

**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
STEPHEN BERTONE**

<u>From</u>		<u>To</u>		<u>Objecting</u> <u>Party</u>	<u>Objection</u>	<u>Ruling</u>
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16	12	16	15	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
21	5	21	7	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
21	16	21	19	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague	
22	2	22	4	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; hearsay; Vague	
22	7	22	12	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
25	1	25	4	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague	

25	7	25	11	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
25	13	25	15	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague	
26	7	26	11	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague	
26	21	26	23	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
26	25	27	3	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
29	9	29	14	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague	
29	21	29	25	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
30	3	30	4	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
30	6	30	15	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Compound	
37	20	37	21	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague; Misstates the Record	
37	24	38	1	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague; Misstates the Record	

38	4	38	8	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague	
38	11	38	15	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague; Compound; Misstates the Record	
38	18	38	23	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague; Compound; Misstates the Record	
39	1	39	4	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague; Misstates the Record	
39	7	39	11	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague; Misstates the Record	
93	4	93	6	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
102	8	102	10	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
102	16	102	19	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
102	21	102	22	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
102	24	103	3	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	

103	5	103	6	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
103	22	104	1	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
104	3	104	6	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
104	8	104	11	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
104	13	104	16	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
104	18	104	21	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
104	23	105	2	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
105	4	105	7	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
105	9	105	14	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
105	16	105	19	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
113	7	113	10	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	

113	21	113	24	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
27	5	27	11	HESI	Assumes facts not in evidence; foundation; speculation: The witness was asked to confirm facts not in evidence. No proper foundation has been laid for the question, and it necessarily calls for speculation—there is no showing that the witness is qualified or possesses the knowledge to make any such statement.	
27	12	27	17	HESI	Assumes facts not in evidence; foundation; speculation; vague and ambiguous: The witness was asked to confirm facts not in evidence. No proper foundation has been laid for the question, and it necessarily calls for speculation—there is no showing that the witness is qualified or possesses the knowledge to make any such statement. Further, it is vague and ambiguous as to discussions in the drill shack being referenced.	
110	23	111	2	HESI	Assumes facts not in evidence; foundation; speculation; vague and ambiguous: The witness was asked to confirm facts not in evidence. No proper foundation has been laid for the question, and it necessarily calls for speculation—there is no showing that the witness is qualified or possesses the knowledge to make any such statement. Further, it is vague and ambiguous and does not clearly indicate what information is being sought.	

112	1	112	8	HESI	Assumes facts not in evidence; foundation; speculation; vague and ambiguous: The witness was asked to confirm facts not in evidence. No proper foundation has been laid for the question, and it necessarily calls for speculation—there is no showing that the witness is qualified or possesses the knowledge to make any such statement. Further, it is vague and ambiguous as to the "decisions about the integrity of the well."	
112	9	112	17	HESI	Vague and ambiguous; assumes facts not in evidence; foundation; speculation: The question is vague and ambiguous as to "the decisions about the integrity of the well." The witness was asked to confirm facts not in evidence. The question also lacks foundation and necessarily calls for speculation—there is no showing that the witness is qualified or possesses the knowledge to make any such statement.	
112	18	112	24	HESI	Assumes facts not in evidence; foundation; speculation: The witness was asked to confirm facts not in evidence. The question also lacks foundation and necessarily calls for speculation—there is no showing that the witness is qualified or possesses the knowledge to make any such statement.	
120	5	120	10	HESI	Assumes facts not in evidence; foundation; speculation; misstates evidence: The witness was asked to confirm facts not in evidence. The question also lacks foundation and necessarily calls for speculation—there is no showing that the witness is qualified or possesses the knowledge to make any such statement. The question further misstates the evidence in the record as to whether a float collar is "never"	

					a barrier.	
105	9	105	15	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See FDIC v. Fid. & Deposit Co. of Md., 45 F.3d 969, 977-78 (5th Cir. 1995); see also LiBuitti v. United States, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See State Farm Life Ins. Co. v. Gutterman, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
16	8	16	16	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
18	21	18	24	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
19	11	19	23	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
20	11	21	8	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
21	10	21	21	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	

22	2	22	6	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
22	7	25	17	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
25	18	26	11	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
31	2	32	25	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
33	1	33	15	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
33	17	34	4	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
34	5	36	23	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
36	24	37	6	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
38	11	39	13	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
43	13	44	5	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
48	11	49	12	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
50	22	51	22	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
53	2	55	19	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	

55	21	60	3	Transocean	Hearsay (Fed. R. Evid. 802); lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
60	4	60	19	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
60	20	64	2	Transocean	Hearsay (Fed. R. Evid. 802); lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
64	24	65	5	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
65	6	65	24	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
66	5	68	7	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
68	8	69	8	Transocean	Hearsay (Fed. R. Evid. 802); lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
77	25	83	5	Transocean	Hearsay (Fed. R. Evid. 802); lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
83	8	86	20	Transocean	Hearsay (Fed. R. Evid. 802); lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
86	21	93	25	Transocean	Hearsay (Fed. R. Evid. 802); lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
94	25	95	8	Transocean	Hearsay (Fed. R. Evid. 802); lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
110	3	111	25	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	

112	1	114	22	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
114	24	116	18	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
117	5	117	25	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	
118	11	120	9	Transocean	Lacks foundation (Fed. R. Evid. 602); no adverse inference should be drawn against Transocean.	