only associated with the Bligh
 5 report.
 6 Q. Let's go down to the next
 7 paragraph that starts with ten. It says
 8 here: Gregg explained the nitrogen and
 9 latex was a design element that was supposed
 10 to control GFP, that's gas flow potential.
 11 But since the model was still indicating a
 12 moderate GFP they decided to try additional
 13 centralizers. Now, whose recommendation was
 14 it to go with the additional centralizers
 15 when the gas flow potential was deemed to
 16 have increased?
 17 A. That was all tied back to the
 18 channeling deal and it goes back to the
 19 discussions that were going on with
 20 Mr. Coteles and myself and Mr. Gagliano
 21 about the ordering of the 15.
 22 Q. Let's go down to the next
 23 paragraph where it says: Decision tree on
 24 top of cement and cement bond log CBL. Did
 25 I understand you to say earlier that you

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1 believe that a cement bond log is used to
 2 evaluate cement at the top of cement?
 3 A. It depends on when it's run
 4 relevant to the placement of the cement.
 5 Q. Isn't a cement bond log also used
 6 to evaluate the entirety of the cement in
 7 the stream to determine if, in fact, it's
 8 attached as planned to the wellbore?
 9 A. Based off of my past experience,
 10 you have to give the cement time to cure.
 11 So yes, it does. It's all relative to when
 12 do you run the cement and where is it in its
 13 curing process.
 14 Q. And so part of this Panel's
 15 decision-making process deals with lessons
 16 learned. I'm going to ask if you will agree
 17 with me, and if not, you will tell me with
 18 regard to two lessons learned. Would you
 19 agree that from all that we now know and
 20 that you know, not me so much but you as a
 21 result of all of this, a lesson learned
 22 would be that a cement bond log should be
 23 routinely used and run for safety reasons
 24 after a cement job has been completed?
 25 A. Sir, I'm not prepared to make

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1 statements around that at this time. I
 2 still think there is still data out there.
 3 I don't have a thorough understanding of
 4 what has taken place, what caused what has
 5 failed. I'm hesitant to make any
 6 recommendations at this time because it
 7 would be speculative on my part, because I
 8 don't have enough facts to understand really
 9 what went wrong.
 10 Q. And I'm asking you, sir, with
 11 regard to a cement bond log, now that you
 12 look back on what has happened here, if you
 13 were being asked today as a member of the
 14 team that made the decision relative to the
 15 number of centralizers, would you recommend
 16 that a cement bond log have been run
 17 following the completion of the cement job
 18 by Halliburton?
 19 MR. TUOHEY:
 20 Objection, Your Honor; asked and
 21 answered.
 22 JUDGE ANDERSEN:
 23 I don't think it was. If you had
 24 to make the decision over right now, would
 25 you do the cement bond log?

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1 THE WITNESS:
 2 Based on the information I had at
 3 the time I felt we acted properly.
 4 EXAMINATION BY MR. GODWIN:
 5 Q. I'm asking about now looking back.
 6 A. Sir, I don't know.
 7 JUDGE ANDERSEN:
 8 You don't have to make it up.
 9 Okay.
 10 THE WITNESS:
 11 I need more facts to understand
 12 what failed.
 13 EXAMINATION BY MR. GODWIN:
 14 Q. Another lesson learned. Would you
 15 agree that a lesson learned from what has
 16 happened here would be that BP would discuss
 17 with its third party contractors, such as
 18 Halliburton, when their recommendations were
 19 not going to be followed? Would you agree
 20 that that would be a lesson learned from
 21 what happened here?
 22 A. Sir, there was still an open
 23 communication path even after decisions made
 24 and prior to the job. I don't know why I
 25 never received any issue -- you know,
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1 additional concerns from anybody within the
 2 Halliburton organization other than Jesse's
 3 when we had earlier conversations. I don't
 4 know how to answer that right now.
 5 Q. Well, sir, you have told us here
 6 today, have you not, that Mr. Gagliano at
 7 10:22 in the morning on Saturday, April 17
 8 sent an email to you and others and asked:
 9 Are you going to run the additional 21 --
 10 the 21 centralizers, the additional 15? And
 11 you said you never got back to him. And you
 12 are not aware of anybody that got back to
 13 him.
 14 Now, my point is, did you
 15 understand that Halliburton was recommending
 16 that 21 centralizers be used in connection
 17 with this job?
 18 A. I knew that Halliburton -- I mean,
 19 Jesse's last recommendation was with the 21
 20 and I was prepared to go that way until new
 21 information came up about the type of
 22 centralizers. So I also knew that there was
 23 communications ongoing between Jesse and the
 24 engineers through that whole time period
 25 because I was on the email traffic. And so
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1 I had no reason to doubt that he wasn't
 2 getting the information he needed in order
 3 for the confirmation -- I didn't see
 4 anything from the email standpoint, but I
 5 didn't know if there was any oral
 6 communication, plus I also knew he had
 7 Halliburton folks on the rig.
 8 Q. Okay, sir. And were you on the
 9 rig at any time during the cement job?
 10 A. No, sir.
 11 Q. Who was the engineer from BP that
 12 was?
 13 A. Mr. Morel.
 14 Q. Did Mr. Morel tell you at any time
 15 that he talked to any Halliburton employee
 16 while on the rig to inform them that fewer
 17 than 21 centralizers would be run before the
 18 cement job?
 19 A. Yes, sir. I mean, there was --
 20 Q. Who did he tell that to?
 21 A. I don't know -- I know that he was
 22 having meetings with the team offshore
 23 concerning the plans associated with that
 24 and there was a couple of emails I received.
 25 On one in particular I definitely recall
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1 that he said: I'm getting ready to meet
 2 with the Halliburton people, the team out
 3 there to discuss the upcoming plans.
 4 Q. Turn over to Tab No. 2 in the
 5 notebook I have given to you, sir. And if
 6 you will go to the second page, there is an
 7 email from Jesse at 10:03 in the morning on
 8 April 17 to Mr. Morel, to Mr. Hafle, to
 9 Mr. Coteles and yourself. And without
 10 belaboring the point, here was where
 11 Mr. Gagliano did say that he had heard that
 12 you guys were going to run fewer than the
 13 21. Are you going to run the additional
 14 centralizers, so he was asking for that
 15 information, was he not?
 16 A. Yes, sir.
 17 Q. Okay, sir. Now --
 18 A. The email traffic I was talking
 19 about was also on Sunday around procedures
 20 and the likes with Brian and Jesse, so there
 21 was a fair amount of email communications
 22 going on after his request. So I had
 23 assumed that he had gotten the information
 24 he needed.
 25 Q. Are you telling the panel here
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1 that on Sunday, the 18th, that Jesse was
 2 receiving emails concerning using fewer than
 3 21 centralizers?
 4 A. I don't know. I believe there was
 5 a series of emails talking about the
 6 procedural steps that we were following. I
 7 don't know if it included anything about the
 8 centralizer count.
 9 Q. Have you seen anything in writing
 10 that was prepared by anyone with BP on the
 11 18th of April wherein it stated that fewer
 12 than 21 centralizers were going be to used?
 13 Have you seen anything in writing to that
 14 effect?
 15 A. No, sir.
 16 Q. Thank you, sir. Now, were you in
 17 the office on the 19th of April, Monday?
 18 A. Yes, sir, I was.
 19 Q. Did you see Jesse there?
 20 A. Yes, sir.
 21 Q. I believe you said you spoke to
 22 him about channeling and he brought that
 23 subject up?
 24 A. Yes, sir. He came to me late
 25 morning asking me if I had seen the model

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1 results that he sent Sunday night.
 2 Q. That he sent on the evening
 3 before?
 4 A. Yes.
 5 Q. So you had said earlier that you
 6 would have thought Jesse would have told you
 7 about it if there was a problem and, in
 8 fact, that morning on the 19th he did
 9 address channeling with you?
 10 A. We did discuss channeling and then
 11 we talked about our circulation plans.
 12 Q. And, in fact, following sending
 13 the model, which we have that April 18
 14 model, that was showing what would happen if
 15 you used only seven. The 21 was on the
 16 15th. While on the 18th it was sent showing
 17 there would be a severe gas flow problem if
 18 you went with only seven. You recall that,
 19 don't you?
 20 A. He had all the centralizers
 21 sitting on the bottom. I recall most of the
 22 conversation centering around the risk of
 23 channeling. We discussed numerous things,
 24 but that was the extent of the conversation.
 25 Q. Turn, if you will, please, quickly

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1 over to Tab No. 10 in the notebook there.
 2 This is the September 18, 2010, nine and
 3 seven-eighths inch by seven-inch production
 4 casing design report, is it not?
 5 MR. TUOHEY:
 6 Just a moment if you would.
 7 THE WITNESS:
 8 Yes. This is the Sunday night
 9 email.
 10 EXAMINATION BY MR. GODWIN:
 11 Q. This is the report that was sent
 12 by Jesse to a number of people?
 13 A. Yes, sir.
 14 Q. If you turn over to Page 16 under
 15 Centralizer Placement, Paragraph 4.4 shows
 16 that seven would be used, correct?
 17 A. 4.4?
 18 Q. Yes.
 19 A. Yes.
 20 Q. It shows seven. And Jesse had
 21 testified earlier that the intent was to
 22 show six, but he did seven in error. In
 23 fact, using only six would show the ECDs
 24 being higher, would they not, if you were
 25 using one fewer centralizer?

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1 A. In the configuration that he has
 2 them shown here, that was.
 3 Q. And if you turn over to Page 18,
 4 this is the gas flow potential there in that
 5 same document, sir. It shows there that the
 6 gas flow potential would be 10.29, does it
 7 not?
 8 A. That is what this document says,
 9 yes, sir.
 10 Q. And it shows that it would have a
 11 severe gas flow problem using seven
 12 centralizers?
 13 A. At the depths that he has them
 14 listed as.
 15 Q. And Jesse, in fact, on the morning
 16 of the 19th, after sending the report, he
 17 did talk to you about channeling again that
 18 morning, did he not?
 19 A. Yes, we did talk about that.
 20 Q. Thank you. Let's turn over now,
 21 if we can, quickly to Page 7 --
 22 MR. GODWIN:
 23 They are of the investigation
 24 notes, Counsel.
 25 EXAMINATION BY MR. GODWIN:

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1 Q. Tell me when you are there, sir,
 2 Page No. 7.
 3 MR. TUOHEY:
 4 Yes, sir, we are there.
 5 EXAMINATION BY MR. GODWIN:
 6 Q. Page 7, I'm having you read there,
 7 that's the OptiCem report on April 18
 8 showing at 9:58 p.m., correct?
 9 A. Yes, sir.
 10 Q. Turn over to the next page. We
 11 are getting closer to the end of this
 12 document. And it shows here in that first
 13 full paragraph, I'm going to read quickly
 14 starting with the word Gregg, it's the fifth
 15 line down: Gregg said that his discussions
 16 about the cement job with John Guide
 17 following the morning call on April 19
 18 centered around spiking ECDs, potential for
 19 loss of circulation and channeling with
 20 contingent CBL but not GFP. Is that a
 21 correct statement?
 22 A. We were talking about lost
 23 circulation and channeling.
 24 Q. Well, it says here that you after
 25 the morning call at 7:30 -- I believe it was
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1 a 7:30 call, was it not, was when you
 2 typically had those calls?
 3 A. The morning call was at 7:30.
 4 Q. And it said after that call, you
 5 and Mr. John Guide talked. Was it just the
 6 two of you talking alone?
 7 A. No, sir. That conversation -- as
 8 I said earlier, Jesse came and talked to me
 9 and we got talking about channeling and all
 10 the other issues there. We talked about a
 11 number of items, and then following that
 12 conversation is when I had the conversation
 13 with Mr. Guide.
 14 Q. Do we understand you to be saying
 15 that after Jesse came to you on the morning
 16 of the 19th and talked to you about one is,
 17 did you get the report of the night before,
 18 you said yes, and he wanted to talk to you
 19 about channeling, did you then decide it was
 20 necessary that you call John Guide to follow
 21 up with him about that?
 22 A. I didn't call John. He was in
 23 close -- his desk was kind of like Dave
 24 Sims' proximity and we talked.
 25 Q. He was right there. The point
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1 being that you and Mr. Guide, Mr. John
 2 Guide, after Jesse talked to you about did
 3 you receive the report and talked to you
 4 about channeling being an issue, you then
 5 undertook to talk to John Guide about that
 6 as well as the spiking of ECDs, the
 7 potential for lost circulation and
 8 channeling with a contingent CBL. You
 9 talked about that, did you not?
 10 A. We talked about the channeling and
 11 the spiking of the ECD. And then our
 12 conversation went into what could we do, and
 13 Jesse brought up circulating. And so that's
 14 when I talked with John to understand, okay,
 15 do we have our circulation plans correct.
 16 Q. Yes, sir. And you said earlier
 17 today that you would have thought that Jesse
 18 would have pointed out some of these issues
 19 to you that were a problem and, in fact, now
 20 we have established a third thing, and that
 21 is that Jesse did on the morning of the 19th
 22 talk to you about, as well as others in the
 23 call, about spiking of ECDs, potential for
 24 lost circulation and channeling. He did
 25 discuss those things with you, did he not,
 Page 59

1 sir?
 2 A. To my knowledge, he only discussed
 3 it with me. Your comment he said in a call,
 4 it was not in a call.
 5 Q. I apologize for that.
 6 A. The conversation was Jesse only
 7 came to me.
 8 Q. So the third thing, then, is
 9 established that he didn't talk to all the
 10 people but he talked with you about spiking
 11 of ECDs, potential for lost circulation and
 12 channeling?
 13 A. Yes, sir.
 14 Q. You then talked to Mr. John Guide
 15 about that?
 16 A. Yes, sir.
 17 Q. And it goes on to say here,
 18 quoting on that page: Gregg then recalled
 19 that he also had a brief discussion with
 20 Guide about gas flow potential going from
 21 moderate to severe which was driven by
 22 potential for channeling due to four fewer
 23 centralizers, ten to six centralizers, and
 24 final OptiCem model run, but that they had
 25 foam cement slurry which was designed to
 Page 60

1 protect against a gas migration. Did I read
 2 that correctly?
 3 A. That is what is stated there.
 4 Q. Do you agree with that?
 5 A. The conversation that Jesse and I
 6 had --
 7 Q. Do you agree with the statement,
 8 sir, is what I'm trying to do is rush this
 9 thing.
 10 MS. KARIS:
 11 Your Honor, I think the witness is
 12 trying to explain.
 13 JUDGE ANDERSEN:
 14 He is reading it now so that he
 15 can answer.
 16 MR. TUOHEY:
 17 Answer yes or no and take your
 18 time.
 19 JUDGE ANDERSEN:
 20 Just take your time. It's really
 21 hard to read with lots of people looking at
 22 you.
 23 MR. GODWIN:
 24 I know that feeling, Judge, since
 25 I'm doing the reading.

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1 THE WITNESS:
 2 I don't agree with the statement
 3 as it's written here. As I recall, what
 4 took place, Jesse came to me, we had a
 5 conversation. We talked about many things.
 6 It really focused around the ECDs and the
 7 channeling issues. He may have made a
 8 statement around the gas flow potential, but
 9 it all goes back to our meeting on the 14th
 10 when we discussed on how we were going to
 11 address the cement job and how we were going
 12 to manage getting it in place and also
 13 manage it during its transition phase as far
 14 as that solid to liquid transition or liquid
 15 to solid. And that was the purpose of the
 16 foam. And then I talked with John to
 17 discuss about the foam.
 18 EXAMINATION BY MR. GODWIN:
 19 Q. And I appreciate that. Thank you
 20 for that information. What I was really
 21 after was did you, in fact, have a
 22 discussion there on the 19th with Mr. John
 23 Guide about gas flow potential as it states
 24 here in that paragraph, which you did not
 25 change on Page 10 of the notes?

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1 A. I cannot conclusively say today
 2 that I did or did not. I don't know.
 3 Q. So you are not going to stake out
 4 a position one way or the other?
 5 A. I don't recall the specifics
 6 enough, with clarity enough to be able to
 7 state it as a fact.
 8 Q. What it says here --
 9 JUDGE ANDERSEN:
 10 He read that.
 11 MR. TUOHEY:
 12 He didn't write this report.
 13 JUDGE ANDERSEN:
 14 He just carefully read it and said
 15 he can't recall if he had that conversation.
 16 THE WITNESS:
 17 I don't know that for a fact.
 18 EXAMINATION BY MR. GODWIN:
 19 Q. Did you have a conversation with
 20 Mr. Guide at any time on the 19th of April
 21 during which you discussed with him the gas
 22 flow potential going from moderate to severe
 23 with the use of fewer centralizers?
 24 A. I can't recall the discussions
 25 specifically with John around the gas flow

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1 potential. I know I talked to him about
 2 channeling.
 3 Q. Okay, sir. Do you recall talking
 4 with John Guide at any time prior to the
 5 horrific incident about the gas flow
 6 potential?
 7 A. No, sir. I can't recall
 8 specifically ever having -- all the
 9 conversations that I can specifically recall
 10 were centered around channeling and ECD.
 11 Q. Thank you, sir. I am finished
 12 that document.
 13 MR. GODWIN:
 14 Let's look at the April 15 report
 15 here, Counsel, if we can, please. Do you
 16 have it there before you, sir?
 17 MR. TUOHEY:
 18 The April 15 report?
 19 MR. GODWIN:
 20 Yes, sir. It's the April 15 --
 21 MR. TUOHEY:
 22 I'm not sure what you are
 23 referring to, Counsel. Thank you.
 24 We have it in front of us,
 25 Counsel.

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<p>1 EXAMINATION BY MR. GODWIN: 2 Q. Okay. The April 15 report, if you 3 will, turn quickly over to Page 3. And 4 before we talk about this, you, in fact, 5 received a copy of this document, did you 6 not, on or about April 15, 2010? 7 A. Yes. 8 Q. Turn over to Page No. 3. 9 A. Yes, sir. 10 Q. And there it shows, going quickly 11 through it, in Paragraph 1.1 that the job 12 configuration would provide for foam cement, 13 does it not? 14 A. Yes, sir. 15 Q. So we know going back to as early 16 as the 15th that foam cement was being 17 provided for in a written document. Do you 18 recall on the 15th of April meeting with 19 Jesse and others at the BP office and 20 working through a number of different models 21 in order to come up with a model that was 22 going to minimize, as much as practically 23 possible, the possibility of channeling? 24 A. That was the meeting that was 25 working with him and around the, getting the Page 65</p>	<p>1 purpose of it? 2 A. Yes, sir. 3 Q. Now, turn over quickly, if you 4 will, to Page No. 15, and this is 5 Paragraph 4.4, simply for the record. It 6 does show where the centralizer placement 7 for the 21 centralizers would be in the 8 hole, does it not? 9 A. Yes, sir. 10 Q. Turn over to Page 17, and gas flow 11 potential there shows that with 21 12 centralizers it would be at 2.56, does it 13 not? 14 A. That is what it states. 15 Q. And it states down below that: 16 This well is considered to have a minor gas 17 flow problem using 21 centralizers? 18 A. That is what it states. 19 Q. Thank you, sir. I'm finished with 20 that document. Turn to Tab No. 1 there. It 21 will be in the notebook that I gave your 22 lawyer. You have it. I'm going to try to 23 go through it very quickly. 24 JUDGE ANDERSEN: 25 I was sort of hoping you would get Page 67</p>
<p>1 15 centralizers out. 2 Q. Yes, sir. And the answer, then, 3 to my question is, yes, you did meet with 4 Jesse? 5 A. Yes. 6 Q. And who else was involved in that 7 working meeting on the 15th in arriving at 8 whether or not you would need additional 9 centralizers? 10 A. As I previously stated, Mr. Hafle 11 was working with Jesse on the issue. 12 Basically he had to leave for a family 13 commitment. Brett and myself were working 14 with him -- excuse me -- Mr. Cocalas and 15 Brian Morel was -- Brett Cocalas was having 16 conversations with Brian Morel on the rig. 17 Q. May we assume that all of you 18 gentlemen there in that meeting with BP, all 19 of you knew that foam cement had already 20 been approved for the job? 21 A. Yes, sir. 22 Q. And even though you knew that, you 23 were still talking about needing additional 24 centralizers to reduce the channeling? That 25 was part of the working session and the Page 66</p>	<p>1 to a higher number. 2 MR. GODWIN: 3 Judge, I may jump from one to ten. 4 Hope springs eternal. Not much longer, 5 Judge. 6 EXAMINATION BY MR. GODWIN: 7 Q. Mr. Walz, in terms of the 8 centralizers, was today the first time that 9 you heard from anyone that there was a -- 10 some of the centralizer parts had not been 11 shipped to the rig before the incident? 12 A. The only thing I knew about the 13 logistics associated with the centralizers 14 was that there was -- when they showed up at 15 the heliport on the morning call on -- I 16 guess it was Friday -- 17 Q. The 16th? 18 A. -- the 16th, they had stated that 19 they had -- they stated that the 20 centralizers had arrived at the heliport and 21 there was also a box that they couldn't get 22 on the helicopter and they sent to Fourchon, 23 but nobody knew what was in the box. 24 Q. Fourchon, was that a dock? 25 A. Yes, sir. Page 68</p>

1 Q. And that's where boats would go
 2 from, leave from?
 3 A. Yes, sir.
 4 Q. To go out to the rig?
 5 A. Yes, sir.
 6 Q. Can you help us understand, if you
 7 will, why was a decision made by BP to ship
 8 out a box on a boat that would take several
 9 hours to get to the rig as opposed to
 10 sending it on the next helicopter that was
 11 going that way, if you know?
 12 A. I don't know. I think there was a
 13 weight issue with the helicopter. I think
 14 there was an issue with transporting it by
 15 helicopter, but I do not know.
 16 Q. You are just guessing about that?
 17 A. I'm guessing.
 18 Q. We know from prior testimony that
 19 there was one helicopter per day went out
 20 there. Unless there was an exception made,
 21 there was a scheduled trip out there every
 22 single day at BP's expense. We heard that
 23 from a witness yesterday. And so I'm just
 24 asking if, in fact, there was a -- if
 25 anybody determined that they didn't have
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1 everything they needed for the centralizers,
 2 it seemed that it would have made more sense
 3 to send them out on the next helicopter the
 4 next day than to try to ship them out on the
 5 boat, does it not?
 6 A. I don't know enough --
 7 Q. About it?
 8 A. I really don't know.
 9 Q. Thank you, sir. Now, when was the
 10 casing completed as being run? Didn't it
 11 start on the 18th?
 12 A. It started on the -- yes, I
 13 believe the 18th --
 14 Q. At 3:30 in the morning?
 15 A. Something like that. Or we
 16 finished up on the 19th, late on the 19th, I
 17 think.
 18 Q. And did anybody tell you at any
 19 time on the 18th or on the 19th, before the
 20 casing had been run in its entirety, that
 21 the 15 additional centralizers were not the
 22 right ones? Did anybody tell you that on
 23 the 18th or 19th with BP?
 24 A. No. That was -- once I had the
 25 conversation with Mr. Guide about the
 Page 70

1 centralizers, that was the last conversation
 2 I had concerning them, other than seeing or
 3 hearing in the morning call that Brian Morel
 4 and Brett Cocolas had worked out the spacing
 5 of the six.
 6 Q. What I understand you to be saying
 7 is that Mr. Morel and Mr. Cocolas, they
 8 rearranged the six in an effort to try to
 9 minimize the possibility of channeling?
 10 A. Yes, sir. That was our other
 11 option other than the centralizers was to
 12 reposition them.
 13 Q. Did Mr. Eric Cunningham, was he
 14 consulted about the placement of the six
 15 centralizers to determine if, in fact, they
 16 would accomplish what was intended to be
 17 accomplished with the 21?
 18 A. No, sir.
 19 Q. Was any cementing expert within BP
 20 consulted before the six were run to
 21 determine if, in fact, the six would
 22 accomplish what was intended by running of
 23 the 21?
 24 A. No, sir.
 25 Q. Thank you. Now, were you part of
 Page 71

1 the decision for the CBL not to be run?
 2 A. I'm sorry, sir?
 3 Q. Were you part of the decision for
 4 the CBL not to be run?
 5 A. Yes. I was in the morning call
 6 meeting when that was made.
 7 Q. To your knowledge, was all of the
 8 equipment there on the rig to run the CBL?
 9 A. Yes, sir.
 10 Q. Turn over to in Tab No. 1, to the
 11 third page there, which is part of an email
 12 from Jesse Gagliano dated April 15, 2010 at
 13 3:35 to you and Mr. Morel, Mr. Cocolas and
 14 Mr. Walz -- excuse me, Mr. Walz,
 15 Mr. Cocolas, Mr. Morel, Mr. Mark Hafle.
 16 MR. TUOHEY:
 17 You said Page No. 3 of Item No. 1?
 18 MR. GODWIN:
 19 Well, it's the third page. I
 20 don't think it has a page number.
 21 MR. TUOHEY:
 22 No, it does have a page number,
 23 but --
 24 MR. GODWIN:
 25 Let me show it to you. Look at
 Page 72

1 the third page.
 2 MR. TUOHEY:
 3 I'm looking at the third page.
 4 MR. GODWIN:
 5 If you flip back here and then go
 6 over to the third page, this is where I want
 7 to talk about. Okay. We have it.
 8 EXAMINATION BY MR. GODWIN:
 9 Q. Just briefly here, sir, this
 10 refers to: Updated Jesse's email to you
 11 gentlemen. Updating the above info now
 12 shows cement channeling and the ECD going up
 13 due to channeling, and this pertained to ten
 14 centralizers, does it not?
 15 A. Yes. This is pertaining to the
 16 part we had the work session about on the
 17 15th.
 18 Q. That was on the 15th. This was
 19 one of the models that Mr. Gagliano came up
 20 with, along with you gentlemen, in order to
 21 try to minimize the ECDs and the channeling,
 22 correct?
 23 A. I'm not sure if that was from the
 24 model that he initially identified where we
 25 were having a channeling problem or not. He
 Page 73

1 was having most of his conversations with
 2 Mr. Morel and Mr. Hafle, and I can't be
 3 specific, but it's close to that.
 4 Q. Are you aware on the 14th that
 5 Mr. Gagliano had been told or had been
 6 approached by the BP team, some of the
 7 gentlemen, engineers, and they talked about
 8 running six centralizers even as early as
 9 the 14th of April? Are you aware of that?
 10 A. I was not aware of that.
 11 Q. Are you aware of him discussing
 12 that with some of the team on the morning of
 13 the 15th and the decision being made that
 14 the team, including you and Jesse and others
 15 would work all day to try to come up with a
 16 solution to reduce the channeling?
 17 A. As I understood what -- I mean,
 18 that was one of the action items out of our
 19 session on the 14th with Jesse was he was
 20 going to update the model with the caliper
 21 and centralizer program. So I would be
 22 expecting him to have interchanges with the
 23 engineers around that on the 15th.
 24 Q. And he did that?
 25 A. Yes.
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1 Q. In terms of what he says here
 2 about the ECD going up, just explain to the
 3 Panel --
 4 JUDGE ANDERSEN:
 5 How long do you have?
 6 MR. GODWIN:
 7 Maybe 15 minutes.
 8 JUDGE ANDERSEN:
 9 You are cutting into Mr. Guide's
 10 time. We only have a fixed amount of time.
 11 MR. GODWIN:
 12 I'm going as quickly as I can.
 13 JUDGE ANDERSEN:
 14 We can't do everything.
 15 MR. GODWIN:
 16 I understand.
 17 MR. TUOHEY:
 18 This was gone into by previous
 19 counsel. This very exhibit was gone into.
 20 EXAMINATION BY MR. GODWIN:
 21 Q. The question that was not asked,
 22 the facts that was in the exhibit was not
 23 asked was, tell us what does the effect of
 24 the ECD going up, what adverse effect, if
 25 any, does that have?
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1 A. That was, the concern was about
 2 triggering lost circulation.
 3 Q. Thank you. Turn over, if you
 4 will, please, to Tab No. 8. Now, I
 5 understand, and we are not going to go
 6 through that email at the bottom where it
 7 talks about honoring the model. But a
 8 question was asked of you: Did BP honor the
 9 model? And my understanding is you said
 10 that BP did honor the model; is that
 11 correct?
 12 A. I felt that with us repositioning
 13 the centralizers that we were meeting the
 14 intent. And that if, in fact, that we did
 15 have channeling then we would have to go to
 16 our contingency plan, so we did what we
 17 could.
 18 Q. My question is a little more basic
 19 and that is: Halliburton's model was to use
 20 foam cement, correct?
 21 A. Yes, sir.
 22 Q. And it was to use 21 centralizers,
 23 correct?
 24 MR. TUOHEY:
 25 Excuse me, Your Honor.
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1 EXAMINATION BY MR. GODWIN:
 2 Q. And to space them out according to
 3 the way they were set forth in the model?
 4 MR. TUOHEY:
 5 I think there were a number of
 6 models.
 7 MR. GODWIN:
 8 The one on the 15th is the one I'm
 9 referring to, Counsel.
 10 MR. TUOHEY:
 11 Well, I'm not sure these were
 12 Halliburton's models. There were
 13 discussions back and forth between the
 14 parties. I want to correct --
 15 JUDGE ANDERSEN:
 16 The testimony shows you asked
 17 Halliburton to run that model. However,
 18 Halliburton did run a model like that. I
 19 never heard of centralizers before then.
 20 EXAMINATION BY MR. GODWIN:
 21 Q. The model that was prepared by
 22 Jesse Gagliano as a result of a meeting with
 23 various engineers, including you and others
 24 on the 15th, it provided for the use of 15
 25 centralizers and the spacing of them,

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1 according to the way they were set forth
 2 here in this report and using foam cement,
 3 was that model honored?
 4 A. We did not use that -- we did not
 5 run the 15 centralizers, so no, sir.
 6 Q. It was not honored. Thank you,
 7 sir.
 8 Go over to Tab 9. This is an
 9 email from you, Gregg Walz, dated April 17
 10 at 8:08 a.m. to Brian Morel, Mr. Brett
 11 Cocola and Mr. Mark Hafle regarding cement
 12 procedure. And it says here that: I know I
 13 just did a flip-flop on you concerning the
 14 spacer in this morning's call. Is that
 15 referring to the 7:30 call?
 16 A. Yes, sir.
 17 Q. And it said: I had a misstep with
 18 the centralizers. What was the misstep you
 19 are referring to there?
 20 A. That basically the centralizers
 21 that I thought were going out to the rig
 22 were not the style that they actually were.
 23 And once I found out, I concurred with John
 24 that they posed a greater risk to run those
 25 than the six. So it centered around my

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1 mistake, or my -- as far as the
 2 interpretation of what we sent out there
 3 initially.
 4 Q. Thank you. Look at the second
 5 paragraph: The main reason I wanted to
 6 discuss things this morning was to check
 7 with Brett to see if we had gotten Ray's
 8 input. Who is that Ray?
 9 A. That is Ray Rodrinski (phonetic).
 10 Q. He is not shown on this email?
 11 A. No. He is our cement bond log
 12 expert.
 13 Q. CBL expert within BP?
 14 A. Yes, sir.
 15 Q. And it says: When I heard he had
 16 and that Ray was good with the bond log,
 17 then I could no longer see a good reason to
 18 do anything to jeopardize the primary job
 19 especially given the small volumes we were
 20 dealing with.
 21 A. Yes, sir. This was dealing with
 22 the conversation that Brett and I had and
 23 getting input about how much space you have
 24 to pump behind the top plug.
 25 Q. Did you visit direct with Ray, the

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1 gentlemen referred to in your email, about
 2 whether or not to run a bond log?
 3 A. I did not, but Brett Cocola was
 4 having those conversations about how would
 5 the bond log results be with mud, or
 6 understanding what the bond log results
 7 would be with spacer behind the plug in case
 8 we had to run it.
 9 Q. Was it your understanding that as
 10 of 8:08 a.m. when you wrote this email on
 11 the 17th that Ray was in agreement that a
 12 bond log should be run following a cement
 13 job?
 14 A. It wasn't a question if we should
 15 or not. It was a question if we could or
 16 not. And the context of this email was all
 17 around how much spacer to pump behind the
 18 top plug, which I then had a conversation
 19 with Brian about maybe reducing it. And
 20 then when I got Ray's -- heard Ray's input,
 21 I said: No, guys, let's go with
 22 Halliburton's recommendation for the spacer
 23 volume behind the top plug.
 24 Q. Did Ray say that a bond log could
 25 be run?

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1 A. Yes, sir.
 2 Q. But, in fact, one was not run?
 3 A. That is correct.
 4 Q. Thank you, sir. Turn over to
 5 Tab No. 11. And the second email is the one
 6 I'm referring to, which you received a copy
 7 of. It was dated April 20, sent at 2:52 in
 8 the morning, sent by Mr. Brian Morel to
 9 Mr. John Guide, to Mark Hafle, to Brett
 10 Cocalas and yourself?
 11 A. Yes, sir.
 12 Q. You received a copy of this email?
 13 A. Yes, I did.
 14 Q. It says: Just wanted to let
 15 everyone know the cement job went well and
 16 it goes on. Without doing any more than
 17 that, did anybody tell you at any time prior
 18 to the incident that there was any problem
 19 with the cement job?
 20 A. No, sir.
 21 Q. Has anybody told you since that
 22 there was a problem with the cement job?
 23 And I'm not asking about any Bligh report or
 24 anything like that, but has anybody told you
 25 that there was a problem with my client's

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1 cement job?
 2 A. No, sir.
 3 Q. Thank you, sir. And that would
 4 include not only the design of it, correct?
 5 A. Correct.
 6 Q. But also the execution of it?
 7 A. Yes, sir.
 8 Q. No problems whatsoever so far as
 9 you know and based upon what BP has told
 10 you?
 11 A. Yes, sir.
 12 Q. Thank you, sir.
 13 MR. TUOHEY:
 14 Judge, I would think he would have
 15 no more questions.
 16 JUDGE ANDERSEN:
 17 I would, too. Maybe you could
 18 inch away from that position.
 19 MR. GODWIN:
 20 I think I'm about there, but okay.
 21 JUDGE ANDERSEN:
 22 As you look at each one, imagine
 23 how could it get better than this.
 24 MR. TUOHEY:
 25 How many times, Your Honor, have

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1 you said to a lawyer: You don't want to ask
 2 any more questions.
 3 JUDGE ANDERSEN:
 4 When the judge rules in your
 5 favor, get out fast.
 6 EXAMINATION BY MR. GODWIN:
 7 Q. One last question, sir. You said
 8 earlier that you were involved as a lead
 9 engineer in some capacity with two relief
 10 wells, correct?
 11 A. Yes, sir.
 12 Q. And, in fact, Halliburton was
 13 hired to do the cement job on both of those
 14 relief wells, was it not?
 15 A. I was the engineering team leader
 16 for the initial ones and we were using --
 17 the two rigs that we were using for the
 18 relief wells had the Halliburton units on
 19 them, yes.
 20 Q. In fact, the nitrified cement was
 21 also used on both of those relief wells, was
 22 it not?
 23 A. In the top hole sections.
 24 Q. Thank you very much, sir.
 25 MR. GODWIN:

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1 Thank you, Your Honor.
 2 JUDGE ANDERSEN:
 3 Thank you very much.
 4 We have Cameron?
 5 COUNSEL REPRESENTING CAMERON:
 6 No questions.
 7 JUDGE ANDERSEN:
 8 Weatherford?
 9 COUNSEL REPRESENTING WEATHERFORD:
 10 No questions.
 11 JUDGE ANDERSEN:
 12 M-I SWACO?
 13 COUNSEL REPRESENTING M-I SWACO:
 14 No questions.
 15 JUDGE ANDERSEN:
 16 Anadarko?
 17 MS. KIRBY:
 18 Yes, Your Honor, but it's two
 19 parties.
 20 JUDGE ANDERSEN:
 21 You can start with the very best
 22 question, like: Did you consult with
 23 Anadarko and MOEX when you made these
 24 decisions?
 25 THE WITNESS:

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1 If you wish, I will be happy to
 2 answer that. No, I did not.
 3 JUDGE ANDERSEN:
 4 We assume you are going to get a
 5 better answer.
 6 EXAMINATION BY MS. KIRBY:
 7 Q. Mr. Walz, I'm Ky Kirby and
 8 obviously I represent Anadarko and MOEX. Do
 9 you still have the binder?
 10 A. No, I don't.
 11 Q. May I just hand him mine? Because
 12 I just have a couple of documents and I will
 13 be brief.
 14 The six centralizers that were on
 15 the rig, why were there just six to begin
 16 with?
 17 A. I don't know for sure.
 18 Q. You don't know who decided to
 19 order six?
 20 A. All that took place, the ordering
 21 before I became the engineering team leader.
 22 Q. Was there a well plan that called
 23 for the use of six centralizers on the final
 24 casing string?
 25 A. I don't recall off the top of my
 Page 85

1 head right now. I don't recall.
 2 Q. So you never thought to ask: Why
 3 did we just have six to begin with?
 4 A. At the point where I came into the
 5 picture it was kind of -- I was working plan
 6 forward at that point. I hadn't had a
 7 chance to do the retrospect lessons learned
 8 type of thing. I was working fast forward.
 9 Q. So you never went backwards even
 10 after the casualty to understand why there
 11 were six, only six to begin with?
 12 A. No, ma'am. I was working relief
 13 well and --
 14 JUDGE ANDERSEN:
 15 "No" is fine.
 16 EXAMINATION BY MS. KIRBY:
 17 Q. Now, the first TD plan forward,
 18 where there was a PowerPoint prepared
 19 talking about how the recommendation was to
 20 go with liner tiebacks, that was prepared on
 21 April 13; isn't that right?
 22 A. Yes. That was Mr. Hafle, the
 23 first PowerPoint was Mr. Hafle on the 13th,
 24 I believe.
 25 Q. And you prepared those slides to
 Page 86

1 have a meeting or discussion with
 2 Mr. Sprague and Mr. Sims; is that right?
 3 A. Yes.
 4 Q. One of them wasn't available?
 5 A. Mr. Sprague was at an offsite
 6 meeting or had an appointment, so I went up
 7 and talked with Mr. Sprague.
 8 Q. So David wasn't involved in the
 9 conversation at all?
 10 A. We had a follow-up conversation
 11 with Mr. Sims. The meeting had been
 12 scheduled with David and John. John could
 13 make it, so I went and talked with John and
 14 then we met with David.
 15 Q. So you spoke with both of them
 16 that same day?
 17 A. Yes, sir -- or ma'am.
 18 Q. I have been called worse. Someone
 19 said to you: Hey, we are doing a really
 20 major thing here. I wrote those words down
 21 from your testimony. Is that what happened?
 22 A. I don't know the context of: Hey,
 23 we are doing a major --
 24 Q. When you were presenting to
 25 Mr. Sims and/or Mr. Sprague, did one of them
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1 say to you: We are talking about doing a
 2 really major thing here, so let's look at
 3 this hard?
 4 A. As far as Mr. Sims, yes, this is a
 5 big decision to deviate from the basis of
 6 design.
 7 Q. And the major aspect of it was
 8 switching from the casing to the liner which
 9 could ultimately be seven to \$10 million
 10 more; is that right?
 11 A. There was that issue, and then
 12 there was also the complications that go
 13 along with well integrity over the long-term
 14 life of the well.
 15 MS. KARIS:
 16 Your Honor, I don't mean to
 17 interrupt but I must say, everything we've
 18 heard thus far has been covered at least
 19 three times today. We have multiple parties
 20 and another witness to go who needs to get
 21 out of here today.
 22 JUDGE ANDERSEN:
 23 She has a good point. You asked
 24 four questions to get him to testify to a
 25 conversation with the people we knew he had,
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1 to verify that he had it on the day of the
 2 PowerPoint. If you want to assume certain
 3 facts that have been proved over and over to
 4 get to a question, that would be fine, but
 5 we don't need to go through a series of
 6 questions to get to that.
 7 MS. KIRBY:
 8 Sometimes you have to lead up to
 9 the question you want to ask.
 10 JUDGE ANDERSEN:
 11 In a normal trial that's what you
 12 do, but we don't have that luxury here and
 13 it's hard to adapt. Believe me, it's hard
 14 for me to adapt to something different. But
 15 that's what we have to do in order for the
 16 Board to do its job in a reasonably timely
 17 basis.
 18 MS. KIRBY:
 19 I think I have asked four
 20 questions.
 21 JUDGE ANDERSEN:
 22 You have been great. You have
 23 powered right through. That's why I'm
 24 saying this to you, because you have been
 25 the best.

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1 MS. KIRBY:
 2 My goodness, see what you guys did
 3 to me?
 4 EXAMINATION BY MS. KIRBY:
 5 Q. Pardon me if I repeat everything.
 6 I will try really hard not to. You talked
 7 to Mr. Sims, you talked to Mr. Sprague.
 8 Were you sent back to the drawing board?
 9 A. We had a work session around the
 10 cement modeling and the cement design on the
 11 following day.
 12 Q. They asked you to go back and look
 13 at that again?
 14 A. Mr. Sims did.
 15 Q. Despite your recommendation the
 16 day before, he tells you go back and then
 17 you have a workshop the following day?
 18 MR. TUOHEY:
 19 I believe he said that twice.
 20 THE WITNESS:
 21 Yes, ma'am. Basically --
 22 JUDGE ANDERSEN:
 23 "Yes" is fine.
 24 EXAMINATION BY MS. KIRBY:
 25 Q. Then during that workshop there is

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1 a discussion about the cement modeling that
 2 had been done or the cement design, true?
 3 A. Yes. We reviewed modeling and
 4 design.
 5 Q. And was there a discussion about
 6 adding base oil into the cement design?
 7 A. Yes. That is where the base oil
 8 came in, that work session.
 9 Q. Whose idea was that?
 10 A. That came from -- Eric Cunningham
 11 is the one that suggested that.
 12 Q. And Eric Cunningham is the BP
 13 individual who is a cement specialist; is
 14 that right?
 15 A. Yes, ma'am.
 16 Q. And was it the addition of the
 17 base oil that caused you all to believe
 18 that, indeed, you could change your
 19 recommendation back to the long string?
 20 A. That in concert with all the other
 21 changes, as far as on the slurry weights and
 22 volumes and spacers. It was a comprehensive
 23 type of deal.
 24 Q. And that is what led to the
 25 management of change that you see -- I think

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1 it's in Tab 9 of that notebook, is that
 2 right, that April 15 change?
 3 A. Yes, ma'am.
 4 Q. I'm a little bit confused, because
 5 there was an earlier management of change
 6 that was on the date of your workshop,
 7 April 14. Have you seen that one? I think
 8 it's probably the tab right before the
 9 April 15 tab. I believe the date is in the
 10 upper right-hand corner.
 11 A. Yes, I'm familiar with the
 12 document.
 13 Q. So there was a management of
 14 change originally back to the long string on
 15 the 14th while the workshop was going on?
 16 A. No. After the workshop it was all
 17 after our teleconference with the
 18 leadership. And Mark put in -- initially
 19 entered in the MOC around documenting the
 20 long string decision. And David Sims had
 21 declined it, because David Sims and John
 22 Sprague had talked and decided that
 23 Mr. O'Bryan did not need to be on the -- as
 24 the approver. And that just all we did was
 25 change the reviewer and approvers.

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1 Q. That was a procedural issue?
 2 A. It was a procedural issue.
 3 Q. But the April 14 MOC happens on
 4 the 14th, and you have the workshop on the
 5 14th, right after talking to Mr. Sprague and
 6 Mr. Sims, true?
 7 A. The workshop happened first, then
 8 the --
 9 Q. Then on the 15th Mr. Hafle
 10 actually revises the slides and says in the
 11 slide revisions: Now we recommend going
 12 back to the long string, right?
 13 A. I think that was attached to that
 14 original MOC that was late on the 14th.
 15 Q. If you look in the sleeve of that
 16 notebook, I think you will find a document
 17 that is an email from Mr. Hafle.
 18 MR. TUOHEY:
 19 It's the one dated Thursday,
 20 April 15?
 21 EXAMINATION BY MS. KIRBY:
 22 Q. Yes. Can you read for us,
 23 please -- do you know what a Bates number
 24 is, far right bottom corner?
 25 MR. TUOHEY:

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1 Yes. Last four digits are 7150
 2 through 7159.
 3 EXAMINATION BY MS. KIRBY:
 4 Q. Mr. Walz, do you agree that
 5 Mr. Hafle's revisions to that PowerPoint
 6 didn't occur until the next day, April 15?
 7 A. I think we have a Greenwich
 8 meantime issue. I think I received that --
 9 that's like 1:00 in the morning on the 15th.
 10 Let me think here. Mark was working late on
 11 the 14th and on the MOC, and I'm not sure if
 12 he got the second revised one out that same
 13 night or early the next morning, on the
 14 15th.
 15 Q. So even though it doesn't say GMT
 16 on the email, you believe, really, all this
 17 happened late in the hours of April 14?
 18 A. Mark was working late and we had
 19 the workshop. Mark did the first generation
 20 of the MOC, David declined it, and then he
 21 came back and did the second one.
 22 Q. On the 15th. All right. Now, BP
 23 decided not to spot heavy mud in the bottom
 24 of the hole before the cement job, right?
 25 A. Yes, ma'am.

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1 Q. Is that pretty routine industry
 2 practice?
 3 A. No, ma'am.
 4 Q. Do you know why people spot heavy
 5 mud in the bottom of the hole?
 6 A. It is to prevent flip-flopping of
 7 the cement mud.
 8 Q. And in this case you did not do
 9 that why?
 10 A. We talked about it in the April 14
 11 session and it was centered, there again, to
 12 be able to effectively spot a volume in the
 13 rat hole. Then the casing would be entered
 14 into, it would be 17 pounds. That pill
 15 would lengthen out and they would have to
 16 circulate it out either before or after or
 17 during the cement job. And it had ECD
 18 effects, so it would create a situation of
 19 lost circulation.
 20 Q. So people put heavy mud in to
 21 prevent the flip-flopping of the cement mud,
 22 but you felt you could not do that because
 23 you might have lost circulation?
 24 A. Yes, ma'am.
 25 Q. The flip-flopping of the cement

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1 mud, that's what we also call contamination,
 2 true?
 3 A. Yes, ma'am.
 4 Q. The cement bond log was a
 5 contingency only in the event that there
 6 were lost returns during the cement job,
 7 right?
 8 A. That was per our decision, true.
 9 Q. And what you were looking for is
 10 evidence of channeling, right?
 11 A. Lost circulation was the primary
 12 thing.
 13 Q. And it is the case, isn't it, that
 14 you do not have to have lost returns if
 15 there was channeling?
 16 A. I'm sorry. I didn't hear you.
 17 Q. It is the case, isn't it, that you
 18 do not have to have lost returns if there is
 19 channeling?
 20 A. Yes, ma'am.
 21 Q. Did you take that into
 22 consideration when you were deciding whether
 23 or not a cement bond log should be a
 24 contingency or not?
 25 A. If we had any indications that

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1 there was a problem with the cement job, we
 2 were prepared to run the cement bond log.
 3 Q. What indications besides lost
 4 returns would there have been?
 5 A. That would have been the primary
 6 one. That would have been the primary one,
 7 or if there had been some U tube effect or
 8 something else. But primarily it was
 9 centered around lost circulation.
 10 Q. There could have been channeling
 11 despite the absence of lost returns, true?
 12 A. It's possible.
 13 Q. The negative test, I think you
 14 said you thought we did the most stringent
 15 test possible. Why did you think that?
 16 A. Our plan was to set the cement
 17 plug at the 8,300 feet range and that would
 18 be -- displacing out the well from that
 19 depth up was what our base plan was. So
 20 when we did the negative test, we wanted to
 21 verify that before we removed the mud in the
 22 riser.
 23 Q. Was that amount of displacement
 24 necessary to test the wellhead seal?
 25 A. No.

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1 MR. TUOHEY:
 2 I'm not sure I'm following your
 3 question there.
 4 EXAMINATION BY MS. KIRBY:
 5 Q. Was that amount of displacement,
 6 3360 feet below mud level, necessary in
 7 order for you to test the wellhead seal?
 8 A. It was seen as a gradient down to
 9 that point, to its depth.
 10 Q. So you would not need to go 3367
 11 more feet?
 12 A. Right.
 13 Q. Which is what you did do, right?
 14 A. Yes, ma'am. But that was testing
 15 the casing and the flow.
 16 Q. How many deepwater wells have you
 17 been involved with where there was
 18 displacement like this before negative
 19 testing?
 20 A. I don't recall.
 21 Q. What you were displacing here was
 22 heavy mud, right?
 23 A. Yes, ma'am.
 24 Q. And you were replacing it with
 25 lighter seawater, right?

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1 A. Yes, ma'am.
 2 Q. And heavy mud counteracts any
 3 pressure from flow coming up the well,
 4 right?
 5 A. Yes, ma'am.
 6 Q. So when you remove a lot --
 7 MR. TUOHEY:
 8 I don't think he finished his
 9 answer.
 10 THE WITNESS:
 11 This is why we are doing it
 12 with -- the intent of the negative test was
 13 to do it in a controlled fashion with the
 14 mud above the BOPs.
 15 EXAMINATION BY MS. KIRBY:
 16 Q. Now, when you remove so much heavy
 17 mud, and in this case it was from the
 18 wellhead 3,367 feet below mud level, you put
 19 the well in an underbalanced condition,
 20 right?
 21 A. Yes, ma'am.
 22 Q. And the more heavy mud you remove,
 23 the greater the risk is that the well will
 24 start to flow, right?
 25 A. It is if you exceed the system

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1 limit, yes, ma'am.
 2 Q. So removal of that much heavy mud
 3 can pose a well control risk, can't it?
 4 A. Removal of a hundred PSI could do
 5 it. There is many variables there any time
 6 you go underbalance.
 7 Q. What you are saying is removal of
 8 a lot less could have done it too, right?
 9 A. Yes, ma'am.
 10 Q. When you haven't performed a
 11 negative test on a seal assembly or the
 12 drill collar at the time you do all that
 13 displacement, you need to assume that the
 14 risk is pretty high, don't you?
 15 A. This is your first test of it in a
 16 negative fashion.
 17 Q. And that's, just as you say,
 18 because there has been no negative test of
 19 the float collar or the shoe, so you can't
 20 assume by that time that they are effective
 21 barriers, right?
 22 A. The purpose of the test is to
 23 verify that.
 24 Q. Is it fair to say that Mr. Hafle
 25 was directly involved in the planning of the

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1 well and the operations planning?
 2 A. Yes, ma'am.
 3 Q. Same for Mr. Morel?
 4 A. Yes, ma'am.
 5 Q. And Mr. Cocales?
 6 A. Yes, ma'am.
 7 Q. Do you know if any of them had
 8 well control certifications?
 9 A. To my knowledge, they all do.
 10 Q. Do you know if any of them had,
 11 like, their well control certifications
 12 expire before the incident?
 13 A. I do not know.
 14 Q. Do you know if the DWOP requires
 15 that all persons involved in the design and
 16 planning of a well have well control
 17 certifications that are no older than two
 18 years?
 19 A. Yes, ma'am. I know that's what
 20 DWOP states.
 21 Q. Did you have a well certification
 22 that was no older than two years?
 23 A. Yes, ma'am. I was certified
 24 before the event.
 25 Q. Have you ever planned displacement
 Page 101

1 of a well that uses Form-A-Set and
 2 Form-A-Squeeze spacer as a displacement
 3 fluid?
 4 A. I have not.
 5 Q. Is that the kind of thing that you
 6 would need to approve?
 7 A. Typically not. That is more field
 8 driven as far as that configuration.
 9 Q. That would fall under Mr. Guide's
 10 watch?
 11 A. Typically it would be more with
 12 the operations side.
 13 Q. Would you consider using such a
 14 heavy LCM pill as a displacement fluid on
 15 unusual circumstances?
 16 A. It can be done. I mean, with any
 17 pill, as long as you get it up above BOPs
 18 and you are trying to get a constant fluid
 19 column, either one works. It's just a
 20 matter of establishing a constant fluid
 21 column to reflect the test.
 22 Q. When we were talking about the
 23 negative test and base oil, you remember
 24 that testimony a while back, I believe
 25 somebody asked you if you would displace the
 Page 102

1 riser with base oil. Do you recall that
 2 question?
 3 A. I don't recall anyone displacing
 4 the riser with base oil.
 5 Q. You would not do that, would you?
 6 A. No, ma'am.
 7 Q. What would you displace with base
 8 oil?
 9 A. There are certain negative tests
 10 that I know have been performed by
 11 displacing a choker kill line with base oil.
 12 Q. Are you aware that there were
 13 simultaneous operations going on in the
 14 afternoon and evening of April 20th?
 15 A. I knew the rig was preparing for
 16 their next well, but I wasn't involved with
 17 any of that planning.
 18 Q. Have you learned or heard, did you
 19 hear even before, that there was not only
 20 displacement of the riser, but offloading of
 21 mud to the DAMON BANKSTON, cleaning of the
 22 mud pits, all those things kind of going on
 23 all at once?
 24 A. The only thing I have heard is
 25 what I have heard through testimony and in
 Page 103

1 the public.
 2 Q. Does the DWOP require a risk
 3 assessment when simultaneous operations are
 4 going on?
 5 A. It states simultaneous operations
 6 many times as being viewed as rig to rig,
 7 rig and production operations, but it does
 8 state that.
 9 Q. Do you know if one was performed
 10 for the DEEPWATER HORIZON for the 20th, the
 11 operations on the 20th?
 12 MR. TUOHEY:
 13 Objection, Your Honor. The
 14 witness testified he had nothing to do with
 15 the events on the afternoon.
 16 MS. KIRBY:
 17 I just asked him if he knew.
 18 JUDGE ANDERSEN:
 19 You can find out through other
 20 means. Next question.
 21 EXAMINATION BY MS. KIRBY:
 22 Q. When was the DEEPWATER HORIZON
 23 scheduled to go out to the Macondo well?
 24 A. The plan was for it to go to the
 25 Nile P&A.
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1 Q. And after the Nile, where was it
 2 to go?
 3 A. To the Kaskida.
 4 MR. TUOHEY:
 5 Objection, Your Honor. Relevance.
 6 We are way beyond the issues before this
 7 Board.
 8 JUDGE ANDERSEN:
 9 You can answer that question.
 10 THE WITNESS:
 11 That was going to be one of the
 12 other wells that would be under my
 13 jurisdiction, yes, ma'am.
 14 EXAMINATION BY MS. KIRBY:
 15 Q. The Kaskida had an issue where a
 16 wellhead assembly wasn't going to be ready
 17 until May 15?
 18 MR. TUOHEY:
 19 If he knows.
 20 THE WITNESS:
 21 Yes. There was an issue that had
 22 arisen with the wellhead.
 23 EXAMINATION BY MS. KIRBY:
 24 Q. And the thought was that you would
 25 be done with the Macondo well at least by
 Page 105

1 April 30, right?
 2 A. There was -- it was going to be
 3 done when it was done. I mean, we were
 4 working plans and contingencies accordingly.
 5 Q. The plan was to get a short-term
 6 job in between the Macondo and the Kaskida
 7 in order to avoid any downtime for the
 8 DEEPWATER HORIZON, wasn't it?
 9 A. That was the original plan.
 10 Q. And the Nile was believed to be a
 11 30-day project, right?
 12 A. Yes, ma'am.
 13 Q. But you also had an issue -- was
 14 it a lease issue with the Kaskida, where you
 15 had to have something done by June 1?
 16 A. I don't know all the issues
 17 because I was just coming on board and I
 18 wasn't directly involved with all the
 19 planning there. I also know that --
 20 JUDGE ANDERSEN:
 21 If you don't know, "I don't know"
 22 is fine.
 23 THE WITNESS:
 24 I don't know.
 25 EXAMINATION BY MS. KIRBY:
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1 Q. Do you recall that someone
 2 circulated a letter to MMS, and you were
 3 listed on the email, regarding trying to get
 4 MMS approval to push Kaskida back in order
 5 to slot the Nile job in and avoid downtime?
 6 MS. KARIS:
 7 Your Honor, I object at this
 8 point. I think this is civil discovery
 9 beyond the issues in this case.
 10 JUDGE ANDERSEN:
 11 Well, an issue that the Board has
 12 discussed is whether or not time pressures
 13 to finish this particular job might have
 14 affected the decision making. And as a
 15 theoretical matter, we all agree that
 16 sometimes time pressures affect us. But if
 17 there are matters that would seem to give a
 18 reasonable person pause, the Board is
 19 entitled to know.
 20 Now, we may or may not think it
 21 made any difference, but that issue is an
 22 issue before the Board.
 23 Now, the Board obviously has
 24 separate knowledge and the BOEM people have
 25 separate knowledge with respect to permits
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1 of when jobs were going to start and so on.
 2 So it doesn't have to all come through this
 3 particular witness.
 4 MS. KARIS:
 5 Your Honor, if I may be heard one
 6 second. To the extent Ms. Kirby wants to
 7 ask him if he felt that they were being
 8 rushed because of other jobs, I think that's
 9 fair. But ten minutes on what -- Kaskida,
 10 and what was going to happen at Nile, and
 11 permits related that to implies, first of
 12 all, that this was the only rig available
 13 for that project, which was not the case.
 14 JUDGE ANDERSEN:
 15 He said it would be done when it
 16 would be done, so I assume that you knew
 17 that were there other plans, you are always
 18 laying plans in your business far into the
 19 future for lots of good reasons, but as far
 20 as I assume it's your position, that your
 21 job was to complete this temporary
 22 abandonment properly, and that was an
 23 overriding objective.
 24 THE WITNESS:
 25 Sir, that is correct. I was only
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1 being cc'd on them. Eventually I would be
 2 involved with the rig scheduling. I hadn't
 3 assumed those duties yet.
 4 EXAMINATION BY MS. KIRBY:
 5 Q. I have one question, and that was:
 6 Were you aware that there was an application
 7 being presented to the MMS?
 8 A. I was being cc'd on future plans
 9 associated with it, but I wasn't actively
 10 engaged in the discussions or the planning
 11 of that.
 12 Q. And that was precisely so the Nile
 13 could be slotted in in order to avoid
 14 downtime, right?
 15 A. There was that, and there was
 16 also -- I saw an email that we were looking
 17 at other options and considering just
 18 shutting down the rig if necessary.
 19 MS. KIRBY:
 20 I have no further questions.
 21 JUDGE ANDERSEN:
 22 Thanks. Thank you for your
 23 patience with me. Let's see how far we can
 24 get here, because I don't think there will
 25 be other cross-examination before the Board.
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1 Doug Brown?
 2 COUNSEL REPRESENTING DOUG BROWN:
 3 No questions.
 4 JUDGE ANDERSEN:
 5 Dril-Quip?
 6 COUNSEL REPRESENTING DRIL-QUIP:
 7 No questions.
 8 JUDGE ANDERSEN:
 9 Curt Kuchta?
 10 MR. SCHONEKAS:
 11 Less than an hour.
 12 JUDGE ANDERSEN:
 13 Jimmy Harrell?
 14 MR. SCHONEKAS:
 15 I really do have a couple of
 16 questions.
 17 JUDGE ANDERSEN:
 18 Do you want to take a recess now?
 19 MR. TUOHEY:
 20 Let's get through these questions.
 21 If he has a few questions, we are fine.
 22 JUDGE ANDERSEN:
 23 Questions from Mr. Bertone?
 24 COUNSEL REPRESENTING MR. BERTONE:
 25 No.
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1 COUNSEL REPRESENTING MR. WILLIAMS:
 2 What about Mr. Williams who is
 3 here presently?
 4 COUNSEL REPRESENTING MR. WILLIAMS:
 5 I have a few.
 6 JUDGE ANDERSEN:
 7 What about Mr. O'Bryan?
 8 COUNSEL REPRESENTING MR. O'BRYAN:
 9 No questions.
 10 JUDGE ANDERSEN:
 11 Mr. Kaluza?
 12 COUNSEL REPRESENTING MR. KALUZA:
 13 None, Your Honor.
 14 JUDGE ANDERSEN:
 15 So we will have a few, which I
 16 take to mean adding 25 percent to what it
 17 really means four or fewer, and then
 18 hopefully about the same for Mr. Williams.
 19 Thank you for being here,
 20 Mr. Williams. Please proceed.
 21 EXAMINATION BY MR. FANNING:
 22 Q. Good afternoon. My name is Pat
 23 Fanning. I represent Jimmy Harrell who was
 24 the OIM on the rig. Is it safe for us to
 25 assume, sir, that since the decision was
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1 made to run the additional 15 centralizers
 2 and they were sent out to the rig with
 3 Mr. Oldfather, that if they had been the
 4 correct centralizers, they would have been
 5 installed?
 6 A. Yes. Like the one-piece design
 7 that we had discussed.
 8 Q. Can we take from that that had
 9 those 15 centralizers arrived and been the
 10 correct ones, that BP was of the position
 11 that there would have been some safety
 12 benefit from installing those, since you
 13 went to the extent of sending them out?
 14 A. I don't know that the safety
 15 benefit ever -- everything around the
 16 channeling was remedial work, and like
 17 drawing into a safety issue was never
 18 expressed, or in my opinion, was identified.
 19 It was always -- I think I heard in the
 20 earlier Halliburton discussions last session
 21 getting to a blowout from a channeling was
 22 never, ever discussed.
 23 Q. So given those models that you had
 24 from Halliburton showing severe gas flow,
 25 moderate and minimum, you don't think that
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1 the use of the centralizers and the amount
 2 of centralizers had anything to do with
 3 safety?
 4 A. Sir, in that particular case we
 5 had -- the foam cement was the primary
 6 mitigation towards that. And everything
 7 around the centralization was centering
 8 around the potential of having to do
 9 remedial squeeze work.
 10 Q. So is the answer to my question is
 11 you don't think it had anything to do with
 12 safety?
 13 MR. TUOHEY:
 14 Objection. He answered the
 15 question.
 16 MR. FANNING:
 17 I don't think he has.
 18 JUDGE ANDERSEN:
 19 He can say yes again, if that's
 20 his answer.
 21 THE WITNESS:
 22 The discussions were being around
 23 the fact whether or not we needed to do
 24 remedial squeeze work.
 25 EXAMINATION BY MR. FANNING:
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1 necessary to get the correct ones there to
 2 get whatever benefit you thought they were
 3 going to bring to the job?
 4 A. I was mistaken when -- I looked at
 5 the diagrams on -- with Brett Cocolas on the
 6 night of the 14th that we were sending out
 7 the centralizers. When I looked at the
 8 schematics I interpreted them as being a
 9 one-piece design. This was similar to some
 10 prototype designs that I had seen when the
 11 THUNDER HORSE redesign work was going on.
 12 When I looked at the drawings, I thought
 13 that's what we were getting. I reiterated
 14 that on the following morning call and then
 15 when we got the information.
 16 JUDGE ANDERSEN:
 17 His question is, why not just wait
 18 until you get the new ones?
 19 THE WITNESS:
 20 They weren't there. They weren't
 21 manufactured.
 22 JUDGE ANDERSEN:
 23 It wasn't worth the wait and you
 24 thought you had other --
 25 THE WITNESS:
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1 Q. The centralizers were not a safety
 2 issue for you?
 3 A. At that time I did not see it as a
 4 safety issue.
 5 Q. But you saw some benefit to
 6 putting the additional centralizers in, you
 7 have already told us that, since you sent
 8 them out there with the helicopter and
 9 Mr. Oldfather?
 10 MR. TUOHEY:
 11 Objection, Your Honor. That's
 12 been asked about five times.
 13 JUDGE ANDERSEN:
 14 You are up to eight.
 15 MR. FANNING:
 16 You count different than me.
 17 JUDGE ANDERSEN:
 18 Your questions are so good they
 19 count double.
 20 MR. FANNING:
 21 Thank you.
 22 EXAMINATION BY MR. FANNING:
 23 Q. But you took the time to do them.
 24 Let me ask you. Why didn't you take the
 25 additional time that would have been
 Page 114

1 The other types of centralizers
 2 that we felt could be safely used were weeks
 3 or months away.
 4 EXAMINATION BY MR. FANNING:
 5 Q. Did you say you thought it would
 6 take weeks or months to get the proper ones
 7 there?
 8 JUDGE ANDERSEN:
 9 He testified earlier it would take
 10 three weeks.
 11 THE WITNESS:
 12 Weeks or months.
 13 EXAMINATION BY MR. FANNING:
 14 Q. Whatever benefit you thought you
 15 were going to get from the additional ones,
 16 it wasn't worth the additional wait to BP;
 17 is that correct.
 18 A. No. I mean, we had two options.
 19 We could either send out additional
 20 centralizers or adjust the space out of the
 21 existing ones we had. When we discovered
 22 the risk issues associated with what we had,
 23 we switched over to the respace out of the
 24 existing six.
 25 Q. Let me try again. My question is:
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1 Whatever benefit you thought you were going
 2 to get from the additional 15, you didn't
 3 think it was worth the additional wait?
 4 MR. TUOHEY:
 5 Objection; asked and answered.
 6 MR. FANNING:
 7 I don't think he did answer.
 8 JUDGE ANDERSEN:
 9 Yes, he did. He said given the
 10 actions they took when he found out they
 11 weren't there, he felt they were not worth
 12 waiting.
 13 I assume you believe that what you
 14 did, the various things did you made it safe
 15 enough?
 16 THE WITNESS:
 17 Yes.
 18 MR. FANNING:
 19 Thank you, Judge. That's all I
 20 have.
 21 JUDGE ANDERSEN:
 22 Mr. Williams?
 23 If BP is going to have a number of
 24 questions, we will recess beforehand. If
 25 you are not, then --

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1 MS. KARIS:
 2 I don't know if I will have a
 3 number of questions. I expect to be short,
 4 although I recognize this witness has been
 5 here for almost two hours. Even if there
 6 are a couple of questions, I guess I would
 7 ask if the witness wanted to take a break.
 8 MR. TUOHEY:
 9 If we are talking about a few
 10 questions, I'm okay.
 11 MR. PENTON:
 12 Well, I'm near the end of the
 13 line.
 14 JUDGE ANDERSEN:
 15 Just start asking him.
 16 MR. PENTON:
 17 Judge, I'm going to ask probably
 18 for the tenth time, please let the tail end
 19 of the batting order start batting first, if
 20 you could, because honestly, when we get
 21 here we really work hard to not duplicate
 22 and we would like some change to that if we
 23 could get it.
 24 EXAMINATION BY MR. PENTON:
 25 A. Mr. Walz, I'm Ronnie Penton. I

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1 represent Mike Williams. Who is Mr. Pat
 2 O'Bryan?
 3 A. He is the vice president of the
 4 drilling completion group.
 5 Q. And I saw your hierarchy chart
 6 earlier, but where does he reside on that
 7 chart in relation to you?
 8 A. Mr. Sprague is between me and
 9 Mr. O'Bryan.
 10 Q. Mr. O'Bryan is actually at the top
 11 of that chart over Jonathan Sprague?
 12 MS. KARIS:
 13 Your Honor, I'm sorry to object,
 14 but Mr. O'Bryan has testified himself.
 15 MR. PENTON:
 16 I haven't asked a question, Judge.
 17 JUDGE ANDERSEN:
 18 What she is saying is you have
 19 already established all of that so we know
 20 that, so if you want to get to the question,
 21 that would be fine.
 22 MR. PENTON:
 23 I want the witness to testify in
 24 terms of the chart. Because the charts that
 25 we have, Mr. O'Bryan is not on the ones I

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1 have. I want to know where he stands in
 2 relation to Mr. Walz and to Mr. Sprague.
 3 MS. KARIS:
 4 I think Mr. O'Bryan is on the
 5 chart that the Panel itself has put up
 6 respectfully, and Mr. O'Bryan himself was
 7 here for hours testifying where he fits and
 8 who he reports to, so in the interest of
 9 Mr. Walz --
 10 MR. PENTON:
 11 One question. This is
 12 unbelievable. This is unbelievable.
 13 JUDGE ANDERSEN:
 14 What is the question?
 15 EXAMINATION BY MR. PENTON:
 16 Q. Mr. Walz, is Mr. O'Bryan a very
 17 capable engineer in drilling and
 18 completions?
 19 MR. TUOHEY:
 20 If you understand very capable,
 21 you can answer the question.
 22 THE WITNESS:
 23 I believe he is a capable
 24 engineer. That's my opinion.
 25 EXAMINATION BY MR. PENTON:

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1 Q. Are you aware on April 20 that he
 2 was actually on the DEEPWATER HORIZON?
 3 A. Yes, sir.
 4 Q. Are you aware that he was not
 5 brought into the negative test issue when
 6 they were dealing with the negative test
 7 that they run; are you aware of that?
 8 MR. CLARKE:
 9 Objection, Your Honor. It's
 10 undisputed that he wasn't brought into that.
 11 Everybody on this Board knows it. Whether
 12 this witness was aware of it or not is
 13 irrelevant to your task.
 14 MR. PENTON:
 15 I think communication of this
 16 engineering group is the problem.
 17 JUDGE ANDERSEN:
 18 Actually it could be relevant but
 19 that's an easy answer. Did you know he
 20 wasn't consulted about this?
 21 THE WITNESS:
 22 No, I did not.
 23 JUDGE ANDERSEN:
 24 Next question.
 25 EXAMINATION BY MR. PENTON:

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1 Q. That was real painless. That's
 2 all asked. All I wanted to know is what he
 3 knew about that. I'm going to go to the
 4 captain's favorite subject, the safety
 5 culture. You testified in the first 10 or
 6 15 minutes this morning, a long time ago,
 7 that you were -- part of your
 8 responsibilities were, I think you described
 9 it as HSSE; is that correct?
 10 A. Yes, sir.
 11 Q. Now, as of the third week of March
 12 or so of 2010, you took charge of the
 13 DEEPWATER HORIZON project, correct?
 14 MR. TUOHEY:
 15 I'm not sure he took charge.
 16 THE WITNESS:
 17 I became the engineering team
 18 leader for the group.
 19 EXAMINATION BY MR. PENTON:
 20 Q. Let me ask you this. Isn't it
 21 true that on April 20, 2010 and for a period
 22 that goes back to the personnel change
 23 period of September 2009, that BP did not
 24 have a regular HSS&E safety man aboard the
 25 DEEPWATER HORIZON?

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1 A. I do not know that. I'm not
 2 involved with that part of the operation.
 3 Q. Would that surprise you if you
 4 learned that there was not an HS&E man on
 5 board the DEEPWATER HORIZON and had not been
 6 since September of 2009?
 7 MR. TUOHEY:
 8 Objection as to form.
 9 JUDGE ANDERSEN:
 10 If you can answer. If that were
 11 true, would you be surprised?
 12 THE WITNESS:
 13 I don't know. I'm haven't been a
 14 part of the operations and I don't know.
 15 EXAMINATION BY MR. PENTON:
 16 Q. That wouldn't be within your
 17 scope?
 18 A. That is handled with -- the well's
 19 team leaders are the ones that coordinate
 20 with the, our HSS&E people.
 21 Q. Tell us about BP policy. In
 22 September of 2009 until April of 2010, was
 23 it BP's policy to have an HS&E safety man on
 24 the DEEPWATER drilling rigs?
 25 MR. TUOHEY:

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1 Objection.
 2 JUDGE ANDERSEN:
 3 If you know.
 4 THE WITNESS:
 5 I do not know.
 6 EXAMINATION BY MR. PENTON:
 7 Q. That's not part of what you are
 8 charged with having to know?
 9 A. Yes, sir. I'm on the engineering.
 10 That's on the operations side. The
 11 operations side handles that.
 12 Q. The same question about
 13 Transocean; you are not aware whether or not
 14 there was a Transocean HS&E or safety man
 15 aboard the DEEPWATER HORIZON?
 16 A. That's not in my sphere of
 17 influence.
 18 MR. PENTON:
 19 Thank you, sir. That's all I
 20 have.
 21 CAPTAIN NGUYEN:
 22 Do you want to take that break?
 23 JUDGE ANDERSEN:
 24 We can take that break now.
 25 CAPTAIN NGUYEN:

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<p>1 We will reconvene at 3:40. Thank 2 you. 3 (Whereupon, a brief recess was taken.) 4 JUDGE ANDERSEN: 5 Are you doing okay? 6 THE WITNESS: 7 I'm doing good. 8 EXAMINATION BY MS. KARIS: 9 Q. Hariklia Karis on behalf of BP. 10 As I started to say, I know it's been a long 11 day for you so I'm going to try to keep it 12 very short. I know Mr. Godwin, counsel for 13 Halliburton, asked you about these 14 investigation team notes that he walked 15 through with you. Do you have those with 16 you? 17 A. Yes. 18 Q. And he began his questioning 19 regarding these notes by asking you to go to 20 the last page, which is the page of 21 corrections and clarifications. 22 A. Yes. 23 Q. Can you turn to that? Can you 24 tell us whether the corrections and 25 clarifications pertain to these notes or</p> <p style="text-align: right;">Page 125</p>	<p>1 interview notes of the first investigation 2 team interview with Gregg Walz following the 3 July 29 interview, which is on the first 4 page. 5 MS. KARIS: 6 If you look at each of the four 7 points, those points do not match up to 8 these notes. In fact, there is a reference 9 to Page 9 in a quote which are not on these 10 notes. There is a reference to notes from 11 Page 10. There is no Page 10 to these 12 notes. 13 EXAMINATION BY MS. KARIS: 14 Q. So that's a clarification, if I 15 understand you, Mr. Walz, of interview notes 16 of your first interview with the 17 investigation team; is that correct? 18 A. Yes. 19 Q. These are not those notes? 20 MR. GODWIN: 21 Again, Your Honor, this is a 22 complete copy of what the Panel handed out 23 and the last page does say that the 24 clarification page, looks like an errata 25 sheet, is referring to the July 29</p> <p style="text-align: right;">Page 127</p>
<p>1 some other notes? 2 A. I believe these are pertaining to 3 other notes that had been taken in the May 4 time frame. 5 Q. In fact, that's what it says right 6 on there, right? It says: Notes, 7 clarifications, corrections of notes from 8 first investigation team interview; is that 9 correct? 10 A. Yes. 11 Q. Have you corrected these notes? 12 A. No, ma'am. 13 Q. So just to be clear, the words 14 used in these notes, those are not your 15 words? 16 A. No, ma'am. 17 Q. And you have never had an 18 opportunity to review or correct these 19 notes, correct? 20 A. No, ma'am. 21 MR. GODWIN: 22 Your Honor, just to clarify, the 23 last page, Page No. 10 that counsel is going 24 into, the investigation team do say that 25 they are clarification corrections of</p> <p style="text-align: right;">Page 126</p>	<p>1 interview. All I was dealing with was what 2 we were given, and it does show here that 3 this is a clarification page for these notes 4 here that were provided. That's what it 5 says. 6 MR. TUOHEY: 7 Mr. Godwin was in good faith, but 8 counsel is quite correct, these go like that 9 because this goes to the earlier interview. 10 That's why I said I couldn't validate them. 11 That was a good clarification, but both 12 parties are in good fair here. The Bligh 13 folks made a mistake, that's all. 14 JUDGE ANDERSEN: 15 Thank you. That should probably 16 be corrected in a published edition. 17 MS. KARIS: 18 Fair enough. All I was trying to 19 establish was to the extent there were 20 questions about whether he agreed with the 21 statements in here and they were done on a 22 clarification sheet, this sheet does not 23 pertain to these notes. 24 JUDGE ANDERSEN: 25 Okay. That makes sense.</p> <p style="text-align: right;">Page 128</p>

1 EXAMINATION BY MS. KARIS:
 2 Q. You testified, if I heard you
 3 correctly earlier, that the Halliburton
 4 models that you had seen prior to April 18,
 5 that those models indicated with channeling
 6 that you would have lost circulation. Do
 7 you recall that?
 8 A. Yes, ma'am.
 9 Q. Can you explain to us what you
 10 meant by that?
 11 A. Basically all of them were showing
 12 that as the channeling effects occurred, the
 13 equivalent circulating densities during the
 14 job was increasing and would surpass the
 15 frac gradient that we had planned.
 16 Q. In what form do you expect to see
 17 lost circulation if channeling had occurred?
 18 A. As we were pumping the cement job,
 19 there would be returns during the cement
 20 job.
 21 Q. Would you expect to see full
 22 returns if you had had lost circulation of
 23 any significance?
 24 A. No. You would have full returns.
 25 Q. Do you know whether on this job

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1 they, in fact, did see full returns?
 2 A. Everything that was reported to us
 3 in town said that they had full returns.
 4 Q. Was that an indication, if you
 5 know, that there had not been channeling in
 6 connection with this job?
 7 A. That was the main criteria that we
 8 were looking for.
 9 Q. And the decision tree that you
 10 referenced earlier, was that decision tree
 11 connected to whether or not you would see
 12 full returns?
 13 A. Yes, ma'am.
 14 Q. And if you had not seen full
 15 returns, what would have been done in
 16 connection with the cement bond log?
 17 A. Then we would go into whatever
 18 remedial work that was necessary once we had
 19 the cement bond log results.
 20 Q. And according to the decision
 21 tree, if you had seen full returns, what
 22 would have been done in connection with the
 23 cement bond log?
 24 A. Then we would not be running the
 25 cement bond log.

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1 Q. When would you have seen in a
 2 cement job whether you had full returns?
 3 A. That would have been monitored
 4 during the duration of the job.
 5 Q. To your knowledge, did they see
 6 full returns?
 7 A. Everything that was reported to us
 8 was full returns.
 9 MS. KARIS:
 10 I have no more questions.
 11 JUDGE ANDERSEN:
 12 Do you have any questions?
 13 MR. TUOHEY:
 14 No, Your Honor. I learned your
 15 rule a long time ago. Thank you and the
 16 Panel for your courtesy and we're done.
 17 EXAMINATION BY MR. DYKES:
 18 Q. I have one. From what we
 19 understand the cement job that you all were
 20 pumping, the nitrified cement, it was pretty
 21 much once you had it in place, it was going
 22 to be a perfectly balanced cement job?
 23 A. It was coming very close
 24 hydrostatically.
 25 Q. Given that, and having the issue

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1 with maintaining the ECD below the point
 2 that you would lose circulation, is it
 3 possible that you could have had lost
 4 circulation and then an influx of
 5 hydrocarbon fluid from the formation into
 6 the wellbore on the back side, since you
 7 were at such a closely balanced job?
 8 A. I don't think that there was a
 9 high likelihood of that. Remember that we
 10 had a 14.2 mud weight and not included with
 11 that, we were working with hydrostatic and
 12 naturally the cement job higher. The core
 13 pressure of the main hydrocarbon sands were
 14 12.6, so we had, just from the mud weight
 15 issues, around a thousand plus PSI
 16 overbalance going on across the hydrocarbon
 17 zones. So I do not know -- it would be
 18 speculation there, but I think there is a
 19 relationship with the amount of overbalance
 20 that we had present on those hydrocarbon
 21 zones that you would need to consider.
 22 Q. You all looked at that when you
 23 were doing your workshop?
 24 A. Yes, sir. From the get-go it was
 25 identified that all the cement, as far as

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1 the hydrostatics that we were planning
 2 around, was actually that 14-pound strip
 3 water stringer that we had, because all the
 4 hydrocarbon zones were actually lower as you
 5 went through. But that was the zone that we
 6 were watching or trying to make sure that we
 7 always maintained our hydrostatics on. And
 8 then we would have at least a thousand PSI
 9 on top of that.
 10 Q. Over the hydrocarbons?
 11 A. Over the hydrocarbons.
 12 EXAMINATION BY CAPTAIN NGUYEN:
 13 Q. I have a couple of questions. I
 14 understand that there was a number of
 15 changes in terms of the well design and well
 16 construction, from what I understand, the
 17 MOC process.
 18 A. Yes, sir.
 19 Q. I just did a quick look through
 20 this binder on what Mr. O'Bryan provided and
 21 I was looking at the emails and I didn't see
 22 any -- maybe I'm missing them, but I didn't
 23 see any Transocean representative copy or to
 24 on these emails. So my question to you is:
 25 How did BP insure that Transocean was fully
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1 aware of these changes and if they were in
 2 that a position that they had an opportunity
 3 to do so?
 4 A. The majority of the relationship
 5 with Transocean is handled by the well's
 6 team leader, now the engineering. But
 7 basically a lot of that focus is at the well
 8 site and through those relationships that
 9 Mr. Johnson with Transocean would attend the
 10 morning call meetings on a regular basis,
 11 and there was interactions with him and John
 12 Guide. That was the principal communication
 13 path that I observed with the group.
 14 Q. Do you think that Mr. Kaluza had
 15 full awareness of what is going on with the
 16 changes and the reason for the changes?
 17 A. I believe so. To the best of my
 18 knowledge, he did.
 19 Q. How about Mr. Vidrine?
 20 A. Yes, sir. I believe so.
 21 Q. How about Mr. Jimmy Harrell?
 22 A. I do not know.
 23 Q. You do not know Mr. Harrell, or
 24 you do not know whether he --
 25 A. I have never met Mr. Harrell. All
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1 the exchanges I knew that was going on was
 2 primarily with the well site leaders.
 3 However, when Mr. Morel went out for the
 4 casing job, I don't know what conversations
 5 were held on a broader perspective.
 6 Q. And Mr. Morel worked for you?
 7 A. Yes, sir.
 8 Q. Are you aware whether Mr. Morel --
 9 Mr. Morel has not made himself available to
 10 the Board. He exercised his Constitutional
 11 rights. Since he worked directly for you,
 12 do you have any knowledge whether he has
 13 made any decisions that are within his
 14 authority to do so?
 15 A. I'm sorry. I didn't catch that
 16 last part.
 17 Q. Are you aware of any decision that
 18 Mr. Morel had made that were not within his
 19 authority to do so?
 20 A. Not that I'm aware of.
 21 Q. Are you aware of any action that
 22 Mr. Morel have taken that are not in
 23 accordance with BP established processes and
 24 procedures?
 25 A. No, sir. I'm not aware of any
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1 actions.
 2 CAPTAIN NGUYEN:
 3 Thank you very much.
 4 JUDGE ANDERSEN:
 5 Thank you. Any other Board
 6 questions? Is there anything -- I know it's
 7 been a long time, but obviously this is a
 8 major event in your life. Is there anything
 9 you would like to add to this?
 10 THE WITNESS:
 11 No, sir, not at this time. There
 12 is still a lot of facts that I think need to
 13 be worked through before we truly understand
 14 things and I'm still waiting to understand
 15 that.
 16 JUDGE ANDERSEN:
 17 Thank you for appearing and
 18 maintaining grace and responsiveness under
 19 very difficult circumstances. Thank you to
 20 your counsel as well.
 21 MR. TUOHEY:
 22 Thank you, Your Honor. I know my
 23 good friend and your fellow Chicagoan is
 24 anxious to be sitting here, so I'm going to
 25 vacate quickly.
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1 CAPTAIN NGUYEN:
 2 Thank you, Mr. Walz. You are
 3 dismissed. Let's take about eight minutes
 4 and we will reconvene.
 5 (Whereupon, a brief recess was taken.)
 6 JUDGE ANDERSEN:
 7 I would like to make a personal
 8 statement just a minute here, because it
 9 will explain some of what I anticipate
 10 doing. But for the lengthy examination of
 11 Mr. Guide previously, probably myself and
 12 Captain Higgins, we might not be members of
 13 this Board, so we are probably the only
 14 people in the room who are glad that that
 15 examination went so long. I feel if it
 16 happens again they are going to throw me off
 17 the Board, so I have done a poll of the
 18 lawyers here and you all say that the
 19 average time for examination on these new
 20 matters is you have said three and a half
 21 minutes, let's call it four and a half. So
 22 I'm going to do my best, but I'm going to
 23 count on you, because you were all here
 24 before, to make sure that we really don't
 25 recover ground that was covered last time

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1 and we only cover the new ground that the
 2 Board members felt strongly about was
 3 important to cover.
 4 I also want to thank Mr. Guide for
 5 returning. He is here voluntarily. He is
 6 not within the subpoena reach of the Board
 7 here in New Orleans, and both you and acting
 8 through your lawyer were very cooperative in
 9 scheduling this time this afternoon and
 10 coming back, even though we recognize it was
 11 a strenuous session previously.
 12 So with that, thank you all for
 13 listening to that personal statement. There
 14 is a rule that it's like one oath per trial,
 15 but these are hearings not a trial, so I
 16 want to start with you as I have with each
 17 witness pointing out that the statements you
 18 make are to a federal agency. It's a crime
 19 to make false statements punishable by fine
 20 or imprisonment. Having said that, I would
 21 like to reswear you in.
 22 (Oath administered to Mr. Guide)
 23 JUDGE ANDERSEN:
 24 Counsel, would you state your name
 25 again for the record?

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1 MR. STETLER:
 2 Dave Stetler.
 3 CAPTAIN NGUYEN:
 4 Before we start the questioning,
 5 as with Mr. Coteles, I respectfully request
 6 that the representative for the PIIs to
 7 exercise good judgment in questioning
 8 Mr. Guide. He is under a lot of pressure as
 9 you could imagine. In the previous
 10 testimony of Mr. O'Bryan and Mr. Sims, his
 11 supervisor, they indicated that he has a lot
 12 of responsibility for the well. And
 13 everybody knows that, so we don't need to --
 14 I know each attorney has their own style,
 15 but I think if you could exercise respect
 16 and the utmost courtesy for Mr. Guide, he
 17 would really appreciate it. Thank you.
 18 JUDGE ANDERSEN:
 19 Board members.
 20 EXAMINATION BY MR. MATHEWS:
 21 Q. For the record, could you please
 22 state your full name and spell your last?
 23 A. Alexander John Guide, G-U-I-D-E.
 24 Q. I want to quickly go over some of
 25 the roles and responsibilities that we

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1 discussed last time specifically with regard
 2 to your performance measures that you
 3 currently have at BP. Are you familiar with
 4 your key performance indicators, sir?
 5 A. Yes, sir.
 6 Q. I would like to talk to you about
 7 all well objectives delivered at a cost less
 8 than AFE. Are you familiar with that one?
 9 A. Yes, sir.
 10 Q. And how were you made aware of
 11 that, sir?
 12 A. Well, the AFE is developed by the
 13 engineering department and it's set forth
 14 for the well when it starts, and then we
 15 attempt, if we can through efficiency
 16 mainly, to come in a little bit below there
 17 if possible. And it's just one of the ways
 18 they judge your performance.
 19 Q. Do you know specifically what
 20 percentage you are weighed against on that
 21 denomination, sir?
 22 A. No, sir. I'm not exactly sure.
 23 Q. What about HSE on the DEEPWATER
 24 HORIZON; how do you get measured
 25 specifically?

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1 A. Several different ways. There
 2 were metrics that were put in place but they
 3 were part of the SPU that all came down
 4 from -- starting with the vice president and
 5 came down through the system. But we kept
 6 track of all of the safety measures, not
 7 just the day-to-day stop cards, but the near
 8 misses that we had, the stop the jobs. We
 9 collected all the data and then it was
 10 really at the discretion of your supervisor
 11 to see if he thought you were putting the
 12 effort that you needed, was the most
 13 important thing that was overemphasized for
 14 all the people in the company.
 15 Q. And then the next one, I believe,
 16 was strengthen the drilling performance of
 17 the DEEPWATER HORIZON. How were you
 18 measured for that component, sir?
 19 A. It was mainly efficiency, is there
 20 a safer, better, easier way to do something.
 21 We really tried to make it as easy as
 22 possible on the people on the rig, so -- and
 23 then you see that through the, actually the
 24 performance matrix as well.
 25 Q. I know you said safer, better and
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1 easier, but was cheaper an option as well?
 2 A. No, sir.
 3 Q. Let's go on to your next
 4 performance measure, which is the cost
 5 performance. And there is a thing they call
 6 Every Dollar Counts. Could you explain
 7 that?
 8 A. Yes. Every Dollar Counts was just
 9 a carryover from, really, 2008. It was a
 10 good logo. People who work in the oil and
 11 gas business, probably were a member of the
 12 2008, became a serious downturn. Even
 13 though oil went to 35 or \$38 a barrel, it
 14 was still -- everyone was still going along
 15 the lines of the \$140 a barrel that was
 16 right before that. So what had happened is
 17 we had the tendency to start collecting a
 18 bunch of contingency stuff on the rigs in
 19 general, i.e. extra fishing tools, extra
 20 materials that maybe you would never use for
 21 a year. So we systematically tried to go
 22 through and see where can we try to be a
 23 little more efficient. It didn't encompass
 24 safety. And also did not encompass the well
 25 plan. We had hoarded all this stuff,
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1 because times were so good. And when they
 2 went down, we had to start to tighten our
 3 belt.
 4 In fact, another good example of
 5 how far it went is if you and your pod mate
 6 had the same magazine subscription, well,
 7 cancel one and you shared a magazine.
 8 Q. I know you said you never did -- I
 9 don't want to put the word "never" in your
 10 mouth, but you said it did not encompass
 11 safety. It never encompassed safety?
 12 A. No, sir.
 13 Q. At any time did you ever review
 14 the performance of your well site leaders or
 15 did you participate in the performance of
 16 evaluations with them?
 17 A. Yes, sir.
 18 Q. Were you aware that they had the
 19 same performance measures that I just
 20 discussed with you about making every dollar
 21 count?
 22 A. Yes, sir.
 23 Q. Were you aware that they met those
 24 performances?
 25 A. Yes, sir. The guys on the
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1 DEEPWATER HORIZON were very diligent about
 2 trying to keep track of the coming and going
 3 of the materials to keep the cost down.
 4 Q. Earlier I mentioned someone's
 5 performance evaluation. Though not related
 6 to safety, it went as far as documenting a
 7 spreadsheet of how he had actually saved BP
 8 somewhere in the neighborhood of, I think
 9 round about \$490,000. Is that typical, sir,
 10 that you actually track spreadsheets on how
 11 much you are saving BP?
 12 A. I can't say it's typical. The
 13 people that work for me over the span of a
 14 whole year might have an individual piece or
 15 something that they said that they felt
 16 contributed to the overall -- an overall
 17 cost reduction, but really didn't say
 18 exactly how much it was. Really, it was the
 19 efficiency of the operation. It was really
 20 easy for them to track as opposed to, like,
 21 you can't change the drilling contract.
 22 Q. Another performance evaluation
 23 that we reviewed, there was an individual,
 24 and I'm going to go through his performance
 25 and the percentages that are weighed against
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1 him. It's not going to be a question. I'm
 2 going to follow up. He had to deliver HSE
 3 performance at a zero incident culture at 25
 4 percent. His operation performance -- when
 5 I say operation performance, that has been
 6 defined in his performance evaluation. His
 7 only operation performance was to deliver
 8 his subsea completions in another well under
 9 AFE. And then Every Dollar Counts was
 10 15 percent.
 11 And let me go back. His
 12 operations performance was bringing
 13 everything under AFE was 40 percent. Every
 14 Dollar Counts was 15 percent. And behavior
 15 development and leadership model was
 16 20 percent. Basically you have operations
 17 performance and Every Dollar Counts coming
 18 to a total of 55 percent. So you have an
 19 individual who is being measured against his
 20 performance to lower the cost on the rig and
 21 insure that the well is coming under AFE.
 22 Do you have any concerns from an employee at
 23 BP that you could see how that could
 24 potentially impact the safety of what is
 25 going on out there?

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1 A. I don't think it impacts the
 2 safety any way whatsoever. What was
 3 happened -- what happened was, is you have a
 4 bunch of different rigs that are doing maybe
 5 the same thing but not really. For
 6 instance, you have a rig that might be doing
 7 a bunch of completions. You have one doing
 8 drilling and completions. You have the
 9 HORIZON that was just doing drilling. And
 10 there was an inconsistency of how the well
 11 site leaders were getting their performance
 12 appraisals.
 13 So the well team leaders got
 14 together with the well managers and said:
 15 Look, let's come up with a way just so
 16 everyone is sort of being graded the same
 17 way, and that's really all that was. It had
 18 really -- safety was always the No. 1
 19 priority. It was easier -- no. I'm sorry.
 20 It was easy to measure on the matrix part,
 21 but what is difficult to measure is the
 22 safety culture on the rig.
 23 So whenever the actual well site
 24 leaders were ranked, had to be ranked later
 25 on, safety was always the No. 1 and the

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1 number was just an arbitrary number.
 2 Q. Continue down the road of safety.
 3 What I looked at was only documented in a
 4 spreadsheet and what was in the actual
 5 performance evaluations of the 13 employees
 6 I looked at. Do you recall the testimony
 7 that you gave last time? We went through a
 8 laundry list of risk-based decisions of
 9 which one was safer and which one was
 10 cheaper. Is it still your testimony that
 11 you don't feel that any pressure is put upon
 12 personnel at BP through the performance
 13 evaluations that they have to meet, that
 14 they are being measured against annually,
 15 that their decisions to not run a cement
 16 evaluation tool, to circulate full bottoms
 17 up, so on, and we went through that
 18 extensive list, do you think that has any
 19 impact on their decisions on the rig, since
 20 they are being measured against it with the
 21 AFE and coming under the cost savings?
 22 A. It doesn't. I mean, safety is the
 23 No. 1 priority. Those decisions that we
 24 talked about last time are really individual
 25 well-based decisions and that are thought

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1 out. And it is a business, so yes, there is
 2 consideration for monetary things. But like
 3 I said before, even though you could phrase
 4 it that way, safety was always the No. 1
 5 priority and the operation was never --
 6 safety was never compromised in the
 7 operation.
 8 Q. We have only had a snapshot of the
 9 individuals at BP that we felt were somehow
 10 associated in the decisions on this well and
 11 there were 13 employees reviewed, we
 12 actually reviewed. Would you be surprised
 13 that of the 13, 12 of them actually had
 14 documentation within their annual
 15 performance evaluation of how they saved BP
 16 money?
 17 A. That wouldn't surprise me at all.
 18 Q. I'm not talking 50,000. I'm
 19 talking upwards of a hundred thousand,
 20 7 million?
 21 A. It wouldn't surprise me at all.
 22 Q. Do you think that, looking at it
 23 from the outside, would you measure your
 24 performance based on how much money you are
 25 saving BP when you are preaching the safety

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1 first concept?
 2 A. The reason why -- it's easy to
 3 document that I saved -- an example, I saved
 4 \$50,000 because it's a tangible thing. You
 5 can say we did this or this or this and so
 6 we saved the money. And that's probably the
 7 reason why it's documented. A lot of other
 8 things are a lot harder to document, i.e.
 9 how did you improve the safety culture?
 10 Q. Just the well site leaders that
 11 you had control over, did they at any time
 12 ever address any concern with you about the
 13 performance measures that they had put upon
 14 them?
 15 A. No.
 16 Q. If they didn't meet the
 17 performance measures that were defined in
 18 that document that they had signed off on
 19 annually, what would have happened to them
 20 if they didn't come in under the AFE or if
 21 they didn't save dollars like they were
 22 supposed to?
 23 A. I'm sure we have had to have some
 24 sort of a conversation with them, but I can
 25 assure you that if it was an issue with

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1 safety, they would have had a much more
 2 stern conversation and/or even changed.
 3 Q. When you had the chance when
 4 Mr. Kaluza came to the rig, were you aware
 5 of the opportunity to actually look at his
 6 performance evaluation?
 7 A. I didn't think to look at his
 8 performance evaluation.
 9 Q. If you had requested it, would it
 10 have been made available to you?
 11 A. Yes, sir.
 12 Q. I don't know if you have this
 13 document in front of you, but basically my
 14 question that I have is there is an annual
 15 individual performance rating at BP, and
 16 it's broken up into BE, ME, EE and E. You
 17 can have my copy. This was just provided to
 18 me before the break. I'm sorry. It's
 19 highly redacted.
 20 A. Yes, it is.
 21 Q. You have the rating right there.
 22 BE, ME, EE and E, correct? Can you please
 23 explain to me what each one of these means,
 24 since you have actually completed these for
 25 people?

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1 A. BE would be below expectation. ME
 2 is met expectation. EE is exceeded
 3 expectation. And E is exceptional.
 4 Q. As a well team leader, what would
 5 you require the minimum performance rating
 6 of your well site leaders?
 7 A. Well, everyone -- you would hope
 8 everyone was exceptional.
 9 Q. Understood. But what would you
 10 require out of an individual that you expect
 11 to lead one of your wells?
 12 A. A majority of the people when they
 13 got these were met expectations. We had
 14 high expectations. There were clear matrix,
 15 so to speak, for the grade that you are.
 16 Most of the well site leaders were grade G
 17 and the expectations matrix go all the way
 18 across from the way you act, the way you
 19 present yourself in public. It was that
 20 much. The minimum would be an ME, but at
 21 the same time most people got ME.
 22 Q. Would you have any concerns if
 23 someone was a BE showing up to your rig?
 24 A. Yes, sir, I would.
 25 Q. If someone was an ME, would you

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1 take any additional discussions with them
 2 before they went to the rig?
 3 A. No. Because once again, it was
 4 actually the norm for ME. It was difficult
 5 to get BE and almost impossible to get the
 6 E.
 7 Q. I want to know, INSITE Anywhere
 8 and Well Space, are you familiar with either
 9 one of those?
 10 A. I'm much more familiar with INSITE
 11 Anywhere than Well Space.
 12 Q. Are you responsible for uploading
 13 anything to INSITE Anywhere or making sure
 14 data is there?
 15 A. No, sir.
 16 Q. What do you know about INSITE
 17 Anywhere?
 18 A. INSITE Anywhere is the realtime
 19 feed offered by Halliburton -- I'm sorry,
 20 Sperry-Sun from the rig. It could come into
 21 the office. It also can come into your
 22 personal laptop if you have the right
 23 software and the right passwords.
 24 Q. Were you aware of anyone from MOEX
 25 or Anadarko that ever visited the DEEPWATER

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1 HORIZON?
 2 A. I'm not sure.
 3 Q. Were you ever aware of any MOEX or
 4 Anadarko individuals that actually had
 5 access to INSITE Anywhere that you worked
 6 with on a daily basis?
 7 A. I didn't work with any Anadarko or
 8 MOEX people.
 9 Q. Or had any communication with?
 10 A. I really didn't. That was all
 11 handled through the geology planning
 12 department.
 13 MR. MATHEWS:
 14 At this time I have no further
 15 questions for Mr. Walz. We covered a lot of
 16 stuff this morning with him, but we may have
 17 some follow-ups. Thank you for your
 18 testimony.
 19 JUDGE ANDERSEN:
 20 Any other Board members?
 21 EXAMINATION BY CAPTAIN NGUYEN:
 22 Q. Mr. Guide, HSE, health, safety and
 23 environment, does that mainly address
 24 personal safety, sir, or how does that work?
 25 A. Well, there is different

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1 components for safety and safety culture.
 2 Personal safety is what I would call
 3 occupational safety, and that obviously is
 4 something that you really, really work hard
 5 on because it affects you all the time. So
 6 that would be the safety management plan on
 7 the rig that addresses that. So that's
 8 where you have -- which in this case was
 9 Transocean's. They're very good at it and
 10 they have a system that works all over the
 11 world.
 12 Then you have process safety,
 13 so -- and then combining that with process
 14 engineering, so you have -- in our
 15 particular case, you go through a whole
 16 series of stage gates, four to be exact,
 17 when you are designing a well that takes
 18 about six months, reviewed and peer reviewed
 19 and peer reviewed again to make sure that it
 20 encompasses -- tries to encompass all the
 21 different rules and regulations, plus it
 22 meets the well design criteria put forth.
 23 So safety is incorporated into that.
 24 And you go above and beyond where
 25 you have your materials, the way they are

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1 packaged, the way they are shipped, the way
 2 they are handled to minimize -- lifting is a
 3 big concern to us, so we intentionally
 4 package the stuff that goes to the rigs so
 5 it's easy to handle, full hand's-free
 6 lifting if at all possible. So there was
 7 the engineering piece; we try to engineer
 8 the safety into it. And then there is the
 9 occupational piece, which is the day-to-day
 10 safety of all the individuals.
 11 Q. Yes, sir, I understand that. And
 12 I know that -- I don't think you are aware,
 13 but during this week's hearings I asked a
 14 few questions relating to the 2005 refinery
 15 explosion in Texas City. And I talked about
 16 Dave Stryker's report. And in there it
 17 talks about safety management for refineries
 18 and safety culture. And I think you are
 19 probably aware of some of that. And I was
 20 just wondering whether it comes up to -- the
 21 well drilling aspect of it. I understand
 22 about when you design a well you are looking
 23 at regulations. You look at all these
 24 things for safety factors and all that. And
 25 you look over here, in terms of Transocean

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1 HSE, address occupational safety, I
 2 understand that. But what I'm looking at
 3 here -- before I go into that, are you aware
 4 of the report?
 5 A. I am aware of it, yes.
 6 Q. This morning I talked to Mr. Walz
 7 and I asked him whether any recommendations
 8 from the Baker report were applicable to the
 9 DEEPWATER drilling operation and he said
 10 something about OMS, I believe, that came
 11 from that. Are you aware of any other
 12 recommendations from the Baker report for
 13 the DEEPWATER drilling, sir, operations?
 14 A. Yes. But it wasn't specific to
 15 MODUs. BP also has facilities that have
 16 rigs on production platforms which would be
 17 the THUNDER HORSE, PDG, Holstein, Mad Dog,
 18 because they also process oil and gas. The
 19 learnings from -- mainly about the safety of
 20 individuals were also passed on to those
 21 facilities as well. Because I worked at
 22 Holstein and Mad Dog, I saw what was done
 23 was mainly about taking people out of harm's
 24 way, installing additional blast walls,
 25 things of that nature. But it was all to do

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1 with the actual process facility itself, not
 2 with the rig.
 3 Q. Now, when I look at the MOC, your
 4 management of change process and I have very
 5 little knowledge of that, but what I'm
 6 saying is I have engineers who design the
 7 well and identify changes that are needed,
 8 the condition that it was facing. But there
 9 is not a separate group, because let's say
 10 Mr. Walz with Mr. Morel or Cocolas, they
 11 would do the engineering compilations or
 12 whatever, then go to the MOC process. And I
 13 see a bunch of engineers within, really, the
 14 design of yourself, Mr. Walz, Mr. Sims and
 15 Mr. O'Bryan. But I don't see a separate
 16 group that would provide a check and
 17 balance. Because in this chain of command
 18 between Mr. Cocolas and you and Sims and
 19 O'Bryan, whatever, the 55 percent that
 20 Mr. Mathews pointed out, there is something
 21 that you have to juggle. But it doesn't
 22 seem like you have a separate group that
 23 focuses strictly on safety, so that you have
 24 a check and balance. You understand what
 25 I'm trying to get to? Do you have a

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1 separate safety layer there that reveals
 2 what you guys are doing, otherwise you have
 3 the same person design and then determine
 4 that it's safe, the same group of people,
 5 instead of having a separate group that do a
 6 second look at it. Do you have a separate
 7 group that do a safety check on the safety
 8 design?
 9 JUDGE ANDERSEN:
 10 Perhaps we could phrase it this
 11 way. Is there any outside operating groups
 12 who are making these cost-related decisions
 13 in the company who reviews those decisions
 14 to make sure that even though they may save
 15 cost, they don't compromise safety?
 16 MR. DYKES:
 17 You may call it a peer review.
 18 THE WITNESS:
 19 For an MOC that is really still in
 20 the, falls into the design of the well, I
 21 don't think there is. We have peer reviews
 22 during the design of the well, which
 23 obviously safety is a big piece. But on an
 24 individual MOC that is required, that still
 25 falls in the well plan, so to speak. No,

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1 not that I'm aware of.
 2 EXAMINATION BY CAPTAIN NGUYEN:
 3 Q. It's not only the competing
 4 monetary consideration that may compromise
 5 safety, but also the fact of the group
 6 thing, you have the same group of people who
 7 are trained and they may miss something.
 8 And that's what I'm trying to get to. Do
 9 you have a, not even a peer review, but a
 10 separate safety group that do the check
 11 before it gets implemented? Do you have
 12 that in place?
 13 A. We don't have a separate safety
 14 group that actually checks, but we do have
 15 an embedded safety person, an HSE person
 16 dedicated to safety in our -- who was in the
 17 specific DEEPWATER HORIZON group. In fact,
 18 he sat in the cube next to me. And he
 19 helped us to make sure that safety was
 20 interwoven in everything we did. He was
 21 specifically for us.
 22 Q. Is he knowledgeable about
 23 cementing and centralizers and negative
 24 tests and all that?
 25 A. Not an expert, but definitely he

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1 understands. But his actual role was more
 2 occupational.
 3 Q. That's right. That's what I'm
 4 trying to get to. You don't have a separate
 5 group outside of your --
 6 A. Right.
 7 CAPTAIN NGUYEN:
 8 Thank you.
 9 JUDGE ANDERSEN:
 10 Any other questions?
 11 EXAMINATION BY MR. MATHEWS:
 12 Q. I have something I forgot to talk
 13 to you about. Let's discuss the weekly rig
 14 cost meetings. Did you participate in
 15 those?
 16 A. No, sir.
 17 Q. Do you know what they were?
 18 A. I know that they had cost
 19 meetings, mainly the engineering staff and
 20 financial.
 21 Q. On the financial side, what were
 22 they discussing, sir?
 23 A. I don't know. I didn't go to the
 24 meetings.
 25 Q. Can you refer to Bates No. 193481.

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1 It should be in front of you. It might be
 2 the very last one, I think, in front of you,
 3 BP-HZN-MBI193481. Since you didn't go to
 4 the meetings, can you please help me
 5 determine who did? And it says: Weekly rig
 6 cost meetings. Houston based engineering
 7 and support staff and BP rig leadership and
 8 rig clerk. I assume the rig clerk reports
 9 to you. I assume the BP leadership reports
 10 to you, but who's the engineering and
 11 support staff?
 12 A. The rig clerk would actually
 13 report to the well site leader. And to the
 14 best of my knowledge, the weekly cost
 15 reviews really just were with the Houston
 16 based engineering and finance folks. Then
 17 if they saw there was a discrepancy between
 18 the actual open wells, then they would go
 19 through and see if there was any corrections
 20 that were necessary to keep the rig costs in
 21 line with the actual costs.
 22 Q. Well, who is the Houston based
 23 engineering staff?
 24 A. That would have been the people in
 25 Gregg Walz's group.

1 either in the coding and/or the cost. It's
 2 not just -- we don't just keep track of the
 3 daily drilling costs as reported on the rig.
 4 We also have to have the correct base
 5 allocates and helicopter costs and stuff
 6 like that.
 7 EXAMINATION BY MR. MATHEWS:
 8 Q. Who is the BP leadership? Is that
 9 the well site leaders?
 10 A. Once again, to the best of my
 11 knowledge, I don't recall the well site
 12 leaders participating in cost meetings.
 13 Q. And this goes back to my question
 14 that I had earlier when we were talking
 15 about compromising safety. And you told me
 16 that there has never been a decision that
 17 you felt had ever compromised safety. But
 18 we have now the weekly rig cost meetings,
 19 which I can only assume from this document
 20 you are meeting weekly to reduce costs. You
 21 have a performance measure where you are
 22 pretty much challenging your employees to
 23 perform to a level to reduce costs as much
 24 as possible. And then you have the
 25 individuals coming under AFE.

1 Q. And Mr. Walz wouldn't know about
 2 what happened in these meetings either? Who
 3 knows what happens in these meetings?
 4 A. I didn't go to the meetings.
 5 Q. I'm trying to find out who I need
 6 to talk to who knows what goes on in these
 7 meetings? Do you have a name?
 8 A. Well, I mean, Mr. Sims had Gregg's
 9 job before he did.
 10 Q. Mr. Hafle and Mr. Morel and
 11 Mr. Coteles, is that the engineering staff?
 12 A. It would have been Mr. Hafle and
 13 Mr. Morel in this particular case.
 14 MR. STETLER:
 15 Can we consult?
 16 MR. MATHEWS:
 17 Take your time.
 18 (Witness confers with counsel.)
 19 THE WITNESS:
 20 We also had a tech group that kept
 21 track -- I forgot about that, thank you --
 22 of different things. And they also kept
 23 track of the cost. Actually the tech would
 24 actually call the rig and say: Look, we
 25 have a mistake here or a mistake there,

1 And then I look at stuff like
 2 justification in the MOC, where they are
 3 discussing dollars, they are discussing
 4 time. I have emails where we are making
 5 decisions about dollars and time. And you
 6 still don't think that there is an
 7 environment where you are trying to save a
 8 buck to compromise safety?
 9 A. No, sir.
 10 MR. MATHEWS:
 11 Okay. Thank you.
 12 JUDGE ANDERSEN:
 13 Any other Board questions?
 14 EXAMINATION BY CAPT. HIGGINS:
 15 Q. Very briefly, sir. You testified
 16 that almost all were ME, but if you were
 17 going to put a new well -- a well site
 18 leader into a circumstance for a very short
 19 period on a well that he was not familiar
 20 with, wouldn't you send your best performer
 21 to fill in for a situation like that?
 22 A. As I testified before, I believe
 23 all well site leaders are qualified.
 24 Q. But you are putting this well site
 25 leader into a particularly challenging

1 situation with a temporary abandonment, with
 2 a crew that he was not familiar with, a
 3 relatively short time before the actual
 4 evolution took place; is that correct?
 5 A. That's correct.
 6 Q. How long before he replaced
 7 Mr. Sepulvado did you know that
 8 Mr. Sepulvado was leaving?
 9 A. I knew Mr. Sepulvado was leaving
 10 probably at least a couple of months before
 11 he had sent me an email saying: Look, I
 12 have to go to well control school. It's
 13 coming up. And plus, he also had an
 14 obligation. His daughter was graduating
 15 from college.
 16 Q. So you knew probably two months in
 17 advance that Mr. Sepulvado was leaving?
 18 A. Somewhere around there.
 19 Q. How far in advance of his leaving
 20 did you identify who his replacement would
 21 be so that person could become familiar with
 22 the working situation on the rig?
 23 A. I'm not sure of the exact timing.
 24 One of the ways that it evolves is who is
 25 available at the time.

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1 Q. How long did Mr. Kaluza have to
 2 familiarize himself with the operations that
 3 were ongoing on board DEEPWATER HORIZON and
 4 the crew aboard DEEPWATER HORIZON before he
 5 had to replace Mr. Sepulvado on that rig?
 6 A. I got an email from him on the
 7 12th, and then we talked at the well site
 8 leader meeting on the 14th of April. And he
 9 also talked to Mr. Sepulvado and then he
 10 went out on the 16th, I believe.
 11 Q. So you knew two months in advance
 12 that there would have to be someone
 13 replacing Mr. Sepulvado, and Mr. Kaluza had
 14 approximately five days' advanced notice
 15 that he was going to be that person; is that
 16 correct?
 17 A. We didn't know who the person was
 18 going to be.
 19 Q. My question was, sir: How long in
 20 advance of having to report to relieve
 21 Mr. Sepulvado did Mr. Kaluza have to prepare
 22 for his duties?
 23 A. Around five days.
 24 Q. Was a management of change
 25 document done with regard to the relief of

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1 Mr. Sepulvado by Mr. Kaluza?
 2 A. No, sir.
 3 Q. And why was that not done?
 4 A. I don't believe it was required.
 5 Q. Should there have been a formal
 6 turnover of duties between Mr. Sepulvado and
 7 Mr. Kaluza to insure that Mr. Kaluza knew
 8 exactly what was going on?
 9 A. I personally don't believe so,
 10 because all of the well site leaders are
 11 qualified. A lot of them perform the same
 12 functions.
 13 Q. Do you know how much time
 14 Mr. Kaluza had with Mr. Sepulvado to learn
 15 his duties on board DEEPWATER HORIZON before
 16 he replaced him?
 17 A. I don't remember. Sorry.
 18 CAPT. HIGGINS:
 19 Thank you, sir.
 20 JUDGE ANDERSEN:
 21 Any other Board questions?
 22 Counsel, do you have any questions
 23 of your client?
 24 MR. STETLER:
 25 Wouldn't dare.

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1 JUDGE ANDERSEN:
 2 BP?
 3 MR. LINSIN:
 4 Your Honor?
 5 JUDGE ANDERSEN:
 6 Oh, I'm sorry. Marshall Islands.
 7 Again, I apologize.
 8 MR. LINSIN:
 9 May I provide the witness with a
 10 document?
 11 JUDGE ANDERSEN:
 12 Sure. Thank you. I apologize.
 13 MR. LINSIN:
 14 It's not a problem whatsoever,
 15 sir.
 16 MR. STETLER:
 17 Your Honor, based on what I'm
 18 looking at here, which are notes that had
 19 been turned over to the Board long ago and
 20 were not questioned about, asked about by
 21 the Board, I think we are far beyond the
 22 arguable relation to the questions that the
 23 Board asked and he's been through seven and
 24 a half hours of questioning. There was
 25 extensive questioning at the last session

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1 about his conversations with Mr. Kaluza.
 2 And I don't believe there is anything new in
 3 here anyhow. And I object, because this
 4 isn't time to start over. And it's a
 5 completely different area than the Board
 6 asked about.
 7 MR. LINSIN:
 8 Just so the record is clear,
 9 Counsel, what I had placed before you and
 10 the witness are three pages of handwritten
 11 notes.
 12 For the record they are
 13 BP-HZN-MB1001723, 24, 5 and 6. My
 14 recollection, Your Honor, is that these
 15 records were not produced until after the
 16 witness testified previously. But even if
 17 that is not the case, it is definitely the
 18 case that we had no understanding until
 19 after Mr. Guide finished his previous
 20 testimony as to whose notes these were.
 21 I can proffer to Your Honor and
 22 the Board. I have no intention of going
 23 into detail regarding the substance of these
 24 notes. There are a couple of substantive
 25 questions I would like to clarify, but I do
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1 believe it is important, especially since
 2 Mr. Kaluza has not testified, that we
 3 establish the circumstances under which
 4 these notes were taken and the information
 5 that's recorded.
 6 MR. STETLER:
 7 If I can describe briefly. The
 8 circumstances were asked about in detail
 9 last time. They are not going to change.
 10 The notes speak for themselves. They are a
 11 hundred percent consistent with the
 12 description that he gave. Everybody can
 13 read them. There is going to be nothing
 14 that's new.
 15 Nothing in this, Judge, just so
 16 you know, gives me any heartburn whatsoever
 17 from the perspective of protecting my client
 18 except if people think they are going to get
 19 up there and ask about areas --
 20 JUDGE ANDERSEN:
 21 We understand your point.
 22 CAPTAIN NGUYEN:
 23 Counsel, the Republic of Marshall
 24 Islands has a special status, not just PII,
 25 but they are conducting an investigation in
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1 cooperation with the U.S. Coast Guard and
 2 the BOEM. So if there are areas that were
 3 not covered before, but it's not clear to
 4 the administration of the vessel doing an
 5 investigation, I think they and us are
 6 allowed to go over the ground if we are not
 7 clear on what it is. So they do have --
 8 Marshall Islands does have a special status
 9 at this hearing --
 10 MR. STETLER:
 11 I understand.
 12 JUDGE ANDERSEN:
 13 -- as a sovereign courtesy, but
 14 not to set a precedent, but we are all
 15 living with the same time constraints.
 16 EXAMINATION BY MR. LINSIN:
 17 Q. Yes, of course. Before I return
 18 to these notes, Mr. Guide, you testified in
 19 response to the questions by Mr. Mathews
 20 that you believe that all well site leaders
 21 are qualified; is that correct?
 22 A. Yes, sir.
 23 Q. And yet, all well site leaders go
 24 through annual performance evaluations to
 25 evaluate their performance; is that correct?
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1 A. Yes, sir.
 2 Q. And various factors are taken into
 3 account and the results are different from
 4 one well site leader to another year after
 5 year; is that correct?
 6 A. Sometimes they stay the same from
 7 year to year depending on the individual.
 8 Q. But the point is, the company
 9 understands there is a need to continuously
 10 evaluate the performance of well site
 11 leaders?
 12 A. Yes.
 13 Q. With regard to the three pages of
 14 handwritten notes that I have placed before
 15 you, sir, are these your notes?
 16 A. Yes, sir.
 17 Q. And as I recall when you were here
 18 before, sir, you testified that you did
 19 recall having a conversation with Mr. Kaluza
 20 after April 20. And my first question is:
 21 Are these notes connected to that
 22 conversation that you referenced earlier
 23 during your last testimony?
 24 A. Yes, sir.
 25 Q. And there is a date that appears
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1 midway down, or a third of the way down the
 2 first page. It appears to be April 25th
 3 around 12:15. Is that approximately the
 4 date and time when you spoke to Mr. Kaluza?
 5 A. Yes, sir.
 6 Q. Did you speak to Mr. Kaluza by
 7 phone?
 8 A. Yes, sir.
 9 Q. And was there anyone else who was
 10 involved in the conversation?
 11 A. Yes.
 12 Q. Who?
 13 A. Keith Daigle.
 14 Q. And was he with you?
 15 A. Yes.
 16 Q. What was the duration of your
 17 conversation with Mr. Kaluza?
 18 A. Approximately 45 minutes, if that.
 19 Q. And just to be fair, after you had
 20 this conversation and took these notes, at
 21 any time, to your knowledge, did Mr. Kaluza
 22 ever have the opportunity to review these
 23 notes and to check them for accuracy or to
 24 correct them?
 25 A. I don't know.

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1 Q. As far as you know.
 2 A. I don't know.
 3 Q. Toward the bottom of the first
 4 page there is the name Randy appears near
 5 the left-hand margin. As you recall, is
 6 that a reference to Randy Ezell?
 7 A. That's who it would have been.
 8 Q. The senior toolpusher on the rig;
 9 is that right?
 10 A. Yes, sir.
 11 Q. On the next page, sir, near the
 12 top of the page you indicate, I believe, DP,
 13 drill pipe I presume, is zero, and then the
 14 note: Randy and Bob talk. Do you see that
 15 reference, sir?
 16 A. Yes, sir.
 17 Q. Do you recall what that
 18 conversation was about?
 19 A. No, sir.
 20 Q. Shortly below that on the
 21 right-hand margin there is an indication
 22 that Mark called -- if I'm reading this
 23 correctly. Tell me if I'm not getting it
 24 correct, Mark called earlier to make sure.
 25 Do you see that notation?

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1 A. Yes, sir.
 2 Q. And what was Mark -- was that Mark
 3 Hafle, first of all?
 4 A. Yes, sir.
 5 Q. And what was he calling to make
 6 sure of?
 7 A. I don't remember.
 8 Q. If you would take a moment, and
 9 looking through the notes as a whole, are
 10 you able to identify -- well, let me ask you
 11 first. Were these notes taken in roughly
 12 chronologic order? Were you asking
 13 Mr. Kaluza to walk through with you the
 14 events in chronologic order, time order as
 15 they occurred?
 16 A. I had a copy of the INSITE data
 17 for what I thought was the negative test and
 18 I was trying to go through and see what
 19 valves were open and closed at what
 20 particular spots, because we do have that
 21 data. You don't know what the setup is.
 22 Q. Are you able -- as you look at the
 23 notes now, are you able to identify where in
 24 this narrative you understood the negative
 25 test to have been performed? Take a minute,

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1 if you would, and just as to where in here
 2 Mr. Kaluza was describing the negative test.
 3 A. At the bottom here: Switched to
 4 mini trip tank, one kill line at .6 barrels.
 5 And it bled 30 PSI, 2.08 barrels monitored
 6 on the panel for 30 minutes.
 7 Q. And is that -- was it your
 8 understanding that that was the one negative
 9 test that was performed, or was that the
 10 first of two negative tests?
 11 A. I believe this was the second of
 12 the --
 13 Q. And where is the first in these
 14 notes?
 15 A. I'm not sure.
 16 Q. Do you recall how you came to
 17 understand there were two negative tests?
 18 A. I would have to speculate. I
 19 really don't know.
 20 Q. Turning to the third page, if you
 21 wouldn't mind, near the top of the page. As
 22 I read the notes, and tell me if I have it
 23 wrong, everyone was aware drill pipe
 24 pressure, and it appears the abbreviation
 25 WGT indicator decreasing. Did I read that

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1 correctly, sir?
 2 A. Yes.
 3 Q. The WGT indicator, is that a
 4 reference to the hook load on the drill
 5 pipe?
 6 A. Yes, sir.
 7 Q. And what was your understanding as
 8 to why that indicator was decreasing?
 9 A. I don't think there was any
 10 understanding of that.
 11 Q. Did you ask Mr. Kaluza when you
 12 spoke with him how much the indicator had
 13 decreased?
 14 A. I don't remember.
 15 Q. Did you ask him what he did to
 16 follow up on that decrease in hook load?
 17 A. I don't recall.
 18 Q. There is a drawing that appears
 19 near the bottom of the third page. Is that
 20 your drawing, sir?
 21 A. Yes, sir.
 22 Q. And what is it intended to depict?
 23 A. How the negative test was -- what
 24 the rigup was on the rig floor and the BP
 25 stack while they are performing the negative
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1 test.
 2 Q. And am I correct that the
 3 horizontal line in the center would be the
 4 drill pipe; is that correct?
 5 A. Yes.
 6 Q. The line to the left would be the
 7 choke line, correct?
 8 A. Yeah.
 9 Q. And on the right-hand side, you
 10 have the kill line going to what you
 11 identified as the CK manifold. What is
 12 that?
 13 A. Choke manifold.
 14 Q. And then there appears to be an X
 15 in the line off of the drill pipe heading to
 16 what is marked as the CMT unit, the cement
 17 unit. What does that X depict?
 18 A. It's a valve.
 19 Q. And does it indicate whether the
 20 valve is open or closed?
 21 A. No. It just indicated that there
 22 was a valve there.
 23 Q. And this is based on the oral
 24 description Mr. Kaluza provided to you over
 25 the phone; is that correct?
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1 A. That is correct.
 2 Q. I just have one area, Your Honor.
 3 I want to go back in time separate
 4 and apart from these notes now, Mr. Guide.
 5 In your discussions with Mr. Morel
 6 prior to the incident, did you recall -- did
 7 you at any point discuss with Mr. Morel the
 8 possible effects of the pressure that was
 9 needed to convert the float equipment?
 10 A. Yes. He was out there whenever we
 11 were attempting to convert the float
 12 equipment, yes.
 13 Q. And did you talk with him about
 14 the fact that -- you were aware that they
 15 had to increase the pressure on a continuous
 16 basis to get the float equipment to convert;
 17 is that correct?
 18 MR. STETLER:
 19 Judge, again, I realize I'm
 20 fighting this international comedy issue,
 21 but we went through this in great detail.
 22 MR. LINSIN:
 23 One question.
 24 EXAMINATION BY MR. LINSIN:
 25 Q. Mr. Guide, am I correct that you
 Page 179

1 recall that there was a discussion of
 2 increasing pressure over time?
 3 A. Yes.
 4 Q. Did you ever talk with Mr. Morel
 5 about the fact that that increasing pressure
 6 could have caused the setting ball to have
 7 been pumped through the flow tube without
 8 having shifted the tube at all?
 9 A. No.
 10 MR. LINSIN:
 11 Nothing further. Thank you, Your
 12 Honor.
 13 JUDGE ANDERSEN:
 14 Thank you. You still don't want
 15 to ask any questions on that?
 16 MR. STETLER:
 17 I just wanted to remind you that
 18 the international comedy rule is over.
 19 JUDGE ANDERSEN:
 20 That's what I was talking to those
 21 engineers about.
 22 BP?
 23 MS. KARIS:
 24 Nothing at this time.
 25 JUDGE ANDERSEN:
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1 Transocean?
 2 MR. KOHNKE:
 3 Yes, Your Honor.
 4 EXAMINATION BY MR. KOHNKE:
 5 Q. One document. Welcome back,
 6 Mr. Guide.
 7 A. Glad to be here.
 8 MR. STETLER:
 9 I remind you, you are under oath.
 10 JUDGE ANDERSEN:
 11 Actually, I want to say that
 12 Mr. Stetler told me Mr. Guide felt a duty to
 13 come back here. So while it might not be
 14 the most pleasant duty, he indicated to his
 15 lawyer that he wanted to be fully
 16 cooperative with the Board.
 17 Okay, please proceed.
 18 EXAMINATION BY MR. KOHNKE:
 19 Q. Mr. Guide, we have established in
 20 this record that it was Mr. Hafle that got a
 21 call from the rig some four hours or so
 22 before this blowout. And I think that the
 23 notes that you just looked at referenced a
 24 call from Mark. Do you recall that?
 25 A. Yes, sir.

1 pretty clear about that. There was a
 2 question from the rig to the shore and it
 3 went to Mr. Hafle. Is that where you would
 4 expect the call to be placed, or would it
 5 normally go to you in operations?
 6 A. Once again, it would depend on
 7 what the subject was.
 8 Q. Well, if the well site leader said
 9 that we have a 1400 pound PSI on the drill
 10 pipe and we ought to see it on the kill line
 11 but we were getting zero on the kill line,
 12 where would you expect that sort of a
 13 question to go, to you or to Mr. Hafle?
 14 MS. KARIS:
 15 I'm going to make two objections,
 16 Your Honor. One is that this really is
 17 redundant and cumulative of what we
 18 previously covered. This should not be an
 19 opportunity to get a second bite at the
 20 apple. And second, I think that question
 21 presupposes that that call was regarding
 22 those pressure differentials and I don't
 23 think that has ever been established in this
 24 record.
 25 MR. STETLER:

1 Q. Now, typically, I believe, he is
 2 on the engineering side, and you are on the
 3 operations side; is that correct?
 4 A. Yes, sir.
 5 Q. And typically calls from the well
 6 site leader such as either Mr. Kaluza or
 7 Mr. Vidrine would have gone to you, am I
 8 correct in that, if you were available?
 9 A. Calls to me?
 10 Q. Typically calls from the rig,
 11 questions, particularly with a negative
 12 test, typically they would have gone to you?
 13 A. Well, it would depend. If it was
 14 a clarification of something, they routinely
 15 call the engineers first.
 16 Q. So my question is: Did you
 17 consider the call to Mr. Hafle one that
 18 would normally be made to him, or was it
 19 something that typically would have gone to
 20 you? That is, the type of call questioning
 21 details of this negative test.
 22 A. I don't know what they talked
 23 about.
 24 Q. Let's assume it was a question
 25 from the rig, because I think this record is

1 If I can clarify her objection, I
 2 did not understand, Counsel, correct me if
 3 I'm wrong, your question to say Mark called
 4 earlier to make sure. It's not within your
 5 question that that was the call you just
 6 asked about hypothetically, because if it
 7 is, then I object because it completely
 8 misstates the record.
 9 MR. KOHNKE:
 10 Let me hand you some notes.
 11 JUDGE ANDERSEN:
 12 Let me let everyone know the
 13 commitment counsel passed. As he walked by
 14 he said he would not be more than four
 15 minutes. And I have discovered throughout
 16 the last couple of weeks that I have been
 17 doing this, it takes at least four minutes
 18 to suppress any of you. And I fail at that
 19 a lot. So under the either/or rule, as long
 20 as somebody is going to limit it to a short
 21 period of time like that, my professional
 22 judgment is that I will trust counsel to
 23 cover new territory. But even if he doesn't
 24 at the four-minute mark, as he stated when
 25 he walked by, he will have exhausted his

1 time.
 2 Now, I took up 92 seconds saying
 3 that, so that won't come from your four
 4 minutes.
 5 MR. KOHNKE:
 6 98 seconds.
 7 MR. STETLER:
 8 Your Honor, I am going object to
 9 showing this document to this witness. They
 10 appear to be some sort of interview writeup
 11 a week after the incident with Don Vidrine
 12 that I can assure you my client has never
 13 seen before and I have never seen before.
 14 And before we give him a six-page --
 15 JUDGE ANDERSEN:
 16 You will have to assimilate that,
 17 so you have it. Why don't we hear the
 18 question?
 19 MR. KOHNKE:
 20 Your Honor, I gave him the
 21 document because I wanted the witness to be
 22 clear that the predicate for my question is
 23 based upon the interview notes of Don
 24 Vidrine, one of the well site leaders.
 25 Therefore, I want the witness to be clear
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1 I'm not making this up.
 2 JUDGE ANDERSEN:
 3 I'm assuming any question you make
 4 is made in good faith, so why don't you ask
 5 the question and then, if he has an answer,
 6 fine.
 7 EXAMINATION BY MR. KOHNKE:
 8 Q. When a question from a well site
 9 leader comes to an engineer such as yourself
 10 or Mr. Hafle, which would include: We have
 11 just done a negative test, we are getting a
 12 1400-pound PSI reading on the drill pipe and
 13 zero on the kill line, this would be an
 14 anomaly? This would not be a good negative
 15 test, would it?
 16 MS. KARIS:
 17 I just want to make clear that
 18 that's a hypothetical. That fact has never
 19 been established. I'm not even sure that's
 20 what those notes say.
 21 JUDGE ANDERSEN:
 22 You don't have to answer if you
 23 don't have an opinion, and we are going to
 24 assume for purposes of asking you this that
 25 it's hypothetical. Do you have an opinion?
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1 MR. CLARKE:
 2 Your Honor, I just add frankly to
 3 Mr. Stetler's objection. He was asked six
 4 ways until Sunday last time to opine about
 5 that negative test and he indicated he
 6 didn't have sufficient information to do so,
 7 so this is ground that was plowed under.
 8 JUDGE ANDERSEN:
 9 I assume if we let him answer, we
 10 get the same answer.
 11 THE WITNESS:
 12 There is too many other details I
 13 would need to know. Next question.
 14 EXAMINATION BY MR. KOHNKE:
 15 Q. So if there is a question about a
 16 negative test and you are not absolutely
 17 confident that you have what is a good
 18 negative test indicating that you have a
 19 sealed well, what does an engineer do if
 20 there is some doubt about that? What is the
 21 next step?
 22 A. Well, the first would be a
 23 discussion on the rig with all the people
 24 involved on the rig, which would be the well
 25 site leader, the OIM, the toolpusher,
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1 driller, senior toolpusher. If they then
 2 had other questions, they would call the
 3 engineer and myself and also Paul Johnson,
 4 the rig manager, and then we would discuss
 5 it.
 6 Q. There was a call to Mark Hafle, so
 7 my question is: After Mr. Hafle gets this
 8 call -- may I finish my question before you
 9 speak?
 10 After Mr. Hafle gets the call,
 11 that's my question, what does the engineer
 12 do at that point?
 13 MR. STETLER:
 14 I am going to object, because now
 15 counsel is testifying. He knows nothing
 16 about a call to Hafle. Maybe there was one,
 17 maybe there wasn't one.
 18 JUDGE ANDERSEN:
 19 Sustained.
 20 MR. KOHNKE:
 21 Judge, in his own notes he refers
 22 to a call from Mark. Now, I understand
 23 counsel is trying to prevent --
 24 MR. STETLER:
 25 No, it doesn't say that.
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1 MR. KOHNKE:
 2 Counsel, can I finish, please? We
 3 usually have a rule that we don't --
 4 JUDGE ANDERSEN:
 5 Wait, wait, one at a time. First
 6 of all, can you get more than one of us at a
 7 time?
 8 COURT REPORTER:
 9 No, sir.
 10 JUDGE ANDERSEN:
 11 We have used up the four minutes,
 12 so you have maybe one question left. Come
 13 on. You haven't covered anything that was
 14 covered by the Board in its questions, which
 15 we agreed beforehand would be the subject of
 16 cross, except for the --
 17 MR. KOHNKE:
 18 What about the Marshall Islands?
 19 JUDGE ANDERSEN:
 20 We never agreed to that. We said
 21 specifically it wasn't precedential and the
 22 next time you will go last, and then --
 23 MR. KOHNKE:
 24 Judge, we are taking more time
 25 arguing about this --

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1 JUDGE ANDERSEN:
 2 That's true. What is your last
 3 question?
 4 EXAMINATION BY MR. KOHNKE:
 5 Q. The question is: When an engineer
 6 gets a phone call from the rig, whether it's
 7 you or Mr. Hafle, and there is some anomaly
 8 in a negative test, what is the next step?
 9 MR. STETLER:
 10 I object for this reason. It
 11 misstates the record. This does not say the
 12 engineer got a call from the rig. It says
 13 the engineer called the rig under where it
 14 says: Monitored kill line to comply with
 15 the permit.
 16 JUDGE ANDERSEN:
 17 If counsel wants to ask his
 18 question to apply to something that never
 19 happened here, then that's his decision.
 20 What is the answer?
 21 EXAMINATION BY MR. KOHNKE:
 22 Q. What is the answer, sir? What
 23 does the engineer do at that stage?
 24 A. You have to ask it again.
 25 Q. Sure. If you or Mr. Hafle gets a

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1 phone call from the rig about the 1400 PSI
 2 differential, what do you do with that
 3 information?
 4 A. We would discuss it.
 5 Q. You would do what?
 6 A. Discuss it.
 7 JUDGE ANDERSEN:
 8 After you discuss it, would you
 9 call -- would anybody call onshore to
 10 anybody in that situation?
 11 THE WITNESS:
 12 Well, Mr. Hafle was onshore.
 13 EXAMINATION BY MR. KOHNKE:
 14 Q. He was onshore actually. Who
 15 would you discuss it with? Other people
 16 onshore?
 17 A. Yes.
 18 Q. Would you then turn to your
 19 realtime monitor and monitor the well at
 20 that point?
 21 MR. STETLER:
 22 We now have a hypothetical on top
 23 of a hypothetical.
 24 JUDGE ANDERSEN:
 25 Also there was a tremendous amount

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1 of testimony last time about this whole
 2 testing procedure.
 3 MR. KOHNKE:
 4 Judge, this was never asked. I'm
 5 asking now --
 6 JUDGE ANDERSEN:
 7 You said you had one more
 8 question.
 9 MR. KOHNKE:
 10 You said I had one more question.
 11 I didn't agree to that.
 12 JUDGE ANDERSEN:
 13 You promised four minutes, Ned.
 14 MR. KOHNKE:
 15 This has been chopped up with
 16 Mr. Stetler.
 17 JUDGE ANDERSEN:
 18 How many more questions?
 19 MR. KOHNKE:
 20 I'm trying to get to this final
 21 question. I can't tell you how many more
 22 unless I hear more objections.
 23 EXAMINATION BY MR. KOHNKE:
 24 Q. When an engineer finds out that
 25 there is something awry with a negative

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1 test, assuming that's what Mr. Hafle
 2 determined, does he then typically turn to
 3 the realtime data that's displayed in
 4 Houston and monitor the well?
 5 A. Once again, I don't know that he
 6 got called and asked that question.
 7 Q. Assume he did.
 8 A. No. But if hypothetically someone
 9 did have a question that he wanted to look
 10 at the realtime data and the feed was
 11 working, yes, they could look at it.
 12 JUDGE ANDERSEN:
 13 Thank you.
 14 MR. KOHNKE:
 15 You are very welcome.
 16 JUDGE ANDERSEN:
 17 As you know, I have tried not to
 18 be mean for a long time.
 19 MR. KOHNKE:
 20 I appreciate it.
 21 JUDGE ANDERSEN:
 22 Halliburton?
 23 COUNSEL REPRESENTING HALLIBURTON:
 24 No questions.
 25 JUDGE ANDERSEN:

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1 Cameron?
 2 COUNSEL REPRESENTING CAMERON:
 3 No questions.
 4 JUDGE ANDERSEN:
 5 Weatherford?
 6 COUNSEL REPRESENTING WEATHERFORD:
 7 No questions.
 8 JUDGE ANDERSEN:
 9 M-I SWACO?
 10 COUNSEL REPRESENTING M-I SWACO:
 11 No questions.
 12 JUDGE ANDERSEN:
 13 MOEX?
 14 MS. KUCHLER:
 15 Yes, I'm going to take all of
 16 their four minutes.
 17 EXAMINATION BY MS. KUCHLER:
 18 Q. I'm Deb Kuchler. Don't get
 19 worried that I'm going to ask you about
 20 this. These are your transcripts from the
 21 last time you testified. I just wanted to
 22 assure you and the Board that I was here
 23 when you testified and I have carefully read
 24 and highlighted the transcript to try to be
 25 sure that I don't ask you even one single

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1 question that you already addressed.
 2 A. Thank you, ma'am.
 3 Q. Marshall Islands asked you about
 4 the float collar and I wanted to clarify
 5 something on that.
 6 MR. STETLER:
 7 I object to the float collar. We
 8 got a lot of float collar questions last
 9 time. Maybe Anadarko or MOEX --
 10 MS. KUCHLER:
 11 Nobody asked the question.
 12 JUDGE ANDERSEN:
 13 Mr. Dykes says we plan at the next
 14 Panel to have hopefully a Weatherford expert
 15 to address the float collar issues. And so
 16 this subject we should be able to cover with
 17 the expert at that point in time. Do you
 18 want more questions on this subject at this
 19 point in time?
 20 MR. DYKES:
 21 No.
 22 JUDGE ANDERSEN:
 23 We would be grateful to pass on
 24 that. Thank you for your courtesy.
 25 MS. KUCHLER:

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1 Sure.
 2 EXAMINATION BY MS. KUCHLER:
 3 Q. You testified last time that you
 4 got an email from Brian Morel that said they
 5 had full returns during the cement job.
 6 They bumped the plug on time and saw 70
 7 pounds of lift pressure and what I want to
 8 ask you today: Have you at any time before
 9 today or since the incident seen the actual
 10 data on the returns for the cement job
 11 indicating, according to a graph that
 12 Mr. Mathews showed us at the last session,
 13 80 barrels of fluid may have been lost in
 14 fact?
 15 MR. STETLER:
 16 Judge, entirely new area. I
 17 object.
 18 JUDGE ANDERSEN:
 19 But she promised four minutes.
 20 MS. KUCHLER:
 21 I promised to take all the four
 22 minutes of everybody who didn't ask
 23 questions.
 24 JUDGE ANDERSEN:
 25 It's beyond what the Board had

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1 questions about.
 2 MS. KUCHLER:
 3 But it's not a subject he has ever
 4 testified about and it is of interest,
 5 especially since tomorrow we are going to be
 6 talking about flow in, flow out
 7 discrepancies.
 8 JUDGE ANDERSEN:
 9 If Board members want to hear
 10 this.
 11 MR. MATHEWS:
 12 I'd like to hear something from
 13 him.
 14 MS. KUCHLER:
 15 Mr. Mathews, would you like to ask
 16 the question?
 17 MR. MATHEWS:
 18 No. But if that's all your
 19 questions, specifically about this.
 20 EXAMINATION BY MR. MATHEWS:
 21 Q. On the DEEPWATER HORIZON or any
 22 rig, do you think the flow out is an
 23 accurate reading?
 24 A. Not necessarily.
 25 Q. Could you please elaborate on it?

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1 A. When you showed this to me last
 2 time, I didn't know what it was honestly,
 3 because I had not seen it. And then I did
 4 go look and the flow out meter that
 5 Sperry-Sun has, I believe, it is an acoustic
 6 meter. The flow out meter that Transocean
 7 has is a paddle. They are both relative
 8 readings that are calibrated by notes,
 9 seeing what you pump and see how much goes
 10 into the pit. It has to be calibrated. The
 11 top line on there, the flow in, is a
 12 calculated number. It is not measured. It
 13 is calculated from pump strobe, assuming the
 14 pump strobe efficiency.
 15 But the real way that we, as I
 16 would say most, and it's maybe not
 17 considered high tech, we measure. We know
 18 we pump X amount of barrels out of a tank
 19 and we see how many barrels we get back and
 20 that's our definitive way.
 21 Q. So if you have no true value in
 22 flow out, why record it?
 23 A. No. There is a value. But it
 24 needs to be calibrated correctly. And it
 25 also is relative. In deepwater wells the

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1 main thing you look for is the flow back
 2 signature that's called fingerprinting. So
 3 you see when you make a connection how long
 4 everything takes -- since you are using
 5 compressible fluid, you see how long it
 6 takes for the flow to dissipate and actually
 7 does it go down and level off. And then you
 8 time this. And depending on the well you
 9 are on, it could be two and a half minutes,
 10 it could be ten minutes. So it is important
 11 from a relative basis.
 12 But the guys on the DEEPWATER
 13 HORIZON, to the best of my knowledge,
 14 trusted the Transocean flowmeter better,
 15 because they thought it was more accurate.
 16 Every trip I went out there, and there were
 17 many, when I was talking to any of the folks
 18 on the rig they were always watching the
 19 Transocean flow out meter.
 20 Q. Your testimony, I'm not trying to
 21 put words in your mouth, but you think, even
 22 calibrated, that the system that Sperry-Sun
 23 had was not as good as the paddle system
 24 that Transocean had?
 25 A. That was the feedback I got from

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1 the guys on the rig. I personally didn't
 2 know. They said they thought it was more
 3 accurate.
 4 MR. MATHEWS:
 5 Thank you.
 6 JUDGE ANDERSEN:
 7 That opens it up to you. You
 8 inspired him.
 9 MS. KUCHLER:
 10 That's one of our hopes that we do
 11 inspire a thought by the Board. That's a
 12 big goal.
 13 EXAMINATION BY MS. KUCHLER:
 14 Q. So, Mr. Guide, you did go back
 15 after Mr. Mathews asked you those questions
 16 last time and you looked at the data. So as
 17 you sit here today, do you have enough
 18 information to either agree or disagree that
 19 80 barrels appeared to have been lost?
 20 A. I would disagree that 80 barrels
 21 was lost for two reasons. First, we have an
 22 M-I report and it is a definitive report
 23 that tells you -- it's an accounting system
 24 on how many barrels are lost, how many
 25 barrels are on the rig, how many barrels are

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1 behind the casing. And so that's really how
 2 we keep track. It's also part of the MBTS
 3 permit that's necessary for discharges and
 4 stuff like that, because M-I supplies our
 5 fluid compliance. So that is our definitive
 6 way.
 7 And just one other comment. If
 8 you did look at this and say you lost
 9 80 barrels during the cement job, you have
 10 to actually look where the top plug bumped
 11 and the bottom plug bumped, because it's not
 12 until the big spire that the cement starts
 13 going around the corner. Even if that was
 14 accurate, which it was, which it's not, but
 15 if it was, you only lost about three barrels
 16 after the cement went around the corner.
 17 Q. If it didn't show 80 barrels lost,
 18 did you come to a conclusion as to whether
 19 any barrels were lost, and if so, how many?
 20 A. I came to the conclusion that
 21 there were no barrels lost based on the M-I
 22 accounting of the barrels on the rig.
 23 Q. And you said that there were two
 24 reasons you concluded that this assessment
 25 was wrong. And you told us one. I don't
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1 think you told us your second reason.
 2 A. I just said. It wouldn't be
 3 80 barrels. It would have been that.
 4 Q. I wanted to make sure that we had
 5 your whole answer. Moving to a new topic.
 6 You mentioned in your previous testimony
 7 that it would have been cheaper not to run a
 8 cement bond log and we've heard testimony
 9 that it would have cost about \$128,000 for
 10 Schlumberger to run the CBL.
 11 MR. STETLER:
 12 Object. We had at least an hour's
 13 worth of questioning out of the nine dealing
 14 with the cement bond log.
 15 JUDGE ANDERSEN:
 16 I think her question this time --
 17 MR. STETLER:
 18 And none today.
 19 JUDGE ANDERSEN:
 20 The questions today were related
 21 to what, if any, cost-related pressures
 22 people felt when they were making these
 23 decisions, so I took the predicate to get
 24 towards that.
 25 MS. KUCHLER:
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1 That's the whole point of this
 2 line of questioning is the cost pressure.
 3 EXAMINATION BY MS. KUCHLER:
 4 Q. And I want to know, first of all,
 5 whether you agree that BP would have paid
 6 Schlumberger about 128,000 for a CBL?
 7 A. It was around that, that I
 8 recollect.
 9 Q. But it would also have taken two
 10 or three days of rig time to run the CBL,
 11 wouldn't it?
 12 A. I don't think it would have taken
 13 that long.
 14 Q. You have to run a bit and scraper
 15 trip before you can run the cement bond log,
 16 right?
 17 A. You don't have to.
 18 Q. You could run a cement bond log
 19 without a bit and scraper trip to make sure
 20 there is no debris in the line?
 21 A. You could.
 22 Q. Is that BP's practice, to run a
 23 CBL without doing a bit and scraper trip?
 24 A. I guess it really depends on the
 25 circumstances.
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1 Q. Do you have an opinion in this
 2 circumstance whether a bit and scraper trip
 3 should have been run before a cement bond
 4 log?
 5 A. If I would go back on the decision
 6 tree, I don't think that it was in there. I
 7 think it was going to be -- it didn't meet
 8 the criteria set forth that we would run the
 9 bond log.
 10 Q. I'm really going toward the time
 11 it would take to run the bond log and how
 12 much rig time that adds up to, since we have
 13 heard testimony that rig time costs about a
 14 million dollars a day. How long in your
 15 opinion would it have taken to run the
 16 cement bond log?
 17 A. It would have probably taken, if
 18 we didn't have any issues, this is
 19 speculation, without any problems, 18 hours,
 20 12 to 18 hours.
 21 Q. And you had to wait for the cement
 22 to set, right, which would take what? 36
 23 hours?
 24 A. Not according to the cement test.
 25 Q. How long did the cement test show
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1 it would take?
 2 MS. KARIS:
 3 Your Honor, I'm going to object.
 4 This is way beyond. We covered at length
 5 the setting times for cement, all of these
 6 relative issues, and I think we are way
 7 beyond cost and anything else, frankly.
 8 MS. KUCHLER:
 9 The purpose is how long would it
 10 have taken, how much rig time at a million
 11 dollars a day? And it's more than 12 to 18
 12 hours if you have to count the cement set
 13 time.
 14 JUDGE ANDERSEN:
 15 Mr. Dykes advised me that the
 16 Board already has the data on the time, the
 17 cost of running the test, and the time
 18 including the rig time that it would have
 19 taken. And ultimately, if someone wants to
 20 make that calculation based on the
 21 information that we have and present that as
 22 a separate matter to the Board, obviously
 23 the Board is considering were decisions made
 24 or to what extent were they made to save
 25 time and/or money. And in many respects
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1 time is money, but he tells me we actually
 2 have that information.
 3 MS. KUCHLER:
 4 I will move on.
 5 EXAMINATION BY MS. KUCHLER:
 6 Q. You testified a little while ago
 7 that safety is the No. 1 priority. Would
 8 you consider that well control is the
 9 biggest safety issue out on the rig?
 10 A. It's obviously a high priority.
 11 Q. If you don't have well control,
 12 any safety regulations on not dropping
 13 things or wearing a hard hat hardly matter,
 14 does it?
 15 A. Well control obviously is a very
 16 high priority.
 17 Q. Brief follow-up, and this is not
 18 in detail on the negative test, but you had
 19 testified previously that nobody called you
 20 on April 20 about interpreting the negative
 21 test. I want to follow up to ask if you
 22 obtained information on the 20th about
 23 interpreting the negative test from any
 24 other source besides the phone call?
 25 A. No.
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1 MR. STETLER:
 2 At the time?
 3 MS. KUCHLER:
 4 On the day of the incident,
 5 correct.
 6 THE WITNESS:
 7 No. I never got anything
 8 regarding the negative test.
 9 EXAMINATION BY MS. KUCHLER:
 10 Q. And you spoke briefly a little
 11 while ago about monitoring realtime data on
 12 INSITE Anywhere, and I wasn't clear about
 13 whether you monitored that realtime data on
 14 April 20 or subsequently went back and
 15 looked at the data.
 16 A. I subsequently went back and
 17 looked at the data.
 18 Q. So on the day of conducting of the
 19 negative test, you were not monitoring the
 20 realtime data?
 21 A. Not during the negative test.
 22 Q. Do you know how many times --
 23 well, have you ever been involved in a well
 24 where the negative test was conducted
 25 3300 feet below the mud line?
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1 A. Not to my recollection.
 2 Q. Are you aware of any other BP well
 3 having been negative tested below that mud
 4 line?
 5 A. I'm not familiar with all the
 6 wells that we do drill.
 7 Q. Are you familiar with any negative
 8 test anywhere on any well done that far
 9 below the mud line?
 10 A. I personally am not.
 11 Q. So then my question is then that
 12 you said in your previous testimony how
 13 confident you were that the folks on the
 14 rig, both the BP and the Transocean folks,
 15 were competent to run a negative test. How
 16 could you be confident that they knew how to
 17 run this negative test when, to your
 18 knowledge, a negative test has never been
 19 run this deep below the mud line before?
 20 A. The depth that you conduct a
 21 negative test on is not relevant. It's do
 22 you have -- it is a U-tube, and you are just
 23 seeing if the U-tube causes the well to
 24 flow. It's really that simple. It really
 25 doesn't depend on the depth.
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1 Q. There is no special circumstances
 2 that present themselves because of going
 3 that far below the mud line, different
 4 pressures, different temperatures, that
 5 would impact the way it's done and the way
 6 it's interpreted?
 7 A. No. Unless I'm missing something,
 8 you line up to do the test exactly the same
 9 way regardless of where the --
 10 Q. Didn't the ops note that governed
 11 the test on April 20 require that the
 12 negative test be done at the wellhead, which
 13 was at the mud line, and not 300 feet below
 14 the mud line?
 15 A. No. To the best of my knowledge,
 16 we were going to do the negative test at
 17 8,300 plus feet.
 18 MS. KUCHLER:
 19 May I give the witness a copy of
 20 the ops note dated April 20?
 21 MR. STETLER:
 22 I will object, because we went
 23 over this last time and it's far beyond what
 24 anybody on the Panel asked.
 25 JUDGE ANDERSEN:

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1 The Board members would like to
 2 hear his explanation.
 3 MS. KUCHLER:
 4 The Bates number is
 5 BP-HZN-CEC020165.
 6 EXAMINATION BY MS. KUCHLER:
 7 Q. I would direct your attention to
 8 the third item, which says: Displace to
 9 seawater from there to above the wellhead.
 10 Does that not indicate that the negative
 11 test would be conducted to the wellhead?
 12 A. No, ma'am.
 13 Q. What does it indicate to you?
 14 A. What they are going to do is pump
 15 seawater down the drill pipe, bring it all
 16 the way back to above the wellhead. Now,
 17 the bitt is at 8,300. The exact depth is
 18 8,300. So you are pumping the water down
 19 this way and you have a spacer between that
 20 and the mud. And then once the spacer got
 21 above the wellhead, which in this case was
 22 the upper annular, then you would shut the
 23 upper annular. And now you have seawater in
 24 the drill pipe. And previously they had
 25 displaced choke kill and boost lines with

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1 seawater, and then they do the negative
 2 test. And that's what they did.
 3 Q. And then I would like to also show
 4 the witness the temporary abandonment
 5 procedure, the first page of which is
 6 BP-HZN-CEC020166, and direct your attention
 7 to the first line.
 8 The first line says: Negative
 9 test casing to seawater gradient equivalent
 10 for 30 minutes with kill line. Does that
 11 not imply to you that the test was to be to
 12 the depth of the ocean, or in other words,
 13 to the mud line?
 14 A. No, ma'am.
 15 Q. Explain to me why that doesn't
 16 imply that.
 17 A. The context of the negative test
 18 was going to be done with seawater and it
 19 was going to be monitored on the kill line.
 20 There is no depth reference there. So you
 21 trip in hole to -- with the stinger 8,367,
 22 you displace with seawater, and you monitor
 23 it for 30 minutes. That's my
 24 interpretation.
 25 Q. Okay, thank you. I would like to

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1 move now to your previous testimony to
 2 clarify that you said you had been involved
 3 personally in the setting of 17 lockdown
 4 sleeves and those were all in seawater. Had
 5 you ever displaced kill weight mud 3,000
 6 feet below the mud line before the negative
 7 test to set those lockdown sleeves?
 8 MR. STETLER:
 9 Object for all the reasons I
 10 stated at the time.
 11 JUDGE ANDERSEN:
 12 We have extensive examination of
 13 this. We will rule that beyond the scope of
 14 the examination. And where that's the case,
 15 it doesn't mean that there isn't interest,
 16 but the Board has examined lots of data on
 17 that. So our judgment at this point in time
 18 is additional time on that does not seem to
 19 be helpful.
 20 MS. KUCHLER:
 21 I have one last topic.
 22 JUDGE ANDERSEN:
 23 Thank you.
 24 EXAMINATION BY MS. KUCHLER:
 25 Q. Was BP trying to save money by

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1 hurrying the temporary abandonment of the
 2 Macondo well so that the rig could get to do
 3 the Nile job and then do the Kaskida IFT
 4 before the hurricane season?
 5 A. No.
 6 Q. What is an IFT?
 7 A. It was going to be an integrated
 8 flow test on the Kaskida project that was in
 9 the Paleogene play over in the western part
 10 of the Gulf of Mexico.
 11 Q. Would you agree that's a
 12 complicated and expensive situation to
 13 conduct an IFT?
 14 A. Yes, it is. It is very, very
 15 complicated, yes.
 16 Q. If you got interrupted because of
 17 a tropical storm or hurricane, that could be
 18 a very costly interruption, couldn't it?
 19 A. That's the chance you take in
 20 hurricane season every year in the Gulf of
 21 Mexico regardless of the operation.
 22 Q. But if the DEEPWATER HORIZON
 23 finished up the Macondo well quickly, did
 24 the Nile job expeditiously, it could have
 25 done the IFT on the Kaskida job before
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1 hurricane season started and, in fact, that
 2 was the goal, wasn't it?
 3 A. I was unaware of any goal like
 4 that.
 5 Q. Then in that case, may I show the
 6 witness an email with his name on it about
 7 the plan for the Macondo well? It starts
 8 with BP-HZN-MBI00123256 and 57.
 9 This was an email from David Sims
 10 to Kemper Howe on April 9, 2010 and you are
 11 copied on it; is that right?
 12 A. Yes, ma'am.
 13 Q. Do you need a minute to read it?
 14 It's two pages.
 15 JUDGE ANDERSEN:
 16 Are you going to ask him about
 17 details of it? I'm assuming that outlines
 18 the plan that you just outlined for us.
 19 MS. KUCHLER:
 20 It does say right at the very
 21 beginning: As the forward plan still
 22 maintains the Nile P&A operation following
 23 Macondo, there is a slight risk of not
 24 getting Kaskida IFT spud prior to May 16.
 25 JUDGE ANDERSEN:
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1 The question is: Do you recall
 2 reading and thinking about this forward
 3 looking plan, and if so, did it have any
 4 bearing on the decisions that you made?
 5 THE WITNESS:
 6 I remember seeing this, and no, it
 7 had no bearing on the decisions that were
 8 made.
 9 EXAMINATION BY MS. KUCHLER:
 10 Q. On Page 2, if you would, under
 11 Macondo delays. Could you read for us the
 12 first sentence?
 13 A. Okay. It says: Drilling problems
 14 when we started back on Macondo in February
 15 (following the drilling of the first three
 16 hole sections by the MARIANAS before being
 17 damaged by Hurricane Ike), we thought we
 18 would be finished in early April, which
 19 would allow the Nile P&A operation to be
 20 completed after delivery of the wellhead
 21 equipment, but prior to the Kaskida
 22 continuous operations date of May 16.
 23 Drilling problems in several hole sections
 24 have caused delays and extended the expected
 25 completion date into April.
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1 Q. There is another document I'd like
 2 you to look at. It's BP-HZN-MBI00126286 and
 3 this will be my last set of questions. This
 4 is an April 13 email from Merrick Kelley to
 5 Brian Morel with a copy to Mark Hafle. So I
 6 recognize that you did not receive a copy of
 7 this, but I would like to ask you if you
 8 understood that the rig was under pressure
 9 to finish Macondo so they could get to Nile
 10 P&A and not jeopardize the Kaskida well and
 11 IFT?
 12 MS. KARIS:
 13 I object. This question has been
 14 asked at least three times.
 15 MR. STETLER:
 16 She is showing him a document he
 17 has never seen.
 18 JUDGE ANDERSEN:
 19 Sustained. He has testified that
 20 he did not feel any operational pressure due
 21 to the fact that the rig was going to move
 22 on. Now, obviously, the Board has concerns
 23 about that and we will look at lots of
 24 things like realities besides -- other
 25 realities besides the witness' testimony.
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1 But I don't think your testimony is going to
 2 change.
 3 We do point out to everyone, we
 4 have -- the Board knows what the future
 5 schedule plan of the rig is or was, so thank
 6 you.
 7 MS. KUCHLER:
 8 Those are all my questions.
 9 JUDGE ANDERSEN:
 10 Thank you for tolerating me here.
 11 Douglas Brown?
 12 COUNSEL REPRESENTING DOUGLAS BROWN:
 13 No questions.
 14 JUDGE ANDERSEN:
 15 Dril-Quip?
 16 COUNSEL REPRESENTING DRIL-QUIP:
 17 No questions.
 18 JUDGE ANDERSEN:
 19 Kuchta?
 20 MR. SCHONEKAS:
 21 I'm going to attempt to go where
 22 no man has gone before very quick.
 23 EXAMINATION BY MR. SCHONEKAS:
 24 Q. Hello, Mr. Guide. How are you
 25 today? Kyle Schonekas on behalf of the

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1 captain. There was mention today of a
 2 software program called INSITE. You are
 3 familiar with that?
 4 A. Yes, sir.
 5 Q. Sir, has anyone attempted to
 6 retrieve the metadata relating to access to
 7 INSITE in the hours before the explosion?
 8 You want me to rephrase it, say it again?
 9 You know what metadata is?
 10 A. No. You mean metocean.
 11 Q. Metadata which means the data that
 12 shows who looked at information on a
 13 computer at what time.
 14 A. I don't know.
 15 Q. You have not made any effort to
 16 retrieve that?
 17 A. No, sir.
 18 Q. Do you know if it is retrievable
 19 in terms of, does the system reflect who
 20 went online and looked at the information at
 21 what time?
 22 A. You need to ask Sperry-Sun.
 23 Q. Sperry-Sun provides that system?
 24 A. Yes, sir, correct.
 25 Q. With respect to the notes that

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1 were shown to you by the Marshall Islands,
 2 they appear to be in a linear fashion. If
 3 you take a look at the first page and the
 4 second page, but then there appear to be
 5 notes in the margin, kind of off to the
 6 side. Do you see that? I'm referring on
 7 the first page the note that says on the
 8 right-hand side: Bob not on floor during
 9 displace. Do you see that?
 10 A. Yes, sir.
 11 Q. My question is: Was that note
 12 added at a later time, or can you explain to
 13 me why it doesn't appear in sequence?
 14 A. It wasn't added at a later time,
 15 and unfortunately, I'm a lousy note taker.
 16 Q. The same with the notes on the
 17 following pages, the ones that appear to be
 18 marginal notes.
 19 A. I took all these at the same time.
 20 MR. SCHONEKAS:
 21 That's all I have. If I could ask
 22 the Board to request of BP to attempt to
 23 retrieve that information, I think it would
 24 be helpful.
 25 MR. GODFREY:

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1 For the record, it is my
 2 understanding we have asked for it. It's
 3 solely in the control of Halliburton and I
 4 would like to see it as well.
 5 MR. STETLER:
 6 Could I just ask briefly if we can
 7 have the argument after the witness is done?
 8 He is really trying to catch a flight.
 9 JUDGE ANDERSEN:
 10 This is a bonus. Mr. Fanning
 11 handed some questions off so that he
 12 wouldn't even have to come back for it.
 13 MR. SCHONEKAS:
 14 These are not for Mr. Fanning. I
 15 don't ask his questions.
 16 JUDGE ANDERSEN:
 17 That's what he told us.
 18 MR. FANNING:
 19 I want to give my time to Captain
 20 Nguyen. I was told when I went to the
 21 coffee room before he asked some good
 22 questions, so he can ask my questions.
 23 JUDGE ANDERSEN:
 24 Bertone?
 25 COUNSEL REPRESENTING MR. BERTONE:

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1 No questions.
 2 JUDGE ANDERSEN:
 3 Michael Williams?
 4 EXAMINATION BY MR. PENTON:
 5 Q. Ronnie Penton on behalf of Mike
 6 Williams. Mr. Guide, were you aware that
 7 the crew of the DEEPWATER HORIZON was
 8 undergoing training for the Kaskida project
 9 on the Sunday before this casualty?
 10 A. I don't know if it was the Sunday
 11 before. You are speaking about the crew
 12 engagement for Kaskida that we had in Lake
 13 Charles. I think that was on the 30th or
 14 something of March.
 15 Q. But I'm talking about aboard the
 16 DEEPWATER HORIZON, were you aware of that?
 17 A. No.
 18 Q. Are you aware of any other
 19 preparatory projects that the crew of the
 20 DEEPWATER HORIZON were undergoing for
 21 Kaskida while they were dealing with this
 22 well?
 23 A. No.
 24 Q. Is it true that prior to this
 25 particular Macondo well project that BP

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1 regularly, on a daily basis, maintained an
 2 HSE safety man aboard the DEEPWATER HORIZON;
 3 two, in fact?
 4 A. We never had two. We did take the
 5 full-time individual off. I unfortunately
 6 don't remember that exact time frame.
 7 Q. But it is true that it was after
 8 September of 2009 and before the DEEPWATER
 9 HORIZON went on site in February of 2010,
 10 correct?
 11 A. I don't remember the date.
 12 Q. But that did happen?
 13 A. Yes, it did happen.
 14 Q. And was it only the DEEPWATER
 15 HORIZON or was it companywide for BP that
 16 those positions were eliminated on your
 17 rigs?
 18 A. They weren't eliminated. They put
 19 the individuals in a rotational basis
 20 instead.
 21 Q. So what was that rotation? How
 22 frequently would a safety man visit the
 23 DEEPWATER HORIZON? How many times did he
 24 visit the DEEPWATER HORIZON during its time
 25 on site?

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1 A. Any particular site?
 2 Q. On this well site where it rests
 3 today.
 4 A. I don't remember.
 5 JUDGE ANDERSEN:
 6 How often would they have rotated
 7 in?
 8 THE WITNESS:
 9 Every couple of weeks.
 10 JUDGE ANDERSEN:
 11 For a period of how long?
 12 THE WITNESS:
 13 A week.
 14 EXAMINATION BY MR. PENTON:
 15 Q. Were there any reports generated
 16 from that?
 17 A. Yes.
 18 Q. How about Transocean; do you have
 19 knowledge of that? Did they likewise
 20 terminate their safety on the DEEPWATER
 21 HORIZON prior to this project?
 22 A. Not that I'm aware of.
 23 MR. PENTON:
 24 Thank you, sir.
 25 JUDGE ANDERSEN:

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1 Thank you.
 2 Pat O'Bryan?
 3 COUNSEL REPRESENTING MR. O'BRYAN:
 4 No questions.
 5 JUDGE ANDERSEN:
 6 Robert Kaluza?
 7 COUNSEL REPRESENTING MR. KALUZA:
 8 No questions.
 9 JUDGE ANDERSEN:
 10 Any more questions from -- we give
 11 BP another -- any questions?
 12 MS. KARIS:
 13 I have none.
 14 JUDGE ANDERSEN:
 15 Any questions from the Board?
 16 CAPTAIN NGUYEN:
 17 I do have a couple plus a comment.
 18 Now and then we have these lighter moments.
 19 I speak for everyone here that we don't mean
 20 to be disrespectful of the families of
 21 people that are still missing.
 22 And the other thing is we have the
 23 exchanges between the Board members and the
 24 attorneys out there doesn't mean we don't
 25 respect each other and understand each

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1 other's position. I just want to make that
 2 clear. I know that Mr. Fanning told me when
 3 there is an accident, he wouldn't want to be
 4 in middle management. The people above
 5 point to him and the people below point to
 6 him.
 7 EXAMINATION BY CAPTAIN NGUYEN:
 8 Q. I know you are in the position.
 9 We haven't heard from Mr. Kaluza or
 10 Mr. Vidrine and I know we heard from
 11 Mr. O'Bryan and Mr. Sims and they pointed to
 12 you, as you know. I asked these questions
 13 of Mr. Cocales. To insure the success of a
 14 well team leader, what other information
 15 should be provided to the well team leader
 16 for insuring their full awareness of ongoing
 17 operations? You say you didn't get the
 18 results from the negative tests. Was there
 19 other information that you would like to
 20 have so that you could do something about
 21 it?
 22 A. Obviously I would love to have all
 23 the information I could possibly get.
 24 Q. Is there information that you need
 25 that you currently don't have access to as a
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1 well team leader that you need?
 2 A. I have accessed all the
 3 information. Obviously you don't have --
 4 you can't stay awake 24 hours a day. You
 5 don't have access to seeing the actual
 6 operation. The way it's set up is if there
 7 is an issue that they give you a call.
 8 Q. But during that, on the day of
 9 April 20, the casualty happened at 2200,
 10 about 10:00 or so, you were awake during
 11 that time when they were doing the negative
 12 test; is that right, sir?
 13 A. I went to bed around 9:30. I'm an
 14 early riser.
 15 Q. Should they have communicated --
 16 you didn't receive the results of the
 17 negative test because of why? Are they not
 18 required to or the test was not a concern?
 19 A. All of our tests are of concern.
 20 Everything is critical. Usually the
 21 protocol has been, because the people do
 22 negative tests on a regular basis across the
 23 Gulf, if there is an issue call 24/7, 365.
 24 Q. In this case the people on site
 25 didn't feel that was a problem to contact
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1 you?
 2 A. That's right.
 3 Q. Should a well team leader be given
 4 additional authority to stop a potential
 5 unsafe operation? Do you have all the
 6 authority that you need?
 7 A. Yes, sir.
 8 Q. Should a well team leader be given
 9 additional resources to properly execute a
 10 drilling and completion project? From what
 11 I understand from Mr. Cocales, people get
 12 moved around right now. People may not
 13 have --
 14 A. I will take all the resources they
 15 give me.
 16 JUDGE ANDERSEN:
 17 Any other Board questions? Is
 18 there anything you would like to add to what
 19 you have given to us in either of your
 20 appearances here?
 21 THE WITNESS:
 22 Not at this time, Judge.
 23 JUDGE ANDERSEN:
 24 Thanks for coming back. I don't
 25 see a third need, but we will stay in touch
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1 with you. Might he be available?
 2 MR. STETLER:
 3 Yes.
 4 THE WITNESS:
 5 Yes, sir.
 6 MR. STETLER:
 7 He says yes. I couldn't stop him.
 8 CAPTAIN NGUYEN:
 9 We will adjourn for today and
 10 reconvene at 8:00 tomorrow morning.
 11
 12 (Which recessed the proceedings at
 13 5:20 p.m. for the day)
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<p>1</p> <p>2 REPORTER'S CERTIFICATE</p> <p>3</p> <p>4 I, Pat Kennedy Quintini, Certified</p> <p>5 Court Reporter, do hereby certify that the</p> <p>6 foregoing proceedings were reported by me in</p> <p>7 shorthand and transcribed under my personal</p> <p>8 direction and supervision, and is a true and</p> <p>9 correct transcript, to the best of my</p> <p>10 ability and understanding;</p> <p>11 That I am not of counsel, not related</p> <p>12 to counsel or parties hereto, and not in any</p> <p>13 way interested in the outcome of this</p> <p>14 matter.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 _____</p> <p>20 PAT KENNEDY QUINTINI, CCR</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 229</p>	

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