New Judge Assigned to Case against BP Supervisors

MICHAEL KUNZELMAN, Associated Press

NEW ORLEANS (AP) — A new judge was assigned Wednesday to the case against two BP supervisors charged in the deaths of 11 workers aboard the Deepwater Horizon drilling rig in 2010, after the previous judge disclosed his wife owns stock in one of the contractors.

U.S. District Judge Ivan Lemelle didn't immediately recuse himself, but allowed prosecutors and defense attorneys to submit a confidential request for another judge to take the case.

Lemelle said last month that his wife owns stock in Halliburton, a cement contractor on the ill-fated drilling project.

The order reassigning the case to U.S. District Judge Stanwood Duval Jr. doesn't disclose which party or parties sought Lemelle's disqualification.

The case initially was assigned to U.S. District Judge Nannette Jolivette Brown, but she recused herself because she worked on civil litigation related to BP's Gulf oil spill when she was the city attorney for New Orleans.

Robert Kaluza and Donald Vidrine pleaded not guilty last month to manslaughter charges. They are accused of disregarding abnormally high pressure readings that should have been glaring indications of trouble just before the blowout.

Also on Wednesday, Vidrine's attorneys asked a federal appeals court to overturn a ruling that he must submit to an exam by a court-appointed psychiatrist to determine whether he is fit to be questioned under oath for civil litigation spawned by the spill.

A three-judge panel of the 5th U.S. Circuit Court of Appeals didn't immediately rule after hearing arguments by attorneys for Vidrine and Transocean Ltd., which wants to question the well site leader.

Transocean owned the Deepwater Horizon, which was drilling at BP's Macondo well site in the Gulf of Mexico in April 2010 when a blowout triggered a deadly explosion on the rig and started the nation's worst offshore oil spill.

Vidrine "has critical knowledge of the events that happened at the time the well blew out," Transocean attorney Sean Jordan told the judges. "There is just no doubt that he is a uniquely critical witness in this litigation."

Vidrine's attorneys argued in court papers that U.S. District Judge Carl Barbier's

order is "wrong as a matter of law" and should be vacated. One of his lawyers, Jan Frankowski, urged the 5th Circuit judges to also consider alternatives to an exam by a court-appointed psychiatrist, such as allowing Barbier to review Vidrine's medical records under seal.

"There could be safeguards built in," Frankowski said.

Vidrine's attorneys haven't publicly specified the nature of his medical problems.

Kaluza has asserted his right not to incriminate himself and hasn't testified about his actions on the rig.

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