

**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**
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* **SECTION: J**
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* **JUDGE BARBIER**
* **MAGISTRATE SHUSHAN**

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**ALL PARTIES OBJECTIONS TO DEPOSITION DESIGNATIONS OF
BENJAMIN RICHARD**

<u>From</u>		<u>To</u>		<u>Objecting</u> <u>Party</u>	<u>Objection</u>	<u>Ruling</u>
<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>			
25	24	26	4	HESI	Assumes facts not in evidence; foundation; speculation: Richard was asked to opine on cement slurry design parameters, specifically, whether it came from "your experience... when you're mixing a slurry," but this is not his area of expertise, responsibility, or knowledge. He is responsible for testing slurries, not designing or mixing them. (See 8:3-15; 24:9-24:10; 283:6-283:13).	
67	17	67	21	HESI	Speculation; foundation: The question calls for speculation, and there is no foundation for the witness to testify on these matters. Richard was asked to speculate that "fresh water" in an exhibit refers to "water out of the faucet in the lab," but it was not demonstrated that he had the knowledge required to testify on this matter.	

					Foundation; vague and ambiguous; assumes facts not in evidence: Counsel asked a series of questions seeking an opinion for which there is no foundation. This witness lacks the knowledge and/or expertise required to testify on this matter. The questioning is also vague and ambiguous as worded, making the related testimony confusing and misleading. HESI further objects to the extent the question assumes that Jesse Gagliano and BP were not aware that the cement slurry for the production casing contained a defoamer.	
75	8	75	21	HESI		
109	11	109	17	BP	FRE 602	
					Speculation; foundation; vague and ambiguous: Counsel read a lengthy excerpt from a document that the witness did not author and asked, "Does that indicate that there was a problem with documenting the source and quality of lab samples?" The question calls for speculation, and there is no foundation for this witness to testify on this matter. The question is vague and ambiguous as worded.	
122	7	122	15	HESI		
133	18	133	19	BP	FRE 602	
					Speculation; lack of foundation: The question asked Richard to speculate on who or what entity actually required the testing to be performed for the production casing cement job. The witness does not have the knowledge or expertise required to answer this question.	
211	3	211	16	HESI		
250	1	250	2	BP	FRE 702	
271	11	271	15	BP	Vague; FRE 602	

271	21	271	24	HESI	Foundation; speculation; vague and ambiguous: Richard was asked to opine on whether pilot tests determine what cement recipe will be sent out to the rig. Richard is not responsible for interacting with operators or engineers with respect to the ultimate recipe that will be used on a cement job. There is no foundation for him to testify on this matter, and the question necessarily calls for speculation. As worded, is also vague and ambiguous, making the related testimony confusing and misleading.	
276	20	276	22	BP	FRE 602	
276	24	276	24	BP	FRE 602	
276	25	277	2	BP	FRE 602	
278	4	278	10	BP	FRE 602	
278	21	278	24	BP	FRE 602	
281	1	282	5	BP	Relevance	
283	18	283	22	BP	FRE 602	
283	25	284	4	BP	FRE 702	
290	22	290	2	HESI	Foundation; speculation: Richard was asked to opine on cement slurry design parameters, but this is not his area of responsibility, expertise, or knowledge. He is responsible for testing slurries per the designations of engineers, not designing them. (See 8:3-15; 24:9-24:10; 283:6-283:13).	
291	18	292	1	HESI	Foundation; speculation: Richard was asked to opine on cement slurry design parameters, but this is not his area of responsibility, expertise, or knowledge. He is responsible for testing slurries per the designations of engineers, not designing them. (See 8:3-15; 24:9-24:10; 283:6-283:13).	

294	14	295	8	HESI	Foundation; speculation: Richard was asked to opine on whether the 9 gallon retarder slurry should have been tested, but this is not his area of responsibility, expertise, or knowledge. He is responsible for performing tests, not determining what needs to be tested. (See 8:3-15; 24:9-24:10; 24:20-24:23; 283:6-283:13).	
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