

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 : MDL No. 2179
: SECTION: J
: JUDGE BARBIER
This Document Relates To: All Actions : MAGISTRATE SHUSHAN
: :

**THE BP PARTIES' RESPONSES AND OBJECTIONS TO
PLAINTIFFS' INTERROGATORIES, REQUESTS FOR
PRODUCTION, AND REQUESTS FOR ADMISSION**

Defendants BP America Inc. ("BPA"), BP America Production Company ("BPAP"), and BP Exploration & Production Inc. ("BPXP") (collectively, "the BP Parties"), by their undersigned Counsel, and, pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure, hereby submit the following responses and objections to plaintiffs' Interrogatories, Requests for Production, and Requests for Admission.

SPECIFIC RESPONSES AND OBJECTIONS

The BP Parties respond as follows to plaintiffs' specific interrogatories, requests for production, and requests for admission, subject to and without waiving their general objections, each and every one of which are specifically incorporated into each individual response below.¹

INTERROGATORY NO. 1:

Please describe in detail the general chain of command and organizational structure for the Deepwater Horizon during the relevant time period, beginning with the lowest ranking person aboard the rig, up to and through the highest ranking person on-shore.

¹ The BP Parties' general objections are set forth at pages 370-382.

subject to further discussions with plaintiffs regarding the scope and manner of production of ROV footage and the appropriate allocation of the cost of such production.

To the extent plaintiffs' request seeks additional documents, the BP Parties object on the grounds that it is overbroad, unreasonable, unduly burdensome, and seeks information not relevant to the claims or defenses of any party.

INTERROGATORY NO. 16:

Please identify any person who was on the Investigation Team referenced in the report released by BP, dated September 8, 2010, or who participated in the investigation referenced in the report released by BP, dated September 8, 2010, or participated in or was involved with the selection, appointment, or assignment of (a) the Investigation Team referenced in the report released by BP, dated September 8, 2010; or (b) any other person who participated in the investigation referenced in the report released by BP, dated September 8, 2010; or (c) any person who drafted, participated in drafting, editing, or reviewing the report released by BP, dated September 8, 2010, or any part thereof, before the report was released.

RESPONSE TO INTERROGATORY NO. 16:

The BP Parties object to this interrogatory on the grounds that plaintiffs' use of the terms "participated" and "reviewed" are undefined, vague, and ambiguous in that it potentially calls for the identification of persons whose "involvement" was irrelevant to the claims or defenses of any party.

Subject to their specific and general objections, the BP Parties state as follows:

The following persons were members of the IIT:

Mark Bly

Tony Brock

Kent Corser

Steve Robinson

Fereidoun Abbassian

Dave Wall

Jim Cowie

Walter Guillot
Paul Hanson
Mike Payne
Graham MacNeillie
Norman Wong
Mark Worsley
Ted Judice
David Lansdell
James Wetherbee
Ray Fleming
Tony Emmerson
Phier Hoffer
Tim Allen
Vern Buzarde
Jijun Lin
Patrick Caldera
Forrest, Shanks
Per Holland
James McAdams
Rune Lien
Einar Mjelstad
Andy Garnett
Lei Zhou
Fikry Botros
Nikolaos Politis
George Shoup
Fred Forman
Ralph Linenberger
Margaret Buckley
Paul Dias
Gavin Starling

Hugh Elkins
Matt Lucas
Rex Anderson
Brian Martin
Kevin Fontenot
Warren Winters
Steve Renter
Torben Knudsen
Jim McKay
Allen Pere
Phillip Pattillo
John Wright
Ray Oskarsen
Morton Emilsen
Samuel DeFranco
Gilliam Cowlam
Tom Rodante
Cheryl Grounds
Kevin Szafron
Nihal Guler Qyadur
Ralph Eguren
Pat O'Connor
Michela Gentile
Farah Saidi
Jim O'Brien
Bronwyn Pagram
Wendy Goodman
Rodney Hossein

The following persons also participated in the IIT's investigation:

CSI Laboratories

Fred Sabins, and staff working under his direction.

Interek Westport Laboratories

Edmund Shtepani

Stephanie Heard

And staff working under their direction.

Stress Engineering

Kenneth Young

Atul Ganpatye

Kenneth Bhalla

Lixin Gong

Andreas Katsounas

Randy Long

And staff working under their direction.

Technical Writers

John Wiggin

Peggy Krohn

John Kane

Rhonda Cavender

Laurie Braaten

Dawn Magnan

Blake Matthews

Abigail Heller

Bill Gregory

Sarah Wilson

Elizabeth Brogan

John Parker

Daniel Parker

Christian Strain

David Tubbs

Wendi Broberg

Graphics and Animation

Jean-Claude Lega

Edward Lai

Jerry Falgout

Justin Evans

Stephanie Hillendahl

Rashtri Kissoon

Legal Support

James Lucari

Mike Nash

Becky Raftery

Michael Daneker

Matthew Douglas

Barbara Thorn

Kimberly Teweleit

Theresa Denson

Eloise Blackman

Information Technology

Lynette Lukenbaugh

Cassandra Thomas

Angela Barnickle

Donna Loffman

Karen Murray

David Korkmas

Krissy Longwood

Pradeep Kalliat
Michael Wedell
Debra Hurst
Emily Whitwell
Oronde Creal
Nikola Sumarev

Administrative Support

Donna Simoneaux
Diane Barton

The following persons participated in or were involved with the selection, appointment, or assignment of the IIT: The President of BP Exploration & Production Inc. requested that Mark Bly, Group Head of Safety & Operation lead the IIT. Former BP p.l.c. CEO Tony Hayward was also involved in the selection of Mark Bly to lead the investigation. Mr. Bly requested the assistance of Tony Brock, Steve Robinson, Kent Corser, Dave Wall, Graham MacNeillie, and Fereidoun Abbassian to lead particular segments of the investigation. Messrs. Bly, Brock, Robinson, Corser, Wall, MacNeillie, and Abbassian were involved with the selection, appointment, or assignment of the IIT. Further pursuant to the established terms of reference, James Lucari was assigned to provide legal advice and counsel to Mr. Bly in his role as IIT lead. Mr. Lucari, and other legal professionals working with Mr. Lucari, assisted Messrs Bly, Brock, Robinson, Corser, Wall, MacNeillie, and Abbassian in the process of retaining those members of the IIT who were not BP employees.

The following persons participated in or were involved with the selection, appointment, or assignment of other persons to the IIT: James Lucari was involved with the selection, appointment or assignment of legal staff; Bronwyn Pagram was involved with the selection, appointment, or assignment of technical writers, graphics and animation assistance, and

information technology assistance; and Barbara Thorn was involved with the selection, appointment, or assignment of certain information technology assistance.

To the extent plaintiffs' interrogatory seeks additional information, the BP Parties object on the grounds that it is overbroad, unreasonable, unduly burdensome, and seeks information not relevant to the claims or defenses of any party.

REQUEST FOR PRODUCTION NO. 33:

Please produce any documents or communications relating to the selection, appointment, or assignment of (a) the Investigation Team referenced in the report released by BP, dated September 8, 2010; or (b) any person who participated in the investigation referenced in the report released by BP, dated September 8, 2010; or (c) any person who participated in drafting, editing, or reviewing the report released by BP, dated September 8, 2010, or any part thereof, before the report was released.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

The BP Parties object to this request on the grounds that plaintiffs' use of the terms "participated" and "reviewed" are undefined, vague, and ambiguous in that they potentially call for the production of documents irrelevant to the claims or defenses of any party.

Subject to their specific and general objections, the BP Parties will conduct a reasonable search of non-privileged documents for documents reflecting the selection, appointment, or assignment of IIT members and the contractors or vendors that assisted the IIT, and will produce responsive documents identified as a result of that search.

To the extent plaintiffs' request seeks additional documents, the BP Parties object on the grounds that it is overbroad, unreasonable, unduly burdensome, and seeks information not relevant to the claims or defenses of any party.

interviewees identified in the BP Parties' response to Interrogatory No. 14, and will produce responsive documents identified as a result of that search.

To the extent plaintiffs' request seeks additional documents, the BP Parties object on the grounds that it is overbroad, unreasonable, unduly burdensome, and seeks information not relevant to the claims or defenses of any party.

INTERROGATORY NO. 18:

Please identify any person that supports, refutes, or has any knowledge or information concerning the following statements in the report released by BP, dated September 8, 2010:

- (a) "The annulus cement barrier did not isolate the hydrocarbons;"
- (b) "The shoe track barriers did not isolate the hydrocarbons;"
- (c) "The negative-pressure test was accepted although well integrity had not been established;"
- (d) "Influx was not recognized until hydrocarbons were in the riser;"
- (e) "Well control response actions failed to regain control of the well;"
- (f) "Diversion to the mud gas separator resulted in gas venting onto the rig;
- (g) "The fire and gas system did not prevent hydrocarbon ignition;" and
- (h) "The BOP emergency mode did not seal the well."

RESPONSE TO INTERROGATORY NO. 18:

The BP Parties object to this interrogatory on the grounds that it is unduly burdensome in that it asks the BP Parties to identify every person who agrees with, disagrees with, or has any

information whatsoever concerning the statements identified above, regardless of whether those persons are the authors of such statements, were aware of such statements before the September 8, 2010 Report was released, or were even consulted by the IIT prior to drafting the September 8, 2010 Report.

Subject to their specific and general objections, the BP Parties identify the following persons as primarily responsible for the presentation of the information reflected in the sections of the September 8, 2010 Report that contain the statements listed:

Mark Bly and Tony Brock with regard to the statements set forth in (a) through (h) below.

(a) "The annulus cement barrier did not isolate the hydrocarbons":

Kent Corser

Warren Winters

Steve Renter

Torben Knudsen

Jim McKay

Allen Pere

Phillip Pattillo

John Wright

Ray Oskarsen

Morton Emilsen

Fred Sabins

(b) "The shoe track barriers did not isolate the hydrocarbons": The persons identified in subpart (a) above and Stress Engineering, Inc. may also have knowledge or information concerning this statement.

(c) "The negative-pressure test was accepted although well integrity had not been established":

Steve Robinson

Jim Cowie

Walter Guillot

Paul Hanson

Mike Payne

In addition, Intertek Laboratories may have knowledge or information concerning this statement.

(d) "Influx was not recognized until hydrocarbons were in the riser": The persons identified in subpart (c) above.

(e) "Well control response actions failed to regain control of the well": The persons identified in subpart (c) above.

(f) "Diversion to the mud gas separator resulted in gas venting onto the rig":

Dave Wall

Samuel DeFranco

Gilliam Cowlam

Tom Rodante

Cheryl Grounds

Kevin Szafron

Nihal Guler Qyadur

Ralph Eguren

Pat O'Connor

Michela Gentile

Farah Saidi

In addition, Baker Risk Engineering, Inc. may have knowledge or information concerning this statement.

(g) "The fire and gas system did not prevent hydrocarbon ignition": The persons or entities identified in subpart (f).

(h) "The BOP emergency mode did not seal the well":

Fereidoun Abbassian

Graham MacNeillie

Norman Wong

Mark Worsley

Ted Judice

David Lansdell

James Wetherbee

Ray Fleming

Tony Emmerson

Phier Hoffer

Tim Allen

Vern Buzarde

Jijun Lin

Patrick Caldera

Forrest, Shanks

Per Holland

James McAdams

Rune Lien

Einar Mjelstad

Andy Garnett

Lei Zhou

Fikry Botros

Nikolaos Politis

George Shoup

Fred Forman

Ralph Linenberger

Margaret Buckley

Paul Dias

Gavin Starling

Hugh Elkins

In addition, the persons interviewed by the IIT as set forth in the BP Parties' response to Interrogatory No. 17 may have knowledge or information concerning these statements.

To the extent plaintiffs' interrogatory seeks additional information, the BP Parties object on the grounds that it is overbroad, unreasonable, unduly burdensome, and seeks information not relevant to the claims or defenses of any party.

REQUEST FOR PRODUCTION NO. 42:

Please produce any documents that support or refute the following statements in the report released by BP, dated September 8, 2010:

- (a) "The annulus cement barrier did not isolate the hydrocarbons;"
- (b) "The shoe track barriers did not isolate the hydrocarbons;"
- (c) "The negative-pressure test was accepted although well integrity had not been established;"
- (d) "Influx was not recognized until hydrocarbons were in the riser;"
- (e) "Well control response actions failed to regain control of the well;"
- (f) "Diversion to the mud gas separator resulted in gas venting onto the rig;
- (g) "The fire and gas system did not prevent hydrocarbon ignition;" and
- (h) "The BOP emergency mode did not seal the well."

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

The BP Parties object to this request on the grounds that it is unreasonable and unduly burdensome to ask the BP Parties to search for and determine which documents support and

VERIFICATION

I, Bill Kirton, an officer of BP America Inc., BP America Production Company, and BP Exploration & Production Inc., having undertaken a reasonable inquiry under the circumstances into the process by which the foregoing responses to interrogatories were compiled, hereby certify, under penalty of perjury, that, to the best of my knowledge, information, and belief, the foregoing responses to interrogatories accurately reflect the information available to BP America Inc., BP America Production Company, and BP Exploration & Production Inc. as specified therein.

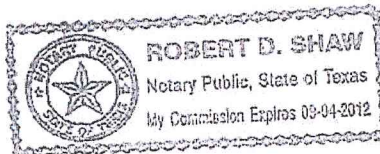
Bill Kirton

State of Texas :
 :
County of Harris :

ss.

Sworn and ascribed to before me
this 8th day of December, 2010

Robert D. Shaw
Notary Public



Dated: December 8, 2010

Respectfully submitted,

AS TO RESPONSES TO INTERROGATORIES

By: /s/ Bill Kirton

BP America Inc.
501 Westlake Park Blvd.
Houston, Texas 77079

*BP America Inc., BP America Production
Company, and BP Exploration & Production Inc.*

**AS TO OBJECTIONS AND TO RESPONSES
TO REQUESTS FOR DOCUMENTS AND
REQUESTS FOR ADMISSION**

By: /s/ J. Andrew Langan, P.C.

Richard C. Godfrey, P.C.
(richard.godfrey@kirkland.com)
J. Andrew Langan, P.C.
(andrew.langan@kirkland.com)
Timothy A. Duffy, P.C.
(tim.duffy@kirkland.com)
KIRKLAND & ELLIS LLP
300 North LaSalle Street
Chicago, Illinois 60654
Telephone: (312) 862-2000

Don K. Haycraft (Bar #14361)
R. Keith Jarrett (Bar #16984)
LISKOW & LEWIS
One Shell Square
701 Poydras Street, Suite 5000
New Orleans, Louisiana 70139-5099
Telephone: (504) 581-7979
Facsimile: (504) 556-4108

*Attorneys for BP America Inc., BP America
Production Company, BP Exploration &
Production Inc.*

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served on All Counsel by electronically uploading the same to Lexis Nexis File & Serve in accordance with Pretrial Order No. 12, which will send a notice in accordance with the procedures established in MDL 2179, on this 8th day of December, 2010.

/s/ J. Andrew Langan, P.C.