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USCG/BOEM MARINE 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

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FRIDAY, AUGUST 27, 2010

8:00 A.M.

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The transcript of The Joint United States Coast  
Guard/The Bureau of Ocean Energy Management,  
Regulation and Enforcement Investigation of the  
above-entitled cause, before Denyce M. Sanders,  
Certified Shorthand Reporter and Registered  
Professional Reporter, Notary Public in and for the  
State of Texas, reported at the Hilton Hobby Airport  
Hotel, 8181 Airport Boulevard, Houston, Texas 77061.

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A P P E A R A N C E S

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1 HON. ANDERSEN: Good morning.

2 Perhaps you could introduce yourself  
3 to the Board.

4 MR. LANSDEN: Yes. Thank you.  
5 Capt. Nguyen, Members of the Board. I'm  
6 Mitchell Lansden; my associate, Jill  
7 Lansden. We represent Mark Hafle.

8 First of all, we want to state to  
9 the Court that he does recognize the  
10 authority and power of the subpoena issued  
11 to him, but we also want to say that  
12 Mr. Hafle was called as a witness today.  
13 He would take the advice of counsel,  
14 myself, and would not answer any questions  
15 based on his Constitutional rights.

16 HON. ANDERSEN: So it's fair to say  
17 that after consulting with you, he's  
18 invoking his right to decline to testify;  
19 is that correct?

20 MR. LANSDEN: That is correct.

21 HON. ANDERSEN: Okay. We want to  
22 thank you for the courtesy of being here.  
23 The subpoena we regard is still in effect  
24 in case we reconvene and would like him to  
25 be physically present; but thank you for

1           advising us of this in time so that the  
2           Board and parties in interest could  
3           prepare.

4           You're excused for the day. Thank  
5           you very much. Both of you.

6           MR. LANSDEN: Thank you.

7           HON. ANDERSEN: Mr. Cocales?

8           Mr. Cocales, could you stand up,  
9           please. I want to advise you, as I have  
10          every witness, that under federal law,  
11          false statements made to this Board would  
12          be a violation of federal law, punishable  
13          by fine and/or imprisonment.

14          Knowing that, could you raise your  
15          right hand.

16                    BRETT COCALES,  
17          having been first duly sworn, testified as follows:

18           HON. ANDERSEN: Please have a seat,  
19           and the Board questioning will begin.

20           And, Counsel, would you state your  
21           name for the record.

22           MR. HILDER: My name is Philip  
23           Hilder. I represent Mr. Cocales.

24           HON. ANDERSEN: Okay. Thank you.

25

1 E X A M I N A T I O N

2 BY MR. MATHEWS:

3 Q. Mr. Cocales, for the record, could you  
4 please state your full name and spell your last.

5 A. Yes. Brett William Cocales.  
6 C-O-C-A-L-E-S.

7 Q. Thank you.

8 MR. MATHEWS: Speak into the  
9 microphone.

10 HON. ANDERSEN: You can put it  
11 closer to you, too, yeah. And then if  
12 your lawyer needs to say something, he can  
13 lean over.

14 Q. (BY MR. MATHEWS) And what is your  
15 current position within BP?

16 A. I'm currently a drilling operations  
17 engineer.

18 Q. And how long have you held that  
19 position, sir?

20 A. One year.

21 Q. And prior to being a drilling ops  
22 engineer, what was your previous position?

23 A. I was previously a drilling engineer.

24 Q. And was that with BP, sir?

25 A. Yes, sir.

1 Q. How long have you worked with BP in  
2 total?

3 A. Approximately ten years.

4 Q. And did you have any other oil and gas  
5 experience outside of that?

6 A. Yes, I have. I've worked as a  
7 directional drilling coordinator, engineer, and also  
8 in gravel-pack completions for a service company.

9 Q. We have a organizational chart on the  
10 board. And I just want to make sure that -- I drew  
11 that, and I've actually put some blue lines under  
12 Mr. Hafle's name because I've since learned that you  
13 and Mr. Morel actually don't report to him, y'all  
14 are equals.

15 A. Actually, it's -- it's not quite  
16 correct. I actually report to John Guide. On the  
17 operations side.

18 THE REPORTER: Could you move the  
19 microphone closer to you, please, sir.

20 THE WITNESS: Yes, ma'am.

21 THE REPORTER: Thank you.

22 THE WITNESS: You're welcome.

23 Q. (BY MR. MATHEWS) Were you the only  
24 engineer that reported to John Guide?

25 A. Yes, that's correct.

1 Q. Were you, I guess, equivalent of what  
2 Mr. Hafle would be?

3 A. Yeah, that would be pretty -- pretty  
4 close. I -- I think we had equivalent positions.  
5 Mr. Hafle was on the engineering side, and I was on  
6 the operations side.

7 Q. Okay. And just for my knowledge, did  
8 you participate in the daily meetings with the rig  
9 with Mr. Guide?

10 A. Yes, I did.

11 Q. Did you have contact with the well-site  
12 leaders day to day, outside of those morning  
13 meetings?

14 A. I didn't normally. I was not the first  
15 point of contact.

16 Q. And for purchase orders or for equipment  
17 needed for the rig, who was responsible for that?

18 A. That would have been the drilling  
19 engineers, the planning drilling engineers.

20 Q. So Mr. Hafle, Morel?

21 A. Yes, correct.

22 Q. I know you're the drilling ops engineer,  
23 but I think you said you had drilling experience for  
24 ten years.

25 How much of that was in deepwater,

1 sir?

2 A. I've spent ten years in deepwater. In  
3 various operations. They weren't all on floater --  
4 floating operations.

5 Q. Fair enough.

6 Approximately how many wells, sir?

7 A. Approximately ten. Ten wells.

8 Q. Were they all exploratory?

9 A. No, they were not.

10 Q. What is your educational background?

11 A. I have a Bachelor of Science in  
12 petroleum engineering and a master's in business  
13 administration.

14 Q. Do you have any licenses or  
15 certifications?

16 A. Just well-control certification.

17 Q. And when was the last time you had that  
18 certification, sir?

19 A. Like, two years ago.

20 Q. Do you go to the rig regularly?

21 A. I -- I don't regularly visit the rig,  
22 but I have -- I have been there a couple times in  
23 the last year.

24 Q. Is that why you're required to have the  
25 certification?

1           A.        No.  I -- it's part of our DWOP policies  
2 is to have all engineers and anybody that does  
3 operational and planning, it's for wells, to be  
4 certified in well control.

5           Q.        Can you give me a brief synopsis of your  
6 job responsibilities, sir?

7           A.        Yes.

8           Q.        Associated with the Macondo well.

9           A.        Okay.  Primarily, my focus during the  
10 Macondo well, I -- I'm more of a forward-looking  
11 engineering planning, so what I would -- basically,  
12 what I would be doing is looking at what the  
13 operation would be doing after the Macondo well.  So  
14 end-of-well preparations, end-of-well work that  
15 would -- would be going on with the rig.  And the  
16 main focus was also preparing for the Nile P&A,  
17 which was the next operation that the HORIZON was  
18 going to do.

19          Q.        What was your interaction with  
20 Mr. Hafle?

21          A.        Well, we saw each other nearly every  
22 day, so we were in the morning call together, and  
23 we -- we spoke to each other, we bounced ideas off  
24 of each other.

25          Q.        And how about Mr. Guide?

1           A.           I worked for Mr. Guide, and so I would  
2 see him quite frequently and update him on what I  
3 was doing and -- I -- I was a resource to him, so if  
4 he needed anything, I was primarily there for him in  
5 whatever capacity that he needed.

6           Q.           Particularly for this well, were you  
7 involved in any assistance with Mr. Guide in  
8 determining who would be the well-site leader to  
9 replace Mr. Sepulvado?

10          A.           No, I was not.

11          Q.           Do you know if there was any process  
12 that BP follows to ensure that their switch of  
13 well-site leaders is -- that they're able to fulfill  
14 the job that they're sent to do?

15          A.           I don't -- I don't know what process  
16 they follow. I do know that when they do go to the  
17 rig, it -- it's always overlapped. When one well  
18 site either changes out, there's an overlapping of  
19 typically one week so that you have one week with  
20 one person that's been out there when the new person  
21 comes on.

22          Q.           How about Mr. David Sims? What was your  
23 day-to-day interaction with Mr. Sims?

24          A.           I saw David. We worked in the same  
25 general area, but we didn't have many conversations.

1 Mostly that was John and David would talk.

2 Q. How about anyone from MOEX or Anadarko?

3 A. No, I did not have any -- any meetings  
4 with them.

5 Q. Do you know if BP has a program that  
6 allows MOEX or Anadarko partners to have access to  
7 files that BP has on the well?

8 A. Typically, they will go through the land  
9 department to request documents that they need or  
10 information they need. Or they would be interacting  
11 with somebody with -- within the subsurface side,  
12 the operations geologist, and they would get  
13 information through them.

14 Q. All right. That's a process of -- the  
15 thing I want to concentrate on, is there, like, an  
16 actual program where a partner of any well, not just  
17 Macondo, can go into BP's intranet or internet  
18 system, log in and have access to files that you're  
19 aware of?

20 A. I don't know exactly. I -- there is a  
21 SharePoint site that -- that they use, I just don't  
22 know if it was set up, how -- on how that was set up  
23 for this particular well, but that -- I've seen that  
24 done in the past with partners, with partner  
25 operations.

1 Q. Did you participate at all on any level  
2 in the discussion of the applications that were  
3 submitted to the MMS for this well?

4 A. I was copied on the APM -- the latest  
5 APM submission and -- and request for that. That  
6 was the only one that I recall.

7 Q. Do you know who created that APM within  
8 BP?

9 A. I believe that was Mark Hafle. He  
10 created the -- let me clarify. He created the  
11 attachments that went with it, and then it went to a  
12 person in our regulatory group to actually file the  
13 permit.

14 Q. And who created the procedure?

15 A. I believe that was Mr. Hafle.

16 Q. What is your role in the actual planning  
17 of the well design for the Macondo well?

18 A. I don't have an actual role in the  
19 planning of the well other than I will add that  
20 I -- I did review the -- I was a reviewer for the  
21 well program, the original -- I should say the  
22 updated program after the MARIANAS was -- was  
23 removed.

24 Q. Do you know what the original  
25 termination point, TD for the well was?

1           A.           I don't know -- I don't know the exact  
2 depth, no.

3           Q.           Do you know the TD of what it was on  
4 April 20th?

5           A.           I -- approximately. I don't know the  
6 exact.

7           Q.           Was it 18,360?

8           A.           That's close, yes.

9           Q.           Was the original TD supposed to be  
10 deeper than that?

11          A.           I believe it was, yes.

12          Q.           Do you know why it was -- came to  
13 18,360?

14          A.           I don't know the exact reason on why  
15 that was decided.

16          Q.           I'm going to have -- have an e-mail  
17 that's in front of you. I think there was a  
18 communication with MOEX wondering why there was a --  
19 and just for the record, you're not on this e-mail,  
20 and I just want to see if this was brought to your  
21 attention.

22                       MR. HILDER: I'm sorry, Mr. Mathews,  
23                       can you identify which document --

24                       MR. MATHEWS: Yes, I'm going to give  
25                       you the Bates number. It's

1 BP-HZN-MBI00126338. And I think there's a  
2 highlighted portion on the bottom.

3 A. Okay.

4 Q. Can you just read that, sir?

5 MR. MATHEWS: Not into the record  
6 but ask him to read it.

7 MR. HILDER: Okay.

8 A. I'm sorry, not into the record?

9 Q. (BY MR. MATHEWS) Yeah, I'm just asking  
10 you to look at it and read it.

11 A. Okay.

12 Q. Were you aware at any time that the  
13 reason they went to that depth, because drilling  
14 ahead would jeopardize the wellbore?

15 A. I was not aware of that decision not to  
16 drill deeper, no.

17 Q. Do you know who Mr. Bobby Bodack is?

18 A. Yes, I do.

19 Q. And what is his position, sir?

20 A. He's an operations geologist.

21 Q. Was he a communication point between you  
22 and the landman?

23 A. I -- I did not communicate with -- with  
24 the land people.

25 Q. Did you participate in any meetings on

1 April 14th to discuss the option of going with a  
2 long string versus a liner?

3 A. Yes, I did sit in on a meeting.

4 Q. And who was in that meeting, sir?

5 A. I believe it Mr. Brian Morel, Mr. Hafle,  
6 Mr. Guide, and I believe Mr. Sims was in that  
7 meeting.

8 Q. Prior to that meeting, what was BP's  
9 objective? Was it to run a liner?

10 A. I don't know that they had decided prior  
11 to that meeting what to run.

12 Q. But during that meeting on April 14th, a  
13 decision to run the long string was made?

14 A. The final decision was not made in  
15 that -- in that meeting.

16 Q. When was it made?

17 A. I don't know the exact date that it  
18 was -- that that was made.

19 Q. Do you know who made that final  
20 decision?

21 A. I -- at the time, I did not, no.

22 Q. Do you know if the final decision was  
23 ever made?

24 A. I learned of that after the fact.

25 Q. What, that it was never made?

1           A.           No.    That the decision was made  
2 and -- and I just was not copied on the documents  
3 that -- for the approval for that.

4           Q.           Did you participate in the management of  
5 change process for that?

6           A.           I did not.

7           Q.           Do you normally participate in the  
8 management of change of anything like that?

9           A.           I have in the past, but on this  
10 particular well, I wasn't -- I hadn't participated  
11 in any of the management of change.

12          Q.           Do you know if it's in BP's HSE policy  
13 that the on-site manager is the final approval of  
14 that management of change?

15          A.           The on-site --

16          Q.           Manager.  Would be the well-site leader  
17 in this case.

18          A.           I don't know if that's correct.  
19 I -- but I don't know for sure.

20          Q.           Do you know if the well-site leaders had  
21 any discussions with anyone within the BP  
22 engineering side on the design changes from or  
23 decision change from a liner to a long string?

24          A.           I do not know that.

25          Q.           Are you familiar with the DWOP that you

1 referred to earlier, sir?

2 A. I'm familiar with our DWOP policy, yes.

3 Q. I have an out-of-dated version one that  
4 I was informed by Mr. O'Bryan yesterday, because the  
5 one on the website isn't the latest and greatest.  
6 But there's a policy in there that if a well is  
7 greater than 1,000 feet of water that they had to  
8 have an independent review.

9 Do you know if that independent  
10 review was completed with the change from a liner to  
11 a long string?

12 A. No, I do not.

13 Q. I'm going to now move to an e-mail  
14 that's in front of you, and it's identified as Bates  
15 number BP-HZN-MBI00128408.

16 Is that the one in front of you,  
17 sir?

18 A. Yes.

19 Q. Do you recall discussing centralizers  
20 with Mr. Brian Morel on April 16th?

21 A. Yeah. Can I remove this?

22 Q. Yes, sir. Go ahead. That's just for me  
23 to keep everything organized. You can take it out.

24 A. I do remember this exchange, but I don't  
25 think it has all the full e-mail trail in it.

1 Q. Okay. When you say "trail," you mean  
2 attachments or --

3 A. No, there's other -- there was  
4 other -- there were some other e-mails after this  
5 last one.

6 Q. Okay. Do you remember what that e-mail  
7 said? I don't have -- and this was provided by BP,  
8 I don't have the full string that you may be talking  
9 about.

10 A. It was -- it was an e-mail that said  
11 that -- that I'm here to support you guys with  
12 whatever you need.

13 Q. And who was that to, sir?

14 A. It was -- it was to Brian Morel.

15 Q. Is that the only e-mail that's missing  
16 that you're aware of?

17 A. To my recollection. There may be one in  
18 between, but I think -- I -- no, actually, I think  
19 there's two. I think Brian replied and I replied  
20 back later on. I think there's two -- two missing.

21 Q. Okay. Well, I wanted to talk to you  
22 about, first, did you receive the OptiCem report  
23 from Mr. Gagliano concerning the cement modeling for  
24 the production casing?

25 A. I -- I have received several models. In

1 particular, which one, do you know?

2 Q. Well, a -- particularly the one on April  
3 18th.

4 A. Yes, I did receive an OptiCem on April  
5 18th.

6 Q. And did you review that document, sir?

7 A. I read it. I read through it. I  
8 didn't -- I didn't read everything. I skimmed  
9 through, looked at the parts that I was interested  
10 in.

11 Q. And which parts are those, sir?

12 A. Well, I would typically look at  
13 the -- do you -- would you happen to have that  
14 e-mail --

15 Q. I have the document --

16 A. -- transmittal?

17 Q. Yes, sir. And the e-mail to you is  
18 actually on the bottom because Mr. Gagliano actually  
19 responded. All the way on the bottom.

20 A. Oh, okay.

21 Q. And that was the attached document?

22 A. If I -- if I remember correctly, there  
23 was three attachments.

24 Q. Correct.

25 A. Are they all here?

1 Q. That's just the OptiCem report we're  
2 going to ask you about.

3 A. Okay. Yeah. I mean, this looks like  
4 the one I received, yeah. And there was -- there  
5 was two others that I looked at as well.

6 Q. All right. That OptiCem, did you read  
7 it in its entirety?

8 A. No, I did not.

9 Q. What do you look at when you open and  
10 read that OptiCem?

11 A. The items that I most look at are the  
12 ECD charts that we're looking at. That's -- that's  
13 kind of like the -- the final output of the model.  
14 There are other things in there that may be  
15 pertinent, but that's what I look at as to what the  
16 cementing pressures are.

17 Q. Can you refer to page 18, please. And I  
18 think there's a section entitled "Gas Flow  
19 Potential"?

20 A. Yes.

21 Q. Did you look at that portion of the  
22 report, sir?

23 A. No, I did not.

24 Q. Okay. Can you read what it says now?

25 A. Which part? Under "Gas Flow Potential"?

1 Q. Yes, sir.

2 A. It says, "Gas Flow Potential, 10.29 at  
3 Reservoir Zone Measured Depth, 18200.0. Based on"  
4 the well "analysis of the above outlined well  
5 conditions, this well is considered to have a SEVERE  
6 gas flow problem. Wells in this category fall into  
7 flow" category "3."

8 Q. And you've never read that paragraph, as  
9 you testified earlier?

10 A. No, I did not.

11 Q. Can you flip to page 23? Did you see  
12 that page of the report, sir?

13 A. Yes, I did.

14 Q. Do you know what you're looking at on  
15 that actual image?

16 A. I believe it's -- it's hard to read  
17 because it is so small, but I believe it's showing  
18 that there's mud left in the lower part of the  
19 casing -- of the casing cement annulus.

20 Q. Is there any indication in that image  
21 that there's a potential for gas influx?

22 A. I -- I do not see anything in this  
23 image --

24 Q. Okay.

25 A. -- that shows me that.

1 Q. Now, I want to refer back to that  
2 e-mail, and I know that e-mail was sent on -- the  
3 e-mail that I want to talk about was sent on April  
4 16th, which was actually before this model was  
5 actually sent to you.

6 A. Right.

7 Q. And you referenced what you said -- and  
8 I'll read this e-mail. It's April 16th at 4:15 p.m.  
9 between yourself and Mr. Brian Morel. And there's a  
10 line that you said, "So Guide is right on the  
11 risk/reward equation," when you were talking about  
12 the centralizers.

13 Can you please elaborate on what you  
14 were talking about when you said, "So Guide is right  
15 on the risk/reward equation"?

16 A. The phrase I was using is -- doesn't  
17 have any -- any meaning within BP or financial.  
18 It's a phrase that I just -- I use generally, that  
19 I've used for years, risk/reward equation.

20 Q. Okay. Can you please explain to me what  
21 it means to you?

22 A. Yes, I can. In -- the particular  
23 decision I -- I had -- I found out that -- let's  
24 see. I'm trying to think back. I had -- this was  
25 in the middle of an e-mail trail exchange

1 with -- with my colleague Brian Morel.

2 Q. If you want to take the time to read the  
3 full e-mail, you're more than welcome.

4 A. Let me just review it, please.

5 Q. Take your time.

6 A. Okay.

7 Q. Okay. Can you just -- what risk/reward  
8 equation means to you.

9 A. Well, this -- I had basically worked on  
10 getting 15 additional centralizers out to the  
11 HORIZON for -- for this production string on the --  
12 on the 15th. And I had learned on the 16th that the  
13 decision had been made not to run them. I was not  
14 involved in that decision. I had just found out.

15 And Brian -- Brian Morel had sent me  
16 a -- an e-mail in which he had gotten the  
17 three-dimensional profile from -- from a Halliburton  
18 survey expert that showed how vertical this well  
19 actually is. It actually is -- it's actually  
20 6/10ths of a degree vertical. It's one of the  
21 straightest holes that I've been -- have seen,  
22 actually.

23 But -- and -- and what he -- what he  
24 wanted to say was, I don't understand why the model  
25 is saying that -- that it needs more centralizers

1 when we have such a straight hole. And we had  
2 debated a little bit about why the model is reacting  
3 in the way it does.

4                   So he had gotten -- provided this  
5 information to me, and so we talked a little bit  
6 about it and -- and in -- in the end, I -- I  
7 responded by -- by saying the model is -- just  
8 responding by saying, if it doesn't have something  
9 to hold it off the wall, it's just going to think  
10 that it is closer to one side than the other, and  
11 that's -- that's just, you know, basically the  
12 physics of it.

13                   And at that point in time, there was  
14 a little bit of frustration on my part that, you  
15 know, it's time to stop debating what the model says  
16 and figure out what -- what we should do path  
17 forward.

18                   I did respond with -- I did write,  
19 "But, who cares, it's done, end of story..." Those  
20 are my words. But it was about, it's time to stop  
21 debating what the model says. And I said, it  
22 "...will probably be fine and we'll get a good  
23 cement job. I would rather have to squeeze than get  
24 stuck above the wellhead. So Guide is right on the  
25 risk/reward equation."

1                   What I had worked on on the 15th was  
2 looking at the difference that 15 additional  
3 centralizers would make on the ECD. The model I was  
4 reviewing at the time was ten centralizers versus  
5 when we prepared with 21 centralizers. And the  
6 difference was very slight. It was -- it was around  
7 2/10ths or less than 2/10ths of a pound per gallon.

8                   And when I had learned that the  
9 reason why they didn't want to run them was because  
10 they had concerns over the mechanical integrity of  
11 the slip-on centralizers that -- that were sent out  
12 to the rig, which poses a substantial risk that  
13 these things can come off and stick the casing above  
14 the wellhead. Since it is a long string, it does  
15 have to land out in the wellhead. If that would  
16 happen, you would have to -- you have a pretty good  
17 mess. You literally have to pull the casing back  
18 out, and there is a SWAT concern and well control  
19 comes into play.

20                   So what -- I didn't talk to  
21 Mr. Guide about the decision. I had learned of this  
22 through Mr. Morel. But what I had assumed at the  
23 time was, the risk of running 15 additional  
24 centralizers that have concerns of mechanical  
25 integrity versus the reward of gaining 2/10ths of a

1 pound per gallon on your ECD, that was the  
2 risk-reward.

3 Q. Okay. Now, when you got the report on  
4 the 18th, you indicated to me that you saw the image  
5 on page 23, that you looked at earlier when we were  
6 talking about --

7 A. Yes.

8 Q. What happens when mud is left behind?

9 A. Well, typically, it -- it means you  
10 don't -- you don't have isolation, you -- you could  
11 get isolation if it sets up. It depends on how  
12 contaminated the cement actually gets with the mud.

13 Q. Okay. So did you rerun your risk/reward  
14 equation or -- that you -- or you referred to as  
15 your risk/reward equation?

16 A. No, I did not.

17 Q. Did you think that they had a likelihood  
18 of some channeling --

19 A. Well, what we did -- I mean, in  
20 further -- what's -- what's not on this e-mail is,  
21 in further e-mail chains with Mr. Morel, we had a  
22 caliper log, and we did reposition the six  
23 centralizers in locations that would -- would  
24 basically -- would be in the least washed-out area  
25 of the hole and positioned them across the main

1 reservoir sands and up to 200 feet above.

2           So they -- it went from, like,  
3 around 18,300 up to 17,800. And that gave, I mean,  
4 what looked to be decent -- decent centralization in  
5 this vertical of a hole across the entire pay sand  
6 plus 200 feet. And that's what -- you know, that's  
7 what it looked like, it would -- it would reduce the  
8 likelihood of channeling in that -- in that section.

9           Q.       So you weren't concerned at all with  
10 channeling in this zone?

11          A.       There -- there still was -- was a risk  
12 of channeling. It -- and that would have been seen  
13 with -- with high ECDs and could have led to a  
14 breakdown in the formation.

15          Q.       Okay. We've been talking about risk a  
16 lot, and we went through what you said earlier, your  
17 risk/reward equation that you termed. I have a  
18 chart over here to your right, and obviously I've  
19 heard the term risk matrix thrown around by some of  
20 your BP -- fellow BP employees.

21                    On the top -- on the left axis, you  
22 have the y-axis, you have likelihood; and on the  
23 x-axis, impact.

24                    Are you familiar with this type of  
25 risk matrix, sir? Have you seen this before?

1           A.           Yeah, it's -- there's -- we have a  
2 couple that -- and there's a Boston square that  
3 looks similar to that, yes.

4           Q.           After reviewing that report on the 18th,  
5 I'd like to know what quadrant you would think that  
6 OptiCem report would put that production casing  
7 cement job at.

8                       MR. HILDER:   With all due respect,  
9                       sir, I'm just going to object to that. I  
10                      do believe that's calling for perhaps an  
11                      expert opinion here. He's here as a fact  
12                      witness. You're asking him to speculate,  
13                      and I don't think he has all the data to  
14                      come up with an analysis.

15                     MR. MATHEWS:   I'm not asking him to  
16                     speculate. He referenced risk/reward, and  
17                     he's talking about risk that he's taken on  
18                     the job.

19                     He has a model in front of him with  
20                     multiple information, ECD data points and  
21                     everything he's had -- and data that he  
22                     just referenced to me in the response. I  
23                     think he can tell me which quadrant he  
24                     thinks that risk falls into.

25                     HON. ANDERSEN:   And what we have

1 ruled in other cases that we've -- with  
2 other witnesses, and we will now, is, you  
3 don't have to guess or speculate. But if  
4 based on your experience in this  
5 situation, as well as your experience as  
6 an engineer, you can identify which box or  
7 boxes you think are most appropriate, then  
8 the Board would like to have your view.

9 So I'm going to overrule the  
10 objection. But you don't have to guess or  
11 speculate.

12 A. I think it would be difficult for me,  
13 because it's -- there's nothing for me to compare it  
14 against. There's -- there's -- I don't know where I  
15 would put it on a relative scale.

16 Q. (BY MR. MATHEWS) Would you think the  
17 likelihood of channeling was low or high?

18 MR. HILDER: Again, I'm going to  
19 impose the same objection.

20 HON. ANDERSEN: Well, you know, the  
21 witness has to -- we're trying to  
22 understand his words and be able to get a  
23 handle on them ourselves. So if you --  
24 you know, if you can better -- these words  
25 help you describe them and they fit,

1                   that's fine.

2           A.        I -- I don't believe that I can give you  
3 that assessment. I don't.

4           Q.        (BY MR. MATHEWS) Do you think the  
5 OptiCem report where it says the potential for  
6 severe gas flow is a low likelihood?

7           A.        It is a low likelihood? I don't know  
8 anything about what the severe gas flow means in the  
9 OptiCem.

10          Q.        We'll move on, sir.

11                    At any time point in your  
12 position -- channeling we discussed a few minutes  
13 ago. Were you involved with the decision tree  
14 matrix that was developed I think by Mr. Morel and  
15 Mr. Hafle for the rig on the cement job?

16          A.        No, I was not.

17          Q.        Have you seen it since then?

18          A.        I have seen something, yes, but -- like  
19 that, but it was after -- after the fact.

20          Q.        Was it based on loss returns?

21          A.        I believe they did have a box there that  
22 was loss returns, yes.

23          Q.        Did they have any indication for what to  
24 check for if there was any channeling?

25                    MR. HILDER: I'm going to object,

1           sir. He said he didn't see it at the  
2           time. And I think the document, whatever  
3           document it is, will speak for itself.  
4           And we don't have the document here for  
5           him to analyze.

6                    HON. ANDERSEN: What we've tried to  
7           do is understand what -- we've tried to be  
8           real clear about understanding what people  
9           knew before the incident occurred, and to  
10          some extent afterwards, because the Board  
11          is trying to -- sometimes what someone has  
12          seen afterwards helps them and us  
13          understand it.

14                   Plus, if -- not only if we're going  
15          to assess the past, but if we're going to  
16          make recommendations for the future, those  
17          things -- that information would be very  
18          helpful.

19                   So if -- if the witness has seen  
20          something or if we could provide him with  
21          something that enables him to express a  
22          view based on his experience with the  
23          situation, that would be helpful.

24                   But, once again, we will keep clear  
25          the timing of that knowledge. Certainly,

1           we don't want anyone to attribute  
2           information that he didn't have until  
3           after the incident to him having it  
4           before, but it will -- it might have  
5           helped him analyze what happened. It will  
6           help us as well as make any  
7           recommendations for the future.

8                       MR. HILDER: But respectfully,  
9           though, I think it -- it elicits a  
10          speculation on his part since he didn't  
11          see it at the time, he hasn't seen the  
12          document, the document is not in front of  
13          him, and then you're asking him questions  
14          about a decision tree, what he would do.  
15          Calls for speculation.

16                      HON. ANDERSEN: We don't have the  
17          document now, so if -- if -- the Board  
18          will get a chance to question him again  
19          after the parties in interest. If a Board  
20          member feels that will be significant, we  
21          will try to get you that document  
22          beforehand.

23                      All right.

24

25

1 EXAMINATION

2 BY MR. DYKES:

3 Q. Mr. Cocales, I want to follow up a  
4 little bit.

5 I wrote down earlier, you stated you  
6 have ten years' experience as a drilling engineer  
7 within BP?

8 A. Yes.

9 Q. And would you recap again what other  
10 work experience you have?

11 A. I have worked as a directional drilling  
12 coordinator and as a gravel-pack completion  
13 engineer.

14 Q. Okay. In your experience as a  
15 directional driller, how straight is that hole on a  
16 straight hole?

17 A. You can't get much straighter hole than  
18 that.

19 Q. But, I mean, is it a corkscrew, or is it  
20 like a pencil?

21 A. No, I mean, it's -- it's like a pencil.  
22 The only -- the only deviation in that bore hole was  
23 where the bypass took place. And it built to ten  
24 degrees, which was then covered up with -- with a  
25 liner. But in the open-hole section that we're

1 looking at in the last hole section, it doesn't get  
2 above .6 or .7 degrees of a degree. That's less  
3 than 1 degree. It's just -- it's that vertical.

4 Q. Okay. In your ten years' experience as  
5 a drilling engineer within BP, how many wells have  
6 you drilled in that time frame?

7 A. Approximately ten I've been involved  
8 with.

9 Q. Have you moved any of those -- have  
10 you -- in the drilling of those wells, those were  
11 all the way to the TD, or were those temporarily  
12 abandoned or plugged and abandoned as exploratory  
13 wells?

14 A. I believe that there was about six of  
15 those were exploratory wells. Five of six, to the  
16 best of my knowledge.

17 Q. Did you have to do any squeeze jobs on  
18 those?

19 A. Yes, we had.

20 Q. Okay. What was the main reason for  
21 that, to do the squeeze jobs?

22 A. Usually -- usually loss returns was one  
23 big problem, or there's various reasons. Sometimes  
24 your snake would get contaminated and you'd get a  
25 wet shoe if you over-displaced. I mean, there's

1 various things that can happen that can lead to a  
2 squeeze.

3 Q. And what did you mean by the term over-  
4 displaced on a wet shoe?

5 A. If you pumped -- if you pump -- what  
6 happens sometimes is, when you pump your plugs down  
7 and they don't land out, in an effort to try to get  
8 them to bump, sometimes you pump too much and you  
9 pump -- well, what's happening is, they bypass fluid  
10 or for some reason they're not displacing properly  
11 and you end up over-displacing and pumping mud into  
12 your shoe track.

13 Q. Okay. Did they -- was there a history  
14 of loss returns at this depth on this well?

15 A. There was loss returns events on this  
16 well.

17 Q. Okay. In that, did you-all consider  
18 running a cement bond log because of all of these  
19 reasons?

20 A. I believe what I saw after the fact was,  
21 there was a cement -- a plan to run a cement bond  
22 log if there was losses during the cement job.

23 Q. Okay. I want to back up to the planning  
24 with the original six centralizer subs. Who within  
25 this group up here -- and we may not have everybody

1 on the page. This is part of the struggle that we  
2 have right now at this point in the game.

3                   But who -- who designs that casing  
4 string? Who put that casing string together with  
5 only six centralizer subs?

6           A.       The casing design is designed by  
7 the -- the planning and execution drilling  
8 engineers.

9           Q.       Okay. Is that Mr. Hafle and Mr. Morel?

10          A.       That is correct.

11          Q.       Okay. Do you know, the six centralizer  
12 subs, were those already in BP inventory, or were  
13 those purchased from Weatherford?

14          A.       I -- I do not know.

15          Q.       And I understood you to say correctly  
16 that you report to John Guide?

17          A.       Yes. During the -- during the  
18 last -- last year, I was reporting to John Guide as  
19 operations drilling engineer.

20          Q.       And John Guide reports to David Sims?

21          A.       Yes. That's correct.

22          Q.       Okay. Yesterday, we had David Sims and  
23 John Guide in here. We drew that up based on what  
24 they had told us and what we had gathered.

25                   MR. HILDER: With all due respect, I

1           don't think Mr. Guide was here yesterday,  
2           sir.

3                       MR. DYKES: I'm sorry.

4           Q.           (BY MR. DYKES) Based on John Guide's  
5 testimony -- we had David Sims here yesterday and  
6 Mr. Pat O'Bryan. And we put this together based on  
7 what we understood from other testimony, and I find  
8 it interesting with your testimony this morning that  
9 neither David Sims or Mr. O'Bryan know that you  
10 report to John Guide. They both put you on the list  
11 as reporting to Greg Walz.

12          A.           That is correct. When we were talking  
13 about -- there was an organizational change that  
14 happened in April -- in early April, and that's when  
15 I was -- there was no longer operations drilling  
16 engineers, and that's when I started reporting to  
17 Greg Walz.

18                       However, we never did complete an  
19 MOC, and so I was told by Mr. Guide and Mr. Walz, I  
20 would continue to report to John Guide until the MOC  
21 was complete. We never did the MOC. That's  
22 -- so --

23          Q.           Okay.

24          A.           So, currently, you are correct. I  
25 currently report to Greg Walz at this point in time.

1 Sorry if I didn't make that clear. I was trying to  
2 kind of go back to the last year and when it -- all  
3 the way up to the Macondo.

4 Q. Okay. Up to the incident, you were  
5 reporting to John Guide?

6 A. Yes. Because we had not completed an  
7 MOC, and one of the tasks that I was working on was  
8 the next operation, which was the Nile P&A. That  
9 was one of my roles. And I was told to continue to  
10 do what I had been doing.

11 Q. Okay. Thank you for clearing that up.

12 A. You're welcome.

13 F U R T H E R E X A M I N A T I O N

14 BY MR. MATHEWS:

15 Q. Switch back now to what we were talking  
16 about earlier.

17 At any time, were there any risks  
18 taken to -- for cost cutting?

19 A. None that -- none that I can recollect,  
20 no.

21 Q. Okay. So I'm going to go back to the  
22 risk/reward equation. The reward had nothing to do  
23 with profit or the benefit of the investment that BP  
24 makes?

25 A. To the best of my knowledge, no.

1 Q. Do you ever get involved with economics  
2 within your job, sir?

3 A. I do not run economics, no.

4 Q. Do you get involved with AFEs?

5 A. Not in the position -- the current  
6 position I have now. I have in the past gotten  
7 involved in AFEs. That's typically the drilling --  
8 the planning drilling engineers will write the AFEs.

9 Q. Earlier in your testimony, I think you  
10 told me you have an MBA; is that correct?

11 A. Yes, sir.

12 Q. You don't use your MBA background at all  
13 in the position that you're in?

14 A. I haven't since I've become a drilling  
15 engineer.

16 Q. Are you familiar with the acronym ALARP?  
17 When discussing risk?

18 A. Yes.

19 Q. And what does that stand for, sir?

20 A. I believe it stands for As Low As  
21 Reasonably Possible.

22 Q. Or Practical?

23 A. Yes. Thank you.

24 Q. Are you familiar with the term bridging  
25 document?

1 A. Yes, I'm familiar with that term.

2 Q. Okay. And are you familiar with the  
3 bridging document on board the DEEPWATER HORIZON at  
4 BP that Transocean has?

5 A. No, I'm not.

6 Q. And are you familiar which HSE manual  
7 you would follow when you board the DEEPWATER  
8 HORIZON?

9 A. I am always under the impression that we  
10 follow Transocean's Safety Management System.

11 Q. And that's what the bridging document  
12 says, that you follow that document?

13 A. (No verbal response.)

14 Q. What is a THINK drill?

15 A. As it pertains to the HORIZON?

16 Q. Yes, sir. Or HSE that Transocean has in  
17 place on board the DEEPWATER HORIZON.

18 A. Right. The -- the -- in their -- in the  
19 HORIZON's Safety Management System, they -- they  
20 have a -- a behavior-based safety program, and part  
21 of it includes prompt cards, THINK plans,  
22 task-specific THINK plans. And what they typically  
23 do will -- as -- as before they start a job or an  
24 operation, they will review all the risks and the  
25 hazards that they could find and mitigations and

1 document those on paper.

2 Q. Okay. And I believe your testimony  
3 earlier is that you were working on the end of the  
4 well prep and getting the rig and everything ready  
5 to move to the Nile well, correct?

6 A. Yes, that's correct.

7 Q. Can we concentrate on those few days,  
8 from whenever you started concentrating on the  
9 DEEPWATER HORIZON? When was that started?

10 A. When -- when -- can you say that again?  
11 When what was started?

12 Q. When you started getting involved with  
13 the procedures and preparations to get the rig and  
14 its operations at Macondo and onward to the Nile.

15 A. It was in March.

16 Q. Okay. So you were involved with -- a  
17 lot of the day-to-day operations from March to April  
18 20th on the DEEPWATER HORIZON?

19 A. Well, I -- I was -- I was involved -- I  
20 attend morning meetings, but, I mean, I was focused  
21 on getting preparations for this Nile P&A.

22 Q. And when was the last time you were on  
23 board the DEEPWATER HORIZON, sir?

24 A. I recall it was --

25 Q. Our records indicate somewhere around

1 September 11th?

2 A. Yes. That's correct. Yes. It was  
3 about the time that we had the out-of-service period  
4 for the rig.

5 Q. And that's where I was going.

6 What was your purpose on the rig,  
7 sir?

8 A. I actually went out to -- to do a safety  
9 stand-down with Paul Johnson.

10 Q. What was the reason for that stand-down?

11 A. BP had determined overall that they'd  
12 had -- had seen some incidents. Some of them were  
13 high-potential incidents with lifting operations and  
14 dropped objects. And what they really wanted to do  
15 was raise the -- raise the awareness with the crews  
16 about the incidents that had happened.

17 This was -- this was  
18 Gulf-of-Mexico-wide, but it also included some areas  
19 that were global. So it just was overall several  
20 instances that had happened, and the idea was  
21 to -- to raise awareness, to get the guys' feedback  
22 on how they felt about the operations, did they feel  
23 like things were safe, were they happy with the way  
24 they were working and -- and, you know, to learn  
25 anything that we could about anything we could help

1 them modify or -- or help them with.

2 Q. And for -- just for my clarification,  
3 that was when the rig was out of service, as in  
4 going from one well to the next?

5 A. No. Actually, that's when we were doing  
6 the -- what's called the UWILD. I don't know if --

7 Q. I'm sorry, what was that?

8 A. UWILD is an acronym. It's underwater  
9 inspection in lieu of dry dock. That was the -- a  
10 14-day -- planned 14-day event, and we extended it  
11 seven days. We also had to meet the auditors out  
12 there for four of five days during that period.

13 Q. Was one of the discussions that you had  
14 with the on board personnel was risk identification?

15 A. Yes. It -- there was a PowerPoint that  
16 our -- our HSE management had put together for us to  
17 basically present and get -- get feedback from the  
18 rig.

19 Q. And did you actually participate in  
20 THINK drills and try to see how Transocean performed  
21 those drills?

22 A. Yes, I did. Actually, when I was out  
23 there, I did.

24 Q. I have a THINK drill page from the HSE  
25 manual in front of you. And there's no Bates number

1 on it. It's Transocean Health and Safety Policy and  
2 Procedures Manual, Section 4, Subsection 2.1.

3 Can you read Section 4, Procedure?  
4 Just read, I think, the THINK -- from the THINK  
5 plan. Can you read that into the record?

6 THE WITNESS: I haven't seen it  
7 before.

8 MR. HILDER: Just for the record,  
9 this is a Transocean document that  
10 Mr. Cocalis has never seen, and he can  
11 read it, but --

12 MR. MATHEWS: Okay. I'll ask a  
13 question about it, then. He has  
14 participated in a THINK drill.

15 A. Yes, I have.

16 Q. (BY MR. MATHEWS) Okay. And a THINK  
17 drill, are you aware that utilizing knowledge and  
18 experience to demonstrate risk are As Low As  
19 Reasonably Practical by applying the appropriate  
20 level of risk assessment? Is that portion of the  
21 THINK drill?

22 MR. HILDER: Well, again,  
23 respectfully, sir, you know, a THINK  
24 drill -- any company can have a THINK  
25 drill. That's a pretty general question.

1           Maybe if you could confine it to BP's  
2           policy and procedure THINK drill and then  
3           provide him with the documents --

4                   MR. MATHEWS: Unfortunately, that is  
5           BP's policy when they're on board the  
6           DEEPWATER HORIZON.

7                   MR. HILDER: The Transocean  
8           document --

9                   MR. MATHEWS: Yes, sir.

10                   MR. HILDER: -- that he hasn't seen?

11           A.       I'm sorry, what was the question again?

12           Q.       (BY MR. MATHEWS) Is that one of the  
13 portions of a THINK drill, is to -- to get all risk  
14 to a level of ALARP, As Low As Reasonably Practical?

15           A.       I actually do not know.

16           Q.       And the bridging document, for my  
17 record, for BP's bridging document is to ensure that  
18 all personnel on board actually participate and  
19 actively -- or are covered in Transocean's HSE  
20 manual. And you're not familiar with that at all,  
21 sir?

22           A.       No, I'm not.

23           Q.       I have a few questions about ALARP,  
24 just -- the acronym As Low As Reasonably Practical.

25                   In your opinion, was the risk

1 associated with the production casing cement job  
2 ALARP?

3 A. Yes, I believe it was.

4 Q. Did you send any information to the rig  
5 since you were involved with all the operations  
6 during that duration about the centralizer issue or  
7 any type of gas flow potential in the models that  
8 they had, or is that a decision that's made on the  
9 beach?

10 A. I didn't know anything about a gas flow  
11 potential. But on the centralizers issue, can you  
12 say that again?

13 Q. I was specifically speaking to the  
14 OptiCem report.

15 A. Oh, okay.

16 Q. Are you familiar with BP's DWOP?

17 A. Yes, sir, I am.

18 Q. I have that in front of you, too, and  
19 please correct me if I'm wrong, but this is the  
20 out-of-date version. I have to verify. Mr. O'Bryan  
21 said that they just joined two documents, so I can  
22 only assume that this portion is still in the  
23 original document. And it's "3.4, Workplace  
24 Practices."

25 Can you read 3.4.1, sir?

1 (Counsel confers with witness.)

2 MR. HILDER: Sir, with the  
3 reservation that this is the out-of-date  
4 policy, he'll read it pursuant to your  
5 request, into the record. But this  
6 appears to be from the out-of-date DWOP.

7 MR. MATHEWS: I thought I tried to  
8 make that as clear as possible. And I'm  
9 going to go cross-reference. I have  
10 not -- I have yet to receive the updated  
11 one. But from Mr. O'Bryan's testimony  
12 yesterday, he just generally said that  
13 they took this DWOP and joined it with  
14 another engineering document. There was  
15 nothing removed from it, so I've got to do  
16 a gap analysis on it. But at this time,  
17 I'm under the impression this is still in  
18 there. But I do understand that I do have  
19 in my hand an out-of-date document.

20 A. Well, the -- I guess all I'm saying is,  
21 I don't know that this is exactly the same as what  
22 our new policy is.

23 Q. (BY MR. MATHEWS) Okay. And when did  
24 that new policy come into play?

25 A. Around early January.

1 Q. Do you know -- I'll ask you this  
2 question. Do you know if BP has a practice to keep  
3 all of its "...risks shall be managed to a level,  
4 which is as low as reasonably practical" at all its  
5 workplaces?

6 A. I believe that that is a desire that  
7 they have. I don't know if it's actually written in  
8 the new policy that -- that -- in that exact  
9 language, but I believe that that is a desire  
10 of -- of managing risk.

11 Q. Do you review the procedures that are  
12 performed on this well, sir, before they're actually  
13 done? Like the APDs, the APMs, the actual  
14 procedures that are sent to the rig for  
15 displacement, circulating bottoms up?

16 A. Some of it I do. I haven't reviewed all  
17 of them.

18 Q. So it is still your testimony that  
19 running 21 centralizers wouldn't have reduced the  
20 level of risk on the DEEPWATER HORIZON?

21 A. The level of -- of risk of what?

22 Q. Potential gas flow channeling.  
23 Anything. Workplace safety.

24 A. No, I don't believe I can answer that  
25 question in that manner. There's too many

1 variables.

2 Q. Okay. Would circulating bottoms up  
3 prior to the cement job reduce the level of risk?

4 A. Circulating? Circulating full bottoms  
5 up?

6 Q. Yes, sir.

7 MR. HILDER: And can I just ask for  
8 clarification. Risk of what?

9 MR. MATHEWS: Workplace safety.

10 A. It would -- it would depend. I -- I --  
11 it would depend on -- on how you felt -- how static  
12 your wellbore was.

13 Q. (BY MR. MATHEWS) Would setting the  
14 lockdown sleeve prior to displacing a riser reduce  
15 the level of risk?

16 A. I don't know. I -- I have not run a  
17 lockdown sleeve. I'm not -- I just have a general  
18 knowledge of that equipment.

19 Q. Okay. At any time, did you have any  
20 communication with anyone concerning the  
21 personnel-on-board numbers on April 20th?

22 A. The --

23 Q. POB.

24 A. POB numbers?

25 Q. Yes, sir.

1 A. On -- on what day?

2 Q. About work to be done on April 20th?

3 A. Oh. I -- I recall a -- I was working  
4 with a gentleman that was going to do some IT work  
5 for the rig. It was one or two people that were  
6 going to go out. To the best of my knowledge, it  
7 was around that time, but I don't -- I don't  
8 remember the exact. I -- that's the only thing I  
9 remember about POB.

10 Q. Okay. Did you actually encourage him to  
11 go and do his work on the 19th, do the POB issues on  
12 the 20th?

13 A. I don't remember exactly what I -- what  
14 I typically did was, I would -- would ask the rig  
15 what would be best for them. It was not a  
16 high-priority item, and I would -- would work with  
17 the well-site leaders and the rig clerks to have  
18 them tell -- tell me basically what's best for them.

19 Q. Okay.

20 FURTHER EXAMINATION  
21 BY MR. DYKES:

22 Q. Mr. Coteles, I want to back up to the  
23 OptiCem model.

24 You stated that you and Mr. Morel  
25 rearranged the spacers, the centralizers in the

1 bottom -- lower portion of the well.

2                   Did you-all go back and rerun an  
3 OptiCem model with the new location of the  
4 centralizers?

5           A.        I did not.

6           Q.        You did not.

7                   MR. DYKES:   Thank you.

8                   MR. MATHEWS:  I just have one other  
9                   question.

10                   F U R T H E R   E X A M I N A T I O N

11 BY MR. MATHEWS:

12           Q.        Would you performing a cement bond log  
13 reduce the level of risk to workplace safety?

14           A.        I don't know.

15                   MR. HILDER:   Yeah.

16                   MR. MATHEWS:  Thank you, sir.

17                   HON. ANDERSEN:  Any other Board  
18                   members?

19                   MR. DYKES:   Not at this time.

20                   E X A M I N A T I O N

21 BY CAPT. NGUYEN:

22           Q.        Good morning, Mr. Cocales.

23           A.        Good morning.

24           Q.        After what happened yesterday, as I  
25 indicated this morning, you're a very brave man for

1 showing up today.

2 A. Thank you.

3 Q. Thank you for being here. Thank you for  
4 your preparation. I haven't heard one "I do not  
5 recall" out of you, and for responding, providing  
6 direct answer to our questions so far, so.

7 I greatly appreciate your  
8 willingness to come here to help us find out what  
9 happened to prevent a similar casualty from  
10 occurring in the future.

11 I respectfully request that all PIIs  
12 representative to treat Mr. Coteles with the highest  
13 professional level or professional courtesy. I  
14 think he's -- so far, he demonstrate that he deserve  
15 it.

16 So, with that, I have one question  
17 for you, and I want to -- I need to preface it,  
18 so -- it may be a question that you may or may not  
19 have the answer to.

20 Now, every Coast Guard member should  
21 ascribe to be either a commanding officer or officer  
22 in charge. And the pin that I wear right here,  
23 which is the same one that Capt. Higgins is wearing,  
24 it's a symbol about willingness to lead and to  
25 accept accountability.

1                   During this week of hearings, as we  
2 conduct technical verification of the well design  
3 and installation, we also examine the safety culture  
4 and Safety Management System which support the  
5 people who make technical decision and conduct the  
6 actual construction operation.

7                   Up until now, there has been a lot  
8 of finger pointing, which gave me the impression  
9 that nobody has a total awareness and accountability  
10 for this very complex and expensive operation.

11                   I don't know whether you have seen  
12 it, yesterday hearings, what was interesting to me  
13 is that both Mr. Patrick O'Bryan and Mr. David Sims  
14 have pointed at Mr. John Guide, the well team  
15 leader, as the decision-maker. If that is true,  
16 that's a huge responsibility for one position and on  
17 one man.

18                   If you aspire to be -- and this is a  
19 question -- if you aspire to be a well team leader,  
20 what changes, if any, would you like to see be made  
21 to your company safety culture and Safety Management  
22 System to ensure your success as a well team leader?  
23 So that's the question.

24                   I hope I clear in my preface to that  
25 question. So you may not have the answer, but it's

1 a recommendation -- it's a recommendation to help us  
2 prevent something like this from happening in the  
3 future.

4 Thank you, sir.

5 A. It's a large question. It's a good  
6 question. I -- I think in -- I -- from what you  
7 said, I -- I think Mr. Guide has -- has  
8 accountability to execute the well plan, but I -- I  
9 don't believe that he's the only person that is  
10 accountable for all operations that are -- that are  
11 going on around him. There's a great number of  
12 resources that are in the company to -- to help that  
13 person.

14 But you're exactly right.  
15 It's -- it's a -- it is a big responsibility. There  
16 is a lot of areas that are going on all  
17 around -- around him.

18 That was one of the reasons why they  
19 had operation drilling engineers move in to help the  
20 well site -- I mean, excuse me, the wells team  
21 leader.

22 MR. HILDER: Maybe, sir, in terms of  
23 positive recommendations, because this  
24 is --

25 CAPT. NGUYEN: If he --

1 MR. HILDER: If we could supply that  
2 later to the committee?

3 CAPT. NGUYEN: Yes, sir, if you can  
4 think of something throughout, I think, at  
5 the end, we'll ask you for your  
6 recommendation, and if any comments you  
7 may have. Then, you know, just think  
8 about the question I pose to you. I don't  
9 need an answer right now.

10 THE WITNESS: Fair enough. Thank  
11 you.

12 CAPT. NGUYEN: Thank you, sir.

13 HON. ANDERSEN: Any other Board  
14 questions?

15 E X A M I N A T I O N

16 BY CAPT. HIGGINS:

17 Q. Just very briefly, sir, all of these  
18 people have pointed to Mr. Guide as the final  
19 decision point.

20 Do you concur that that is the final  
21 decision point, or is it somewhere else?

22 A. There's a number of decisions that have  
23 to be made. That person is generally in the  
24 forefront of that decision-making, but I don't know  
25 in all the decisions, so I -- would it -- would you

1 be able to be more specific on what particular  
2 decisions that you were -- or even area of  
3 decision-making?

4 Q. Well, we've heard a lot of hearing with  
5 regard to how many centralizers, whether or not --  
6 and those types of decisions. What I'm trying to  
7 examine a little more closely is the decisions that  
8 were reserved to Mr. Guide and those that would have  
9 been made by the well-site leader on board and  
10 trying to understand if Mr. Guide was singularly  
11 responsible for those decisions and communicated  
12 them to the rig to be executed, or if the person on  
13 board the rig, whoever that might be, would have the  
14 ultimate decision to say go or no go.

15 A. Certainly we -- we aspire to have the  
16 well-site leaders to be empowered to do their job  
17 and to stop the job. Their knowledge is -- is  
18 indispensable in running our operation, their  
19 experience. And -- and we absolutely want them to  
20 be able to manage their operations and to -- and  
21 to -- in their best judgment decide if things are  
22 not safe, absolutely.

23 At the same time, their job is  
24 to -- is to manage the operation, and there's other  
25 people that -- at the well site, excuse me. You

1 know, they're focused on managing the operations of  
2 the well site.

3                   The people in the office are focused  
4 on design issues and -- and those kind of things,  
5 and if we -- I would just hate to overload him.  
6 We're always concerned about overloading those folks  
7 to the point that where they've just got too much.  
8 Because, right now, they do a lot of paperwork as it  
9 is.

10           Q.       So specifically with a decision on how  
11 many centralizers would be used, Mr. Guide would be  
12 the one that made and implemented that decision?

13           A.       It wouldn't have to be just Mr. Guide,  
14 but he did make that -- he was one of the people  
15 that made that decision. I don't believe he was the  
16 only person, though.

17           Q.       With regard to the 21 centralizers, was  
18 your concern with that 21 versus 6, was that a  
19 safety concern that would be potential for blowout  
20 or the reduced number would lead to some other  
21 remedial action being required?

22           A.       In -- in my assessment, I felt like the  
23 worst-case scenario is, if it did channel, we would  
24 lose circulation and we would have to remediate. We  
25 would then have to do -- we wouldn't have to, but

1 the plan was to then do the cement bond log and  
2 assess if the cement -- how high it came up and did  
3 we fulfill the requirements of getting it to the  
4 planned height. If not, it would be a remediation.

5 Q. So the change from 21 to 6 centralizers  
6 put a condition that might require further work, but  
7 you did not believe jeopardized the safety of the  
8 well; is that right?

9 A. That is correct.

10 CAPT. HIGGINS: Thank you.

11 HON. ANDERSEN: Any other questions?

12 FURTHER EXAMINATION

13 BY MR. DYKES:

14 Q. Mr. Cocalles, Mr. Mathews and I were  
15 sitting here, and -- and -- going back to this org  
16 chart. We want to make sure that we've got our  
17 notes straight.

18 Prior to the incident, you worked  
19 for John Guide?

20 A. Yes, correct.

21 Q. And post-incident, at some point in  
22 time, or maybe even actually right before the  
23 incident, you got moved under Greg Walz?

24 A. Yes, that's correct. I mean, it would  
25 have been at the time that we had our organizational

1 change, and that would have been -- I don't remember  
2 the exact date, but it was in -- in early April,  
3 first, second week of April.

4 Q. Okay. Did anybody take your place  
5 working for John Guide?

6 A. Not to my knowledge, no.

7 Q. Okay. Because I wanted to make sure. I  
8 thought I heard you tell Capt. Nguyen or maybe  
9 Capt. Higgins that that was one reason that  
10 they -- they moved a drilling engineer under the  
11 wells team leader was to give that wells team leader  
12 assistance on that side of the fence, so to speak,  
13 and I'm just curious. So they had him over there  
14 for a particular reason and they moved him back.  
15 I'm still struggling with that.

16 A. Yeah, I understand. You know,  
17 that -- that's in my personal belief  
18 that -- that -- that that -- that person was there  
19 as a resource to help him in which he needed. I  
20 think in not all cases they felt like it was a -- my  
21 understanding of the organizational is -- was, it  
22 was a role where they wanted engineers to report to  
23 an engineering team leader, and the wells team  
24 leader, the well site leaders would report directly  
25 to the wells team leaders.

1                   So I guess it was an organizational  
2 change made that was consistent with other parts of  
3 our operation. They -- and I don't know  
4 how -- how -- I was not involved in how they  
5 risk-assessed that, but there -- there was some  
6 concerns. And -- and there still are -- there still  
7 are operations. Drilling engineers that are  
8 operating in that capacity. But the intent was to  
9 move them under engineering.

10                   I don't know if I -- did I answer  
11 your question? I'm sorry.

12           Q.       It did.

13           A.       If you're asking my personal opinion, I  
14 think that person would -- could use some additional  
15 resource and additional help. Is -- is my belief.

16                   MR. DYKES: Thank you.

17                   HON. ANDERSEN: Any other -- any  
18 other questions?

19                   Marshall Islands will question  
20 first.

21                   Just to reinforce what the Captain  
22 said, I think certainly observing  
23 yesterday, perhaps this is my  
24 responsibility as much as anyone else's.

25                   A lot of the cross-examination -- or

1 the examination really is what it is, not  
2 really cross-examination, was more in a  
3 trial mode as if this were an adversarial  
4 proceeding.

5 Now, the Board -- the substance of  
6 the answers of witnesses are fully of  
7 significance of that substance, is fully  
8 recognized by the Board. And even though  
9 a certain amount of theatrics makes the  
10 day more interesting and helps us get  
11 along, it really inhibits the ability  
12 oftentimes of the witness who is providing  
13 us with information to give us good  
14 information.

15 So if you would -- if we could  
16 restrain ourselves with drawing -- with  
17 arguing with the witness or -- or any kind  
18 of theatrical behavior, that would  
19 be -- that would be helpful.

20 Okay. Marshall Islands?

21 MR. LINSIN: Thank you, Your Honor.

22 E X A M I N A T I O N

23 BY MR. LINSIN:

24 Q. Good morning, Mr. Coteles. My name is  
25 Greg Linsin. I represent the Marshall Islands.

1 A. Good morning.

2 Q. I believe you testified that you  
3 occasionally were involved in conversations with  
4 people on the rig; is that correct?

5 A. I -- I was not very -- I was rarely  
6 involved with conversations. If you're -- if you're  
7 talking about well-site leaders, rarely.

8 Q. In the last few days before April 20th,  
9 did you participate in the morning meetings with the  
10 folks on the DEEPWATER HORIZON?

11 A. I -- I did when I -- when I could, yes.

12 Q. And -- and do you recall how many days  
13 that was?

14 A. In what time period?

15 Q. In the last few days before April 20th.

16 A. I believe the last morning call in the  
17 office was -- was the 15th.

18 Q. Would there have been one on the -- that  
19 was the last one you participated in?

20 A. Yes, sir. Yes.

21 Q. Okay. And between the 15th --

22 HON. ANDERSEN: You might want to  
23 slide the microphone over a little bit  
24 since you'll be facing the lectern. Just  
25 a little bit easier, that's all. I mean,

1           it's coming across fine, but I think it  
2           will be easier for you. Thank you.

3           Q.       (BY MR. LINSIN) Between the 15th and  
4 the 20th, do you recall having any telephone  
5 conversations with any persons on the rig?

6           A.       I recall having telephone conversations  
7 with -- with Brian Morel was the only person I  
8 recall.

9           Q.       And when were those telephone -- when  
10 was that contact?

11          A.       I -- I had talked to Mr. Morel on the  
12 15th, the afternoon of the 15th, and I also had  
13 spoke with him on the afternoon of the 16th.

14          Q.       And can you share with us what the  
15 substance of those conversations was -- were about?

16          A.       Yes, sir. We were talking about getting  
17 the additional centralizers out to the rig.

18          Q.       Any other topics?

19          A.       No, that was it.

20          Q.       And how did you decide or who decided  
21 which centralizers to send out to the rig?

22          A.       They were -- that was decided by what we  
23 could get in that amount of time.

24          Q.       And who did the looking to figure out  
25 what you could get in that amount of time?

1           A.           On the afternoon of the 15th, I did -- I  
2 did that.

3           Q.           All right. And can you describe,  
4 please, what you did to -- to determine what was  
5 available within that time frame?

6           A.           Well, yes. I -- I called our -- our  
7 Weatherford sales rep and basically asked him what  
8 he had available that he could get delivered to the  
9 rig, if -- if -- at that point in time, we weren't  
10 sure we were going to do it, but I said, "What could  
11 you get in a short amount of time to the rig, in the  
12 next day?"

13          Q.           All right. And can you explain to us  
14 why it was necessary to figure out how -- what could  
15 be gotten to the rig in the next day, in that time  
16 frame? Who would define that time frame?

17          A.           Prior to that, it -- in the late  
18 afternoon, I was -- I -- Greg Walz, the engineering  
19 team leader and -- I had met him and Mark Hafle at  
20 the end of the hallway, and he asked, could I look  
21 at seeing what I could get for additional  
22 centralizers.

23          Q.           And within a certain time frame?

24          A.           Well, yes. Because we were trying to  
25 get them to the rig as soon as possible. I mean, it

1 would have to go out the next day in order for them  
2 to be available to the rig to get them to look at  
3 them, to inspect them and to possibly be ready to  
4 run them.

5 Q. All right. And what information did you  
6 receive about what types of centralizers were  
7 available within that time frame?

8 A. From -- from who?

9 Q. Well, the representative that you said  
10 you spoke with.

11 A. Yeah. He responded back that -- that he  
12 had 31 centralizers that were available that were in  
13 BP's inventory that were of a particular design that  
14 we had used before.

15 Q. And physically where were they located?

16 A. I do not know.

17 Q. All right. And did any of those  
18 centralizers get out to the rig?

19 A. I didn't physically put my hand on them,  
20 but I believe that they -- that 15 of them were  
21 shipped to the rig --

22 Q. All right.

23 A. -- and delivered on the 16th. But I  
24 can't confirm that directly.

25 Q. Okay. But who, then, would have caused

1 that to happen?

2 A. The approval would have come from Greg  
3 Walz to me.

4 Q. And so was it you, then, that asked that  
5 they be shipped to the rig?

6 A. Yes, I did.

7 Q. All right. And did you tell Greg Walz  
8 what type of centralizers were available?

9 A. I -- I relayed information to him, yes.

10 Q. Regarding the type of centralizers  
11 available?

12 A. Yes, correct.

13 Q. All right. And he asked you then to  
14 make arrangements to ship those to the rig?

15 A. Yeah, he did -- he did confirm. We  
16 tried to confirm with Mr. Guide before he made -- he  
17 made that call out of consideration that  
18 it -- it -- that since John is the wells team  
19 leader, John Guide, and so he did attempt to  
20 contact -- John left him a message and -- and he did  
21 finally get ultimate approval from David Sims.

22 Q. Approval -- and I'm -- I'm not trying to  
23 be difficult here. But approval to ship  
24 those -- that type of centralizers or to ship  
25 centralizers generally?

1           A.           To ship centralizers in general.

2           Q.           As far as you know, sir, was there any  
3 question about which type of centralizers were  
4 needed, or were you given direction or guidance as  
5 to what type you needed?

6           A.           No. I -- I was -- I was just -- the  
7 only direction I was given was, see what we could  
8 get in a short amount of time.

9           Q.           Let me ask about a couple of other  
10 topics, if I can.

11                           Did you have conversations with  
12 anyone -- and this would have been for time frame  
13 purposes, the -- I believe April 19th --  
14 conversations with anyone regarding some pressure  
15 variations that had been detected after -- in the  
16 circulating pressures for the mud, after they had  
17 converted the oil field equipment in this well?

18           A.           Pressure differences in the mud or...

19           Q.           Differences between the -- the  
20 anticipated pressures in the models that had been  
21 run by M-I SWACO and actually by Halliburton  
22 and -- and the pressures they were actually getting  
23 once they circulated the mud.

24           A.           All right. Yes. I -- I was aware of  
25 that.

1 Q. All right. And with whom did you  
2 discuss that?

3 A. I discussed it primarily with -- John  
4 Guide was -- was in the general area. I was talking  
5 with our M-I fluid specialist, and then there was  
6 another gentleman, John Lablue, who was a BP fluid  
7 specialist.

8 Q. And did those conversations result in  
9 the request to M-I SWACO to rerun the model?

10 A. I didn't have them -- I -- I asked them  
11 to run a model to see what they were coming up with  
12 at that point in time, yes.

13 Q. All right. And why did you ask them to  
14 do that?

15 A. The circulating pressure seemed to be  
16 lower than what -- what was expected.

17 Q. And what concern did that raise for you?

18 A. Well, I -- I mean, just a general  
19 concern that -- we were trying to make sure there  
20 wasn't something that was wrong, and so it was a  
21 general assessment of, is everything right at this  
22 point in time.

23 Q. And did you -- had you heard from  
24 Mr. Guide or from anyone that Mr. Kaluza or  
25 Mr. Vidrine had expressed any concerns about those

1 pressure differentials?

2 A. The only thing I heard was  
3 that -- through -- through Mr. Guide that the  
4 well-site leader had thought they were concerned  
5 that it seemed low to them.

6 Q. And after this model was rerun, what was  
7 the evaluation of that recalculation and the low  
8 pressures that were being received or had been  
9 received?

10 A. On -- on the model or...

11 Q. On the differences. Did the rerunning  
12 of the model reduce or eliminate the differences, or  
13 what was the result?

14 A. No. The -- the model that I looked at,  
15 they were able to reduce it slightly. It -- they  
16 never could get it to match up directly, but they  
17 also did say in the model that pressure -- for them  
18 to estimate pressure was one of the most difficult  
19 things that they do. They said it's very difficult  
20 just to estimate a pressure directly.

21 Q. And is it accurate, or do you recall, is  
22 it fair to say that the difference in these  
23 pressures was a couple of hundred psi? Is that what  
24 you -- does that fit with your recollection?

25 A. I don't recall the exact number.

1 Q. Okay. Was there some determination made  
2 as to whether these differences represented a  
3 problem or didn't represent a problem? How -- how  
4 was that issue resolved?

5 A. I -- I did not give the rig direction  
6 myself, but I was in the area. But John Guide was  
7 having them -- well, through a conversation between  
8 John Guide and the well-site leaders, they tried  
9 changing pumps. So that was the first thing, to see  
10 if the difference in pumps would make a difference.  
11 And there was some slight differences in the  
12 pressures.

13 And then they also had tried a  
14 diagnostic test to make sure that it wasn't leaking  
15 through the diverter valve that -- that we have as  
16 part of the running the casing. So they did -- they  
17 put a procedure together to check that and assess  
18 that to make sure that that was not flowing across  
19 there, the top there.

20 Q. And what were the results of those  
21 efforts?

22 A. The results were negative, that there  
23 was no flow across it, that the diverter valve was  
24 considered to be closed and it was not leaking.

25 Q. And so what was the resolution? How did

1 the issue get resolved?

2 A. I don't believe it ever got resolved  
3 other than they felt like the gauge pressures  
4 was -- was inaccurate.

5 Q. And the conversations you're just  
6 describing, sir, did -- is it your recollection they  
7 occurred on the -- on April 19th; is that correct?

8 A. I believe it is. I don't remember  
9 exactly. I --

10 Q. Did you have any conversations with  
11 anyone regarding the negative tests that were run on  
12 the rig on April 20?

13 A. No, I did not.

14 Q. Were you involved in the development of  
15 the ops note that was sent to the rig regarding the  
16 negative tests and the procedures for that day?

17 A. I -- I was cc'd on some e-mails. I did  
18 not write the procedure.

19 Q. Is that a typical ops note that gets  
20 sent to the rig, in your experience?

21 A. I -- the ops notes, I don't know  
22 if -- if you -- if you call it a typical. I mean,  
23 it was -- it was an ops note. I --

24 Q. Here's what I'm -- what I'm trying to  
25 explore and see if you can --

1 MR. CLARKE: Your Honor, Mr. Linsin,  
2 for the record, could we just be clear  
3 that that document you're referring to is  
4 BP-HZN-MBI00021237? And it's Exhibit 29  
5 in the booklet.

6 MR. HILDER: We don't have that  
7 exhibit before us. We would like to see  
8 it before Mr. Cocales --

9 MR. LINSIN: If it will help the  
10 witness, I will be happy to provide it. I  
11 don't intend to go into it, but I'm happy  
12 to share it with the witness if --

13 MR. HILDER: As a point of order,  
14 Judge, we're under the impression that  
15 there's a ten-minute rule, and the  
16 Marshall Islands has exceeded the ten  
17 minutes. And I would just like the -- the  
18 Judge to impose a ten-minute restriction  
19 pursuant to the rules of this panel.

20 HON. ANDERSEN: It's a -- well, in  
21 our first meeting -- it's a goal. And  
22 there's -- there's -- seriously, it's not  
23 possible with respect to some of the  
24 parties with respect to some of the  
25 interests to allow them to cover the

1 material they need to cover in that period  
2 of time. And we're going to -- you know,  
3 I will make renewed efforts to try to do  
4 that. But we all know that -- and,  
5 actually, on average, it's come out to  
6 that. But I'm not going to cut somebody  
7 off just because the ten minutes -- the  
8 real issue is, are we treating people  
9 respectfully and are we covering new  
10 ground? We really -- we're really going  
11 to try to avoid repetition.

12 Yes?

13 MR. HILDER: Respectfully, I was  
14 thinking that the -- that the panel is  
15 looking to determine what happened.

16 HON. ANDERSEN: Fine, when  
17 you -- fine, when you have this spot, then  
18 you can impose that rule. But we have it  
19 as a goal. We have it as a goal. We went  
20 over it with the attorneys at all of our  
21 7:30 meetings, and -- and, actually, even  
22 though we've spent a lot of time, on  
23 average, we've probably kept -- basically  
24 due to people choosing not to exercise  
25 their rights -- within that.

1                   But there's been a number of  
2                   situations where there's such a  
3                   substantial interest, be it by a huge  
4                   corporation, or in some cases an  
5                   individual, that I felt that just drawing  
6                   the line at ten minutes, even though it's  
7                   an overall goal average, would not be  
8                   appropriate. Having said that -- and I  
9                   can appreciate where you're coming from,  
10                  and maybe in the next round of hearings  
11                  we'll have some -- some artificial goal.

12                  Yes?

13                  MR. BRIAN: Your Honor, Brad Brian  
14                  for Transocean. We've passed out a  
15                  binder. I was about to give Counsel for  
16                  the witness a binder. Our binder that I'm  
17                  going to use does happen to include the  
18                  document that counsel just referred to.  
19                  It's Exhibit 29.

20                  CAPT. NGUYEN: Also a point of  
21                  clarification here. Marshall Islands, as  
22                  the flag state, has some privilege in  
23                  terms of they have to conduct their  
24                  independent investigation under the  
25                  international maritime responsibility.

1                   So, therefore, even though they  
2                   designated as a party in interest in the  
3                   convening orders, they do have some  
4                   privilege to -- to -- you know, in terms  
5                   of their investigative responsibilities.

6                   MR. HILDER: Oh, I appreciate that,  
7                   and -- but I know the mandate from this  
8                   board is going to be different than the  
9                   mandate from the parties of interest with  
10                  the subsequent litigation that is going to  
11                  ensue, and I just don't want this to be a  
12                  forum for them to get a jump start on  
13                  their discovery.

14                 HON. ANDERSEN: Correct. You're  
15                 correct.

16                 MR. HILDER: Trumping the panel's  
17                 mission here.

18                 HON. ANDERSEN: Well, I think that's  
19                 correct. I mean, this is not a forum for  
20                 discovery or discovery about discovery,  
21                 and I'm going to make a strong effort  
22                 to -- to keep that -- to prevent that from  
23                 happening. So if during the questioning  
24                 of your witness you find -- you feel any  
25                 question's irrelevant or it's repetitive,

1 and with that other goal in mind, I'm -- I  
2 would welcome an objection then.

3 I will be on my toes for that,  
4 perhaps being more restrictive than I  
5 should be. But I think you have a good  
6 point. And if someone wants to write a  
7 law review article on the rights of flag  
8 states during Coast Guard hearings, that  
9 would be helpful, probably.

10 MR. KOHNKE: Mr. Fanning has that  
11 planned right now.

12 HON. ANDERSEN: Exactly.

13 MR. FANNING: This weekend, Judge.

14 HON. ANDERSEN: If he writes it, we  
15 know it will be short.

16 MR. FANNING: In ten minutes, you  
17 can read it.

18 HON. ANDERSEN: Joint hearings. And  
19 if there could be a part 2 on joint  
20 hearings, that would -- on the rights of  
21 flag states, that would really be helpful.

22 In any event, please proceed.

23 MR. LINSIN: Thank you, Your Honor,  
24 and thank you, Counsel, for providing the  
25 exhibits to the witness.

1 Q. (BY MR. LINSIN) Mr. Coteles, let me  
2 pose the question I was going to ask, and if it  
3 would help you to reference that document, please do  
4 so.

5 My question is simply this: There  
6 were negative tests performed on the rig on April  
7 the 20th. The document that I had referenced  
8 describes the fact that a negative test is to be  
9 performed. That's one of the numbered items on  
10 there. And what I'm trying to understand is whether  
11 there is other guidance or direction to the  
12 well-site leader or other personnel on the rig as to  
13 how a negative test is to be performed. That's what  
14 I'm trying to understand.

15 A. I do not know if the rig has other  
16 procedures that they follow, but as far as  
17 pertaining to this document, this -- this was the  
18 guidance given them on the objectives of doing the  
19 negative test.

20 Q. And as far as you're aware, there were  
21 not other written instructions or guidelines given  
22 to the rig as to how those tests should be  
23 performed; is that correct?

24 A. That is correct. To my knowledge, there  
25 were not other ones, but there could have been. I

1 don't know.

2 Q. Do -- do you know, in -- in any of the  
3 training that one might receive to become a  
4 well-site leader, is there training provided on  
5 negative tests, what their objectives are and how  
6 you perform them and how you evaluate the results?

7 A. The training that would be most  
8 suitable, in my opinion, is the training they get  
9 from a well control school. Doing a negative test  
10 is not much different than shutting a well in,  
11 checking for pressure and checking for flow.  
12 Something that all rigs, all -- I don't want to make  
13 that broad a statement. Something that I would  
14 expect the rigs of this class to be able -- to do  
15 with the well certification training that they've  
16 been through.

17 Q. Okay.

18 MR. LINSIN: Thank you very much.

19 HON. ANDERSEN: Thank you.

20 Do you have any questions at this  
21 point for your client?

22 MR. HILDER: I will reserve my  
23 questions, sir.

24 CAPT. NGUYEN: Why don't we take a  
25 ten- minutes break and convene at 9:40.

1 Thank you.

2 (Break.)

3 HON. ANDERSEN: The first party in  
4 interest that can question is BP. My  
5 understanding is, you do not wish at this  
6 point in time to ask questions?

7 MS. KARIS: That is correct.

8 HON. ANDERSEN: Okay. Then the next  
9 on the list is a company called  
10 Transocean. And you're ready to go.

11 MR. BRIAN: I am ready.

12 Good morning. Brad Brian for  
13 Transocean.

14 E X A M I N A T I O N

15 BY MR. BRIAN:

16 Q. Good morning, Mr. Coteles.

17 A. Good morning.

18 Q. I passed out a binder of exhibits  
19 that -- I think it says Mr. Coteles and Mr. Hafle on  
20 the front. Could you turn to Exhibit 26 first,  
21 please. That bears the Bates stamp of HAL\_0011208.

22 Do you see that?

23 A. Yes, sir.

24 Q. And that's -- the bottom e-mail is an  
25 e-mail from Jesse Gagliano, dated April 18, 8:58

1 p.m., to you and a bunch of other folks, is it not?

2 A. Yes, correct.

3 Q. Now, turn to Exhibit 27. That there is  
4 Bates stamp HAL 001098.

5 Do you see that?

6 A. Yes.

7 Q. That's the report that was attached to  
8 the e-mail from Mr. Gagliano on the night of  
9 September -- of April 18th, is it not?

10 A. That's one of the reports, yes.

11 Q. And turn to page 18 of this exhibit,  
12 please.

13 A. Okay.

14 Q. I think you testified in response to the  
15 panel's questions that you did not read the phrase  
16 "SEVERE gas flow."

17 Is that your testimony, sir?

18 A. I did not see this in the report, no.

19 Q. Now, the e-mail, which is Exhibit 26,  
20 also went to, among others -- if you can go back to  
21 that -- Mr. Hafle, did it not?

22 A. I believe so, yes.

23 Q. And it also went to Mr. Walz, did it  
24 not?

25 A. Yes.

1 Q. And also to Mr. John Guide, too,  
2 correct?

3 A. Yes, and several other people as well.

4 Q. Now, Mr. Guide testified under oath in  
5 front of this panel that he did not read the report  
6 prior to the April 20th incident. You testified  
7 that you did not read the phrase "SEVERE gas flow."

8 Do you know whether Mr. Hafle or  
9 Mr. Walz read the report prior to April 20th?

10 A. No, I do not.

11 Q. Did you tell them to read it?

12 A. No, I did not.

13 Q. Did you tell them that you were  
14 expecting it?

15 A. That I was expecting the report?

16 Q. Yes.

17 A. No.

18 Q. You were expecting it, weren't you, sir?

19 A. I'm not sure I understand the question  
20 on why I would be expecting it.

21 Q. Didn't Mr. Gagliano tell you that he was  
22 going to run additional models and send them to you?

23 A. I don't recall him saying that to me.

24 Q. Mr. -- take a look at Exhibit 23. Same  
25 binder. Bates stamp BP-HZN-SNR00019040.

1 Do you see the e-mail in middle of  
2 the page from Mr. Gagliano the day before, April  
3 17th?

4 A. Yes, I see it.

5 Q. And that goes to you, among others,  
6 doesn't it?

7 A. Yes.

8 Q. In the last paragraph, he states to you  
9 in that e-mail, "Can you also confirm if we are  
10 running the additional centralizers or not. I heard  
11 from the rig we were not going to run them. If this  
12 is the casing" -- I think he means case -- "I will  
13 update the OptiCem to reflect."

14 A. Yes.

15 Q. You saw that e-mail April 17, didn't  
16 you, sir?

17 A. I did see this, yes.

18 Q. You knew that he was going to update the  
19 OptiCem, didn't you?

20 A. That's what it says in the e-mail.

21 Q. Were you on a lookout for a new report,  
22 sir?

23 A. I did not think about it, no.

24 Q. In fact, you already knew prior to April  
25 18th that there was a concern of increasing

1 channeling and increased risk of a gas flow with a  
2 lower number of centralizers, didn't you?

3 MR. HILDER: I'll object to the form  
4 of the question. Counsel is taking him on  
5 cross-examination. If this is a  
6 fact-finding mission here, then the  
7 question should be -- it should not be  
8 leading questions.

9 MR. BRIAN: I think I'm entitled to  
10 lead, Your Honor.

11 HON. ANDERSEN: Well, I think a  
12 leading question is okay. However -- you  
13 know, and it's not that there was anything  
14 particularly overly assertive about that  
15 question, but we know one thing leads to  
16 another. And -- and the point is, we want  
17 to get information out of the witness.

18 If you can do it in an open-ended  
19 without a leading way, that would be fine.  
20 We know that -- that some of his actions  
21 and nonactions you or your client may  
22 disagree with -- disagree with, we're all  
23 aware of that. But if you could just keep  
24 moving forward as you have to that very  
25 question in terms of tone, and so that

1           would -- I think that would facilitate the  
2           fact finding.

3           MR. BRIAN:   Your Honor, I don't  
4           intend to be personal.

5           HON. ANDERSEN:   Oh, I know.

6           MR. BRIAN:   I don't intend to inject  
7           any invective.   But I think it's important  
8           to be able to ask leading questions or to  
9           bring out the truth to the panel.

10          HON. ANDERSEN:   I didn't disagree  
11          with that.   I'm just asking, you know,  
12          before we have -- I've seen other  
13          occasions where lawyers actually began  
14          ascending tone, which is part of their job  
15          in an adversarial proceeding, so counsel  
16          just picked up on that now.

17                 If you could maintain the  
18          straightforward, professional tone that  
19          you've had to this very moment, that will  
20          be appreciated.   Thanks.

21          Q.           (BY MR. BRIAN)   Isn't it a fact, sir,  
22          that on April 15th, Mr. Gagliano told you that there  
23          was an increasing risk of channeling with a lower  
24          number of centralizers?   Isn't that true?

25          A.           No, not -- that is not correct.

1 Q. Take a look at Exhibit 11 in front of  
2 you, sir.

3 HON. ANDERSEN: And I might say to  
4 the witness, too, it took a long time to  
5 answer that. You don't have to -- as  
6 I -- as I have mentioned in the past, you  
7 don't have to guess or speculate. If the  
8 honest answer is you don't remember  
9 something, that's fine.

10 Now, I don't assume, you know,  
11 everything is going to be remembered in a  
12 tenth of a second, but the goal is to get  
13 the most accurate testimony from you as  
14 possible.

15 Thank you.

16 Q. (BY MR. BRIAN) I'd like you to turn to  
17 the second page, which is HAL\_0010649. You see  
18 right at the bottom, there's an e-mail that's from  
19 Jesse Gagliano on Thursday, April 15th at 3:35.

20 You see that?

21 A. Yes.

22 Q. And the e-mail continues at the top of  
23 the next page.

24 Do you see that?

25 A. Yes.

1 Q. And the e-mail is to you, Mr. Hafle,  
2 Mr. Morel and Mr. Walz, is it not?

3 A. Correct.

4 Q. And on the third full paragraph, he  
5 states in that e-mail, and I quote: "Updating the  
6 above info now shows the cement channeling and the  
7 ECD going up as a result of the channeling."

8 He told you that on April 15th,  
9 didn't he, sir?

10 A. He sent an e-mail.

11 Q. He told you that in an e-mail on April  
12 15th, didn't he, sir?

13 MR. HILDER: Objection. Asked and  
14 answered.

15 HON. ANDERSEN: Well, he might not  
16 have received the e-mail.

17 Did you get this particular e-mail?

18 THE WITNESS: Did I see the e-mail,  
19 yes.

20 Q. (BY MR. BRIAN) And that statement by  
21 Mr. Gagliano was based on a model of ten  
22 centralizers, wasn't it, sir?

23 A. That's what it says, yes.

24 Q. Now, Mr. Gagliano worked out of the same  
25 office in Houston that you did, didn't he, sir?

1           A.           He was on the same floor in the vendor's  
2 office.

3           Q.           How far away from you was he, sir?

4           A.           Quite a ways from me. I -- I -- I don't  
5 know how far exactly.

6           Q.           Did you see him every day?

7           A.           Not every day, no.

8           Q.           Did you see him often?

9           A.           I saw him in the office.

10          Q.           You saw him on April 15th, didn't you,  
11 sir?

12          A.           Yes, I did.

13          Q.           Because on April 15th, you were  
14 instructed by Mr. Hafle and Mr. Walz to work with  
15 Mr. Gagliano after you got this e-mail in order to  
16 fix the problem, weren't you?

17          A.           No, that's not correct.

18          Q.           What did they tell you to do?

19          A.           The timing of what you're saying is not  
20 correct.

21          Q.           You were told sometime on April 15th by  
22 Mr. Hafle and Mr. Walz, you should get together with  
23 Mr. Gagliano; that's true, is it not?

24          A.           They told me that -- to -- they had seen  
25 something. I don't know what it was, but they had

1 communicated to me that they saw -- I don't know if  
2 it was a model or what, because I don't remember the  
3 exact detail, but something to the regards of  
4 channeling, yes. And Greg Walz asked me to look in  
5 to see if I could get some more centralizers.

6 Q. And did you work with Mr. Gagliano that  
7 night?

8 A. I did work with him, yes.

9 Q. And you knew that he was preparing  
10 additional models with more centralizers, didn't  
11 you?

12 A. I asked him after I obtained 15 more  
13 centralizers to run another model with 21  
14 centralizers in it, yes.

15 Q. And he did that that night at 6:22,  
16 didn't he, sir?

17 A. I believe so, yes.

18 Q. You know what channeling is, don't you,  
19 sir?

20 A. I have an idea of what it is, yes.

21 Q. And channeling occurs when you create  
22 spaces or channels that are devoid of cement, right?

23 A. The cement bypasses the mud, it doesn't  
24 fully displace the mud.

25 Q. And one of the reasons you want to use

1 an adequate number of centralizers is to prevent  
2 channeling; isn't that true?

3 A. It's not true in all cases.

4 Q. Well, are you familiar with the API  
5 recommended practice 65, sir?

6 A. I am familiar of that document, but I  
7 have not committed it to memory.

8 Q. Let me read it to you and see if you  
9 agree with this.

10 MR. HILDER: Sir, can you provide us  
11 a copy?

12 MR. BRIAN: I'm going to represent  
13 to the panel and the witness that it says  
14 the following.

15 MR. HILDER: Sir, I'm not going to  
16 take your representations. You can say  
17 that, but I'd like to see the document.

18 MR. BRIAN: I'll frame it  
19 differently.

20 HON. ANDERSEN: And he may be so  
21 familiar with it that we don't need to go  
22 back and forth, but if you want to read it  
23 before you answer, that's fine. The  
24 witness said he didn't memorize it. I  
25 think he meant by section. So why don't

1           you read it, and then if you can  
2           let -- you can let your lawyer know if  
3           you'd like to look at it before you answer  
4           any questions.

5           Q.           (BY MR. BRIAN) I'll ask it differently.

6                        Do you agree that if casing is not  
7 centralized, it may lay near or against the bore  
8 hole wall? Do you agree with that?

9           A.           I don't agree that that's a true  
10 statement in every case.

11          Q.           Do you agree that it is difficult, if  
12 not impossible, to displace mud effectively from the  
13 narrow side of the annulus if casing is poorly  
14 centralized? Do you agree with that?

15                       MR. HILDER: Excuse me. Is counsel  
16 reading out of that directive, or is he  
17 just making up his own question? I don't  
18 know.

19                       MR. BRIAN: I'm just asking a  
20 question right now, Counsel.

21                       MR. HILDER: Okay. But --

22                       MR. KOHNKE: Judge, he's just asking  
23 his client --

24                       HON. ANDERSEN: Please, I'll take  
25 care of it. I'm going to let him -- I'm

1 going to overrule the objection. These  
2 are statements of -- that an engineer  
3 might well have an opinion of and be  
4 familiar with. It may or may not be that  
5 they're part of any regulation or  
6 direction or standards.

7 Q. (BY MR. BRIAN) Do you agree that it is  
8 difficult --

9 A. Sir, I'm sorry, may I see the document?

10 Q. I'm just going to read you --

11 MR. BRIAN: I'm asking a question.

12 HON. ANDERSEN: If there's a series  
13 of things that will help him focus --

14 MR. BRIAN: I don't have a document,  
15 Your Honor, I'm just reading -- I'm  
16 reading from my notes.

17 HON. ANDERSEN: From your notes.

18 MR. BRIAN: My notes. I'm not going  
19 to show him my notes. I'm asking him a  
20 question.

21 Q. (BY MR. BRIAN) Do you agree that it is  
22 difficult, if not impossible, to displace mud  
23 effectively from the narrow side of the annulus if  
24 casing is poorly centralized? Do you agree with  
25 that?

1                   HON. ANDERSEN:  Would you repeat it  
2                   so he can think about it?

3           Q.       (BY MR. BRIAN)  Do you agree that it is  
4 difficult, if not impossible, to displace mud  
5 effectively from the narrow side of the annulus if  
6 casing is poorly centralized?

7           A.       I don't have enough information to  
8 answer this question.

9           Q.       Okay.  Do you understand what isolation  
10 is?

11          A.       As in pertains to -- what kind of  
12 isolation?

13          Q.       Let me ask this question:  The purpose  
14 of putting a cement barrier in a well is to create a  
15 barrier between the oil and gas and the formation  
16 and the wellbore, correct?

17          A.       I guess that would be one, yes.  That  
18 would be one reason to do that.

19          Q.       And if you have excessive channeling,  
20 you may not have an effective barrier; isn't that  
21 right?

22          A.       May not, but you may.

23          Q.       There's a risk that you may not; isn't  
24 that right, sir?

25                   MR. HILDER:  Objection.  He's

1                   answered the question.

2                   HON. ANDERSEN: Sustained.

3           Q.           (BY MR. BRIAN) After you got  
4 this -- you had this discussion with Mr. Gagliano,  
5 he sent out a new model using 21 centralizers, did  
6 he not?

7                   HON. ANDERSEN: You mean 10 or 20?

8           Q.           (BY MR. BRIAN) He sent out a new model  
9 with the use of -- analyzing 21 centralizers, didn't  
10 he, sir?

11          A.           Yes, he did. To the best of my  
12 knowledge, he did, yes.

13          Q.           (BY MR. BRIAN) And you took steps to  
14 order an additional 15 centralizers, didn't you?

15          A.           Again, your timing is wrong on that.

16          Q.           I'm not asking about timing.

17                   Did you take steps to order an  
18 additional centralizer?

19          A.           I think it's critical. I want to make  
20 sure that the record is straight on how the timing  
21 was.

22          Q.           When did you do that, sir?

23          A.           I ordered the centralizer -- I got the  
24 centralizers prior to him having the OptiCem sent  
25 out.

1 Q. Why don't you turn back to  
2 Exhibit -- the first page of Exhibit 11, which is  
3 Bates stamped HAL\_0010648.

4 Do you see that, sir?

5 A. Yes.

6 Q. It's an e-mail from Brian Morel to Jesse  
7 Gagliano, Mark Hafle, Brett Cocalles and Gregory Walz  
8 at April 15th at 4:00 p.m.

9 Do you see that?

10 A. Yes.

11 Q. And he states, "We have 6  
12 centralizers..." and then he describes how he can  
13 run them.

14 He goes on in the next sentence to  
15 say, "It's a vertical hole so hopefully the pipe  
16 stays centralized due to gravity. As far as  
17 changes, it's too late to get any more product to  
18 the rig..."

19 Do you see that?

20 A. Yes, I do.

21 Q. Did you order the additional  
22 centralizers before or after seeing this e-mail?

23 A. I was in conversations with Weatherford  
24 prior to this e-mail.

25 Q. So, in fact, it wasn't too late to get

1 additional centralizers, was it, sir?

2 A. We were -- we were working on that. I  
3 don't know if Mr. Morel was aware of it.

4 Q. Take a look at page -- at Exhibit 13,  
5 Bates stamp HAL0010646.

6 A. Okay. Yes.

7 Q. And at the bottom of that page is an  
8 e-mail from a Bryan Clawson to yourself, correct?

9 A. Yes. Correct.

10 Q. And Bryan Clawson worked at Weatherford,  
11 right?

12 A. That is correct.

13 Q. And in this e-mail, he says that "I have  
14 31 of these type Centralizers..." right?

15 A. Yes.

16 Q. And this e-mail was a result of  
17 your -- the direction you got from Mr. Greg Walz to  
18 order 15 additional centralizers, right?

19 A. Mr. Walz did not tell me to order 15  
20 additional centralizers.

21 Q. Who -- did he tell you to order  
22 additional centralizers?

23 A. He told me to look into getting -- if we  
24 could get additional centralizers.

25 Q. Who made the decision to order the 15

1 that were ordered?

2 A. The final decision was made by Greg Walz  
3 and David Sims.

4 Q. Take a look at Exhibit 20. This is  
5 Bates stamp BP-HZN-CEC022433.

6 I want you to look at an e-mail at  
7 the bottom of the page from Gregory Walz to John  
8 Guide, April 16th, "Subject: Additional  
9 Centralizers."

10 Do you see that?

11 A. Yes.

12 Q. Do you see where -- about -- a little  
13 bit more than halfway down, he states in that  
14 e-mail, "The model runs for 20 centralizers (6 on  
15 hand + 14 new ones) reduce the ECD to 14.65 ppg..."

16 Do you see that?

17 A. Yes, I do.

18 Q. And he says, three lines later, "...we  
19 need to honor the modeling to be consistent with our  
20 previous decisions..."

21 Do you see that?

22 MR. HILDER: I'll object to  
23 Mr. Cocalis testifying about the -- this  
24 document. It is an e-mail from Mr. Walz  
25 to Mr. Guide. He's not on the e-mail

1 traffic. This isn't his document.

2 MR. BRIAN: I'm going to ask him --  
3 this is foundational to the questions,  
4 Your Honor.

5 HON. ANDERSEN: Okay. What's your  
6 question?

7 Q. (BY MR. BRIAN) I have one more  
8 foundational and then --

9 Go back to the top, the third line.  
10 Do you see where he says, "This is being driven by  
11 channeling of the cement higher than the planned  
12 TOC."

13 Do you see that?

14 A. Yes, I do.

15 Q. Did Mr. Walz tell you that his decision  
16 was being driven by channeling of the cement higher  
17 than the planned TOC?

18 A. He did not tell me this, no.

19 Q. Did Mr. Walz share with you that he  
20 thought that you needed to honor the model that you  
21 had received from Halliburton?

22 A. He did not tell me that, no.

23 Q. Was it your understanding that the  
24 decision to order the additional centralizers was  
25 made by Mr. Walz and approved by Mr. Sims?

1           A.           Yes.    The final decision was made by  
2 them to proceed with getting them to the rig.

3           Q.           I want to make sure I understand the  
4 chronology of what happened here.

5                        On April 15th, you received an  
6 e-mail from Jesse Gagliano warning you about  
7 increasing risk of cementing.

8                        I showed that you e-mail, right?

9                        MR. HILDER:  I'll object to  
10 counsel's characterization.

11                      HON. ANDERSEN:  Sustained.  You can  
12 just say he got -- without embellishing  
13 what it meant or what in hindsight it  
14 looked like, I would say the time -- you  
15 can get -- you can verify the timing of  
16 the e-mail.

17           Q.           (BY MR. BRIAN)  You got an e-mail from  
18 Mr. Gagliano on April 15th with regard to additional  
19 centralizers, right?

20           A.           Can we go back to that, that exhibit  
21 again?

22           Q.           Exhibit 11.  Bates stamp third page,  
23 Bates stamp HAL\_0010650.

24                        This is the e-mail where he stated,  
25 "Updating the above info now shows the cement

1 channeling and the ECD going up as a result of the  
2 channeling."

3                   You got that e-mail on April 15th,  
4 didn't you?

5           A.       Yes, I did.

6           Q.       And that model with the channeling going  
7 up was for 10 centralizers, not just 6; 10, right?

8           A.       That's what it says, yes.

9           Q.       Okay. So then Mr. -- did you report  
10 this to Mr. Walz, discuss it with Mr. Walz?

11          A.       I did not have this discussion with  
12 Mr. Walz, no.

13          Q.       Okay. So Mr. Walz and Mr. Sims decide  
14 to order additional centralizers on April 15th,  
15 right?

16          A.       There's a few more events that transpire  
17 in between that.

18          Q.       Maybe. But I'm just trying to ask you  
19 about certain events.

20                   They decided on April 15th to order  
21 additional centralizers, right?

22                   MR. HILDER: It's been asked and  
23 answered.

24                   HON. ANDERSEN: Sustained. And,  
25 yes, they did.

1                   And I might say, just so you know,  
2                   after everyone finishes, you're going to  
3                   be able to make a statement, your counsel  
4                   will be able to ask you some questions to  
5                   fill in the blanks.

6                   THE WITNESS:   Yes, Your Honor.

7                   HON. ANDERSEN:   So he'll be keeping  
8                   track.

9                   Q.           (BY MR. BRIAN)   Now, who made the  
10                  decision not to use the additional centralizers,  
11                  sir?  If you know.

12                  A.           From what I -- from what I know, the  
13                  decision was made -- made by Mr. Guide.  That's what  
14                  I knew at the time.

15                  Q.           And who told you that?

16                  A.           Mr. Morel told me that.

17                  Q.           And was that on April 16th?

18                  A.           Yes, that was.

19                  Q.           And that was because of the risk/reward  
20                  equation that Mr. Morel -- that you speak to --  
21                  about in your e-mail?

22                  A.           It wasn't because of that, no.

23                  Q.           Did you discuss any of the risks  
24                  directly with Mr. Guide?

25                  A.           No, I did not.

1 Q. Did you -- do you know whether or not  
2 Mr. Guide considered in that risk/reward equation  
3 the risk of spill?

4 MS. KARIS: Object to form.

5 MR. BRIAN: The question is, does he  
6 know.

7 MS. KARIS: Well, it also assumes  
8 that there was a risk/reward equation that  
9 Mr. Guide considered.

10 HON. ANDERSEN: Well, okay. We can  
11 even leave out the equation part of it.

12 Do you know whether or not he  
13 considered the possibility of a spill when  
14 making that decision?

15 THE WITNESS: I do not know.

16 Q. (BY MR. BRIAN) As of April 16th, the  
17 casing had not been put in the well, had it, sir?

18 A. I believe that is correct.

19 Q. There was still time to order additional  
20 centralizers, correct?

21 A. Possibly.

22 Q. Is there any doubt in your mind that BP,  
23 one of the largest companies in the world, could  
24 have gotten the right type of centralizers within a  
25 few days, sir? Any doubt in your mind about that?

1 A. I -- I don't know -- I don't know that.

2 Q. You were asked a few questions by the  
3 panel about the long string versus the lining with  
4 the tieback.

5 Do you remember those questions?

6 A. No, I don't remember the questions about  
7 liners versus tieback.

8 Q. Okay. I think you testified -- and  
9 correct me if I'm wrong, but I think you testified  
10 that on April 14th, you attended a presentation by  
11 Mr. Hafle on the long string versus the  
12 tieback -- versus the liner tieback options, right?

13 MR. HILDER: I'll object.

14 Mischaracterizes his testimony.

15 Q. (BY MR. BRIAN) Did you attend a meeting  
16 with Mr. Hafle on April 14th about that subject; yes  
17 or no?

18 A. I believe so, yes.

19 Q. Turn to Exhibit 4, please, in your  
20 binder.

21 MR. BRIAN: And, for the record,  
22 that starts with Bates stamp  
23 BP-HZN-CEC008565.

24 Q. (BY MR. BRIAN) Now, this -- this  
25 document appears to be some sort of presentation.

1 Was this presentation given to you, among others, as  
2 part of this April 14th meeting you attended?

3 A. Can you give me a minute to review this?

4 Q. Yeah, please.

5 A. I received a document that I requested  
6 for Mr. Hafle that is similar to this, but I don't  
7 think it's the same one.

8 Q. Okay. Let me -- let me ask you to turn  
9 to page 6, which is BP-HZN-CEC008570.

10 The particular page I read is  
11 identical to the page in the presentation you did  
12 get, isn't it, sir?

13 MR. HILDER: I'll object. We'd like  
14 to see the document he got. The witness  
15 has testified he has not seen this  
16 document before, and --

17 HON. ANDERSEN: He's not here  
18 to -- it's not a memory test regarding  
19 comparisons, so if you have -- if you  
20 wonder if he got this, or if you have a  
21 substantive question, that would be fine.

22 MR. BRIAN: May I take a moment,  
23 Your Honor?

24 HON. ANDERSEN: Sure.

25 Q. (BY MR. BRIAN) Let me ask you a

1 question, then.

2                   Did you understand that if you used  
3 a long string, there was some risk, if losses  
4 occurred, to have an open annulus to the wellhead  
5 with the seal assembly as the only barrier? Did you  
6 understand that?

7           A.       Yes, I did understand there was a risk.

8           Q.       And did you also understand that if you  
9 used the long string, there was a potential need to  
10 verify the TOC with the USIT log test? Did you  
11 understand that?

12          A.       That was a contingency plan if we had  
13 losses during the cement job, yes.

14          Q.       And did you understand that there was a  
15 potential need to perform a remedial cement job  
16 prior to the temporary abandonment if losses  
17 occurred during the cement job? Did you understand  
18 that?

19          A.       There was a potential need, yes.

20          Q.       And is it a fact that one of the ways to  
21 verify that you don't have a risky cement job is to  
22 do a cement bond log test; isn't that right?

23          A.       I would say it is one way. There are  
24 other ways.

25          Q.       And would you agree with me that there's

1 a greater need to do a cement bond log test if you  
2 choose the long string option over the liner with  
3 the tieback?

4 MR. HILDER: Objection. Calls for  
5 speculation.

6 HON. ANDERSEN: Well, he -- I'm  
7 not -- if you think that's speculative,  
8 then you don't need to answer. It's  
9 a -- it could be basic. I'm not an  
10 engineer.

11 A. Can you repeat that, please?

12 Q. (BY MR. BRIAN) Do you agree that  
13 there's a greater need to do a cement bond log test  
14 if you choose the long string option over the liner  
15 tieback option? Do you agree with that?

16 MR. HILDER: Objection. There's too  
17 many variables in the equation.

18 HON. ANDERSEN: Well, it may be.  
19 This is his business. So if you  
20 don't -- if there's -- if you can't answer  
21 that question, that's fine.

22 A. I -- I need more information to answer  
23 that question.

24 Q. (BY MR. BRIAN) You had Schlumberger --  
25 "you" being BP had Schlumberger all ready to do a

1 cement bond test, didn't you sir?

2 HON. ANDERSEN: If you know.

3 A. My understanding is, there was a  
4 contingent plan to do a cement bond log, yes, for  
5 Schlumberger.

6 Q. (BY MR. BRIAN) And isn't it a fact,  
7 sir, that the only way to confirm whether or not you  
8 had excessive channeling is to do a cement bond log  
9 test?

10 A. No, I don't believe that's the only way.

11 Q. Who made the decision not to do the  
12 cement bond log test?

13 A. I do not know. I was not involved in  
14 that decision.

15 Q. Did you object to it?

16 A. I was not involved in that decision.

17 Q. Did you -- did you raise a concern with  
18 Mr. Guide, Mr. Hafle, Mr. Walz, that in light of  
19 what Mr. Gagliano had told you about the risk of  
20 channeling, and in light of the decision to use the  
21 long string instead of the liner with the tieback,  
22 did you then say to your bosses, "I think this is  
23 too risky"? Yes or no?

24 MR. HILDER: Objection. He's  
25 already answered that.

1 HON. ANDERSEN: Well, he --

2 MR. BRIAN: No, he didn't, actually.

3 HON. ANDERSEN: Okay. Did you ever  
4 raise that concern with them?

5 A. I was not notified directly that they  
6 were not running the cement bond log.

7 Q. (BY MR. BRIAN) So is it your testimony  
8 you did not know that they decided not to do it?

9 A. I was not notified of that decision.

10 Q. Did you know prior to April 20th that  
11 they were not doing a cement bond log test?

12 A. It was inferred from an e-mail that I  
13 received from Mr. Morel. That's how I knew.

14 Q. Take a look again at Exhibit 11, the  
15 very first page, HAL\_0010648. In the second  
16 sentence, do you see where Mr. Morel says to you in  
17 the e-mail, and I quote, "It's a vertical hole so  
18 hopefully the pipe stays centralized due to  
19 gravity."

20 Do you see that?

21 A. Yes.

22 Q. Earlier this week, Capt. Nguyen told us  
23 that in the military, there's a phrase, "Hope is not  
24 a plan."

25 Do you agree with that, sir?

1 MS. KARIS: Object.

2 HON. ANDERSEN: That's sustained.

3 We could spend the rest of this  
4 hearing defining hope.

5 UNKNOWN SPEAKER: I hope we don't.

6 HON. ANDERSEN: We can all agree,  
7 that, right, we hope we don't.

8 Q. (BY MR. BRIAN) Turn to Exhibit 22,  
9 please, sir. This is Bates stamp BP-HZN-CEC022669.  
10 And go to the third page, which ends with -22671.

11 See the e-mail at the top from Brian  
12 Morel?

13 A. Yes.

14 Q. He says, "This is why I don't understand  
15 Jesse's centralizer requirements."

16 Do you see that?

17 A. Yes, I do.

18 Q. And go back to the previous page, which  
19 ends with -22670.

20 That's your response to Mr. Morel,  
21 is it not?

22 A. Which part?

23 Q. Right at the bottom, the bottom e-mail  
24 on that e-mail, which is --

25 A. Yes, that is.

1 Q. -- April 16, 4:15, you disagreed with  
2 Mr. Morel, didn't you?

3 A. It was -- it was a response to his  
4 question about why he didn't understand what the  
5 model was predicting.

6 Q. And you -- you told him in your response  
7 that "Even if the hole perfectly straight, a  
8 straight piece of pipe even in tension will not seek  
9 the perfect center of the hole unless it has  
10 something to centralize it."

11 You said that, right?

12 A. I did say that, yes.

13 Q. And then you went on to say, "But, who  
14 cares, it's done, end of story, will probably be  
15 fine and we'll get a good cement job."

16 You said that too, didn't you, sir?

17 A. I testified earlier that I did say that.

18 Q. And you didn't send that e-mail to your  
19 bosses, did you, sir?

20 A. It was -- it was -- I did not, no.

21 Q. And you didn't tell anybody on the rig  
22 that you didn't care, did you, sir?

23 MR. HILDER: Objection.

24 HON. ANDERSEN: I'm going to sustain  
25 that. That's really taken out of context.

1 Q. (BY MR. BRIAN) You never told anybody  
2 on the -- setting aside Mr. Morel, whatever you and  
3 Mr. Morel talked about, you never told anybody on  
4 the rig about Mr. Gagliano's concerns about  
5 cementing in gas-flow problems, did you, sir?

6 A. I did not know anything about gas-flow  
7 problems.

8 Q. Did you tell anybody about -- on the  
9 rig, other than Mr. Morel, about what Mr. Gagliano  
10 had warned you about the increasing in channeling?  
11 Did you tell anybody about that on the rig other  
12 than Mr. Morel?

13 A. I don't understand the question. Can  
14 you rephrase the question, please?

15 HON. ANDERSEN: And also, Counsel,  
16 all these -- you actually ran through  
17 these e-mails. We have all this  
18 information. And obviously the deductions  
19 you make from it can be argued to the  
20 Board. Frankly, we will have this  
21 discussion among ourselves. And to go  
22 over this now, it's like the third time on  
23 these -- this particular e-mail. I think  
24 it's probably not a good use of the  
25 Board's time, but --

1 MR. BRIAN: This question has never  
2 been asked in a week, Your Honor. All  
3 week.

4 HON. ANDERSEN: What's the question?

5 Q. (BY MR. BRIAN) The question is: Did  
6 you -- other than Mr. Morel, did you tell anybody on  
7 the rig about Mr. Gagliano's concern about the  
8 increased risk of channeling with the lower number  
9 of centralizers?

10 MR. HILDER: I'll object to the  
11 characterization of counsel characterizing  
12 what Mr. Gagliano meant. It's an improper  
13 question.

14 MS. KARIS: Equally object.

15 MR. BRIAN: I'll rephrase it.

16 HON. ANDERSEN: Wait, wait.

17 MS. KARIS: I'm going to object and  
18 say that this area has been covered with  
19 Mr. Gagliano, who reported that he also  
20 sent it to Halliburton personnel on the  
21 rig. And so to ask Mr. Coteles this I  
22 think is just unnecessary and repetitive,  
23 and we're going down the same path of  
24 where we were yesterday.

25 HON. ANDERSEN: And, frankly,

1           the -- the engineers on the Board have  
2           explored this fully and had these e-mails  
3           and -- and, frankly, I'm sure that the  
4           parties are not surprised and will be  
5           heartened to know that in terms of trying  
6           to understand what happened, the Board  
7           members are fully engaged -- fully engaged  
8           on this particular issue, and so that  
9           we're not shedding -- at this point, we're  
10          not shedding new light on this, and we do  
11          know, as Ms. Karis said, what's been done.

12                   MR. KOHNKE: Your Honor, may I speak  
13          to that for a second?

14                   HON. ANDERSEN: For one minute.

15                   MR. KOHNKE: All right. Less than  
16          one minute.

17                   We have heard several times as a  
18          justification for going into  
19          deep -- deeper matters with certainly  
20          other witnesses other than BP that the  
21          public has an interest. And what the  
22          Board may know is of course of great  
23          importance, but the public has an interest  
24          in the outcome of these hearings, and  
25          there are things that have been asked

1           today that have never been asked. And I  
2           understand that BP maybe wants to try to  
3           keep just this -- this limited to what the  
4           Board already knows.

5                   HON. ANDERSEN: Well, here's -- let  
6           me say this. Every member of the Board is  
7           a public official, one of whom isn't being  
8           paid. And -- and each of you, quite  
9           legitimately, represents a private  
10          interest. What this Board is -- has a  
11          mandate by January 16th, a relatively  
12          short timetable given the complexity of  
13          this, to come to its conclusion.

14                   And so if there was no time deadline  
15          on that and -- and the public weren't  
16          interested, we could take all this time as  
17          we would in an ordinary trial.

18                   MR. BRIAN: Your Honor, this --

19                   HON. ANDERSEN: But the Board wants  
20          to get to its conclusion.

21                   MR. BRIAN: I can wrap up quickly.  
22          This is a single question. Contrary to  
23          what BP's counsel said, it has not been  
24          answered by anybody.

25                   HON. ANDERSEN: You may ask this

1 question, but we are -- we are interested  
2 in getting this report to the public.

3 What's your question? And then  
4 we'll move on.

5 Q. (BY MR. BRIAN) My question is, setting  
6 aside Mr. Morel, did you tell anybody on the rig  
7 that Mr. Gagliano's models showed the cement  
8 channeling and the ECD going up?

9 A. One moment, please.

10 (Counsel confers with witness.)

11 MR. SCHONEKAS: Judge, I'm going to  
12 object to conferring while the question is  
13 outstanding.

14 MR. BRIAN: Your Honor, I'd be happy  
15 to put counsel under oath.

16 MR. HILDER: I know you would,  
17 Counsel. I'd be happy to answer your  
18 questions, too.

19 HON. ANDERSEN: All right. Do you  
20 recall if you discussed this with anyone  
21 on the rig?

22 Q. (BY MR. BRIAN) Other than Mr. Morel.

23 A. I -- did I recall the issue of  
24 channeling and ECD going up?

25 Q. No. My question -- I'm looking at

1 Exhibit 11, sir. And I'm reading from it, and I  
2 quote -- and I'm asking you, other than Mr. Morel,  
3 did you tell anybody on the rig that Mr. Gagliano's  
4 model showed the cement channeling and the ECD going  
5 up?

6 A. Yeah, that's what I said.

7 Q. Did you tell anybody other than  
8 Mr. Morel on the rig about that?

9 A. I did not speak to anybody on the rig on  
10 it, no.

11 HON. ANDERSEN: Okay. Thank you.

12 Q. (BY MR. BRIAN) Thank you.

13 Now, were you in the office on April  
14 20th?

15 A. Yes, I was in the office.

16 Q. Mr. Hafle was in the office that day  
17 too, wasn't he, sir?

18 A. I don't know. I did not see him that  
19 day.

20 Q. When you were in the office -- when you  
21 were in the office in Houston on -- in April, you at  
22 BP had realtime access to the data, the pressure  
23 readings and flow readings that were being generated  
24 on the rig, didn't you, sir?

25 A. Which particular -- we -- we have an ops

1 room that does have a screen with data parameters on  
2 it, yes.

3 Q. Did you use that room?

4 A. On that day?

5 Q. On any day.

6 A. We did use that room, yes.

7 Q. Okay. So BP had the ability from its  
8 Houston office to monitor the data being generated  
9 through negative pressure tests and the like on a  
10 realtime basis, didn't it?

11 A. Not all the data that the rig is doing  
12 is -- shows up on those screens.

13 Q. What data doesn't show up on the  
14 screens?

15 A. I don't know. There's data that doesn't  
16 show up on those screens. I can't -- I don't recall  
17 all the variables. There's only a limited number  
18 that actually get sent through.

19 Q. Okay. And are you aware that Mr. Hafle  
20 had three conversations with the company man on  
21 April 20th?

22 A. I'm not aware of three conversations,  
23 no.

24 Q. Did Mr. Hafle ever tell you that on  
25 April 20th, he had a discussion with the company

1 man, Don Vidrine, about whether the negative  
2 pressure test was successful?

3 Did he ever tell you that?

4 A. No, he did not.

5 MR. BRIAN: Nothing further, Your  
6 Honor.

7 HON. ANDERSEN: Thank you very much.

8 I think the next is Anadarko and  
9 MOEX Offshore.

10 E X A M I N A T I O N

11 BY MS. KIRBY:

12 Q. Good morning, Mr. Coteles. My name is  
13 Ky Kirby. I am counsel for Anadarko and MOEX  
14 Offshore.

15 A. Good morning.

16 Q. You told us that you were -- I want to  
17 make sure I understand your responsibilities with  
18 respect to the Macondo well versus other projects.

19 I understood that you were a  
20 reviewer for updated well programs for Macondo after  
21 the MARIANAS was removed from the project.

22 A. Yeah. The -- the wells program that was  
23 written by Brian Morel and Mark Hafle for the  
24 HORIZON I did review.

25 Q. Is that when you first became involved

1 or -- with Macondo, I mean.

2 A. Close to that time, yes.

3 Q. And you also told us that you were  
4 focused on planning the Nile T&A [sic]?

5 A. It was the Nile P&A.

6 Q. P&A, I'm sorry.

7 And how much time did you spend  
8 doing that versus reviewing things for the Macondo  
9 well?

10 A. I didn't get in -- that project didn't  
11 get put on the schedule until -- I'm thinking back.  
12 It would have been around February, late February, I  
13 believe. So at that point in time, I got fairly  
14 involved. Percentagewise, I can't tell you. I  
15 don't remember.

16 Q. You don't have a sense of 50 percent or  
17 75 percent?

18 MR. HILDER: Objection. It's been  
19 asked and answered.

20 HON. ANDERSEN: Well, if he has  
21 a -- if you have a feeling.

22 A. I don't. I don't.

23 Q. (BY MS. KIRBY) Can you take a look,  
24 please, in this white notebook at Exhibit No. 10,  
25 which is beginning Bates stamped BP-HZN-CEC017621.

1 And it's entitled GOM Exploration Wells.

2 A. Okay.

3 Q. Mr. Cocales, is this the kind of well  
4 program that you were reviewing?

5 A. This is a section of a well program.

6 Q. Do you know who prepared this section?

7 A. I do not know who did this one.

8 Q. Pardon me.

9 Did you ever prepare sections of  
10 well programs?

11 A. No, I did not prepare any of the well  
12 programs for Macondo.

13 Q. And you recall seeing one dated April  
14 15, 2010?

15 A. I did get sent this, I believe, in an  
16 e-mail.

17 Q. All right. Would you take a look,  
18 please, at page -- excuse me while I fumble. Page 8  
19 of 21.

20 Do you see there at the top of the  
21 page an item numbered 15?

22 A. Yes, I do.

23 Q. And can you tell us what that says?

24 A. "Negative test with base oil to the  
25 wellhead (monitor for 30 minutes no flow)."

1 Q. Now, this procedure, Item 15, that  
2 actually is set forth in this program before  
3 displacing to seawater at 3,067 feet below mud  
4 level, right?

5 A. That's what this document says, yes.

6 Q. All right. So the -- as of April 15,  
7 the plan was to do the negative test and monitor for  
8 30 minutes before displacing to 3,067 feet below mud  
9 level. And then under Item 3, second to the last  
10 bullet, we see another entry, "Monitor well for 30  
11 minutes to ensure no flow," correct?

12 MR. HILDER: I'll object. It's a  
13 multifaceted question.

14 HON. ANDERSEN: I just took the  
15 question to mean, does bullet 3 say,  
16 "monitor well for 30 minutes to ensure no  
17 flow." And obviously the document speaks  
18 for itself, so she could just ask  
19 questions off it. So we all agree that's  
20 what the document says.

21 So what's your question regarding  
22 the document?

23 Q. (BY MS. KIRBY) The second "monitor well  
24 for 30 minutes," the one that's under the third  
25 bullet point in Item 3 on page 8 of 21, that is

1 essentially a second stage of a negative pressure  
2 test, isn't it?

3 MR. HILDER: I'll object. Lack of  
4 foundation that this witness can testify.  
5 The document speaks for itself.

6 HON. ANDERSEN: No, it doesn't  
7 explain --in fact, he might be able to  
8 explain to us what that means. And if  
9 he -- if he doesn't know, that's fine.

10 A. I don't believe that that's a second  
11 negative test, no.

12 Q. (BY MS. KIRBY) When it says, "monitor  
13 it for 30 minutes to ensure no flow," you don't  
14 believe so?

15 A. That's a flow check.

16 Q. All right. Now, let's take a look at --

17 MR. CLARKE: I know it was  
18 inadvertent, I just want to correct, it  
19 actually says, "monitor for 30 min no  
20 flow." It doesn't says "to ensure."

21 I know it was inadvertent, but I'd  
22 like to make sure --

23 HON. ANDERSEN: No. Our copy says  
24 "to ensure." It's on page 8 of 21.

25 MR. CLARKE: Okay. I'm sorry. I

1 thought we were at part 15. Thanks. My  
2 mistake.

3 Q. (BY MS. KIRBY) Can you please turn now,  
4 Mr. Cocales, to Exhibit 29.

5 A. Yes.

6 Q. Exhibit 29 is Bates stamped  
7 BP-HZN-MBI00021237.

8 Do you agree with me that this is  
9 the ops note that Brian Morel sent to people on the  
10 rig and copied you on, on April 20 in the morning,  
11 10:43 a.m.?

12 A. Yes. That looks to be the one.

13 Q. Do you also agree with me that the  
14 procedure that Mr. Morel wrote in the ops note for  
15 displacing seawater and then performing a negative  
16 test does not agree with the April 15, 2010,  
17 well -- portion of well program we just looked at at  
18 Exhibit 10?

19 A. I -- yes, I do.

20 Q. You do agree?

21 A. I agree, yes.

22 Q. Do you know -- have you ever seen the  
23 APM for the temporary abandonment of the Macondo  
24 well?

25 A. Yes, I have seen the attachments that

1 went to the -- for the APM.

2 Q. And you do understand that the procedure  
3 that the temporary abandonment -- that was approved  
4 in the APM really mirrors the procedure that was in  
5 Exhibit 10, namely, negative test before displacing  
6 to 3,067 feet below mud level?

7 A. Can you say that again?

8 Q. Do you understand that the procedure,  
9 the P&A procedure that was approved in the APM  
10 actually is the procedure that is reflected in the  
11 April 15, 2010, well program? Specifically what we  
12 saw in Exhibit 10?

13 A. No, I -- I guess I -- I don't -- I don't  
14 agree with that.

15 Q. The APM procedure, did it not call for  
16 the negative test to be conducted before the well  
17 was displaced with seawater to 8,367 feet?

18 HON. ANDERSEN: If you recall.

19 A. The ops notes that you're referencing  
20 calls to do the negative test at 8,367 feet.

21 Q. (BY MS. KIRBY) Yes. And I'm asking you  
22 if the APM that was actually approved called for the  
23 test to be performed before that displacement  
24 occurred.

25 A. No, I don't believe so.

1 Q. You have seen the APM?

2 A. Do you have a copy of the APM?

3 Q. I do have a copy. Would it help to  
4 refresh your memory?

5 A. Yes. Please.

6 MS. KIRBY: May I approach?

7 HON. ANDERSEN: Sure.

8 MS. KARIS: If it would help, it's  
9 behind Tab 29.

10 MS. KIRBY: It's in Tab 29.

11 MR. HILDER: Not in our book.

12 THE WITNESS: That's the ops note.

13 MR. HILDER: Next page.

14 MS. KARIS: Behind it.

15 THE WITNESS: Thank you.

16 Q. (BY MS. KIRBY) All right. At Tab 29,  
17 the APM procedure shows up on the page that is Bates  
18 stamped BP-HZN-MBI00021238; is that right?

19 A. Yes, I see that.

20 Q. All right. Now, now that you have  
21 refreshed your memory by looking at this procedure,  
22 do you agree that the permitted procedure called for  
23 the negative test to be performed before the  
24 displacement to seawater all the way down to 8,367  
25 feet?

1 A. No, I do not.

2 Q. All right. How is -- why do you  
3 disagree with me?

4 A. The step number 1 does not reference a  
5 depth to do a negative test. That information is  
6 needed.

7 Q. All right. Well, let's walk through  
8 this. Step number 1 says, "Negative test casing to  
9 seawater gradient." Correct?

10 A. Yes. Correct.

11 Q. Step 2, which comes after step 1, says,  
12 "Trip and hole with a 3-1/2-inch stinger to 8,367  
13 feet"; true?

14 A. That is true.

15 Q. And then step 3 says, "Displace to  
16 seawater, monitor well for 30 minutes"; true?

17 A. That is true.

18 Q. Can we agree that steps 2 and 3 come  
19 after step 1?

20 HON. ANDERSEN: In time. Would that  
21 be the time sequence?

22 MS. KIRBY: That's what I mean.

23 A. The negative test would be performed  
24 before it's displaced to seawater. Is that what  
25 you're saying?

1 Q. (BY MS. KIRBY) Yes.

2 A. Yes.

3 Q. All right. So step 1 is performed  
4 before the displacement to seawater at 8,367 feet?

5 A. I'm sorry, say that again.

6 Q. Step 1 is conducted before the  
7 displacement to seawater down to 8,367 feet.

8 A. No, that's not correct.

9 Q. All right. When is step 1 performed?

10 A. The step 1 is performed -- it doesn't  
11 reference a depth, it -- it's 1 and 2 is what that  
12 is doing. You're doing it at 8,367.

13 Q. I see. So 1 and 2 are really a combined  
14 step is what you're saying?

15 A. That is correct.

16 Q. In fact, are you saying 1, 2 and 3 are  
17 combined steps?

18 A. No. Because you're not doing the full  
19 displacement in step 3 until you finish the negative  
20 test.

21 Q. Now, if one reads this, how is one to  
22 know that you're not supposed to do step 1 until  
23 after you have completed step 2 and are in the  
24 process of step 3?

25 A. Well, step 1 doesn't reference a depth,

1 so you couldn't do it unless you knew what depth to  
2 go to.

3 Q. Well, it does say, "Negative test casing  
4 to seawater gradient equivalent," correct?

5 A. Correct.

6 Q. You could do that to what level safely?

7 A. Well, I don't agree with the question.

8 I mean, you could do it at 8,367 feet safely.

9 Q. Couldn't you do it to the mud line?

10 A. Yes, you could.

11 Q. All right. So, why are we to assume  
12 that you have to do it -- you have to take a trip in  
13 the hole all the way to 8,367 and displace, how are  
14 we to assume that from this permitted procedure?

15 MR. HILDER: Objection. Document --

16 HON. ANDERSEN: Well, if he knows,  
17 but -- well, he's got the --

18 A. I do know. And the reason being is,  
19 you're not going to do a negative test to seawater  
20 at the wellhead and then trip on in and continue to  
21 displace the seawater at another 3,000 feet because  
22 you would have not tested that barrier to the depth  
23 you displaced the seawater.

24 Q. (BY MS. KIRBY) Well, the program that  
25 we saw in Exhibit 10, didn't that effectively have

1 you doing the negative test before you displaced all  
2 the way down? And then once you do displace all the  
3 way down, you monitor it again for 30 minutes; isn't  
4 that right? According to page 8 of Exhibit 10.

5 A. Yeah. That's -- that's the way that  
6 particular procedure is written.

7 Q. Okay. So that was a two-step procedure?

8 A. There's a change in this -- and what's  
9 going on it, there is an approval to do a deeper  
10 plug to 3,000 feet. And if that approval is  
11 not -- was not given by the MMS, then the procedure  
12 that you're seeing would have been done to a  
13 shallower depth. So there was an option there, and  
14 that was referenced in the operations note.

15 Q. Right. I understand that. I'm just  
16 looking at the -- the actual written procedure that  
17 MMS approved, which does not say, "Displace to 8,367  
18 and then do the negative test"; true?

19 A. I thought I explained that.

20 HON. ANDERSEN: He gave his  
21 explanation, I think.

22 Q. (BY MS. KIRBY) All right. So,  
23 essentially -- well, let me ask you this: Do you  
24 know of anybody who -- who spoke with the well-site  
25 leaders on the rig and said, "Look, here's how we

1 want you to do the negative test"? Do you know  
2 anybody who gave the well-site leaders clear  
3 instructions about how the negative test was to be  
4 done?

5 A. No, I do not.

6 Q. Who would you expect to do that?

7 A. I would expect it that the person that  
8 wrote up the operations note would have talked with  
9 the well-site leaders.

10 Q. And that would be Mr. Morel?

11 A. That would be Mr. Morel, if that's  
12 correct. That is an assumption I'm making.

13 Q. All right. If Mr. Morel circulates the  
14 ops note as we just saw in that e-mail, is it likely  
15 that he actually wrote it, the operation?

16 A. Yes.

17 Q. All right. You -- are you aware that it  
18 took nine tries to convert the flow collar?

19 A. Yes, I am aware of that.

20 Q. Given that fact, do you think it would  
21 have been safer, let me say it that way, to conduct  
22 the negative testing in stages, namely, the negative  
23 test first at the wellbore, and then if that proved  
24 out fine, then to displace down to 8,367 and test  
25 again?

1           A.       No.  I -- I don't agree with your  
2 premise on that, no.

3           Q.       Do you agree that it's very risky to  
4 remove kill-weight mud from the wellbore down to  
5 that depth?

6           A.       During a test?

7           Q.       Well, you were displacing the seawater,  
8 not just for the test, right?

9           A.       We were doing the test.  That's what we  
10 were doing.

11          Q.       Right.  But the test alone was not the  
12 reason you were displacing to 8,367, correct?

13          A.       That was the reason that we were  
14 displacing to 8,367 was to do that test.

15          Q.       That's the only reason to displace to  
16 8,367?

17          A.       That is correct.

18          Q.       Okay.  Do you know anything about the  
19 plans to set the lockdown sleeve?

20          A.       I knew that that was referenced in the  
21 well program, yes.

22          Q.       All right.  And did you have any  
23 understanding of whether the displacement to  
24 seawater at that depth, namely 3,000 feet below mud  
25 level, was in part because of setting a lockdown

1 sleeve and the weight?

2           A.           I believe that that is correct. The  
3 deeper plug was to allow room for them to set the  
4 lockdown sleeve.

5           Q.           So what was it? The displacement to  
6 seawater so far down, more than 3,000 feet below mud  
7 level, was that just so you could do a negative  
8 test, or was it for a different reason?

9           A.           Well, that's where the cement plug was  
10 going to be set, and so you needed to test that to  
11 that depth to make sure your barriers are holding to  
12 that depth before you would set a cement plug.

13          Q.           And of course if the MMS hadn't approved  
14 a deeper cement plug, you would have set it higher  
15 and tested at a higher level; true?

16                       MR. HILDER:   Objection.  
17                       Speculation.

18                       MS. KIRBY:   Well, if I can rephrase.

19                       HON. ANDERSEN:  If you have the  
20 answer, that's fine. We're trying to  
21 discover -- figure out what the various  
22 options people had at that point in time  
23 and looking forward for other operations.  
24 And if he doesn't have an opinion, that's  
25 fine, but this is his business.

1 Do you have an opinion on that?

2 A. That was my understanding of the  
3 options, yes.

4 Q. (BY MS. KIRBY) Now, as an operational  
5 engineer, did you calculate the upward force created  
6 across the casing hanger seal when you displaced to  
7 seawater so far down, more than 3,000 feet --

8 A. I did not, no.

9 Q. Would you expect anyone to do that?

10 A. It would have been done, I would think,  
11 in a casing design load case.

12 Q. And who would you expect to have done  
13 that?

14 A. I don't know who was actually doing the  
15 casing design load cases.

16 Q. Before I forget, have you ever actually  
17 created or drafted a negative test to be performed?

18 A. I don't recall that I have.

19 Q. Do you recall that at one point, Brian  
20 Morel was e-mailing around to folks in the office,  
21 saying, "Does anybody know if a negative test is  
22 required under the MMS regulations?"

23 A. I do remember an e-mail like that, yes.

24 Q. What is Brian Morel's background? Do  
25 you know?

1 A. No, I do not.

2 Q. Do you know how long he's been with BP?

3 A. I don't know the exact time, no.

4 Q. Do you know what he did before he was  
5 with BP?

6 A. No, I don't.

7 Q. Was it your understanding that this was  
8 Brian Morel's first experience with a negative test?

9 MS. KARIS: Your Honor, I'm going to  
10 object at this point. This is a discovery  
11 fishing expedition.

12 HON. ANDERSEN: Do you care about  
13 that? All right. You can proceed.  
14 Obviously we don't have Mr. Morel's  
15 testimony, so -- but you don't have to  
16 guess about his credentials or background.

17 A. I know he's been involved in other  
18 wells. We do negative tests on other wells. But  
19 other than that, I don't know exactly what he's  
20 done.

21 Q. (BY MS. KIRBY) Did his question of you  
22 and others in his e-mail surprise you, the question,  
23 "Does anyone know if there's any requirements in the  
24 MMS regulations for a negative test?"

25 A. No, I mean, we -- routinely, we ask each

1 other, you know, information if they know something.  
2 He was just reaching out to see if anybody knows.

3 Q. Did you respond to him?

4 A. I believe I did, yes.

5 Q. And did you say, what?

6 A. I -- I -- I referenced our drilling and  
7 well operations policy.

8 Q. And did you say, "It's not in the MMS  
9 regulations, it's in our policy"?

10 A. I don't remember if I said that. I  
11 remember referencing BP's drilling and well  
12 operations policy.

13 Q. Is that what's called a DWOP?

14 A. Yes, ma'am.

15 Q. And that has a negative test in it?

16 A. It has a requirement to test the first  
17 barrier, pressure and/or negative testing.

18 Q. Does it actually provide a test  
19 methodology?

20 A. It does not.

21 Q. And is it your understanding -- well,  
22 what is your understanding about how a well-site  
23 leader knows how to perform a negative test? The  
24 actual procedure for it.

25 A. They develop procedures on the rig, on

1 the specifics that this gives them the objectives,  
2 the depth to do it at. They develop specific  
3 procedures on the nuts and bolts of how to actually  
4 do the negative test.

5 Q. When you say "they," do you mean the  
6 people on the rig develop that?

7 A. The -- which valve to open, that kind of  
8 thing, yes.

9 Q. So the people on the rig?

10 HON. ANDERSEN: How much more time  
11 do you anticipate?

12 MS. KIRBY: Just a few more minutes.  
13 Are you getting tired of me?

14 HON. ANDERSEN: No, not you. But I  
15 have a lot to look forward to here. So...

16 Q. (BY MS. KIRBY) All right. Did anyone  
17 consider the effect the temperature changes in the  
18 wellbore -- the effect the temperature --  
19 temperature changes in the wellbore would have on  
20 the upward force generated on the casing hanger? Do  
21 you follow me?

22 A. During which operation?

23 Q. Well, during the entire -- let's say  
24 design and then operation. Drilling operation.

25 A. I believe it would be considered in the

1 casing design, yes.

2 Q. All right. And, again, who would that  
3 have been?

4 A. Well, that -- the casing design is  
5 reviewed by BP's technical group.

6 Q. That would not be Mr. Hafle and  
7 Mr. Morel?

8 A. They would -- they would put -- write up  
9 the specifics and -- and it would be sent to -- for  
10 an independent review.

11 Q. All right. Has -- the displacement  
12 procedure that happened, the one down below -- 3,000  
13 feet below the mud level, is that something that you  
14 have seen done regularly on the wells that you've  
15 been working on?

16 A. We've done it -- I -- I don't believe  
17 I've done it at that depth. I believe it's been  
18 done in the depths that -- or the wells that I've  
19 had, and I'm going to approximate, but it's been  
20 2,000 feet, 2,200 feet, that kind of depth.

21 Q. And when that has been done, has there  
22 been any need to go get a modified permit as a  
23 result?

24 A. It would go into the APM, yes. It would  
25 be part of the APM.

1 Q. All right. And were you aware that the  
2 static differential pressure across the float collar  
3 was only 18 psi if the cement job went as planned?

4 A. No, I was not aware of that specific  
5 number.

6 Q. In light of the difficulty experienced  
7 in converting the flow collar, the nine tries, does  
8 18 psi seem like a sufficient test of the equipment  
9 to you?

10 A. I don't know if that was the exact  
11 pressure that was -- that was on it. We had no way  
12 to measure that.

13 Q. If it was the pressure that was on it,  
14 do you think that was a sufficient test?

15 MR. HILDER: Objection. I think  
16 he's already answered the question.

17 HON. ANDERSEN: Well, I can't  
18 remember. Do you think that was  
19 appropriate?

20 A. I don't -- I don't know.

21 Q. (BY MS. KIRBY) Would you have liked to  
22 have seen additional testing, or would you in that  
23 instance like to see additional testing with a  
24 packer or setting a bridge?

25 MR. HILDER: Objection. Improper

1 question.

2 HON. ANDERSEN: As I said before, we  
3 all really want to know the options. And  
4 this is what he does for a living, and  
5 he's -- he obviously can assess the  
6 questions, and if we can have the benefit  
7 of his knowledge, that would be helpful.  
8 But you don't have to make stuff up. Or  
9 if it's too complicated or there's other  
10 variables and you can't answer, that's  
11 fine.

12 A. I think there's too many variables in  
13 what exactly we'd be testing or why we would be  
14 setting a bridge plug or...

15 Q. (BY MS. KIRBY) In the course of your  
16 job, for instance, when you were focusing on the P&A  
17 for the Nile, do you have to take costs into  
18 consideration?

19 A. I was not working on cost for the Nile  
20 P&A, but there were other engineers that would put  
21 the cost together for the project, yes, for the AFE.

22 Q. And is it fair to say that, you know,  
23 one can always have the gold standard, the most  
24 expensive, the most safe, what have you, but cost  
25 really does come into play, and sometimes you don't

1 pick the absolute gold standard?

2 MR. HILDER: I'll object.

3 HON. ANDERSEN: Sustained. We all  
4 know from our -- you know, we've all  
5 thought about this a lot. We know from  
6 our real-life experience that money is  
7 oftentimes a factor in every decision. So  
8 we're -- we're going to have to take that  
9 into account when making our judgment.

10 MS. KIRBY: I'll move on.

11 HON. ANDERSEN: What do you have  
12 left?

13 MS. KIRBY: I have about four  
14 questions, Your Honor.

15 Q. (BY MS. KIRBY) The centralizers that  
16 you were looking into, were those the centralizers  
17 that had been tested for THUNDER HORSE?

18 A. Yes, those were the ones.

19 Q. And those were in BP inventory, correct?

20 A. Yes. Correct.

21 Q. And those were actually being used by  
22 THUNDER HORSE?

23 A. I don't know. They were in our  
24 inventory. They reference that they've done some  
25 testing. It was part of their inventory. I don't

1 know if they actually were using those particular  
2 ones, but it was in their inventory.

3 Q. So they were centralizers that another  
4 BP well had in inventory?

5 A. That is correct, yes.

6 Q. You mentioned before that you had not  
7 worried that the cement job or the six centralizers  
8 would cause a major gas flow problem because -- and  
9 correct me if I've got this wrong -- because there  
10 was always the possibility of a remedial cement job;  
11 is that fair?

12 A. No, that's -- that's not what I said.

13 Q. All right. Do you recall what you did  
14 say?

15 A. I didn't -- I didn't know anything about  
16 a gas flow or what the potential was for that. We  
17 were only referencing, or what I was referencing  
18 was -- was ECDs coming up as a result of excessive  
19 channeling.

20 Q. I see. Now, channeling is not always  
21 evidenced by losses -- loss returns, right?

22 A. Possibly. There's a lot of variables  
23 there.

24 Q. So if you really, really want to know if  
25 you have channeling or not, is it fair to say the

1 safest thing to do is run a cement bond log?

2 A. It is one way. In this assessment, the  
3 models were all showing that there would be  
4 significant channeling that would break down the  
5 formation. Every model that we ran said that if it  
6 did channel, you would see it. That's what the  
7 models were actually showing.

8 Q. But you are aware that channeling does  
9 occur where you don't see it?

10 A. It can.

11 MS. KIRBY: Thank you. I have no  
12 more questions.

13 HON. ANDERSEN: Thank you. Now,  
14 counsel asked that -- oh, you had some  
15 questions.

16 MR. DYKES: I've got some  
17 follow-ups.

18 FURTHER EXAMINATION  
19 BY MR. DYKES:

20 Q. Mr. Coteles, if you would, turn to Tab  
21 10 in that binder, and I'm somewhat disappointed  
22 that some of the counselors didn't pick up on this.

23 MR. FANNING: I haven't been up  
24 yet.

25 MR. DYKES: I know you're not going

1 to pick up on it.

2 MR. FANNING: You'll see.

3 MR. KOHNKE: Thank you.

4 Q. (BY MR. DYKES) I want to start at page  
5 6 of 21. And look over under 9.2.3, we're talking  
6 about cementing the production casing.

7 A. Okay.

8 Q. You're on that page?

9 A. Yes, sir.

10 Q. Then moving to the next page, page 7 of  
11 21, item number -- starting down at the bottom with  
12 Item No. 7, "Once confirmed floats are holding  
13 prepare to release the running tool per DQ  
14 procedure/hand.

15 "Pick up drill string leaving 20,000  
16 down on the running tool" --

17 MR. HILDER: Excuse me.

18 MR. DYKES: I'm sorry.

19 MR. HILDER: We're still trying to  
20 find where it is.

21 MR. DYKES: Item No. 8. Now on page  
22 7 of 21.

23 A. Okay.

24 Q. (BY MR. DYKES) And, basically, what I  
25 want to confirm right there is 7, 8, 9, 10 and 11

1 and 12 are the procedures with respect to setting  
2 the seal assembly and testing the seal assembly so  
3 that I'm -- I'm clear on what we're reading.

4 A. Yeah, that's correct.

5 Q. Okay. Then turning to page 8 of 21, at  
6 the top, Item No. 13, "Pull out of the hole and lay  
7 down the running equipment." We rig up and "Test  
8 casing and bind shear rams."

9 And then Item No. 15, test --  
10 "Negative test with base oil to the wellhead" and  
11 "(monitor for 30 minutes" for "no flow)."

12 Is that a negative test on the seal  
13 assembly?

14 A. Yes, it would be.

15 Q. That would be?

16 A. Yeah.

17 Q. The next question I have with respect to  
18 that base oil, is that base oil lighter than  
19 seawater?

20 A. Yes, it is.

21 Q. What is the exact weight of that base  
22 oil, do you know?

23 A. It's -- it's in the range of 6.7 pounds  
24 per gallon.

25 Q. Okay. Then moving into the next

1 section, section --

2 A. Well, I mean, it can vary, but, I mean,  
3 that's pretty close.

4 Q. I'm looking for ballpark. I guess the  
5 main thing I want to confirm is, it is lighter than  
6 a seawater gradient?

7 A. Yes.

8 Q. And it's lighter than a freshwater  
9 gradient?

10 A. Yes.

11 Q. Then moving into the next item, 9.2.4,  
12 surface cement plug. And specifically, Item No. 1,  
13 it says, "If cement job is not successful," and they  
14 have here in parenthesis "(no returns or lift  
15 pressure...)," and it gives you three things: "Set  
16 wear bushing, run the IBC" or the "CBL log" and then  
17 "Wait on decision to do remedial work."

18 Now, Item No. 1 and then Item No. 2  
19 says, "If cement job is successful."

20 The question I have first is, 1 and  
21 2 are referring back to the cement job that is in  
22 the previous section prior to Item No. 7 on page 7  
23 of 21.

24 This is -- we're talking about the  
25 previous job on the production casing?

1           A.           On Item No. 2, if cement job is  
2 successful, that --

3           Q.           Right. The decision here, 1 and 2, is  
4 based on the cementing of the production casing,  
5 that it starts out on page 6 --

6           A.           Right.

7           Q.           -- of 21. I'm just trying to make sure  
8 I understand the procedure.

9           A.           Right. Right.

10          Q.           Okay. The first question that I have  
11 now with respect to Item No. 2, on page 8 of 21,  
12 states, "If cement job is successful" -- and it's  
13 underlined. And in parenthesis, we have "(partial  
14 returns or lift pressure seen) or" if the "IBC/CBL  
15 log and required remedial work is completed."

16                       And before we move into Item No. 3,  
17 I want -- I'm concerned here. You're  
18 defining -- I'm not saying you, but whoever -- BP,  
19 whoever put this procedure together, is defining a  
20 successful cement job based on partial returns or  
21 lift pressure.

22                       What -- how much or what is  
23 acceptable partial returns? I mean, that term is  
24 subjective, so I'm trying to --

25          A.           I understand.

1 Q. -- look for --

2 A. I don't think that that -- I don't know  
3 the answer to that.

4 Q. Would --

5 A. In my best -- in my -- in my opinion, I  
6 don't know exactly what the person that wrote this,  
7 you know, was trying to say with that. But in my  
8 opinion, what it would do is prompt the conversation  
9 that we've got a problem with the cement job. I  
10 think what he's trying to say is, "Look, if we -- if  
11 we've got 90 percent returns, we're probably in  
12 pretty good shape."

13 Q. Okay.

14 A. Okay? I mean, if you've got 50 percent  
15 returns -- and I really -- I probably shouldn't  
16 throw out numbers, but I'm just trying to get in a  
17 relative scale. But, either way, it would prompt a  
18 discussion that says, you know, we did not get --  
19 something's not as good as what we wanted with flow  
20 returns.

21 Q. Okay. Thank you.

22 And then moving into Item No. 3,  
23 "Run in hole to 8367 and displace the seawater."  
24 And you move through those procedures, "Run  
25 3-1/2-inch thousand feet of the stinger by

1 5-1/2-inch drill pipe above the wellhead." Then  
2 we're going to --

3 A. Right.

4 Q. -- "Monitor well for 30 minutes to  
5 ensure no flow."

6 Is that a second negative test  
7 identified in this procedure?

8 A. Well, it goes along with the deeper set  
9 plug.

10 Q. Right.

11 A. Yeah.

12 Q. But you're --

13 A. It's not supposed to be a second  
14 negative test. It's supposed to be that -- to be  
15 just one negative test if you're going to set the  
16 deeper plug.

17 Q. So which one do you -- do you omit? Do  
18 you omit Item No. 15, or do you omit --

19 A. The -- my understanding of this is that  
20 if you are going to be setting a shallower plug, you  
21 would be doing the negative test at the wellhead  
22 with your base hole.

23 Q. Okay. Now, let me ask you a question.  
24 Displacing to 8,367 and performing a -- what appears  
25 to be a second negative test, according to the

1 procedures that's lined out here -- and I'm speaking  
2 as an engineer to another engineer, I want to make  
3 sure I understand what's going on here.

4                   When displacing to 8,367 or roughly  
5 3,300 feet below the mud line, when we conduct that  
6 second negative test at that depth, what barriers  
7 are we testing before we set that cement plug?

8           A.       Well, it would be -- your internal  
9 barriers would be your shoe track, your cement and  
10 your shoe track, and your seal assembly and your  
11 casing. In essence, it's the same barriers as you  
12 would be testing with base oil at your wellhead.

13          Q.       Okay. Now, with respect to that, the  
14 actual test that you would be seeing at the seal  
15 assembly, you would be seeing a seawater gradient  
16 test at the seal assembly to that depth?

17          A.       That is correct.

18          Q.       Which would be the same as the wellhead  
19 depth for the base oil?

20          A.       That's correct. Yes.

21          Q.       So you're actually testing it  
22 slight- -- it would be a negative test, but it would  
23 not be to the same low pressure as with the base  
24 oil?

25          A.       I believe -- I believe -- yes, correct.

1 The base oil would give you a -- more of a negative  
2 test. That is correct.

3 Q. Do you know if -- since both of these  
4 are identified in sequence with each other, and from  
5 what we've seen, it doesn't appear that they did a  
6 negative test to the base oil.

7 Do you know if there was a  
8 management of change done within the organization to  
9 omit that procedure?

10 A. Well, I think that was the intent of the  
11 operations note, to update the program for that.

12 Q. So if we flip back to Tab 29, to the APM  
13 procedure that was submitted to the agency --

14 A. Right.

15 Q. -- that -- this procedure that's  
16 outlined here is somewhat confusing when you lay it  
17 up next to the procedure here and you start with  
18 Item No. 15 and you correlate that to Item No. 1.

19 Do you see my confusion there? It's  
20 almost like whoever put this procedure together took  
21 this procedure, and either by omission, by mistake  
22 or by intention, decided, let's not do it to base  
23 oil, let's do it to seawater gradient for Item No. 1  
24 on the procedure, and correlating that back to Item  
25 No. 15 in the drilling prognosis.

1 A. Yeah. What page -- I'm sorry.

2 Q. Tab 29, the second page.

3 A. Yeah, I see that, but what's the -- what  
4 other tab was that -- that's Tab 10?

5 Q. Yes, sir. Tab 10.

6 LT. BUTTS: Page 8 of 21.

7 MR. MATHEWS: Page 8 of 21.

8 Thank you, Robert.

9 A. Yeah, so that would be correct. You  
10 start on Step 1, you would be back to your Step 15,  
11 right.

12 Q. (BY MR. DYKES) So what you addressed to  
13 Ms. Kirby was that Item No. 1 is the guidelines for  
14 the rest of the procedures. But my question to you  
15 is, if somebody is reading this such as an  
16 engineer -- and there's three of us, and I think  
17 Capt. Nguyen here has got a chemical engineering  
18 degree, so he's just as guilty as the rest of us  
19 about following procedures. We're single-task  
20 oriented --

21 A. Yeah.

22 Q. -- and walking through this, then what  
23 we're reading in this temporary abandonment  
24 procedure is actually two negative tests, then, if  
25 you correlate it back to page 8 of 21.

1                   So I'm just trying to make sure I  
2 understand what the intention was versus what's  
3 actually on the paper.

4           A.       Well, I don't think the intent was to do  
5 two negative tests, it was just to replace that  
6 negative test with the deeper one. So it would just  
7 really be one negative test.

8           Q.       Okay.

9           A.       That's -- that's my understanding.  
10 I -- I realize that --

11          Q.       Do you see the confusion --

12          A.       Yes.

13          Q.       -- that we've identified here?

14          A.       Yes, I do.

15                   MR. DYKES: Thank you.

16                   CAPT. NGUYEN: Why don't we take a  
17 break until 11:15.

18                   (Break.)

19                   HON. ANDERSEN: Next is Halliburton.

20                   MR. GODWIN: Thank you, Your Honor.

21                   HON. ANDERSEN: Six people  
22 referenced travel plans to me, and I just  
23 want you to know, the Board is not going  
24 to be the auspice of extending this  
25 meeting beyond normal business hours.

1 Are you ready?

2 MR. GODWIN: Yes, Your Honor. I  
3 passed out a notebook to everybody.

4 HON. ANDERSEN: Thank you.

5 MR. GODWIN: I've given one to the  
6 witness' attorney, given one to BP's  
7 attorney. Anybody else like a book?

8 CAPT. NGUYEN: A point of  
9 clarification what the Judge say, our  
10 normal hours for the Coast Guard is 24/7,  
11 so...

12 E X A M I N A T I O N

13 BY MR. GODWIN:

14 Q. Good morning, Mr. Cocales. How are you,  
15 sir?

16 A. Good morning. Thank you.

17 Q. My name is Bob Godwin, and I represent  
18 Halliburton. I'm going to be asking you a series of  
19 questions here, and my goal is to -- is to bring out  
20 facts. And in doing so, as with the questions, I  
21 want to have an understanding with you that, as I  
22 said to your attorney, that if I ask you a question  
23 that you don't understand, please ask me to repeat  
24 it or clarify it because the goal here is not to  
25 confuse you or mislead you but to get questions out

1 that you understand that are not deemed  
2 objectionable, and then you give us answers. Okay?

3                   We have not met before, have we,  
4 sir?

5           A.       No, sir.

6           Q.       Never spoken by phone?

7           A.       Never.

8           Q.       Okay. You -- you spoke this morning of  
9 gas flow when the subject of gas flow potential came  
10 up, and you said you were familiar with gas flow,  
11 not gas flow potential.

12                   Did I understand that correctly?

13           A.       I was -- I'm not familiar with gas flow  
14 as it relates to cementing.

15           Q.       Are you familiar with gas flow in any  
16 context?

17           A.       What specific context are you -- are you  
18 talking about?

19           Q.       Well, in the terms of -- of the work you  
20 do at BP.

21           A.       In drilling a well?

22           Q.       Yes, sir.

23           A.       Yes.

24           Q.       And tell, us if you will, briefly, what  
25 gas flow means to you in that context.

1           A.           We have a potential for drilling into  
2 gas flow wherever we're drilling a well. It is a  
3 possibility that we could get a gas kick.

4           Q.           Okay. And -- and with a gas kick, does  
5 that -- does that present risk for those drilling  
6 the well?

7           A.           It does, along with other things as  
8 well.

9           Q.           I understand, sir. Thank you.

10                       And does gas flow present a risk to  
11 those drilling the well?

12           A.           I'm -- that would be -- that would be a  
13 kick.

14           Q.           Okay, sir. I understand. Okay.

15                       And have you attended, like, any  
16 in-house seminars at BP whereby you have -- the  
17 subject of gas flow in connection with kicks and in  
18 drilling a well has been discussed?

19           A.           I -- I don't recall.

20           Q.           Okay. Have you attended any seminars  
21 outside of the company where the subject of gas flow  
22 has been on the agenda of those that you have  
23 attended?

24           A.           In a general terminology, any -- any  
25 kicks, gas, water or oil.

1 Q. All right. And are you familiar with  
2 the -- with gas migration?

3 A. I'm not familiar with that concept.

4 Q. Okay. Means nothing to you.

5 A. I had heard of it, but I don't really  
6 understand what that means.

7 Q. Okay. BP has cementing experts on -- in  
8 its employment, does it not, sir?

9 A. Yes, there are cementing folks that have  
10 expertise in cementing, yes.

11 Q. And you know Mr. Eric Cunningham?

12 A. Yes, I do.

13 Q. And is he a cementing expert within BP's  
14 company?

15 A. He is a specialist. He has expertise in  
16 cementing.

17 Q. Okay. Are there other cementing folks  
18 that have expertise in cementing within BP in the  
19 Houston office?

20 A. Not to my knowledge.

21 Q. Okay. And where does Mr. Cunningham  
22 office? In Houston?

23 A. I believe he is in Houston, yes.

24 Q. Okay. And is he in the same building  
25 where you're located?

1 A. I -- I don't know that.

2 Q. Okay. You've met with him in connection  
3 with wells that you've been involved with, have you,  
4 sir?

5 A. I've sat in on a meeting that -- that he  
6 was reviewing, yes.

7 Q. Okay. Thank you.

8 I've handed -- you have a notebook.  
9 There are some exhibits that I'm going to try to go  
10 through briefly with you and certainly try to avoid  
11 repetition of what other lawyers have asked about,  
12 but some of these exhibits I want to ask about that  
13 have been given to you earlier today. I'm going to  
14 try to ask you about questions that are not the same  
15 as the others. Okay, sir?

16 If you will, turn over to Tab No. 1.  
17 This is an e-mail from Brian Morel to Jesse  
18 Gagliano, a copy to you and a copy to Greg Walz and  
19 Mark Hafle dated April 15, 2010, is it not?

20 A. Yes.

21 Q. An it's sent at 4 o'clock in the  
22 afternoon,  
23 4:00 p.m.

24 Does it not show that, sir?

25 A. Correct. Yes.

1 Q. And this references here an OptiCem  
2 report, does it not? In the "RE" section, subject  
3 line?

4 A. Yes, I see that.

5 Q. Okay. And the subject of all the  
6 options has already been gone over and all of that,  
7 but I'm going to ask, if you will, please, to turn  
8 over to Tab 3, and it's the second page of Tab 3.  
9 It's an e-mail from Bryan Clawson to you dated April  
10 15, and the subject is the 7-inch centralizer, a  
11 copy to Jesse Gagliano and Mr. Christopher Lopez,  
12 correct, sir?

13 A. Correct.

14 Q. Now, what time did Mr. Bryan Clawson  
15 send this e-mail to you?

16 A. According to this, it was 3:42.

17 Q. Okay. On the 15th?

18 A. Yes.

19 Q. Okay. Turn back -- now, hold that page,  
20 if you will, and turn back to Tab No. 1 and the  
21 e-mail from Brian Morel to you and Jesse Gagliano,  
22 Greg Walz and Mark Hafle, and that was at 4 o'clock.

23 Now, my question, sir, is, is it --  
24 when you received in the e-mail from Brian Morel, he  
25 was saying, we've got 6 centralizers, under Tab No.

1 1, and that's it, so we're going to go with those.

2 Right?

3 A. That was his -- that was his proposal.

4 Q. Okay. Well, he was saying, we have no  
5 other option but to go with those at that time.

6 Right, sir?

7 A. That's what he indicated in his e-mail,  
8 yes.

9 Q. Thank you.

10 And that was at 4 o'clock. Whereas  
11 you were, according to the e-mail here in Tab No. 3  
12 from Mr. Bryan Clawson with Weatherford to you at  
13 3:42, you were already in conversations with  
14 Weatherford through Mr. Clawson prior to 3:42 on the  
15 15th regarding additional centralizers, were you  
16 not, sir?

17 A. That is correct.

18 Q. Okay. Did you tell Mr. Brian Morel  
19 either by e-mail or in a conversation, in person or  
20 by phone that you were talking on the 15th with  
21 Weatherford about obtaining additional centralizers?

22 A. Yes, I did.

23 Q. Okay. Did you tell him that before 4  
24 o'clock in the afternoon?

25 A. I don't recall the exact time I talked

1 to him.

2 Q. Would it seem strange to you that if you  
3 had told him about it as you say you did, you  
4 already talked to Weatherford about it earlier than  
5 3:42, why would he send an e-mail at 4 o'clock on  
6 the 15th if you told him earlier that "I'm trying to  
7 get some additional centralizers"? That would not  
8 make sense, would it?

9 A. No, I don't believe so.

10 Q. Okay, sir. But what you're telling the  
11 panel here is that you don't know what time of day  
12 on the 15th you talked to Mr. Morel about it, but  
13 you know you did talk to him on the 15th and told  
14 him you were trying to get these centralizers?

15 A. Yes. Correct.

16 Q. Thank you very much.

17 And whenever you got Mr. Morel's  
18 e-mail, at about 4 o'clock -- it was sent at 4  
19 o'clock. I don't know what time you read it.

20 But when you received it on the  
21 15th, did you take and call him and tell him that  
22 his e-mail was incorrect in certain respects?

23 A. No, but I did talk to him soon -- soon  
24 after that, or when I did, and -- and we discussed  
25 getting more centralizers out, yes.

1 Q. Yes, sir. Did you tell him that in  
2 terms of his statement that as far as changes, it  
3 was too late to get any more to the rig, that that  
4 was not an accurate statement? Did you tell him  
5 that on the 15th?

6 A. I don't know what his assumptions were  
7 on the type of centralizer he was referencing there.

8 Q. Well, the way I read it -- and I'm  
9 really not trying to -- to mince words here, I'm  
10 just reading his words, it says, "As far as changes,  
11 it's too late to get any more product to the rig..."

12 That doesn't suggest to me that he  
13 was talking about a different kind of centralizer,  
14 he was talking about no additional centralizers  
15 going to the rig, wasn't he?

16 A. I don't know what his thoughts were when  
17 he wrote that e-mail.

18 Q. Okay. And then when he says, "...our  
19 only options is to rearrange placement of these  
20 centralizers," meaning the 6, you knew when you  
21 received his e-mail that that was not accurate  
22 insofar as being the only option, because you had  
23 already talked to Weatherford about it, and you were  
24 arranging for 15 additional to be provided, were you  
25 not?

1           A.           In that time frame, yes. I mean, it was  
2 almost like it was crossing in the e-mails, talking  
3 and --

4           Q.           Yes, sir.

5           A.           All right.

6           Q.           But on the 15th at any time after you  
7 received Mr. Clawson's e-mail, you received  
8 Mr. Morel's e-mail, did you visit with Mr. Morel  
9 either by phone or in person or by e-mail and tell  
10 him, "Brian, I've got some centralizers coming.  
11 They're going to be on the rig tomorrow"?

12                           Did you tell him that on the 15th?

13          A.           Yeah. We discussed that, yes.

14          Q.           Okay, sir. Thank you.

15                           Did you discuss that with anyone  
16 other than Brian Morel on the 15th, that you had  
17 arranged for additional centralizers to be sent out  
18 by Weatherford to the rig?

19          A.           I discussed --

20          Q.           And I'm talking about the 15th.

21          A.           Yes. Correct. I discussed with Greg  
22 Walz.

23          Q.           Okay, sir. And how about Mr. Hafle?

24          A.           No, I did not discuss it with Mr. Hafle.

25          Q.           Okay, sir. And -- all right. Now, let

1 me ask you to turn over to Tab No. 2, if you will,  
2 please.

3 Are you there sir?

4 A. Yes.

5 Q. Thank you.

6 Tab No. 2 has at the top an e-mail  
7 from you to Mr. John Guide regarding revised OptiCem  
8 report with additional centralizers, is it not?

9 A. Correct.

10 Q. And it references as an attachment the  
11 centralizer calculations for the 9 and 7/8  
12 production casing design report, 21 centralizers,  
13 does it not?

14 A. Yes.

15 Q. Okay. And this was sent by you on April  
16 16 at what time of the day, sir?

17 A. It looks to be 12:55.

18 Q. Okay, sir. P.M.?

19 A. Yeah, that's correct.

20 Q. Okay, sir. Well, were you aware at the  
21 time that you sent this e-mail to John Guide at  
22 12:55 that on the 15th of -- excuse me -- on  
23 the -- when you were aware when you sent it at 12:55  
24 on April 16 that Mr. Guide had written an e-mail  
25 whereby he had said -- it was at 12:48 -- whereby he

1 had referenced that the additional centralizers were  
2 not going to be used, the 15? Were you aware of  
3 that, sir?

4 A. No, I was not.

5 Q. Okay.

6 A. No, I was not.

7 Q. All right.

8 MR. GODWIN: May I approach the  
9 witness, please, Your Honor?

10 HON. ANDERSEN: Sure.

11 Q. (BY MR. GODWIN) This is an e-mail that  
12 was from Mr. Guide to Mr. Walz, and you're not  
13 copied on it, but I just want you to see the time  
14 here --

15 A. Okay.

16 Q. -- so you'll know. And it talks about  
17 David and then talks about you on the bottom at  
18 12:50 in the morning, that's a.m. on the 16th?

19 A. Yeah.

20 MR. HILDER: Judge, I don't know if  
21 that's applicable in this situation. I  
22 had heard that some of the e-mails, when  
23 they were reprinted, had GMT time in the  
24 reprinting of e-mails. I don't know if  
25 that's applicable to this particular

1 document, but with that caveat, the time  
2 actually may be in GMT as opposed to --

3 Q. (BY MR. GODWIN) And just so this -- the  
4 document we received from BP, it does show that it  
5 was at 12:48, does it?

6 A. Yes, it does.

7 Q. Thank you, sir.

8 MR. GODFREY: If I could address the  
9 panel for a moment.

10 MR. GODWIN: And I'm not trying to  
11 suggest that was sent on the 15th or  
12 whatever.

13 HON. ANDERSEN: Well, no.

14 MR. GODWIN: I'm not talking about  
15 the bottom e-mail, I'm talking about the  
16 one that's there in the middle and just  
17 the time of it.

18 HON. ANDERSEN: Okay. Mr. Godfrey  
19 may have information about this time code.

20 MR. GODFREY: Thank you, Your Honor.

21 We sent the panel a letter on July  
22 the 16th explaining that in the conversion  
23 process of e-mails, because of the nature  
24 of the internal systems, some of them are  
25 converted to GMT time. And depending upon

1           the e-mail, it would then have to get --  
2           in terms of if you wanted to know the  
3           actual time sent, you would have to  
4           subtract three hours and 55 minutes.

5                   HON. ANDERSEN:  Wait, GMT, that's  
6           Greenwich Mean Time?

7                   MR. GODFREY:  Yes.

8                   HON. ANDERSEN:  They don't have  
9           daylight time there?

10                   MR. GODFREY:  Not my system, Your  
11           Honor.

12                   So I don't know this particular  
13           e-mail.  We could find out for the panel,  
14           but you can see there was a number of  
15           e-mails -- particularly on an e-mail  
16           chain, it becomes obvious.  But we sent a  
17           letter explaining this to the panel at the  
18           time of production, and I wanted to note  
19           that in light of counsel's question.

20                   HON. ANDERSEN:  Thank you.  So  
21           everyone's on notice that if the actual  
22           timing of these e-mails and the time of  
23           day becomes significant, we should take a  
24           look at that issue and somehow verify  
25           whether this is a Greenwich Mean Time time

1 or the time where it's being sent. I'm  
2 not sure where the time zones run through  
3 the Gulf of Mexico, for example.

4 MR. BRIAN: Your Honor, all the  
5 e-mails that I used this morning, I was  
6 assuming that they were American time and  
7 not GMT, and I guess what I would ask is,  
8 if BP has a different view on any of the  
9 e-mails that have been used with this  
10 witness, they should at some point  
11 identify those e-mails and correct the  
12 time; because, otherwise, I think the  
13 assumption is on those e-mails that they  
14 are not GMT.

15 MR. GODFREY: Well, they're not --  
16 it would not be correct at the time. It's  
17 identifying that certain e-mails are in  
18 Greenwich Mean Time and certain e-mails  
19 are not, so...

20 HON. ANDERSEN: Well, let's do this.  
21 Mr. Godfrey reminded us, in the case of  
22 Capt. Higgins and me, told us about the  
23 issue after -- so we all know it's out  
24 there. After today's hearing, people can  
25 reflect on whether or not it's really

1 significant.

2 We have almost always had testimony  
3 as to we did this in the evening or in the  
4 early morning hours, so there probably  
5 isn't a confusion.

6 MR. GODFREY: If I could give a good  
7 example which every counsel in this room  
8 has --

9 MR. GODWIN: It's really not  
10 material, Judge, to what I'm doing. He's  
11 just wasting my time. I'm trying to get  
12 through here.

13 HON. ANDERSEN: Thank you. No, he  
14 is being helpful, but why don't we wait  
15 until you finish your examination.

16 MR. GODFREY: I'll be happy to be  
17 helpful later, Your Honor.

18 MR. GODWIN: Let me just say this,  
19 Judge. He's just being helpful to you and  
20 Capt. Higgins. He hadn't told me before  
21 that it was anything other than American  
22 time. So I'm not here to argue about it.  
23 All I was doing was talking about what's  
24 on the face of the documents --

25 HON. ANDERSEN: Okay.

1 MR. GODWIN: -- and letting you  
2 gentlemen draw whatever inference you want  
3 to draw. But I'm not here arguing the  
4 time of it or whether it's any other time  
5 other than what's on the face of the  
6 document. That's all I'm trying to do,  
7 sir.

8 CAPT. HIGGINS: Yes, sir. Thank  
9 you.

10 We also recognize we're looking at  
11 potentially Eastern Time as well as  
12 Central Time.

13 MR. GODWIN: I understand.

14 Q. (BY MR. GODWIN) Well, let me ask this.

15 Mr. Cocalles, you are in  
16 Houston -- Houston office, are you not?

17 A. Yes, sir.

18 Q. That's Central Time. Okay, sir.

19 And Mr. Walz, does he office in  
20 Houston also?

21 A. Yes, sir.

22 Q. Okay, sir. Again, within Central Time  
23 zone. Okay. Well, all right.

24 Now, let's go back to Tab No. 2 and  
25 get refocused. The top e-mail was from you to John

1 Guide where you're sending him the centralizer  
2 calculations showing 21 centralizers, correct?

3 A. Yes. That's what the e-mail says.

4 Q. That's all I'm trying to do is just talk  
5 about facts here today.

6 And then down below, on that same  
7 tab, No. 2, it's an e-mail from Jesse Gagliano to  
8 you, Brian Morel, Mark Hafle and Greg Walz, dated  
9 April 15, 2010; is it not, sir?

10 A. Yes, correct.

11 Q. And it was sent at 6:22 p.m.? Is that  
12 what it shows?

13 A. Yes. Yes.

14 Q. And it references in there the 21  
15 centralizers, being the OptiCem report for 21  
16 centralizers, does it not? The 6th and the 15?

17 A. It doesn't say -- I see the 6th. I  
18 can't find the 15 in there.

19 Q. Well, were you -- what -- when you were  
20 trying to get the additional centralizers there to  
21 the rig, the additional ones, how many were you  
22 trying to get?

23 A. I was trying to get 15.

24 Q. Okay. All right.

25 MR. GODWIN: And may I approach

1                   quickly?

2                   HON. ANDERSEN:    Sure.

3           Q.           (BY MR. GODWIN)   I'm just going to show  
4 you here, here's the report that was sent at 6:22,  
5 the 21, so your lawyer can see that it talks about  
6 21 centralizers.

7           A.           Uh-huh.

8           Q.           Right here.    See that?    That's the 21.

9                    You see that?

10          A.           Yes.    Yes, I do.

11          Q.           I just wanted to make sure you saw it.  
12 That's the 15th at 6:22 in the evening.

13                    So the record is clear, whenever you  
14 were trying to get additional centralizers, you were  
15 trying to get an additional 15 to add to the 6 subs  
16 that were already as a part of the plan; is that  
17 right?

18          A.           Yes, that's correct.

19          Q.           For a total of 21.

20                    So did Mr. Guide ask you to send him  
21 a copy of this model showing the 21 centralizers?

22          A.           No, he did not.

23          Q.           Why did you send it to him and nobody  
24 else?

25          A.           I was just updating him.

1 Q. Okay. About what?

2 A. What we've been working on.

3 Q. Okay. So you had received the e-mail  
4 from Jesse the night before, at 6:22 or thereabouts  
5 on the 15th, had you not?

6 A. That is correct. Yes.

7 Q. And then you sent it to Mr. Guide the  
8 next day, as it shows here, at 12:55 in the  
9 afternoon --

10 A. Yes. Correct.

11 Q. -- on the face of the document? Okay.

12 Now, did I understand you correctly  
13 to say today that all of the models -- I wrote down  
14 this, and I don't -- I don't want to misquote you.  
15 But you were talking about models with one of the  
16 other lawyers, and you said all models showed  
17 significant channeling. Did I remember -- write  
18 that down correctly, that you said that all the  
19 models that you guys looked at showed significant  
20 channeling?

21 A. If I said that, I was incorrect in that  
22 statement. What I meant to say is, where the  
23 channeling, where the models showed channeling,  
24 there was significant channeling.

25 Q. Okay. Well, let me --

1 MR. GODWIN: May I approach, Judge,  
2 quick?

3 HON. ANDERSEN: Sure.

4 Q. (BY MR. GODWIN) Just so I'm fair to  
5 you, this was the one we just looked at, and this  
6 was the one for 6:22 in the evening from Jesse, the  
7 21. Okay? Sent on April 15, correct?

8 A. Right. Okay.

9 Q. And you've already -- you've got a copy  
10 of it because you sent it over to Mr. Guide. And it  
11 shows here on paragraph 5.4 that there would be a  
12 minor gas flow problem, does it not?

13 A. That's what the document shows, yes.

14 Q. Okay, sir. And, likewise, looking here  
15 at the report that was sent at about 3:30 in the  
16 afternoon on the 15th, dealing with 10 centralizers,  
17 it showed that there was moderate gas  
18 flow -- moderate gas flow problem, does it not?

19 A. Yes, that's what it shows.

20 Q. Okay. So is it your testimony that  
21 although you saw these two reports, where the one  
22 with 10 showed moderate gas flow problem and the one  
23 showing 21 showed a minor gas flow problem, that you  
24 still deemed that to be -- still to evidence  
25 significant channeling? Or does this refresh your

1 memory and perhaps correct what you said? Because  
2 I'm not trying to trick you.

3 A. I don't quite understand the question.

4 Q. Let me rephrase it.

5 Would you expect -- with the model  
6 showing 21 centralizers, would you expect that to  
7 show or result in significant channeling?

8 A. That model did not show significant  
9 channeling.

10 Q. Okay, sir. And, likewise, the model  
11 showing using 10 centralizers, where it showed  
12 moderate gas flow, would you expect that to show  
13 significant channeling?

14 A. Can I look at that again?

15 Q. Yes, sir.

16 MR. GODWIN: May I approach, sir?

17 MR. FANNING: It's in the book?

18 MR. GODWIN: I don't have it. His  
19 lawyer has it.

20 A. Yeah. I see the 14.8, and that's what I  
21 was looking at.

22 Q. (BY MR. GODWIN) Yes, sir. And does  
23 that show the model that was sent for 10  
24 centralizers at about 3:30 in the afternoon on the  
25 15th, does that show, in your opinion, significant

1 channeling?

2 A. There is channeling with that model.

3 Q. But -- but significant or not? You used  
4 the word "significant."

5 A. It's 2/10ths of pound-per-gallon  
6 channeling.

7 Q. Okay. Would you consider that  
8 significant or not, sir?

9 A. I -- I don't know.

10 Q. Okay. So then just to be fair to you  
11 and to the panel and the record, when you said  
12 earlier that all models that you saw showed  
13 significant channeling, in fairness to all and the  
14 record and the panel, that statement needs to be  
15 changed, does it not?

16 MR. HILDER: I'll object.

17 HON. ANDERSEN: He didn't recall  
18 actually saying it, so I -- how about if  
19 we do it this way: Your testimony now on  
20 this point is what you believe and you  
21 think the accurate testimony, correct?

22 A. That is correct. And what -- what I was  
23 looking at was the model that had 6 centralizers, it  
24 showed that the ECDs had come up rather high due to  
25 channeling.

1 Q. (BY MR. GODWIN) And I respect that. I  
2 really do. And I appreciate the Judge's comment.  
3 And I'm not trying to trick you into something. The  
4 reason I said -- gave you a chance to say that if  
5 you said all modeling showed significant channeling,  
6 that would not be an accurate statement, would it?

7 MR. HILDER: I'll object. It  
8 mischaracterizes the testimony.

9 HON. ANDERSEN: He's given his full  
10 opinion on all the different modeling.

11 MR. GODWIN: Okay, sir.

12 Q. (BY MR. GODWIN) So you have said now  
13 that the model that showed 6 centralizers being used  
14 did show significant channeling?

15 HON. ANDERSEN: Asked and answered.

16 MR. HILDER: Asked and answered.  
17 I'll object. Mischaracterize.

18 Q. (BY MR. GODWIN) Okay. Then, sir, the  
19 model -- the -- the casing was run with 6  
20 centralizers, was it not?

21 A. That is correct.

22 Q. And you were aware of that, were you  
23 not, that it was being run with 6?

24 A. Yes, I was.

25 Q. So, then, taking your testimony to a

1 logical next step, you were aware that running it  
2 with six would result in significant channeling,  
3 were you not, sir?

4 A. No, that's not correct.

5 Q. Well, I thought you said that the model  
6 with 6 showed significant channeling.

7 MR. HILDER: Objection. Can we move  
8 on? This is --

9 HON. ANDERSEN: Well, he can explain  
10 why he felt that there might not be  
11 significant channeling because --

12 MR. GODWIN: Yes, sir.

13 HON. ANDERSEN: He obviously was  
14 taking into account when he heard about  
15 this decision.

16 Q. (BY MR. GODWIN) Go ahead, sir, if you  
17 will, please.

18 A. Well, it's the fact that -- just because  
19 the model says there's going to be significant  
20 channeling, that doesn't always mean that that's  
21 going to happen.

22 Q. Well, let me ask you this. Did I  
23 understand you correctly to say that the model you  
24 saw for 6 centralizers did show significant  
25 channeling?

1 HON. ANDERSEN: Asked and answered.

2 Q. (BY MR. GODWIN) Is that right, sir?

3 MR. HILDER: No. He sustained the  
4 objection.

5 HON. ANDERSEN: Right.

6 Q. (BY MR. GODWIN) Let me ask you this:  
7 The centralizers that were run, the subs that were  
8 run by BP, was that based upon a computer generized  
9 [sic] model? Computer-generated model?

10 A. I -- I don't believe that there was an  
11 additional one run with that exact spacing,  
12 centralizer spacing.

13 Q. Okay. So you're telling us, then, that  
14 after Halliburton submitted its various models to  
15 BP, BP made the decision through Mr. John Guide that  
16 the 21 would not be run, the 10 would not be run,  
17 but instead 6 would be run, and are you telling us  
18 that was done with no additional modeling?

19 A. I don't know if there was any  
20 additional -- I did not see any additional modeling.

21 Q. Thank you, sir.

22 Well, when you learned that they  
23 were going to run the 6 from Mr. John Guide, when  
24 you learned that, did you undertake to talk to Eric  
25 Cunningham to ask him what he thought might happen

1 if the casing was run with only 6 centralizers, to  
2 get his opinion?

3 A. I did not talk to Eric.

4 Q. Did you recommend to Mr. John Guide  
5 after he informed you that they were not going to  
6 run the 21, but only the 6, did you recommend that  
7 perhaps you guys, he and maybe others, should talk  
8 to Mr. Cunningham or somebody else from BP who's a  
9 cementing expert to see if they thought it would be  
10 safe to do so?

11 A. I did not talk to Mr. Guide.

12 Q. Thank you, sir.

13 HON. ANDERSEN: My understanding is,  
14 after you found out about that decision,  
15 you didn't raise that again with anybody  
16 after that.

17 THE WITNESS: That is correct.

18 Q. (BY MR. GODWIN) Thank you, sir.

19 Okay. Turn over to Tab 2.

20 Let me ask you this: As far as the  
21 placement of the 6 centralizers that were run by BP,  
22 who was it that determined the placement on the  
23 casing?

24 A. That was Brian Morel.

25 Q. Okay. Did Don Vidrine play any part in

1 that, to your knowledge?

2 A. To my knowledge, no.

3 Q. And how do you know that Brian Morel was  
4 the one who placed the 6 centralizers that were run  
5 by BP?

6 A. He had sent me an e-mail with the  
7 placement that he had specified in the caliper log.

8 Q. Okay. Did you offer any disagreement  
9 with what he suggested as far as the placement  
10 verbally or in writing?

11 A. We had a -- a couple more exchanges of  
12 e-mails, and I asked a few questions, and it  
13 ultimately -- it seemed to me that that was -- that  
14 seemed a fair placement.

15 Q. Okay. Well, you didn't say good  
16 placement.

17 When you first learned from  
18 Mr. Morel that he had placed six on the string,  
19 did -- was your initial reaction that it -- it  
20 concerned you a little bit about the placement of  
21 the 6?

22 MR. HILDER: I'll object to the form  
23 of the question.

24 Q. (BY MR. GODWIN) Did it bother you,  
25 concern you -- you said you spoke with him.

1 HON. ANDERSEN: What was your  
2 reaction when you found out about it?

3 THE WITNESS: My reaction was, the  
4 ECDs would be higher than the ones we had  
5 with 21.

6 Q. (BY MR. GODWIN) Yes, sir.

7 Did that, in your opinion, present a  
8 risk in terms of -- in terms of the well, going to  
9 the higher -- going to the centralizers that would  
10 result in a higher ECD?

11 A. It -- it presented a risk that had been  
12 risk- assessed already.

13 Q. Okay. And risk-assessed by you or  
14 somebody else?

15 A. No, by the team that -- when they were  
16 reviewing the options for the long string.

17 Q. Is this what part of that -- what we  
18 call the risk/reward?

19 A. No. That is not correct.

20 Q. Okay, sir. Thank you.

21 Now, in terms of the centralizers --  
22 and I'm looking at Tab No. 3 now -- these are e-mail  
23 exchanges between you and Mr. Bryan Clawson.

24 If you will, look over at page 2  
25 of -- it's really page No. 4, but it's the second

1 page of this particular document here in Tab  
2 2 -- Tab 3, and there's an e-mail from Bryan Clawson  
3 to you with a copy to Jesse Gagliano and Christopher  
4 Lopez, 7-inch centralizer, and he said that he had  
5 31 of these type centralizers there, "Stop Collars  
6 will hold 105,000 pounds," and, "Have additional  
7 centralizers with the 3/16" Stop Collar."

8                               Did I read that correctly?

9           A.           Yes, sir.

10          Q.           Thank you.

11                           And did you tell Mr. Clawson what  
12 you needed, what BP needed in terms of the  
13 additional 15 when you spoke with him about what --

14          A.           You mean in terms of what I needed?

15          Q.           Yes, sir. Well, you wanted 15  
16 additional centralizers, and I'm just trying to  
17 establish, did he know from your conversation with  
18 him either by e-mail or by phone or both, did he  
19 know what it was you were looking for?

20          A.           Yes, he did. I thought he did, yes.

21          Q.           And is that because you told him?

22          A.           I asked him what he had available, and  
23 we discussed it.

24          Q.           Okay. And did you -- did you tell him  
25 that you were looking for bow springs?

1 A. Yes, I did.

2 Q. Okay. And was it your belief when you  
3 did that that you thought bow springs would work on  
4 this casing string?

5 A. Yes, because we pretty much had to run  
6 bow springs because it was an enlarged hole size.

7 Q. Yes, sir.

8 And you felt when you told  
9 Mr. Clawson that you needed 15 additional bow  
10 springs, you thought it would be -- it would be safe  
11 to run those 15 on the casing string as it went down  
12 the hole, didn't you? At that time when you were  
13 talking with him.

14 A. I had had -- I had not looked at them.  
15 This was an option --

16 Q. Yes, sir.

17 A. -- that we were presenting, but all the  
18 team members had not weighed in on this.

19 Q. I'm just talking about you right now,  
20 sir.

21 A. I asked him what he had available, and  
22 it seemed like that was the best we could do at the  
23 time.

24 Q. Okay. Well, would you have -- would you  
25 have bought -- were those in inventory that were

1 already owned by BP, or were they in -- had to be  
2 bought?

3 A. No, that's my understanding, they were  
4 in BP's inventory.

5 Q. Well, were there other centralizers in  
6 BP's inventory there at Weatherford?

7 A. He did not say he had other ones.

8 Q. Did you ask him?

9 A. I asked him what he had available, and  
10 he told me that this is what he had.

11 Q. Okay. Well, can -- you would not, of  
12 course, agree to have 15 sent out there that you  
13 thought were the wrong centralizers, would you?  
14 Just based on what you were doing?

15 A. I didn't know if they were the right  
16 ones or the wrong ones, I was just trying to get  
17 centralizers sent out that would potentially fit the  
18 option, the needs.

19 Q. Okay. You told him you needed 15 bow  
20 springs, and looked at what was in inventory, and he  
21 told you that they were there.

22 Can we deduce from that that by your  
23 saying, "Okay, send them out," that you agreed with  
24 what he told you was available?

25 A. Yes. That's correct.

1 Q. I understand. And you would not have,  
2 under any circumstances, allowed 15 additional bow  
3 springs to be sent to the rig if you thought they  
4 were going to present a problem in putting the  
5 casing in the hole, would you? Just you.

6 A. Well, I tried to get the best ones that  
7 we had for the amount of time that -- that I was  
8 given to get them.

9 Q. And you felt that the casing string  
10 could be run safely and satisfactorily by using the  
11 15 that were being sent out by Weatherford at your  
12 request; is that a fair statement?

13 A. I -- I rely on people at the rig site to  
14 also weigh in on that factor.

15 Q. Okay. Well, let me ask you this: If  
16 you had thought that the 15 bow springs were not  
17 going to work, would one option that you would have  
18 had would have said, "We're going to stop and not  
19 run the casing until we get what may be better  
20 centralizers"?

21 You could have done that, couldn't  
22 you?

23 A. It's really not within my authority to  
24 say that, no.

25 Q. Well, you could have spoken to somebody

1 above you there at BP to have recommended that, had  
2 you chosen to do so, if you thought it necessary,  
3 couldn't you, sir?

4 MR. HILDER: I'll object. It's the  
5 same question asked a different way.

6 HON. ANDERSEN: I think his  
7 testimony has been clear that -- your  
8 testimony, correct me if I'm  
9 wrong -- you've got the best 15 you could  
10 within the time permitted, and it was the  
11 judgment of others who were out there to  
12 decide whether or not to use them.

13 THE WITNESS: That's correct.

14 HON. ANDERSEN: Anything more is  
15 just guesswork and embellishing. Right?

16 THE WITNESS: Yes, sir. Thank you.

17 Q. (BY MR. GODWIN) Let me ask it this way:  
18 I understand that it might have been the decision of  
19 others out there to decide whether to use them or  
20 not, but in terms of specifying what was going to be  
21 sent, that was your decision, was it not?

22 A. I did not actually -- I didn't specify.  
23 I asked him what he had available, and this is what  
24 he had.

25 Q. And did you believe those were -- those

1 were centralizers that would work on that casing  
2 string and that well?

3 HON. ANDERSEN: Asked and answered.

4 MR. GODWIN: Thank you, sir.

5 Q. (BY MR. GODWIN) Prior to the incident,  
6 the tragic accident on the 20th of April, did  
7 anybody with BP tell you that they thought the 15  
8 centralizers that were sent out were the wrong ones?  
9 And if so, give us a name or names.

10 A. They -- they did not.

11 Q. Okay, sir. And have you heard at any  
12 time since April 20, the night of the horrific  
13 accident, have you heard since that night that  
14 anybody with BP believes that the 15 centralizers  
15 that were sent out were the wrong ones?

16 A. I have heard that they were different  
17 than what they thought they were going to get, yes.

18 Q. And you heard that after the accident?

19 A. It was after.

20 Q. But never before?

21 A. I did not hear that before.

22 Q. Who was it that told you after the  
23 accident that the 15 is not what they thought they  
24 were going to be getting?

25 A. I don't recall where I heard that.

1 Q. Okay, sir. And -- and have you seen  
2 anything in writing, any e-mail or note or anything,  
3 from anybody at BP since the accident where somebody  
4 has said that the 15 that were sent out by  
5 Weatherford at your request were the wrong  
6 centralizers? Seen anything in writing?

7 A. I have seen -- yes, I have seen  
8 something in writing to that effect.

9 Q. Okay. What have you seen?

10 A. I've seen an e-mail from John Guide to  
11 Greg Walz.

12 Q. And that was the one that was written on  
13 April 16?

14 A. Do you have a tab?

15 MR. GODWIN: Judge?

16 HON. ANDERSEN: Sure.

17 Q. (BY MR. GODWIN) Is that the one you're  
18 referring to?

19 A. Yes, that's correct.

20 Q. Okay. When did you first see that  
21 e-mail? You said it was after the accident. How  
22 long after the accident?

23 A. I don't -- I don't recall. But it was a  
24 long time --

25 Q. Okay.

1 A. -- after.

2 Q. All right. Thank you, sir.

3 Now, let me ask you now, if you  
4 will, please, to turn back over to Tab No. 5, if you  
5 will, please, sir. This is an e-mail from Bryan  
6 Clawson at Weatherford to you with a copy to Jesse  
7 Gagliano dated April 15, 2010, is it not, sir?

8 A. Yes.

9 Q. Okay. Tell the panel, if you will, what  
10 time does it show the e-mail was sent there?

11 A. April 15, 15:41.

12 Q. Would that be 3:41, sir?

13 A. 3:41, yes.

14 Q. And in the afternoon, p.m.?

15 A. Yes.

16 Q. And it shows Central Daylight Time, does  
17 it not?

18 A. Right.

19 Q. Okay. Thank you.

20 And turn over, if you will, please,  
21 to the third page of that document, and there's a  
22 drawing there of a bow spring centralizer, is it  
23 not?

24 A. Yes, it is.

25 Q. Down at the lower corner there, the

1 notes part of it, read to the panel what it says  
2 about -- note No. 2 on that bow spring drawing.

3 A. Say that again. Which one?

4 Q. Just No. 2, sir.

5 A. Note No. 2 or --

6 MR. HILDER: Can you show us on your  
7 documentation?

8 MR. GODWIN: May I approach, Judge?

9 HON. ANDERSEN: Sure.

10 Q. (BY MR. GODWIN) Right down here. Note  
11 No. 2.

12 This was an e-mail you received,  
13 right?

14 A. Correct. Note No. 2?

15 Q. Yes, sir.

16 A. Yes.

17 Q. And read for the panel what it says  
18 there.

19 A. "Stop collar shall be placed inside  
20 centralizer before assembly."

21 Q. Okay. Now go to the next page right  
22 quick, if you would, please, and read the same note  
23 No. 2. What does it show there with that bow spring  
24 centralizer?

25 A. "Stop collar can be placed inside

1 centralizer after assembly."

2 Q. Okay. So did you understand when you  
3 received this e-mail that those two drawings were of  
4 the same centralizer or of two different  
5 centralizers?

6 A. I thought they were two different ones.

7 Q. Okay. So you mentioned earlier that the  
8 ones that were sent out there were the only ones  
9 that were in the inventory of BP. Now, according to  
10 this e-mail, it shows that there were two different  
11 bow spring centralizers that Mr. Clawson sent you  
12 diagrams of. It appears from the document, doesn't  
13 it?

14 MR. HILDER: Objection.

15 Mischaracterizes the testimony.

16 MR. GODWIN: Just the exhibits. Got  
17 the --

18 MR. HILDER: No. Counsel  
19 characterized the testimony about what was  
20 in BP's inventory and mischaracterized  
21 testimony.

22 Q. (BY MR. GODWIN) Well, let me understand  
23 it.

24 Did I understand you to say earlier  
25 that the 15 that were sent out were the only bow

1 springs that were in the BP inventory there at  
2 Weatherford on the 15th of April?

3 A. They were the same bow springs. There  
4 was two different types of stop collars.

5 Q. Okay. And the stop collar would be part  
6 of the centralizer, would it not?

7 A. Correct.

8 Q. And according to Mr. Clawson here, he's  
9 given you two different options to use with this  
10 e-mail, was he not?

11 A. That is correct.

12 Q. Okay. And which one did you select?

13 A. I asked him -- the ones that had the  
14 beefed-up stop collars is the ones we were looking  
15 at getting.

16 Q. Okay. And were those the ones that were  
17 sent to the rig?

18 A. I didn't confirm that those were the  
19 exact ones.

20 Q. That's what you told him you wanted,  
21 though?

22 A. I did, yes.

23 Q. Why did you tell him you wanted the ones  
24 with the beefed-up stop collars?

25 A. Because they gave us the best slip

1 rating for the stop collar. And they also had epoxy  
2 ports.

3 Q. Thank you, sir.

4 And you were satisfied with that?

5 A. That was what I felt was the best we  
6 could do.

7 Q. Thank you, sir.

8 A. At the time.

9 Q. Okay. Let's go over now to Tab No. 6,  
10 if you will, please. And turn to the second page,  
11 if you will -- I'm sorry, sir -- turn to the second  
12 page, if you will, please. And that's an e-mail  
13 from -- there's an e-mail there where Brian Morel  
14 says at the bottom, "This is why I don't understand  
15 Jesse's centralizer requirements."

16 This was April 16, what appears on  
17 the face of the document, at 4:04 p.m., was it not?

18 A. Yes, that's correct date.

19 Q. Okay.

20 A. Time.

21 Q. And then you, up above, send an e-mail  
22 to Mr. Brian Morel only, with no carbon copy to  
23 anyone, on April 16th at 4:15 p.m., and you say,  
24 "Even if the hole is perfectly straight, a straight  
25 piece of pipe even in tension will not seek the

1 perfect center of the hole unless it has something  
2 to centralize it."

3 Did I read that correctly?

4 A. Yes, I did say that.

5 Q. And then you go on to say, "But, who  
6 cares, it's done, end of story, will probably be  
7 fine and we'll get a good cement job."

8 When you used the words "who cares,"  
9 who were you referring to there? When you said,  
10 "But, who cares, it's done...?"

11 HON. ANDERSEN: When you said "who,"  
12 did you mean a person, or did you mean  
13 there's no point in thinking about this?

14 A. I talked about this this morning, but  
15 what it was, is, we were talking about debating the  
16 model --

17 Q. (BY MR. GODWIN) Yes, sir.

18 A. -- and it was -- it was -- Brian was  
19 saying he didn't understand the model and why I was  
20 doing it. I offered why I felt like the model was  
21 behaving the way it was. That point in time,  
22 but -- but we're done debating the model, because  
23 the decision has been made, so it's -- to move on,  
24 and also the fact that the centralizers, if run that  
25 way, presented a risk of coming off, sticking the

1 casing, and possibly causing us to get stuck, in  
2 which case we might have to pull that casing out.  
3 That was a risk.

4 Q. Okay. That was a risk. Well, then you  
5 and the team, you and Mr. Morel and others that were  
6 discussing that, had you thought you needed other  
7 centralizers than the ones that were there, an  
8 option would have been to have held up for a day or  
9 two until you could have gotten the others out  
10 there.

11 That would have been an option,  
12 would it not?

13 A. I think it could have been an option,  
14 yes.

15 Q. Thank you, sir.

16 And then it said, "It's done."

17 Are you referring there to the  
18 decision not to use the 21 centralizers that  
19 Halliburton recommended but instead to go with the  
20 6? Is that what you're referring to when you say,  
21 "It's done"?

22 A. You have an incorrect statement in that  
23 question.

24 Q. Well, let me ask it again, then.

25 HON. ANDERSEN: Why don't you tell

1 us. You did earlier. But shorten it up,  
2 what did you mean when you said that "it's  
3 done, end of story."

4 MR. GODWIN: Yes, sir.

5 A. What I wanted to correct was,  
6 Halliburton never did recommend running 21  
7 centralizers to me.

8 Q. (BY MR. GODWIN) Well, they put it into  
9 a model that there would be 21 and gave you the  
10 OptiCem showing what the -- what the model would  
11 look like.

12 A. They showed the results of the --

13 Q. Yes, I understand.

14 A. Yes.

15 Q. Okay.

16 A. And, I'm sorry, say -- can you say your  
17 question again?

18 Q. Yes, sir, I apologize. The Judge said  
19 it there better than I.

20 HON. ANDERSEN: What did you mean  
21 when you said, "It's done, end of story"?

22 MR. GODWIN: Yes, sir.

23 A. I said that the decision has been  
24 made -- and that was final as far as I knew.

25 Q. (BY MR. GODWIN) The decision to go with

1 6?

2 HON. ANDERSEN: We all know it sure  
3 wasn't the end of the story.

4 MR. GODWIN: Quite unfortunately, I  
5 might add, Your Honor.

6 HON. ANDERSEN: Well, right, very  
7 unfortunately.

8 A. Well, yeah.

9 Q. (BY MR. GODWIN) So the 6 that's done  
10 refer to the 6 that would be run?

11 A. That's -- because that's -- when I found  
12 out, you know, earlier that day, or just previous to  
13 this e-mail, that they had -- the people decided not  
14 to -- to run the additional 15. They didn't like  
15 the design of those centralizers.

16 Q. Well, then let's go back, then, to what  
17 you said earlier about significant channeling.

18 MR. HILDER: Objection.

19 Q. (BY MR. GODWIN) When you wrote this  
20 e-mail to Mr. Morel and said, "We're going to run  
21 the 6," did you form an opinion that that would  
22 result in significant channeling?

23 HON. ANDERSEN: I don't mean to  
24 interrupt, but we've -- it -- I think  
25 you -- you --

1 MR. GODWIN: I'll move on, Judge.

2 HON. ANDERSEN: And also understand,  
3 the Board certainly gets Halliburton's  
4 position that -- as to what the modeling  
5 shows and what I assume would be your  
6 preference that they use 21  
7 or -- centralizers. We really understand  
8 that, and I think we've gone through the  
9 decision-making process with respect to  
10 why 6 were chosen, and we're not -- it's  
11 going to be harder for us to pay attention  
12 to additional points you have to make if  
13 we spend any time more on this particular  
14 thing.

15 MR. GODWIN: I'll move on, Judge.

16 HON. ANDERSEN: Okay. Thanks.

17 MR. GODWIN: Thank you.

18 Q. (BY MR. GODWIN) Sir, did I understand  
19 you to say earlier today that the first that you  
20 heard of a bond log being performed was after the  
21 accident?

22 A. No, I did not.

23 Q. When did you first learn that BP was  
24 planning to have a bond log performed by  
25 Schlumberger in terms of the time?

1           A.        I don't recall the exact time that BP  
2 was planning on -- BP had a contingency plan --

3           Q.        Right.

4           A.        -- in place --

5           Q.        To go with Schlumberger to do a bond  
6 log?

7           A.        Yes, that's correct.

8           Q.        And you're aware of that?

9           A.        Yes, I was.

10          Q.        And were you asked to make a  
11 recommendation as to whether or not the bond log  
12 should be performed by Schlumberger?

13          A.        No, I was not.

14          Q.        Who was it that made the decision to go  
15 with a bond log as a contingency plan?

16          A.        I believe that that was discussed at a  
17 team meeting.

18          Q.        And were you there?

19          A.        I was there, yes.

20          Q.        Okay. Well, who was it that spoke in  
21 favor of it? You said you did not, you weren't  
22 asked. Who did speak in favor of the bond log?

23          A.        Well, I didn't say I didn't speak in  
24 favor of it. It was presented while we were looking  
25 at the long string options that if we had problems

1 with the cement job such as losses, then that would  
2 be a reasonable contingency plan, to run -- have a  
3 bond log contingency available.

4 Q. Were you part of the decision for  
5 Schlumberger to be asked to leave the rig and not  
6 perform the cement bond log?

7 A. No, I was not.

8 Q. Thank you, sir.

9 And when did you learn that that  
10 decision had been made?

11 A. I never was informed directly that that  
12 decision had been made.

13 Q. Okay, sir. Now, if you will, turn over  
14 to --

15 MR. GODWIN: One second, Your Honor.

16 Q. (BY MR. GODWIN) I want to go back, if I  
17 can, to Tab No. 2, the second page of Tab 2. That  
18 was an e-mail that other counsel asked you about,  
19 the one at the bottom where Jesse wrote to you,  
20 Mr. Hafle, Mr. Morel, Mr. Walz, and he asked, "Can  
21 you also confirm if we are running the additional  
22 centralizers or not?" And he sent that at 10:03  
23 a.m. on the 17th of April.

24 When you received that e-mail, did  
25 you write Jesse back and say, "Jesse, we made a

1 decision -- or the decision was made yesterday  
2 afternoon, on the 16th, that we're not going to run  
3 those centralizers"?

4 A. I did not.

5 Q. Well, did that come up for discussion  
6 when you got that e-mail? Did you and one or more  
7 of the other team members discuss, "Should we  
8 respond to Jesse? And if so, how?"

9 A. It was not discussed.

10 Q. To your knowledge, did anybody with BP  
11 ever tell Jesse Gagliano about the decision not to  
12 run the 21 centralizers prior to the accident?

13 A. I do not know.

14 Q. Okay, sir. If you will, turn over  
15 to -- turn over to Tab No. 9, if you will, please,  
16 and I'm looking at the third page.

17 Are you there, sir?

18 A. Yes.

19 Q. Thank you.

20 This is an e-mail from Brian Morel  
21 to you, Mr. Greg Walz and Mr. Mark Hafle, is it not?

22 A. On what page?

23 Q. It's the third page of Tab No. 9.

24 MR. GODWIN: May I show you --  
25 Judge, may I show quickly?

1 HON. ANDERSEN: Sure.

2 A. Okay. I have it.

3 Q. (BY MR. GODWIN) This is what I'm  
4 looking at right here. You've got it. Yeah. Okay.  
5 Thank you, sir.

6 Now, this third page here is an  
7 e-mail that Mr. Morel wrote to you and others on the  
8 team, and it says, "Attached is the cement procedure  
9 with comments. Please let me know your  
10 thoughts/additions so I can forward to Jesse for  
11 corrections. Thanks, Brian."

12 The cement procedure being  
13 referenced here, did you understand that to be the  
14 one that was going to be used by Halliburton in  
15 cementing the production casing string?

16 A. I do not know which procedure. There  
17 were several ones that were sent.

18 Q. Okay. Well, who was it that prepared  
19 this procedure that Brian sent to you and to Mark  
20 and -- Mr. Hafle and Mr. Walz? Was it somebody  
21 within BP?

22 A. Who prepared the procedure?

23 Q. Yes, sir. It says, "Attached is the  
24 cement procedure with comments..." and it's coming  
25 from Brian Morel.

1                   My question to you is, did you  
2 understand that he was sending you a cement  
3 procedure that had been prepared by someone inside  
4 BP?

5           A.       Do we have that attachment?

6           Q.       No. I'm just -- the e-mail --

7                   HON. ANDERSEN: I think you  
8 testified you didn't know what procedure  
9 it is. So I'm going to assume that you're  
10 guessing if you answer any questions  
11 regarding that reference.

12          A.       I do not know what procedure it was.

13          Q.       (BY MR. GODWIN) Okay. Well, let me ask  
14 you this: Did you learn at any time that a written  
15 cement procedure was prepared by anyone with respect  
16 to the 9-7/8 by 7-inch production casing?

17          A.       No, I did not.

18          Q.       Did you learn --

19          A.       I did not know --

20          Q.       I apologize, sir. Are you finished?  
21 I'm sorry.

22                   Did you learn at any time before the  
23 accident that BP had been in any way involved in  
24 drafting a cement procedure?

25          A.       No, I did not.

1 Q. Thank you, sir.

2 Now, turn over to Tab No. 10.

3 MR. GODWIN: We're getting very  
4 close to the end, Judge. Some of the  
5 latter numbers I'm not going to be going  
6 into.

7 Q. (BY MR. GODWIN) You got tab No. 10,  
8 sir?

9 A. Yes, sir.

10 Q. Okay. If you will, turn over -- this is  
11 a 9-7/8-inch by 7-inch production casing document  
12 prepared for Brian Morel dated April 18, 2010, is it  
13 not?

14 A. That's -- yes, that's what it says.

15 Q. Turn over to page number 8 of 12. 8 of  
16 12 shows at the bottom of the page. Tell me when  
17 you get there.

18 A. Okay. Page 8.

19 Q. Yes, sir, 8 of 12. Yes, sir, down at  
20 the bottom. And the top shows "Halliburton Job  
21 Procedure," does it not?

22 A. Yes, it does.

23 Q. Okay. When you go down to the bottom  
24 under paragraph number 2, it said, "With rig pumps,  
25 pump and circulate 111 barrels at 1 barrel per

1 minute. Next, circulate 150 barrels at 4 barrels  
2 per minute as per company man."

3 Did I read that correctly?

4 A. Yes. That's what it says.

5 Q. Was it your understanding that the well  
6 was not going to -- that a full bottoms-up was not  
7 going to be performed on the well prior to the  
8 cement job?

9 A. I did not know. I did not see this  
10 portion of the procedure.

11 Q. Okay, sir. Well, do you believe that  
12 before the cement job was performed, that a full  
13 bottoms-up should have been performed in  
14 close -- very close to when the cement job was going  
15 to be -- was going to be started?

16 A. I -- I was not involved in that  
17 decision. I --

18 Q. I'm asking for your -- your professional  
19 opinion as an engineer, do you believe that a full  
20 bottoms-up should have been prepared -- performed on  
21 the well prior to the cement job?

22 MR. HILDER: I'll object. He's here  
23 as a fact witness, not as an expert  
24 witness.

25 HON. ANDERSEN: Overruled.

1                   If you have an opinion. You don't  
2                   have to make one up.

3           Q.           (BY MR. GODWIN) Go ahead, sir.

4                   THE WITNESS: Thank you, Your Honor.

5           A.           I don't have an opinion on it.

6           Q.           Okay. And is there -- in -- within the  
7 cement group, within BP -- and I say "group." You  
8 mentioned earlier there were other people in the  
9 cement -- that did cementing at BP, right?

10          A.           I don't know. There are other people,  
11 yes, that do cementing, yes.

12          Q.           Okay. Well, within those -- within the  
13 confines of those people at BP that have cementing  
14 expertise, are you aware that there's a best  
15 practice at BP with respect to cement that states  
16 that a full bottoms-up should be performed before a  
17 cement job is performed? Are you aware of such a  
18 best practice at BP?

19          A.           Are you referencing a document?

20          Q.           Yes, sir.

21          A.           Do you have that document?

22          Q.           No, I'm just asking you if one exists.  
23 Are you aware of any best practice that's in writing  
24 at BP that deals with a full bottoms-up or  
25 circulating prior to a cement job being performed?

1           A.           I'm aware of cementing prac- --  
2 guidelines and practice that would reference API  
3 guidelines.

4           Q.           Okay, sir.  And what's your  
5 understanding as far as the API guideline that is  
6 referenced within the BP organization regarding  
7 circulation prior to a cement job?

8           A.           I believe it's API RP 65, and it  
9 reference circulate a minimum of one and a half  
10 times annular hole volume.

11          Q.           Okay, sir.  Or -- is there an "or" to  
12 that?

13          A.           Or a casing volume.

14          Q.           Do you understand that to be a full -- a  
15 full bottoms-up, then?

16          A.           That is not a full bottoms-up.

17          Q.           One and a half times in the --

18          A.           Open hole annular volume.

19          Q.           Okay, sir.  And that's recommended --  
20 specified in the API --

21          A.           RP 65.

22          Q.           -- RP 65, and that's used by -- or  
23 presumably used by BP, is it not?

24          A.           It is.  It's a guideline, yes.

25          Q.           Okay.  Well, look in here at this job

1 procedure here today as an engineer. Does it appear  
2 to you that the 111 and 150 barrels, a total of 261  
3 barrels, does that, in your opinion, as an engineer,  
4 satisfy the API guideline for one and a half times?

5 A. Yes, it would.

6 Q. It would?

7 A. Yes, sir.

8 Q. Okay. Thank you, sir.

9 All right. Are you familiar with  
10 contamination as it relates to a cement job?

11 A. Many forms of contamination. Can you be  
12 more specific?

13 Q. Well, in terms of -- what do you  
14 understand contamination to be in terms of a cement  
15 job? If you have any understanding.

16 HON. ANDERSEN: Well, maybe you  
17 could focus on what was -- the particular  
18 procedure that was being followed or not  
19 followed at this point in time.

20 MR. GODWIN: Yeah.

21 Q. (BY MR. GODWIN) In terms of the  
22 circulation, do you believe one of the purposes of  
23 circulating it, as stated by the API, one and a half  
24 times, do you believe that is to attempt to rid the  
25 casing of -- rid the well of contamination?

1           A.           It's -- it's -- that is one thing, yes.  
2 It can clean the hole if you have cuttings, yes.

3           Q.           Okay. And is -- why is it important to  
4 rid the hole of cuttings and other forms of  
5 contamination before doing a cement job? If you  
6 know.

7           A.           Potentially, it can block-- block off  
8 the job, and you can -- you can have losses because  
9 you bridge it off if you have cuttings.

10          Q.           Would you agree that if you -- that no  
11 matter how well the hole may be centralized, if  
12 there's contamination in the hole, that that will  
13 impede the ability to get a good cement job?

14          A.           Can you -- can you rephrase?

15                       HON. ANDERSEN: How about it might?

16          A.           It might.

17          Q.           (BY MR. GODWIN) Thank you, sir.

18                       Look over at Tab No. 11. This was  
19 an e-mail -- tell me when you get there.

20          A.           Okay.

21          Q.           You there, sir?

22          A.           Yes, sir.

23          Q.           Okay. Tab No. 11 is an e-mail you wrote  
24 on March 29, 2010, is it not? At the top.

25          A.           Yes.

1 Q. And you wrote it to Mr. Brian Morel with  
2 a copy to Jesse Gagliano, Mr. John Guide and  
3 Mr. Mark Hafle, did you not, sir?

4 A. Yes.

5 Q. And it was regarding a 9-7/8-inch  
6 proposal, and it says here -- and I'm trying to go  
7 through it quickly, "Fine with me. Just don't  
8 contaminate it, and it should be fine. All you need  
9 is 100 - 200 feet good quality cement."

10 When you said, "Don't contaminate  
11 it," what were you talking about when you said "it"  
12 in "don't contaminate it"?

13 A. I don't know if we have the full e-mail  
14 trail here. It's in reference to Brian Morel is  
15 asking, he wants to reduce the cement volumes. And  
16 I don't recall exactly what his reasoning was, if it  
17 was getting too close to the previous liner, and he  
18 was worried about it breaking down, and it's -- it's  
19 a general comment, just don't contaminate because  
20 you're using less cement.

21 Q. Don't contaminate the well?

22 A. Don't contaminate the cement.

23 Q. Right. And the comment will be  
24 contaminated by I believe you said mud that might be  
25 left behind?

1 A. Yes, it could be contaminated by mud.

2 Q. And other things that would contaminate  
3 it as well?

4 A. Yes. Various things.

5 Q. What are some of those things, very  
6 quickly?

7 A. Water could contaminate it, dirty hole  
8 conditions. You know, it could be poor additives,  
9 it could be a lot of things. There's a lot of  
10 variables.

11 Q. And to rid the well of the  
12 contamination, that is done with a circulation, as  
13 we just discussed, correct?

14 A. No, that's not what this references.

15 Q. No, but I'm asking you, the  
16 contamination of the -- cement being contaminated is  
17 as a result of things being left in the hole?

18 A. It's possible, yes.

19 Q. That are not cleaned out with whatever  
20 barrels are circulated; isn't that true, sir?

21 A. It is possible.

22 MR. GODWIN: Thank you, sir.

23 Nothing further, Your Honor.

24 HON. ANDERSEN: Thank you.

25 MR. DYKES: I've got a follow-up.

1 F U R T H E R E X A M I N A T I O N

2 BY MR. DYKES:

3 Q. Mr. Cocales, we've had a lot of  
4 discussion this morning about the bow centralizers.

5 My question is, was an attempt made  
6 to obtain centralizer subs similar or identical to  
7 the 6 that were existing on the rig?

8 A. I do not know.

9 Q. Did you try to obtain those from  
10 Weatherford?

11 A. I -- I did not, no.

12 Q. Do you know if anybody tried to?

13 A. I don't know. I don't know.

14 MR. DYKES: Thank you.

15 HON. ANDERSEN: Anyone else?  
16 Cameron?

17 COUNSEL REPRESENTING CAMERON: No  
18 questions, Your Honor.

19 HON. ANDERSEN: M-I SWACO?

20 COUNSEL REPRESENTING M-I SWACO: No  
21 questions.

22 HON. ANDERSEN: Weatherford?

23 MR. LEMOINE: Just a few, Your  
24 Honor.

25 Since Weatherford was mentioned so

1 much, I felt I should at least stand up  
2 and say I represent them.

3 THE REPORTER: Who are you?

4 MR. LEMOINE: Mike Lemoine.

5 L-E-M-O-I-N-E.

6 THE REPORTER: Thank you.

7 MR. LEMOINE: I hope that that  
8 remains throughout the whole litigation,  
9 who is Weatherford?

10 I apologize.

11 E X A M I N A T I O N

12 BY MR. LEMOINE:

13 Q. What's the difference between a  
14 centralizer sub and the bow spring-type centralizer,  
15 Brett?

16 A. Well, they can both be bow spring.

17 Q. But that's the difference, though?

18 A. Well, there is no difference if you're  
19 just talking bow spring and bow spring sub.

20 Q. Okay. Is -- is the sub, though, does  
21 that distinguish a type of centralizer from the bow  
22 spring?

23 A. Yes. Yes. I mean, from a slip-on sub,  
24 yes.

25 Q. A sub is a more sturdier centralizer?

1           A.       Right. Subs would be fixed to a piece  
2 of pipe and screwed in inline. You call them inline  
3 to the casing.

4           Q.       Right. And in this particular case, on  
5 the 7-inch portion of the production long string, if  
6 you were to have a centralizer sub, you would have  
7 had to have that sub manufactured according to the  
8 specific thread profile of that production string?

9           A.       Yes. That is correct.

10          Q.       And in this particular case,  
11 that -- that thread profile was a Hydril 513?

12          A.       Correct.

13          Q.       And I can't go to Wal-Mart and get that,  
14 can I?

15          A.       No, you can't.

16          Q.       I was being facetious.

17                    That's something that has to be  
18 ordered ahead of time to be specifically  
19 manufactured?

20          A.       Yes. That is correct.

21          Q.       And -- and when Weatherford received a  
22 phone call from you on the afternoon of April 15th,  
23 you fairly well knew that that would have been  
24 impossible to do within 24 hours?

25          A.       Unless they had them in inventory.

1 Q. And you would have asked that, wouldn't  
2 you?

3 A. I asked -- I asked  
4 what -- what -- everything he had -- well, I asked  
5 what he had available, correct.

6 Q. Do you know why only 6 of those -- of  
7 those centralizer subs with Hydril 513 were  
8 delivered to the rig site earlier, only 6?

9 A. No, I do not. I did not order them.

10 Q. Is it a fact that Weatherford responded  
11 extraordinarily quick to your response, to your  
12 request on April 15th, on the afternoon of April  
13 15th?

14 A. For the slip-ons?

15 Q. Yes.

16 A. Yes, I believe they did.

17 Q. In fact, by the next morning at 10  
18 o'clock, those 15 centralizers were on the rig,  
19 flown in by helicopter?

20 A. Correct, yes.

21 Q. And, in fact, they had brought, at your  
22 request, a service technician to make sure that the  
23 components to be attached to the centralizer itself  
24 would be done correctly?

25 A. That is correct.

1 MR. LEMOINE: Thank you, sir.

2 HON. ANDERSEN: In terms of future  
3 questions with this witness, the Board  
4 feels we've plumbed centralizers to about  
5 a 25,000-foot depth, and so -- unless  
6 there's -- so we really don't want  
7 repetition on e-mails or questions that  
8 have been asked on that. But obviously  
9 the Board's going to analyze this and  
10 reflect on it all.

11 Okay. Dril-Quip.

12 COUNSEL REPRESENTING DRIL-QUIP: No  
13 questions.

14 HON. ANDERSEN: Douglas Brown?

15 MR. GORDON: Yes.

16 E X A M I N A T I O N

17 BY MR. GORDON:

18 Q. Mr. Cocalles, my name is Steve Gordon,  
19 and I represent Doug Brown.

20 You are a drilling operations  
21 engineer, right?

22 A. Yes, sir.

23 Q. I'll stipulate I am not. So I just  
24 would like to understand specifically what you do.

25 You were asked by the Board, and you

1 said -- basically, your first words were, you made  
2 forward- looking decisions.

3 Can you explain that?

4 A. I look at what the rig would be doing in  
5 the next operation, what -- in -- in planning and  
6 preparations for the next operation was the majority  
7 of my focus. I would be working with the engineers  
8 that would be planning the next operation.

9 Q. Okay. And for the Macondo well, you did  
10 not review it when the MARIANAS was on it, but you  
11 did review the updated well program for the  
12 DEEPWATER HORIZON?

13 A. Yes, that's correct.

14 Q. Now, are your forward-looking decisions,  
15 are they basically from the same vessel? For  
16 instance, like, if the DEEPWATER HORIZON had left  
17 the Macondo well successfully and gone to -- is it  
18 the Nile?

19 A. Yes.

20 Q. -- do you make decisions towards the end  
21 of what the DEEPWATER HORIZON will be doing on the  
22 Macondo, and then those decisions also incorporate  
23 when it reaches the Nile location?

24 A. No, I don't make those decisions.

25 Q. Okay. For instance, the granular

1 decision, I just want to make sure, because it  
2 sounds like you have quite a bit of knowledge what  
3 was happening on the 14th, 15th, 16th, stuff like  
4 that.

5                   But, like, on the 20th, when, for  
6 instance, they were off-loading some drilling fluid,  
7 is that something that you make a decision on?

8           A.       No, it is not.

9           Q.       And then you also went out in September  
10 of '09 with the rig foreman. And I guess that was  
11 as a result of the safety audit?

12          A.       Actually, to be clear, the well-site  
13 leaders were not on board the rig at the time.

14          Q.       Right. But you went out as a result of  
15 the safety audit to go address some falling objects?

16          A.       It -- it was a safety stand-down that BP  
17 had put into place for all the rigs that were  
18 working in the Gulf of Mexico for BP.

19          Q.       Safety stand-downs. No rigs were  
20 working in September of '09 for BP in the Gulf of  
21 Mexico?

22          A.       No, that's not correct. It was  
23 staggered. I mean, it was -- it was part of an  
24 overall program to catch all of the rigs. I  
25 apologize if I was not clear on that.

1 Q. That's okay.

2 A. So different rigs were done at different  
3 times, but all the rigs were done.

4 Q. Were they all Transocean rigs?

5 A. No, I don't believe they were all -- I  
6 don't know that.

7 Q. And when you went out there, you -- and  
8 testified that one of them -- the reasons was, you  
9 wanted to raise the level of safety awareness.

10 A. Yes, that is correct.

11 Q. And, just for clarity, you have -- at  
12 that time, you had reviewed the September, '09,  
13 audit from BP on the DEEPWATER HORIZON, correct?

14 A. I don't recall at the time if I had  
15 reviewed all that -- the audit findings at that  
16 time. They were still in the process of doing that.

17 Q. Okay. When it came out, did you review  
18 it?

19 A. I did, yes.

20 Q. Okay. Would you agree with me that --  
21 and I don't want to get into detail, but there were  
22 a lot of things that needed to be maintained or  
23 repaired, according to that audit?

24 A. There were many findings, yes.

25 Q. All right. And, specifically, you had

1 known that there had been a safety awareness problem  
2 on the DEEPWATER HORIZON in September of '09 and  
3 before that time, correct?

4 A. No, I didn't say there was a safety  
5 awareness problem.

6 Q. Okay. When you went out there, what did  
7 you do?

8 A. I went out with Paul Johnson, the  
9 Transocean rig manager, and presented -- BP had a  
10 PowerPoint presentation on the items, reviewed  
11 previous incidents and high-potential incidents that  
12 had happened on other BP locations with the  
13 personnel on the rig.

14 Q. Okay. And how long did that last,  
15 approximately?

16 A. Approximately two hours.

17 Q. All right. And then -- so you flew out  
18 by helicopter, did the thing and then left?

19 A. I believe I was there for a day or so.

20 Q. Okay. Do you know Mr. Robert or Bob  
21 Kaluza?

22 A. Yes, I do.

23 Q. And when did you first meet him?

24 A. Approximately six years ago.

25 Q. That's okay. That's fine. So a long

1 time ago, right?

2 A. Six or eight years ago.

3 Q. Great. Can you tell the Board your  
4 perception of his competence in what he does?

5 A. In his competence?

6 Q. Yes. Level of competence.

7 A. I -- he's a very experienced well-site  
8 leader. He's worked in the oil field a number of  
9 years in a lot of different locations around the  
10 world.

11 Q. Did you have knowledge that he was going  
12 to go out to the DEEPWATER HORIZON in April of --  
13 20th, 2010?

14 A. I found out about it, yes.

15 Q. When?

16 A. I believe on the 16th, when -- 16th or  
17 the 17th when his name showed up on the -- on the --  
18 our daily drilling report.

19 Q. Did you know that he was replacing  
20 Mr. Sepulvado?

21 A. At the time, I did not.

22 Q. What did you think Mr. Kaluza was going  
23 out there to do?

24 A. Well, I mean, I knew he was replacing  
25 somebody, I just didn't -- I didn't know if it was

1 him or who.

2 Q. When you're making your decisions, your  
3 forward-looking decisions, and you're in the  
4 completion phase, I -- I -- as I assume, please  
5 correct me if I'm wrong -- when you're in the  
6 completion phase of a well, that's kind of when some  
7 of your decisions for the next transition,  
8 you -- you actually make decisions around and effect  
9 that time period, correct?

10 A. I actually don't. I -- I really don't  
11 make those -- those decisions on what the operations  
12 actually do, plans or change operations. I just  
13 get -- make preparations for when the rig is  
14 actually finished up.

15 Q. The reason I'm kind of probing around,  
16 I'm -- just get it out there. It's my understanding  
17 that the Nile required a special type of fluid or  
18 mud that was not on board the DEEPWATER HORIZON when  
19 it was on the Macondo well.

20 Is that your understanding?

21 A. Yeah. Because the Nile had, it was a  
22 completed well, so it had brine -- it had brine in  
23 the wellbore, it did not have mud.

24 Q. Was there anything that you did or  
25 requested to be done when the DEEPWATER HORIZON was

1 on the Macondo, in the completion phase, and was  
2 going to move off-site for arrival at the Nile?

3 A. Yeah, I mean, there were a couple  
4 things. Our HSE group was undergoing some safety  
5 training for them for -- I believe it was NORM  
6 training, so members of the crew were getting --

7 Q. Naturally occurring radioactive  
8 materials?

9 A. Yes, sir.

10 Q. Okay. Go ahead.

11 A. And the other thing I can think of is,  
12 we put into place an operation to clean the riser  
13 before we would be leaving. So this would be after  
14 we displaced the seawater, we would be --

15 HON. ANDERSEN: If -- if your point  
16 is, were you eager to get the DEEPWATER  
17 HORIZON out working on the Nile,  
18 that's -- that's something that counsel or  
19 the Board can ask you about. I don't  
20 think we're interested in the details of  
21 the Nile operation.

22 So I'll ask you: How important was  
23 it to you if -- were you able to make that  
24 judgment that the DEEPWATER HORIZON get on  
25 to the Nile?

1 THE WITNESS: It wasn't driving any  
2 priorities or anything, it was just, when  
3 we got finished up with Macondo, we would  
4 be prepared to go to Nile.

5 MR. GORDON: May I?

6 HON. ANDERSEN: Sure.

7 Q. (BY MR. GODWIN) I just want to make  
8 sure. The HSE manual is -- the "S" is for safety,  
9 right?

10 A. Yes, sir.

11 Q. And do you, sir, consider changes in  
12 staff at BP regarding safety? Is that something  
13 that comes under your scope? And I don't mean  
14 firing, but I mean, like, scheduling, for instance.

15 Does -- during a key part of the  
16 well, is it prudent to have somebody go and leave  
17 that well?

18 A. That doesn't fall within my area of  
19 authority.

20 Q. Okay. Thank you. Change of subject.

21 The realtime monitoring location,  
22 what do you call that place?

23 A. Can you be more specific?

24 Q. Yes. It's my understanding you were  
25 asked about data that goes from DEEPWATER HORIZON to

1 the BP location in town or Houston.

2 A. Oh, okay. We had an operations room  
3 that -- it's like a conference room that we meet at  
4 and we have Sperry mud log data that comes -- that  
5 comes in, logging data.

6 Q. And who literally -- and that's 24  
7 hours, I take it?

8 A. The data -- the data does come in. It's  
9 not being monitored 24 hours.

10 Q. Okay. Is it monitored normal business  
11 hours by a human being?

12 A. No, it's not ever monitored.

13 Q. Never monitored by a human being?

14 A. It is not, correct.

15 Q. Is there some sort of program that BP  
16 has that if certain pressures and volumes go off the  
17 norm that somebody's alerted?

18 A. No, there's no -- there's nothing like  
19 that on -- for this. I -- for this room.

20 Q. So the purpose of the monitoring of this  
21 data is really simply to just have it somewhere so  
22 that if somebody wanted to look at it later, they  
23 could?

24 A. Yes. That is correct. The -- when  
25 we're drilling the well, a lot of times the mud

1 loggers are logging the data, and we come in the  
2 morning and we can basically see what we've drilled  
3 and talk -- discuss it with the rig, since they're  
4 working 24 hours, but we actually don't unless  
5 needed.

6 Q. Do you think it would be helpful in the  
7 future if somebody was placed to monitor that data  
8 for safety and environmental purposes?

9 A. That's a good question. It raises -- BP  
10 does have plans for a realtime operations center,  
11 and those plans are being worked. I don't know what  
12 level of monitoring or alarms that would be set up  
13 in that manner, but -- but they are -- they are  
14 moving in that direction to have -- to have a  
15 realtime operations center monitored.

16 MR. GORDON: Thank you very much.

17 HON. ANDERSEN: Thank you.

18 CAPT. NGUYEN: We go -- it's been  
19 four hours and 40 minutes, I believe, so  
20 we're going to take a lunch break for  
21 about an hour and reconvene at 1:40.

22 Thank you.

23 (Lunch break.)

24 HON. ANDERSEN: Okay. Mr. Harrell?

25 MR. FANNING: Right here, Judge.

1 HON. ANDERSEN: I know. Thank you  
2 for being at the lectern, ready to go.

3 MR. FANNING: Thank you, Judge.

4 E X A M I N A T I O N

5 BY MR. FANNING:

6 Q. Mr. Cocales, my name is Pat Fanning. I  
7 represent Jimmy Harrell, who was the OIM on the rig  
8 on April 20.

9 You know Jimmy, don't you?

10 A. Yes, sir, I do.

11 Q. Okay. Let me ask you first about the  
12 swap-out of Kaluza for Sepulvado.

13 Do you know who made the decision to  
14 send Mr. Kaluza out at that particular time to  
15 replace Mr. Sepulvado?

16 A. No, I do not.

17 Q. Okay. Are you -- I know the chart here  
18 shows Guide, and you said you would be answering to  
19 him, and then we have Kaluza and Vidrine.

20 Where do you fit in the Guide,  
21 Kaluza, Vidrine? Where does Cocales fit in there?  
22 If you do.

23 A. Yeah, I mean, I'm just a -- I work for  
24 John, the same as the well-site leaders, but they  
25 don't answer to me. They don't work for me. The

1 well-site leaders do not work for me, they work for  
2 John Guide.

3 Q. Okay. So you just answer to Mr. Guide,  
4 but you don't have a relationship?

5 A. We're all at equal levels, just in  
6 different functions.

7 Q. Okay. I believe I heard you say in  
8 response to questions from the Board about replacing  
9 people on the rig that Transocean -- excuse  
10 me -- that BP tries to overlap them.

11 Did you say something like that this  
12 morning?

13 A. Yeah. They -- they have a staggered  
14 change-out.

15 Q. Do you know whether that took place or  
16 that was followed with Mr. Kaluza and Mr. Sepulvado  
17 in this incident?

18 A. I believe it was.

19 Q. In that case, I don't have anything --

20 Well, let me ask you this: Is there  
21 a written policy about it? Do you think that they  
22 were there together at the same time, working  
23 together for a while?

24 A. Mr. Kaluza and Mr. Vidrine?

25 Q. No. Mr. Kaluza, Mr. Sepulvado.

1           A.           Oh. I'm sorry. No, I -- I don't know  
2 how long of a changeover they had. I was referring  
3 to Mr. Vidrine and Mr. Kaluza.

4                       HON. ANDERSEN: But you're not aware  
5 in your context that there was -- you  
6 don't know for sure if there was an  
7 overlap and, if so, how long it was?

8                       THE WITNESS: Between?

9                       HON. ANDERSEN: Mr. Vidrine and  
10 Mr. --

11                      MR. FANNING: No. Mr. Kaluza and  
12 Mr. Sepulvado.

13                      HON. ANDERSEN: And his predecessor.

14           A.           No, I don't know how long that hand-over  
15 was.

16           Q.           (BY MR. FANNING) Does BP have a policy  
17 we could find somewhere about overlapping and when  
18 you change people out?

19           A.           I don't know.

20           Q.           You've never seen it, then?

21           A.           I have not. No, I have not seen that.

22           Q.           All right. Let me ask you: After BP  
23 got the Halliburton testing on April 18th about a  
24 severe gas flow problem, do you know if BP did any  
25 additional testing in response to that report?

1 A. Not to my knowledge, no.

2 MR. FANNING: Okay. Good. Thank  
3 you.

4 HON. ANDERSEN: Thank you very much.  
5 Okay. Mr. Kuchta?

6 E X A M I N A T I O N

7 BY MR. SCHONEKAS:

8 Q. Good afternoon, sir, my name is Kyle  
9 Schonekas. I represent Captain Kuchta.

10 Sir, I want to follow up on a couple  
11 of questions concerning the -- as you described it,  
12 I believe, the operations room.

13 A. Yes, sir.

14 Q. And you had indicated that there's  
15 realtime data that is streamed into that room; is  
16 that correct?

17 A. There is, yes.

18 Q. And I understand that it's not manned  
19 24/7, but is it ever used as a tool to assist in  
20 problems?

21 A. Yes, it is with -- with the rig site,  
22 yes. You know, in communication with the -- with  
23 the people on the rig site.

24 Q. So that if there's a problem that  
25 develops on a well, your BP people can call up the

1 well-site leader -- is that the right term for the  
2 guy who runs the operation out there?

3 A. Yes, that's correct.

4 Q. He can call up and say, "Look, we've got  
5 an issue out here. I want you-all to go into the  
6 operations room and look at this data with me"?

7 A. Yes. That -- he could do that.

8 Q. And, in fact, I would assume that's the  
9 purpose of it, is it not, sir?

10 A. Correct, yeah, that's the -- you know,  
11 everybody can see the data in the same location,  
12 correct.

13 Q. And so that if they encounter a problem,  
14 they can get someone to go in there, be it any time  
15 of the day or night, and look at the data, confer  
16 and have the people back at town, as they say, give  
17 advice?

18 A. Yes. I would agree with that.

19 Q. And with respect to the problems that  
20 they encountered with this -- let's call it the well  
21 from the area that you wouldn't want to go to -- was  
22 that ever done?

23 A. Yes. Yes, it was.

24 Q. All right. With respect to the 19th,  
25 did you get a call from anyone from the well, a BP

1 person from the well, and say, "We need you to go  
2 into the operations room. We have an issue here.  
3 We need to consult"?

4 A. No.

5 Q. What about on the 20th, when there were  
6 issues concerning the negative pressure test, did  
7 any of the BP personnel call up and say, "We need  
8 you to go into the operations room. You need you to  
9 look at this data"?

10 MR. CLARKE: Objection. Clarify as  
11 to when he says "call up," does he mean  
12 call up this witness?

13 MR. SCHONEKAS: I'm sorry. Let me  
14 do that.

15 Q. (BY MR. SCHONEKAS) Whoever -- let me  
16 ask this: When there's a problem out there, who  
17 would they call?

18 A. There typically -- it would depend on  
19 what -- in their judgment what the level of the  
20 problem would be. If it was a routine problem, they  
21 would call the drilling engineer would be the first  
22 point of contact.

23 Q. Who was the first? I missed that.

24 A. The drilling engineer.

25 Q. The drilling engineer. And that would

1 be whom, sir?

2 A. That was Brian Morel or Mark Hafle.

3 Q. And so that let's suppose the problem  
4 were the interpretation of a negative pressure test,  
5 that there was an issue as to whether or not they  
6 could actually perform a successful negative  
7 pressure test, who would they -- who would they  
8 call?

9 A. I would guess the -- and I hate to  
10 guess, but they would probably --

11 HON. ANDERSEN: Then don't. You  
12 know, we really don't want guesses. But  
13 if you think, in the course of affairs,  
14 that there's a logical person to call, you  
15 can let us know.

16 Q. (BY MR. SCHONEKAS) I'll put it this  
17 way: What is the protocol with respect to that?

18 A. Well, if they've got an issue like -- in  
19 their judgment that is something that is routine, a  
20 routine problem or they just need clarification,  
21 they would typically call the drilling engineer.

22 Q. And he's available 24/7; is that right?

23 A. Yeah. And if he can't get ahold  
24 of -- you know, so they would work their way -- you  
25 know, if for some reason they can't get ahold of one

1 person, they would go to the next person.

2 Q. And the data that would be available  
3 would be the Sperry Sun data; is that right?

4 A. Yes, that's correct.

5 Q. And if they had called somebody at the  
6 main office or at their home or whatever, they could  
7 have gone to the operations room and they could have  
8 seen the Sperry Sun data; is that right, sir?

9 MR. CLARKE: Objection. Asked and  
10 answered, Judge, three minutes ago.

11 HON. ANDERSEN: Sustained. I think  
12 you showed that during this five-day  
13 period, as far as you know, nobody called  
14 from the rig to headquarters and had them  
15 check the data. And no one from  
16 headquarters said to someone else, "Go  
17 check the data," correct?

18 THE WITNESS: To my knowledge, that  
19 is correct.

20 HON. ANDERSEN: Right. To your  
21 knowledge. Okay.

22 Q. (BY MR. SCHONEKAS) And prior to  
23 learning of this particular disaster, had anyone  
24 told you that they had reviewed the data during the  
25 course of the day and that there were, in fact,

1 significant losses? Anyone tell you that?

2 A. And the data you're referring to is?

3 Q. The Sperry Sun data.

4 A. But in regards to?

5 Q. A flow-in/flow-out?

6 A. No, I -- and, I'm sorry, can you repeat  
7 the question again just to make sure that --

8 Q. Did anyone tell you that they had  
9 reviewed the flow-in/flow-out data that day, the  
10 20th?

11 A. Nobody told me that.

12 Q. Thank you, sir.

13 As the Chairman and counsel has  
14 indicated, the purpose of this proceeding is not  
15 just to determine cause but is also for this panel  
16 to suggest changes.

17 Do you understand that, sir?

18 A. Yes, sir.

19 Q. I'm going to ask you about suggestions  
20 that other people have made and want to know whether  
21 or not you have a belief as to whether or not these  
22 changes should be implemented. All right, sir?

23 MR. HILDER: Judge, I think I'm  
24 going to pose an objection. I don't think  
25 that's an appropriate line of inquiry.

1                   HON. ANDERSEN: Well, we're actually  
2                   going to ask him when he finishes -- and  
3                   most witnesses have chosen to say, "I  
4                   don't want to guess on that until the  
5                   investigation is over," et cetera.  
6                   However, we have had a couple ideas come  
7                   out of this, and so if there are specific  
8                   bullet points that you want to run down,  
9                   that's fine. But you don't have to spend  
10                  a lot of time thinking about them.

11                  MR. SCHONEKAS: And it's not going  
12                  to be very long. Thank you.

13                  Q.           (BY MR. SCHONEKAS) Sir, there was a  
14 testimony before the House Energy and Commerce  
15 Committee, and there, the CEO of ExxonMobil,  
16 Mr. Tillerson, testified that Exxon would have not  
17 used the same well design BP used. Instead, Exxon  
18 would have run a liner, a tieback liner, used a  
19 different cement formulation, tested for cement  
20 integrity before circulating the kill weight and had  
21 the locking sleeve ring at the casing hanger before  
22 proceeding.

23                                I know there were a whole series of  
24 those. Can you tell me, sir, whether or not you  
25 believe that those are things that would help

1 prevent this kind of disaster from occurring again?

2 MR. HILDER: Judge, again, I'm going  
3 to have to --

4 HON. ANDERSEN: I'm going to sustain  
5 the objection.

6 MS. KARIS: Thank you.

7 HON. ANDERSEN: Counsel has over and  
8 over again, and the Board, questioned each  
9 one of these decisions. So that's -- and  
10 I would not find an answer particularly  
11 probative unless you decided to completely  
12 disregard all the procedures that were  
13 used.

14 So that -- you know, ultimately,  
15 we'll have to take a look at all of that,  
16 but I'm going to sustain that objection.

17 MR. SCHONEKAS: Judge, can I ask him  
18 with respect to the particular  
19 suggestions?

20 HON. ANDERSEN: Each one of those  
21 we've actually gone down. They preferred  
22 to not use the casing, that the --

23 MR. SCHONEKAS: All right.

24 HON. ANDERSEN: So I think --

25 MR. SCHONEKAS: One more question.

1 Move on.

2 Q. (BY MR. SCHONEKAS) Sir, did you review  
3 the testimony of the chairman and CEO of Chevron,  
4 Mr. John Watson, with respect to his  
5 recommendations?

6 HON. ANDERSEN: Let's just get the  
7 recommendation, please -- and because  
8 we're trying to find out what happened  
9 here.

10 MR. SCHONEKAS: All right.

11 HON. ANDERSEN: The hearing is not  
12 supposed to be a platform for discussing  
13 things that people who aren't in the room  
14 had to say.

15 MR. SCHONEKAS: Well, Judge, the  
16 only consequence of referencing these  
17 particular people is, is that they are,  
18 one, industry people; and, secondly, it  
19 represents a very considered opinion. And  
20 so for that reason, I would like to find  
21 out whether or not he shares the same  
22 opinions that the CEOs of ExxonMobil and  
23 Chevron have shared with respect to  
24 preventative measures.

25 HON. ANDERSEN: Okay. Now, having

1           said that, why don't you give me those  
2           preventative measures.

3                       MR. SCHONEKAS: I will.

4           Q.           (BY MR. SCHONEKAS) The Chevron  
5 gentleman said he would not have run a full casing  
6 string but instead would have -- because it would  
7 leave the -- an open annulus to the wellhead and  
8 make the seal assembly of the wellhead the only  
9 barrier to gas flow if the cement job failed.

10                      Do you believe that that, sir, is a  
11 condition that should be avoided?

12                      MR. HILDER: Objection, Judge. A  
13 variety. First of all, there's a lack of  
14 foundation. Second of all, he's just  
15 doing the same things. He's asking -- if  
16 he's so bent on --

17                      HON. ANDERSEN: Here's what we  
18 commit to do. You know, the actual  
19 investigation of the well itself is, as we  
20 sit here, underway, we'll all get to  
21 see -- I'm sure, actually, everyone in the  
22 room is curious to see if we can get down  
23 inside of it, to examine it to better find  
24 out what happened.

25                      So I promise you that all of these

1 issues will be on the Board agenda  
2 hopefully after we complete whatever  
3 investigation that will -- can be made.  
4 Then those things become very relevant.  
5 And we're well aware that that testimony  
6 could potentially be applicable.

7 So, with all due respect, I'm going  
8 to defer questions on those issues until  
9 after that well is inspected, if it can be  
10 inspected; and if it's not, then I'm sure  
11 we'll address them also.

12 MR. SCHONEKAS: So I take it I can't  
13 pursue that, Judge?

14 HON. ANDERSEN: Not now.

15 Q. (BY MR. SCHONEKAS) All right. Let's  
16 talk about centralizers.

17 MR. SCHONEKAS: Just kidding.

18 HON. ANDERSEN: Very good.

19 Mr. Bertone's lawyer is not here.  
20 I'm going to skip over.

21 MR. FANNING: Judge, I can tell you,  
22 he went to the coffee room, but he said he  
23 doesn't have any questions.

24 HON. ANDERSEN: Okay. I'll "X" him  
25 out, but if he comes in and -- because he

1 got skipped over twice unaccountably  
2 earlier in the week.

3 Patrick O'Bryan?

4 COUNSEL REPRESENTING PATRICK

5 O'BRYAN: No questions.

6 HON. ANDERSEN: Robert Kaluza?

7 MR. CLARKE: No questions.

8 HON. ANDERSEN: Mike Williams?

9 MR. PENTON: Just one, Judge. One  
10 topic.

11 MR. CLEMENTS: One question. We all  
12 heard it.

13 MR. MATHEWS: One topic.

14 HON. ANDERSEN: He got to the "u" in  
15 "que" and then switched to topic.

16 MR. PENTON: Simple topic.

17 E X A M I N A T I O N

18 BY MR. PENTON:

19 Q. Mr. Cocales, my name is Ronnie Penton.  
20 I represent Mike Williams.

21 I'd like you to review Exhibit 29  
22 that you've been asked about several occasions and  
23 ask you really, hopefully, one question.

24 Just take a look at the April 20th,  
25 10:43 a.m. e-mail that shows that you were copied on

1 this e-mail at 10:43, correct?

2 A. Yes, sir.

3 Q. And that was what -- what we're calling  
4 the ops note that sent a change procedure for the  
5 negative test?

6 A. Yeah, updated the procedure that -- that  
7 was -- was in place, yes, an update.

8 Q. Were you aware personally that 17  
9 minutes after that e-mail was sent, Jimmy  
10 Harrell -- you know Jimmy, don't you?

11 A. Yes, I do.

12 MR. FANNING: My question.

13 Q. (BY MR. PENTON) -- that Jimmy Harrell  
14 had a discussion with the BP company man,  
15 Mr. Kaluza, about that issue in the negative test?  
16 Were you aware that there was some issue discussed  
17 at that mid-morning meeting 17 minutes after this  
18 e-mail was sent?

19 A. No, I was not.

20 MR. PENTON: Thank you, sir.

21 HON. ANDERSEN: Thank you.

22 Does BP have any follow-up  
23 questions?

24 MS. KARIS: I do, Your Honor.

25 HON. ANDERSEN: Okay.

1 MS. KARIS: Good afternoon.

2 Hariklia Karis, H-A-R-I-K-L-I-A K-A-R-I-S,  
3 counsel for BP.

4 May I proceed?

5 HON. ANDERSEN: Please.

6 MS. KARIS: Thank you.

7 E X A M I N A T I O N

8 BY MS. KARIS:

9 Q. Mr. Cocales, I want to ask you about a  
10 few different areas, and I want to start first with  
11 a conversation that Mr. Johnson told us that he had  
12 with you regarding a request for daily operations  
13 reports.

14 Do you recall having a discussion  
15 with Mr. Johnson in which he asked you for the daily  
16 operations reports?

17 A. Yes, ma'am, I do recall that.

18 Q. Can you tell us what you recall about  
19 that conversation?

20 A. Mr. Johnson had asked if there's any way  
21 that he could get on the BP daily drilling report  
22 distribution.

23 Q. And what did you tell him?

24 A. I said I would look into it. I'm not  
25 the person that does that, and I -- I went and got

1 our drilling technologist Cindy Holik to see if we  
2 could get that done, you know, rather quickly,  
3 brought her into the room, in our operations room.

4 Q. And were you able to get him on BP's  
5 computer system to send him the daily operations  
6 report?

7 A. What -- what Cindy had told me is that  
8 there's an IP issue with the firewall, that he would  
9 have to have a BP e-mail account before we could  
10 actually e-mail the daily drilling reports to him.

11 Q. And since you couldn't get him past the  
12 firewall of the computer system, did you offer to  
13 make those daily operations reports available to  
14 him?

15 A. Yes, I did. I asked him if he would  
16 like me to forward them to him in the meantime,  
17 until we worked out another solution, and he said,  
18 "No, that's all right. Don't worry about it. I  
19 have the IADCs."

20 Q. So did Mr. Johnson tell you that you  
21 didn't have to forward those reports since you  
22 couldn't get them on the computer system?

23 A. Yeah. That was my understanding. And  
24 also, I don't -- he -- what I recall, he didn't  
25 really want to have another e-mail account, so he

1 didn't really like that option either.

2 Q. Reference the IADCs, are those reports  
3 prepared on a daily basis on the rig, if you know?

4 A. Yes. That's my understanding, that  
5 those reports are time summary of what takes place  
6 on the drilling rig.

7 Q. And are the daily operations reports  
8 also available on the rig every single day?

9 A. The -- the BP daily drilling reports?

10 Q. Yes.

11 A. Yes, ma'am, they are printed out at the  
12 rig site every day.

13 Q. Last question on that topic.

14 If Mr. Johnson wanted the daily  
15 operations reports, would he have gotten them from  
16 you via e-mail or other means?

17 A. Yes, I believe so.

18 Q. And could he have also gotten them from  
19 the rig?

20 A. I believe he could, yes.

21 Q. Okay. Different topic. I am going to  
22 ask you about centralizers.

23 You testified earlier in response to  
24 one of the questions that you wanted to explain that  
25 certain things had occurred between the time that

1 you had your conversation regarding the getting more  
2 centralizers and the time that you received the  
3 OptiCem report.

4 Did you recall that previously?

5 A. Vaguely.

6 Q. Okay. Fair enough. Let me see if I can  
7 refresh your memory.

8 First of all, who was it that  
9 recommended 21 centralizers for the OptiCem model?

10 A. The -- I -- I -- I had procured 15  
11 additional centralizers, and I had asked Jesse  
12 to -- Jesse Gagliano with Halliburton, to run a  
13 model with 21 centralizers.

14 Q. Did Mr. Gagliano ever tell you that you  
15 needed 21 centralizers in order to not have  
16 channeling?

17 A. He never did tell me that.

18 Q. Now, we've heard reference to these 21  
19 centralizers.

20 Do you know whether less than 21  
21 centralizers could have resulted in no channeling?  
22 If you know.

23 MR. BRIAN: Objection. Foundation.

24 HON. ANDERSEN: Well, I think we  
25 have adequate foundation.

1                   Just don't guess or speculate. And  
2                   if you want to -- if you have an opinion,  
3                   give us your reason for it.

4           A.       It's possible with -- with different  
5 spacing.

6           Q.       (BY MS. KARIS) What is the significance  
7 of the spacing in the centralizers?

8           A.       Well, you -- in my opinion -- the hole  
9 is very vertical. That means it did not necessarily  
10 require one centralizer per joint to achieve  
11 centralization, that you could have gone with one  
12 centralizer for every two joints or possibly a  
13 slight variation of that. That would have moved the  
14 centralizers up higher in the annulus and would have  
15 possibly changed the -- what the model was  
16 estimating in channeling.

17          Q.       Do you know what -- at what level the  
18 highest centralizer actually end up? That is, the  
19 highest of these six centralizers?

20          A.       At approximately 17,800 feet.

21          Q.       And was that above the cluster of  
22 hydrocarbon zones that you had seen?

23          A.       Yes, ma'am. The top of the pay zone was  
24 around 18,080 feet.

25          Q.       So that would put the highest

1 centralizer -- highest centralizer a couple hundred  
2 feet above that cluster of hydrocarbon zones?

3 A. Yes, that is correct.

4 Q. And do you know what, if any,  
5 consideration Mr. Morel or Mr. Guide gave to where  
6 the highest centralizer would be placed, vis-a-vis  
7 the hydrocarbon zones?

8 MR. BRIAN: Objection. Foundation.

9 HON. ANDERSEN: Only if you know.

10 Q. (BY MS. KARIS) If you know.

11 A. I don't know that.

12 Q. Okay. You were not involved in those  
13 discussions; is that fair?

14 A. Well, I -- actually, I was involved in a  
15 discussion with Brian Morel, an e-mail chain where  
16 he had specifically placed them from the caliper log  
17 to that -- to that -- that extent.

18 Q. And is your knowledge as to where the  
19 highest centralizer ended up based on your  
20 conversations with Mr. Morel?

21 A. Yes.

22 Q. Now, you referenced several times  
23 earlier in connection with some of the responses you  
24 gave that this is a vertical hole. I think you said  
25 it's probably the straightest one you've ever seen?

1           A.           Yes.    In the bottom section of this hole  
2 section, it is very, very vertical.

3           Q.           What is the significance of this being a  
4 vertical hole in connection with the centralizer  
5 issue?

6           A.           When -- when -- in my opinion, when the  
7 wellbore is so vertical, it does not take -- it does  
8 not take as many centralizers.  It could be spaced  
9 out further apart and still achieve centralization  
10 with the casing.

11          Q.           And do you know whether the API, the  
12 American Petroleum Institute recommended practice  
13 accounts for needing less centralizers when you've  
14 got a vertical hole?

15          A.           I don't know the exact language, but  
16 they do reference that it is reasonable to -- to  
17 place the centralizers further apart in a vertical  
18 hole.

19          Q.           If I heard you correctly, you testified  
20 that the -- your discussion around the centralizers  
21 related to the issue of channeling.

22          A.           Yes.    That is correct.

23          Q.           Were you looking at gas flow potential,  
24 or had you heard of gas flow potential when you were  
25 discussing centralizers?

1           A.           I -- I had never heard of the concept of  
2 gas flow potential.

3           Q.           Now, you testified that you believed  
4 that a contingency existed for addressing  
5 channeling.

6                               Do you recall that?

7           A.           Yes, I do.

8           Q.           Can you tell us what you meant by there  
9 was a contingency in place for channeling?

10          A.           Yes. The -- if the -- during the cement  
11 job, the ECDs would have spiked up as a result of  
12 channeling, which was an estimation, a simulation  
13 that the model was showing, that we would see higher  
14 ECDs, and it could lead to losses during the cement  
15 job.

16                               If that did occur, there was a  
17 contingency plan to run a cement bond log. If that  
18 did occur.

19          Q.           And so had you done a risk assessment  
20 for how to address channeling if you saw losses?

21          A.           That was part of the risk mitigation for  
22 that event.

23          Q.           So during the cementing job, if there  
24 was a belief that there was -- first, how would they  
25 look to see if there was channeling?

1           A.           Well, if it spiked up at the end of the  
2 cement job, it would indicate that they -- the  
3 cement is trying to push up much higher than what  
4 the plan is because it's bypassing the sections of  
5 the hole.

6           Q.           And do you know what would have been  
7 done had they seen those spikes that you just  
8 identified?

9           A.           If there was losses, that would have  
10 triggered the plan to get a cement bond log. If  
11 there was not losses, in my estimation, that would  
12 have triggered a conversation with the wells team to  
13 decide what -- what would be the best path forward.

14          Q.           Different topic. The negative pressure  
15 test.

16                        We looked at the drilling plan that  
17 was put together on April 15th. At least it's dated  
18 April 15th. It's behind Tab 10 in the white binder.

19          A.           I'm sorry, what page?

20          Q.           I'm sorry, first -- if you look at the  
21 drilling plan that's behind Tab 10. Just to make  
22 sure we're on the same page. This is the Macondo  
23 prospect 7-inch by 9-7/8-inch interval that  
24 Mr. Dykes asked you about.

25          A.           Yes. Yes, ma'am.

1 Q. And if you go to page 8, that's where  
2 there's the reference to the negative test, correct?

3 A. Yes.

4 Q. Now, when this drilling plan was put  
5 together that referenced a negative test as part of  
6 Step 15 and then subsequently a negative test, do  
7 you know whether there was still an outstanding  
8 issue regarding whether the MMS would approve  
9 placing the cement plug at the lower depth?

10 A. I believe so, yes.

11 Q. In fact, if you look under bullet number  
12 or point No. 3, the second bullet, does that  
13 reference the fact that there's still awaiting  
14 a -- they're waiting to see if the approval will be  
15 received from the MMS for displacement at a greater  
16 depth and then placing the cement plug?

17 A. Yes, that's what it says.

18 Q. Okay. And so this drilling plan, at the  
19 time it was put together, had the APD been  
20 finalized? APM, excuse me.

21 A. I -- I believe we -- we -- I believe the  
22 finalized APM was received on April 16th.

23 Q. Now, we're not going to talk again  
24 about -- we're not going to walk through, I should  
25 say, the ops note and the APM; but as you see those

1 two documents, the procedures set out in the APM for  
2 the negative test and the ops note, is there a  
3 change in how that test is going to be conducted?

4 A. Can you say that again?

5 Q. Sure. I'm sorry. Let's walk through  
6 it. I'm trying to do it quickly.

7 If you look behind Tab 29.

8 A. Okay.

9 Q. That's the second page. Is that the  
10 negative test procedure that was submitted to the  
11 MMS?

12 A. Yes.

13 Q. And do you know whether this is the  
14 procedure that was approved?

15 A. I -- I believe it was, yes.

16 Q. Okay. And if you look at the page in  
17 front of it, which is the ops note prepared by  
18 Mr. Morel on April 20th for the negative test --

19 A. Correct.

20 Q. -- is there a change from how the MMS  
21 approved the negative test to be performed with the  
22 ops note that Mr. Morel prepared?

23 A. Not in my estimation, no.

24 Q. Different topic.

25 You testified just a little while

1 ago regarding staggering of well-site leaders.

2                   Do you recall that? After we got  
3 back from lunch.

4           A.       Yes, ma'am.

5           Q.       Can you explain to us what you meant by  
6 the well-site leaders being staggered?

7           A.       Yes. When -- when well-site leaders are  
8 changed out on our deepwater operations, there's  
9 always a well-site leader that has been on board for  
10 a week prior to making a change with any well-site  
11 leaders. So the new person coming on is always  
12 working with the person that has been there for at  
13 least a week or -- or a week.

14          Q.       So when Mr. Kaluza got to the rig, would  
15 he have stayed on for at least a week with Don  
16 Vidrine, who had been on the rig already?

17          A.       Yeah, he would have been working with  
18 Don Vidrine, who would have been on the rig for a  
19 week, to the best of my knowledge.

20          Q.       Is that the staggering you were talking  
21 about previously?

22          A.       Yes, that's what I was talking about.

23                   MR. CLARKE: Your Honor, I'm sure it  
24 was inadvertent, but I do want to clarify.  
25 I think the evidence is that Mr. Kaluza

1           was scheduled to leave the next morning.  
2           He was actually doing a four-day relief  
3           shift, not a full week.

4           MS. KARIS: Fair enough.

5           Q.       (BY MS. KARIS) But would there have  
6 been staggering -- that is, the entire time  
7 Mr. Kaluza would have been there, then Mr. Vidrine  
8 would have been there?

9           A.       Yes.

10          Q.       You testified earlier about the  
11 bottoms-up procedure that's in the API.

12                    Do you recall that generally?

13          A.       Yes, I do.

14          Q.       And are you familiar with that API  
15 standard for bottoms-up?

16          A.       I am -- yes, I'm familiar with API RP  
17 65, if that's the one --

18          Q.       Yes.

19          A.       Yes.

20          Q.       Do you know whether API RP 65 references  
21 that you should take into account well conditions  
22 when you're deciding whether or not to do a  
23 bottoms-up?

24          A.       I -- I do not recall.

25          Q.       Fair enough.

1                   Mr. Godwin asked you about whether  
2 bottoms-up would address contamination.

3                   Do you recall that?

4           A.       Yes.

5           Q.       Bottoms-up does not address  
6 contamination caused by additives to the cement  
7 slurry, does it?

8                   MR. GODWIN:  Objection, Your Honor.  
9                   She's testifying for the witness.  The  
10                   leading rule appears to apply to us and  
11                   not her.

12                   MS. KARIS:  I'll rephrase.

13           Q.       (BY MS. KARIS)  Does bottoms-up address  
14 contamination caused by additives to the cement  
15 slurry?

16           A.       No, not in my estimation.  I'm not a  
17 cementing expert.

18           Q.       Last topic.

19                   This chart, organizational chart --

20                   MS. KARIS:  If I could just step  
21                   forward?

22                   HON. ANDERSEN:  Yeah, come on around  
23                   it.

24                   MS. KARIS:  Thank you.

25           Q.       (BY MS. KARIS)  This organizational

1 chart that we've been talking about, just so we're  
2 clear, do you know whether Mr. Morel and Mr. Hafle  
3 had been working on this well since its inception?

4 A. Yes. That -- that is my understanding.

5 Q. Did the reorganization in any way affect  
6 Mr. Morel and Mr. Hafle's involvement in this well?

7 A. No, it did not.

8 Q. Had you been working on this well -- I  
9 understand under Mr. Guide, but on this well for at  
10 least several -- well, let me ask you this: When  
11 did you begin working on this well?

12 A. I became part of that team when the  
13 HORIZON went -- went to drill -- went to start -- or  
14 finish the Macondo well.

15 Q. So that would have been January of 2010?

16 A. Yes. End of January.

17 Q. So -- and you had also been working on  
18 this well several months before this incident?

19 A. Yes. I was actually associated with it  
20 in a -- in a slightly different capacity.

21 Q. And then Mr. Walz, was he new to this  
22 position?

23 A. Yes, he -- that was a change in the  
24 organization with the engineering team leader.

25 Q. Do you know whether he had any

1 involvement with this well prior to the  
2 organizational change?

3 A. My understanding, he did not.

4 Q. Mr. Sprague, was he previously on the  
5 engineering side as well?

6 A. Yes, he was -- he was -- yes, he was  
7 previously on the engineering side.

8 Q. Were there any changes in Mr. Sprague's  
9 function in connection with this well? If you know.

10 A. There was a slight change. And I hope  
11 I'm answering your question, but the reporting  
12 structure on engineering and operations before it  
13 was -- engineering was reporting up through Ian  
14 Little, which is in place of David Sims. It was --  
15 engineering operations were under one operations  
16 manager. Like that first -- the David Sims level.

17 Q. Fair enough.

18 A. And when it was changed, it was  
19 reporting straight up to engineering or operations.

20 Q. And, similarly, Mr. Guide, do you know  
21 whether he too had been working on this well several  
22 months before this incident?

23 A. Yes, he -- yeah, he had been working on  
24 the well, yes.

25 Q. Do you know whether Mr. Sims also was

1 working on this well several months before this  
2 incident?

3 A. Yes, he had been working on the well,  
4 yes.

5 Q. Do you know whether Mr. Rich had been  
6 working on this well several months before this  
7 incident?

8 A. I don't know if Mr. Rich had been.

9 Q. And then Mr. O'Bryan, do you know  
10 whether he was in that position at least several  
11 months prior to this incident?

12 A. I don't recall when he  
13 came -- when -- when he joined in that position.

14 Q. Is it fair to say that during the course  
15 of your involvement on this well, the only person  
16 that was new to this well was Mr. Walz?

17 A. Yeah, that would be a fair assessment,  
18 yes.

19 MS. KARIS: Thank you. I have  
20 nothing further.

21 HON. ANDERSEN: Thank you.

22 Any Board questions?

23 FURTHER EXAMINATION

24 BY CAPT. HIGGINS:

25 Q. Just a few questions for clarification,

1 sir.

2                               With regard to Mr. Morel, was he  
3 actually on the rig at the times in question, from  
4 approximately the 15th to the 20th?

5           A.           I'm sorry, was he on the rig, did you  
6 say?

7           Q.           Yes.

8           A.           Yes, he was.

9           Q.           So he would have been the drilling  
10 engineer that was providing the direct advice to the  
11 well-site leader; is that correct?

12          A.           He would have been -- yes, he would have  
13 been communicating with them. Now, they are not  
14 working for him, but he's providing engineering  
15 support to them.

16          Q.           So the engineering team ashore would  
17 provide advice to Mr. Morel, and then Mr. Morel  
18 would provide the advice to the well-site leader; is  
19 that correct?

20          A.           Yes. He had resources such as input  
21 from myself or input from Mr. Hafle or Mr. Guide.

22          Q.           Just addressing quickly the management  
23 of change issues. My understanding is that the  
24 management of change documentation for your shift,  
25 from reporting to Mr. Guide to reporting to

1 Mr. Walz, was not completed; is that correct?

2 A. Yes, sir, that's correct.

3 Q. So that still remains to be completed or  
4 has been completed?

5 A. It never -- it never got done. It  
6 just -- because of the incident.

7 Q. I understand. The management of change  
8 documentation with regard to Mr. Kaluza going out  
9 and replacing, was that done?

10 A. I -- I do not know.

11 Q. The management of change documentation  
12 with regard to updating the DWOP on the website  
13 versus what people were using, do you know whether  
14 that was ever done, that the DWOP was canceled and  
15 so everybody knew which manual you were working  
16 from?

17 A. In my -- in my opinion, everybody knew  
18 that there was a change to the DWOP when it was  
19 rolled out in January. That is, that people that  
20 rolled it out to the wells team -- "everybody" is a  
21 broad term for BP, so I -- I can't -- I guess I  
22 should say I don't know.

23 Q. Was the outdated DWOP removed from  
24 circulation so that everyone knew we were working on  
25 a different policy?

1           A.           The -- the hard copies were removed.  
2 They asked for those back. I don't know about the  
3 electronic copies.

4           Q.           With regard to this either  
5 nondocumentation or nonmanagement of change  
6 followthrough, do you believe there's a management  
7 of change issue with regard to BP's documentation of  
8 management of change?

9           A.           For which -- what -- for which  
10 particular -- I mean, all three of those or...

11          Q.           Right. As -- as a process. If you have  
12 an opinion, do you think there's an issue there?

13          A.           I believe there's -- there are judgment  
14 calls to make on the MOC, and I believe that could  
15 lead to difference of opinions.

16                        CAPT. HIGGINS: Thank you, sir.

17                        HON. ANDERSEN: Captain?

18                        MR. WHEATLEY: Just --

19                        HON. ANDERSEN: Oh, sorry. Then  
20                        Captain.

21                        MR. WHEATLEY: -- briefly.

22                        E X A M I N A T I O N

23 BY MR. WHEATLEY:

24          Q.           Mr. Hafle [sic], we've talked  
25 extensively about the OptiCem model and the relative

1 degrees of confidence that BP had in that model.

2           Are you aware if BP ever did any  
3 type of analysis comparing the forecasted conditions  
4 using the OptiCem model an the actual well  
5 conditions experienced?

6           A.       On this -- on this particular well  
7 model?

8           Q.       On any well.

9           A.       I'm not aware that -- that that was  
10 done. I don't know.

11          Q.       So, as far as you know, there was no  
12 comparison, relative degree of confidence,  
13 coefficient of reliability, anything like that  
14 between the forecasted conditions and those actually  
15 experienced in wells?

16          A.       Not -- not a formal study am I aware of.  
17 But I believe people base their opinions on actual  
18 usage from what they see as they're drilling the  
19 wells -- individuals do.

20                    I'm Mr. Cocales.

21                    MR. WHEATLEY: I'm sorry. My  
22 mistake. I apologize.

23                    THE WITNESS: That's all right.

24                    MR. WHEATLEY: Thank you, sir.

25                    THE WITNESS: You're welcome.

1 FURTHER EXAMINATION

2 BY CAPT. NGUYEN:

3 Q. Mr. Cocales, while Mr. Ron Sepulvado was  
4 at school, did you try to get in touch with him or  
5 anything related to the project, sir?

6 A. No, sir, I did not.

7 Q. Okay. How about any individual in that  
8 organization try to contact him for any reason?

9 A. I am not aware that they tried to  
10 contact him.

11 Q. Yes, sir.

12 How about, to your knowledge whether  
13 Mr. Kaluza or Mr. Vidrine contacted him for --

14 A. I do not know.

15 CAPT. NGUYEN: Thanks.

16 HON. ANDERSEN: Counsel, are there  
17 any questions you would like to ask your  
18 client?

19 MR. HILDER: Yes, sir, if I may.  
20 I'll be brief.

21 HON. ANDERSEN: Okay.

22 MR. HILDER: For the record, my name  
23 is Philip Hilder, and I represent  
24 Mr. Cocales.

25 May I proceed?

1 HON. ANDERSEN: Yes.

2 E X A M I N A T I O N

3 BY MR. HILDER:

4 Q. I know there's been much to-do about  
5 centralizers, and the committee may not want to hear  
6 much more about it, but there are a few questions I  
7 think that I would like to ask Mr. Cocales.

8 Mr. Cocales, where did the number 21  
9 centralizers come from, sir?

10 MR. BRIAN: Objection. Asked and  
11 answered.

12 MR. GODWIN: Objection.

13 HON. ANDERSEN: Well, I assume it's  
14 going to lead to something.

15 MR. HILDER: Yes, sir.

16 HON. ANDERSEN: Okay. And, also, I  
17 mean, there's a couple different  
18 perspectives here. So when I said we  
19 didn't want to hear any more, we knew that  
20 we hadn't actually heard from BP on it,  
21 and we hadn't actually heard from the  
22 witness' attorney. So we assume it's not  
23 going to be long and you're not going to  
24 be laying foundation for the e-mails we've  
25 memorized.

1 MR. HILDER: Yes, that is correct.

2 A. The number of 21 centralizers came from  
3 the -- in working with Weatherford and finding out  
4 that they had 31 available, and then with myself  
5 working with Nick Wilson, our logistics coordinator  
6 on the DEEPWATER HORIZON, that was able to tell me  
7 that, logistically, we could fly out 15.

8 And so we had 6 centralizer subs on  
9 the rig at the time, and so the 15 plus the 6 gave  
10 the 21, and that's -- that's where it came from.

11 Q. (BY MR. HILDER) And was that number  
12 arrived at before Jesse Gagliano was asked to model?

13 A. Yes, sir -- Jesse had been working on  
14 previous models, but he did not have one with 21  
15 centralizers in it previous to that.

16 Q. And in order for Mr. Gagliano to do any  
17 modeling, would you have to provide him any  
18 information other than the fact that there were  
19 additional centralizers?

20 A. Yes. Yes, I did.

21 Q. And what -- do the terms running and  
22 restoring forces mean anything to you?

23 A. Yes. That -- that is the input that he  
24 would use into his OptiCem model to model the  
25 centralizer standoff, and that is obtained from

1 Weatherford in their specifications.

2 Q. And did you provide that to Mr. Gagliano  
3 before he did any modeling?

4 A. Yes, I did. I asked Bryan Clawson to  
5 provide that with Weatherford to myself and to  
6 Mr. Gagliano.

7 Q. And who did you learn from that the 15  
8 additional centralizers were not going to be used?

9 A. I learned that from Mr. Morel.

10 Q. And approximately when was that?

11 A. On the afternoon of the 16th.

12 Q. And transitioning now to the term that's  
13 been used, risk and reward.

14 Is that your phraseology?

15 A. Yes, it is.

16 Q. And just give us a thumbnail sketch of  
17 your definition of what have you meant by risk and  
18 reward. Does it have anything to do with economics?

19 A. No, it does not.

20 Q. Can you explain what it means?

21 A. It's a term that I've used for several  
22 years. It's another way of saying pros and cons.

23 Q. Finally, sir, Capt. Nguyen had asked at  
24 the conclusion of some of his remarks if you had any  
25 recommendations for the Board going forward that

1 they should consider. And having the benefit of  
2 being here now for approximately six hours or so, do  
3 you have any recommendations, positive  
4 recommendations for the Board to consider in their  
5 deliberations?

6 A. Yes, I do.

7 Q. Can you please explain to the Board?

8 A. I would -- I would say, with the kind of  
9 load that a well team leader is undertaking, that  
10 additional resources would be of benefit to that  
11 person. And the other thing was --

12 HON. ANDERSEN: By that, you mean  
13 additional people?

14 THE WITNESS: Yes, sir. Yes. I  
15 should have been clearer. Thank you.  
16 Additional people to handle the -- the  
17 multitasking areas that that person has to  
18 undertake.

19 And then the others would be the  
20 realtime operations center would be of  
21 benefit to -- to operational people.

22 HON. ANDERSEN: Do you think that  
23 the extra people are more necessary at a  
24 time period right before you're about to  
25 shut the well than during the normal

1 drilling time?

2 THE WITNESS: No. I think it's  
3 ongoing. I mean, you just have operations  
4 ongoing, and you -- you may have audits  
5 come up, and so you've got audit findings.  
6 Or you may have difficulties with the well  
7 or -- there's just various things that  
8 come up.

9 You may have -- you may have safety  
10 programs that BP is -- would like to  
11 implement, and so there's -- now, there is  
12 safety support on the HSE side, that we do  
13 have additional support there, but there  
14 are just multiple things that come up  
15 that -- that tend to take a lot of -- a  
16 lot of this person's time and efforts in  
17 multiple directions.

18 HON. ANDERSEN: Thank you.

19 FURTHER EXAMINATION

20 BY MR. DYKES:

21 Q. Mr. Cocalles, what you just stated about  
22 the wells team leader needing additional resources,  
23 you were working for the wells team leader roughly  
24 around February, March; is that correct?

25 A. Yes, sir.

1 Q. And the reorganization has taken you  
2 away from the wells team leader, correct?

3 A. My particular position, yes.

4 Q. So, for Mr. Guide, he's one short now  
5 compared to having three under him?

6 A. Yes. But I don't -- I don't know that  
7 he -- if he's got a new rig assigned to him just  
8 yet. I'm not sure.

9 Q. But provided --

10 A. Yes, correct.

11 Q. Provided everything had been okay and  
12 nothing happened on April the 20th, they took some  
13 of those resources away from the wells team leader?

14 A. That was the new organization, yes.  
15 However, in my role, I had not been actually removed  
16 from supporting him for this next operation, because  
17 the MOC, we did not complete that for a reason, so  
18 that I was still supporting him.

19 Q. But taking on your advice and your  
20 recommendation, eventually, you would have been  
21 moved out from under him if the --

22 A. Yes, sir.

23 Q. -- paperwork had been completed?

24 A. Yes, sir.

25 Q. Did you convey some of these concerns to

1 the upper management? And I'm not trying to put you  
2 on the spot. I'm not trying to put you on the spot.  
3 I've been through this. You've worked -- hey, as  
4 you can see back here behind this group right here,  
5 I'll tell you right quick, I work with somebody  
6 higher up --

7 HON. ANDERSEN: Everyone at this  
8 table has been reorganized several times,  
9 so...

10 MR. DYKES: Yes.

11 Q. (BY MR. DYKES) In these big  
12 organizations, sometimes the message isn't conveyed  
13 up the chain to those that are making the decisions.

14 A. I hadn't had a chance to fully pass on  
15 my viewpoint to them, but it was something that was  
16 on my mind, yes, sir.

17 MR. DYKES: Okay. Thank you.

18 MR. HILDER: I have no further  
19 questions, sir.

20 HON. ANDERSEN: Thank you very much.  
21 Thanks for your courtesy, and if we need  
22 your --

23 MR. McCARROLL: Can I ask a question  
24 now?

25 HON. ANDERSEN: Oh, I'm sorry.

1 MR. McCARROLL: I do have a  
2 question.

3 MR. BRIAN: I have a comment.

4 E X A M I N A T I O N

5 BY MR. McCARROLL:

6 Q. Is there any conflicts in Mr. Guide's  
7 position? Maybe stuff that should be removed off of  
8 him because of, say, maintenance being compared to  
9 operational efficiency? Does that create a conflict  
10 in his position? Maybe something should be removed  
11 to give him less of a workload and less of a  
12 conflict? Could you comment on that?

13 A. Yeah, Mr. McCarroll, I think you raise  
14 an interesting question. You know, he has support  
15 above him that ultimately is going to decide where  
16 the rig goes, but Mr. Guide would have  
17 accountability for wells delivery, and so I would --  
18 you know, he does -- he would be focused on that.  
19 And there was additional maintenance issues that may  
20 present -- I would imagine that that -- the priority  
21 would be given to what needed to be done on the rig.  
22 But there -- there would be some pressure.

23 MR. McCARROLL: Thank you.

24

25

1 F U R T H E R E X A M I N A T I O N

2 BY CAPT. NGUYEN:

3 Q. My question for you, Mr. Coteles, is,  
4 when there was a question about if a well-site  
5 leader have an issue that he want to talk to  
6 somebody, you say that he would call a drilling  
7 engineer, and if that drilling engineer not  
8 available, then he go to the next one?

9 A. Yes, sir.

10 Q. That kind of cause me some concern, and  
11 I was glad to hear that you -- you know, you think a  
12 live operations center may be -- you would recommend  
13 that. So I did write down -- this down.

14 You know, in terms of, again, 24/7  
15 man, having all the design and contingency plan  
16 available, have personnel to provide immediate help  
17 and have personnel who are trained in major  
18 emergency management to coordinate the response. I  
19 wrote some things down.

20 Do you think that having a life  
21 operations center for an operation such as BP --  
22 doing drilling exploration, as I understand from  
23 Mr. O'Bryan, is more risky, you know, a lot of  
24 unknown.

25 Do you think there should be a

1 regulatory requirement, sir?

2           A.           I guess my opinion is -- on how that  
3 would -- how that would need to be set up, because  
4 my only -- I guess my one drawback is, is how those  
5 people would interact with the rig. And I know the  
6 folks on the rig like to have additional resources  
7 at their disposal, they don't always like to have  
8 people calling them, finding out, "What are you  
9 doing now? What are you doing now?" And then that  
10 gets to be troublesome for them. So I think that  
11 the fact that they have resources that are at their  
12 disposal, I think it could be a very good setup as  
13 long as it's set up to the benefit of the folks that  
14 would be on the rig.

15                       HON. ANDERSEN: Did you want to make  
16 one comment?

17                       MR. BRIAN: I do, Your Honor.

18                       Earlier in the week -- I think I'm  
19 correct about this -- either counsel or  
20 the party who was employed asked their  
21 questions before examination, and we did  
22 it differently today. And I --

23                       HON. ANDERSEN: Oh, he -- what  
24 happened was --

25                       MR. BRIAN: Well, just let me make

1 my comment, Your Honor.

2 And as a result, I think now there's  
3 a lack of clarity on something I thought  
4 there was clarity on, and I was going to  
5 ask the panel's permission to have 90  
6 seconds to clear up in literally one area.

7 HON. ANDERSEN: Why don't we do it  
8 before -- oh, you mean on this --

9 MR. BRIAN: Just right now. It will  
10 take me 90 seconds, really.

11 HON. ANDERSEN: I don't think we can  
12 set -- I'm sorry. I don't think we can  
13 set the precedent now. I did allow it to  
14 transist and both BP and the last couple  
15 witnesses have used their brief rebuttal  
16 time to spend more time. I do think, both  
17 cases, they responded to things we said.  
18 If there's additional comments, obviously,  
19 for the Board, you can make them, but --

20 MR. BRIAN: May I ask the panel to  
21 ask the question?

22 HON. ANDERSEN: Well, let's dismiss  
23 the witness for now.

24 But you acknowledge your continuing  
25 subpoena?

1 MR. HILDER: Yes, sir.

2 HON. ANDERSEN: And if you need to  
3 come back, you will come back.

4 THE WITNESS: Yes, sir.

5 HON. ANDERSEN: Okay. Thank you.

6 If you want to submit a question to  
7 us, then on the break probably pass it  
8 along.

9 THE WITNESS: Thank you very much.

10 CAPT. NGUYEN: We take a ten-minutes  
11 break and reconvene at 2:45, please.

12 (Break.)

13 HON. ANDERSEN: Okay. Would the  
14 next witness please state your name. Mark  
15 Kelley?

16 THE WITNESS: Initial J. Merrick  
17 Kelley.

18 HON. ANDERSEN: Mr. Kelley, would  
19 you please stand up.

20 J. MERRICK KELLEY,  
21 having been first duly sworn, testified as follows:

22 HON. ANDERSEN: And your counsel, if  
23 you could state your name. You said you  
24 wanted to make one --

25 MR. CASTAING: Yes, Your Honor, and

1 Captain and members of the Board. I'm  
2 Eddie Castaing, and I represent  
3 Mr. Merrick Kelley. And I would just like  
4 to make this very brief statement that in  
5 connection with this witness' testimony  
6 and any other client that I bring before  
7 this -- this tribunal, I invoke Rule 3.4  
8 of the Louisiana Rules of Professional  
9 Conduct as well as Rule 3.04 of the Texas  
10 Rules which are identical. They're  
11 mandatory, and I will just read the  
12 pertinent parts, and they're both entitled  
13 Fairness.

14 "A lawyer shall not: In trial,  
15 allude to any matter that...will not be  
16 supported by admissible evidence...or  
17 state a personal opinion as to  
18 the...credibility of a witness..."

19 That's mandatory. It's a thou shall  
20 not. There is no discretion on the part  
21 of the Board or any attorney, and I'm  
22 invoking it and ask that it be enforced.

23 HON. ANDERSEN: Thank you. And I  
24 will --

25 CAPT. HIGGINS: Your Honor, I would

1           just note for the record, this is not a  
2           tribunal and is not subject to  
3           Louisiana --

4                   MR. CASTAING:   That is -- excuse me.  
5           I'm sorry.

6                   CAPT. HIGGINS:   So we are operating  
7           under a joint investigation that's  
8           controlled by a convening order and the  
9           Federal Marine Board process.

10                   I respect your perspective, and I  
11           certainly would encourage all attorneys to  
12           exercise good, professional conduct.  But  
13           I will not subject this proceeding to any  
14           state law.

15                   MR. CASTAING:   That may be correct,  
16           but every lawyer in this room that is a  
17           member of the Louisiana or Texas Bar is  
18           subject to that rule, and I will bet that  
19           every state has a similar rule.

20                   So I'm just reminding -- and there  
21           are members of the Board that are not  
22           attorneys, and so I'm just bringing it to  
23           the attention that we do have a code that  
24           must be followed.

25                   CAPT. HIGGINS:   Yes, sir, I'm sure

1           that all of the attorneys will follow  
2           the -- the rules that their bar subjects  
3           them to. I, for one, am not a member of  
4           either Louisiana or Texas. I'm licensed  
5           in Florida. So I think there are probably  
6           other attorneys that may not be licensed  
7           in one of those states.

8                   HON. ANDERSEN: But if we get an  
9           extension on the life of this Board, maybe  
10          Capt. Higgins and I will join the bars of  
11          both states.

12                   MR. CASTAING: This is not directed  
13          at you.

14                   HON. ANDERSEN: Okay. I know it's  
15          not. And obviously we appreciate you  
16          being here, Mr. Kelley.

17                   Does the Board have any questions  
18          for Mr. Kelley?

19                   MR. MATHEWS: Yes, sir.

20                   E X A M I N A T I O N

21 BY MR. MATHEWS:

22           Q.        Mr. Kelley, for the record, could you  
23          please state your full name and spell your last,  
24          sir?

25           A.        Yes. Initial J. Merrick Kelley,

1 K-E-L-L-E-Y.

2 Q. And could you please spell Merit or is  
3 it Merrick?

4 A. Merrick, M-E-R-R-I-C-K.

5 Q. Thank you. And by whom are you  
6 employed, sir?

7 A. BP.

8 Q. How long have you been employed by BP?

9 A. Almost six years.

10 Q. And what position do you hold with them,  
11 sir?

12 A. I'm the subsea wells team leader.

13 Q. And how long have you been in that  
14 position?

15 A. Two and a half years.

16 Q. Prior to the -- what were you doing the  
17 other three and a half, sir?

18 A. I worked in the operations group as a  
19 subsea wells engineer.

20 Q. What is your educational background?

21 A. I have a degree in marine engineering  
22 from the United States Merchant Marine Academy.

23 Q. And have you had any specialized  
24 training for your position, sir?

25 A. I've been through BP training courses

1 that are specific to my discipline, and a good  
2 amount of on-the-job training offshore.

3 Q. And what is the name of that -- the  
4 training program that you're alluding to? Is there  
5 a specific name for the subsea wells engineers?

6 A. We have -- there's modules and various  
7 courses, subsea completion courses, deepwater  
8 completion courses, intervention courses that are  
9 sponsored by BP that I attend.

10 Q. And as the subsea wells team leader, can  
11 you please briefly describe your job responsibility,  
12 sir?

13 A. My team is -- is a group that works in  
14 direct support of drilling -- the drilling and  
15 completion organization at BP. Currently, we  
16 support all subsea tieback projects within the Gulf  
17 of Mexico.

18 Our primary roles and  
19 responsibilities are to supervise, plan, engineer  
20 the wellhead conversion piece of a well which is --  
21 basically starts at the installation of the lockdown  
22 sleeve and ends at the installation of the  
23 production tree prior to a completion and during the  
24 completion. And also we install -- responsible for  
25 installing the tree, Christmas tree, and testing.

1 And during the completion phase, we're involved in  
2 the upper completion as far as running the tubing  
3 hanger.

4 Q. Prior to your six years with BP, did you  
5 have any other oil and gas experience?

6 A. I did.

7 Q. And who did you work with, sir?

8 A. I worked for three years with Mobile  
9 Drilling, a year and a half with R&B FALCON,  
10 Transocean. And prior to that, I worked for --  
11 intake engineering in Manatee.

12 Q. Manatee?

13 A. Manatee.

14 Q. In your career, about how many lockdown  
15 sleeves have you been responsible for the  
16 installation of?

17 A. I've been offshore, and I've personally  
18 supervised two.

19 Q. And just for my awareness, how many  
20 people are actually in the subsea wells engineer  
21 position that you I guess have responsibility over  
22 as the leader?

23 A. There are seven people that report to  
24 me.

25 Q. And are they all BP personnel?

1 A. No. There are some contract employees.

2 Q. How many of them are BP, sir?

3 A. Three are BP-managed employees.

4 Q. Earlier, there was some testimony about  
5 possible discussion of -- that Mr. Hafle had with  
6 you concerning the installation of the lockdown  
7 sleeve with the DEEPWATER HORIZON; is that accurate,  
8 sir?

9 A. We had traded e-mails and also spoke  
10 about it.

11 Q. And what was that discussion pertaining?  
12 What was the advantage of running the lockdown  
13 sleeve with the DEEPWATER HORIZON?

14 A. No specific advantage with the rig. It  
15 was just a matter of during the course of -- this  
16 well started out on another rig and transferred to  
17 the HORIZON, so it was the same conversation in  
18 both. I'm sure there's e-mails that show both rigs.

19 But the advantage is basically an  
20 efficiency advantage. We knew by virtue of where  
21 I -- where I -- where I am in the organization, what  
22 group I'm in -- I'm actually in the subsea projects  
23 group, and my discipline is in there, so I had a  
24 pretty good understanding of the -- the development  
25 plan for the Macondo if it indeed was going to be a

1 development well.

2                   So based on that and the efficiency  
3 we gained and also the fact we have very high  
4 success rate installing lockdown sleeves through  
5 marine risers on drill pipe, I engaged Mark in the  
6 fact that I would like to go ahead and install the  
7 lockdown sleeve prior to the production casing and  
8 seal assembly being installed.

9           Q.       Earlier, I asked you about how many  
10 lockdown sleeves you had been responsible for the  
11 installation of, and you said two. Do you know how  
12 many you've actually been in the involvement and  
13 development of planning of the install- --

14           A.       Seven.

15           Q.       I have a lockdown procedure right in  
16 front of you, and I believe -- and it's not the full  
17 procedure, it's just the front page, and I believe  
18 the second page -- or later on where the people are  
19 actually identified as their roles and  
20 responsibilities.

21                   Is this the procedure that you  
22 worked on with Mr. Shane Albers and Brad Tippetts  
23 for the installation of the lockdown sleeve on board  
24 the DEEPWATER HORIZON?

25           A.       No. This -- this roles and

1 responsibility -- resource and responsibility  
2 Section 1.6 was actually from the MARIANAS. The  
3 revised procedure that went out for Macondo had the  
4 correct well-site leaders and rig personnel on it.  
5 The procedure that I approved, it would have had  
6 initials on the approval page.

7 Q. Okay.

8 A. This was a draft.

9 Q. Okay. This is the one that was  
10 submitted to the Board, and I think in a request. I  
11 may not have the latest revision of it.

12 A. We should get you that.

13 Q. Definitely.

14 But one thing I wanted to ask that  
15 may not have changed, you were -- you were listed as  
16 the onshore technical support.

17 Did that not change, sir?

18 A. That did not change, that's correct.  
19 Nor did Shane or Brad or Randy Skidmore's role.

20 Q. Okay. The only thing that, to your  
21 knowledge, on that page, even though there might  
22 have been some changes throughout the whole  
23 document, the only thing that you're aware of on  
24 this page is the well-site leaders?

25 A. The well-site leaders and the

1 operations -- the drilling operations engineer.

2 Q. Okay. During the installation of the  
3 lockdown -- or the procedures when they were off  
4 shore, did anyone that was out there, Mr. Albers,  
5 Mr. Tippetts or Mr. Skidmore contact you for  
6 support?

7 A. Yes. We had not -- for the record, we  
8 had not --

9 Q. I know.

10 A. -- installed the lockdown sleeve yet;  
11 but, yes.

12 Q. And what did they call you and try to  
13 get some information on?

14 A. On April the 20th, about 6:00 p.m., I  
15 believe, I was given a phone call by Mr. Skidmore,  
16 and he was basically just passing on information to  
17 me to say we would not be doing a wash trip prior to  
18 making our lead impression tool run.

19 Q. And did he say why you weren't going to  
20 be doing that wash trip?

21 A. He did not tell me why.

22 Q. Have you talked to him since then about  
23 that?

24 A. Actually, I haven't.

25 Q. Is that something that had been done

1 before in any other operation on the installation of  
2 lockdown sleeves?

3 A. It's common practice for us, you know, a  
4 procedure, and it's in the procedure. We ask that  
5 on the way -- that they set the seal assembly -- to  
6 run the production casing, set the seal assembly as  
7 they're coming out of the hole, that they stop at  
8 the wellhead profile with the lockdown sleeve locked  
9 and perform a wash trip.

10 Q. Not this procedure, but the procedure  
11 that you did sign off on and review the final  
12 procedure?

13 A. I approved it.

14 Q. Okay. And who prepared that procedure?

15 A. Brad Tippetts.

16 Q. And just for -- just -- you already  
17 mentioned all the names. The only individuals that  
18 you sent out there to install the lockdown sleeve  
19 were Mr. Skidmore, Tippetts and Mr. Albers?

20 A. No -- from BP, that's correct. But  
21 there was also a Dril-Quip employee, Dril-Quip  
22 service technician that was on board for this  
23 operation.

24 Q. And who -- who was in charge of that  
25 installation, when it was to occur? Of those

1 gentlemen that we just discussed.

2 A. When it was, as far as timing?

3 Q. No, when it -- I know it wasn't  
4 installed, but who did you send out there to be in  
5 charge of that operation?

6 A. Okay. I had communicated with Mark  
7 Hafle earlier on, and I had given him the -- sent  
8 him an e-mail. Brad Tippetts was the person that I  
9 designated the lead. Shane Albers would report to  
10 Brad, and Randy Skidmore would report to Brad as  
11 well.

12 And it's important to note that  
13 Shane and Brad are, job-title-wise, called subsea  
14 well engineer, whereas Randy Skidmore is a subsea  
15 well supervisor. It's a series differentiation.

16 Q. And do you know how many lockdown  
17 sleeves that Mr. Tippetts had been responsible for  
18 the installation of?

19 A. Yes.

20 Q. And how many is that, sir?

21 A. Zero.

22 Q. What about Mr. Skidmore?

23 A. I believe he testified that he had not  
24 been responsible for any either.

25 Q. Were you aware of that before reviewing

1 their testimony?

2 A. I was not aware of that. Well, I knew  
3 how many Brad and Shane had installed. Zero.

4 Q. Did the personnel that you sent out  
5 there have the proper level of experience to set the  
6 lockdown sleeve?

7 A. Okay. It's important to note here that  
8 the BP representatives that I sent out or is called  
9 in here the offshore PIC, they're not physically  
10 performing the installation work. That is the  
11 Dril-Quip service technician and the driller that's  
12 on board the rig and floor hands that they use.

13 So Brad and Shane as engineers,  
14 their responsibility on this as from a supervisory  
15 standpoint means they're responsible for writing the  
16 procedure, they are responsible for ordering the  
17 equipment that's necessary to perform that operation  
18 on this specific rig, responsible for being on  
19 location, on the rig, inspect that equipment along  
20 with the Dril-Quip technician, the tools that we  
21 rent from Dril-Quip to run this, and coordinating  
22 the readiness for this work with the rig through the  
23 tool pusher, driller and well-site leader.  
24 Preparation to make sure that we're ready to pick up  
25 the right assembly when it's time.

1 Q. Would you say -- sorry.

2 A. And I also -- the last piece of their  
3 role is one of assurance. So since they are the  
4 owner of the procedure or author of the procedure,  
5 if you like, they're intimate with the procedure, so  
6 their -- part of their assurance role is to make  
7 sure the procedure is followed and, from an  
8 engineering standpoint, noting technical  
9 deficiencies, they would say they'll discuss with me  
10 if necessary.

11 Q. That's what my question was before I  
12 interrupted you. I just wanted to make sure that  
13 was one of their roles and responsibilities.

14 At any time, did Dril-Quip actually  
15 review the procedure that they had prepared?

16 A. The procedure that we sent out for the  
17 Macondo well, as well as any lockdown sleeve that  
18 I've been associated with at BP, is, for lack of a  
19 better term, an operationalized version of the  
20 Dril-Quip procedure.

21 The base Dril-Quip procedure is  
22 included for the most part verbatim in our  
23 procedure, and by operationalized, I mean, a vendor  
24 procedure will typically not include all the  
25 particulars of a rig just because it's unknown and

1 couldn't possibly have every detail.

2                   So it describes the mechanical  
3 functioning of the tool, how you do it, what to look  
4 for, the checks. So our procedure includes all the  
5 Dril-Quip -- all the technical details from the  
6 Dril-Quip procedure as well as what we need to add  
7 in for rig specific: weather criteria, pressure  
8 testing, acceptance criteria, tubular lengths and  
9 assemblies that we need for that particular job.

10           Q.       And since I don't have -- I don't want  
11 to question the procedures that I have in front of  
12 me -- that's the only document I have -- the  
13 procedure that you are signed off and approved on,  
14 did you -- when did they plan to install and set the  
15 lockdown sleeve? Was it before or after displacing  
16 the riser?

17           A.       It would have been after.

18           Q.       And is that common, sir?

19           A.       Yes.

20           Q.       Were you comfortable with the roles of  
21 the personnel that had developed the procedures --  
22 Mr. Tippetts, Mr. Albers and Mr. Skidmore -- in  
23 having the ability to stop the operation if they  
24 actually got to that and -- to that part of the well  
25 and saw something that wasn't in accordance with the

1 procedure?

2 A. You asked me if I was comfortable with  
3 their role?

4 Q. Yes, sir.

5 A. Up there?

6 Q. Yes, sir.

7 A. In understanding the operation --

8 Q. Yes, sir.

9 A. -- at their authority level or...

10 Q. Yes, sir.

11 A. Yes.

12 Q. What was the reason in displacing the  
13 riser before actually setting the lockdown sleeve?

14 A. There's one reason that we like to have  
15 seawater across the -- well, can't speak about the  
16 riser, but I'll speak about the technical reason for  
17 having seawater, clear fluid cross the area where  
18 the lockdown sleeve sets is actually so when we  
19 disconnect the BOP stack, we can visually see it.

20 There's no way to confirm that you  
21 achieved the proper lockdown and stroke on the  
22 actuator ring by the mechanical tools that we use,  
23 so once the BOP stack is removed, we actually, with  
24 an ROV, we have a measuring gauge that we use to  
25 ensure that it is properly preloaded.

1 MR. MATHEWS: At this time, sir, I  
2 have no further questions.

3 HON. ANDERSEN: Any other Board  
4 questions?

5 Okay. That means we go to Marshall  
6 Islands.

7 MR. LINSIN: No questions, thank  
8 you, Your Honor.

9 HON. ANDERSEN: Wait. We've got to  
10 slow this down a little bit. Getting  
11 worried. We'll see. I'll bet you BP  
12 doesn't ask anything.

13 MR. GODFREY: We intend to reserve  
14 if necessary, Your Honor.

15 HON. ANDERSEN: Okay. Then we have  
16 Transocean.

17 MR. HYMEL: Thank you, Judge.

18 Richard Hymel, H-Y-M-E-L, for  
19 Transocean.

20 E X A M I N A T I O N

21 BY MR. HYMEL:

22 Q. Good afternoon, Mr. Kelley.

23 A. Good afternoon.

24 Q. The document I want to show you, it's a  
25 document you authored.

1 MR. HYMEL: And for counsel, the  
2 Bates number is BP-HZN-MBI00126286.

3 Judge, may I approach the witness?

4 HON. ANDERSEN: Sure.

5 Q. (BY MR. HYMEL) Mr. Kelley, this  
6 document is a response, it is your e-mail as a  
7 response to an e-mail that Mr. Morel sent to you  
8 talking about a tree on the Macondo well and a  
9 lockdown sleeve on the Isabela well, and then you  
10 responded in -- the first two sentences of your  
11 response deal with those issues. I want you to look  
12 at the third sentence, and I want you to read that  
13 sentence to everyone here.

14 A. "I know you all are under pressure to  
15 finish Macondo so we can get Nile P&A moving and not  
16 jeopardize the Kaskida well and IFT."

17 Q. And I want to understand what you meant  
18 by that. When you said get to the Nile P&A, that  
19 was the next job that the HORIZON was going to work  
20 on?

21 A. That is correct.

22 Q. And I -- I knew that. I don't  
23 understand what the next part of it is,  
24 "...jeopardize the Kaskida well and IFT."

25 What does that mean?

1           A.           Well, let me back up a minute here. The  
2 Nile well was a P&A job. We were under a guideline.  
3 We had "X" amount of time, a month after cessation  
4 of a production to perform the final well  
5 abandonment of any well per MMS/BOEM requirement.  
6 So we were actually -- that was not -- I believe  
7 July the 1st was our requirement to be there. We  
8 had our permit, and we had procedures and the rig in  
9 place.

10                       So, yeah, the work pressure may have  
11 been a bit of an overstatement, but, nevertheless,  
12 since we're not building Big Macs here, and we never  
13 know exactly how much time it's going to take to do  
14 something. So, you know, we like to be prepared.

15           Q.           Now, was July 1st the time you needed to  
16 get to the -- to the Nile well or the time you  
17 needed to finish the Nile well?

18           A.           It was the time we needed to start.

19           Q.           So what is the Kaskida well and the IFT?

20           A.           The Kaskida was the -- Kaskida is a  
21 well, and they were going to do a flow test.

22           Q.           And was that going to be done before the  
23 Nile P&A or after?

24           A.           It was scheduled -- the rig schedule was  
25 after the Nile P&A.

1 Q. And what is the IFT?

2 A. It's -- it's an acronym for their -- I  
3 believe for their flow testing that they do.  
4 Basically a well test.

5 Q. Is there a deadline to do the Kaskida  
6 job?

7 A. Not that I'm aware of.

8 Q. Then why would you jeopardize the  
9 Kaskida well if there was no deadline?

10 A. Well, we were, you know, starting to get  
11 into hurricane season, and with our rig schedule, we  
12 keep that in mind.

13 Q. I want to talk with you a little bit  
14 about the job to run the lockdown sleeve on the  
15 HORIZON.

16 You had a crew out to do that,  
17 correct?

18 A. There was three BP individuals and a  
19 Dril-Quip individual prepared to run the lockdown  
20 sleeve.

21 Q. Now, Mr. Mathews asked you about the  
22 sequence of how that job was going to be done, and  
23 he asked you if on the Macondo well the displacement  
24 was going to occur before the lockdown sleeve, and  
25 you said that's the way it was to be done; is that

1 correct?

2 A. Yes. Based on the last procedure I saw,  
3 dated April the 15th, H-2 from the Macondo  
4 procedure, that was the plan.

5 Q. Now, are you aware also that in addition  
6 to the displacement being done before the lockdown  
7 sleeve, the cement job was going to be done before  
8 the lockdown sleeve as well? Are you aware of that?

9 A. Which cement job?

10 Q. The surface plug.

11 A. Correct. I'm aware of that.

12 Q. So the sequence on the Macondo well was  
13 going to be displaced down to 81- -- I've got the  
14 number around here -- 8,100 feet and then set the  
15 plug at that depth and then run the lockdown sleeve;  
16 is that correct?

17 A. Before we run the lockdown sleeve, we  
18 would have made another run of the lead impression  
19 tool and then the lockdown sleeve.

20 Q. Now, isn't it true, Mr. Kelley, that the  
21 lockdown sleeve could have been run first and then  
22 the cement job done and then the displacement done?

23 A. That was one of the options that was  
24 stated in the procedure.

25 Q. In fact, Mr. Morel had e-mails out there

1 that basically said, "If we don't get MMS approval  
2 to put the surface plug at 8,000 feet, then we would  
3 do the sequence where we would run the lockdown  
4 sleeve first, we would run the cement job and then  
5 we would do the displacement"?

6 A. I don't recall being included on any  
7 e-mails from Brian at that point or on that subject,  
8 but I know what was in the procedure. There was a  
9 base plan and a contingency plan pending approval of  
10 the depth of the surface plug for the MMS  
11 regulation.

12 Q. I want to show you a document just to  
13 confirm that, and the Bates number is  
14 BP-HZN-CEC022821.

15 MR. HYMEL: Judge, may I approach?

16 HON. ANDERSEN: Sure.

17 Q. (BY MR. HYMEL) Mr. Kelley, that's a  
18 short e-mail. Just go ahead and read it for us.

19 MR. GODFREY: Objection.

20 Foundation. This was not an exhibit that  
21 was preshared with counsel. I don't know  
22 what he's looking at.

23 MR. HYMEL: Judge, an e-mail was  
24 sent last night advising everyone that I  
25 would be using this e-mail today. I have

1 a copy for Mr. Godfrey if he wants it. I  
2 sent an e-mail last night.

3 MR. PENTON: What's the number one  
4 more time?

5 MR. HYMEL: Sure. BP-HZN-CEC022821.  
6 Judge, may we proceed?

7 HON. ANDERSEN: Sure.

8 Q. (BY MR. HYMEL) Mr. Kelley, if you could  
9 just read that e-mail.

10 MR. GODFREY: I think -- well, is  
11 that on the web port as a usual document?

12 HON. ANDERSEN: I don't know if it's  
13 on the web port or not. Is it, do we  
14 know?

15 Let's assume, for the sake of  
16 argument, for some reason this one  
17 document is not. Is there any objection  
18 then -- we've got our general procedures.  
19 Even if this were a deviation, do you  
20 think it would be unfair at this point?

21 MR. GODFREY: I still would like to  
22 see a copy of it.

23 HON. ANDERSEN: Oh, you don't -- oh,  
24 I thought you had or were familiar with  
25 this document.

1 MR. GODFREY: The copies that I was  
2 handed were not disclosed.

3 MR. HYMEL: I have a copy for  
4 Mr. Godfrey. I just assumed, since it is  
5 a BP document, he would have it already.

6 HON. ANDERSEN: Well, he's got -- he  
7 has a few, right.

8 MR. GODFREY: I think I have a few  
9 hundred thousand I could provide --

10 HON. ANDERSEN: More than that, I'm  
11 sure.

12 MR. HYMEL: And, Judge, that's why I  
13 sent the e-mail last night, advising I  
14 would be using this Bates number.

15 HON. ANDERSEN: That's fine. All  
16 right. Okay.

17 MR. HYMEL: Can we get the witness  
18 to read?

19 HON. ANDERSEN: Sure.

20 Q. (BY MR. HYMEL) Mr. Kelley?

21 MR. GODFREY: I think it's the  
22 permission of the Board to say.

23 Thank you.

24 HON. ANDERSEN: Yes, you may read  
25 it.

1           A.           "Attached is the updated procedure based  
2 on our current plan forward.  If anything  
3 changes" --

4                       HON. ANDERSEN:  Don't read too fast,  
5                       okay?

6                       THE WITNESS:  But not too slow,  
7                       right?

8                       HON. ANDERSEN:  Whatever.

9           A.           "If anything changes, I will update and  
10 send the next revision out.  We are still waiting  
11 for approval of the departure set on surface plug  
12 3,000 feet below mud line.  If we do not get this  
13 approval, a displacement plug will be completed  
14 shower after running the lockdown sleeve."  In  
15 parenthesis, "(basic details of this change -- of  
16 this change are included in this procedure).

17                       "Please let me know if you have any  
18 questions or suggestions.  The detailed cement  
19 procedure should be available from Jesse sometime  
20 tomorrow."

21           Q.           (BY MR. HYMEL)  So according to this  
22 e-mail, Mr. Morel was okay with running a lockdown  
23 sleeve first and doing the displacement and the plug  
24 after the lockdown sleeve if they could not get MMS  
25 approval?

1 MR. GODFREY: Object to lack of  
2 foundation. The witness already said he  
3 was not involved.

4 MR. CASTAING: Your Honor, I'm  
5 objecting to his testifying as to what was  
6 in Mr. Morel's state of mind.

7 HON. ANDERSEN: Do you have any  
8 knowledge of what was in his state of mind  
9 at that time?

10 THE WITNESS: I have not seen this  
11 e-mail until today.

12 HON. ANDERSEN: Okay. And so if  
13 you -- if you're confident you know what  
14 that means, I would let you testify, but  
15 if you have -- if you don't know, because  
16 you haven't had the background on it, I  
17 would excuse you from answering it.

18 THE WITNESS: I can explain to you  
19 why I wasn't copied on this e-mail.

20 HON. ANDERSEN: That's all right.  
21 But you weren't, so you can't -- so you  
22 don't know what it means; is that correct?

23 THE WITNESS: That's correct.

24 HON. ANDERSEN: Okay. Next  
25 question.

1 Q. (BY MR. HYMEL) Just to make sure I  
2 understand, you did have knowledge, though, that one  
3 of the contingencies was running the lockdown sleeve  
4 before the plug and the displacement if you could  
5 not get MMS approval for the plug at 8,300 feet?

6 A. Yes. That had been a long-standing plan  
7 that we had had. We had done some work to ensure  
8 that we would minimize our risk of damaging our  
9 sealing surface and our lockdown sleeve. So, yes.

10 Q. Okay. Now, one of the reasons for  
11 running the lockdown sleeve is so the casing that's  
12 hung in the wellhead does not move up; is that  
13 correct?

14 A. That is one of the reasons.

15 Q. Okay. And let's talk about that a  
16 little bit so we understand that.

17 This string of casing is going to be  
18 hung in the wellhead from a casing hanger, correct?

19 A. That's correct.

20 Q. And when the casing is run into the  
21 hole, the mud in the hole creates buoyancy in the  
22 casing; do you agree with that?

23 A. My area of expertise really stops at the  
24 wellhead from what I'm responsible for and from what  
25 I make decisions on. So I am not involved nor am I

1 trained by BP in casing programs, running or  
2 drilling activities.

3 Q. Okay. Do you know or have you heard of  
4 any conversations about whether or not the engineers  
5 who designed this well considered the buoyancy of  
6 this string of casing when they designed this string  
7 of casing, the 9-7/8 by 7-inch-long string?

8 MR. CASTAING: I would like the  
9 question to be restricted if he ever spoke  
10 to him so that it's direct knowledge.

11 HON. ANDERSEN: Would you repeat it?

12 MR. CASTAING: In other words, he's  
13 asking for what was in the mind of the  
14 engineers and --

15 HON. ANDERSEN: If you understand  
16 the circumstances so well you can  
17 interpret what they were thinking, that's  
18 fine. If you can't, you don't have -- if  
19 you don't, then you don't have to guess or  
20 speculate at what was in their mind.

21 MR. SCHONEKAS: Judge, if I could,  
22 we have solicited from other witnesses  
23 understandings that they've gotten from  
24 other people in the search for truth.

25 HON. ANDERSEN: I agree.

1 MR. SCHONEKAS: And so I would like  
2 to hear that if he knows it.

3 HON. ANDERSEN: Well, that's why I  
4 said, if he understands what was going on,  
5 then he can testify to it. He doesn't  
6 have to have discussed it with him  
7 beforehand.

8 So do you have an understanding?  
9 And if so, what is it?

10 A. I am not involved in any of the  
11 decision-making or qualified at BP to take part in  
12 any well-design activities. So I have no knowledge  
13 of any decisions made around that for engineering  
14 work done around that.

15 MR. HYMEL: All right. Thank you.

16 HON. ANDERSEN: Thank you. And I  
17 notice I -- I actually skipped over your  
18 turn to question. Taking a wild guess  
19 that you'd rather reserve it?

20 MR. CASTAING: I'll reserve, Your  
21 Honor.

22 HON. ANDERSEN: Okay.  
23 Anadarko and MOEX Offshore?  
24  
25

1                                   E X A M I N A T I O N

2 BY MS. KUCHLER:

3           Q.           Good afternoon, Mr. Kelley. My name is  
4 Deb Kuchler. I represent Anadarko and MOEX  
5 Offshore.

6                                   You mentioned earlier that  
7 Mr. Skidmore called on the 20th and said they would  
8 not be doing a wash trip.

9                                   Could you tell us what the purpose  
10 would be of a wash trip?

11           A.           The purpose of a wash trip is to clean  
12 the locking profile that we're going to be taking an  
13 impression of during our LIT run.

14           Q.           And what would be the reasons why one  
15 might not need to or choose to do a wash trip?

16           A.           A wash trip is not a requirement. It's  
17 a practice that we employ to ensure, you know, we  
18 don't have to do a second LIT trip and a subsequent  
19 wash trip. So it's typically an operational  
20 decision based on the type of solids and status of  
21 the mud and solids in the mud returns we get. If  
22 they've got a clean well, then that can be bypassed.

23           Q.           Who makes that decision? Who is in the  
24 position to make the determination of whether the  
25 well is clean enough to forego the wash trip?

1 A. The well-site leader.

2 Q. Now, you talked earlier about the  
3 Kaskida IFT. I wanted to follow up a little bit  
4 about that.

5 What impact does hurricane season  
6 have on that test?

7 A. Basically, we -- it was a -- I have  
8 no -- what little of it I know, it was a sensitive  
9 operation that, you know, they wanted to start and  
10 stop without interruption from hurricane. That's  
11 about all I know about it.

12 Q. Do you have any idea whether the MMS  
13 allows that kind of flow test during hurricane  
14 season?

15 A. I do not know.

16 Q. Okay. You mentioned just a minute ago  
17 that your area of expertise stops at the wellhead.  
18 So let me know if my questions go beyond that.  
19 Okay?

20 A. I will.

21 Q. We talked some about the lockdown  
22 sleeve. I wanted to ask whether another way to lock  
23 the seal and hanger down would be to use an OD  
24 locking ring.

25 A. Do you have a drawing of the seal

1 assembly?

2 Q. Not readily available, unless we have it  
3 in the binder somewhere.

4 A. So just so we're clear, you know, every  
5 wellhead manufacturer uses their own terminology of  
6 what they are. But the casing hanger that we  
7 use -- that was used on Macondo, there are two lock  
8 rings. There's an outer lock ring and an inner lock  
9 ring.

10 Q. And was the outer lock ring in place  
11 before the mud was displaced to seawater?

12 A. I do not know.

13 Q. Can you tell us what the OD lock ring  
14 does?

15 A. Yes. The OD lock ring will lock inside  
16 an internal profile inside the wellhead.

17 Q. And I take it that BP does sometimes use  
18 an OD lock ring instead of a lockdown sleeve?

19 A. No.

20 Q. No?

21 A. That is not correct.

22 Q. Okay. So you use one or the other?

23 A. You can use -- you can use both. It's  
24 a -- the primary lock ring on this 18-3/4 seal  
25 assembly and the 9-7/8 casing hanger is an inner

1 lock ring which locks to the casing hanger.

2 Q. So --

3 A. And according to the drawing that I saw,  
4 that was what was installed on Macondo.

5 Q. So you can then run the OD locking ring  
6 and then run the lockdown sleeve on top?

7 A. The OD locking ring is not separate from  
8 the seal assembly. It would be a part of the seal  
9 assembly that would be run with it.

10 Q. And if you don't have the OD locking  
11 ring with the lockdown sleeve in place, then there's  
12 nothing to anchor the casing and the casing hanger  
13 into the wellhead; is that right?

14 A. Repeat that question, please.

15 Q. Sure. If you don't run an OD locking  
16 ring or a lockdown sleeve, if that has not been  
17 installed yet, the casing and the casing hanger  
18 aren't locked into the wellhead, and the only thing  
19 that's holding the seal in place is the weight of  
20 the casing?

21 A. Since I'm a fact witness, I would like  
22 to say that I think the best place to find that  
23 answer would be with the wellhead manufacturer,  
24 Dril-Quip.

25 Q. Okay. Am I going outside of the area --

1 A. Yes, ma'am.

2 Q. -- that you feel comfortable with?

3 Well, then let me skip ahead.

4 Do you know whether any  
5 consideration was given to running a bridge plug and  
6 setting it above the float collar?

7 A. That is not my area of expertise, ma'am.  
8 Nor am I involved in any decisions on that.

9 Q. Had you ever in the lockdown sleeves  
10 that you'd either been involved in, set up and  
11 running or the two that you supervised, had any of  
12 those been done in seawater?

13 A. I believe five of the seven had been.

14 Q. Okay. So two were run in mud and five  
15 were run in seawater?

16 A. No. Two were run in weighted brine.

17 Q. Have you ever done a lockdown sleeve in  
18 mud?

19 A. I have not.

20 Q. Do you know whether BP sometimes does  
21 run lockdown sleeves in mud, even if you weren't  
22 directly involved?

23 A. I don't know, but I will say, our  
24 criteria for fluid for installing a lockdown sleeve  
25 is mud, brine and seawater.

1 Q. All three?

2 A. Correct.

3 Q. Can you -- would you have the expertise  
4 or the experience to tell us the reasons why you  
5 would want to set the lockdown sleeve in drilling  
6 mud versus seawater, depending on the circumstances?  
7 Or what are the factors that you consider in  
8 deciding whether it was weighted brine, mud or  
9 seawater, might be a better question.

10 A. Okay. I'll give the same answer that I  
11 gave the Board earlier.

12 First point is, I don't have the  
13 decision-making capability on what type of fluid the  
14 lockdown sleeve is. I will -- myself or my team  
15 will give a recommendation, but the advantage for  
16 the lockdown sleeve to be installed in  
17 seawater -- with seawater in the wellhead at that  
18 particular elevation is so, when we unlatch the BOP  
19 stack, we can do a visible inspection and make sure  
20 that our tool -- there's no debris on it so when our  
21 tool goes on, we can get an accurate measure.

22 Q. I did hear you say that, but if you  
23 talked about the other two, maybe I missed it. But  
24 I didn't hear what the advantages or disadvantages  
25 would be of setting the lockdown sleeve in heavy

1 brine or mud. Are you aware of those?

2 A. There are no advantages or  
3 disadvantages, in my opinion.

4 Q. So, really --

5 A. That would be the only opinion I give  
6 today.

7 Q. And the other three are suitable?

8 A. Yes.

9 Q. Okay. So I was going to ask you, which  
10 would you prefer, but I take it you don't have a  
11 preference?

12 A. Correct.

13 Q. The other lockdown sleeves that you had  
14 been involved with or supervised, were they done in  
15 deepwater?

16 A. Yes.

17 Q. So was there anything different about  
18 the location or depth of the Macondo well that would  
19 appreciably change the way you would have approached  
20 the lockdown sleeve from the other ways you would  
21 have done it?

22 A. No. This was the exact same designed  
23 lockdown sleeve we had run previously.

24 Q. How long would it have taken to run a  
25 trip to install the lockdown sleeve?

1           A.           It depends on the tripping speed of the  
2 rig. I have no idea. I've never been on the  
3 HORIZON.

4                       MS. KUCHLER: Those are all my  
5 questions. Thank you.

6                       HON. ANDERSEN: Thank you very much.  
7 Halliburton?

8                       MR. GODWIN: No questions, Your  
9 Honor.

10                      HON. ANDERSEN: Cameron?

11                      COUNSEL REPRESENTING CAMERON: No  
12 questions.

13                      HON. ANDERSEN: M-I SWACO?

14                      COUNSEL REPRESENTING M-I SWACO: No  
15 questions.

16                      HON. ANDERSEN: Weatherford?

17                      MR. LEMOINE: No questions.

18                      HON. ANDERSEN: Dril-Quip?

19                      COUNSEL REPRESENTING DRIL-QUIP: No  
20 questions.

21                      HON. ANDERSEN: Douglas Brown?  
22 Jimmy Harrell?

23                      MR. FANNING: No, thank you.

24                      HON. ANDERSEN: Curt Kuchta?

25                      MR. SCHONEKAS: No questions, Judge.

1 HON. ANDERSEN: Steve Bertone?

2 COUNSEL REPRESENTING STEVE BERTONE:

3 No questions.

4 HON. ANDERSEN: Patrick O'Bryan?

5 MR. CLARKE: Well, he's not here.

6 HON. ANDERSEN: Oh, okay. All  
7 right. If he just stepped out for a  
8 minute and comes back, if he gets back  
9 before we finish, we'll come back for him.

10 Robert Kaluza?

11 MR. CLARKE: No questions.

12 HON. ANDERSEN: Mike Williams?

13 COUNSEL REPRESENTING MIKE WILLIAMS:

14 No questions, Judge.

15 HON. ANDERSEN: Is there any  
16 follow-up that BP would like to make?

17 MR. GODFREY: I think not, Your  
18 Honor. I think I'll pass. Thank you very  
19 much.

20 HON. ANDERSEN: Okay. Any questions  
21 from the Board?

22 MR. MATHEWS: I just have one  
23 question, and it's in response to some of  
24 the answers you gave to Ms. Kuchler.

25

1 F U R T H E R E X A M I N A T I O N

2 BY MR. MATHEWS:

3 Q. As the subsea wells team leader for BP,  
4 is it your testimony in some of the responses that  
5 you gave that you defer the expertise of the seal  
6 assembly and lockdown sleeves to Dril-Quip?

7 A. When we do the -- when BP performs these  
8 operations, we have basically three levels of  
9 assurance on board. We have, number 1, Dril-Quip  
10 service technician who is qualified and certified by  
11 their company to be on board to install this, to run  
12 their tools.

13 Number 2, we have a procedure that  
14 has been embedded with Dril-Quip.

15 And, number 3, I have between 20 and  
16 30 years of accumulated experience within my team  
17 with lockdown sleeves.

18 Q. But the question I have, though, is, of  
19 those three, is the most reliance set on Dril-Quip's  
20 expertise?

21 A. That's correct.

22 MR. MATHEWS: Thank you, sir. I  
23 have no other questions.

24 MR. McCARROLL: I have a question.

25

1                                   E X A M I N A T I O N

2 BY MR. McCARROLL:

3           Q.           Maybe I missed it, but did you testify  
4 that you don't make a decision when to run the  
5 lockdown sleeve?

6           A.           The lockdown sleeve can only be run at  
7 one time, that's after the 9-7/8 casing and 18-3/4  
8 seal assembly is installed in the well.

9                           The second-position casing hanger  
10 must be installed for our design of lockdown sleeve  
11 that we use.

12          Q.           That's not what I'm asking you, sir.

13                           What I'm asking you is, do you defer  
14 the decision to someone on the rig or someone else  
15 to make the decision whether you displace the well  
16 first or not before you run the lockdown sleeve?

17          A.           The only criteria that we give to the  
18 rig, to the well-site leaders, the drilling  
19 engineer, the toolpusher, et cetera, on the rig is,  
20 we have to, because of the design of the lockdown  
21 sleeve, the seal is actually a weight-set seal, so  
22 we need 100,000 pounds of weight below the tool and  
23 the lockdown sleeve.

24                           So, in order to achieve that, we  
25 have to run tailpipe and either drill collars,

1 heavyweight drill pipe or a combination thereof  
2 below the tool.

3                   So the only criteria that I give  
4 them is, if a plug is going to be -- a surface plug  
5 is going to be set, it needs to be, you know, plus  
6 or minus 100 feet below that total tailpipe assembly  
7 length.

8           Q.       I understand that, sir. But do you  
9 defer the decision on when to run the lockdown  
10 sleeve to someone else other than your organization?  
11 Meaning subsea BP. Does someone in the BP  
12 organization on the rig tell you when to run the  
13 lockdown sleeve before displacement? After  
14 displacement? Who makes that decision?

15           A.       The fluids that are in -- that will be  
16 in the wellbore at that time, we'll give a  
17 recommendation on, but it will be made by the  
18 drilling team --

19           Q.       The drilling team --

20           A.       -- on the rig.

21           Q.       Do you know who in the drilling team  
22 makes the decision?

23           A.       It's typically the wells team leader.

24                   MR. McCARROLL: Thank you.

25                   HON. ANDERSEN: Any other questions?

1 Counsel, do you have any questions?

2 MR. CASTAING: No questions.

3 HON. ANDERSEN: Do you have any  
4 recommendations or anything you would like  
5 to add that you haven't had a chance to  
6 address?

7 THE WITNESS: I wasn't prepared with  
8 anything, sir.

9 HON. ANDERSEN: In your opinion,  
10 have you succeeded in only giving one  
11 opinion?

12 Careful. That's a trick question.

13 Counsel, you acknowledge the  
14 continued validity of the subpoena?

15 MR. CASTAING: I've never been asked  
16 that before with --

17 HON. ANDERSEN: You heard the other  
18 witness.

19 MR. CASTAING: If you need him back,  
20 you need not serve a new subpoena. Just  
21 contact me.

22 HON. ANDERSEN: Super.

23 You're excused. Thank you very  
24 much.

25 MR. CASTAING: That goes for all my

1 clients.

2 CAPT. NGUYEN: All right. Before  
3 everybody run off, the next session we  
4 plan for October 4th through October 8th.  
5 And right now, we haven't decided on  
6 whether it's going to be in Houston or New  
7 Orleans. The reason for that is the  
8 purpose for -- the major purpose for the  
9 next session is for the PIIs to offer  
10 witnesses in evidence.

11 In past sessions, we have  
12 facilitated some of the PIIs' requests,  
13 but for the next session, we would -- you  
14 know, the main goal for that session is  
15 for PII. And it may be, you know, part of  
16 the last session where we're going to  
17 receive input from the PII, so I would  
18 encourage you to provide your -- submit  
19 your request to Commander Bray by next  
20 Friday, September 3rd. And Ms. Murphy.

21 So, with that, if anybody have any  
22 questions -- we're not going to have a  
23 meeting tomorrow morning for PII, so if  
24 anybody have any questions.

25 Thank you very much.

1 MR. HYMEL: Captain, I have a  
2 question.

3 CAPT. NGUYEN: Yes, sir.

4 MR. HYMEL: At the initial meeting  
5 for the May hearings, the first time we  
6 ever met, the program was laid out that we  
7 thought at that time it would be four  
8 sessions: One session after the BOP came  
9 up with BOP issues and then a fourth  
10 session after that for experts where we  
11 could call our own experts.

12 Does the Board envision having  
13 additional hearings for those purposes?

14 CAPT. NGUYEN: Yes, sir. After the  
15 session in October, we're looking at  
16 definitely a session after the BOP and  
17 other physical evidence where testing and  
18 examination conducted. So I would say  
19 that if you could go ahead and submit your  
20 request for expert witness, you know, for  
21 the next session also, that would be  
22 great. And if we can't squeeze everybody  
23 in, you know, we'll see about, you know,  
24 whether we need to have another session.  
25 But right now, I'm planning on two more

1 sessions after this one.

2 MR. SCHONEKAS: Captain, I have one  
3 request.

4 We had some issues about documents  
5 that had not been produced but had been  
6 produced to the Board, and it was as a  
7 result of a misunderstanding, as I  
8 understand it.

9 Could we ask that all communications  
10 with respect to the transmittal of  
11 documents and those things be copied to  
12 all the PIIs so we can avoid that issue?

13 CAPT. NGUYEN: Yes, sir.

14 MR. SCHONEKAS: Thank you.

15 MR. GODFREY: One question, Captain,  
16 if I might.

17 Would you -- would it be  
18 inconvenient if we moved the September 3rd  
19 date back a week later to September 10th?  
20 September 3rd is a week -- the day before  
21 notifying you of witnesses.

22 CAPT. NGUYEN: Well, that's because  
23 we have to evaluate your request and then  
24 we have to provide subpoenas for the  
25 witness in evidence and distribute them.

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So I think that give the PIIs, the  
plaintiffs to look at the documents that  
we provide. And I think that's one of the  
concern that some PIIs represent.

MR. GODFREY: Thank you very much.

CAPT. NGUYEN: Yes, sir. Thank you  
very much. Have a good weekend.

## 1 REPORTER'S CERTIFICATION

2 THE STATE OF TEXAS :  
3 COUNTY OF HARRIS :4 I, DENYCE M. SANDERS, a Certified  
5 Shorthand Reporter and Notary Public in and for  
6 Harris County, Texas, do hereby certify that the  
7 facts as stated by me in the caption hereto are  
8 true; that the foregoing pages comprise a true and  
9 as complete and correct transcript of the  
10 proceedings made without the aid of documents. All  
11 names and terms were researched to the best of my  
12 ability.13 I further certify that I am not, in any  
14 capacity, a regular employee of the party in whose  
15 behalf this hearing is taken, nor in the employ of  
16 any party. I certify that I am not interested in  
17 the cause, nor of kin or any counsel to any of the  
18 parties.19 GIVEN UNDER MY HAND AND SEAL OF OFFICE,  
20 on this, the 31st day of August, 2010.21 \_\_\_\_\_  
22 DENYCE M. SANDERS, CSR, RPR  
23 NCRA Realtime Systems Administrator  
24 Notary Public in and for  
25 Harris County, T E X A S26 My Commission Expires: 4-13-13  
27 Certification No.: 4038;  
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