

Deposition Testimony of:  
**Stephen Bertone**

Date: July 27, 2011

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Page 7:06 to 7:10

00007:06 STEPHEN RAY BERTONE,  
07 having been first duly sworn, testified as  
08 follows:  
09 E X A M I N A T I O N  
10 BY MR. LUNDY:

Page 8:02 to 8:05

00008:02 Q. All right. I understand that  
03 you intend to take the Fifth Amendment; is  
04 that correct?  
05 A. Yeah.

Page 9:21 to 9:23

00009:21 Let me get your full  
22 name:  
23 A. Stephen Ray Bertone.

Page 10:03 to 12:01

00010:03 Q. (BY MR. LUNDY) Okay. Then go  
04 ahead and read your statement.  
05 A. All right. I take my job  
06 responsibilities very seriously and am proud  
07 of my years of faithful service to  
08 Transocean. On April the 8th, 2003, I began  
09 working on the Deepwater Horizon, and over  
10 the next seven years I've spent well over a  
11 thousand days and nights of my life working  
12 and living on the rig.  
13 On the night of April the 20th,  
14 2010 when the explosions rocked the rig I was  
15 one of the last to evacuate the vessel  
16 because I was trying to uphold my  
17 responsibilities to the crew and my company,  
18 even after the two lifeboats had deployed.  
19 The crew was like my family. I  
20 lost my brothers that night. There is a void  
21 that can never be filled. The nightmares  
22 will not go away, and I still suffer. I am  
23 sincerely humbled that the Coast Guard has  
24 recognized my efforts to save the burning  
25 vessel and to evacuate the injured as  
00011:01 selfless and heroic, but I am not a hero. I  
02 was merely doing my job.  
03 I previously provided some  
04 information to the Coast Guard and I was  
05 hoping to provide more information today, but  
06 due to the present and unique circumstances I  
07 am reluctantly following the advice of my

08 counsel and declining to answer additional  
09 questions at this time. My conscience is  
10 clear, and I know in my heart I did nothing  
11 wrong, but based on the advice of my  
12 attorneys I respectfully decline to answer  
13 any questions today based on my rights under  
14 the Supreme Court case Ohio versus Reiner.

15 Q. Thank you. All right. What is  
16 your age, Mr. Bertone?

17 A. Same answer.

18 Q. All right. Just so I'm clear,  
19 instead of you saying "I'm taking the Fifth"  
20 or saying the "Fifth Amendment," you're going  
21 to tell me "same answer," which means to me  
22 that you're taking the Fifth Amendment and  
23 not going to respond to that question; is  
24 that correct?

25 A. It means just what I had just  
00012:01 read here.

Page 12:07 to 12:13

00012:07 Q. Have you been informed that  
08 you're the subject of a grand jury  
09 investigation?

10 A. Same answer.

11 Q. Have you been informed that you  
12 are a target of a grand jury investigation?

13 A. Same answer.

Page 14:01 to 14:06

00014:01 Q. All right. You were assigned to  
02 the Horizon in 2003; is that correct?

03 A. Same answer.

04 Q. You were chief engineer since --  
05 on the Horizon since November 2008?

06 A. Same answer.

Page 15:06 to 15:14

00015:06 Q. All right. I'm going to ask  
07 that you open your binder and look at tab  
08 No. 2, which is Bates-stamped  
09 TRN-MDL-00265564, and it's been marked as  
10 Exhibit No. 4361. Okay.

11 This is -- does this document  
12 reflect the statement you gave to Transocean  
13 on April 21st, 2010 at 4:00 p.m.?

14 A. Same answer.

Page 15:24 to 16:16

00015:24 Q. In the statement you said that  
25 around 17:30 hours there were issues with the  
00016:01 well; is that correct?  
02 A. Same answer.  
03 Q. And you said that meetings were  
04 held at 19:00 hours until approximately 21:30  
05 hours regarding these issues; is that  
06 correct?  
07 A. Same answer.  
08 Q. All right. Isn't it true that  
09 there were many problems on the Deepwater  
10 Horizon, prior to April 20th, 2010?  
11 A. Same answer.  
12 Q. Okay. Isn't it true that BP was  
13 well aware of the many problems that the  
14 Deepwater Horizon was experiencing, prior to  
15 April 20th, 2010?  
16 A. Same answer.

Page 17:12 to 18:11

00017:12 Mr. Bertone, you were aware that  
13 an audit was performed on the Deepwater  
14 Horizon in September 2009 on the date  
15 September 13th through the 17th; is that  
16 correct?  
17 A. Same answer.  
18 Q. And the document that we have  
19 marked as Exhibit 4362 is the findings of the  
20 audit that was performed in 2009. Do you  
21 recognize this document?  
22 A. Same answer.  
23 Q. All right. And on Page 2 under  
24 the "Executive Summary" we see findings from  
25 the audit; is that correct?  
00018:01 A. Same answer.  
02 Q. All right. And isn't it true  
03 that one of the findings in the audit which  
04 is found on Page 2, four paragraphs down from  
05 the "Findings of particular note were the  
06 following," if you'll go down four  
07 paragraphs, you'll see one of the findings  
08 was that there was overdue planned  
09 maintenance considered excessive 390 jobs,  
10 amounting to 3,545 man-hours. Do you see  
11 that?

Page 18:14 to 18:24

00018:14 Q. (BY MR. LUNDY) Do you see that  
15 finding?  
16 A. Same answer.  
17 Q. Mr. Bertone, how much of the  
18 planned maintenance was completed between

19 September 2009 and April 20th, 2010?  
20 A. Same answer.  
21 Q. Okay. Isn't it true that very  
22 little of the planned maintenance identified  
23 in this executive summary was performed  
24 between September 2009 and April 20, 2010?

Page 19:03 to 19:03

00019:03 A. Same answer.

Page 19:11 to 19:23

00019:11 Q. All right. You were aware that  
12 Transocean experienced a well control event  
13 in December 2009 with the displacement of --  
14 during which the displacement of mud was  
15 seawater, causing an un- -- an underbalanced  
16 condition in the well; you were aware of  
17 that, weren't you?  
18 A. Same answer.  
19 Q. Okay. Were you informed that  
20 this well control event occurred principally  
21 due to a failure to monitor flow in and out  
22 of the well which would have otherwise  
23 detected a kick?

Page 19:25 to 20:09

00019:25 A. Same answer.  
00020:01 Q. (BY MR. LUNDY) Okay. It's  
02 true, sir, isn't it true, that the driller  
03 sits in the drill shack in chair A and  
04 monitors the conditions downhole in the well  
05 by looking at computer screens?  
06 A. Same answer.  
07 Q. All right. And if the computer  
08 screens lock up, the driller cannot monitor  
09 what's going on downhole, is that correct?

Page 20:11 to 21:02

00020:11 A. Same answer.  
12 Q. (BY MR. LUNDY) Okay. Prior to  
13 April 20th you were aware of losses of power  
14 to driller's chair A, weren't you?  
15 A. Same answer.  
16 Q. All right. And these losses of  
17 power are commonly referred to by the crew as  
18 lockups; is that correct?  
19 A. Same answer.  
20 Q. All right. And the -- and the  
21 lockup means that when there is a loss of

22 power, the computer screen freezes up; is  
23 that correct?  
24 A. Same answer.  
25 Q. Okay. And you were aware of  
00021:01 multiple lockups prior to April 20th with  
02 driller chair A; were you not?

Page 21:04 to 21:08

00021:04 A. Same answer.  
05 Q. (BY MR. LUNDY) All right. And  
06 BP was fully aware of the multiple lockups in  
07 driller chair A prior to April 20th, 2010?  
08 A. Same answer.

Page 21:10 to 21:13

00021:10 Q. (BY MR. LUNDY) All right. You  
11 were aware that the rig had both total  
12 blackouts and partial blackouts, prior to  
13 April 20th, 2010, correct?

Page 21:15 to 21:19

00021:15 A. Same answer.  
16 Q. (BY MR. LUNDY) And BP was fully  
17 aware of the total blackouts and partial  
18 blackouts prior to April 20th, 2010; is that  
19 correct?

Page 21:21 to 21:21

00021:21 A. Same answer.

Page 22:02 to 22:04

00022:02 Q. And you were aware, sir, that BP  
03 personnel had referred to this well as the  
04 well from hell; is that correct, sir?

Page 22:06 to 22:13

00022:06 A. Same answer.  
07 Q. (BY MR. LUNDY) All right. And  
08 I'm going to talk to you now about negative  
09 pressure testing. Isn't it true that on the  
10 morning of April 20th, 2010 BP and TO  
11 personnel argued about the results of a  
12 negative test, in the pre-tour meeting?  
13 A. Same answer.

Page 22:19 to 23:01

00022:19 Q. All right. And a negative  
20 pressure test should always be done to  
21 confirm a well's integrity, shouldn't it?  
22 A. Same answer.  
23 Q. And, in fact, these tests should  
24 be performed because there should be some  
25 expectation that the well -- the well might  
00023:01 like integrity; is that correct?

Page 23:03 to 23:03

00023:03 A. Same answer.

Page 23:25 to 24:04

00023:25 Q. All right. And the desired  
00024:01 result from the negative test is zero psi  
02 pressure in the drill pipe and kill line and  
03 zero to 3.5 fluid barrels -- barrels of fluid  
04 returns from the drill pipe; is that correct?

Page 24:06 to 24:10

00024:06 A. Same answer.  
07 Q. (BY MR. LUNDY) All right. And  
08 the results experienced from the test was  
09 1400 psi from the drill pipe and 15 barrels  
10 of fluid return; isn't that correct?

Page 24:12 to 24:16

00024:12 A. Same answer.  
13 Q. (BY MR. LUNDY) And based upon  
14 these results BP knew that the well was  
15 flowing and that well integrity had not been  
16 achieved; isn't that correct?

Page 24:18 to 24:23

00024:18 A. Same answer.  
19 Q. (BY MR. LUNDY) The obvious  
20 warning that well integrity had not been  
21 achieved was a topic of discussion in the  
22 two-hour meeting in the drill shack before  
23 the blowout on April 20th, 2010, wasn't it?

Page 24:25 to 25:04

00024:25 A. Same answer.  
00025:01 Q. (BY MR. LUNDY) Despite an

02 unsuccessful negative pressure test, BP did  
03 not consult its experts in Houston about the  
04 findings; is that correct?

Page 25:06 to 25:15

00025:06 A. Same answer.  
07 Q. (BY MR. LUNDY) Instead, BP  
08 chose to displace the riser with seawater and  
09 to reduce the hydrostatic pressure to below  
10 the pressure in the reservoir; is that  
11 correct?  
12 A. Same answer.  
13 Q. And this wanton and reckless  
14 decision by BP resulted in the well becoming  
15 underbalanced; isn't it?

Page 25:17 to 26:11

00025:17 A. Same answer.  
18 Q. (BY MR. LUNDY) All right. Were  
19 you aware that there was improper cement job  
20 performed, on the Deepwater Horizon?  
21 A. Same answer.  
22 Q. And that prior to the cementing  
23 there was no bottoms up circulation of the  
24 well; isn't that correct?  
25 A. Same answer.  
00026:01 Q. And a bottoms up circulation of  
02 the well is a procedure which helps to remove  
03 drilling debris in order to effect a cement  
04 job which would ensure the integrity of the  
05 well; isn't that correct?  
06 A. Same answer.  
07 Q. All right. And despite that  
08 objective, no bottoms up was done because the  
09 bottom of this well was so fragile, BP didn't  
10 want to risk fracturing it with that  
11 procedure; isn't that correct?

Page 26:13 to 27:04

00026:13 A. Same answer.  
14 Q. (BY MR. LUNDY) All right.  
15 Isn't it true that a cement "bod" log --  
16 cement bond log is a procedure that tests  
17 cement integrity after placement to make sure  
18 it's an effective barrier; isn't that  
19 correct?  
20 A. Same answer.  
21 Q. All right. Isn't it true that  
22 BP decided not to perform a cement bond log,  
23 on the Deepwater Horizon?

24 A. Same answer.  
25 Q. All right. In fact, there was a  
00027:01 Schlumberger crew on the rig to perform the  
02 cement bond log, and BP sent them home; isn't  
03 that correct?  
04 A. Same answer.

Page 29:09 to 29:14

00029:09 Q. (BY MR. LUNDY) Okay. You were  
10 aware that the OptiCem centralizer model  
11 demonstrated on April 18th that the use of  
12 seven centralizers would result in severe gas  
13 flow potential and definite cement  
14 channeling; isn't that correct?

Page 29:16 to 29:16

00029:16 A. Same answer.

Page 29:21 to 29:25

00029:21 Q. (BY MR. LUNDY) You were aware  
22 that on April 15th the OptiCem model showed  
23 that twenty one centralizers would result in  
24 minimum gas flow potential and no cement  
25 channeling, correct?

Page 30:02 to 30:15

00030:02 A. Same answer.  
03 Q. (BY MR. LUNDY) And BP was fully  
04 aware of this fact, correct?  
05 A. Same answer.  
06 Q. You were aware that there were  
07 six centralizers on the rig as of April 14th  
08 and despite the fact that the OptiCem  
09 centralizer model showed that the use of  
10 seven centralizers result -- would result in  
11 severe gas flow potential and definite cement  
12 channeling. BP in conscious disregard for  
13 the safety of the people on the DWH and the  
14 environment recklessly chose to use six  
15 centralizers; correct?

Page 30:17 to 30:17

00030:17 A. Same answer.

Page 31:02 to 31:09

00031:02 Q. You are familiar with the safety

03 devices on those engines; is that correct?  
04 A. Same answer.  
05 Q. All right. Didn't you say in  
06 your testimony to the Coast Guard that you  
07 were told that the engines exploded on  
08 April 20th, 2010?  
09 A. Same answer.

Page 31:11 to 31:17

00031:11 Q. (BY MR. LUNDY) All right isn't  
12 it true that an unregulated fuel source into  
13 one of the engines or any of the engines  
14 resulting from a gas leak or a blowout such  
15 as was experienced on April 20th, 2010 can  
16 result in overspeed of the engine?  
17 A. Same answer.

Page 31:19 to 31:22

00031:19 Q. (BY MR. LUNDY) All right.  
20 Isn't it true that overspeed of an engine can  
21 result in catastrophic failure of the engine,  
22 including explosion?

Page 31:24 to 32:04

00031:24 A. Same answer.  
25 Q. (BY MR. LUNDY) Are you familiar  
00032:01 with the overspeed devices on the engines  
02 that are designed to shut down fuel to the  
03 engine when it -- when it increases to an  
04 unsafe speed?

Page 32:06 to 32:12

00032:06 A. Same answer.  
07 Q. (BY MR. LUNDY) The overspeed  
08 device that shuts down fuel to the engine in  
09 the event of overspeed not only shuts down  
10 the engine, but gives an alarm and trips the  
11 feeder breaker from the generator; is that  
12 correct?

Page 32:14 to 32:19

00032:14 A. Same answer.  
15 Q. (BY MR. LUNDY) Isn't it true  
16 that at the time of the explosion the engines  
17 that were running were increasing in speed up  
18 until the point of the explosion?  
19 A. Same answer.

Page 32:21 to 32:23

00032:21 Q. (BY MS. LUNDY) Isn't it true  
22 that the overspeed safety devices failed on  
23 April 20th, 2010?

Page 32:25 to 33:08

00032:25 A. Same answer.  
00033:01 Q. (BY MR. LUNDY) Okay. You're  
02 familiar with the term rig saver; is that  
03 correct?  
04 A. Same answer.  
05 Q. A rig saver is a safety device  
06 that shuts off ventilation of air into the  
07 engine and thus a potential ignition source;  
08 is that correct?

Page 33:10 to 33:15

00033:10 A. Same answer.  
11 Q. (BY MR. LUNDY) All right.  
12 Isn't it true that the rig savers on the  
13 engines that were running that night also  
14 failed?  
15 A. Same answer.

Page 33:17 to 33:23

00033:17 Q. (BY MR. LUNDY) Are you familiar  
18 with the term ESD or emergency shutdown?  
19 A. Same answer.  
20 Q. And the ESD closes dampers that  
21 allows and turns off fans that supply air  
22 into the engine room; is that correct?  
23 A. Same answer.

Page 33:25 to 34:02

00033:25 Q. (BY MR. LUNDY) Isn't it true  
00034:01 that the emergency shutdown system also  
02 failed on the night of April 20th?

Page 34:04 to 34:15

00034:04 A. Same answer.  
05 Q. (BY MR. LUNDY) Now, let's talk  
06 about the backup generator -- Im sorry -- or  
07 emergency generator. Isn't it true that  
08 engines No. 3 and 4 were classified as  
09 emergency generators?

10 A. Same answer.  
11 Q. And the emergency system is  
12 designed so that if the main engines that are  
13 operating go down and after a ten-minute  
14 lapse of time the emergency engines will then  
15 start?

Page 34:17 to 34:24

00034:17 A. Same answer.  
18 Q. (BY MR. LUNDY) And the  
19 emergency engines are controlled by the  
20 SIMRAD system; is that correct?  
21 A. Same answer.  
22 Q. All right. Isn't it true that  
23 the emergency engines 3 and 4 failed to come  
24 on-line on April 20th, 2010?

Page 35:01 to 35:07

00035:01 A. Same answer.  
02 Q. (BY MR. LUNDY) And they failed  
03 to come on-line after the explosion and after  
04 there was a ten-minute gap following the  
05 shutdown of the -- of the engines that were  
06 running that night?  
07 A. Same answer.

Page 35:09 to 36:09

00035:09 Q. (BY MR. LUNDY) All right. On  
10 the -- after the explosion on April 20th,  
11 2010 you and Mike Williams and Paul Meinhart  
12 were asked by Captain Kuchta to attempt to  
13 start the backup generator following the  
14 explosions on April 20th; is that correct?  
15 A. Same answer.  
16 Q. And when the three of you got to  
17 the backup generator Mr. Williams flipped the  
18 switch from automatic to manual, hit the  
19 reset button, and pressed the start button,  
20 but the engine did not turn over; is that  
21 correct?  
22 A. Same answer.  
23 Q. And Mr. Williams tried twice  
24 more and nothing happened; is that correct?  
25 A. Same answer.  
00036:01 Q. All right then either  
02 Mr. Williams or yourself or Mr. Meinhart or  
03 all three of you opened, closed, then  
04 reopened the main feed breaker, turned the  
05 switch for the automatic sync on the stand-by  
06 generator from automatic to manual, tried

07 again to reset and start the stand-by  
08 generator, but the engine didn't turn over;  
09 is that correct?

Page 36:11 to 36:16

00036:11 A. Same answer.  
12 Q. (BY MR. LUNDY) Then after the  
13 engine didn't turn over again one or the  
14 three of you turned on the second battery  
15 bank and tried again and, once again, the  
16 engine failed to turn over; is that correct?

Page 36:18 to 36:21

00036:18 A. Same answer.  
19 Q. (BY MR. LUNDY) So it is true  
20 that the backup generators failed on the  
21 night of April 20th, 2010; is that correct?

Page 36:23 to 37:04

00036:23 A. Same answer.  
24 Q. (BY MR. LUNDY) You're familiar  
25 with the term lost returns; are you not?  
00037:01 A. Same answer.  
02 Q. All right you're aware that  
03 there were many events of lost returns on the  
04 Deepwater Horizon, correct?

Page 37:06 to 37:10

00037:06 A. Same answer.  
07 Q. (BY MR. LUNDY) You're aware  
08 that thousands of barrels of mud were lost  
09 into the formation; is that correct?  
10 A. Same answer.

Page 37:12 to 37:21

00037:12 Q. (BY MR. LUNDY) All right. And  
13 you were on the Deepwater Horizon on  
14 March 8th, 2010; is that correct?  
15 A. Same answer.  
16 Q. You're aware that the well took  
17 a kick and tools lost in the hole on  
18 March 8th, 2010, correct?  
19 A. Same answer.  
20 Q. Isn't it true that BP controlled  
21 the actions of all personnel on the DWH?

Page 37:23 to 38:01

00037:23 A. Same answer.  
24 Q. (BY MR. LUNDY) Isn't it true  
25 that BP had ultimate control and authority of  
00038:01 all personnel on DWH?

Page 38:03 to 38:08

00038:03 A. Same answer.  
04 Q. (BY MR. LUNDY) And after the  
05 kick on March 8th and all the lost returns BP  
06 did not instruct you or any other Transocean  
07 employee to slow down the drilling process,  
08 did it?

Page 38:10 to 38:15

00038:10 A. Same answer.  
11 Q. (BY MR. LUNDY) In fact, BP was  
12 instructing Transocean employees to drill as  
13 fast as they possibly could because BP was  
14 behind schedule and over budget on the  
15 Deepwater Horizon; isn't that correct?

Page 38:17 to 38:23

00038:17 A. Same answer.  
18 Q. (BY MR. LUNDY) Isn't it true  
19 that BP needed to relocate the Deepwater  
20 Horizon to another location in the Gulf  
21 approximately 250 miles away and was pushing  
22 to complete this well as fast as possible; is  
23 that correct?

Page 38:25 to 39:04

00038:25 A. Same answer.  
00039:01 Q. (BY MR. LUNDY) And because it  
02 was behind schedule and over budget BP was  
03 putting profits over safety of the personnel  
04 on this rig; was it not?

Page 39:06 to 39:11

00039:06 A. Same answer.  
07 Q. (BY MR. LUNDY) Isn't it true,  
08 Mr. Bertone, you felt pressured by BP to take  
09 shortcuts, compromising safety to the  
10 personnel and the environment because BP was  
11 behind schedule and over budget on this well?

Page 39:13 to 39:13

00039:13 A. Same answer.

Page 40:02 to 41:15

00040:02 Q. (BY MR. MORRISS) Mr. Bertone,  
03 my name is Chad Morris. I represent BP. If  
04 I ask you anything you don't understand, stop  
05 me and tell me. I'll be happy to repeat it.  
06 If you don't stop me, I'll assume you  
07 understood the question. Is that clear?

08 A. Yes.

09 Q. As I understand it, in December  
10 of 2003 as a Transocean employee you joined  
11 the Deepwater Horizon; is that correct?

12 A. Same answer.

13 Q. And in November of 2008 you  
14 became the chief engineer and maintenance  
15 supervisor; is that correct?

16 A. Same answer.

17 Q. And from November 2008 until  
18 April 20th, 2010 you served as maintenance  
19 supervisor, also known as chief engineer,  
20 correct?

21 A. Same answer.

22 Q. Now, your responsibility is  
23 maintenance supervisor was to supervise and  
24 control the maintenance and repair of  
25 equipment on the Deepwater Horizon; is that  
00041:01 correct?

02 A. Same answer.

03 Q. And if you'll turn to tab 1 in  
04 your notebook, we'll mark this as  
05 Exhibit 4363. Is this a rendition of the job  
06 responsibilities of a maintenance supervisor  
07 for Transocean?

08 A. Same answer.

09 Q. And if you'll look at the text  
10 of this document, does it specifically  
11 indicate that your responsibility was to make  
12 certain that mechanical, electrical,  
13 electronic, subsea, and information and  
14 technology equipment on the rig was properly  
15 maintained and functional?

Page 41:17 to 42:17

00041:17 A. Same answer.

18 Q. (BY MR. MORRISS) And if you'll  
19 turn to tab 2, this is a document that's been  
20 previously marked as Exhibit 3342. Is this  
21 the maintenance procedure manual for  
22 Transocean?

23 A. Same answer.  
24 Q. And if you'll turn to Page 5326,  
25 the numbers are on the bottom. 5326 is how  
00042:01 they end. If you'll look under the topic, it  
02 says "General," correct? Is that what it  
03 says?  
04 A. Same answer.  
05 Q. And under point No. 1 it says,  
06 "This manual describes Transocean's  
07 maintenance management system and supports  
08 Transocean's policies related to maintenance  
09 and inventory," correct?  
10 A. Same answer.  
11 Q. And if you'll turn over to  
12 Page 5330, four pages over, under Section 2  
13 this indicates that as maintenance supervisor  
14 you were responsible for the planning,  
15 execution, and accurate recording of the  
16 maintenance in accordance with the  
17 maintenance management system, correct?

Page 42:20 to 43:10

00042:20 Q. (BY MR. MORRISS) And if you'll  
21 go to Page 5339, this is under the section of  
22 "Core values." The procedure manual states  
23 that, "Ensuring the equipment remains  
24 reliable and available for use when required  
25 is essential to maintaining a safe working  
00043:01 environment and to prevent incident,"  
02 correct?  
03 A. Same answer.  
04 Q. Now, TO understood and you  
05 understood in April of 2010 that maintenance  
06 and repair of equipment was important to  
07 assure that the Transocean crew could monitor  
08 for well control events, close in the well  
09 during an influx of hydrocarbon, and prevent  
10 a fire and explosion on the rig; correct?

Page 43:12 to 43:19

00043:12 A. Same answer.  
13 Q. (BY MR. MORRISS) And TO  
14 understood, and you did, that if there was a  
15 failure to properly maintain and properly  
16 repair equipment, that it would in fact  
17 impair the crew's ability to detect well  
18 control, close in the well, and prevent fire  
19 and explosion on the rig, correct?

Page 43:21 to 44:03

00043:21 A. Same answer.  
22 Q. (BY MR. MORRISS) And, in fact,  
23 you would agree that TO's failure to properly  
24 maintain and repair the equipment contributed  
25 to the failure of TO's crew on April 20th of  
00044:01 2010 to timely detect hydrocarbon influx,  
02 close in the well, and prevent or minimize  
03 fire and explosion on the rig floor, correct?

Page 44:05 to 44:13

00044:05 A. Same answer.  
06 Q. (BY MR. MORRISS) Now, if you'll  
07 turn back to tab 1, which is what we marked  
08 previously as Exhibit 4363. This document  
09 indicates that one of the responsibilities of  
10 the maintenance supervisor was to mentor,  
11 develop, and train crew members to ensure  
12 that they were competent to work at their  
13 next job level, correct?

Page 44:15 to 44:21

00044:15 A. Same answer.  
16 Q. (BY MR. MORRISS) And this  
17 document also indicates that one of your  
18 duties was to ensure that all subordinates  
19 have the necessary skills and experience to  
20 fulfill their assigned task in a safe and  
21 efficient manner, correct?

Page 44:23 to 45:11

00044:23 A. Same answer.  
24 Q. (BY MR. MORRISS) And if you'd  
25 turn to -- back to tab 2, which is the  
00045:01 maintenance procedural manual, Exhibit 3342,  
02 and if you'll turn to Page 5372, which will  
03 be toward the back. The Transocean  
04 maintenance procedure manual actually has a  
05 section on personnel competency, correct?  
06 A. Same answer.  
07 Q. And your job or one of your  
08 responsibilities as a maintenance supervisor  
09 was to make sure that the crew working under  
10 you were competent to perform their jobs,  
11 correct?

Page 45:13 to 45:18

00045:13 A. Same answer.  
14 Q. (BY MR. MORRISS) And, in fact,  
15 this Transocean manual states that personnel

16 must be competent to perform the required  
17 maintenance activities, on the company  
18 equipment, correct?

Page 45:20 to 46:02

00045:20 A. Same answer.  
21 Q. (BY MR. MORRISS) And it gives  
22 specific duties and responsibilities to the  
23 maintenance supervisor to make sure that the  
24 personnel is familiar with the equipment,  
25 that the personnel is properly monitored, and  
00046:01 that the personnel has successfully completed  
02 company required training, correct?

Page 46:04 to 46:07

00046:04 A. Same answer.  
05 Q. (BY MR. MORRISS) And as  
06 maintenance supervisor those responsibilities  
07 would have fallen to you, correct?

Page 46:09 to 46:15

00046:09 A. Same answer.  
10 Q. (BY MR. MORRISS) And the  
11 obligation to train the employees on the  
12 Transocean rig, the obligation to make sure  
13 they were competent and able to repair and  
14 maintain equipment, that responsibility fell  
15 exclusively to Transocean, true?

Page 46:17 to 46:25

00046:17 A. Same answer.  
18 Q. (BY MR. MORRISS) Now, there  
19 were a number of employees on the rig that  
20 reported to you; is that correct?  
21 A. Same answer.  
22 Q. And that would have included the  
23 subsea team responsible for maintaining and  
24 repairing the subsea equipment, correct?  
25 A. Same answer.

Page 47:02 to 47:08

00047:02 Q. (BY MR. MORRISS) And that would  
03 have included Owen McWhorter, Mark Hay, Chris  
04 Pleasant, and Jay Odenwald, correct?  
05 A. Same answer.  
06 Q. And you and Transocean had the  
07 responsibility to train and verify their

08 competency, correct?

Page 47:10 to 47:13

00047:10 A. Same answer.  
11 Q. (BY MR. MORRISS) You were not  
12 looking to BP to train the subsea team, were  
13 you?

Page 47:15 to 47:19

00047:15 A. Same answer.  
16 Q. (BY MR. MORRISS) And Transocean  
17 was not looking to BP to train the subsea  
18 team, was it?  
19 A. Same answer.

Page 47:21 to 48:01

00047:21 Q. (BY MR. MORRISS) Now,  
22 Transocean controlled the number of competent  
23 people assigned to perform, repair and  
24 maintenance on the Deepwater Horizon, is that  
25 correct?  
00048:01 A. Same answer.

Page 48:03 to 48:09

00048:03 Q. (BY MR. MORRISS) And you would  
04 agree that to properly maintain the safety  
05 critical equipment on the Deepwater Horizon  
06 there were a certain number of qualified  
07 people that would be necessary to carry out  
08 that task, correct?  
09 A. Same answer.

Page 48:11 to 48:16

00048:11 Q. (BY MR. MORRISS) And Transocean  
12 knew and you knew before April 20th, 2010  
13 that there were not -- there were not enough  
14 maintenance and repair personnel to carry out  
15 these safety critical responsibilities,  
16 correct?

Page 48:18 to 48:23

00048:18 A. Same answer.  
19 Q. (BY MR. MORRISS) And Transocean  
20 had insufficient manpower on the Deepwater  
21 Horizon on April 2010 to carry out these  
22 safety critical repair and maintenance

23 functions, correct?

Page 48:25 to 49:04

00048:25 A. Same answer.  
00049:01 Q. (BY MR. MORRISS) In fact, you  
02 had conversations with employees that worked  
03 for you about this insufficient manpower  
04 problem, correct?

Page 49:06 to 49:12

00049:06 A. Same answer.  
07 Q. (BY MR. MORRISS) You had a  
08 discussion with Brent Mansfield who expressed  
09 to you his concern that there were not enough  
10 manpower, there was insufficient personnel to  
11 perform maintenance and repair on the  
12 Deepwater Horizon, correct?

Page 49:14 to 50:07

00049:14 A. Same answer.  
15 Q. (BY MR. MORRISS) And if you'll  
16 turn to tab 10 in your notebook and if you'll  
17 look at Exhibit 3405, which is the Deepwater  
18 Horizon follow-up rig audit dated September  
19 2009 and if you'll turn to page numbers that  
20 end in 601, and midway on that page there is  
21 a section under "Power Plant." Do you see  
22 that?  
23 A. Yes.  
24 Q. And this audit indicated that  
25 engine No. 1 was overdue since May 2009 a  
00050:01 planned 24,000-hour overhaul, while engine  
02 No. 4 was overdue since June 2009 a planned  
03 24,000-hour overall and 12,000-hour turbo  
04 charger replacement. The maintenance  
05 supervisor cited a lack of manpower as the  
06 main reason for no progress.  
07 Did I read that correctly?

Page 50:09 to 50:19

00050:09 A. Same answer.  
10 Q. (BY MR. MORRISS) And, in fact,  
11 you were a maintenance supervisor in  
12 September -- May and September of 2009 on the  
13 Deepwater Horizon, correct?  
14 A. Same answer.  
15 Q. And the maintenance supervisor  
16 on the Deepwater Horizon indicated that it  
17 was a lack of manpower that caused these

18 deficiencies in repair and maintenance,  
19 correct?

Page 50:21 to 51:01

00050:21 A. Same answer.  
22 Q. (BY MR. MORRISS) And instead of  
23 addressing this problem with additional  
24 competent workers, Transocean forced you to  
25 prioritize corrective maintenance and  
00051:01 repairs, correct?

Page 51:03 to 51:08

00051:03 A. Same answer.  
04 Q. (BY MR. MORRISS) And by forcing  
05 you to prioritize repair and maintenance,  
06 some things were delayed in being repaired  
07 and some things simply did not get repaired;  
08 is that correct?

Page 51:10 to 51:13

00051:10 A. Same answer.  
11 Q. (BY MR. MORRISS) And Transocean  
12 consciously made these decisions to save  
13 money, correct?

Page 51:15 to 51:20

00051:15 A. Same answer.  
16 Q. (BY MR. MORRISS) And Transocean  
17 consciously made these decisions knowing that  
18 it would adversely affect the ability of your  
19 crew to properly maintain and repair the  
20 equipment, correct?

Page 51:22 to 52:17

00051:22 A. Same answer.  
23 Q. (BY MR. MORRISS) Now, are you  
24 familiar with the RMS system?  
25 A. Yes.  
00052:01 Q. And if you'll turn to tab 2,  
02 which we previously looked at and is marked  
03 as Exhibit 3342. And I'm going to get you to  
04 turn to Page 5340. I say, Page 5340 is part  
05 of the maintenance procedures manual, and the  
06 section is headed "Maintenance Management  
07 System," correct?  
08 A. Same answer.  
09 Q. And if you'll look under

10 Section 4.1 procedures, it indicates that the  
11 rig management system 2, RMS, is the approved  
12 company computerized maintenance management  
13 system and will be used by all installations  
14 and fleet spare, slash, pool equipment  
15 locations to ensure proper application of the  
16 MMS.  
17 Did I read that correctly?

Page 52:19 to 52:24

00052:19 A. Yes. Same answer.  
20 Q. (BY MR. MORRISS) And Transocean  
21 relies and did rely in April of 2010 on the  
22 RMS system to both record maintenance  
23 activities and to prompt the crew when  
24 maintenance and repair was due, correct?

Page 53:01 to 53:12

00053:01 A. Same answer.  
02 Q. (BY MR. MORRISS) And RMS  
03 replaced an existing system called EMPAC,  
04 E-M-P-A-C, correct?  
05 A. Same answer.  
06 Q. And this occurred following  
07 Transocean's acquisition of the Global  
08 Santa Fe, correct?  
09 A. Same answer.  
10 Q. And Transocean experienced  
11 significant problems with the system; is that  
12 correct?

Page 53:14 to 53:25

00053:14 A. Same answer.  
15 Q. (BY MR. MORRISS) And these  
16 problems included the fact that not all  
17 maintenance and repairs were being entered  
18 into the system, right?  
19 A. Same answer.  
20 MR. KINCHEN: Object to form.  
21 Q. (BY MR. MORRISS) And some of  
22 Transocean's employees reported work as  
23 having been completed when, in fact, the work  
24 had not been completed, correct?  
25 A. Same answer.

Page 54:02 to 54:05

00054:02 Q. (BY MR. MORRISS) And some tasks  
03 were simply lost during the conversion; is  
04 that correct?

05 A. Same answer.

Page 54:07 to 54:11

00054:07 Q. (BY MR. MORRISS) And you, sir,  
08 have described the system at the time of the  
09 Deepwater Horizon incident as a work in  
10 progress, correct?  
11 A. Same answer.

Page 54:13 to 54:15

00054:13 Q. (BY MR. MORRISS) And have said  
14 it wasn't the easiest to use; is that  
15 correct?

Page 54:17 to 55:10

00054:17 A. Same answer.  
18 Q. (BY MR. MORRISS) And if you'll  
19 turn to tab 10, which, again, is Exhibit  
20 No. 3405, which is the audit of September  
21 2009, and if you'll turn to Page 599, under  
22 the section "Maintenance Management" the  
23 audit found that maintenance management  
24 system has recently been changed from  
25 Transocean's former EMPAC system to the GSS  
00055:01 Legacy RMS 2 system. Although training has  
02 been provided for most personnel, many were  
03 still coming to terms with the operation and  
04 features of RMS 2. Although former  
05 maintenance history has been copied across to  
06 RMS 2, based on conversation and observation  
07 it is evident that Transocean has not fully  
08 set the rig up for success in terms of  
09 maintenance and management.  
10 Did I read that correctly?

Page 55:12 to 55:19

00055:12 A. Same answer.  
13 Q. (BY MR. MORRISS) And, in fact,  
14 you knew in September of 2009 that there were  
15 problems with this maintenance management  
16 system and that it adversely impacted your  
17 crew's ability to maintain and repair the  
18 equipment; is that correct?  
19 A. Same answer.

Page 55:21 to 56:13

00055:21 Q. (BY MR. MORRISS) And if you'll

22 now turn to tab 11, this is Exhibit No. 3417  
23 and is the audit that was done by ModuSpec;  
24 is that correct?  
25 A. Same answer.  
00056:01 Q. And the audit done on  
02 April 18th, 2010, before the Deepwater  
03 Horizon incident, correct?  
04 A. Same answer.  
05 Q. And if you'll turn to  
06 page ending in Bates 338, there is a section  
07 that deals with the maintenance system  
08 condition, correct?  
09 A. Same answer.  
10 Q. And this audit again noted that  
11 even as late as April of 2010 Transocean was  
12 continuing to have problems with the RMS  
13 system, correct?

Page 56:15 to 56:24

00056:15 A. Same answer.  
16 Q. (BY MR. MORRISS) Now, if you'll  
17 turn back to tab 1 in your notebook, which  
18 is -- again, is Exhibit 4363. Exhibit 4363  
19 describes one of your duties as the  
20 Transocean maintenance supervisor to  
21 implement the follow-up requirements to  
22 audits as issued by clients, regulatory  
23 authorities, or rig management; is that  
24 correct?

Page 57:01 to 57:06

00057:01 A. Same answer.  
02 Q. (BY MR. MORRISS) All right.  
03 And Transocean and you as maintenance  
04 supervisor have the sole responsibility for  
05 addressing maintenance and repair issues  
06 identified during these audits, correct?

Page 57:08 to 58:03

00057:08 A. Same answer.  
09 Q. (BY MR. MORRISS) You were shown  
10 this previously, but if you'll turn to  
11 Page 10, which is Exhibit 3405 -- excuse me,  
12 tab 10. Tab 10, 3405 is the exhibit number,  
13 and if you'll turn the Page 590 and this is  
14 under the executive summary section, bullet  
15 point 4 noted that overdue planned  
16 maintenance considered excessive, 390 jobs,  
17 amounting to 3,545 man-hours. With the  
18 recent shift from EMPAC to RMS 2 maintenance

19 systems and revised maintenance scheduling  
20 the backlog does not look as though it will  
21 improve.

22 Did I read that correctly?

23 A. Same answer.

24 Q. And then attached to this audit,  
25 if you turn to Page 8605, there is a listing  
00058:01 of deficiencies that were noted in the audit;  
02 is that correct?

03 A. Same answer.

Page 58:05 to 58:10

00058:05 Q. (BY MR. MORRISS) And each of  
06 the deficiencies that were noted in this  
07 audit, it would be Transocean's exclusive  
08 responsibility to repair and cure these  
09 deficiencies; is that correct?

10 A. Same answer.

Page 58:12 to 58:15

00058:12 Q. (BY MR. MORRISS) And to the  
13 extent any of these deficiencies were not  
14 cured, that responsibility would fall to  
15 Transocean, correct?

Page 58:17 to 58:17

00058:17 A. Same answer.

Page 59:17 to 59:20

00059:17 Q. And would you agree that all the  
18 items and deficiencies noted in the ModuSpec  
19 audit, Exhibit 3417, the obligation to repair  
20 those rested with Transocean?

Page 59:22 to 60:01

00059:22 A. Same answer.

23 Q. (BY MR. MORRISS) And to the  
24 extent these deficiencies were not cured, the  
25 responsibility for that lies with Transocean,  
00060:01 correct?

Page 60:03 to 60:07

00060:03 A. Same answer.

04 Q. (BY MR. MORRISS) You would  
05 agree that you have the power and the right  
06 to stop rig operations anytime you thought

07 that there was an unsafe condition, correct?

Page 60:09 to 60:17

00060:09 A. Same answer.  
10 Q. (BY MR. MORRISS) And, in fact,  
11 all Transocean employees understood that they  
12 had that authority, correct?  
13 A. Same answer.  
14 Q. And as a maintenance supervisor  
15 it would have been part of your job  
16 responsibility to make sure they understood  
17 they had that right, correct?

Page 60:19 to 61:03

00060:19 A. Same answer.  
20 Q. (BY MR. MORRISS) Now, you were  
21 asked a few questions about your Coast Guard  
22 statement. I want to talk to you a little  
23 bit about the emerg- -- emergency disconnect  
24 system. Would you agree with me that there  
25 was a significant delay on the part of the  
00061:01 Transocean crew in activating the emergency  
02 disconnect system on April 20th, 2010?  
03 A. Same answer.

Page 61:05 to 61:13

00061:05 Q. (BY MR. MORRISS) And, in fact,  
06 you were in bed at the time of the first  
07 explosion, correct?  
08 A. Same answer.  
09 Q. And there had been some period  
10 of time that elapsed between when there was a  
11 known well control problem and hydrocarbons  
12 on the rig floor and when you first heard the  
13 explosion in your bedroom, correct?

Page 61:15 to 62:11

00061:15 A. Same answer.  
16 Q. (BY MR. MORRISS) And you got  
17 out of bed after the first explosion and  
18 began to get dressed to see if you could go  
19 lend assistance and figure out what was going  
20 on, correct?  
21 A. Same answer.  
22 Q. And while you were getting  
23 dressed there was a second explosion that  
24 knocked you down, correct?  
25 A. Same answer.  
00062:01 Q. And then you got dressed and

02 made your way toward the rig, ridge -- toward  
03 the bridge; is that correct?  
04 A. Same answer.  
05 Q. And when you got to the bridge  
06 you saw Chris Pleasant standing at the BOP  
07 panel, correct?  
08 A. Same answer.  
09 Q. And you asked Chris whether he  
10 had activated the EDS system, right?  
11 A. Same answer.

Page 62:13 to 62:14

00062:13 Q. (BY MR. MORRISS) And he said he  
14 had not, correct?

Page 62:16 to 62:19

00062:16 A. Same answer.  
17 Q. (BY MR. MORRISS) He said he  
18 needed permission to activate the EDS system,  
19 correct?

Page 62:21 to 62:24

00062:21 A. Same answer.  
22 Q. (BY MR. MORRISS) And then you  
23 found Daun Winslow and you asked permission  
24 to activate EDS, correct?

Page 63:01 to 63:05

00063:01 A. Same answer.  
02 Q. (BY MR. MORRISS) He gave you  
03 permission, but someone intervened and said  
04 you needed the OIM permission before you  
05 could activate the EDS, correct?

Page 63:07 to 63:10

00063:07 A. Same answer.  
08 Q. (BY MR. MORRISS) You then found  
09 Jimmy Harrell and obtained permission to  
10 activate the EDS, correct?

Page 63:12 to 63:14

00063:12 A. Same answer.  
13 Q. (BY MR. MORRISS) You then told  
14 Chris Pleasant to activate the EDS, correct?

Page 63:16 to 63:25

00063:16 A. Same answer.  
17 Q. (BY MR. MORRISS) And during  
18 this entire period of time from when  
19 hydrocarbons were noted to be on the rig  
20 floor, through the first explosion, the  
21 second explosion, making your way to the  
22 bridge, and ultimately getting permission to  
23 activate the EDS system there was a  
24 significant delay in activating this safety  
25 critical measure, correct?

Page 64:02 to 64:04

00064:02 A. Same answer.  
03 Q. (BY MR. MORRISS) Now, are you  
04 aware of Transocean's marketing statements?

Page 64:06 to 64:09

00064:06 A. Same answer.  
07 Q. (BY MR. MORRISS) Did you know  
08 that Transocean represents itself as being  
09 the deepwater drilling expert?

Page 64:11 to 64:16

00064:11 A. Same answer.  
12 Q. (BY MR. MORRISS) You understand  
13 that Transocean represents itself as being  
14 the world's largest offshore drilling  
15 contractor, correct?  
16 A. Same answer.

Page 64:18 to 64:21

00064:18 Q. (BY MR. MORRISS) And you  
19 understand that Transocean represents that it  
20 offers the most comprehensive turnkey  
21 drilling service in the world, correct?

Page 64:23 to 65:03

00064:23 A. Same answer.  
24 Q. (BY MR. MORRISS) And you and  
25 Transocean understood that BP was relying on  
00065:01 that expertise in drilling the Macondo well  
02 and recognizing hydrocarbon gas in the  
03 wellbore and closing in the well, correct?

Page 65:05 to 65:16

00065:05 A. Same answer.  
06 Q. (BY MR. MORRISS) Now, you were  
07 asked a few questions about the engine and  
08 the overspeed devices and so I'll not repeat  
09 that, but the engine itself was within your  
10 realm of responsibility as it relates to  
11 maintenance and repair, correct?  
12 A. Same answer.  
13 Q. And that would include the  
14 safety devices on the engine, such as the  
15 overspeed device, correct?  
16 A. Same answer.

Page 65:18 to 65:22

00065:18 Q. (BY MR. MORRISS) And if there  
19 was any failure of those devices because of  
20 repair and maintenance, that would be the  
21 responsibility of you and Transocean,  
22 correct?

Page 65:24 to 66:03

00065:24 A. Same answer.  
25 Q. (BY MR. MORRISS) You also had  
00066:01 responsibility for the subsea team; is that  
02 correct?  
03 A. Same answer.

Page 66:05 to 66:08

00066:05 Q. (BY MR. MORRISS) And the subsea  
06 team would have had responsible for replacing  
07 the batteries in both the blue and the yellow  
08 pod, correct?

Page 66:10 to 66:15

00066:10 A. Same answer.  
11 Q. (BY MR. MORRISS) And you  
12 understand that the manufacturer of the BOP  
13 requires at a minimum replacement of the pod  
14 batteries every 12 months, correct?  
15 A. Same answer.

Page 66:17 to 66:22

00066:17 Q. (BY MR. MORRISS) And you  
18 understand that the deadman system could not  
19 activate the blind shear rams unless the

20 batteries in either the yellow or blue pod  
21 had sufficient charge to allow the hydraulics  
22 to operate correctly, correct?

Page 66:24 to 67:05

00066:24 A. Same answer.  
25 Q. (BY MR. MORRISS) And you and TO  
00067:01 were unable to provide any evidence that the  
02 batteries in the blue or yellow pod were  
03 replaced, as required by the manufacturer,  
04 correct?  
05 A. Same answer.

Page 67:07 to 67:13

00067:07 Q. (BY MR. MORRISS) And that's the  
08 kind of problem that results when your  
09 management maintenance system is faulty, when  
10 you don't have sufficient personnel, and when  
11 you don't have sufficient competent personnel  
12 on board to do repair and maintenance,  
13 correct?

Page 67:15 to 68:05

00067:15 A. Same answer.  
16 Q. (BY MR. MORRISS) Now, you  
17 understand that a solenoid is necessary to  
18 operate the -- both the blue and the yellow  
19 pod, correct?  
20 A. Same answer.  
21 Q. And the solenoids would fall  
22 under the responsibility of the subsea team,  
23 correct?  
24 A. Same answer.  
25 Q. And the subsea team would report  
00068:01 to you, correct?  
02 A. Same answer.  
03 Q. And you understand that problems  
04 were discovered post-incident with the  
05 solenoid 103 in the yellow pod, correct?

Page 68:07 to 68:19

00068:07 A. Same answer.  
08 Q. (BY MR. MORRISS) Now, you have  
09 filed a complaint against BP and Halliburton  
10 originally in the state of Delaware and then  
11 removed to Federal Court; is that correct?  
12 A. Same answer.  
13 Q. And you specifically allege in  
14 that complaint that the Deepwater Horizon was

15 not seaworthy, correct?  
16 A. Same answer.  
17 Q. You understand that the  
18 seaworthiness of the rig fell to Transocean,  
19 correct?

Page 68:21 to 68:24

00068:21 A. Same answer.  
22 Q. (BY MR. MORRISS) And in part  
23 the seaworthiness of the rig fell to you as  
24 the maintenance supervisor, correct?

Page 69:01 to 69:06

00069:01 A. Same answer.  
02 Q. (BY MR. MORRISS) And so to the  
03 extent that in fact your allegation is  
04 correct and the Deepwater Horizon was not  
05 seaworthy, that is the responsibility of  
06 Transocean, correct?

Page 69:08 to 69:08

00069:08 A. Same answer.

Page 72:03 to 72:11

00072:03 Q. Are you aware, sir that by  
04 taking the Fifth Amendment here today in this  
05 deposition the Court could find and rule  
06 something that's called a negative or adverse  
07 inference in which they would not permit you  
08 to testify or provide evidence concerning  
09 certain matters in your personal injury case;  
10 are you aware of that?  
11 A. Same answer.

Page 77:25 to 79:16

00077:25 Q. (BY MR. FLEMING) Sir, under  
00078:01 tab 22 of your binder, this is an exhibit  
02 that's been previously marked as  
03 Exhibit 3339, and these appear to be  
04 interview notes taken by Simon Watson, Derek  
05 Hart, and Jana Judkins from you in an  
06 interview on June 24th, 2010, correct.  
07 A. Same answer.  
08 Q. And the statements that you gave  
09 in your interview were, in fact, correct and  
10 accurate; were they not?  
11 A. Same answer.

12 Q. Was there anything in -- and if  
13 you need a minute to look over it, that's  
14 fine. Is there anything in the transcription  
15 of your interview notes beginning on Pages 3,  
16 going to Page 11 that, sitting here today,  
17 you would want to change?

18 A. Same answer.

19 Q. So; is that fair for me to  
20 assume that everything in here is indeed  
21 accurate and you have no changes to make?

22 A. Same answer.

23 Q. If you turn to Page 5 of the  
24 interview notes, there is a statement about  
25 three fourths down the page, and this is  
00079:01 after the explosion this had occurred and you  
02 were on the bridge. This statement states,  
03 Steven, went through the port transit room,  
04 up the stairs, and to the bridge. He walked  
05 in on Captain Curt, and just to clarify  
06 Captain Kurd is Captain Curt Kuchta, correct?

07 A. Same answer.

08 Q. He walked in on Captain Curt  
09 yelling at Andrea Fleytas. He said Curt was  
10 screaming at her asking why she had activated  
11 EDS and saying they were not in distress. Do  
12 you see that, sir?

13 A. Same answer.

14 Q. And that is, in fact, an  
15 accurate statement of what happened on the  
16 bridge on April 20th, correct?

Page 79:18 to 80:14

00079:18 A. Same answer.

19 Q. If you turn with me to Page 8 of  
20 your interview notes. This is a little bit  
21 further down the timeline when you were  
22 loading up the life raft. First full  
23 paragraph states, "At this point Stan Carden,  
24 Chad Murry and Randy Ezel were attempting to  
25 get Wyman's gurney safely into the life raft,  
00080:01 but was having difficulty. David Young was  
02 already in the life raft with one other  
03 person that he does not recall. Steven had  
04 still not loaded the life raft, but he had  
05 his eyes locked with David. He recalls  
06 Captain Curt saying 'leave him' referring to  
07 Wyman. Steven said, 'hell no' and swung  
08 Wyman's gurney into the life raft and jumped  
09 in after him."

10 Do you see that, sir?

11 A. Same answer.

12 Q. That is an accurate statement of  
13 what happened on the life raft on April 20th;  
14 is it not?

Page 80:21 to 81:16

00080:21 A. Same answer.  
22 Q. Turn to the Page 10 of your  
23 interview notes second-to-last paragraph down  
24 states, "Steven was not on the rig the last  
25 time the stack went down." And to clarify,  
00081:01 the stack we're talking about here is the BOP  
02 stack, correct?  
03 A. Same answer.  
04 Q. "Steven was not on the rig the  
05 last time the stack went down, but he was  
06 aware of one or two solenoids on the yellow  
07 pod that were not functioning. He was told  
08 by subsea that it wasn't something to worry  
09 about and that they planned to replace them  
10 the next time the stack was brought up."  
11 Do you see that?  
12 A. Yes, I do.  
13 Q. And, again, that is an accurate  
14 statement concerning the BOP stack and the  
15 status of that stack on April 20th, correct?  
16 A. Same answer.

Page 82:13 to 83:05

00082:13 Q. (BY MR. FLEMING) You were asked  
14 some questions about the cement job. Just to  
15 clarify, you were the chief engineer on the  
16 Horizon. As the chief engineer on the  
17 Horizon, you would not have any  
18 responsibility for any aspect of the cement  
19 job, would you?  
20 A. Same answer.  
21 Q. You weren't overseeing it?  
22 A. Same answer.  
23 Q. You have no knowledge about the  
24 contents of the cement job, do you?  
25 A. Same answer.  
00083:01 Q. And you were not aware that  
02 Halliburton had run an OptiCem model prior to  
03 April 20th, predicting the severe gas flow  
04 potential, were you?  
05 A. Same answer.

Page 83:08 to 84:20

00083:08 turn with me to tab 14 of your binder,  
09 please. This has been pre -- this is the  
10 Lloyd's Register survey. It has previously  
11 marked as Exhibit 929. Did you participate  
12 in the Lloyd's Register survey, sir?

13 A. Same answer.

14 Q. You're aware that the Lloyd's  
15 survey -- the Lloyd's Register survey was  
16 being conducted on the Horizon from March 9th  
17 to March 26th, 2010?

18 A. Same answer.

19 Q. If you turn with me to -- if you  
20 look down at the Bates numbers there, the  
21 ones ending with 573. Do you see that  
22 Page 573 is the beginning of the Deepwater  
23 Horizon summary report; do you see that, sir?

24 A. Same answer.

25 Q. And if you turn to Page 81 and  
00084:01 then the ones ending 81, there is a heading  
02 marked "Key findings from the perception  
03 survey" up there at the top. Do you see  
04 that, sir?

05 A. Same answer.

06 Q. And do you see on the first  
07 bullet point there it states, only  
08 46.3 percent of participants felt that if  
09 their actions led to a potentially risky  
10 situation, e.g., forgetting to do something,  
11 damaging equipment, dropping an object from  
12 height, they could report it without any fear  
13 of reprisal.

14 Do you see that, sir?

15 A. Same answer.

16 Q. Were you aware, sir, that nearly  
17 half of the Horizon crew felt that their  
18 actions -- felt that if their actions led to  
19 a potentially risky situation, they could  
20 report it without any fear of reprisal?

Page 84:22 to 85:09

00084:22 A. Same answer.

23 Q. (BY MR. FLEMING) On the second  
24 bullet point, it says, 43.6 percent of  
25 participants felt some of the workforce is  
00085:01 uncomfortable with calling TOFS when unsafe  
02 situations occur; do you see that?

03 A. Same answer.

04 Q. And to clarify, TOFS stands for  
05 time out for safety, correct?

06 A. Same answer.

07 Q. Were you aware, sir, that nearly  
08 half of the Horizon crew felt this way?

09 A. Same answer.

Page 85:23 to 86:14

00085:23 Q. No such time out for safety was  
24 ever called on the Horizon, was it?

25 A. Same answer.  
00086:01 Q. Turn with me to the Bates  
02 numbers 585. The box up at the top that says  
03 "Weaknesses." One of the last italicized  
04 quotes here states, "Run it, rig it, fix it,  
05 that's how they work and the Drilling  
06 Department should be held more accountable  
07 than what they are (currently) are."  
08 Do you see that, sir?  
09 A. Same answer.  
10 Q. From your experience as a chief  
11 engineer on board the Horizon, this is an  
12 accurate statement concerning the maintenance  
13 philosophy of Transocean, is it not?  
14 A. Same answer.

Page 86:16 to 86:18

00086:16 Q. (BY MR. FLEMING) The  
17 maintenance philosophy of Transocean was to  
18 run it, break it, fix it, correct?

Page 86:20 to 87:18

00086:20 A. Same answer.  
21 Q. (BY MR. FLEMING) Turn with me  
22 to tab 4, please, and I think this is now the  
23 third copy of exactly the same exhibit you've  
24 seen before with yet another exhibit number  
25 on it. This is the follow-up rig audit  
00087:01 September 2009. This one is marked  
02 Exhibit 1887, which I think is exactly the  
03 same as the one that you were shown by BP and  
04 by the PSC, but since it's in this binder,  
05 you can take a look at it. If you could turn  
06 to Pages 7 and 8, please.  
07 Down at the bottom of Page 7  
08 there is a statement that reads, "The  
09 turnover personnel on the rig has been high  
10 over the last two years with personnel either  
11 being attracted to other contractors or move  
12 to new-builds within the Transocean fleet."  
13 Do you see that, sir?  
14 A. Same answer.  
15 Q. (BY MR. FLEMING) That is, in  
16 fact, a correct statement under your  
17 knowledge; is it not?  
18 A. Same answer.

Page 87:20 to 87:23

00087:20 Q. (BY MR. FLEMING) And did you  
21 have any issues with losing personnel as the

22 chief engineer on board the Horizon?  
23 A. Same answer.

Page 88:13 to 88:17

00088:13 Q. (BY MR. FLEMING) Is it your  
14 understanding that people left the Horizon  
15 because they were concerned about the  
16 maintenance record on board the Horizon?  
17 A. Same answer.

Page 89:03 to 89:08

00089:03 Q. (BY MR. FLEMING) From your  
04 experience as the chief engineer on the  
05 Horizon was there, in fact more maintenance  
06 to be performed on the Horizon than any other  
07 vessel within the Transocean fleet?  
08 A. Same answer.

Page 89:10 to 89:18

00089:10 Q. (BY MR. FLEMING) If you turn  
11 the page to Page 8, the last sentence of the  
12 paragraph reads, "Any further dilution of  
13 experienced personnel may be detrimental to  
14 the performance of the rig."  
15 Do you see that, sir?  
16 A. Same answer.  
17 Q. That is, in fact, an accurate  
18 statement under your view; is it not?

Page 89:20 to 89:25

00089:20 A. Same answer.  
21 Q. (BY MR. FLEMING) And was there  
22 any further dilution of experienced personnel  
23 that was, in fact, detrimental to the  
24 performance of the rig, in your experience as  
25 the chief engineer of the Horizon?

Page 90:02 to 90:04

00090:02 A. Same answer.  
03 Q. (BY MR. FLEMING) That did, in  
04 fact, occur; did it not?

Page 90:06 to 90:10

00090:06 A. Same answer.  
07 Q. (BY MR. FLEMING) As chief  
08 engineer you did not feel you had the

09 necessary personnel to perform adequate  
10 maintenance tasks; did you?

Page 90:12 to 91:01

00090:12 A. Same answer.  
13 Q. (BY MR. FLEMING) Turn with me  
14 to Page 11, please. About halfway down this  
15 page there is a statement that reads, The  
16 spare pod is not 100 percent complete  
17 before -- I'm sorry, the spare pod is not  
18 100 percent complete, being deficient in  
19 solenoid valves, and the SEM needs to be  
20 refurbished by Cameron."  
21 Do you see that, sir?  
22 A. Same answer.  
23 Q. This is, in fact, an accurate  
24 statement as far as you were aware as the  
25 chief engineer for the Horizon, correct?  
00091:01 A. Same answer.

Page 91:03 to 91:06

00091:03 Q. (BY MR. FLEMING) The spare pod  
04 was not 100 percent complete, being deficient  
05 in solenoid valves, as of April 20th, 2010,  
06 correct?

Page 91:08 to 91:11

00091:08 A. Same answer.  
09 Q. (BY MR. FLEMING) This was not  
10 fixed as of April 20th, was it?  
11 A. Same answer.

Page 91:13 to 92:02

00091:13 Q. (BY MR. FLEMING) Turn with me  
14 to Page 12, please. The last full sentence  
15 on Page 12 reads, "With the excessive overdue  
16 maintenance and the recent introduction of  
17 more maintenance routines it would appear  
18 that the maintenance department is struggling  
19 to stay in touch with the planned maintenance  
20 schedule."  
21 Do you see that, sir?  
22 A. Same answer.  
23 Q. And, again, the same question,  
24 this is, in fact, an accurate statement as  
25 far as you were concerned as a chief engineer  
00092:01 on the Horizon as of April 20th, 2010?  
02 A. Same answer.

Page 92:04 to 92:16

00092:04 Q. (BY MR. FLEMING) Turn to  
05 Page 14, please. Second-to-the-last  
06 paragraph from the bottom reads, Control of  
07 alarms and defeats and bypasses was not well  
08 managed. In fact, no single person could  
09 attack -- could account for which alarms,  
10 et cetera, were overridden or indeed for what  
11 reason.  
12 Same question, this is, in fact,  
13 an accurate statement concerning the  
14 condition of the alarms on board the Horizon  
15 as of April 20th, 2010, correct?  
16 A. Same answer.

Page 92:18 to 92:21

00092:18 Q. (BY MR. FLEMING) You were aware  
19 of the results of this audit as chief  
20 engineer on the Horizon; were you not?  
21 A. Same answer.

Page 92:23 to 93:01

00092:23 Q. (BY MR. FLEMING) And you were  
24 asked to fix some of the items that were  
25 identified on the -- on this September 2009  
00093:01 audit, correct?

Page 93:03 to 93:06

00093:03 A. Same answer.  
04 Q. (BY MR. FLEMING) BP never  
05 requested a rig shutdown to deal with any of  
06 these maintenance items, did they?

Page 93:08 to 93:16

00093:08 A. Same answer.  
09 Q. (BY MR. FLEMING) As the chief  
10 engineer on board the Horizon do you believe  
11 that the Horizon and its systems, which you  
12 personally were responsible for, were ready  
13 and prepared to handle an emergency  
14 situation, the like of which you saw on April  
15 20th?  
16 A. Same answer.

Page 93:18 to 93:23

00093:18 Q. (BY MR. FLEMING) Would the  
19 failure of the Horizon and its systems to be  
20 prepared for a catastrophe like this such as  
21 on April 2009, was that a contributing factor  
22 in any of the incidents that happened on  
23 April 20th?

Page 93:25 to 95:15

00093:25 A. Same answer.  
00094:01 Q. (BY MR. FLEMING) Turn with me  
02 to tab 2 of your binder, and we're going to  
03 mark this as Exhibit 4364. This is a copy of  
04 your complaint that you filed against BP and  
05 Halliburton, correct?  
06 A. Same answer.  
07 Q. If you turn with me to Page 5 of  
08 the complaint, Paragraph 13. You make some  
09 allegations against Halliburton. I'm not  
10 going to go through the entire paragraph. I  
11 would just simply ask you, I would like you  
12 to provide any personal knowledge that you  
13 have concerning Paragraph 13 to me here, sir.  
14 A. Same answer.  
15 Q. Could you do that, sir?  
16 A. Same answer.  
17 Q. You have no personal knowledge  
18 of any of the allegations that you raised in  
19 Paragraph 13, correct?  
20 A. Same answer.  
21 Q. You have no evidence to support  
22 any of the issues that you have raised in  
23 Paragraph 13, correct?  
24 A. Same answer.  
25 Q. Same question with Paragraph 15  
00095:01 where you allege that all defendants are  
02 negligent and negligent per se, grossly  
03 negligent, and reckless. I would like you,  
04 if you could, sir, to provide me with any  
05 personal information that you have concerning  
06 any of the alleges that you have raised in  
07 Paragraph 15 of your complaint, sir.  
08 A. Same answer.  
09 Q. You have no such evidence, do  
10 you, sir?  
11 A. Same answer.  
12 Q. You have no personal knowledge  
13 of any of the defendants being negligent,  
14 including Halliburton, correct?  
15 A. Same answer.

Page 102:03 to 105:20

00102:03 Q. Do you have any knowledge of the

04 joint operating agreement governing the  
05 relationship between BP, Anadarko, and MOEX  
06 Offshore?  
07 A. Same answer.  
08 Q. Do you understand that the joint  
09 operating agreement had BP as the operator of  
10 the Macondo well?  
11 A. Same answer.  
12 Q. Do you understand that MOEX  
13 Offshore was designated as a nonoperating  
14 party in the JOA?  
15 A. Same answer.  
16 Q. And do you understand that BP  
17 under the JOA had the exclusive right and  
18 duty to conduct or cause to be conducted all  
19 activities or operations?  
20 A. Same answer.  
21 Q. To your knowledge, MOEX Offshore  
22 did not have the -- that same right?  
23 A. Same answer.  
24 Q. Do you understand that BP as the  
25 operator was the contractor for deploying any  
00103:01 drilling rigs, tools, machinery, any  
02 equipment, materials, supplies, and  
03 personnel?  
04 A. Same answer.  
05 Q. To your knowledge, MOEX Offshore  
06 did not have that same right?  
07 A. Same answer.  
08 Q. Did you have any personal  
09 contact or communications with MOEX or any of  
10 its representatives in connection with the  
11 Macondo well?  
12 A. Same answer.  
13 Q. Did you have any discussions  
14 with MOEX or its representatives in  
15 connection with any technical matters related  
16 to the Macondo well?  
17 A. Same answer.  
18 Q. Did you provide any technical  
19 information to MOEX in connection with the  
20 Macondo well?  
21 A. Same answer.  
22 Q. To your knowledge, did BP as the  
23 operator ever consult with MOEX or its  
24 representatives with respect to any health,  
25 safety, and environmental obligations as the  
00104:01 operator?  
02 A. Same answer.  
03 Q. To your knowledge, did MOEX or  
04 its representatives provide any technical  
05 input related to the production casing that  
06 was used for the Macondo well?  
07 A. Same answer.  
08 Q. To your knowledge, did MOEX or

09 its representatives provide any technical  
10 input related to the type or number of  
11 centralizers used for the Macondo well?  
12 A. Same answer.  
13 Q. To your knowledge, did MOEX or  
14 its reps provide any technical input related  
15 to the determination that the float collar  
16 had converted on the Macondo well?  
17 A. Same answer.  
18 Q. To your knowledge, did MOEX or  
19 its representatives provide any technical  
20 input related to decisions about the cement  
21 job for the Macondo well?  
22 A. Same answer.  
23 Q. To your knowledge, did MOEX or  
24 its representatives provide any technical  
25 input related to the decision to accept the  
00105:01 results of the negative pressure test on the  
02 Macondo well?  
03 A. Same answer.  
04 Q. To your knowledge, did MOEX or  
05 its representatives provide any technical  
06 input related to the temporary abandonment  
07 procedure for the Macondo well?  
08 A. Same answer.  
09 Q. To your knowledge, did MOEX or  
10 its representatives provide any technical  
11 input related to the use of heavy spacer  
12 material in connection with the displacement  
13 process in the deten- -- in the temporary  
14 abandonment process for the Macondo well?  
15 A. Same answer.  
16 Q. To your knowledge, did anyone  
17 from MOEX ever visit the Deepwater Horizon in  
18 connection with drilling or the attempt to  
19 temporarily abandon the Macondo well?  
20 A. Same answer.

Page 107:15 to 108:18

00107:15 Q. Mr. Bertone, my name is Geoff  
16 Gannaway, I represent Cameron International  
17 Corporation, and I have a few questions to  
18 ask you. You don't have any reason to  
19 believe that Cameron personnel or equipment  
20 played any role in the blowout on the  
21 Deepwater Horizon, do you?  
22 A. Same answer.  
23 Q. You don't have any reason to  
24 believe that Cameron personnel or equipment  
25 played any role in the oil spill at the  
00108:01 Macondo well, do you?  
02 A. Same answer.  
03 Q. You don't have any reason to  
04 believe that Cameron personnel or equipment

05 played any role in any injuries that you've  
06 alleged in your lawsuit, do you?  
07 A. Same answer.  
08 Q. Do you have any evidence or  
09 personal knowledge regarding Cameron  
10 personnel or equipment playing any role in  
11 the blowout, the -- the oil spill, or in your  
12 alleged injuries?  
13 A. Same answer.  
14 Q. Is it true that the Transocean  
15 personnel that were responsible for  
16 maintaining the Deepwater Horizon and the BOP  
17 reported to you?  
18 A. Same answer.

Page 109:20 to 110:07

00109:20 Q. You don't have any knowledge of  
21 actions of Cameron personnel related to the  
22 Deepwater Horizon BOP, do you?  
23 A. Same answer.  
24 Q. You don't have any knowledge of  
25 any communications to or from Cameron related  
00110:01 to the Deepwater Horizon BOP, do you?  
02 A. Same answer.  
03 Q. Prior to April 20th of 2010 you  
04 and Transocean knew that early kick detection  
05 and rapid shut-in is key to successful well  
06 control?  
07 A. Same answer.

Page 110:09 to 110:14

00110:09 Q. (BY MR. GANNAWAY) Prior to  
10 April 20th, 2010 is it true that you and  
11 Transocean knew that the Deepwater Horizon  
12 BOP was designed to assist with well control  
13 in conjunction with early kick detection?  
14 A. Same answer.

Page 110:16 to 110:21

00110:16 Q. (BY MR. GANNAWAY) Is it true  
17 that prior to April 20th, 2010 you and  
18 Transocean knew that the Deepwater Horizon  
19 was design to rapidly shut-in a well in the  
20 event the well started to flow?  
21 A. Same answer.

Page 110:23 to 111:01

00110:23 Q. (BY MR. GANNAWAY) In  
24 April 20th, 2010 there was no early detection

25 by the people hired to monitor the well?  
00111:01 A. Same answer.

Page 111:03 to 111:08

00111:03 Q. (BY MR. GANNAWAY) Isn't it true  
04 that on April 20th, because people hired by  
05 Transocean did not detect the kick, there was  
06 no attempt made to rapidly shut in the well  
07 when the BOP started to flow -- I'm sorry,  
08 with the well started to flow?

Page 111:10 to 111:16

00111:10 A. Same answer.  
11 Q. (BY MR. GANNAWAY) In fact,  
12 because the people hired by Transocean did  
13 not detect the kick, there was no attempt  
14 made to activate the BOP until after the  
15 hydrocarbons were in the risers above the  
16 BOP; is that right?

Page 111:18 to 111:23

00111:18 A. Same answer.  
19 Q. (BY MR. GANNAWAY) And because  
20 the people hired by Transocean did not detect  
21 the kick, there was no attempt made to  
22 activate the BOP until after the blowout had  
23 occurred, right?

Page 111:25 to 112:06

00111:25 A. Same answer.  
00112:01 Q. (BY MR. GANNAWAY) Because of  
02 the decisions about the integrity of the well  
03 that allowed the uncontrolled flow of  
04 hydrocarbons on April 20th, the blowout  
05 preventer was not actually used to prevent a  
06 blowout, right?

Page 112:08 to 112:15

00112:08 A. Same answer.  
09 Q. (BY MR. GANNAWAY) Rather,  
10 because of the decisions about the integrity  
11 of the well which allowed an uncontrolled  
12 flow of hydrocarbons on April 20th, the  
13 blowout preventer was first activated or  
14 attempted to be activated after the blowout  
15 had already occurred, right?

Page 112:17 to 112:22

00112:17 A. Same answer.  
18 Q. (BY MR. GANNAWAY) And for that  
19 reason it's true that the BOP was not given  
20 the chance to prevent the explosion, the  
21 blowout, or the oil spill at the Deepwater  
22 Horizon on the Macondo well?

Page 112:24 to 112:24

00112:24 A. Same answer.

Page 113:01 to 113:10

00113:01 Q. (BY MR. GANNAWAY) Would you  
02 agree that at the time the BOP was first  
03 attempted to be activated following the  
04 blowout on April 20th that the flow from the  
05 Macondo well was severe?  
06 A. Same answer.  
07 Q. Prior to April 20th did you and  
08 Transocean know that the Deepwater Horizon  
09 BOP was not designed, manufactured, or tested  
10 to close and seal on a severely flowing well?

Page 113:13 to 113:19

00113:13 A. Same answer.  
14 Q. (BY MR. GANNAWAY) Prior to  
15 April 20th did you and Transocean know that  
16 the Deepwater Horizon BOP was designed,  
17 manufactured, and tested in accordance with  
18 API 16?  
19 A. Same answer.

Page 113:21 to 113:24

00113:21 Q. (BY MR. GANNAWAY) Prior to  
22 April 20th, 2010 did you and Transocean know  
23 that the testing required by API 16 for  
24 blowout preventers was static testing?

Page 114:02 to 114:07

00114:02 A. Same answer.  
03 Q. (BY MR. GANNAWAY) Prior to  
04 April 20th, 2010 did you and Transocean know  
05 that the Deepwater Horizon BOP had not been  
06 subjected to dynamic flow testing?  
07 A. Same answer.

Page 114:09 to 114:14

00114:09 Q. (BY MR. GANNAWAY) Prior to  
10 April 20th, 2010 you're not aware of  
11 Transocean or yourself ever requesting that  
12 the Deepwater Horizon BOP be subjected to  
13 dynamic flow testing, are you?  
14 A. Same answer.

Page 114:16 to 114:22

00114:16 Q. (BY MR. GANNAWAY) Despite the  
17 fact that dynamic flow testing was never  
18 requested, it's true, isn't it, that on  
19 April 20th, 2010 a severe uncontrolled  
20 hydrocarbon flow situation was allowed to  
21 arise in the Macondo well?  
22 A. Same answer.

Page 114:24 to 115:03

00114:24 Q. (BY MR. GANNAWAY) When do you  
25 believe that the EDS or emergency disconnect  
00115:01 system for the Deepwater Horizon BOP was  
02 first attempted to be activated on  
03 April 20th, 2010?

Page 115:05 to 115:09

00115:05 A. Same answer.  
06 Q. (BY MR. GANNAWAY) It was first  
07 attempted to be activated after the first  
08 explosion had occurred on the Deepwater  
09 Horizon, correct?

Page 115:11 to 115:16

00115:11 A. Same answer.  
12 Q. (BY MR. GANNAWAY) And it was  
13 first attempted to be activated after a  
14 second explosion had occurred on the  
15 Deepwater Horizon, correct?  
16 A. Same answer.

Page 115:18 to 115:24

00115:18 Q. (BY MR. GANNAWAY) Who was it  
19 that attempted to activate the EDS for the  
20 first time on April 20th, 2010?  
21 A. Same answer.  
22 Q. Are you aware of any other  
23 attempt to activate the Deepwater Horizon

24 blowout preventer on April 20th, 2010?

Page 116:01 to 116:05

00116:01 A. Same answer.  
02 Q. (BY MR. GANNAWAY) Is it true  
03 that there was confusion on April 20th as to  
04 whether permission to activate the EDS was  
05 needed?

Page 116:07 to 116:11

00116:07 A. Same answer.  
08 Q. (BY MR. GANNAWAY) Is it true  
09 that there was confusion on April 20th, 2010  
10 as to who could give permission to activate  
11 the EDS on the Deepwater Horizon?

Page 116:13 to 116:18

00116:13 A. Same answer.  
14 Q. (BY MR. GANNAWAY) Is it true  
15 that there was confusion on April 20th as to  
16 whether whatever permission was required had  
17 actually been given?  
18 A. Same answer.

Page 116:20 to 117:03

00116:20 Q. (BY MR. GANNAWAY) It's true  
21 that after the initial explosion on the  
22 Deepwater Horizon you saw a fire in the moon  
23 pool?  
24 A. Same answer.  
25 Q. In fact, the moon pool was  
00117:01 completely engulfed in flames when you saw  
02 it?  
03 A. Same answer.

Page 117:05 to 117:10

00117:05 Q. (BY MR. GANNAWAY) It's your  
06 belief that the MUX cables and the hydraulic  
07 lines that lead subsea to the BOP had been  
08 destroyed by either the explosion or the  
09 flames, right?  
10 A. Same answer.

Page 117:12 to 117:15

00117:12 Q. (BY MR. GANNAWAY) And you  
13 believe that those cables and the line for

14 the hydraulics were destroyed before anybody  
15 tried to activate the BOP, right?

Page 117:17 to 117:22

00117:17 A. Same answer.  
18 Q. (BY MR. GANNAWAY) You don't  
19 believe that any amount of armoring of the  
20 MUX cables would have kept them intact in  
21 light of the explosion and flames on the  
22 Deepwater Horizon, do you?

Page 117:25 to 117:25

00117:25 A. Same answer.

Page 118:09 to 120:09

00118:09 E X A M I N A T I O N  
10 BY MR. RUSSO:  
11 Q. Mr. Bertone, Gary Russo, I  
12 represent Weatherford.  
13 My questions, just to speed this  
14 up a little bit, will relate to a Weatherford  
15 float collar that was in the 7-inch long  
16 string. Is it okay if I just refer to "float  
17 collar," you'll know I'm talking about that  
18 float collar, on the Macondo?  
19 A. Yes.  
20 Q. You're aware as the Transocean  
21 chief engineer generally of the function and  
00119:01 use of a float collar; are you not?  
02 A. Same answer.  
03 Q. You would agree with me that the  
04 float collar serves three functions: a  
05 landing profile for the plugs, it helps  
06 reduce surge pressure when running in auto  
07 fill mode, and it assists in keeping the  
08 cement in place to prevent backflow into the  
09 production casing? Will you agree with me  
10 that those are the three functions of the  
11 float collar?  
12 A. Same answer.  
13 Q. You'll agree that the -- that  
14 there are no functions and use of a float  
15 collar and certainly not at Transocean nor BP  
16 had any other purpose for running the float  
17 collar in the Macondo other than the three I  
18 just mentioned?  
19 A. Same answer.  
20 Q. You're unaware of any evidence  
21 that would indicate that the float collar did  
22 not perform those functions that I just

23 discussed with you?  
24 A. Same answer.  
25 Q. You -- are you aware of any  
00120:01 technical information that would indicate  
02 that a float collar can be used as a barrier  
03 to the flow of hydrocarbon or a gas?  
04 A. Same answer.  
05 Q. In fact, you know that a float  
06 collar is not to be used as a barrier, it's  
07 never represented as a barrier to the flow of  
08 hydrocarbon or gas?  
09 A. Same answer.