

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

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

Applies to: *All Cases.*

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

* * * * *

**ALL PARTIES OBJECTIONS TO DEPOSITION DESIGNATIONS OF
JOHN LEBLEU**

<u>From</u>		<u>To</u>		<u>Objecting Party</u>	<u>Objection</u>	<u>Ruling</u>
<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>			
30	13	30	18	BP	FRE 602; vague	
44	25	45	3	BP	FRE 602	
49	12	50	10	BP	602; relevance	
50	25	51	3	BP	FRE 602	
55	9	55	13	BP	relevance	
56	16	57	7	BP	FRE 602; relevance; prejudice	
66	21	67	6	BP	FRE 602; relevance	
67	9	67	13	BP	FRE 602; relevance	
78	6	79	7	BP	FRE 602	
91	13	92	14	BP	FRE 602; relevance	
96	17	97	4	M-I	M-I objects to the non-responsive portion of the answer. The second and third sentence of the witness’s answer is not responsive to the question. He was asked about his experience with Form-A-Set and offered testimony regarding “general knowledge.” M-I also objects to any “general knowledge” as hearsay as they are out of court statements offered for the truth.	

97	6	97	9	M-I	M-I objects on the grounds of speculation and lack of foundation. The witness testified that he had no experience with Form-A-Set failing (96:12-16), but then testifies that it is common for Form-A-Set to fail. This testimony is speculative and lacks foundation to demonstrate the basis of the witness's statement that it was common for Form-A-Set to fail.	
97	10	97	14	M-I	M-I objects to the answer as non-responsive. The witness's answer regarding the reasons for the alleged failure of the Form-A-Set was not responsive to the question asked.	
100	18	101	6	BP	FRE 602; FRE 701	
100	7	102	2	M-I	M-I objects to the testimony on the ground of speculation. The witness specifically states that he would "have to assume to answer this question." (100:22-23). The speculative nature of the testimony is also clear from the witness's statements that "could possibly leave a rubbery –a Jello-type consistency" (emphasis added) (101:4-6) and "I think that's it." (102:2).	
101	15	102	2	BP	FRE 602; FRE 701	
102	3	102	5	M-I	M-I objects to the testimony on the grounds of speculation and lack of foundation. The witness specifically states "I don't know the process exactly. I'm not a chemist" (102:5-6).	
102	12	102	17	M-I	M-I objects to the question as compound.	

103	5	103	24	BP	FRE 602; FRE 701	
103	25	104	5	BP	FRE 602; FRE 701	
104	6	104	9	BP	FRE 602; FRE 701	
104	12	104	14	BP	FRE 602; FRE 701	
104	17	104	23	BP	FRE 602; FRE 701	
105	13	106	4	BP	FRE 602	
108	9	108	15	BP	vague	
112	24	113	3	BP	FRE 602	
113	4	113	17	BP	FRE 602	
118	20	119	6	BP	FRE 602	
119	10	119	13	BP	FRE 602	
121	7	121	9	BP	FRE 602	
121	13	122	1	BP	FRE 602	
132	20	133	2	BP	relevance	
142	2	142	12	BP	FRE 602	
153	3	153	17	BP	FRE 602; relevance; prejudice	
156	23	157	10	BP	relevance	
159	6	160	12	BP	FRE 602; relevance; prejudice	
161	10	161	12	BP	FRE 602; relevance; prejudice	
162	21	163	8	BP	FRE 602; relevance; prejudice	
163	15	163	19	BP	FRE 602; relevance; prejudice	
166	17	166	20	BP	FRE 602	
175	9	175	23	BP	FRE 602; FRE 701	
179	8	179	19	BP	FRE 602	
181	3	181	13	BP	FRE 602; relevance	
182	21	183	1	BP	FRE 602; prejudice	
200	13	200	23	BP	FRE 602; misstates the record	
201	21	202	7	BP	FRE 602; vague	
203	9	203	24	BP	misstates the record; colloquy	
205	18	206	1	BP	misstates the record; FRE 602	
207	23	210	1	BP	relevance; FRE 602; prejudice	
217	22	218	9	BP	Inadmissible by statute; hearsay	
217	22	218	9	Transocean	Refers to MBI testimony; 46 U.S.C. § 6308; lack of foundation (FRE 602); hearsay.	

					M-I objects to the testimony as non-responsive. There is no question posed and the answer provided by the witness is not responsive to the issue of the previous question regarding whether it was “a safe thing for us to do, for BP to do, to use Form-A-Set/Form-A-Squeeze, mix them together”	
219	6	219	25	M-I		
220	2	220	7	BP	colloquy	
221	2	221	21	BP	FRE 602; misstates the record	
222	2	222	12	BP	FRE 602	
223	12	223	14	BP	colloquy	
225	3	226	10	BP	FRE 602; FRE 701	
					M-I objects to the testimony as non-responsive and speculative. First, the witness was asked “[w]hose decision is it to use the LCM pills as a spacer in this instance” and the witness offers testimony regarding who recommended it, not who made the decision to use the LCM pills. Second, the witness makes clear that he lacks personal knowledge of the subject matter, and is speculating as to who recommended the use the LCM pills, when he states that “All I have is the e-mail chain to go by.” (231:8-9). He specifically responds in the negative when asked if Doyle Maxie approached him regarding making the recommendation. (231:19-20).	
230	20	231	22	M-I		
235	23	237	3	BP	relevance	
240	1	240	12	BP	FRE 702; vague	
240	16	241	5	BP	FRE 602; relevance	
244	5	245	13	BP	FRE 602; hearsay	

244	21	245	13	HESI	Hearsay: The witness previously answered at 244:11-15 that he did not know if a risk assessment was done or not. He was then asked what he recalls from "testimony" as to whether a risk assessment was performed. He responded with what he recalled from the testimony of Leo Linder, an M-I Swaco employee. The witness was then asked, "and it is your understanding that was done in this case?" He responded "That's what I heard in testimony," Both questions call for hearsay, and the witness's testimony is hearsay.	
244	11	245	13	M-I	M-I objects for lack of personal knowledge. The witness specifically testified that he only knew the information because "[t]hat's what I heard in testimony." (245:12-13). The testimony is also inadmissible hearsay.	
244	19	245	13	Transocean	Refers to MBI testimony; 46 U.S.C. § 6308; lack of foundation (FRE 602); hearsay.	
245	14	247	18	BP	FRE 602; relevance	
250	2	250	22	BP	FRE 602; FRE 701	
250	2	250	22	M-I	M-I objects on the ground of speculation. The witness specifically states "that would be speculation on my part." (250:11-12).	
252	5	254	1	BP	FRE 602; FRE 701	
255	12	256	12	BP	FRE 602	
320	1	321	9	BP	FRE 602	
321	6	321	9	M-I	M-I objects for lack of personal knowledge. The witness specifically testified that he only knew the information because "I heard in testimony." (320:8).	

323	6	323	10	BP	FRE 602	
323	14	323	18	BP	FRE 602	
329	25	333	5	BP	asked and answered	
334	4	334	25	BP	asked and answered	
335	1	335	3	BP	FRE 602	
335	7	335	22	BP	FRE 602	
					M-I objects to the testimony as non-responsive and speculative. First, there is no pending question and the witness was not asked regarding who recommended the use of the LCM as a spacer. Second, the witness's previous testimony make clear that he lacks personal knowledge of the subject matter, and is speculating as to who recommended the use the LCM pills, when he stated that "All I have is the e-mail chain to go by." (231:8-9). Moreover, he specifically responded in the negative when asked if Doyle Maxie approached him regarding making the recommendation. (231:19-20).	
339	9	339	10	M-I		
341	1	341	6	BP	misstates the record; FRE 602	
385	2	386	13	BP	FRE 602; relevance; prejudice	
388	8	388	12	BP	misstates the record	
394	12	395	22	BP	FRE 602; relevance; prejudice	
412	13	412	18	BP	prejudice	
415	9	415	14	BP	colloquy	
415	16	416	14	BP	FRE 602	
416	15	416	18	BP	colloquy	
416	19	416	21	BP	FRE 602	
417	14	417	24	BP	colloquy	
418	6	418	12	BP	FRE 602; asked and answered	

					M-I objects to the testimony as speculative and lacking personal knowledge. The witness specifically testifies that “I don’t know For –for certain, I don’t know,” (419:7-8) and when pressed for an answer states “Well, I have an assumption, but I don’t have an understanding.” (419:10-11). The witness is then specifically asked what his assumption is. (419:12-14).	
418	17	419	14	M-I		
419	3	420	8	BP	FRE 602	
					M-I objects to the testimony as speculative and lacking personal knowledge. The witness specifically testifies that he does not know the volume of each LCM pill (419:15-20) and then is specifically asked what his assumption is. (420:1-3).	
419	15	420	3	M-I		
420	23	421	1	BP	FRE 602	
428	2	428	14	BP	FRE 602	
428	24	433	17	BP	FRE 602	
452	13	452	18	BP	FRE 602; FRE 701	
453	1	453	8	BP	FRE 602	
457	19	459	6	BP	FRE 602; relevance	
459	7	459	10	BP	FRE 602; misstates the record	
469	23	470	4	BP	misstates the record; prejudice	
472	12	473	5	BP	relevance	
480	11	481	10	BP	relevance; prejudice	
482	12	483	3	BP	relevance; prejudice	
485	17	486	12	BP	misstates the record; FRE 602	
487	10	488	2	BP	FRE 602	
489	7	489	15	BP	FRE 602	
490	17	490	25	BP	relevance; FRE 602	
491	20	491	24	BP	FRE 602	
498	13	499	1	BP	FRE 602; FRE 701	
499	22	500	17	BP	FRE 602; FRE 701	
514	19	515	11	BP	FRE 602	
523	17	523	23	BP	FRE 602; relevance	

525	9	527	3	BP	FRE 602	
528	15	529	23	BP	FRE 602	
530	4	530	14	BP	FRE 602	
530	17	531	3	BP	FRE 602; hearsay	
533	19	533	23	BP	hearsay	
534	11	534	13	BP	misstates the record	
534	24	535	3	BP	hearsay	
536	6	536	19	BP	FRE 602; asked and answered; hearsay	
537	5	538	4	BP	FRE 602	
539	16	541	6	BP	FRE 602	
541	18	542	18	BP	FRE 602	
542	19	542	20	BP	colloquy	
542	21	543	8	BP	FRE 602; FRE 701	
547	19	549	5	BP	FRE 602	
550	4	550	8	BP	FRE 602; misstates the record	
551	6	552	21	BP	FRE 602	
553	2	553	8	BP	colloquy; relevance	
556	5	556	11	BP	FRE 602	
556	17	557	5	BP	FRE 602; FRE 702	
557	24	558	9	BP	FRE 602	
562	24	563	14	BP	FRE 702; FRE 602	
564	19	565	3	BP	FRE 602	
569	23	570	6	BP	vague; FRE 702; misstates the record; FRE 602	
570	10	570	16	BP	vague; FRE 702; misstates the record; FRE 602	
573	2	573	7	BP	FRE 602	

575	2	575	6	M-I	M-I objects to the testimony as non-responsive and speculative. First, there is no pending question and the witness was not asked regarding who recommended the use of the LCM as a spacer. Second, the witness's previous testimony make clear that he lacks personal knowledge of the subject matter, and is speculating as to who recommended the use the LCM pills, when he stated that "All I have is the e-mail chain to go by." (231:8-9). Moreover, he specifically responded in the negative when asked if Doyle Maxie approached him regarding making the recommendation. (231:19-20).	
577	8	577	18	M-I	M-I objects to the testimony to the extent that it is non-responsive and speculative. First, there is no pending question and the witness was not asked regarding who recommended the use of the LCM as a spacer. Second, the witness's previous testimony makes it clear that he lacks personal knowledge of the subject matter, and is speculating as to who recommended the use the LCM pills, when he stated that "All I have is the e-mail chain to go by." (231:8-9). Moreover, he specifically responded in the negative when asked if Doyle Maxie approached him regarding making the recommendation. (231:19-20).	
581	4	581	21	BP	misstates the record; FRE 602	

					M-I objects to the testimony as non-responsive and speculative. First, there is no pending question and the witness was not asked regarding who recommended the use of the LCM as a spacer. Second, the witness's previous testimony make clear that he lacks personal knowledge, and is speculating as to who recommended the use the LCM pills, when he stated that "All I have is the e-mail chain to go by." (231:8-9). In fact, the witness specifically stated "I don't know. . . . Maybe that was the case. I'm not sure. I have no direct knowledge of that." (583:15-17). Moreover, he specifically responded in the negative when asked if Doyle Maxie approached him regarding making the recommendation. (231:19-20).	
583	14	583	17	M-I		
585	24	586	6	BP	FRE 602; relevance	
587	25	588	12	BP	FRE 602; relevance	
588	20	588	23	BP	FRE 602; relevance; FRE 702	
589	2	589	2	BP	FRE 602; relevance; FRE 702	
590	21	592	6	BP	FRE 602; relevance; FRE 702	
592	10	592	10	BP	FRE 602; relevance; FRE 702	
592	12	593	4	BP	FRE 602; relevance; FRE 702	
593	9	595	3	BP	FRE 602; relevance; FRE 702	
596	19	598	24	BP	FRE 602; relevance; FRE 702	
600	6	600	18	BP	FRE 602; relevance; FRE 702	
606	21	607	18	BP	FRE 602; relevance; hearsay	
616	2	616	22	BP	vague; FRE 602	
616	25	618	15	BP	FRE 602; relevance	
620	15	620	21	BP	FRE 602	
625	5	625	16	BP	vague	
633	9	634	14	BP	FRE 602; relevance; prejudice	
634	21	635	2	BP	misstates the record	
635	3	635	20	BP	FRE 602	

637	14	639	17	BP	FRE 602	
639	18	639	21	BP	colloquy	
639	22	640	9	BP	FRE 602	
640	10	640	25	BP	colloquy	
642	18	643	5	BP	FRE 602; prejudice	
644	7	645	9	BP	FRE 602; relevance	
650	13	650	20	BP	FRE 602; misstates the record; hearsay	
651	7	651	9	BP	FRE 602; misstates the record; hearsay	
651	13	651	15	BP	FRE 602; misstates the record; hearsay	
651	16	653	16	BP	FRE 602; misstates the record	
653	17	654	18	BP	FRE 602; misstates the record	
654	25	655	3	BP	FRE 602; relevance; prejudice	
655	13	656	21	BP	FRE 602	
658	1	658	13	M-I	M-I objects to the testimony as hearsay. The testimony regards statements made by the witness to the investigation team and those statements are hearsay to the extent they are offered against M-I for the truth of the matter.	
661	16	662	15	M-I	M-I objects to the testimony as hearsay. The testimony regards statements made by the witness to the investigation team and those statements are hearsay to the extent they are offered against M-I for the truth of the matter.	
664	23	665	6	M-I	M-I objects to the testimony as hearsay. The testimony regards statements made by the witness to the investigation team and those statements are hearsay to the extent they are offered against M-I for the truth of the matter.	

665	19	666	9	M-I	M-I objects to the testimony as hearsay. The testimony regards statements made by the witness to the investigation team and those statements are hearsay to the extent they are offered against M-I for the truth of the matter.	
666	13	669	2	M-I	M-I objects to the testimony as hearsay. The testimony regards statements made by the witness to the investigation team and those statements are hearsay to the extent they are offered against M-I for the truth of the matter.	
666	17	667	7	Transocean	Refers to MBI testimony; 46 U.S.C. § 6308; lack of foundation (FRE 602); calls for speculation (FRE 602); hearsay.	
671	22	673	14	BP	asked and answered; misstates the record; FRE 602	
671	2	671	16	M-I	M-I objects to the testimony as hearsay. The testimony regards statements made by the witness to the investigation team and those statements are hearsay to the extent they are offered against M-I for the truth of the matter.	

					M-I objects to the testimony to the extent that it is non-responsive and speculative. First, there is no pending question and the witness was not asked regarding who recommended the use of the LCM as a spacer. Second, the witness's previous testimony make clear that he lacks personal knowledge of the subject, and is speculating as to who recommended the use the LCM pills, when he stated that "All I have is the e-mail chain to go by." (231:8-9). Moreover, he specifically responded in the negative when asked if Doyle Maxie approached him regarding making the recommendation. (231:19-20).	
676	21	677	13	M-I		
678	14	678	18	BP	prejudice; relevance; FRE 602	
678	22	678	23	BP	prejudice; relevance; FRE 602	
684	23	685	24	BP	FRE 602	
686	11	686	16	BP	FRE 602; FRE 702; vague	
686	21	688	9	BP	FRE 602; relevance; FRE 702	
689	14	690	1	BP	FRE 602; FRE 702	
690	5	690	14	BP	FRE 602; FRE 702	
690	20	690	24	BP	misstates the record; prejudice; colloquy	
691	4	691	17	BP	FRE 602; FRE 702	
695	16	696	17	HESI	Argumentative, Leading: The witness was asked whether, in prior questioning in his deposition, any of the other lawyers had shown him test results showing that if lost circulation materials are combined, they would "gel up and plug the kill line." The question is argumentative and leading.	
695	7	697	18	Transocean	Mischaracterizes previous examination and testimony;	

					leading.	
696	19	697	18	HESI	Argumentative, Leading: The witness was asked whether, in the "hypothetical" and "speculative" questions asked by "the gallery of attorneys that have paraded in through the past two days," anyone had shown him test results showing that if lost circulation materials are combined, they would "gel up and plug the kill line." The question is argumentative and is leading.	