

**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**

**This Document Relates to:
Nos. 10-2179; 10-4536**

*
*
*
*
*
*
*
*
*

MDL No. 2179

**SECTION “J”
JUDGE BARBIER**

**MAGISTRATE NO. 1
MAGISTRATE SHUSHAN**

* * * * *

**ANADARKO’S GENERAL OBJECTIONS TO ALL DEPOSITION DESIGNATIONS
AND ITS CONTINGENT COUNTER-DESIGNATIONS FROM THE TRANSCRIPT OF
MICHAEL BEIRNE**

Anadarko Petroleum Corporation (“Anadarko”) objects to any party’s offering or designation of testimony, opinions and/or exhibits not relevant to any of the factors that are to be considered in the Penalty Phase trial and/or that pertain to matters that already have been decided by the Court (*e.g.*, causation, fault), that already have been established in prior proceedings (*e.g.*, Anadarko’s procurement of an interest in the Macondo lease and execution of the Macondo Operating Agreement), that violate that Court’s Orders excluding certain evidence (*e.g.*, the Order on Anadarko’s Motion in *Limine*), and/or that conflict with Stipulations and Stipulated Orders entered by the Court, including testimony, opinions, exhibits and/or other evidence regarding the following subject matters¹:

1. Testimony and/or exhibits regarding Anadarko’s alleged role in connection with the Macondo Well, including but not limited to its alleged rights, duties and responsibilities, if any, in connection therewith;
2. Testimony and/or exhibits regarding what Anadarko allegedly knew, or could or should have known regarding the Macondo Well before the blow-out, explosion and fire on April 20, 2010 and the sinking of the rig on

¹ See also Anadarko’s Motion to Enforce Court’s Order Excluding Culpability Evidence Against Anadarko, filed November 7, 2014 (Rec. Doc. 13633).

April 22, 2010 (“the Incident”), and Anadarko’s alleged response thereto, including but not limited to all internal and external communications regarding the Macondo Well prior to and including April 22, 2010;

3. Testimony and/or exhibits regarding the types of information to which Anadarko purportedly had access with respect to the Macondo Well and the drilling and temporary abandonment operations thereon, or the alleged influence Anadarko could have had or input it allegedly could or should have provided with respect to operations at the Macondo Well before the Incident;
4. Testimony and/or exhibits regarding analyses pertaining to potential for hydrocarbon discovery at Macondo, possible yield or production at Macondo, possible profitability if Macondo was a discovery, or economic or other risk associated with Macondo;
5. Testimony and/or exhibits regarding the potential cause(s) of the Incident, drilling and related operations, and discussions and decisions regarding the foregoing, before and at the time of the Incident; and
6. Anadarko’s acquisition of an interest in the Macondo lease, Anadarko’s “due diligence” regarding BP, Anadarko’s bid for the Macondo lease, the value of assets exchanged for the interest in the Macondo lease, the value of the Macondo lease interest, or Anadarko E&P’s assignment to Anadarko Petroleum Corp. of the former’s 22.5% interest in the Macondo Lease.

Evidence of the foregoing nature:

- (A). is generally irrelevant to the Penalty Phase trial scheduled to begin on January 20, 2014;
- (B). is duplicative of established and undisputed facts in prior phases;
- (C). is precluded by the Court’s March 21, 2014 Order on Anadarko’s Motion in *Limine* (Rec. Doc. 12592);
- (D). is precluded by the Court’s September 4, 2014 Findings of Fact and Conclusions of Law, Phase One Trial (Rec. Doc. 13355) wherein causation, allocation of fault and degree of culpability were determined; and/or
- (E). violates the March 1, 2012 Stipulated Order entered by the Court (Rec. Doc. 5930) pursuant to which Anadarko and the United States agreed that, for purposes of the United States’ Clean Water Act claim:

- (i). Anadarko would be treated as holder of the full 25% interest in the lease notwithstanding that its wholly-owned subsidiary, Anadarko E&P, initially had owned a 22.5% interest and Anadarko had owned only a 2.5% interest in the lease; and
- (ii). The United States would not pursue any Clean Water Act claim(s) against Anadarko E&P in this proceeding.

To the extent that Anadarko provides affirmative designations, counter-designations or rebuttal designations of any deposition testimony regarding the foregoing subject matters, such designations are contingent on, subject to, and without waiver of Anadarko's general objections described above, and such designations will be withdrawn if a meet and confer results in withdrawal by other parties of opinions, deposition designations or other testimony and exhibits of the nature described above, or if the Court deems other parties' testimony, opinions, exhibits and designations of the nature described above to be inadmissible and excluded as Anadarko contends should be the case.

Respectfully submitted,

DATED: November 17, 2014

BINGHAM McCUTCHEN LLP

/s/ Ky E. Kirby

Ky E. Kirby
ky.kirby@bingham.com
Thomas Lotterman
tom.lotterman@bingham.com
Bingham McCutchen LLP
2020 K Street, NW
Washington, DC 20006-1806
Telephone (202) 373-6000
Facsimile (202) 373-6001

James J. Dragna
jim.dragna@bingham.com
Bingham McCutchen LLP
355 South Grand Avenue
Suite 4400
Los Angeles, California 90071-3106
Telephone (213) 680-6436
Facsimile (213) 680-8636

**KUCHLER POLK SCHELL
WEINER & RICHESON, LLC**

Deborah D. Kuchler, T.A. (La. Bar No. 17013)

dkuchler@kuchlerpolk.com

Janika Polk (La. Bar No. 27608)

jpolk@kuchlerpolk.com

Robert Guidry (La. Bar No. 28064)

rguidry@kuchlerpolk.com

1615 Poydras Street, Suite 1300

New Orleans, LA 70112

Telephone (504) 592-0691

Facsimile (504) 592-0696

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing *Anadarko's General Objections To All Deposition Designations And Its Contingent Designations From The Transcript Of Michael Beirne* has been served on All Counsel by electronically uploading the same to the Lexis Nexis File & Serve in accordance with Pre-trial Order No. 12 on this 17th day of November, 2014.

/s/ Ky E. Kirby

Ky E. Kirby