BP's Cement Contractor Denies Destroying Evidence

Michael Kunzelman, Associated Press

NEW ORLEANS (AP) — BP's cement contractor on the drilling rig that exploded in the Gulf of Mexico in 2010 said Tuesday that its recent discovery of missing cement samples was the result of a "simple misunderstanding," not an attempt to withhold crucial evidence.

In a court filing, Halliburton attorneys accused BP PLC of trying to create a "sideshow" during an ongoing trial over the deadly disaster. They also argued BP is trying to deflect attention from its own actions. The explosion led to the deaths of 11 rig workers and triggered the nation's worst offshore oil spill.

"There is no evidence that (Halliburton) acted deliberately or intentionally, or that the isolation of the (missing cement) was the result of anything other than a simple misunderstanding," Halliburton lawyers wrote.

Last week, BP asked U.S. District Judge Carl Barbier to sanction Halliburton for allegedly destroying evidence that could have been used at trial. The London-based oil giant cited the allegations as grounds for Barbier to rule that Halliburton's cement design on the drilling project was unstable before the April 2010 blowout of BP's Macondo well.

Halliburton attorneys, in turn, dismissed BP's request as "the latest chapter in its book of finger pointing."

Earlier Tuesday, at the start of the trial's 18th day, Barbier told attorneys he isn't certain how soon he will rule on the issue. The judge is hearing testimony without a jury. Barring a settlement, Barbier could decide after the trial how much more money BP and its contractors owe for their roles in the catastrophe.

Earlier this month, Halliburton discovered cement samples at a Lafayette laboratory that weren't turned over to the Justice Department for testing after the spill.

Tim Quirk, who was a Halliburton laboratory manager, testified that he secured all of the samples he believed were related to the Macondo well in a locker and stored others in a warehouse, never suspecting the recently discovered samples could be related to the case.

"I had no way of knowing," he said.

The newly discovered samples were associated with the Kodiak well, which BP also was drilling in the Gulf, but had the same chemical composition as the cement blend that was used on the Macondo well. Plaintiffs' attorney Jeffrey Breit said a

Halliburton employee on the Deepwater Horizon rig used the samples for testing of the Macondo well before the disaster.

Justice Department attorneys said in a court filing Saturday that any sanctions against Halliburton "should be crafted in a way that cause no prejudice to other parties." They urged Barbier to reject BP's requested ruling, arguing that the Macondo well's cement design was a product of Halliburton's and BP's "collaborative work, and not merely that of Halliburton."

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