

**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  
MICAH SANDELL**

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<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>			
14	9	14	23	BP	Inadmissible by Statute; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
14	9	14	23	Transocean	Question incorporates inadmissible JIT testimony (46 U.S.C. § 6308; Dkt. No. 5448). No adverse inference against Transocean should be drawn.	
15	25	16	10	BP	Inadmissible by Statute; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
15	25	16	10	Transocean	Question incorporates inadmissible JIT testimony (46 U.S.C. § 6308; Dkt. No. 5448). No adverse inference against Transocean should be drawn.	
16	14	16	23	BP	Inadmissible by Statute; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	

16	14	16	23	Transocean	Question incorporates inadmissible JIT testimony (46 U.S.C. § 6308; Dkt. No. 5448). No adverse inference against Transocean should be drawn.	
18	5	18	8	Transocean	Lacks foundation (Fed. R. Evid. 602). No adverse inference against Transocean should be drawn.	
18	14	18	24	BP	FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Misstates the Record; Argumentative	
19	23	21	2	Transocean	Lacks foundation (Fed. R. Evid. 602); hearsay (Fed. R. Evid. 802). No adverse inference against Transocean should be drawn.	
21	16	21	22	Transocean	Lacks foundation (Fed. R. Evid. 602); hearsay (Fed. R. Evid. 802). No adverse inference against Transocean should be drawn.	
22	5	22	23	Transocean	Lacks foundation (Fed. R. Evid. 602); hearsay (Fed. R. Evid. 802). No adverse inference against Transocean should be drawn.	
23	4	23	16	Transocean	Lacks foundation (Fed. R. Evid. 602); hearsay (Fed. R. Evid. 802); incorporates inadmissible JIT testimony (46 U.S.C. § 6308; Dkt. No. 5448). No adverse inference against Transocean should be drawn.	
23	22	24	16	Transocean	Lacks foundation (Fed. R. Evid. 602); hearsay (Fed. R. Evid. 802). No adverse inference against Transocean should be drawn.	
25	13	26	1	BP	Inadmissible by Statute; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth	

					Amendment	
25	17	26	1	Transocean	Question incorporates inadmissible JIT testimony (46 U.S.C. § 6308; Dkt. No. 5448). No adverse inference against Transocean should be drawn.	
28	13	29	10	BP	Relevance; FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
31	7	32	6	Transocean	Calls for speculation; Lacks foundation (Fed. R. Evid. 602). No adverse inference against Transocean should be drawn.	
31	25	32	8	HESI	Lack of foundation, speculation: The witness was asked to confirm that the mudloggers could contact him on the crane radio and order the crane to stop operating. In response to this, he pled the Fifth Amendment. There is no foundation in the record to suggest that the mudloggers even had a means of contacting a crane operator, let alone that they could order the crane to shut down. The question, therefore, necessarily lacks foundation and calls for speculation.	
32	10	33	6	Transocean	Hearsay (Fed. R. Evid. 802). No Adverse Inference Should be Drawn.	
42	3	42	11	Transocean	Hearsay (Fed. R. Evid. 802). No adverse inference against Transocean should be drawn.	
46	10	48	8	Transocean	Lacks foundation (Fed. R. Evid. 602); hearsay (Fed. R. Evid. 802). Exhibit 2337 is also objectionable for the same reasons. No adverse inference against Transocean should be drawn.	

48	2	48	10	HESI	Lack of foundation, speculation: The witness was asked to confirm that a mudlogger would be aware of any crane operations being conducted. In response, the witness pled the Fifth. As this witness would obviously have no means of knowing what a mudlogger would or would not be aware of, the question, therefore, necessarily lacks foundation and calls for speculation.	
52	10	52	12	Transocean	Calls for speculation; lacks foundation (Fed. R. Evid. 602). No adverse inference against Transocean should be drawn.	
52	21	52	25	Transocean	Calls for speculation; lacks foundation (Fed. R. Evid. 602). No adverse inference against Transocean should be drawn.	
53	18	53	24	Transocean	Calls for speculation; lacks foundation (Fed. R. Evid. 602). No adverse inference against Transocean should be drawn.	
54	1	54	18	Transocean	Question incorporates inadmissible JIT testimony (46 U.S.C. § 6308; Dkt. No. 5448). No adverse inference against Transocean should be drawn.	

65	19	66	1	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. &amp; 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>	
65	24	66	4	BP	<p>FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Vague; Misstates the Record</p>	
65	24	66	4	Transocean	<p>Calls for speculation; lacks foundation; vague (Fed. R. Evid. 602). No adverse inference against Transocean should be drawn.</p>	

					<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. &amp; 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>	
66	4	66	8	M-I		
66	6	66	10	BP	<p>FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment</p>	

66	11	66	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. &amp; 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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66	18	66	25	M-I		
67	18	68	23	BP	<p>FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Misstates the Record; Argumentative</p>	
67	18	68	7	Transocean	<p>Calls for speculation; lacks foundation (Fed. R. Evid. 602). No adverse inference against Transocean should be drawn.</p>	
77	15	77	21	BP	<p>FRE 602; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment; Misstates the Record</p>	



78	18	78	24	BP	FRE 602; FRE 702; Testimony not admissible against BP for any purpose based on the witness's invocation of the Fifth Amendment	
85	17	88	3	Transocean	Lacks foundation (Fed. R. Evid. 602). No adverse inference against Transocean should be drawn.	