

Deposition Testimony of:

Curtis Kuchta

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Page 6:10 to 6:10

00006:10 CURT ROBERT KUCHTA,

Page 8:24 to 9:21

00008:24 Q. Could you give me your name and
25 address, please?

00009:01 A. Sure. First name is Curt, last
02 name is Kuchta. My address is [REDACTED]
03 [REDACTED]

04 Q. Okay. And by whom are you
05 employed, sir?

06 A. Transocean.

07 Q. And what is your present
08 position with Transocean?

09 A. Under present unique
10 circumstances and upon advice of my counsel,
11 I respectfully decline to answer any
12 questions at this time proceeding to the
13 Supreme Court case, Ohio versus Reiner.

14 Q. Could you give me your
15 educational background, please?

16 A. I went to Massachusetts Maritime
17 Academy, graduated in 1998.

18 Q. And what degree did you graduate
19 with, sir?

20 A. Bachelor of Science in marine
21 transportation.

Page 10:01 to 11:03

00010:01 Q. And prior to your employment
02 with Transocean by whom were you employed?

03 A. I've been with Transocean.

04 Q. Since you graduated?

05 A. Through various mergers. I was
06 with Reading & Bates, R & B Falcon.

07 Q. Sir, I've asked you what your
08 present posting is, and you've -- you've
09 refused to answer based upon the Fifth --
10 your rights under the Fifth Amendment. What
11 are your present responsibilities?

12 A. Same answer.

13 Q. Okay. And, Captain Kuchta, have
14 you been informed that you are the subject of
15 a grand jury investigation?

16 A. Same answer.

17 Q. Captain Kuchta, have you been
18 informed that you are a target of a grand
19 jury investigation?

20 A. Same answer.

21 Q. Captain Kuchta, have you been
22 subpoenaed to testify before a grand jury in

23 the matter of the Deepwater Horizon?
 24 A. Same answer.
 25 Q. Captain Kuchta, have you
 00011:01 testified before a grand jury in the matter
 02 of the Deepwater Horizon?
 03 A. Same answer.

Page 11:10 to 11:21

00011:10 ahead and mark that as Exhibit No. 3744.
 11 Q. (BY MR. BICKFORD) And, sir,
 12 this document purports to be a transcript of
 13 the testimony given before the joint United
 14 States Coast Guard Mineral Management
 15 Services, now BOEMRE, in the matter of the
 16 marine casualty, explosion, fire, pollution,
 17 and sinking of the mobile offshore drilling
 18 unit the Deepwater Horizon.
 19 Sir, is this your testimony that
 20 you gave before the joint investigative
 21 board?

Page 12:10 to 12:13

00012:10 A. Same answer.
 11 Q. (BY MR. BICKFORD) All right.
 12 And did you give that testimony under oath,
 13 sir?

Page 12:15 to 12:20

00012:15 A. Same answer.
 16 Q. (BY MR. BICKFORD) And when you
 17 gave that testimony did it represent your
 18 full and honest answers to the questions
 19 asked to you?
 20 A. Same answer.

Page 12:22 to 12:24

00012:22 Q. (BY MR. BICKFORD) And were
 23 there any questions you didn't understand
 24 during that testimony?

Page 13:01 to 14:08

00013:01 A. Same answer.
 02 Q. (BY MR. BICKFORD) Now, you gave
 03 a statement to Transocean officials; did you
 04 not?
 05 A. Same answer.
 06 MR. ALEXANDER: Object to form.

07 Q. (BY MR. BICKFORD) I'd ask you
08 to turn to tab 2. I'm going to mark this as
09 Exhibit No. 3745. This purports to be the
10 sworn statement of Curt Robert Kuchta, taken
11 on Thursday, April 22nd, 2010 in the
12 conference room of the Crowne Plaza Hotel,
13 2829 Williams Boulevard, Kenner, Louisiana.

14 Sir, did you provide this sworn
15 statement to officials of Transocean?

16 A. Same answer.

17 Q. And, sir, when you gave the
18 statement did it represent your full and
19 honest answers to the questions asked of you?

20 A. Same answer.

21 Q. And did -- were there any
22 questions that were asked of you that you
23 didn't understand, sir?

24 A. Same answer.

25 Q. Sir, I'd ask you to turn to
00014:01 tab 1. I'm going to go ahead and mark that
02 as 3746. Sir, this purports to be a U.S.
03 Coast Guard investigative form that was
04 filled out and purportedly signed by you on
05 April 21st, 2010. First of all, sir, is that
06 your signature at the very bottom of Exhibit
07 No. 3746?

08 A. Same answer.

Page 14:10 to 14:12

00014:10 Q. (BY MR. BICKFORD) And, sir, is
11 this your handwriting on the statement of
12 3746?

Page 14:14 to 14:18

00014:14 A. Same answer.

15 Q. (BY MR. BICKFORD) And, sir,
16 when you filled this particular form out and
17 signed it did you believe the facts that are
18 stated therein?

Page 14:20 to 14:24

00014:20 A. Same answer.

21 Q. (BY MR. BICKFORD) And, sir,
22 when you wrote this form out was it your
23 honest and full recollection of the events
24 that occurred on the Deepwater Horizon?

Page 15:01 to 15:09

00015:01 A. Same answer.

02 Q. (BY MR. BICKFORD) Sir, we
03 covered the previously the statement that you
04 purportedly gave to the joint investigative
05 committee of the Coast Guard, then minerals
06 management committee. Other than that
07 testimony were you ever interviewed by the
08 Coast Guard and mineral management joint
09 committee?

Page 15:11 to 15:15

00015:11 A. Same answer.
12 Q. (BY MR. BICKFORD) Were you ever
13 interviewed or did you give a statement to
14 the Presidential Commission investigating the
15 Deepwater Horizon incident?

Page 15:17 to 16:04

00015:17 A. Same answer.
18 Q. (BY MR. BICKFORD) Were you ever
19 interviewed and -- or give a statement to --
20 were you ever interviewed by employees of BP?
21 A. Same answer.
22 Q. Were you ever interviewed by the
23 Bly commission?
24 A. Same answer.
25 Q. Were you ever independently
00016:01 outside of the statement that you gave to --
02 purportedly gave to Transocean, which is
03 Exhibit No. 3745, were you ever independently
04 interviewed by employees of Transocean?

Page 16:06 to 16:09

00016:06 A. Same answer.
07 Q. (BY MR. BICKFORD) Did you ever
08 give a statement to employees of Transocean
09 other than Exhibit No. 3745?

Page 16:11 to 16:11

00016:11 A. Same answer.

Page 17:07 to 20:07

00017:07 Q. (BY MR. BICKFORD) All right.
08 Sir, isn't it a fact that you arrived on the
09 Deepwater Horizon on the morning of April
10 20th, 2010?
11 A. Same answer.
12 Q. Oh, I'm sorry, I need to cover a

13 few other things. Have you ever given a
14 statement to any federal agency of the United
15 States Government?
16 A. Same answer.
17 Q. Have you ever been interviewed
18 by any federal agency of the United -- any
19 agency of the United States Government?
20 A. Same answer.
21 Q. Any agency -- ever been
22 interviewed by any agency of state
23 government?
24 A. Same answer.
25 Q. Have you accepted any offer of
00018:01 immunity from a prosecutorial or regulatory
02 agency?
03 A. Same answer.
04 Q. Have you been offered any
05 immunity from a prosecutorial or regulatory
06 agency?
07 A. Same answer.
08 Q. Have you ever been arrested?
09 A. Same answer.
10 Q. Ever been convicted of a crime?
11 A. Same answer.
12 Q. What licenses do you hold, sir?
13 A. Masters unlimited tonnage.
14 Q. Sir, I'm going to ask you to
15 look at Exhibit No. 4, I'm going to mark that
16 as Exhibit No. 3747. Sir, this is a partial
17 printout of a training history profile
18 produced by Transocean, and I would ask --
19 and it -- contained in that it lists Curt
20 Robert Kuchta with a independent employee
21 number of 68387. Is that you, sir?
22 A. Same answer.
23 Q. And does the list of training
24 activities, in this training history profile
25 list, indicate the training that you had
00019:01 received up through April of 2010 with
02 Transocean?
03 A. Same answer.
04 Q. Sir, with regard to each of
05 those training activities, where were they
06 completed?
07 A. Same answer.
08 Q. And with regard to each of those
09 training activities listed on Exhibit
10 No. 3747, what were the -- what were the
11 contents of the training activities that you
12 undertook?
13 A. Same answer.
14 Q. Do the training activities
15 listed on the training history list profile
16 Exhibit No. 3747 represent any in-house
17 training versus out-of-house training?

18 A. Same answer.
19 Q. With regard to the training
20 activities listed on Exhibit No. 3747, were
21 any of those training activities specifically
22 focused on the functioning of the Simrad
23 Kongsberg fire and gas system aboard the
24 Deepwater Horizon?
25 A. Same answer.
00020:01 Q. Sir, what is your specific
02 experience in working on the Deepwater
03 Horizon?
04 A. Same answer.
05 Q. Sir, what is your employment
06 history of working on other MODUs?
07 A. Same answer.

Page 20:20 to 21:07

00020:20 Q. Okay. Do you -- did you hold
21 the job title of Master with Transocean?
22 A. Same answer.
23 Q. Was your next position at
24 Transocean to BOIM?
25 A. Same answer.
00021:01 Q. Do you know if your ready date
02 for that position would have been May 1st,
03 2011?
04 A. Same answer.
05 Q. Do you understand what the TIJF
06 rating on this particular document means?
07 A. Same answer.

Page 21:25 to 22:13

00021:25 Sir, you were aware, were you
00022:01 not, that the Deepwater Horizon had a
02 sophisticated fire and gas system installed
03 on board her?
04 A. Same answer.
05 Q. And you are familiar, sir, that
06 that system was installed by Kongsberg Simrad?
07 A. Same answer.
08 Q. And you're familiar, sir, that
09 one of the primary purposes of the fire and
10 gas detection system was the early detection
11 of combustible gases aboard the Deepwater
12 Horizon?
13 A. Same answer.

Page 22:21 to 23:01

00022:21 Q. (BY MR. BICKFORD) You
22 understood the question was -- and one of the

23 primary purposes of the fire and gas
24 detection system was the early detection of
25 combustible gases that could have imperiled
00023:01 the rig and the people that worked on it?

Page 23:03 to 24:24

00023:03 A. Same.
04 Q. (BY MR. BICKFORD) And, sir, the
05 fire and gas safety system that was on the
06 Deepwater Horizon was capable of detecting
07 combustible gases and automatically sounding
08 alarms?
09 A. Same answer.
10 Q. And that system was capable of
11 detecting combustible gases, automatically
12 sounding alarms, and of shutting down systems
13 on board the Deepwater Horizon?
14 A. Same answer.
15 Q. Okay. And those systems that
16 it's capable of shutting down were -- upon
17 detection of combustible gas could have
18 been -- would have been engines, ventilation,
19 and fire doors?
20 A. Same answer.
21 Q. The fire and gas safety --
22 safety system on board the Deepwater Horizon
23 was also capable of sounding not only a
24 audible alarm, but a visual alarm; was it
25 not?
00024:01 A. Same answer.
02 Q. And the visual alarms that were
03 on board the Deepwater Horizon would have
04 indicated the type of -- would have indicated
05 that there was combustible gas if, in fact,
06 that was the detection by the system?
07 A. Same answer.
08 Q. And one of the purposes of those
09 alarms on the Deepwater Horizon, both auto --
10 audible and visual, was to get Transocean
11 employees and other personnel on the rig out
12 of harm's way in the event of the detection
13 of combustible gas; isn't that true?
14 A. Same answer.
15 Q. And the fire and gas system upon
16 detection of combustible gas could have even
17 closed ventilation into closed space areas
18 such as the pump room on the Deepwater
19 Horizon; isn't that true?
20 A. Same answer.
21 Q. And, sir, you knew that many of
22 the men that were killed on the Deepwater
23 Horizon were actually in the pump room at the
24 time of the incident, don't you?

Page 25:01 to 25:06

00025:01 A. Same answer.
02 Q. (BY MR. BICKFORD) And that pump
03 room, sir, was equipped with both audio and
04 visual alarms that would have warned the men
05 to get out of that area, had the alarms
06 indicated combustible gas; isn't that true?

Page 25:08 to 25:21

00025:08 A. Same answer.
09 Q. (BY MR. BICKFORD) And, sir, you
10 knew that Transocean employees were trained
11 to immediately evacuate closed spaces in the
12 event of a detection of high combustible gas
13 levels, weren't you?
14 A. Same answer.
15 Q. And on the night of April 20th,
16 2010 had the alarms been sounded to indicate
17 high levels of combustible gas when the
18 indications of high levels of combustible gas
19 were seen in the bridge, those men would have
20 had anywhere from 30 seconds to two minutes
21 to evacuate that space, wouldn't they?

Page 25:23 to 26:02

00025:23 A. Same answer.
24 Q. (BY MR. BICKFORD) And,
25 Captain Kuchta, you knew that the alarms
00026:01 systems on the Deepwater Horizon had been set
02 to a mode called inhibit, didn't you?

Page 26:04 to 26:09

00026:04 A. Same answer.
05 Q. (BY MR. BICKFORD) And you knew
06 that by setting the alarms to an inhibit mode
07 that the fire and gas safety systems alarms
08 had to be triggered by a human being
09 interface, is that correct?

Page 26:11 to 26:17

00026:11 A. Same answer.
12 Q. (BY MR. BICKFORD) And that that
13 human being who was charged on the rig with
14 triggering a alarm for high combustible gas
15 would have been the dynamic positioning
16 officer that was manning the bridge at the
17 time; isn't that correct?

Page 26:19 to 26:23

00026:19 A. Same answer.
20 Q. (BY MR. BICKFORD) And you knew,
21 sir, also, that the emergency shutdown
22 systems on the Deepwater Horizon had also
23 been set to an inhibit mode, didn't you?

Page 26:25 to 27:14

00026:25 A. Same answer.
00027:01 Q. (BY MR. BICKFORD) And, sir, you
02 knew that in order to engage any shutdown
03 systems on the Deepwater Horizon, such as the
04 closing of ventilation, the shutting off of
05 machinery, that a human interface was
06 necessary, correct?
07 A. Same answer.
08 Q. And you knew, sir, at the --
09 prior to the explosion that rocked the --
10 first explosion that rocked the Deepwater
11 Horizon on the night of April 20th, 2010 that
12 the DPO station on the bridge was showing
13 more than ten gas alarms going off in what
14 was called a magenta phase; is that correct?

Page 27:16 to 28:13

00027:16 A. Same answer.
17 Q. (BY MR. BICKFORD) Okay. And
18 when the fire and gas system lights up in
19 magenta that means the fire and gas system
20 has detected the highest level of combustible
21 gas that the system can -- can detect; is
22 that correct?
23 A. Same answer.
24 Q. And on the night of April 20th
25 when those multiple gas detectors showing
00028:01 highest levels of explosive gases went out
02 there was no combustible gas alarm sound, was
03 there?
04 A. Same answer.
05 Q. And, in fact, there was no
06 attempt to sound alarm until the power went
07 out on the Deepwater Horizon, was there?
08 A. Same answer.
09 Q. And, sir, you know that multiple
10 individuals including Daun Wilson testified
11 in these matters that they never saw or heard
12 an alarm?
13 A. Same answer.

Page 28:24 to 29:04

00028:24 A. Same answer.
25 Q. Sir, you know had the
00029:01 combustible gas alarms sounded, the men that
02 were in the pump room would have had an
03 opportunity to evacuate that area prior to
04 the first explosion, don't you?

Page 29:07 to 29:11

00029:07 Q. (BY MR. BICKFORD) Sir, the
08 Deepwater Horizon, the dynamic positioning
09 officers on the Deepwater Horizon are
10 charge -- are principally charged with
11 sounding the alarms; are they not?

Page 29:13 to 29:20

00029:13 A. Same answer.
14 Q. (BY MR. BICKFORD) And, sir, you
15 know that the dynamic positioning officers
16 who are on the bridge of the Deepwater
17 Horizon at the time of this incident on
18 April 20th, 2010 had never had specific
19 training to deal with a severe well blowout,
20 did you?

Page 29:22 to 29:25

00029:22 A. Same answer.
23 Q. (BY MR. BICKFORD) And, in fact,
24 they had not been trained in any simulations
25 to mimic a severe well blowout, had they?

Page 30:02 to 30:14

00030:02 A. Same answer.
03 Q. (BY MR. BICKFORD) In fact, they
04 hadn't been trained specifically what to do
05 when there was multiple gas alarms of a
06 magenta phase on the bridge; is that correct?
07 A. Same answer.
08 Q. There was no simulation that
09 Transocean itself ever ran with the dynamic
10 positioning officers that were on board the
11 bridge, sir, as to what steps to go through
12 and what systems to shut down in the event of
13 multiple gas alarms, say, five or ten showing
14 magenta on the bridge; is that true?

Page 30:16 to 30:19

00030:16 A. Same answer.
17 Q. (BY MR. BICKFORD) And that --
18 you were aware that training hadn't taken
19 place; is that correct, sir?

Page 30:21 to 30:24

00030:21 A. Same answer.
22 Q. (BY MR. BICKFORD) And you were
23 in charge of that training; were you not,
24 sir?

Page 31:01 to 31:01

00031:01 A. Same answer.

Page 31:05 to 31:08

00031:05 Sir, in fact, you had not been
06 trained specifically under a simulation of a
07 severe well blowout on the Deepwater Horizon,
08 had you, sir.

Page 31:10 to 31:14

00031:10 A. Same answer.
11 Q. (BY MR. BICKFORD) And, you were
12 aware that Transocean officials onshore knew
13 that you hadn't been trained to react to a
14 severe well blowout, is that correct, sir?

Page 31:16 to 31:21

00031:16 A. Same answer.
17 Q. (BY MR. BICKFORD) And the night
18 of April 20th, 2010, sir, none of the
19 emergency shutdown systems that were
20 accessible on the bridge were activated, were
21 they, sir?

Page 31:23 to 31:25

00031:23 A. Same answer.
24 Q. (BY MR. BICKFORD) No one was
25 warned by alarms, sir; is that correct?

Page 32:02 to 32:09

00032:02 A. Same answer.
03 Q. (BY MR. BICKFORD) And people

04 died, sir; is that correct?
05 A. Same answer.
06 Q. And it was all because
07 Transocean chose to override a very
08 sophisticated alarm and shut-down system;
09 isn't that true, sir?

Page 32:17 to 32:20

00032:17 Q. (BY MR. BICKFORD) Captain, the
18 reason that the alarms were set to inhibit,
19 sir, was because Transocean was afraid of
20 waking people up; isn't that true, sir?

Page 32:22 to 33:20

00032:22 A. Same answer.
23 Q. (BY MR. BICKFORD) Sir, you're
24 aware of the International Safety Management
25 Code, are you not, sir?
00033:01 A. Same answer.
02 Q. And, in fact, Transocean
03 provides in its own handbook and explanation
04 of the International Safety Management Codes;
05 is that correct?
06 A. Same answer.
07 Q. And that book is provided to you
08 as the Master of the vessel; is it not?
09 A. Same answer.
10 Q. And the international safety
11 codes specifically state that a company
12 should identify potential emergency shipboard
13 situations and establish procedures to
14 respond to them, isn't that correct?
15 A. Same answer.
16 Q. And, in fact, Transocean had not
17 identified a severe well blowout as a
18 emergency shipboard situation and had not
19 established procedures to respond to that; is
20 that correct?

Page 33:22 to 34:04

00033:22 A. Same answer.
23 Q. (BY MR. BICKFORD) And
24 Transocean also under the -- Transocean also
25 under the safety -- International Safety
00034:01 Management Code had an obligation to
02 establish programs for drills and exercises
03 to prepare for emergency situations; did they
04 not?

Page 34:06 to 34:11

00034:06 A. Same answer.
07 Q. (BY MR. BICKFORD) And
08 Transocean did not establish any programs to
09 anticipate a severe well blowout with copious
10 amounts of gas produced, combustible gas
11 produced, did they?

Page 34:13 to 34:18

00034:13 A. Same answer.
14 Q. (BY MR. BICKFORD) And
15 Transocean did not establish drills or
16 exercise to prepare for the situation of a
17 severe well blowout with copious gas --
18 amounts of gas produced, did they?

Page 34:20 to 35:02

00034:20 A. Same answer.
21 Q. (BY MR. BICKFORD) The
22 International Safety Management Codes also
23 provide that the companies should provide a
24 safety management system so that it can
25 respond to hazards, accidents, and
00035:01 emergencies involving its ships; is that
02 true, sir?

Page 35:04 to 35:09

00035:04 A. Same answer.
05 Q. (BY MR. BICKFORD) And, sir, in
06 this particular case Transocean had no
07 contingency plan to deal with a severe well
08 blowout situation where copious amounts of
09 combustible gas were produced, did they?

Page 35:11 to 35:18

00035:11 A. Same answer.
12 Q. (BY MR. BICKFORD) In short,
13 sir, there was no specific training given to
14 you as the Master or the dynamic positioning
15 officers, operators on the Deepwater Horizon
16 to anticipate or respond to a well control
17 event of the magnitude which occurred on
18 April 20th, 2010; is that correct?

Page 35:20 to 35:22

00035:20 A. Same answer.
21 Q. (BY MR. BICKFORD) There were no

22 programs and there were no drills, correct?

Page 35:24 to 36:03

00035:24 A. Same answer.
25 Q. (BY MR. BICKFORD) And that was
00036:01 not only true of the Deepwater Horizon; that
02 was true of all MODUs in the Transocean
03 fleet; is that correct?

Page 36:05 to 36:18

00036:05 A. Same answer.
06 Q. (BY MR. BICKFORD) Now,
07 specifically, sir, you were never trained by
08 Kongsberg at the Kongsberg training school in
09 the use of the Simrad alarm fire and gas
10 safety systems and the emergency shutdown
11 systems that were on board the Deepwater
12 Horizon; is that correct?
13 A. Same answer.
14 Q. You never attended that course
15 at the Kongsberg school; is that correct?
16 A. Same answer.
17 Q. And the officials of Transocean
18 knew that that course existed, didn't they?

Page 36:20 to 37:05

00036:20 A. Same answer.
21 Q. (BY MR. BICKFORD) And you as a
22 Master knew that that course existed, didn't
23 you?
24 A. Same answer.
25 Q. And it was your obligation to
00037:01 know that the course involving the use of the
02 Conrad fire -- the Kongsberg fire and gas
03 safety systems on board the Deepwater Horizon
04 existed and was available to employees on the
05 Deepwater Horizon; is that correct?

Page 37:07 to 37:12

00037:07 A. Same answer.
08 Q. (BY MR. BICKFORD) And the
09 dynamic positioning operators on board the
10 Deepwater Horizon at the time of the
11 April 20th, 2010 explosion had never taken a
12 course either, is that correct?

Page 37:14 to 37:18

00037:14 A. Same answer.
15 Q. (BY MR. BICKFORD) And it was
16 your obligation to know what training courses
17 they had taken as masters of the vessel; is
18 that correct?

Page 37:20 to 37:23

00037:20 A. Same answer.
21 Q. And there is a -- an individual
22 charged with that responsibility as well
23 onshore with Transocean; is that correct?

Page 37:25 to 37:25

00037:25 A. Same answer.

Page 40:19 to 40:20

00040:19 Q. When you saw mud spewing from
20 the rig you panicked, didn't you, sir?

Page 40:22 to 40:25

00040:22 A. And same answer.
23 Q. (BY MR. BICKFORD) And, sir, you
24 failed to activate the emergency shutdown
25 system at that time, didn't you?

Page 41:02 to 41:05

00041:02 A. Same answer.
03 Q. (BY MR. BICKFORD) And you
04 failed to operate -- failed to initiate a
05 emergency disconnect, didn't you?

Page 41:07 to 41:22

00041:07 A. Same answer.
08 Q. (BY MR. BICKFORD) And, in fact,
09 Chris Pleasant from subsea actually activated
10 the emergency shutdown system without you
11 knowing it, didn't he, sir?
12 A. Same answer.
13 Q. In fact, by the time you got
14 around to ordering that the emergency
15 disconnect system be activated Chris Pleasant
16 had already done that; isn't that correct,
17 sir?
18 A. Same answer.
19 Q. In fact, Captain, there were no
20 training scenarios offered to you by

21 Deepwater Horizon as to when to operate the
22 emergency disconnect system, were there?

Page 41:24 to 42:10

00041:24 A. Same answer.
25 Q. (BY MR. BICKFORD) And, in fact,
00042:01 you were not sent to any schools where there
02 were training scenarios of a well blowout in
03 which you were trained to operate the
04 emergency disconnect system, was there?
05 A. Same answer.
06 Q. And, in fact, none of the
07 dynamic positioning operators on board the
08 Deepwater Horizon received training as to
09 when and how to operate the emergency
10 disconnect system; is that true?

Page 42:12 to 42:17

00042:12 A. Same answer.
13 Q. (BY MR. BICKFORD) And, in fact,
14 the dynamic positioning operators on board
15 the Deepwater Horizon were not given the
16 authority to operate the emergency disconnect
17 system; is that correct?

Page 42:19 to 42:19

00042:19 A. Same answer.

Page 47:25 to 48:17

00047:25 Q. (BY MR. BICKFORD) What I've
00048:01 marked as Exhibit 3749, sir, is the Bridge
02 Procedure Guide to the Deepwater Horizon; is
03 that correct, sir?
04 A. Same answer.
05 Q. You're familiar with this
06 document, sir?
07 A. Same answer.
08 Q. You're specifically familiar
09 with Page No. -- and it's Bates-stamped
10 00533228, which is the fire and gas safety
11 system section of the bridge procedure
12 manual?
13 A. Same answer.
14 Q. And the dynamic positioning
15 operators on board the Deepwater Horizon were
16 supposed to be familiar with this document;
17 is that correct?

Page 48:19 to 48:22

00048:19 A. Same answer.
20 Q. (BY MR. BICKFORD) And it was
21 your duty to ensure that they were familiar
22 with this document, sir; is that correct?

Page 48:24 to 48:24

00048:24 A. Same answer.

Page 53:06 to 53:17

00053:06 Q. I know you began your tour as
07 captain of the Deepwater Horizon in June of
08 2008; is that correct?
09 A. Same answer.
10 Q. At the time you took over as
11 captain, did the vessel have a rig mana- --
12 the vessel had a rig management system; did
13 it not?
14 A. Same answer.
15 Q. And that rig management system
16 did not actually fit the conditions on the
17 Deepwater Horizon; isn't that correct?

Page 53:19 to 54:03

00053:19 A. Same answer.
20 Q. (BY MS. HIMMELHOCH) And, in
21 fact, the rig management system included some
22 equipment that was not actually present on
23 the Deepwater Horizon; isn't that correct?
24 A. Same answer.
25 Q. And the rig management system
00054:01 didn't address some of the equipment that
02 actually was on the Deepwater Horizon; isn't
03 that correct?

Page 54:05 to 54:12

00054:05 A. Same answer.
06 Q. (BY MS. HIMMELHOCH) It's true,
07 is it not, that between June 2008 and
08 April 20th, 2010, no one from the Transocean
09 off-rig operations came on board to do a top
10 to bottom, port to starboard audit or
11 inspection of the vessel Deepwater Horizon;
12 isn't that correct?

Page 54:14 to 54:18

00054:14 A. Same answer.
15 Q. (BY MS. HIMMELHOCH) As Master
16 of the vessel, you're responsible for the
17 safety of the vessel, including inspections
18 and certifications; isn't that correct?

Page 54:20 to 54:20

00054:20 A. Same answer.

Page 54:23 to 57:07

00054:23 Weekly and announced safety
24 drills were conducted on every Sunday between
25 June 2008 -- June -- sorry, I've had too much
00055:01 caffeine. Let me start that one more time.
02 Weekly announced safety drills
03 were conducted on the rig every Sunday
04 between June 2008 and April 20th, 2010; isn't
05 that correct?
06 A. Same answer.
07 Q. It's fair to say, however, that
08 you did not conduct any unannounced safety
09 drills during the time period between June
10 2008 and April 20th, 2010; isn't that
11 correct?
12 A. Same answer.
13 Q. During the course of your
14 lifeboat drills, you did not ever require a
15 lifeboat to be loaded to its full capacity;
16 isn't that correct?
17 A. Same answer.
18 Q. And you also never required a
19 lifeboat to be loaded and lowered to the
20 water; isn't that correct?
21 A. Same answer.
22 Q. Between June -- June 2008 and
23 April 20th, 2010, the crew never conducted a
24 drill in which after muster the crew loaded
25 the lifeboat in the required three minutes;
00056:01 isn't that true?
02 A. Same answer.
03 Q. And not everyone on board
04 participated in the scheduled safety drills;
05 isn't that correct?
06 A. Same answer.
07 Q. On April 20th, 2010, you had
08 just arrived back on board after traveling
09 from Baltimore; isn't that correct?
10 A. Same answer.
11 Q. And you arrived in the vessel
12 that afternoon, correct?
13 A. Same answer.
14 Q. At the time you arrived, the rig

15 had been behind schedule for 45 days; isn't
 16 that correct?
 17 A. Same answer.
 18 Q. After you arrived, you went to
 19 meet the corporate visitors from Transocean
 20 and BP; isn't that correct?
 21 A. Same answer.
 22 Q. And you took them on a tour of
 23 the entire vessel; did you not?
 24 A. Same answer.
 25 Q. Immediately preceding the
 00057:01 explosion, you were on the bridge with the
 02 corporate visitors; isn't that correct?
 03 A. Same answer.
 04 Q. And they were using a simulator
 05 to see -- see what it felt like to drive the
 06 vessel; isn't that correct?
 07 A. Same answer.

Page 57:12 to 57:15

00057:12 Q. (BY MS. HIMMELHOCH) You had
 13 characterized it as playing a video game in
 14 your testimony before the joint investigation
 15 team; did you not?

Page 57:18 to 58:04

00057:18 A. Same answer.
 19 Q. (BY MS. HIMMELHOCH) You first
 20 realized there was an emergency on the board
 21 at approximately 9:30 p.m.; is that correct?
 22 A. Same answer.
 23 Q. And shortly after that, alarms
 24 went off; is that correct?
 25 A. Same answer.
 00058:01 Q. You did not initially order
 02 anyone to activate the emergency disconnect
 03 system, or EDS, did you?
 04 A. Same answer.

Page 58:06 to 58:23

00058:06 Q. (BY MS. HIMMELHOCH) You did not
 07 issue the order to activate the EDS until
 08 2156; is that correct?
 09 A. Same answer.
 10 Q. And you did not issue the order
 11 to activate the EDS until the OIM came onto
 12 the bridge; is that correct?
 13 A. Same answer.
 14 Q. And that was only after you were
 15 asked by several individuals whether they

16 should activate the EDS; is that correct?
 17 MR. ALEXANDER: Objection.
 18 A. Same answer.
 19 Q. (BY MS. HIMMELHOCH) And that
 20 was only after Chris Pleasant had actually
 21 tried to activate the EDS; isn't that
 22 correct?
 23 A. Same answer.

Page 59:01 to 59:23

00059:01 You are not trained in the
 02 operation of the EDS; is that correct?
 03 A. Same answer.
 04 Q. You do not know whether all the
 05 steps necessary to activate the EDS were
 06 taken; isn't that correct?
 07 A. Same answer.
 08 Q. It was your decision whether to
 09 continue fighting the fire or abandon the
 10 ship; is that correct?
 11 A. Same answer.
 12 Q. And you made the decision to
 13 abandon ship when you had no power to run the
 14 fire pumps; isn't that correct?
 15 A. Same answer.
 16 Q. During the event you were asked
 17 whether to start up the stand-by generator;
 18 isn't that correct?
 19 A. Same answer.
 20 Q. And you responded by asking what
 21 the stand-by generator actually powered;
 22 isn't that correct?
 23 A. Same answer.

Page 61:04 to 62:14

00061:04 Q. Good morning, Captain Kuchta.
 05 My name is Don Haycraft, and I represent BP.
 06 If at any point I ask you a question and you
 07 don't fully understand it, will you tell me?
 08 A. Yes.
 09 Q. Okay. I'm going to show you
 10 what I've just marked as Exhibit 3751, ask
 11 you to take a look at that. Is that your
 12 captain's license?
 13 A. Yes.
 14 Q. Okay. This document was
 15 produced to me last night, and I noticed on
 16 the document that it has an issuance date of
 17 May 4, 2010. Do you see that, sir?
 18 A. Yes.
 19 Q. Did you have a captain's license
 20 on April the 20th, 2010?

21 A. Same answer.
 22 Q. That is, you're invoking your
 23 right to the Fifth Amendment protection
 24 against self-incrimination?
 25 A. Same answer.
 00062:01 Q. Okay. Let me ask you this: Did
 02 you have a captain's license called Masters
 03 unlimited tonnage issued by the United States
 04 Coast Guard on April 20th, 2010?
 05 A. Same answer.
 06 Q. Isn't it true, Captain Kuchta,
 07 that your marine education taught you that
 08 there can be only one captain on a ship?
 09 A. Same answer.
 10 Q. Isn't it true, Captain, that
 11 there was confusion on the Deepwater Horizon
 12 about who was in charge when the events
 13 started happening in the evening on that
 14 night?

Page 62:16 to 62:20

00062:16 A. Same answer.
 17 Q. (BY MR. HAYCRAFT) Isn't it true
 18 that the command to EDS occurred only after
 19 Jimmy Harrell, the OIM, arrived on the
 20 bridge?

Page 63:03 to 64:04

00063:03 A. Same answer.
 04 Q. Isn't it true that you told
 05 Chris Pleasant to, quote, calm down. We're
 06 not EDSing, question mark, end quote?
 07 A. Same answer.
 08 Q. Isn't it true that you didn't
 09 know how to activate the EDS?
 10 A. Same answer.
 11 Q. Isn't it true that your
 12 employer, Transocean, chose to have the OIM
 13 and Master as separate positions on board the
 14 Deepwater Horizon?
 15 A. Same answer.
 16 Q. Isn't it true, sir, that
 17 after -- that in your experience, other
 18 drilling contractors drilling offshore have
 19 the OIM and Master as the same person?
 20 A. Same answer.
 21 Q. In other words, on other
 22 drilling vessels operated by other drilling
 23 contractors, the OIM and Master are a
 24 combined position?
 25 A. Same answer.
 00064:01 Q. Isn't it true that the

02 Transocean imposed dual command structure led
03 to confusion on the bridge on the night of
04 April 20, 2010?

Page 64:06 to 64:06

00064:06 A. Same answer.

Page 64:15 to 64:18

00064:15 Q. (BY MR. HAYCRAFT) Isn't it true
16 that confusion over command caused a delay in
17 the response on the bridge of the Deepwater
18 Horizon?

Page 64:20 to 64:23

00064:20 A. Same answer.
21 Q. (BY MR. HAYCRAFT) Isn't it true
22 that delay and that reaction caused crew
23 members to die?

Page 64:25 to 65:02

00064:25 A. Same answer.
00065:01 Q. (BY MR. HAYCRAFT) Isn't it true
02 that a timely EDS might have saved the rig?

Page 65:04 to 65:07

00065:04 A. Same answer.
05 Q. (BY MR. HAYCRAFT) Isn't it true
06 that a timely EDS might have prevented the
07 oil spill?

Page 65:10 to 65:12

00065:10 A. Same answer.
11 Q. (BY MR. HAYCRAFT) Isn't it true
12 that a timely EDS might have saved lives?

Page 65:24 to 68:02

00065:24 Q. (BY MR. HAYCRAFT) Well, then
25 let me ask this: Had you read the ISM code
00066:01 prior to the evening of April 20th, 2010?
02 A. Same answer.
03 Q. I'm going to show you what has
04 been previously marked as Deposition
05 Exhibit 938. Could you take a look at that,
06 please, sir?

07 Were you familiar with that ISM
08 code on the night of April 20th, 2010?
09 A. Same answer.
10 Q. Isn't it true that the
11 Transocean training history that's been
12 marked in the deposition record now as
13 Exhibit 3747 and is at tab 3 of the binder I
14 placed in front of you, that your training
15 history only shows a course in safety
16 management system training in January 20 --
17 excuse me, January 2002?
18 A. Same answer.
19 Q. Isn't it true that your training
20 record, Exhibit 3747, shows no training in
21 the ISM code?
22 A. Same answer.
23 Q. Isn't it true that your training
24 history reflected in Exhibit 3747 shows no
25 well control school certifications?
00067:01 A. Same answer.
02 Q. Isn't it true that you were a --
03 denominated a power user of the Kongsberg
04 Simrad fire and gas emergency shutdown
05 systems in place aboard the Deepwater Horizon
06 on April 20, 2010?
07 A. Same answer.
08 Q. Isn't it true that as a power
09 user, you had access to the system such that
10 you could place the system in inhibit mode or
11 portions of the system in the inhibit mode?
12 A. Same answer.
13 Q. Isn't it true that either the
14 United States Coast Guard or the Republic of
15 the Marshall Islands are considering whether
16 to take an action against your captain's
17 license?
18 A. Same answer.
19 Q. I'm going to direct your
20 attention to what's been marked as
21 Exhibit 30 -- excuse me, as Exhibit 3744.
22 And if you'll turn to tab 4 in your binder,
23 you'll see that -- that we have a copy of
24 your transcript from the Marine Board of
25 Investigation hearing on the morning of
00068:01 May 27th, 2010. Do you see that, sir?
02 A. Same answer.

Page 69:23 to 70:01

00069:23 Q. (BY MR. HAYCRAFT) Isn't it true
24 that you testified at the MBI testimony -- in
25 your MBI testimony that you never varied the
00070:01 time for emergency drills?

Page 70:03 to 70:05

00070:03 A. Same answer.
04 Q. (BY MR. HAYCRAFT) You had them
05 the same time every Sunday morning?

Page 70:07 to 70:12

00070:07 A. Same answer.
08 Q. (BY MR. HAYCRAFT) And that your
09 only training in the safety management
10 systems offered or required by Transocean was
11 a PowerPoint that Transocean management sent
12 to you from the office ashore?

Page 70:14 to 70:24

00070:14 A. Same answer.
15 Q. (BY MR. HAYCRAFT) I direct your
16 attention to Page 167 of the MBI testimony.
17 The question was asked on
18 Line 7, Page 167, "Among those individuals on
19 board the vessel, did you feel any kind of
20 pressure concerning the job at hand,
21 including the drilling project?"
22 Your answer at Line 11 was,
23 "None whatsoever."
24 Did I read that accurately?

Page 71:01 to 71:04

00071:01 A. Same answer.
02 Q. (BY MR. HAYCRAFT) Were you
03 sworn to tell -- tell the truth when you gave
04 that answer?

Page 71:06 to 71:14

00071:06 A. Same answer.
07 Q. (BY MR. HAYCRAFT) Turn to the -
08 same page. Follow along with me, Line 15.
09 "During the course of your tour
10 of the vessel and various meetings were you
11 aware of any disagreements between Transocean
12 personnel and BP representatives?"
13 Your answer at Line 19 was, "I
14 was not."

Page 71:16 to 71:17

00071:16 Q. (BY MR. HAYCRAFT) Did I read
17 that accurately?

Page 71:19 to 72:05

00071:19 A. Same answer.
 20 Q. (BY MR. HAYCRAFT) I turn your
 21 attention to Page 199 of your MBI testimony.
 22 Question at Line 15 of Page 199, okay.
 23 "Do you recall high gas alarms
 24 going off, sir?"
 25 Your answer, Line 17, was,
 00072:01 "Yes."
 02 Question at Line 18, "Did you
 03 write that it was approximately 2130?"
 04 Your answer was, "Yes."
 05 Did I read that accurately?

Page 72:07 to 72:20

00072:07 A. Same answer.
 08 Q. (BY MR. HAYCRAFT) And, now,
 09 look at Page 204 through 205. I'm going to
 10 read from Line 20 through the bottom of the
 11 page and then on to the top of Page 205.
 12 "Are you trained to activate the
 13 EDS yourself?"
 14 Answer at Line 22, "No."
 15 Question, "Is that the OIM?"
 16 Answer at Line 24, "Yes."
 17 "And the subsea engineer?"
 18 Your answer at Line 1, Page 205
 19 was, "Yes."
 20 Did I read that accurately?

Page 72:22 to 72:22

00072:22 A. Same answer.

Page 73:06 to 73:06

00073:06 from. So that'll be Exhibit 3752.

Page 73:11 to 73:20

00073:11 Q. (BY MR. HAYCRAFT) I'm going to
 12 show you what I'm going to mark as the next
 13 numbered exhibit, 3753, documents that have
 14 been produced by Transocean in -- in
 15 connection with production of documents
 16 relative to your licensing. Pages that
 17 appear to be the STCW endorsement from the
 18 Republic of the Marshall Islands and ask you
 19 if that's correct, if my understanding is

20 correct?

Page 73:23 to 74:02

00073:23 Q. (BY MR. HAYCRAFT) The question
 24 is is that your license -- your endorsement,
 25 your STCW endorsement from the Republic of
 00074:01 the Marshall Islands?
 02 A. Same answer.

Page 74:04 to 74:09

00074:04 Q. (BY MR. HAYCRAFT) Isn't it true
 05 that the Kongsberg Simrad gas detection
 06 safety system failed to operate in a manner
 07 that would shut down the engines as an
 08 ignition source on the Deepwater Horizon on
 09 the evening of April 20, 2010?

Page 74:11 to 74:19

00074:11 Q. (BY MR. HAYCRAFT) You can
 12 answer the question.
 13 A. Same answer.
 14 Q. Isn't it true that both the
 15 mechanical and the electrical engine
 16 overspeed prevention devices failed to shut
 17 down the engines as an -- as an ignition
 18 source when the engines' RPM exceeded
 19 15 percent above 720 RPM?

Page 74:21 to 75:05

00074:21 A. Same answer.
 22 Q. (BY MR. HAYCRAFT) And you
 23 understand that 720 R -- RPM is the standard
 24 operating speed of the Wartsila engines
 25 aboard the Deepwater Horizon?
 00075:01 A. Same answer.
 02 Q. Isn't it true that the
 03 Transocean crew failed to divert the flow to
 04 the overboard diverters and instead let the
 05 flow go to the mud gas separator?

Page 75:07 to 75:14

00075:07 A. Same answer.
 08 Q. (BY MR. HAYCRAFT) Isn't it true
 09 that the EDS failed to dis- -- disconnect the
 10 LMRP from the lower BOP stack?
 11 A. Same answer.
 12 Q. Isn't it true that the blind

13 shear rams failed to shear the pipe and seal
14 the well?

Page 75:17 to 75:22

00075:17 A. Same answer.
18 Q. (BY MR. HAYCRAFT) Isn't it true
19 that the blue pod batteries in the FCM for
20 the BOP lacked sufficient charge to activate
21 the blue pod solenoid to engage the AMF
22 dead -- deadman function of the BOP?

Page 75:24 to 76:03

00075:24 A. Same answer.
25 Q. (BY MR. HAYCRAFT) Isn't it true
00076:01 that the yellow pod solenoid, 103Y, failed to
02 function properly so that it could not engage
03 the AMF deadman function of the BOP?

Page 76:05 to 76:14

00076:05 A. Same answer.
06 Q. (BY MR. HAYCRAFT) Isn't it true
07 that the BOP as part of the vessel's
08 equipment needed to perform its function as a
09 drilling vessel?
10 A. Same answer.
11 Q. Isn't it true that on the
12 evening of April 20, 2010, your ship,
13 Deepwater Horizon, was not fit for its
14 intended purpose?

Page 76:16 to 76:19

00076:16 A. Same answer.
17 Q. (BY MR. HAYCRAFT) Isn't it true
18 that on April 20, 2010, your ship, Deepwater
19 Horizon, wasn't seaworthy?

Page 76:21 to 76:24

00076:21 A. Same answer.
22 Q. (BY MR. HAYCRAFT) Isn't it true
23 that the captain is ultimately responsible
24 for the safety of his ship under his command?

Page 77:01 to 77:04

00077:01 A. Same answer.
02 Q. (BY MR. HAYCRAFT) Isn't it true
03 that the buck stopped with you,

04 Captain Kuchta?

Page 77:06 to 77:19

00077:06 A. Same answer.
 07 Q. (BY MR. HAYCRAFT) Isn't it true
 08 that you or your officers failed to sound the
 09 general alarm on the Deepwater Horizon on the
 10 evening of April 20, 2010?
 11 A. Same answer.
 12 Q. Isn't it true the failure to
 13 sound the alarms violates standards of good
 14 seamanship?
 15 A. Same answer.
 16 Q. Isn't it true that failure to
 17 sound alarms may have increased the death or
 18 injury toll aboard the Deepwater Horizon that
 19 night?

Page 77:22 to 78:02

00077:22 A. Same answer.
 23 Q. (BY MR. HAYCRAFT) Isn't it true
 24 that the failure to sound the gen- -- general
 25 alarm may have increased the severity of
 00078:01 engine -- injuries sustained by some crew
 02 members aboard the Deepwater Horizon?

Page 78:05 to 78:10

00078:05 A. Same answer.
 06 Q. (BY MR. HAYCRAFT) Isn't it true
 07 that as captain of the Deepwater Horizon, you
 08 are ultimately responsible for the safety of
 09 your crew?
 10 A. Same answer.

Page 78:18 to 79:02

00078:18 Isn't it true that you told
 19 Chris -- Chris Pleasant, the subsea engineer,
 20 not to activate the EDS, but to calm down?
 21 A. Same answer.
 22 Q. Isn't it true you don't know how
 23 to activate the EDS?
 24 A. Same answer.
 25 Q. Isn't it true that Transocean
 00079:01 never trained you to perform EDS?
 02 A. Same answer.

Page 79:10 to 82:15

00079:10 Q. (BY MR. HAYCRAFT) I'm going to
11 turn your attention to tab 1 of the binder.
12 We're going to mark this as the next numbered
13 exhibit. It will be Exhibit 3754. And I'm
14 going to get the Bates number identification,
15 TRN-INV-00928663 through and including
16 TRN-INV-00928671.

17 And if you would take a look
18 first at the second-to-last page, which is
19 that page. And I'm going to read out loud
20 the introduction to the Deepwater Horizon
21 Emergency Response Manual, DWH-H --
22 DWH-HSE-PR-001, Section 1, issued
23 February 15th, 2008, Revision No. 2.

24 Introduction, The Offshore
25 Emergency Response Manual describes the
00080:01 duties and responsibilities for specific
02 emergency situations. The manual does not
03 give detailed instructions for each crew
04 member and is intended to provide -- to
05 provide a guide as to the actions to be
06 taken. The offshore -- excuse me. The
07 Onshore Emergency Response Manual gives
08 details of the support organization provided
09 by the Division office in the event of an
10 emergency situation arising offshore.

11 First question, did I read that
12 accurately?

13 A. Same answer.

14 Q. Okay. And then if you'll turn
15 to the -- the next page, you'll see what
16 appears to be an organization chart. If you
17 could hold that up for the video camera.

18 A. (Witness complies.)

19 Q. Okay. And the -- the label on
20 this page is "Deepwater Horizon Emergency
21 Response Manual, DWH-HSE-PR-001."

22 And do you see who's at the top
23 of the organization chart for the Deepwater
24 Horizon?

25 A. Same answer.

00081:01 Q. Okay. There is a black box with
02 boxes underneath it, and that black box has
03 the initials "OIM" in it; does it not?

04 A. Same answer.

05 Q. And if you look over to the
06 black box to the left underneath the OIM box,
07 you see the word "Master"?

08 A. Same answer.

09 Q. Okay. You understood that
10 aboard the Deepwater Horizon, you, the
11 captain of the Deepwater Horizon, were in a
12 chain of command in which you reported to the
13 OIM; isn't that true?

14 A. Same answer.

15 Q. And if you'll turn to tab 5,
 16 which has been marked as Exhibit 3749 in this
 17 deposition record, I'm going to ask if you
 18 would read the -- the quotation marked
 19 "Anonymous" below the picture of the
 20 Deepwater Horizon on that document that's
 21 entitled "Deepwater Horizon Bridge Procedures
 22 Guide." Can you do that, sir?
 23 A. Same answer.
 24 Q. Okay. Well, I'll read it out
 25 loud for you.
 00082:01 "A DP operator often lives with
 02 hours upon hours of tedious boredom
 03 interspersed at rare and infrequent intervals
 04 by moments of emergency," period, end quote.
 05 And the quote is described as
 06 anonymous? Does that accurately describe the
 07 role of the DP operator aboard a vessel like
 08 the Deepwater Horizon?
 09 A. Same answer.
 10 Q. That is, a dynamically
 11 positioned vessel?
 12 A. Same answer.
 13 Q. And you would agree, sir, that
 14 when dynamically positioned, the Deepwater
 15 Horizon is a vessel underway, correct?

Page 82:17 to 82:22

00082:17 A. Same answer.
 18 Q. (BY MR. HAYCRAFT) And you would
 19 agree that the Deepwater Horizon while
 20 dynamically positioned in one place, while
 21 not underway, while not making way, is
 22 nevertheless underway, correct?

Page 82:24 to 85:10

00082:24 A. Same answer.
 25 Q. (BY MR. HAYCRAFT) Did you as
 00083:01 Master make sure your marine crew was
 02 familiar with the Deepwater Horizon Bridge
 03 Procedures Guide?
 04 A. Same answer.
 05 Q. Did you as captain ensure that
 06 your marine crew was aware of the emergency
 07 shutdown devices aboard the Deepwater
 08 Horizon?
 09 A. Same answer.
 10 Q. Did you as captain make sure
 11 your marine crew was -- was familiar with the
 12 Kongsberg fire and gas detection system?
 13 A. Same answer.
 14 Q. Did you as captain ensure that

15 your marine crew was trained and knew how to
 16 react to gas alarms being sounded or gas
 17 alarm lights being lit?
 18 A. Same answer.
 19 Q. Did you as captain on board the
 20 Deepwater Horizon understand that anytime the
 21 drillers is -- are in the hole, that a kick
 22 is a possibility?
 23 A. Same answer.
 24 Q. And that anytime the drillers
 25 are in the hole, they should operate as if a
 00084:01 kick was just ahead?
 02 A. Same answer.
 03 Q. Were you aware as captain of the
 04 Deepwater Horizon in its drilling mode that
 05 the driller's key responsibility included
 06 constant and continuous monitoring of the
 07 well?
 08 A. Same answer.
 09 Q. And were you aware as captain of
 10 the Deepwater Horizon that the driller was
 11 responsible for early detection of kicks so
 12 that they did not grow into a blowout?
 13 A. Same answer.
 14 Q. If you'll turn to the last tab,
 15 tab 6, which is identified as "Operations
 16 Manual - Deepwater Horizon." Take a look at
 17 this, if you would, please. We'll mark this
 18 as the next numbered exhibit, 3755.
 19 Isn't it true, sir, that on
 20 Deepwater Horizon, the Transocean dual
 21 command system required that the captain was
 22 the person in charge when the Deepwater
 23 Horizon was moving from Point A to Point B?
 24 A. Same answer.
 25 Q. And isn't it true that that same
 00085:01 organizational structure imposed by
 02 Transocean required that the OIM be the
 03 person in charge when the vessel was latched
 04 on in a drilling operation?
 05 A. Same answer.
 06 Q. And isn't it true that on the
 07 night of April 20, 2010, some people aboard
 08 the Deepwater Horizon believe that the
 09 captain took command in an emergency
 10 situation?

Page 85:12 to 85:17

00085:12 A. Same answer.
 13 Q. (BY MR. HAYCRAFT) And isn't it
 14 true that on the night of April the 20th,
 15 some crew members believed that unless the
 16 vessel unlatched, the OIM remained the person
 17 in charge?

Page 85:20 to 85:20

00085:20 A. Same answer.

Page 86:02 to 86:10

00086:02 Q. (BY MR. HAYCRAFT) Based on your
03 being present on the bridge during the
04 situation that evolved on the night of April
05 the 20th, 2010, isn't it true that some
06 people on the bridge believed, including
07 yourself, that because the vessel did not
08 unlatch during the EDS sequence, that the OIM
09 remained the person in charge?
10 A. Same answer.

Page 86:15 to 86:21

00086:15 Q. (BY MR. HAYCRAFT) I'm going to
16 direct your attention to the ISM copy -- ISM
17 Code -- rather the ISM/ISPS MODU Handbook,
18 which has previously been marked as
19 Exhibit 939 in the deposition record. Do you
20 recognize that document, sir?
21 A. Same answer.

Page 86:25 to 87:05

00086:25 Q. Isn't it true that that was the
00087:01 document aboard the Deepwater Horizon that
02 translated the ISM code into Transocean
03 language so that the crew member -- the
04 marine crew members would understand the ISM
05 code?

Page 87:08 to 87:24

00087:08 Q. (BY MR. HAYCRAFT) And I'm going
09 to direct your attention to what's been Bates
10 marked in that document as TRN-MDL-00033226,
11 revision date December 19th, 2008, and it's
12 also identified on that page as Page 8 of 57,
13 and ask you to take a look at that, sir.
14 A. Same answer.
15 Q. Okay. And my question for you
16 to respond to is, isn't it true that that
17 document translates Article or Section 5 of
18 the ISM code to allow Transocean to have the
19 OIM be the overall person in charge when the
20 vessel is engaged in its industrial function,
21 and that the Master only becomes the person

22 in charge when the vessel is moving from
23 location to location?
24 A. Same answer.

Page 88:11 to 89:20

00088:11 Q. (BY MR. HAYCRAFT) You would
12 agree with me, sir, that that document before
13 you in the section that I just referenced
14 places the person in charge responsibility
15 upon the OIM when the vessel is engaged in
16 drilling operations?
17 A. Same answer.
18 Q. And that same document at that
19 same section places the captain or Master in
20 charge when the vessel is underway, correct?
21 A. Same answer.
22 Q. And just for the Judge's
23 benefit, I'm going to read it out loud so
24 that he doesn't have to refer to the exhibit
25 itself.

00089:01 Transocean administration aboard
02 the MODU are as follows: A, the Master is
03 the overall responsible person on the MODU
04 when it is underway and, slash, or moving to
05 another location.

06 And then reading from B, The
07 offshore installation manager, paren, OIM,
08 end paren, is the overall person -- excuse
09 me, is the overall responsible person for the
10 day-to-day operation of the MODU while it is
11 drilling and therefore must work with the
12 Master in ensuring safety practices and
13 environmental protections are followed since
14 most of the personnel on the MODU work under
15 his charge. He is also charged with ensuring
16 the implementation of safety policy and
17 procedures.

18 My question simply is did I read
19 that accurately?
20 A. Same answer.

Page 91:04 to 91:08

00091:04 Q. Also looking at what's been
05 marked as Exhibit 3751, which you've
06 identified as your Master -- your merchant
07 marine credential as a Master Mariner; is
08 that correct?

Page 91:10 to 92:10

00091:10 A. Yes.

11 Q. (BY MR. VON STERNBERG) Okay.
 12 This was effective as of January 2010 is what
 13 I understood your testimony to be; is that
 14 right?
 15 A. Same answer.
 16 Q. Okay. Prior to this merchant
 17 marine document, did you have any other U.S.
 18 Coast Guard licenses?
 19 A. Same answer.
 20 Q. Prior to this Master Mariner
 21 document did you have any licenses where you
 22 were employed by someone other than
 23 Transocean?
 24 A. Same answer.
 25 Q. Has all your maritime experience
 00092:01 been on a drilling vessel?
 02 A. Same answer.
 03 Q. Since you're taking the Fifth
 04 Amendment in this deposition, and I don't
 05 want any communications between you and your
 06 counsel, do you personally understand the
 07 effect in reference to the adverse inferences
 08 of the questions that you are refusing to
 09 answer?
 10 A. Same answer.

Page 92:15 to 94:09

00092:15 You were in charge of the vessel
 16 on April 20th, 2010, as Master; is that
 17 correct?
 18 A. Same answer.
 19 Q. The OIM, however, was
 20 responsible for drilling operations; is that
 21 correct?
 22 A. Same answer.
 23 Q. You would not have had any input
 24 into how the well was monitored; is that
 25 correct?
 00093:01 A. Same answer.
 02 Q. You would not have any input
 03 into how the well was cemented; is that
 04 correct?
 05 A. Same answer.
 06 Q. You would not have any personal
 07 criticisms of either Sperry Sun individuals
 08 or Halliburton individuals that were on board
 09 the vessel?
 10 A. Same answer.
 11 Q. Have you received training in
 12 emergency response?
 13 A. Same answer.
 14 Q. Have you received training in
 15 major emergency management?
 16 A. Same answer.

17 Q. Did you, in fact, advise
18 Mr. Harrell that he should not EDS the
19 vessel?

20 A. Same answer.

21 Q. Now, there are two different
22 systems that are emergency systems on the
23 vessel. There is the emergency disconnect
24 system which disconnects the vessel from the
25 riser -- or from the BOP; is that correct?

00094:01 A. Same answer.

02 Q. And there is also an emergency
03 shutdown system which would shut down the
04 mechanical engines, generators, things on the
05 vessel, if gas is detected; is that correct?

06 A. Same answer.

07 Q. Neither of those systems worked
08 or were initiated on April 20th of 2010; is
09 that correct?

Page 94:11 to 94:11

00094:11 A. Same answer.

Page 94:25 to 95:05

00094:25 Q. Were you aware as captain of the
00095:01 vessel that the drilling operations were
02 behind schedule such that you needed to move
03 off as soon as possible to get to another
04 well, the Nile well?

05 A. Same answer.

Page 95:13 to 95:20

00095:13 Q. Did you recall that in April of
14 2010 prior to the explosion, a company called
15 ModuSpec did an investigation of the
16 maintenance issues on board the vessel?

17 A. Same answer.

18 Q. You as captain of the vessel are
19 responsible for the maintenance issues; are
20 you not?

Page 95:22 to 96:01

00095:22 A. Same answer.

23 Q. (BY MR. VON STERNBERG) You as
24 captain of the vessel are responsible for
25 maintaining all the impertinences of the

00096:01 vessel; are you not?

Page 96:03 to 96:06

00096:03 A. Same answer.
04 Q. (BY MR. VON STERNBERG) The
05 blowout preventer was, in your mind, an
06 impertinences to the vessel; was it not?

Page 96:08 to 96:13

00096:08 A. Same answer.
09 Q. (BY MR. VON STERNBERG) Are you
10 aware that the ModuSpec auditors found
11 several maintenance issues that were beyond
12 when they should have been dealt with by the
13 vessel?

Page 96:15 to 97:07

00096:15 A. Same answer.
16 Q. (BY MR. VON STERNBERG) Did you
17 have knowledge as captain that the BOP
18 bonnets and bodies may have been out of
19 certification?
20 A. Same answer.
21 Q. You as captain, did you have
22 knowledge that some of the deck cranes were
23 in need of major repair?
24 A. Same answer.
25 Q. Were you aware that ModuSpec had
00097:01 found some corroded cable trays located at
02 the galley at the lifeboat deck?
03 A. Same answer.
04 Q. Were you as captain aware that
05 ModuSpec found two portable gas detectors
06 that were in disrepair?
07 A. Same answer.

Page 98:02 to 98:24

00098:02 Q. Once latched up to the BOP
03 through the riser the Deepwater Horizon was
04 as stationary as technologically possible;
05 was it not?
06 A. Same answer.
07 Q. Even after the power to the --
08 to the rig went out the rig didn't float away
09 because it was held in place by the riser,
10 correct?
11 A. Same answer.
12 Q. When hooked up to the BOP via
13 the riser, the Deepwater Horizon is
14 temporarily attached to the seabed for the
15 purposes of producing minerals; is it not?
16 A. Same answer.
17 Q. Normal vessels do not have

18 risers, do they?
 19 A. Same answer.
 20 Q. And when it was latched up,
 21 command transferred to the OIM as the oil and
 22 gas professional because that was the focus
 23 of the Deepwater Horizon at that time; was it
 24 not?

Page 99:01 to 99:21

00099:01 A. Same answer.
 02 Q. (BY MR. GANUCHEAU) The mission
 03 was not to transport or move the vessel, but
 04 it was to stand -- instead to explore for
 05 minerals; was it not?
 06 A. Same answer.
 07 Q. Okay. You first realized
 08 something was wrong when you saw mud over the
 09 side of the vessel when you were looking in
 10 the water out the port side window, isn't
 11 that correct?
 12 A. Same answer.
 13 Q. And then you went to the
 14 starboard side and saw fluid coming out of
 15 the converter, correct?
 16 A. Same answer.
 17 Q. However, at that time no alarms
 18 were coming off, isn't that correct?
 19 A. Same answer.
 20 Q. So the well was blowing out and
 21 you were not aware of it; is that true?

Page 99:23 to 100:02

00099:23 A. Same answer.
 024 Q. (BY MR. GANUCHEAU) You
 25 testified before the MBI that you conferred
 00100:01 with Jim and told Chris to activate the EDS
 02 at roughly 21:56; is that correct?

Page 100:05 to 100:08

00100:05 A. Same answer.
 006 Q. (BY MR. GANUCHEAU) And your
 07 testify before the MBI was honest and
 08 truthful; was it not?

Page 100:11 to 101:01

00100:11 A. Same answer.
 12 Q. (BY MR. GANUCHEAU) And the
 13 order to activate the EDS system did not come
 14 until after power was lost, there was an

15 explosion, and there was a fire; isn't that
16 correct?
17 A. Same answer.
18 Q. And you understand, do you not,
19 sir that your attempt -- the attempt to
20 activate the EDS system came 15 minutes after
21 the mud, gas, and hydrocarbons had reached
22 the rig floor, correct?
23 A. Same answer.
24 Q. And this was well over an hour
25 after the well had started flowing, you know
00101:01 that, don't you, correct?

Page 101:03 to 102:22

00101:03 A. Same answer.
04 Q. (BY MR. GANUCHEAU) And you're
05 aware that the OIM was actually in the shower
06 at the time of the explosion and had to come
07 up to the bridge before you even made a
08 decision to activate the EDS; isn't that
09 correct?
10 A. Same answer.
11 Q. And you're not trained to
12 activate the EDS, are you?
13 A. Same answer.
14 Q. The OIM is, isn't he?
15 A. Same answer.
16 Q. And you had to wait for the OIM
17 before activating the EDS; isn't that
18 correct?
19 A. Same answer.
20 Q. And you don't know whether
21 the -- all the buttons necessary to activate
22 the EDS were actually pushed, do you?
23 A. Same answer.
24 Q. Chris Pleasant was on the bridge
25 and went to the panel in order to activate
00102:01 the EDS; did he not?
02 A. Same answer.
03 Q. And you advised Mr. Pleasant to
04 calm down and not hit the EDS; isn't that
05 correct?
06 A. Same answer.
07 Q. You told him that you were not
08 going to get off the well and not to hit the
09 EDS button; isn't that correct?
10 A. Same answer.
11 Q. It's true, is it not, you were
12 not authorized to EDS until Mr. Harrell
13 appeared on the bridge; isn't that correct?
14 A. Same answer.
15 Q. And he did not appear on the
16 bridge until after the explosions; isn't that
17 correct?

18 A. Same answer.
 19 Q. Isn't it true that Daun Winslow
 20 instructed you to EDS and that you refused to
 21 EDS until after you had approval from the
 22 company man?

Page 102:24 to 104:24

00102:24 A. Same answer.
 25 Q. (BY MR. GANUCHEAU) You're not
 00103:01 familiar with the BOP equipment that was used
 02 on the Deepwater Horizon or the Macondo well,
 03 are you, sir?
 04 A. Same answer.
 05 Q. You don't have any complaints or
 06 criticisms about the blowout preventer that
 07 was being used on the Deepwater Horizon or
 08 Macondo on April 20th, do you?
 09 A. Same answer.
 10 Q. You have no personal knowledge
 11 regarding the design or manufacture of the
 12 blowout preventer on the riser, do you?
 13 A. Same answer.
 14 Q. No personal knowledge, no --
 15 excuse me, no personal experience working
 16 with BOPs, do you?
 17 A. Same answer.
 18 Q. And you have no knowledge
 19 regarding the maintenance of the blowout
 20 preventer on board the Deepwater Horizon, do
 21 you?
 22 A. Same answer.
 23 Q. You never designed, operated, or
 24 tested a blowout preventer, have you?
 25 A. Same answer.
 00104:01 Q. You didn't play any part in the
 02 investigation of the blowout preventer, did
 03 you?
 04 A. Same answer.
 05 Q. You're not a drilling engineer,
 06 mechanical engineer, or petroleum engineer,
 07 are you, sir?
 08 A. Same answer.
 09 Q. You have never attended well
 10 control school, have you?
 11 A. Same answer.
 12 Q. And you're not an expert on
 13 BOPs, are you?
 14 A. Same answer.
 15 Q. And you have no personal
 16 knowledge regarding the performance of the
 17 BOP on the Horizon on the night in question,
 18 do you?
 19 A. Same answer.
 20 Q. And you have no personal

21 knowledge of what the crew did or did not do
22 with respect to the operation of the blowout
23 preventer on April 20th, do you?
24 A. Same answer.