

**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**
*
* **JUDGE BARBIER**
* **MAGISTRATE SHUSHAN**

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**ALL PARTIES OBJECTIONS TO DEPOSITION DESIGNATIONS OF
BRIAN MOREL**

<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>			
7	17	7	21	BP	Relevance, Prejudice, 5th Amendment	
8	9	8	11	BP	Relevance, Prejudice, 5th Amendment	
8	24	9	10	BP	Relevance, Prejudice, 5th Amendment	
9	13	9	22	BP	Relevance, Prejudice, 5th Amendment	
9	23	10	5	BP	Relevance, Prejudice, 5th Amendment, Inadmissible by Statute	
10	6	10	17	BP	Relevance, Prejudice, 5th Amendment	
11	6	11	21	BP	Relevance, Prejudice, 5th Amendment	
11	25	14	8	BP	Relevance, Prejudice, 5th Amendment	
14	12	17	13	BP	Relevance, Prejudice, 5th Amendment	
17	19	19	5	BP	Relevance, Prejudice, 5th Amendment	
19	14	21	6	BP	Relevance, Prejudice, 5th Amendment	
21	10	26	2	BP	Relevance, Prejudice, 5th Amendment	
26	11	43	11	BP	Relevance, Prejudice, 5th Amendment	

38	4	38	8	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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38	10	38	10	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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39	17	39	20	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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41	4	41	9	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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41	11	41	11	M-I		
43	16	44	6	BP	Relevance, Prejudice, 5th Amendment	
44	10	53	23	BP	Relevance, Prejudice, 5th Amendment	
55	11	56	10	BP	Relevance, Prejudice, 5th Amendment	
56	14	66	13	BP	Relevance, Prejudice, 5th Amendment	
66	24	72	23	BP	Relevance, Prejudice, 5th Amendment	

67	5	67	10	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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67	12	67	15	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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67	24	68	4	HESI	<p>Speculation; foundation; hearsay; improper opinion; calls for a legal conclusion: Witness was questioned as to a primary cause of the blowout. Question assumes facts not supported by the record is an improper hypothetical and therefore lacks foundation and calls for speculation. Calls for a legal conclusion beyond the scope of the witness' knowledge and experience.</p>	
73	5	81	10	BP	Relevance, Prejudice, 5th Amendment	
82	1	84	14	BP	Relevance, Prejudice, 5th Amendment	
83	17	83	23	HESI	<p>Speculation, foundation; hearsay: Witness was questioned whether he had concerns as to the ability of the cementing specialist from HESI. Question assumes facts not supported by the record and therefore lacks</p>	

					foundation and calls for speculation.	
85	4	87	20	BP	Relevance, Prejudice, 5th Amendment	
87	23	91	6	BP	Relevance, Prejudice, 5th Amendment	
90	7	90	15	HESI	Speculation; foundation, vague and ambiguous: Witness was questioned whether he knew that some tests were either not completed or cancelled. Question assumes facts not supported by the record is an improper hypothetical and therefore lacks foundation and calls for speculation.	
90	16	90	24	HESI	Speculation; foundation; improper opinion; calls for a legal conclusion: Witness was questioned as to a cause of the blowout. Question assumes facts not supported by the record is an improper hypothetical and therefore lacks foundation and calls for speculation. Calls for a legal conclusion beyond the scope of the witness' knowledge and experience.	
90	25	91	8	HESI	Speculation; foundation; improper opinion; calls for a legal conclusion: Witness was questioned as to a cause of the blowout. Question assumes facts not supported by the record is an improper hypothetical and therefore lacks foundation and calls for speculation. Calls for a legal conclusion beyond the scope of the witness' knowledge and experience.	
91	17	92	19	BP	Relevance, Prejudice, 5th Amendment	
91	17	91	23	HESI	Speculation; foundation; improper opinion; calls for a legal conclusion: Witness was questioned as to a cause of the blowout. Question assumes facts not supported by the record is an improper hypothetical and therefore lacks foundation and calls for speculation. Calls for a legal conclusion beyond the scope of the witness' knowledge and experience.	
93	15	113	17	BP	Relevance, Prejudice, 5th Amendment	

109	25	110	11	HESI	Speculation; foundation; improper opinion; calls for a legal conclusion: Witness was questioned as to "best and safest" cementing practices. Question assumes facts not supported by the record is an improper hypothetical and therefore lacks foundation and calls for speculation. Calls for a legal conclusion beyond the scope of the witness' knowledge and experience.	
114	9	120	11	BP	Relevance, Prejudice, 5th Amendment	
121	6	121	18	BP	Relevance, Prejudice, 5th Amendment	
121	6	121	18	HESI	Speculation; foundation: Witness was questioned (twice) whether he advised Transocean regarding "stability" tests or lack thereof. Question assumes facts not supported by the record is an improper hypothetical and therefore lacks foundation and calls for speculation.	
121	25	123	4	BP	Relevance, Prejudice, 5th Amendment	
123	9	128	9	BP	Relevance, Prejudice, 5th Amendment	
125	9	125	11	M-I	This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See FDIC v. Fid. & Deposit Co. of Md., 45 F.3d 969, 977-78 (5th Cir. 1995); see also LiBuitti v. United States, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See State Farm Life Ins. Co. v. Gutterman, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-	

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126	1	126	8	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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126	11	126	13	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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126	23	126	25	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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127	2	127	2	M-I		
129	10	136	22	BP	Relevance, Prejudice, 5th Amendment	

131	16	131	18	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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131	20	131	20	M-I		
138	24	145	3	BP	Relevance, Prejudice, 5th Amendment	
145	18	149	17	BP	Relevance, Prejudice, 5th Amendment	
150	6	159	14	BP	Relevance, Prejudice, 5th Amendment	
159	18	161	11	BP	Relevance, Prejudice, 5th Amendment	
161	15	171	13	BP	Relevance, Prejudice, 5th Amendment	
171	21	179	18	BP	Relevance, Prejudice, 5th Amendment	

177	25	178	3	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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178	6	178	9	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
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178	11	178	11	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
179	23	182	14	BP	Relevance, Prejudice, 5th Amendment	
182	24	211	3	BP	Relevance, Prejudice, 5th Amendment	

186	12	186	15	M-I	<p>This testimony should be stricken as not relevant under Federal Rule of Evidence 402. See Fed. R. Evid. 402. Additionally, no adverse inference should be imputed against M-I for this witness' invocation of the Fifth Amendment because this witness (1) is not a current or former employee of M-I, (2) was not under M-I's control, and (3) does not have compatible interests with M-I in this litigation. See <i>FDIC v. Fid. & Deposit Co. of Md.</i>, 45 F.3d 969, 977-78 (5th Cir. 1995); see also <i>LiBuitti v. United States</i>, 107 F.3d 110, 123 (2nd Cir. 1997). Furthermore, there is no independent evidence to corroborate this adverse inference against M-I. See <i>State Farm Life Ins. Co. v. Gutterman</i>, 896 F.2d 116, 119 n.3 (5th Cir. 1990). Finally, imputing an adverse inference from this unaffiliated, third-party witness to M-I would be significantly more prejudicial than probative under Federal Rule of Evidence 403. See Fed. R. Evid. 403.</p>	
198	19	198	24	HESI	<p>Speculation; foundation; hearsay: Witness was questioned whether he knew the opinions of the Bly Report relating to causation. Question assumes facts not supported by the record is an improper hypothetical, calls for a hearsay answer, and therefore lacks foundation and calls for speculation.</p>	
211	17	214	1	BP	Relevance, Prejudice, 5th Amendment	
214	10	226	5	BP	Relevance, Prejudice, 5th Amendment	
226	17	227	12	BP	Relevance, Prejudice, 5th Amendment	
227	21	233	20	BP	Relevance, Prejudice, 5th Amendment	
235	3	237	6	BP	Relevance, Prejudice, 5th Amendment	