

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

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

Applies to: *All Cases.*

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

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**ALL PARTIES OBJECTIONS TO DEPOSITION DESIGNATIONS OF
STEVEN JOHNSON**

<u>From</u>		<u>To</u>		<u>Objecting</u> <u>Party</u>	<u>Objection</u>	<u>Ruling</u>
<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>			
25	8	25	12	BP	FRE 602	
25	17	25	19	BP	FRE 602	
41	7	41	9	M-I	The question is vague and ambiguous, because it is unclear to whom the pronoun “they” refers. (41:7-9). The question also mischaracterizes the Witness’s prior testimony; he only agreed that he had left the Deepwater Horizon rig “long before it exploded” to go to another job. (39:17, 39:19-23). Furthermore, the question lacks foundation, because there was no showing that the Witness had the requisite personal knowledge to testify as to alleged decisions ostensibly made by some other, unidentified, party.	

41	12	41	12	M-I	<p>The question is vague and ambiguous, because it is unclear to whom the pronoun “they” refers. (41:7-9). The question also mischaracterizes the Witness’s prior testimony; he only agreed that he had left the Deepwater Horizon rig “long before it exploded” to go to another job. (39:17, 39:19-23). Furthermore, the question lacks foundation, because there was no showing that the Witness had the requisite personal knowledge to testify as to alleged decisions ostensibly made by some other, unidentified, party.</p>	
47	2	47	4	BP	FRE 602	
53	10	53	13	M-I	<p>The initial designated section should be stricken as testimony by counsel. (53:10-13). Counsel said: “Well, you mentioned that they had a problem with the mixing of the pill. I’m wondering what that problem is.” (Id.). Because there was no question pending, the Witness’s subsequent statements and Counsel’s commentary should also be stricken. (53:13, 53:16-54:4). In the alternative, if the initial statement by Counsel (53:10-12) is a question, it is vague and ambiguous, because it is unclear to whom the pronoun “they” refers. Moreover, Counsel’s initial statement mischaracterizes the Witness’s prior testimony, and calls for speculation and opinion, because there has been no showing that the Witness has the requisite personal knowledge to testify about an alleged problem which may have been perceived by others.</p>	

53	16	53	18	M-I	<p>The initial designated section should be stricken as testimony by counsel. (53:10-13). Counsel said: “Well, you mentioned that they had a problem with the mixing of the pill. I’m wondering what that problem is.” (Id.). Because there was no question pending, the Witness’s subsequent statements and Counsel’s commentary should also be stricken. (53:13, 53:16-54:4). In the alternative, if the initial statement by Counsel (53:10-12) is a question, it is vague and ambiguous, because it is unclear to whom the pronoun “they” refers. Moreover, Counsel’s initial statement mischaracterizes the Witness’s prior testimony, and calls for speculation and opinion, because there has been no showing that the Witness has the requisite personal knowledge to testify about an alleged problem which may have been perceived by others.</p>	
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53	20	54	4	M-I	<p>The initial designated section should be stricken as testimony by counsel. (53:10-13). Counsel said: “Well, you mentioned that they had a problem with the mixing of the pill. I’m wondering what that problem is.” (Id.). Because there was no question pending, the Witness’s subsequent statements and Counsel’s commentary should also be stricken. (53:13, 53:16-54:4). In the alternative, if the initial statement by Counsel (53:10-12) is a question, it is vague and ambiguous, because it is unclear to whom the pronoun “they” refers. Moreover, Counsel’s initial statement mischaracterizes the Witness’s prior testimony, and calls for speculation and opinion, because there has been no showing that the Witness has the requisite personal knowledge to testify about an alleged problem which may have been perceived by others.</p>	
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78	13	78	17	M-I	<p>The Witness was asked two different questions: “Now, M-I Swaco – and this is in your opinion – is a – what’s their job when they’re on a rig? What are they employed to do, specifically the Deepwater Horizon [sic]?” (78:13-17). The designated section is compound, vague and ambiguous. (Id.) Because of the compound question, it was unclear whether the Witness’s response was referring to “a rig” or to “the Deepwater Horizon”. (79:1-2). The Witness was also patently asked for inadmissible opinion testimony, and the second question calls for a legal conclusion. (78:13-17). Finally, there was no showing that the Witness had the requisite personal knowledge to testify about M-I’s overall role or responsibility, as a company, on any rig, so the question lacks foundation.</p>	
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79	1	79	5	M-I	<p>The Witness was asked two different questions: “Now, M-I Swaco – and this is in your opinion – is a – what’s their job when they’re on a rig? What are they employed to do, specifically the Deepwater Horizon [sic]?” (78:13-17). The designated section is compound, vague and ambiguous. (Id.) Because of the compound question, it was unclear whether the Witness’s response was referring to “a rig” or to “the Deepwater Horizon”. (79:1-2). The Witness was also patently asked for inadmissible opinion testimony, and the second question calls for a legal conclusion. (78:13-17). Finally, there was no showing that the Witness had the requisite personal knowledge to testify about M-I’s overall role or responsibility, as a company, on any rig, so the question lacks foundation.</p>	
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