

Deposition Testimony of:

Andrea Fleytas

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Page 7:09 to 7:11

9 ANDREA FLEYTAS,
10 having been first duly sworn, testified as
11 follows:

Page 7:14 to 7:16

14 Q. Could you state your full name
15 for the record, please?
16 A. Andrea Fleytas.

Page 12:12 to 15:20

12 Q. All right. Ms. Fleytas, what is
13 your address, please?
14 A. [REDACTED]
15 [REDACTED]
16 Q. Okay. And how old are you,
17 ma'am?
18 A. I'm 24 years old.
19 Q. And what is your date of birth?
20 A. [REDACTED]
21 Q. And are you married or single,
22 ma'am?
23 A. Single.
24 Q. All right. Could you give me
25 your educational background, high school,
1 college?
2 A. I went to West Covina High
3 School, and I went to the California Maritime
4 Academy up in Vallejo, California --
5 Q. Okay.
6 A. -- college.
7 Q. And -- and what degree did you
8 graduate from that college with?
9 A. A degree in marine
10 transportation.
11 Q. Ma'am, after you graduated from
12 college, what did you do?
13 A. I went to work for Transocean.
14 Q. All right. Can you tell me what
15 your employment history of -- in Transocean
16 was?
17 A. I assert my Fifth Amendment
18 right to remain silent.

19 Q. All right. Ma'am, have you ever
20 been arrested?
21 A. Same answer.
22 Q. Ma'am, have you ever been
23 convicted of a crime?
24 A. Same answer.
25 Q. Ma'am, by whom are you presently
1 employed?
2 A. Same answer.
3 Q. What is your present position?
4 A. Same answer.
5 Q. What is your present posting?
6 A. Same answer.
7 Q. What are your present
8 responsibilities?
9 A. Same answer.
10 Q. As of April 20th, 2010, by whom
11 were you employed?
12 A. Same answer.
13 Q. What was your then position?
14 A. Same answer.
15 Q. What was your posting?
16 A. Same answer.
17 Q. And what were your
18 responsibilities?
19 A. Same answer.
20 Q. Ma'am, have you been informed
21 that you are the subject of a Grand Jury
22 investigation?
23 A. Same answer.
24 Q. Ma'am, have you been informed
25 that you are a target of a Grand Jury
1 investigation?
2 A. Same answer.
3 Q. Have you been subpoenaed to a
4 Grand Jury, ma'am, in this matter?
5 A. Same answer.
6 Q. Ma'am, have you given testimony
7 to a Grand Jury in this matter?
8 A. Same answer.
9 Q. Ma'am, have you been interviewed
10 by any prosecutorial agencies, such as the
11 U.S. Attorney's Office or any state Attorney
12 General's office?
13 A. Same answer.
14 Q. If so, when were you

15 interviewed?
16 A. Same answer.
17 Q. By whom?
18 A. Same answer.
19 Q. And what did you tell them?
20 A. Same answer.

Page 16:09 to 16:11

9 Q. The -- and did you -- and you
10 actually gave testimony to the MBI, did you
11 not?

Page 16:13 to 17:01

13 A. Same answer.
14 Q. And, ma'am, if you would turn to
15 tab 19 of the exhibits that we've provided
16 your attorney. It's the last one. Okay.
17 You recognize that document,
18 ma'am?
19 A. Same answer.
20 Q. And I'm going to mark this as
21 exhibit number -- it's premarked as exhibit
22 number 4471.
23 And this is, in fact, your
24 transcript of the testimony that you gave the
25 MBI, is it not?
1 A. Same answer.

Page 17:17 to 22:05

17 Q. Were you interviewed by the
18 Presidential Commission investigating the
19 DEEPWATER HORIZON incident?
20 A. Same answer.
21 Q. Were you interviewed by any
22 members of BP -- any employees of BP
23 regarding the DEEPWATER HORIZON incident?
24 A. Same answer.
25 Q. Were you interviewed by any
1 members of what is term -- been called the
2 Bly Commission?
3 A. Same answer.
4 Q. If so, who, what, and where?
5 A. Same answer.

6 Q. Ma'am, your position on the
7 DEEPWATER HORIZON was as a dynamic
8 positioning operator; is that correct?
9 A. Same answer.
10 Q. And, ma'am, I would ask you to
11 turn to tab 1 of the documents that we've
12 provided.
13 MR. BICKFORD: And, Guy, I'm going to
14 be going through these kind of in -- one by
15 one at this point.
16 Q. Ma'am, the -- the first
17 documents are -- has been premarked as
18 exhibit 4458.
19 Are these your licenses and
20 credentials, both on the Marshall Islands and
21 from the United States?
22 A. Same answer.
23 Q. Turning to tab 2 -- I'm sorry.
24 Turning to tab 3, which we have marked as
25 exhibit number 4459.
1 Ma'am, is this an on-the-job
2 training module for a dynamic positioning
3 officer aboard the DEEPWATER HORIZON?
4 A. Same answer.
5 Q. Did you take this module, ma'am?
6 A. Same answer.
7 Q. Did you pass this module?
8 A. Same answer.
9 Q. Turning to tab number 4, ma'am,
10 which is now marked as exhibit number 4460.
11 Is this a dynamic positioning
12 operator's familiarization and an on-the-job
13 training program from -- for the DEEPWATER
14 HORIZON?
15 A. Same answer.
16 Q. Did you undergo this job
17 familiarization program?
18 A. Same answer.
19 Q. Was a job familiarization
20 program filled out for you?
21 A. Same answer.
22 Q. Turning to tab number 5, which
23 has been marked as exhibit 4461, this is what
24 purports to be a rig-specific on-the-job
25 training, answers to an ADPO theory test by
1 Andrea Fleytas.

2 This is -- are these your
3 answers, ma'am?

4 A. Same answer.

5 Q. And did you complete and pass
6 this test?

7 A. Same answer.

8 Q. Turning to tab number 6, this
9 purports to be a training -- personnel
10 training summary by Transocean of training
11 that you have received.

12 Have you seen this document
13 before?

14 A. Same answer.

15 Q. Between August 18th of 2000 --
16 I'm sorry -- between July 8th, 2008, and
17 August 18th, 2009, are these the courses that
18 you took in training with Transocean?

19 A. Same answer.

20 Q. Next tab, tab 7 is -- has been
21 pre-marked as exhibit number 1120 and already
22 introduced in this litigation. I direct your
23 attention to your name, which appears partway
24 down the first page. This document purports
25 to be a training history list profile by
1 Transocean of its employees. And the pages
2 that have been attached, purportedly, are
3 pages that concern your training.

4 Are -- is this the training that
5 you've received while you have been a dynamic
6 positioning operator to -- for Transocean?

7 A. Same answer.

8 Q. What do each of these courses
9 entail?

10 A. Same answer.

11 Q. Do any of these courses deal
12 with the operation of the fire and gas safety
13 system on the bridge of the Transocean
14 DEEPWATER HORIZON?

15 A. Same answer.

16 Q. All right. Turning to tab
17 number 8. This is -- been pre-marked as
18 exhibit 1121, already introduced in this
19 litigation. The document, it purports to be
20 the DP power simulator training concept, a
21 training session in -- that was given on
22 October 9th and 10th of 2007.

23 Have you seen this document
24 before, ma'am?
25 A. Same answer.
1 Q. Did you take this course, ma'am?
2 A. Did you ask a question?
3 Q. Yes. Did you take this course,
4 ma'am?
5 A. Same answer.

Page 23:11 to 23:13

11 Q. And isn't it true, Ms. Fleytas,
12 that you were never -- you never took the
13 K-Chief basic course by Kongsberg Simrad?

Page 23:15 to 23:15

15 A. Same answer.

Page 23:24 to 24:05

24 Q. And did you know that the
25 K-Chief basic course was the basic operating
1 course for the fire and gas safety system
2 aboard the DEEPWATER HORIZON?
3 A. Same answer.
4 Q. And Transocean never offered to
5 have you take that course, did they?

Page 24:07 to 24:13

7 A. Same answer.
8 Q. And do you have any -- and do
9 you have any knowledge as to whether or not
10 anyone on the bridge that served with you on
11 the evening of April 20th, 2010, had taken
12 the K-Chief basic course?
13 A. Same answer.

Page 24:18 to 28:22

18 Q. And then turning to tab 10,
19 ma'am, is this your certificate for
20 completion of the -- for the four-day dynamic
21 positioning advanced DP power simulation
22 course from Kongsberg?

23 A. Same answer.
24 Q. And that's exhibit 4463. And
25 turning to tab 11, which is exhibit 4464.
1 Ma'am, is this your certificate
2 for attending a five-day dynamic -- dynamic
3 positioning basic operator course from
4 Kongsberg?
5 A. Same answer.
6 Q. And turning to tab 12, ma'am,
7 which is exhibit 4465.
8 Is this your certification from
9 Transocean that you have successfully
10 completed all the requirements set forth by
11 Transocean training organization for a
12 dynamic positioning operator OJT course?
13 A. Same answer.
14 Q. All right. That's 4465, if I
15 didn't put that in.
16 And then the next tab, ma'am,
17 13, is exhibit number 4466. This is a
18 document called safety points.
19 Are you familiar with this
20 document, ma'am?
21 A. Same answer.
22 Q. And these are points that are
23 accorded individuals on the DEEPWATER HORIZON
24 for safety awareness, are they not?
25 A. Same answer.
1 Q. And you have 40 points on this,
2 do you not?
3 A. Same answer.
4 Q. And everybody else on -- that's
5 on this document were members of the
6 DEEPWATER HORIZON crew, were they not?
7 A. Same answer.
8 Q. And everybody has 40 points,
9 don't they?
10 A. Same answer.
11 Q. Do you know if anyone failed to
12 achieve 40 points in safety aboard the
13 DEEPWATER HORIZON?
14 A. Same answer.
15 Q. All right. Turning to tab
16 number 14, this document is exhibit 4467.
17 This is called a dynamic positioning operator
18 succession document.

19 Have you seen this document
20 before?
21 A. Same answer.
22 Q. All right. And on the -- on the
23 page of this document -- in the first page of
24 this document, ten -- ten rows down is Andrea
25 Fleytas, employee 35508, dynamic positioning
1 operator II, showing your next position to be
2 senior DPO, ready between one and two years.
3 Is that a true statement, ma'am?
4 A. Same answer.
5 Q. Turning to tab number 15, this
6 is exhibit 4468. These are hand-over notes,
7 dated February 12th, 2010 electronically
8 signed by -- purportedly electronically
9 signed by Andrea Fleytas.
10 Were these your hand-over notes
11 for the DEEPWATER HORIZON on February 12th,
12 2010?
13 A. Same answer.
14 Q. And are the statements that are
15 in these hand-over notes true?
16 A. Same answer.
17 Q. Next document is tab number 16.
18 Ma'am, when you -- it's exhibit
19 number 4469?
20 Ma'am, when you left the
21 DEEPWATER HORIZON, did you fill out a
22 document at the request of the Coast Guard?
23 A. Same answer.
24 Q. And, ma'am, is this the document
25 that you filled out at a request of the Coast
1 Guard?
2 A. Same answer.
3 Q. And is this your handwriting,
4 ma'am?
5 A. Same answer.
6 Q. Are these your statements,
7 ma'am?
8 A. Same answer.
9 Q. And are these true statements,
10 ma'am?
11 A. Same answer.
12 Q. The next document is tab 17,
13 which is exhibit 4470. This is -- purports
14 to be a summary of testimony that you gave at

15 an interview.
16 Do you recognize this document?
17 A. Same answer.
18 Q. Are the facts that are set forth
19 in this document that purport to be
20 attributed to you true?
21 MS. JAASMA: Objection, form.
22 A. Same answer.

Page 28:25 to 29:05

25 Ma'am, isn't it a fact that
1 despite putting you on the bridge of a rig by
2 some accounts with close to a billion
3 dollars, that there were never any
4 simulations of a major well blowout such as
5 the one that sank, the DEEPWATER HORIZON?

Page 29:07 to 29:11

7 A. Same answer.
8 Q. In other words, there was no
9 training given you as a dynamic positioning
10 officer by Transocean of a worst case
11 scenario on this rig, was there?

Page 29:13 to 29:21

13 A. Same answer.
14 Q. And, ma'am, despite putting you
15 on the bridge of a vessel that had over a
16 hundred souls onboard, there were never any
17 simulations which would have assisted you to
18 determine what immediate actions to take in
19 the event of a major well blowout, such as
20 the one which sank, the DEEPWATER HORIZON,
21 were there?

Page 29:23 to 30:04

23 A. Same answer.
24 Q. And particularly, ma'am, there
25 were no simulations or training provided you
1 by Transocean as to what to do in a
2 catastrophic situation where the vessels
3 literally blanketed in combustible gas, were

4 there?

Page 30:06 to 30:11

6 A. Same answer.

7 Q. And there were no simulations or
8 training provided to you by Transocean which
9 simulated multiple compartments onboard the
10 DEEPWATER HORIZON filling with high levels of
11 combustible gas simultaneously, were there?

Page 30:13 to 30:19

13 A. Same answer.

14 Q. And there was no simulation or
15 training as to what immediate actions that
16 you should take when the gas levels were so
17 high that more than ten sensors show magenta,
18 indicating the intrusion of combustible gas
19 into multiple compartments; is that true?

Page 30:21 to 30:24

21 A. Same answer.

22 Q. And Transocean never did send
23 you to that K-Chief basic course given by
24 Kongsberg, did they?

Page 31:01 to 31:06

1 A. Same answer.

2 Q. And to your knowledge, ma'am, no
3 one else manning the bridge, not Captain
4 Kuchta, or Yancy Keplinger, had been trained
5 in a simulation of a major well blowout, were
6 they?

Page 31:08 to 31:08

8 A. Same answer.

Page 31:13 to 31:21

13 Q. And to your knowledge, ma'am, no
14 one that was on the bridge that -- that
15 night, either Captain Kuchta, or Yancy

16 Keplinger, had been trained as to what
17 immediate actions to take when gas levels
18 were so high than more than ten sensors
19 showed magenta, indicating intrusion of
20 combustible gas in multiple compartments; is
21 that true?

Page 31:23 to 32:15

23 A. Same answer.
24 Q. And you know, Ms. Fleytas, that
25 Transocean kept track of all the training
1 that you took; isn't that correct?
2 MS. JAASMA: Objection, form.
3 A. Same answer.
4 Q. And you know, Ms. Fleytas, that
5 Transocean kept track of all the training it
6 gave all of the crew members on the DEEPWATER
7 HORIZON, didn't you?
8 MS. JAASMA: Objection, form.
9 A. Same answer.
10 Q. And you know, ma'am, from your
11 knowledge, ma'am, Transocean never offered
12 the type of training for a well blowout
13 situation that occurred on the night of
14 April 20th, 2010, to anyone onboard; is that
15 correct?

Page 32:17 to 32:22

17 A. Same answer.
18 Q. But, ma'am, you know that
19 Transocean had installed aboard the DEEPWATER
20 HORIZON, a multimillion dollar fire and gas
21 safety system manufactured and installed by
22 Simrad Kongsberg, did you not?

Page 32:24 to 33:04

24 A. Same answer.
25 Q. And if that system were allowed
1 to function at its full capacities, ma'am,
2 you wouldn't have had to -- you wouldn't have
3 had to have any training; is that correct,
4 ma'am?

Page 33:06 to 33:11

6 A. Same answer.
7 Q. Because you knew that system,
8 ma'am, had it sensed two or more combustible
9 gas sensors going off in the same area or
10 same zone, would have immediately sounded a
11 combustible gas alarm --

Page 33:13 to 33:18

13 Q. -- is that correct?
14 A. Same answer.
15 Q. And you know, had it been set to
16 do so, that alarm would have immediately shut
17 down dampers to various rooms where
18 combustible gas was detected?

Page 33:20 to 33:23

20 A. Same answer.
21 Q. And, in fact, you knew that that
22 system had the capacity to shut in the
23 ventilation to those rooms; is that correct?

Page 33:25 to 34:07

25 A. Same answer.
1 Q. And if the fire and gas safety
2 system had not been inhibited, the -- and
3 sounded the alarms immediately, the men in
4 the confined spaces aboard the DEEPWATER
5 HORIZON who were close to the explosion would
6 have had some 45 seconds to 2 minutes to
7 evacuate those spaces; is that correct?

Page 34:09 to 34:18

9 A. Same answer.
10 Q. And, in fact, the crew aboard
11 the DEEPWATER HORIZON had been trained to
12 evacuate spaces immediately upon the sounding
13 of combustible gas alarms, weren't they?
14 A. Same answer.
15 Q. And yet, no automatic
16 combustible gas alarm was ever sounded

17 because all of the alarms were set to be
18 inhibited; is that correct?

Page 34:20 to 34:23

20 A. Same answer.
21 Q. And Transocean had chosen to set
22 those alarms to an inhibited position, all of
23 the alarms, didn't they?

Page 34:25 to 35:03

25 A. Same answer.
1 Q. And that included combustible
2 gas alarms, toxic gas alarms, and fire
3 alarms; is that correct?

Page 35:05 to 35:11

5 A. Same answer.
6 Q. And instead, Transocean chose to
7 interface a human being between the sensor
8 readings on the alarm panels in the bridge
9 and the engine control room and the driller
10 shack and the general alarms and combustible
11 gas alarms, didn't they?

Page 35:13 to 35:17

13 A. Same answer.
14 Q. But they didn't give you the
15 training to do what you needed to do if all
16 the combustible gas alarms went off at once,
17 did they?

Page 35:19 to 35:23

19 A. Same answer.
20 Q. And they didn't give you the
21 training, ma'am, to -- to deal with ten or
22 more magenta-colored combustible gas alarms
23 going off at the same time, did they?

Page 35:25 to 36:07

25 A. Same answer.

1 Q. And they didn't train you to
2 react immediately in that kind of situation,
3 did they?

4 A. Same answer.

5 Q. And Transocean didn't train you
6 to use the emergency shut-down system, did
7 they?

Page 36:09 to 36:13

9 A. Same answer.

10 Q. And, ma'am, you know that that
11 system closes off dampers and ventilation and
12 shuts down machinery aboard the DEEPWATER
13 HORIZON; isn't that correct?

Page 36:15 to 36:19

15 A. Same answer.

16 Q. And that system, the ESD system,
17 had the ability to shut down the ventilation
18 into the confined spaces that exploded aboard
19 the DEEPWATER HORIZON, didn't they?

Page 36:21 to 36:24

21 A. Same answer.

22 Q. And, again, Transocean knew what
23 your training was and knew what your training
24 wasn't, didn't they?

Page 37:01 to 40:04

1 A. Same answer.

2 Q. And, Ms. Fleytas, you also knew
3 that the BP company man knew the alarms were
4 set to inhibit mode, didn't you?

5 MS. LOBOVITS: Objection, form.

6 A. Same answer.

7 Q. And you knew that the company
8 men from BP that were aboard the rig, the
9 wellsite leaders, also participated in all
10 the safety drills on the rig, didn't you?

11 MS. LOBOVITS: Objection, form.

12 A. Same answer.

13 Q. And you knew that there were no

14 rig simulations of a well blowout that --
15 while you were onboard the DEEPWATER HORIZON,
16 were there?

17 MS. JAASMA: Objection, form.

18 A. Same answer.

19 Q. And you knew that the BP safety
20 men knew that there were no simulations of
21 well blowouts while you were aboard the
22 DEEPWATER HORIZON, didn't you?

23 MS. LOBOVITS: Objection, form.

24 A. Same answer.

25 Q. While you were aboard the
1 DEEPWATER HORIZON, did any of the BP wellsite
2 leaders ever inform you as bridge crew about
3 the well design of the Macondo well?

4 MS. LOBOVITS: Objection, form.

5 A. Same answer.

6 Q. Did they ever relay to you that
7 the -- the well had any kind of problems with
8 it?

9 MS. LOBOVITS: Objection, form.

10 A. Same answer.

11 Q. Did they ever advise you to be
12 more vigilant with regard to gas kicks or gas
13 eruptions from the well?

14 MS. LOBOVITS: Objection, form.

15 A. Same answer.

16 Q. Did you ever hear them warn
17 anyone about being more vigilant about this
18 particular well because of potential gas
19 kicks?

20 MS. LOBOVITS: Objection, form.

21 A. Same answer.

22 Q. Now, on the night of April 20th,
23 2010, you went on tower at 6:00 p.m. that
24 evening; is that correct?

25 A. Same answer.

1 Q. And you rotated desk duty or
2 duty at the console, the -- the dynamic
3 positioning operators console on the bridge
4 with Mr. Keplinger, did you not?

5 A. Same answer.

6 Q. And while you were on -- while
7 you were on the bridge with Mr. Keplinger,
8 there were other individuals on the bridge,
9 as well; is that correct?

10 A. Same answer.
11 Q. And they were officials from
12 Transocean and BP; is that correct?
13 A. Same answer.
14 Q. And while you were working at
15 the dynamic positioning console, those
16 gentlemen were playing on the simulator that
17 was in the bridge, correct?
18 MS. LOBOVITS: Objection, form.
19 MS. JAASMA: Objection, form.
20 A. Same answer.
21 Q. And it was during that time that
22 the -- that you experienced a jolt on the
23 rig; is that correct?
24 A. Same answer.
25 Q. And after that jolt, you heard
1 the first set of alarms sound, did you not?
2 A. Same answer.
3 Q. And those alarms were
4 combustible gas alarms, were they not?

Page 40:06 to 40:14

6 A. Same answer.
7 Q. And those alarms essentially lit
8 up magenta in color, did they not?
9 A. Same answer.
10 Q. And those alarms lighting up
11 magenta in color indicated the highest
12 possible level of combustible gas in
13 compartments aboard the DEEPWATER HORIZON,
14 did it not?

Page 40:16 to 40:16

16 A. Same answer.

Page 41:09 to 42:05

9 Q. All right. Ma'am, and the first
10 combustible gas alarms that you heard were
11 from the shakerhouse?
12 A. Same answer.
13 Q. Or that you actually saw?
14 (Interruption.)
15 Q. And the second set of gas alarms

16 you saw were from the drill floor; is that
17 correct?

18 A. Same answer.

19 Q. And then combustible gas alarms
20 sounded all over the rig; is that correct?

21 A. Same answer.

22 Q. And at that point, someone from
23 the drill floor called to the bridge and
24 talked to you and said they had a well
25 control issue; is that correct?

1 A. Same answer.

2 Q. And, ma'am, the next thing that
3 happened was that you tried to call the drill
4 floor back, but no one answered; is that
5 correct?

Page 42:07 to 42:18

7 A. Same answer.

8 Q. And then you received yet
9 another call saying that there was a well
10 control problem and they hung up; is that
11 correct?

12 A. Same answer.

13 Q. And you tried yet again to call
14 back, but got no answer; is that correct?

15 A. Same answer.

16 Q. And all this time, the -- there
17 were multiple magenta-colored gas alarms
18 going off; is that correct?

Page 42:20 to 43:02

20 A. Same answer.

21 Q. And during that time, ma'am,
22 there was no combustible gas alarm sounded;
23 is that correct?

24 MS. JAASMA: Objection, form.

25 A. Same answer.

1 Q. And there was no general alarm
2 sounded; is that correct?

Page 43:04 to 43:17

4 A. Same answer.

5 Q. And it wasn't until after the

6 rig blacked out and there was an explosion,
7 that a general alarm was hit; is that
8 correct?
9 A. Same answer.
10 Q. And at that point, Yancy
11 Keplinger made a PA announcement, fire, fire;
12 is that correct?
13 A. Same answer.
14 Q. And at that point, Mr. Harrell
15 arrived on the bridge, Chris Pleasant was on
16 the bridge, along with the captain; is that
17 correct?

Page 43:19 to 44:01

19 A. Same answer.
20 Q. And at that point, the rig had
21 still not initiated a mayday distress signal;
22 is that correct?
23 A. Same answer.
24 Q. And at that point, the rig still
25 hadn't disconnected from the riser from the
1 BOP stack; is that correct?

Page 44:03 to 44:14

3 A. Same answer.
4 Q. And at that point, you had no
5 control over the dynamic positioning of the
6 vessel; is that correct?
7 A. Same answer.
8 Q. And at that point, ma'am, you
9 took it upon yourself to issue a mayday; is
10 that correct?
11 A. Same answer.
12 Q. And, in fact, when you issued
13 that mayday, you were reprimanded by the
14 captain, were you not?

Page 44:16 to 45:07

16 A. Same answer.
17 Q. And thereafter, you issued a
18 second mayday, did you not?
19 A. Same answer.
20 Q. And at that point, you received

21 a call from Darren on the DAMON BANKSTON, did
22 you not?

23 A. Same answer.

24 Q. And you were informed at that
25 point that the crew of the DEEPWATER HORIZON,
1 that some of them were jumping overboard; is
2 that correct?

3 A. Same answer.

4 Q. And at that point, ma'am, you
5 got on the PA system and called for everyone
6 to abandon the rig, did you not?

7 A. Same answer.

Page 45:24 to 46:10

24 Q. And, ma'am, how did you -- how
25 did you leave the rig at that point?

1 A. Same answer.

2 Q. Can you describe for me what
3 occurred at the muster stations?

4 A. Same answer.

5 Q. Can you describe to me what
6 happened once you were on the water level?

7 A. Same answer.

8 Q. Can you describe to me what --
9 what you saw, what you heard?

10 A. Same answer.

Page 46:20 to 50:13

20 Q. Ms. Fleytas, can you tell me
21 what happened once you were aboard the DAMON
22 BANKSTON?

23 A. Same answer.

24 Q. Can you tell me what you saw,
25 what you heard?

1 A. Same answer.

2 Q. Can you tell me where you went
3 after -- on the DAMON BANKSTON?

4 A. Same answer.

5 Q. Can you tell me when you arrived
6 in Port Fourchon?

7 A. Same answer.

8 Q. Can you tell me what happened
9 there and what happened thereafter?

10 A. Same answer.

11 Q. Can you tell me what
12 conversations you had on the DAMON BANKSTON?
13 A. Same answer.
14 Q. And what occurred during those
15 conversations?
16 A. Same answer.
17 Q. And what was said?
18 A. Same answer.
19 Q. And can you tell me what
20 happened once you got to shore?
21 A. Same answer.
22 Q. And can you tell me what you
23 have been doing since?
24 A. Same answer.
25 Q. And can you tell me whether or
1 not you had ever been -- you've ever
2 discussed this with other crew members since
3 the incident?
4 A. Same answer.
5 Q. And can you tell me what you
6 said during those discussions?
7 A. Same answer.
8 Q. And have you ever e-mailed or
9 communicated with other crew members in
10 writing since that time?
11 A. Same answer.
12 Q. And can you tell me what was
13 said and discussed?
14 A. Same answer.
15 Q. Ma'am, I'm going to show you a
16 document that I wasn't able to get to your
17 attorney because I just -- we just got
18 produced this morning. It is a -- you'll see
19 it on the screen in just a minute, but before
20 do you, it is going to be marked as
21 exhibit 4472.
22 (Exhibit Number 4472 marked.)
23 MR. BICKFORD: And if we can go ahead
24 and put that up there. Is she seeing it now?
25 Q. Can you see that document now?
1 A. Yes.
2 Q. All right.
3 And, ma'am, this purports to be
4 an interview form by Transocean, the
5 interviewers being Wes Bell and Derek Hart,
6 taken June 24th, 2010, at 1:00 p.m.

7 And the -- the document starts,
8 Andrea was on the rig during the incident.
9 Her hitch began on Friday before, April 16th,
10 2010.

11 It goes on to report the
12 discussions that you had, your position on
13 the crew. It goes on to say what happened
14 that night, that people were playing on the
15 DP simulator next to the captain.

16 It goes on to say that you were
17 at the desk between 9:00 and 9:30. It goes
18 on, in the next paragraph, to say that Yancy
19 was monitoring the fire and gas systems, you
20 were monitoring the DP and acknowledged the
21 alarms.

22 Have you ever seen this document
23 before?

24 A. Same answer.

25 Q. Were you provided this document
1 after you gave the interview to Transocean?

2 A. Same answer.

3 Q. Were the facts that you gave the
4 individuals at Transocean accurate?

5 MS. JAASMA: Object to form.

6 A. Same answer.

7 Q. Were the facts that are
8 recounted in this document accurate?

9 MS. JAASMA: Objection, form.

10 A. Same answer.

11 Q. Ma'am, if I --

12 MR. BICKFORD: Okay, you can take the
13 document off.

Page 53:06 to 54:02

6 Q. Ms. Fleytas, have you been
7 offered immunity from prosecution in relation
8 to this matter?

9 A. I assert my Fifth Amendment
10 right to remain silent.

11 Q. Ms. Fleytas, have you accepted
12 any offers for immunity from prosecution in
13 the DEEPWATER HORIZON matter?

14 A. Same answer.

15 Q. Ms. Fleytas, one of your
16 duties -- or your duty as a Transocean DPO

17 was to monitor the fire and gas alarms on the
18 DEEPWATER HORIZON rig, correct?

19 A. Same answer.

20 Q. And your duty as a DPO was to
21 alert the crew on the DEEPWATER HORIZON rig
22 to fire and gas alarms, correct?

23 A. Same answer.

24 Q. Your duty as a DPO watch on the
25 bridge was to sound the general alarm when
1 there were multiple high gas alarms going
2 off; is that correct?

Page 54:04 to 54:09

4 A. Same answer.

5 Q. And your duty as a DPO was -- on
6 watch on the bridge was to sound the general
7 alarm when there were, in fact, two or more
8 high gas sensors going off on the rig; is
9 that correct?

Page 54:11 to 54:16

11 A. Same answer.

12 Q. Isn't it true that as the DPO,
13 Transocean did not train you as to what
14 exactly to do when you saw multiple gas
15 alarms going off on the bridge; is that
16 correct?

Page 54:18 to 54:23

18 A. Same answer.

19 Q. And isn't it true that as a DPO,
20 Transocean did not train you as to what
21 systems to shut down through the ESD panel
22 when you saw multiple gas alarms going off on
23 the bridge; is that correct?

Page 54:25 to 55:03

25 A. Same answer.

1 Q. And isn't it true that
2 Transocean failed to properly train you as an
3 employee?

Page 55:05 to 55:08

5 A. Same answer.
6 Q. The general alarm on the
7 DEEPWATER HORIZON rig required human
8 intervention; is that correct?

Page 55:10 to 55:14

10 A. Same answer.
11 Q. Meaning, you as the DPO had to
12 manually go over and hit the general alarm in
13 order for it to sound on the rig; is that
14 correct?

Page 55:16 to 55:23

16 A. Same answer.
17 Q. And on April 20th, 2010, the
18 general alarm on the DEEPWATER HORIZON was
19 set to manual mode, correct?
20 A. Same answer.
21 Q. The general alarm was not on
22 automatic mode on the rig on April 20th,
23 correct?

Page 55:25 to 56:05

25 A. Same answer.
1 Q. Now, you waited until after the
2 power went out on the DEEPWATER HORIZON rig,
3 and there was a big explosion to attempt to
4 sound the general alarm on the night of
5 April 20th; is that correct?

Page 56:07 to 56:11

7 A. Same answer.
8 Q. And no one else on the bridge
9 that night on April the 20th had attempted to
10 sound the general alarm at that point; is
11 that correct?

Page 56:13 to 56:17

13 A. Same answer.

14 Q. So there was no warning that had
15 gone out through the general alarm that there
16 was a serious emergency on the rig; is that
17 correct?

Page 56:19 to 57:07

19 A. Same answer.
20 Q. So I'd like to show you now what
21 had been previously marked as exhibit 4472.
22 I'm going to put it on the ELMO so you can
23 see it, as well.
24 These are the June 24th, 2010,
25 notes from Transocean labeled, interviewing
1 form, interviewing name, Andrea Fleytas,
2 which is you, correct?
3 A. Same answer.
4 Q. And these are the notes that
5 Transocean took when they interviewed you
6 about the DEEPWATER HORIZON incident; is that
7 correct?

Page 57:09 to 57:13

9 A. Same answer.
10 Q. And when you gave this
11 interview, you were doing your best to give
12 your truthful and accurate recollection of
13 the events; is that correct?

Page 57:15 to 58:10

15 A. Same answer.
16 Q. So I'd like to turn your
17 attention to -- and let me know if you can
18 see this -- to page 5 of the interview notes.
19 I have it highlighted.
20 Can you see that?
21 A. Yes.
22 Q. Okay. I'd just like to read
23 from there.
24 As Andrea remembered, the rig
25 blacked out at that time. Seconds passed,
1 then she heard an explosion, and all alarms
2 went off. Andrea hit the general alarm, but
3 it did not initially turn on.

4 Did I read that correctly?
5 A. Same answer.
6 Q. And is that an accurate
7 description that when you, in fact, finally
8 went to sound the general alarm on the rig on
9 April 20th, it did not turn on; is that
10 correct?

Page 58:12 to 60:02

12 A. Same answer.
13 Q. And then after that, the
14 interview notes say, Yancy then did it.
15 Did I read that correctly?
16 A. Same answer.
17 Q. And you were referring here to
18 Yancy Keplinger, the senior DPO who was on
19 the bridge the night of April 20th, 2010,
20 correct?
21 A. Same answer.
22 Q. So after you finally hit the
23 general alarm and then it did not turn on,
24 then a second person, Yancy Keplinger from
25 Transocean, attempted to sound the general
1 alarm; is that correct?
2 A. Same answer.
3 Q. But this was all after the power
4 had gone out on the rig, correct?
5 MS. JAASMA: Object to form.
6 A. Same answer.
7 Q. And this was all after the big
8 explosion on April 20th, correct?
9 MS. JAASMA: Object to form.
10 A. Same answer.
11 Q. Ms. Fleytas, isn't it true that
12 there was confusion on the DEEPWATER HORIZON
13 rig about who was in charge when the events
14 started happening on the evening of
15 April 20th; is that correct?
16 MS. JAASMA: Object to form.
17 A. Same answer.
18 Q. Isn't it true that the
19 Transocean dual command structure led to
20 confusion on the bridge on the night of
21 April 20th, 2010?
22 MS. JAASMA: Object to form.

23 A. Same answer.
24 Q. Isn't it true that the
25 Transocean command confusion caused a delay
1 in activating the EDS, or the emergency
2 disconnect system, on April 20th?

Page 60:04 to 60:09

4 A. Same answer.
5 Q. Now, on the night of April 20th,
6 2010, before the incident started, OIM from
7 Transocean, who was Jimmy Harrell, was in
8 charge because the rig was on station and
9 attached to the well; is that correct?

Page 60:11 to 61:01

11 A. Same answer.
12 Q. Then when the emergency started
13 on April 20th, 2010, under the Transocean
14 command structure, Captain Kuchta, in your
15 understanding, should then have been in
16 charge; is that correct?
17 A. Same answer.
18 Q. So your understanding was that
19 there was a change in command from the OIM to
20 the captain on the night of April 20th once
21 the incident started; is that correct?
22 A. Same answer.
23 Q. But there was no actual
24 announcement made on the rig that the command
25 had changed from the OIM, Jimmy Harrell, to
1 the captain, Captain Kuchta, correct?

Page 61:03 to 61:21

3 A. Same answer.
4 Q. You yourself did not make any
5 announcement that the command had changed
6 from the OIM, Harrell, to Captain Kuchta?
7 A. Same answer.
8 Q. And there was no record made on
9 the rig, either, that the command had changed
10 from the OIM to the captain; is that right?
11 A. Same answer.
12 Q. And you yourself did not make a

13 record on the rig that the command had
14 changed from the Transocean OIM to the
15 Transocean captain, who was Captain Kuchta,
16 correct?

17 A. Same answer.

18 Q. So the decision to activate the
19 EDS on April 20th did not happen until later
20 on that evening when Jimmy Harrell arrived on
21 the bridge; is that correct?

Page 61:23 to 62:01

23 A. Same answer.

24 Q. And, in fact, Captain Kuchta
25 asked the OIM, Jimmy Harrell from Transocean,
1 for permission to EDS; is that correct?

Page 62:03 to 62:18

3 A. Same answer.

4 Q. Now -- I'm sorry. I think I was
5 mispronouncing his name. Captain Kuchta.
6 Okay.

7 I'd like to refer you to the
8 transcript of your joint Coast Guard and
9 former MMS investigation testimony that was
10 publicly available on the website of the
11 joint investigation. That's also been
12 previously marked in this deposition as
13 exhibit 4471.

14 And were you sworn to tell the
15 truth under oath the day that you gave your
16 investigation testimony to the Joint
17 Investigation Board?

18 A. Same answer.

Page 63:18 to 64:03

18 Question, do you know at the
19 time the decision -- do you know if at any
20 time was the decision made to EDS?

21 You're answer, yes. There was a
22 decision made. That's when Jimmy Harrell
23 said, yes, EDS.

24 Question, so Jimmy Harrell was
25 the one that made the decision to EDS; is

1 that correct?
2 Your answer, yes.
3 A. Same answer.

Page 64:21 to 65:10

21 Question, so Jimmy Harrell was
22 the one that made the decision to EDS; is
23 that correct?
24 Your answer, yes.
25 Question, was that at the
1 request of Chris Pleasant?
2 Answer, no. That was at the
3 request of Captain Curt.
4 Question, so your recollection
5 is that the captain asked Mr. Harrell for
6 permission to EDS; is that correct?
7 Answer -- your answer was,
8 right.
9 Did I read that correctly?
10 A. Same answer.

Page 65:17 to 66:11

17 Q. And in terms of the emergency
18 shutdown panel, or ESD panel, the ESD panel
19 is located where you were stationed as the
20 DPO; is that correct?
21 A. Same answer.
22 Q. And the ESD panel contains the
23 emergency shutdown devices that would allow
24 you as the DPO on watch to shut down the
25 ventilation to the engine room; is that
1 correct?
2 A. Same answer.
3 Q. And on April 20th, the emergency
4 shutdown panel was not on automatic mode,
5 correct?
6 A. Same answer.
7 Q. Therefore, the emergency
8 shutdown panel required human intervention to
9 manually hit the controls to shut down the
10 ventilation to the engine room on April 20th,
11 correct?

Page 66:13 to 66:18

13 A. Same answer.
14 Q. But you were actually never
15 trained by Transocean on when conditions on
16 the rig would warrant activation of that
17 emergency shutdown panel that was on your DPO
18 station, correct?

Page 66:20 to 66:24

20 A. Same answer.
21 Q. And you were never given
22 procedures from Transocean for when
23 conditions warranted activation of that
24 emergency shutdown system?

Page 67:01 to 67:07

1 A. Same answer.
2 Q. You were never trained to tell
3 the engine control room that if there was
4 high gas alarms going off on or near the
5 engine -- excuse me -- or near the engine
6 room, they should shut down the ventilation,
7 correct?

Page 67:10 to 67:14

10 Q. And you were never trained to
11 tell the engine control room that if there
12 were high gas alarms going off in or near the
13 engine room, that they should shut down the
14 engines, correct?

Page 67:16 to 68:03

16 A. Same answer.
17 Q. On April 20th, 2010, after you
18 saw all the high gas alarms and magenta going
19 off on the DEEPWATER HORIZON rig, you, in
20 fact, did not activate the emergency shutdown
21 system to shut off the ventilation to the
22 engine rooms, correct?
23 A. Same answer.
24 Q. And, in fact, no one activated
25 the emergency shutdown, or ESD system, on

1 April 20th to shut down the engines or cut
2 off ventilation to the engine rooms; is that
3 correct?

Page 68:05 to 69:13

5 A. Same answer.
6 Q. And I'd just like to refer you
7 to your MBI testimony. It's on page 60. And
8 same exercise, I'm just going to read a
9 passage and then ask you if I've read that
10 correctly.
11 I'm going to start on page 60,
12 line 17, examination by Mr. Bickford.
13 Question, when is an emergency
14 shutdown of the ventilation system merited
15 with regard to high combustible gas alarms?
16 Your answer, I don't know.
17 Question, is there any procedure
18 that you would know of when you would do
19 an -- is there -- is there any procedure that
20 you would know of when you would do an
21 emergency shutdown of the ventilation due to
22 high gas alarms?
23 Your answer, no, I don't know of
24 any procedures.
25 Question, when you say
1 "procedures," I mean, are you aware of any
2 circumstances when you would trigger the
3 emergency shutdown in those areas?
4 In other words, when there is a
5 high gas alarm or an alarm sounding on your
6 panel, is there some procedure that you have
7 been given on the job or at your training at
8 Kongsberg which would indicate when you would
9 hit the emergency shutdown for ventilations
10 in certain areas?
11 Your answer, not that I can
12 remember, no.
13 Did I read that correctly?

Page 69:15 to 69:15

15 A. Same answer.

Page 70:10 to 71:03

10 You have no training or
11 experience with cement, nitrified cement, or
12 cementing processes on wells, do you?
13 A. I assert my Fifth Amendment
14 right to remain silent.
15 Q. You've had no involvement in the
16 cement job on the production casing for the
17 Macondo well, did you?
18 A. Same answer.
19 Q. You had no involvement in the
20 decision on the number of centralizers used
21 or the placement of the centralizers on the
22 final production casing for the Macondo well,
23 did you?
24 A. Same answer.
25 Q. Have you spoken with anyone from
1 Halliburton about the cementing operations on
2 the Macondo well?
3 A. Same answer.

Page 74:14 to 75:03

14 Q. One of your job duties included
15 authority to issue the distress signal,
16 correct?
17 A. Same answer.
18 Q. And, in fact, when you issued
19 the mayday on April 20th, 2010, Captain
20 Kuchta -- Kuchta yelled at you for doing so,
21 didn't he?
22 A. Same answer.
23 Q. When you received the call from
24 the engine control room -- room on
25 April 20th, 2010, you did not instruct them
1 to shut down the engines even though there
2 were multiple combustible gas alarms sounding
3 throughout the rig, did you?

Page 75:05 to 75:05

5 A. Same answer.

Page 75:19 to 80:03

19 It is your understanding that BP

20 was the operator of the DEEPWATER HORIZON on
21 the Macondo well; is that correct?

22 MS. LOBOVITS: Objection, form.

23 A. I assert my Fifth Amendment to
24 remain silent.

25 Q. Okay. And it's your
1 understanding that Anadarko was a
2 non-operating party of the Macondo lease; is
3 that correct?

4 A. Same answer.

5 Q. Isn't it true that while you
6 were aboard the DEEPWATER HORIZON rig, you
7 never had any interactions with anyone from
8 Anadarko?

9 A. Same answer.

10 Q. And you never saw any Anadarko
11 personnel onboard the DEEPWATER HORIZON rig
12 at any time, correct?

13 A. Same answer.

14 Q. Is it also true that you've
15 never overheard anyone on the DEEPWATER
16 HORIZON rig having any conversations with
17 Anadarko regarding Macondo operations?

18 A. Same answer.

19 Q. Did you participate in the
20 Transocean's March 2010 marine integrity
21 review?

22 A. Same answer.

23 Q. Were you interviewed during this
24 audit?

25 A. Same answer.

1 Q. At the time of this audit, the
2 fixed fire suppression system was in good
3 working order; is that correct?

4 A. Same answer.

5 Q. Is it also true that the fire
6 main system was in good working order at the
7 time of this audit; is that correct?

8 A. Same answer.

9 Q. The fire and gas detection and
10 alarm systems were fully functioning at the
11 time of this audit; is that right?

12 A. Same answer.

13 Q. Okay. And the sensors of these
14 systems were checked and tested monthly; is
15 that correct?

16 A. Same answer.

17 Q. You were not aware of any alarms
18 or sensors -- sensors being disabled,
19 inhibited, or bypassed while you worked
20 aboard the DEEPWATER HORIZON rig; is that
21 correct?

22 A. Same answer.

23 Q. And you weren't aware of any
24 defects or malfunctions regarding the
25 portable gas detection system; is that
1 correct?

2 A. Same answer.

3 Q. Isn't it true that the engine
4 room could be monitored from your station by
5 remote camera?

6 A. Same answer.

7 Q. And it was part of your duties
8 as a DPO to monitor the engine room via
9 remote camera in the event of an emergency;
10 is that correct?

11 A. Same answer.

12 Q. Since the DEEPWATER HORIZON was
13 dynamically positioned and had no anchors, if
14 it lost thrusters, it would not be able to
15 maintain a safe position above the well; is
16 that correct?

17 A. Same answer.

18 Q. Were you interviewed during the
19 April 2010 rig condition assessment by
20 ModuSpec?

21 A. Same answer.

22 Q. Are you aware that Transocean
23 hired ModuSpec to perform this audit?

24 A. Same answer.

25 Q. Do you agree with the audit's
1 finding that the fire detection system was in
2 good condition and no detectors were
3 inhibited?

4 A. Same answer.

5 Q. Do you agree with the audit
6 finding that the gas detection system was
7 well-maintained and in good condition?

8 A. Same answer.

9 Q. Do you also agree that there
10 were no gas detectors that were either in
11 fault or inhibited during -- inhibited

12 condition aboard the DEEPWATER HORIZON rig?
13 MS. LOBOVITS: Objection, form.
14 A. Same answer.
15 Q. And you were not personally
16 aware of any gas detection sensors or alarms
17 being bypassed, inhibited, or malfunctioning;
18 is that right?
19 A. Same answer.
20 Q. Do you agree with the audit
21 findings that the maintenance records
22 indicate the gas system being regularly
23 tested and calibrated with excellent work
24 other -- other noted being recorded?
25 A. Same answer.
1 Q. Were you ever involved in the
2 routine testing of the gas detection system?
3 A. Same answer.