

EXHIBIT 2

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Greater San Francisco/Bay District Office
90 7th Street, Suite 11-100
San Francisco, CA 94103



March 11, 2016

**VIA CERTIFIED MAIL,
7015 0640 0001 2393 5541
(RETURN RECEIPT REQUESTED)**

Safra A. Catz
Mark Hurd
Chief Executive Officers
ORACLE America, Inc.
500 Oracle Parkway
Redwood Shores, CA 94065

**RE: COMPLIANCE EVALUATION OF ORACLE AMERICA, INC.,
REDWOOD SHORES, CALIFORNIA; OFCCP NO. R00192699**

Dear Ms. Catz and Mr. Hurd:

The United States Department of Labor ("DOL"), Office of Federal Contract Compliance Programs ("OFCCP"), is conducting a compliance evaluation of ORACLE America, Inc. ("ORACLE") in Redwood Shores, California pursuant to 41 Code of Federal Regulations ("C.F.R.") Chapter 60: Executive Order 11246, as amended ("E.O. 11246"); Section 503 of the Rehabilitation Act of 1973, as amended ("Section 503"); and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended ("VEVRAA").

OFCCP found that ORACLE violated E.O. 11246. Consequently, OFCCP is issuing this Notice of Violations to ORACLE. ORACLE's violations, and the corrective actions required to remedy them, are set forth below.

HIRING DISCRIMINATION (VIOLATION 1)

1. VIOLATION:

During the review period from January 1, 2013 through June 30, 2014, ORACLE discriminated against qualified African American, Hispanic and White (hereinafter "non-Asians") applicants in favor of Asian applicants, particularly Asian Indians, based upon race in its recruiting and hiring practices for Professional Technical 1, Individual Contributor ("PT1") roles, in violation of 41 C.F.R. 60-1.4(a)(1).

Specifically, during the period of January 1, 2013 through June 30, 2014, ORACLE recruited approximately 6800 applicants to PT1 roles. Of those applicants, ORACLE recruited 2% African

Americans, 2.5% Hispanics, 19% Whites and 76% Asian applicants. Of the Asian applicants, Asian Indians were nearly 70% of Asian applicants and over 50% of all applicants in PT1.¹

An analysis of ORACLE's applicant data and appropriate workforce availability statistics² show that ORACLE favored Asian applicants, particularly Asian Indians, in recruiting at a standard deviation as significant as +85. ORACLE disfavored non-Asian applicants in recruiting, particularly African American, Hispanic and White applicants, at standard deviations as significant as -8, -10, and -80, respectively.

Additionally, during the period of January 1, 2013 through June 30, 2014, ORACLE hired approximately 670 applicants into PT1 roles. Of those hires, ORACLE hired 1% African Americans, 2% Hispanics, 14% Whites, and 82% Asian applicants. Of the Asian hires, Asian Indians were nearly 60% of Asian hires and 45% of all hires in PT1.

An analysis of ORACLE's hiring data and appropriate workforce availability statistics³ show that ORACLE favored Asian applicants, particularly Asian Indians, in hiring at a standard deviation as significant as +30. ORACLE disfavored non-Asian applicants in hiring, particularly African American, Hispanic and White applicants, at standard deviations as significant as -4, -3, and -28, respectively.

Evidence gathered during the compliance evaluation demonstrates that ORACLE's discriminatory recruiting and hiring practices skewed the racial composition of the applicant flow data to favor Asians, particularly Asian Indians, and disfavored other racial groups for PT1 roles. In order to further analyze ORACLE's recruitment and hiring practices for PT1 roles, OFCCP made multiple requests to ORACLE for copies of all application materials for all expressions of interest, including but not limited to names of hiring managers, employee referrals, requisition dates, hire dates, and copies of job postings and job requirements. Because ORACLE failed to provide complete and accurate information in response to OFCCP's multiple requests, OFCCP presumes that the information not produced would have been unfavorable to ORACLE.

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE recruited, selected and hired Asian applicants, particularly Asian Indians, for PT1 roles at a rate significantly greater than their non-Asian counterparts who were equally or more qualified for the roles. ORACLE's recruiting and hiring practices resulted in unlawful discrimination against non-Asian applicants based upon race, particularly African American, Hispanic and White applicants.

¹ Asian Indians make-up less than 1% of the U.S. population. *Asians in the U.S. labor force: profile of a diverse population*, U.S. DOL, Bureau of Labor Statistics, Monthly Labor Review, November 2011, <http://www.bls.gov/opub/mlr/2011/11/art1full.pdf>.

² Availability statistics for the Software Developers, Applications & Systems Software Occupation in the United States is based upon 2006-2010 Census and/or 2013-2014 DOL, Bureau of Labor Statistics' Labor Force Statistics.

³ See footnote 2.

CORRECTIVE ACTION:

ORACLE must agree to revise its personnel practices and procedures to ensure that the qualified non-Asian applicants for the PT1 roles are afforded equal employment opportunity for recruitment and selection. ORACLE must also agree to provide the following "make-whole relief" to the non-Asian applicants.

- a) **Notice:** Send notification to the class members to inform them of their rights and the potential remedies.
- b) **Job Offer:** Make bona-fide job offers on a priority basis at the rate of pay that class members would now be earning had ORACLE hired them on the date of the first opportunity following their application.
- c) **Monetary Settlement:** Provide back pay plus quarterly compounded interest at the IRS underpayment rate for the class members. Back pay will be calculated from the date class members should have been hired to the date the violation is resolved in a signed Conciliation Agreement or a bona fide job offer is made to the respective class members. Provide any and all employment benefits that the class members would have received had it not been for the discrimination described above; and
- d) **Policies and Training:** Develop recruitment and hiring policies that comply with Executive Order 11246, as amended, and its implementing regulations; provide mandatory training on the policies to supervisory, management and recruitment professionals involved in ORACLE's recruitment and selection process; and evaluate performance and compensation of supervisory, management and recruitment professionals based upon compliance with the policies.

COMPENSATION DISCRIMINATION (VIOLATIONS 2-5)

2. VIOLATION:

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against female employees in Information Technology, Product Development, and Support roles based upon sex by paying them less than comparable males employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).⁴

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review,

⁴ ORACLE refused to provide OFCCP with complete compensation data for all relevant employees, including contract and contingent employees, for the full review period. ORACLE also did not provide any data demonstrating that its continuing compensation disparities have been remedied. Accordingly, OFCCP presumes such data would be unfavorable to ORACLE.

OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon sex after controlling for legitimate explanatory factors. The results of OFCCP's regression analyses are attached. (**Attachment A**).

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid male employees in Information Technology, Product Development, and Support roles at a rate significantly greater than their female counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against female employees based upon sex.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of sex. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Information Technology, Product Development, and Support roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against females in Information Technology, Product Development, and Support roles; 2) provide make-whole remedies to the class of females to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

3. VIOLATION:

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against African Americans in Product Development roles based upon race by paying them less than comparable Whites employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).⁵

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review, OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon race after controlling for legitimate explanatory factors. The results of OFCCP's regression analysis are attached. (**Attachment A**).

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid White employees in Product Development roles at a rate significantly greater than their African American counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against African American employees based upon race.

⁵ See footnote 4.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of race. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Product Development roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against African Americans in Product Development roles; 2) provide make-whole remedies to the class of African Americans to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

4. VIOLATION:

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against Asians in Product Development roles based upon race by paying them less than comparable Whites employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).⁶

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review, OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon race after controlling for legitimate explanatory factors. The results of OFCCP's regression analysis are attached. (Attachment A).

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid White employees in Product Development roles at a rate significantly greater than their Asian counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against Asian employees based upon race.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of race. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Product Development roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against Asians in Product Development roles; 2) provide make-whole remedies to the class of Asians to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

⁶ See footnote 4.

5. VIOLATION:

Beginning no later than January 1, 2013, and continuing thereafter, ORACLE discriminated against Americans in Product Development and Support roles based upon national origin by paying them less than comparable non-Americans employed in similar roles, in violation of 41 C.F.R. 60-1.4(a)(1).⁷

During the compliance review, OFCCP reviewed employment policies, practices, and records; interviewed management, human resources, and non-management employees; examined employee complaints; analyzed individual employee compensation data and other evidence; evaluated public disclosure files and related wage determination memoranda; and conducted an onsite inspection of the worksite. Based upon the evidence gathered during the compliance review, OFCCP evaluated and analyzed ORACLE's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon national origin after controlling for legitimate explanatory factors. The results of OFCCP's regression analysis are attached. (Attachment A).

Based upon the analysis conducted and the evidence gathered during the compliance evaluation, OFCCP finds that ORACLE paid non-American employees in Product Development and Support roles at a rate significantly greater than their American counterparts who were equally or more qualified. ORACLE's compensation practices resulted in unlawful discrimination against American employees based upon national origin.

CORRECTIVE ACTION:

ORACLE must agree to take steps to ensure that its compensation system is nondiscriminatory to all of its employees, regardless of national origin. This applies to all aspects of compensation, including but not limited to, salary at the time of placement into roles, annual salary adjustments and incentive compensation in Product Development and Support roles. ORACLE agrees to: 1) cease the discriminatory compensation practice(s) resulting in lower pay and adverse impact against Americans in Product Development and Support roles; 2) provide make-whole remedies to the class of Americans to include back pay, interest, and other employment benefits; and 3) provide training to employees involved in setting and increasing compensation to ensure that the violation does not recur.

AFFIRMATIVE ACTION VIOLATIONS (VIOLATIONS 6-8)

6. VIOLATION:

ORACLE failed to perform an in-depth analysis of its total employment processes to determine whether and where impediments to equal employment opportunity exist as required by 41 C.F.R. 60-2.17(b)(3). Specifically, ORACLE failed to identify problem areas in its compensation system(s) to determine whether sex or race based disparities existed.

⁷ See footnote 4.

CORRECTIVE ACTION:

ORACLE must agree to perform in-depth analyses of its total employment processes to determine whether and where impediments to equal employment opportunity exist. ORACLE must agree to evaluate its compensation system(s), specifically base salary, bonus programs, starting wages, pay increases, restricted stock units (RSU) or other stock awards, promotions relative to pay, and any other benefits, to determine whether there are sex, race or national origin based pay disparities. ORACLE will incorporate these analyses and determinations into its current AAP and will update these analyses at least annually and incorporate them into future AAPs.

7. VIOLATION:

ORACLE failed to demonstrate good faith efforts to develop and execute action-oriented programs designed to correct pay disparities as of January 1, 2013. Specifically, ORACLE was unable to demonstrate that it had conducted any pay equity analyses, or otherwise attempted to correct the problem areas identified in 41 C.F.R. 60-2.17(b)(3) in violation of 41 C.F.R. 60-2.17(c).

CORRECTIVE ACTION:

ORACLE must agree to conduct an in-depth analysis of its total employment processes to determine whether any impediments to equal opportunity exist. ORACLE must then develop and implement action-oriented programs designed to remove any identified impediments and institute salary adjustment procedures to determine where and how equity adjustments should be made to ensure nondiscrimination.

8. VIOLATION:

ORACLE failed to develop and implement an internal audit and reporting system that periodically measured the effectiveness of its total affirmative action program as required by 41 C.F.R. 60-2.17(d). Specifically, ORACLE failed to monitor its records of all personnel activities, such as compensation, at all levels to ensure its nondiscriminatory policy was carried out.

CORRECTIVE ACTION:

ORACLE must agree to implement an internal audit and reporting system to periodically measure the effectiveness of its total affirmative action program. ORACLE must agree to take the following corrective actions:

- a) Monitor records of all personnel activity, such as all components of compensation, to ensure the non-discriminatory policy is enforced;
- b) Require internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained;
- c) Review reports with all levels of management;

- d) Advise top management about the effectiveness of the equal employment opportunity program and submit recommendations to improve any unsatisfactory performance; and
- e) Provide training to all employees who participate in any component of ORACLE's compensation system(s).

RECORDKEEPING AND ACCESS VIOLATIONS (VIOLATION 9-10)

9. VIOLATION:

ORACLE failed to collect and maintain personnel and employment records and conduct adverse impact analyses in accordance with the requirements of 41 C.F.R. 60-1.12(a) and Part 60-3. Additionally, ORACLE failed to conduct the adverse impact analyses required by 41 C.F.R. 60-3.15A and 60-3.4.

CORRECTIVE ACTION:

ORACLE will ensure that its records are collected and maintained in accordance with the requirements of 41 C.F.R. 60-1.12(a) and Part 60-3. ORACLE will conduct adverse impact analyses on at least an annual basis for the purpose of determining whether adverse impact exists against applicants based on race, sex, or national origin/ethnic group in hiring, promotion, termination, and other personnel activities. These analyses will be done by job for each group constituting more than 2% of the labor force in the relevant labor area or 2% of the applicable workforce. If adverse impact is identified in the total selection process, ORACLE will evaluate each individual component of the selection process for adverse impact. If adverse impact is found to exist in any of the individual components of the selection process, ORACLE will validate each such component in accordance with the Uniform Guidelines on Employee Selection Procedures or utilize selection procedures which do not result in adverse impact.

10. VIOLATION:

ORACLE denied OFCCP access to records, including prior year compensation data for all employees and complete hiring data for PT1 roles during the review period of January 1, 2013 through June 30, 2014, which are relevant to the matter under investigation and pertinent to ORACLE's compliance with Executive Order 11246, as amended, and the regulatory requirements at 41 C.F.R. 60-1.12; 60-1.20; 60-1.43; 60-2.32 and 60-3.4.

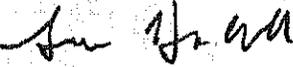
CORRECTIVE ACTION:

ORACLE must immediately provide to OFCCP all relevant compensation and hiring data, which was requested on April 27, 2015, May 11, 2015, May 28, 2015, July 30, 2015, October 1, 2015, October 14, 2015, November 2, 2015, and December 15, 2015.

Finally, please note that nothing herein is intended to relieve ORACLE from the obligation to comply with the requirements of E.O. 11246, Section 503, and/or VEVRAA, their implementing regulations, or any other equal employment opportunity/ nondiscrimination statute, executive order or regulation. In addition, this Notice of Violation in no way limits the applicability of the revised regulations implementing Section 503, 41 C.F.R. Part 60-741 (2014) and the revised regulations implementing VEVRAA, 41 C.F.R. Part 60-300 (2014).

In order to come into compliance, ORACLE must enter into a binding Conciliation Agreement with OFCCP that encompasses all of the corrective actions described above. It is our desire to avoid enforcement proceedings. You may contact me at (415) 625-7839 within five (5) business days of receipt of this letter if ORACLE would like to begin conciliation and resolution of the specified violations.

Sincerely,



Robert Doles
District Director

cc: Shauna Holman-Harries (via email: shauna.holman.harries@ORACLE.com)
Director Diversity Compliance, Oracle America, Inc.

Juana Schurman (via email: juana.schurman@ORACLE.com)
Vice President and Associate General Counsel, Oracle America, Inc.

Gary R. Siniscalco (via email: grsiniscalco@orrick.com)
Orrick Herrington & Sutcliffe LLP

Enclosure

ATTACHMENT A

COMPENSATION DISCRIMINATION (VIOLATIONS 2-5)

Analysis of Employees' Annual Salary and Gender

The United States Department of Labor, Office of Federal Contract Compliance Programs ("OFCCP") conducted statistical analysis of the employment records Oracle America, Inc. ("Oracle") provided to OFCCP during its equal employment opportunity investigation of Oracle's facility in Redwood Shores, California. OFCCP analyzed Oracle employees' compensation data by Oracle job function using a model that included the natural log of annual salary as a dependent variable, and accounted for differences in employees' gender, work experience at Oracle, work experience prior to Oracle, full-time/part-time status, exempt status, global career level, job specialty, and job title.

As displayed in the table below, the results of the analysis show a statistically significant salary disparity adverse to female employees in *Information Technology*, *Product Development*, and *Support* roles.

Regression Analysis of Female and Male Employees' Salary Difference at Oracle

Year ¹	Class	Number of Female Class Members	Standard Deviations
2014	Female <i>Information Technology</i> Employees	133	-2.71
2014	Female <i>Product Development</i> Employees	1,207	-8.41
2014	Female <i>Support</i> Employees	47	-3.67

¹ Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide OFCCP with its prior year compensation data.

Analysis of Employees' Annual Salary and Race

The United States Department of Labor, OFCCP conducted statistical analysis of the employment records Oracle provided to OFCCP during its equal employment opportunity investigation of Oracle's facility in Redwood Shores, California. OFCCP analyzed Oracle employees' compensation data by Oracle job function using a model that included the natural log of annual salary as a dependent variable, and accounted for differences in employees' race, work experience at Oracle, work experience prior to Oracle, full-time/part-time status, exempt status, global career level, job specialty, and job title.

As displayed in the table below, the results of the analysis show a statistically significant salary disparity adverse to African American and Asian employees in *Product Development* roles.

Regression Analysis of African American and White Employees' Salary Difference at Oracle

Year ²	Class	Number of Black Class Members	Standard Deviations
2014	African American <i>Product Development</i> Employees	27	-2.10

Regression Analysis of Asian and White Employees' Salary Difference at Oracle

Year ³	Class	Number of Asian Class Members	Standard Deviations
2014	Asian <i>Product Development</i> Employees	3,086	-6.55

² Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide the Agency prior year compensation data.

³ Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide the Agency prior year compensation data.

Analysis of Employees' Annual Salary and National Origin

The United States Department of Labor, OFCCP conducted statistical analysis of the employment records Oracle provided to OFCCP during its equal employment opportunity investigation of Oracle's facility in Redwood Shores, California. OFCCP analyzed Oracle employees' compensation data by Oracle job function using a model that included the natural log of annual salary as a dependent variable, and accounted for differences in employees' national origin, work experience at Oracle, work experience prior to Oracle, full-time/part-time status, exempt status, global career level, job specialty, visa status, and job title.

As displayed in the table below, the results of the analysis show a statistically significant salary disparity adverse to American employees in *Product Development* and *Support* roles.

Regression Analysis of American and Non-American Employees' Salary Difference at Oracle

Year ⁴	Class	Number of American Class Members	Standard Deviations
2014	American <i>Product Development</i> Employees	3,501	-7.07
2014	American <i>Support</i> Employees	185	-3.65

⁴ Oracle provided OFCCP with one year of compensation data that included Oracle employees who were employed at the relevant facility on January 1, 2014. Oracle refused to provide the Agency prior year compensation data.



EXHIBIT 3

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Pacific Regional Office
90 Seventh Street, Suite 18-300
San Francisco, CA 94103



September 9, 2016

Via Electronic Mail and U.S. Certified Mail, Return Receipt Requested

Gary R. Siniscalco
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669

**RE: COMPLIANCE EVALUATION OF ORACLE AMERICA, INC.,
REDWOOD SHORES, CALIFORNIA; OFCCP NO. R00192699**

Dear Mr. Siniscalco:

The United States Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) received your letter dated June 29, 2016, requesting that it withdraw the Show Cause Notice and undertake "reasonable conciliation." While OFCCP declines to withdraw the Show Cause Notice, it again offers Oracle the opportunity to engage in conciliation – though it will not accede to Oracle's attempts to dictate the terms of the conciliation process.

Contrary to Oracle's contentions in its letters, OFCCP retains discretion regarding the conciliation process it will use in a particular case and when to end conciliation efforts. OFCCP has provided information to Oracle regarding the deficiencies found, including the violations found, the class impacted, and information about the statistical analyses supporting OFCCP's findings. The Notice of Violation identified gross disparities on the basis of sex and race in compensation and hiring, well beyond the -2 standard deviations accepted as evidence of systemic discrimination.

OFCCP has repeatedly given Oracle the opportunity to conciliate, offering to meet, and, when Oracle declined to meet in person and requested additional time to respond in writing, provided additional time for Oracle to respond to OFCCP's findings in the NOV. While Oracle declares its desire to engage in conciliation, its stated desire rings hollow, given that it has refused to meet in person, it continues to emphasize and complain about the audit process and other procedural matters, its demand that OFCCP provide answers to approximately 60 questions, and its failure to make a meaningful, substantive response to OFCCP's findings. Although not required to do so, OFCCP responded to Oracle's demand

CONFIDENTIAL SETTLEMENT COMMUNICATION

for information, providing further information to Oracle in its April 21, 2016 letter, and gave Oracle an additional opportunity to respond. Despite this opportunity, rather than providing any evidence rebutting the findings of discrimination, or making any effort to cure the deficiencies, Oracle again attacked OFCCP's process and findings. However, simply attacking OFCCP's statistical findings, without indicating how the purported errors affect the results, is insufficient.

Oracle's continued focus on procedures, as opposed to the substance of the allegations is perplexing. OFCCP responded to Oracle's allegations that OFCCP had not followed the procedures described in the FCCM by not "advis[ing] Oracle of any findings in advance of issuing the Notice of Violation" in March. As OFCCP has repeatedly reminded Oracle, it did discuss preliminary indicators and areas of concern in late March 2015, and indicated that it would conduct further analyses and provide Agency findings in a formal notice.

However, even assuming arguendo that OFCCP did not follow procedures described in the FCCM, that is no defense to the Notice of Violation or Show Cause Notice. As OFCCP explained in its June 8, 2016 letter and as explicitly stated in the FCCM, the FCCM does not create legal rights for contractors. Contrary to Oracle's assertion, the procedures are not "mandated," and cannot be used to limit the OFCCP's enforcement powers. And, in any event, Oracle has certainly known about OFCCP's findings since the issuance of the Notice of Violation letter on March 11, 2016, and has had the opportunity since that time to discuss the merits of OFCCP's findings. Oracle's continued misplaced reliance on the FCCM is simply an attempt to divert the subject away from OFCCP's findings.

Also, Oracle's call for transparency and further information runs counter to its own actions during the audit and conciliation process. Oracle still has not provided relevant information requested over a year ago, including resumes, applications, requisitions, job postings, and hiring manager information for any positions other than Software Developers 1-5 and student interns, 2013 compensation data and LCAs, as well as starting salary, prior salary, and salary history for 2013 or 2014.

OFCCP has provided reasonable opportunities for Oracle to address or rebut OFCCP's claims. If your client wishes to engage in conciliation, including providing appropriate monetary and non-monetary remedies to resolve all outstanding violations, please contact me at (415) 625-7829 by September 16, 2016, to provide further information for OFCCP to consider or to schedule a conciliation meeting. Otherwise, we will conclude that the parties have reached an impasse in conciliation and the matter is ready for enforcement proceedings.

CONFIDENTIAL SETTLEMENT COMMUNICATION

Thank you for your attention and we look forward to your response.

Sincerely,



Hea Jung Atkins

cc: Shauna Holman-Harries (*via email: shauna.holman.harries@oracle.com*)
Director Diversity Compliance, Oracle America, Inc.

Juana Schurman (*via email: juana.schurman@oracle.com*)
Vice President and Associate General Counsel, Oracle America, Inc.

CONFIDENTIAL SETTLEMENT COMMUNICATION



EXHIBIT 4

U.S. Department of Labor

Office of Federal Contract Compliance Programs
Pacific Regional Office
90 Seventh Street, Suite 18-300
San Francisco, CA 94103



December 6, 2016

*Via Certified Mail, Return Receipt Requested (#7015 0640 0001 7126 0176)
and Electronic Mail*

Erin M. Connell
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669

Re: Oracle America, Inc., Redwood Shores, California (OFCCP No. R00192699)

Dear Ms. Connell:

At our conciliation meeting on October 6, 2016, Oracle agreed to provide a more thorough rebuttal response to OFCCP's findings set forth in the NOV. Following the meeting, on October 31, 2016, Oracle submitted a letter to OFCCP with "...information and documentation¹ OFCCP asked Oracle to provide [during the conciliation meeting] with regard to the recruiting and compensation issues in the NOV." See 10/31/2016 Ltr. at 1. We have carefully reviewed this submission. For the reasons discussed at the conciliation meeting and again below, the Agency will refer this matter for enforcement proceedings to the Solicitor's Office.

* * *

As an initial matter, Oracle's latest submission fails to rebut the violations in the NOV. Oracle responded to the overrepresentation of Asians in recruiting and hiring activity for technical positions, for example, with references to outreach efforts and "various" unexplained recruiting actions. Additionally, Oracle responded to widespread gender and race salary disparities across thousands of technical employees in the same job title with a handful of select cohort comparisons. Oracle has not submitted additional data, competing statistics, or other evidence explaining the significant statistical disparities in recruiting and hiring, or compensation. Nor has Oracle provided persuasive legal authority in support of its positions.

¹ Such documentation includes: a screenshot of Oracle's career site, and select performance appraisals.

1) *Oracle has Failed to Rebut OFCCP's Findings with Respect to Recruiting and Hiring Discrimination.*

On March 11, 2016, OFCCP issued the Notice of Violations (NOV) to Oracle. In the NOV, OFCCP describes the recruiting and hiring discrimination violations uncovered at Oracle's headquarters facility, and the classes of applicants and employees impacted. It also describes the substantial evidence of discrimination – including gross disparities in recruiting, hiring and compensation at significant standard deviations across technical jobs – that was uncovered during the review. After issuing the NOV, OFCCP provided additional explanation and information during conciliation, including through correspondence and during the October 6, 2016 meeting.

In response to OFCCP's finding that Oracle has a discriminatory preference for Asians, particularly Asian Indians, compared to non-Asians (Whites, Hispanics, and Blacks), Oracle takes issue with OFCCP's use of U.S. Census data in determining availability. However, using U.S. Census data and other workforce data reflecting the potential applicant pool to evaluate recruiting and hiring decisions for U.S. jobs is consistent with Title VII and relevant case law. *See, e.g., Heldt v. Tata Consultancy Servs.*, 2015 U.S. Dist. LEXIS 126131 (N.D. Cal. Sept. 18, 2015) (“Plaintiffs allege that, as a result of TCS's discrimination, its United States workforce consists of approximately 95% persons of South Asian descent, race, and/or national origin, compared to 1-2% of the United States population.”); *Koehler v. Infosys Techs. Ltd. Inc.*, 2015 U.S. Dist. LEXIS 60907, 18-19 (E.D. Wis. May 8, 2015) (denying motion to dismiss case alleging that the significant disparity in the defendants' racial demographic statistics gives rise to the inference that this practice resulted in discrimination based on race or national origin, and reflects the defendants' preference to recruit and hire persons of South Asian race and of Indian, Bangladeshi, and Nepalese national origin); *Castaneda v. Pickard*, 648 F.2d 989, 1003 (5th Cir. Tex. 1981) (“[I]n cases such as this one where there is an allegation that the employer's discriminatory practices infect recruiting, the process by which applications are solicited, such applicant flow data cannot be taken at face value and assumed to constitute an accurate picture of the relevant labor market. Discriminatory recruiting practices may skew the ethnic composition of the applicant pool.”).

In your letter, Oracle also argues that OFCCP is required to identify specific recruiting practices that are the root cause of the adverse impact in both recruiting and hiring practices. OFCCP does not agree that it is required to identify every practice that contributes to the disparities—particularly in light of Oracle's failure to provide relevant data and information requested during the review. Nonetheless, the gross disparities uncovered in the review alone provide compelling evidence of Oracle's discriminatory recruiting and hiring practices. *See, e.g., Int'l Bhd. of Teamsters v. United States*, 431 U.S. 324, 339 (1977); *Hazelwood Sch. Dist. v. United States*, 433 U.S. 299, 307–08 (1977).

Specifically, an analysis of Oracle's Professional Technical 1, Individual Contributor (“PT1”) applicant data uncovered gross disparities between the expected applicant rate (availability) and the actual applicant rate. In these entry-level technical roles, the Asian applicant rate was over 75%, compared to less than 30% in the available workforce in the relevant labor market. Among Oracle's college applicants, the overrepresentation of Asians was even more extreme: the Asian

applicant rate was 85% in 2013 and 92% in 2014. Based upon this data, OFCCP found race disparities in Oracle's recruiting practices against African American, Hispanic and White applicants at *-8, -10, and -80 standard deviations*, respectively.

Similarly, OFCCP found gross disparities between the available workforce in the relevant U.S. labor market² and Oracle's hires in PT1. In PT1 roles, OFCCP found race disparities in Oracle's hiring practices against African American, Hispanic and White applicants at *-4, -3, and -28 standard deviations*, respectively.

The following chart highlights these comparisons.

**Comparison of Relevant U.S. Market Data and
Oracle Applicant, Hiring, and Workforce Data in PT1 Job Group**

PT1 Job Group	% Asian	% Non-Asian
<i>U.S. Labor Market Data for Software Developers</i>	28.8%	71.2%
Oracle Applicant Flow Data	75.8%	24.2%
Oracle Hiring Data	82%	18%
Oracle Workforce Data	73.9%	26.1%

Notably, even with such a skewed applicant pool in favor of Asians, Oracle's Asian hiring rate significantly exceeded it -- *by more than 6%*. Compared to approximately 75% Asian applicants (and 74% Asian incumbents), Oracle hired over 82% Asians in PT1 roles during the review period. To date, Oracle has provided no explanation for the gross disparities between Asians and non-Asians in its recruiting and hiring practices, nor any other rebuttal to this evidence.

Additional evidence, including anecdotal evidence, also reinforces that these gross statistical findings are not due to chance. OFCCP has obtained statements from confidential sources evincing Oracle's reputation as favoring Asians, specifically Asian Indians. Such a reputation both constitutes additional evidence of discrimination, and justifies relying on availability data. See *EEOC v. Joe's Stone Crab, Inc.*, 220 F.3d 1263, 1282-1283 (11th Cir. Fla. 2000) (discussing a company's actions and resulting reputation on potential applicants, stating "that Joe's hiring decisionmakers systematically excluded female applicants from consideration, that over time this male-only preference became common knowledge, and that eventually most potential, qualified,

² See Oracle's Reasonable Recruitment Labor Area Distributions for PT1. Oracle's recruitment area for PT1 jobs is nationwide based upon AAP and evidence gathered in compliance review. See, U.S. Census, *Percentage of Foreign-Born Information Technology (IT) Workers: 2014* (www2.census.gov/programs-surveys/acs/tech_docs/accuracy/ACS_Accuracy_of_Data_2014.pdf), U.S. Census data already incorporates the international characteristics and work authorization requirements related to software developers in the U.S. For example, in 2014, software developers, applications and systems software, were 39% foreign born in the U.S. See also EEO-1 data (<https://www.eoc.gov/eoc/statistics/reports/hightech/>).

female applicants self-selected out of Joe's hiring process precisely because of its reputation for intentional sex discrimination.”).

Oracle's reputation is consistent with its recruiting efforts for engineering roles, which target Asian Indians. (See, e.g., <http://gadgets.ndtv.com/apps/news/oracle-says-its-second-largest-workforce-is-in-india-716257>; <http://www.cxotoday.com/story/why-india-is-becoming-so-important-for-oracle/>; <https://blogs.oracle.com/TheOracleBlog/oracle-invests-in-india-future>; <http://timesofindia.indiatimes.com/business/india-business/75-of-management-is-from-India-Oracle-CEO/articleshow/50938387.cms>). Oracle also publicizes its recruitment priorities on its career website. On the site, the company describes how it recruits directly from India for entry-level software positions in the U.S.³ It does so despite the oversupply of STEM graduates in the U.S. -- U.S. colleges graduate 50% more students than are hired into computer engineering jobs each year in the U.S.⁴

Oracle also has a longstanding and well-known preference of sponsoring H1B visas almost exclusively for employees from Asia and particularly India. Over 92% of all Oracle H1B employees are Asian. Such preference is most pronounced in entry-level technical roles (or PT1 roles). Nearly one third of Oracle's PT1 workforce are H1B employees, compared to 13% of Oracle's overall workforce. Across Oracle headquarters, approximately 90% of H1B employees work in PT1 roles. Cf., *Koehler*, 2015 WL 2168886 at *7 (denying motion to dismiss allegations that H1B visa practices had disparate impact based on race).

Consequently, Oracle's PT1 workforce at the time of the review was overwhelmingly Asian:

Comparison of U.S. Market Data and Oracle Workforce Data in PT1 Job Group

PT1 Job Group	% Black	% Asian	% Hispanic	% White
U.S. Labor Market Data for Software Developers ⁵	4.1%	28.8%	5.3%	65.3%
Oracle Workforce Data in PT1 Job Group	0.9%	73.9%	1.9%	22.5%

³ https://blogs.oracle.com/campusrecruitment/entry/my_journey_from_college_to; Oracle 10K Annual Report 6/2014, <https://www.sec.gov/Archives/edgar/data/1341439/000119312514251351/d725622d10k.htm> (“We continually focus on improving our cost structure by hiring personnel in countries where advanced technical expertise and other expertise are available at lower costs.”)

⁴ Economic Policy Institute, *Guestworkers in the high-skill U.S. labor market: An analysis of supply, employment, and wage trends*, “For every two students that U.S. colleges graduate with STEM degrees, only one is hired into a STEM job,” (<http://www.epi.org/publication/bp359-guestworkers-high-skill-labor-market-analysis/>); Code2040, *Tech's Opportunity Gap*, “While 18% of CS degrees are awarded to Blacks and Latino/as, just 9.2% of tech industry workers are Black or Latino/a.” (http://www.lpfi.org/wp-content/uploads/2015/04/code2040_lpfi_final.pdf).

Despite the heavy concentration of Asians in Oracle's workforce, Oracle relied on word-of-mouth recruiting practices, which further perpetuated already existing disparities.⁶ In PT1, most successful employment referrals (or referrals that lead to a hire) originate from Asians. For technical jobs, approximately 74% of successful referrals come from PT1 employees, and approximately 80% of the referrals come from Asians. Oracle's reliance on employee referrals contributed to a skewed applicant pool in favor of Asians.

~~Based on the above information and other relevant evidence, relying on actual applicant data in this matter would be wholly inappropriate, as it ignores Oracle's systemic and discriminatory preference in favor of Asians as against other races, and the tainted applicant pool resulting from it.~~

⁶ Oracle's Employee Referral Program "pays referral bonuses to US employees who successfully refer individuals who are hired for work at Oracle in North America." Oracle Employee Handbook page 43. See, e.g., *Domingo v. New England Fish Co.*, 727 F.2d 1429, 1436 (9th Cir. 1984)(nepotism and word of mouth hiring led to segregated departments and justified use of labor statistics); *United States v. Ga. Power Co.*, 474 F.2d 906, 926 (5th Cir. 1973) (holding that the employer's word-of-mouth recruiting practice must be supplemented or changed, and encouraging public advertising); *Thomas v. Wash. County Sch. Bd.*, 915 F.2d 922, 925 (4th Cir. 1990) (holding that nepotistic and similar practices in a predominantly white work force may operate to exclude outsiders); *EEOC v. FAPS, Inc.*, 2014 U.S. Dist. LEXIS 136006 (D.N.J. Sept. 26, 2014) ("EEOC has provided evidence meant to prove that FAPS relied on word-of-mouth recruiting, and that such recruitment resulted in a relatively small number of minority applicants. At this stage of the proceedings, such evidence must be considered 'circumstantial evidence which helps establish a reasonable inference of an employer's discriminatory treatment of blacks as a class.'). See also, *U.S. Equal Employment Opportunity Commission, Questions and Answers About Race and Color Discrimination in Employment*, http://www.eeoc.gov/policy/docs/qanda_race_color.html:

How can employers avoid racial discrimination when recruiting?

- **Word-of-mouth employee referrals**- Word-of-mouth recruitment is the practice of using current employees to spread information concerning job vacancies to their family, friends, and acquaintances. *Unless the workforce is racially and ethnically diverse, exclusive reliance on word-of-mouth should be avoided because it is likely to create a barrier to equal employment opportunity for racial or ethnic groups that are not already represented in the employer's workforce.*
- **Homogeneous recruitment sources** - *Employers should attempt to recruit from racially diverse sources in order to obtain a racially diverse applicant pool. For example, if the employer's primary recruitment source is a college that has few African American students, the employer should adopt other recruitment strategies, such as also recruiting at predominantly African American colleges, to ensure that its applicant pool reflects the diversity of the qualified labor force.*

2) *Oracle has Failed to Rebut OFCCP's Findings with Respect to Compensation.*

With respect to the compensation violations, Oracle still has not provided a competing statistical analysis to rebut OFCCP's regressions. Rather, Oracle continues to insist that, notwithstanding its own decision to categorize employees for compensation practices and decisions, those categories have no bearing on whether those employees are comparable. Setting aside Oracle's apparent attempt to disavow its own salary-determination process, Oracle's argument relies on an overly strict interpretation of Title VII case law. Title VII does not require, as Oracle suggests, a near identical set of duties among those employees being compared.

As cases Oracle cited state, Title VII "does not require equal work" to prove compensation discrimination. See *Sims-Fingers v. City of Indianapolis*, 493 F.3d 768, 772 (7th Cir. 2007); *Hooper v. Total System Servs., Inc.*, 799 F. Supp. 2d 1350, 1364 (M.D. Ga. 2011). Rather, Title VII requires only that comparators' jobs be comparable. *Hooper, Inc.*, 799 F. Supp. 2d at 1364 (citation omitted); see also *Brinkley-Obu v. Hughes Training, Inc.*, 36 F.3d 336, 343 (4th Cir. 1994) (noting "relaxed standard of similarity between male and female-occupied jobs" in Title VII compensation discrimination cases); *Mulhall v. Advance Sec., Inc.*, 19 F.3d 586, 598 (11th Cir. 1994) (same). This analysis requires only that "the members of the comparison group are sufficiently comparable [to the focus group] to suggest" discrimination occurred. *Crawford v. Ind. Harbor Belt R. Co.*, 461 F.3d 844, 846 (7th Cir. 2006).

Consistent with Directive 307, OFCCP relied in part on Oracle's salary-determination system to evaluate whether employees were comparable. Under that system, according to materials Oracle provided and statements by Oracle personnel, employees are organized by the types of jobs they perform. On its face, such systemic categorization renders employees within a given category comparable for purposes of Title VII's relaxed similarity standard. Indeed, Oracle fails to explain how, for its compensation practices and decisions, its system of comparing and organizing employees is sufficient, but for OFCCP's purposes, it is not.

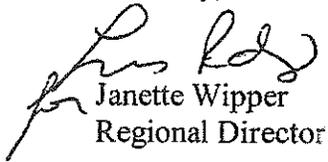
The select examples Oracle cites in its letter are not persuasive. Oracle only provides decontextualized details regarding these select employees, ignoring how these individuals were given the same job title, notwithstanding their purported differences. Further, the examples also raise more concerns. For instance, Oracle highlights at least two instances where pay disparities are purportedly based on males performing management duties, with females relegated to "clerical work" or non-leadership roles. See 10/31/2016 Ltr. at 10-11.

To date, Oracle has not responded fully to OFCCP's requests for records related to its compensation practices, leading OFCCP to presume that such missing records only support OFCCP's findings of violations. If there is additional material Oracle wants OFCCP to consider in the context of its compensation practices, such materials must be produced promptly.

* * *

For the reasons set forth herein, OFCCP has referred this matter for enforcement proceedings to the Solicitor's Office.

Sincerely,


Janette Wipper
Regional Director

cc: Shauna Holman-Harries (via email: shauna.holman.harries@oracle.com)
Director Diversity Compliance, Oracle America, Inc.

Juana Schurman (via email: juana.schurman@oracle.com)
Vice President and Associate General Counsel, Oracle America, Inc.

Gary R. Siniscalco (via email: grsiniscalco@orrick.com)
Orrick Herrington & Sutcliffe LLP



EXHIBIT 5

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**OFCCP'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO
ORACLE AMERICA, INC.**

Plaintiff the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10 and, as applicable, Rule 34 of the Federal Rules of Civil Procedure, requests that Defendant Oracle America, Inc. ("Oracle") produce at the Office of the Solicitor, U.S. Department of Labor, 90 7TH Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" and "YOUR" mean Oracle America, Inc. and all of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.
2. "RELEVANT TIME PERIOD" means **January 1, 2013 to the present** unless otherwise stated.

OFCCP'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE
(CASE NO. 2017-OFC-00006)

3. "AFFINITY GROUP" means any group of people linked by a common interest or purpose and includes, but is not limited to, gender or race.

4. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

5. "ANSWER" means the Answer to the Amended Complaint filed by YOU in this action on February 8, 2017.

6. "COLLEGE RECRUIT" means any PERSON who expresses interest or applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, and recent graduates) for technical positions (as opposed to sales positions), including positions in the Professional Technical I, Individual Contributor job group or Product Development, Support, or Information Technology lines of business.

7. "COMMUNICATIONS" means all transactions or transfers of information of any kind, whether orally, in writing, or in any other manner, at any time or place, under any circumstances whatsoever.

8. "COMPENSATION" means any payments made to, or on behalf of, an employee as remuneration for employment, including but not limited to salary, wages, overtime pay, shift differentials, commissions, bonuses, vacation and holiday pay, retirement and other benefits, stock options and awards, and profit sharing.

9. "COMPLIANCE REVIEW" means OFCCP's compliance evaluation of YOUR headquarters located at Redwood Shores, California in connection with the scheduling letter OFCCP sent to YOU on or about September 24, 2014 pursuant to 41 C.F.R. Chapter 60: Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, unless

otherwise stated.

10. "DOCUMENT" means all writings of any kind, including any written, printed, typed, electronically stored, or other graphic matter of any kind or nature and all mechanical or electronic sound recordings or transcripts thereof, in YOUR possession and/or control or known by YOU to exist, and also means all copies of documents by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books or records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, and any drafts, revisions, or amendments of the above, and all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

11. "HIRING" or "HIRE" mean receiving expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary and other COMPENSATION for, and/or extending offers to, PERSONS who express interest in a position with YOU or requisition posted by YOU.

12. "OFCCP" means the Office of Federal Contract Compliance Programs, United States Department of Labor.

13. "OFCCP'S REQUESTS FOR DATA" means all DOCUMENTS and COMMUNICATIONS requested from YOU by OFCCP during the COMPLIANCE REVIEW, whether orally, in writing, or in any other manner.

14. "ORGANIZATIONAL CHART" means a graphic or written representation of the structure of YOUR business or any portion of YOUR business, which shows the relationships of the positions or jobs (including but not limited to reporting relationships) within each line of

business, job function, or any other division or group as YOU have defined them in the normal course of YOUR business operations.

15. "PERSON" means without limitation individuals, firms, associations, partnerships, corporations, governmental agencies or offices and employees, and any other entity.

16. "PERSONNEL" means information relating to YOUR current, former, or prospective employees.

17. "PERSONNEL FILE" means any data, file (including electronic files), collection of DOCUMENTS and COMMUNICATIONS, or other form in which information is stored or maintained by YOU or any of YOUR officers, executives, all levels of management, human resources department(s) or division(s), and/or any other employee or PERSON acting or purporting to act on YOUR behalf or at YOUR direction, concerning the employment of a particular employee, whether current, former, or prospective.

18. "POLICIES," "PRACTICES," or "PROCEDURES" means each rule, action, or directive, whether formal or informal, and each common understanding or course of conduct that was recognized as such by YOUR present or former officers, agents, employees, or other PERSONS acting or purporting to act on YOUR behalf or at YOUR direction, that was in effect at any time during the RELEVANT TIME PERIOD. These terms include any changes that occurred during the RELEVANT TIME PERIOD.

19. "Relating to" means constituting, memorializing, evidencing, containing, showing, supporting, contradicting, summarizing, pertaining to, or referring to, whether directly or indirectly, the subject of the particular request.

INSTRUCTIONS

1. Unless otherwise stated, these requests relate to Oracle's POLICIES, PRACTICES, AND PROCEDURES at its headquarters located at Redwood Shores, California.

2. In responding to these requests, furnish all information that is available to YOU. If, after exercising due diligence to secure the DOCUMENTS, YOU cannot produce the requested DOCUMENTS in full, respond to the extent possible, specifying YOUR inability to produce the remainder. If YOU object to any request, state with specificity the basis for the objection, decline to respond to only that portion of the request deemed objectionable, and respond to the balance of the request.

3. If any requested DOCUMENT was, but is no longer, in YOUR possession, custody, or control, or is no longer in existence, state whether such DOCUMENT is:

- a. missing or lost;
- b. destroyed;
- c. transferred to others; or
- d. otherwise disposed of.

For any DOCUMENT so disposed of, summarize the contents of the DOCUMENT in as much detail as possible. If the DOCUMENT is missing, lost, or destroyed, set forth the circumstances surrounding such disposition. If the DOCUMENT was transferred to others or otherwise disposed of, describe in detail the authorization for such disposition, state the date or closest approximate date known to YOU of such disposition, state the current location of the DOCUMENT, and identify the custodian of all copies of such DOCUMENT.

4. These requests are intended to cover all DOCUMENTS in existence or in effect at any time during the RELEVANT TIME PERIOD. If any responsive DOCUMENTS have

changed over the RELEVANT TIME PERIOD, produce all responsive DOCUMENTS, regardless of whether they reflect POLICIES, PRACTICES, or PROCEDURES that are no longer in effect.

5. With respect to the application of privileges: If YOU decline to produce any DOCUMENT or to otherwise provide information on the basis of a claim of privilege, so state in response to the DOCUMENT request. Any part of a DOCUMENT for which YOU do not claim a privilege must be produced. Furnish a complete log of any DOCUMENTS or portions of DOCUMENTS withheld on the basis of privilege, describing each such DOCUMENT or portion thereof in a manner that will enable OFCCP to assess the applicability of the privilege being asserted. This includes, without limitation, setting forth for each such DOCUMENT the dates the DOCUMENT was prepared and transmitted, to whom and from whom the DOCUMENT was transmitted, including copies thereof, the length of the DOCUMENT, the privilege(s) claimed, and the factual basis for the claim of privilege.

6. Under 41 C.F.R. § 60-30.1 and Rule 26(e) of the Federal Rules of Civil Procedure, these requests for production are continuing in nature and, to the extent that the responses may be enlarged, diminished, or otherwise modified by information acquired by YOU or YOUR attorneys after filing this response, YOU and YOUR attorneys are required to promptly serve and file supplemental DOCUMENTS reflecting the changes.

7. The parties responding to these requests are charged with knowledge of what they know, what their agents, employees, servants, representatives, and attorneys know, what is in records available to them, and what others have told them on which they intend to rely in their defense.

8. All DOCUMENT productions made in response to these requests must comply
OFCCP'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE
(CASE NO. 2017-OFC-00006)

with OFCCP's technical specifications, which will be provided separately.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify YOUR organizational structure for the Support, Product Development, and Information Technology lines of business or job functions during the RELEVANT TIME PERIOD, including identifying by name and job title, any and all PERSON(S) that are officers, executives, and all levels of management within each job function or line of business, including reporting relationships between PERSONS.
2. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), by name and job title, with authority to affect a COLLEGE RECRUIT's disposition or HIRING, including PERSONS participating in job fairs, evaluating or screening expressions of interest, resumes and other application DOCUMENTS, interviewing applicants, making recommendations whether to hire applicants, and approving hires for positions in the Professional Technical I, Individual Contributor ("PT1") job group or Product Development line of business during the RELEVANT TIME PERIOD.
3. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S) by name and job title, involved in determining YOUR budget for PERSONNEL costs (i.e., budget for determining number of hires, starting salaries, promotions, any other changes in COMPENSATION, transfers, demotions, layoffs, and all other costs associated with PERSONNEL) during the RELEVANT TIME PERIOD, including but not limited to identifying any and all PERSON(S), by name and job title, with knowledge of how YOU define and determine the "Headcount" term YOU used in YOUR responses to OFCCP during the COMPLIANCE REVIEW.

4. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), by name and job title, involved in determining how, once established, funds allocated in YOUR PERSONNEL budget are distributed within the Product Development, Information Technology, and Support lines of business or job functions, including the distributions to executives, managers or anyone else for further distribution, and distribution of the budget to any team, division, or group within these lines of business.
5. All COMMUNICATIONS relating to OFCCP'S REQUESTS FOR DATA.
6. All COMMUNICATIONS relating to the preparation of YOUR responses (regardless of whether YOU furnished information or objected) to OFCCP'S REQUESTS FOR DATA.
7. All COMMUNICATIONS relating to feasibility (i.e., YOUR ability and efforts to collect information, including but not limited to data or fields of data) in response to OFCCP'S REQUESTS FOR DATA.
8. All DOCUMENTS and COMMUNICATIONS relating to POLICIES, PRACTICES, or PROCEDURES, for YOUR preparation of Affirmative Action Programs ("AAP"), as described in 41 C.F.R. § 60-2.10, for the RELEVANT TIME PERIOD.
9. All DOCUMENTS and COMMUNICATIONS relating to YOUR POLICIES, PRACTICES, or PROCEDURES, for responding to OFCCP'S REQUESTS FOR DATA during compliance reviews, including but not limited to the particular COMPLIANCE REVIEW period cited herein.
10. All DOCUMENTS and COMMUNICATIONS relating to YOUR POLICIES, PRACTICES, or PROCEDURES, for determining how YOU define an "applicant" as that term is used in YOUR responses to OFCCP'S REQUESTS FOR DATA during compliance reviews, including but not limited to the particular COMPLIANCE REVIEW period cited herein. This

includes, but is not limited to, all DOCUMENTS and COMMUNICATIONS relating to how YOU determine which PERSONS to include and exclude as an “applicant,” what factors go into this determination, and identifying any and all PERSON(S) involved in making this determination.

11. All DOCUMENTS and COMMUNICATIONS that define or describe YOUR DOCUMENT and data retention POLICIES, PRACTICES, or PROCEDURES, relating to any and all PERSONS expressing an interest in an Oracle job (whether or not such PERSONS eventually applied for said job) during the RELEVANT TIME PERIOD.

12. All user manuals and training materials for YOUR Compensation Workbench system.

13. All user manuals and training materials for YOUR I-Recruitment system.

14. All user manuals and training materials for YOUR system for tracking HIRING for COLLEGE RECRUITS.

15. All user manuals and training materials for YOUR Taleo system.

16. All DOCUMENTS and COMMUNICATIONS relating to YOUR POLICIES, PRACTICES, or PROCEDURES for HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and COMMUNICATIONS relating to any criteria that YOU used to evaluate applicants at any stage (i.e., screening, interview, post-interview) of the application process.

17. All DOCUMENTS and COMMUNICATIONS exchanged between YOU and all domestic colleges and universities relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD. This includes all DOCUMENTS and COMMUNICATIONS exchanged between YOU and college and university career services, AFFINITY GROUPS, and any other organizations whose members include college and university students and alumni.

18. All DOCUMENTS and COMMUNICATIONS exchanged between YOU and any internal or external recruiter for YOU relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

19. All DOCUMENTS and COMMUNICATIONS exchanged between YOU and all international colleges and universities relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD. This includes all DOCUMENTS and COMMUNICATIONS exchanged between YOU and college and university career services, AFFINITY GROUPS, and any other organizations whose members include college and university students and alumni.

20. All DOCUMENTS and COMMUNICATIONS relating to “Good Faith Efforts (GFEs) in the U.S. to reach out to interested women and minorities” for any PT1 job group positions and all positions within the Product Development line of business during the RELEVANT TIME PERIOD, as stated in YOUR letter to OFCCP dated October 31, 2016.

21. All DOCUMENTS and COMMUNICATIONS relating to efforts to recruit PERSONS internationally for any PT1 job group positions and all positions within the Product Development line of business during the RELEVANT TIME PERIOD.

22. All notes or records of interviews, whether by phone or in-person (including but not limited to memos, emails, and text messages), of COLLEGE RECRUITS who were interviewed during the RELEVANT TIME PERIOD.

23. All DOCUMENTS and COMMUNICATIONS (including but not limited to memos, emails, text messages) stating, summarizing, supporting, or explaining YOUR decision on a disposition of an expression of interest or application at any point of the HIRING process from a COLLEGE RECRUIT during the RELEVANT TIME PERIOD.

24. All COMMUNICATIONS (including but not limited to memos, emails and text

messages) to and from Larry Lynn, Vice President, College Recruiting, relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

25. All COMMUNICATIONS (including but not limited to memos, emails and text messages) to and from Chantal Dumont, Senior Director, College Recruiting, relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

26. All DOCUMENTS and COMMUNICATIONS relating to POLICIES, PRACTICES, or PROCEDURES for YOUR Employee Referral Program.

27. All DOCUMENTS and COMMUNICATIONS relating to PERSONS who were referred under YOUR Employee Referral Program.

28. All DOCUMENTS and COMMUNICATIONS relating to PERSONS receiving a bonus or other form of COMPENSATION through YOUR Employee Referral Program.

29. All DOCUMENTS YOU rely upon or reviewed in making each and every affirmative defense set forth in YOUR ANSWER.

//

DATED: February 10, 2017

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

NORMAN E. GARCIA
Senior Trial Attorney

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/s/ Grace A. Kim
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CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 350 S. Figueroa St., Ste. 370, Los Angeles, California, 90071.

On the date indicated below, I served the foregoing **OFCCP'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: February 10, 2017

/s/ Grace A. Kim
GRACE A. KIM
Trial Attorney

Office of the Solicitor
U.S. Department of Labor



EXHIBIT 6

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,	:	
	:	
Plaintiff,	:	OALJ Case No. 2017-OFC-00006
	:	
v.	:	OFCCP No. R00192699
	:	
ORACLE AMERICA, INC.,	:	
	:	
Defendant.	:	
	:	
	:	

**OFCCP’S SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS
TO ORACLE AMERICA, INC.**

Plaintiff the Office of Federal Contract Compliance Programs, United States Department of Labor (“OFCCP”), under 41 C.F.R. § 60-30.10, requests that Defendant Oracle America, Inc. (“Oracle”) produce at the Office of the Solicitor, U.S. Department of Labor, 90 7TH Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle’s possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

- 1. “YOU” and “YOUR” mean Oracle America, Inc. and all of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

- 2. “RELEVANT TIME PERIOD” means **January 1, 2013 to the present** unless

otherwise stated.

3. "AFFINITY GROUP" means any group of people linked by a common interest or purpose and includes, but is not limited to, gender or race.

4. "AMENDED COMPLAINT" means the pleading filed by OFCCP in this action on January 25, 2017.

5. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

6. "ANSWER" means the Answer to the AMENDED COMPLAINT filed by YOU in this action on February 8, 2017.

7. "COLLEGE RECRUIT" means any PERSON who expresses interest or applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, and recent graduates) for technical positions (as opposed to sales positions), including positions in the Professional Technical I, Individual Contributor job group or Product Development, Support, or Information Technology lines of business.

8. "COMMUNICATIONS" means all transactions or transfers of information of any kind, whether orally, in writing, or in any other manner, at any time or place, under any circumstances whatsoever.

9. "COMPENSATION" means any payments made to, or on behalf of, an employee as remuneration for employment, including but not limited to salary, wages, overtime pay, shift differentials, commissions, bonuses, vacation and holiday pay, retirement and other benefits, stock options and awards, and profit sharing.

10. "DATABASE" means any file or collection of information in fielded format that exists in computer-readable form.

11. "DOCUMENT" means all writings of any kind, including any written, printed, typed, electronically stored, or other graphic matter of any kind or nature and all mechanical or electronic sound recordings or transcripts thereof, in YOUR possession and/or control or known by YOU to exist, and also means all copies of documents by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books or records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, and any drafts, revisions, or amendments of the above, and all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

12. "EXPERIENCED RECRUIT" means a PERSON who expresses interest or applies to YOU through the requisition process for technical (as opposed to sales) positions, including positions in the Professional Technical I, Individual Contributor job group or Product Development, Support, or Information Technology lines of business, and who is not already employed by YOU.

13. "GOVERNMENT CONTRACT" means a contract as defined in 41 C.F.R. § 60-1.3.

14. "HIRING" or "HIRE" mean receiving expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary and other COMPENSATION for, and/or extending offers to, PERSONS who express interest in a position with YOU or requisition posted by YOU.

15. "LABOR CONDITION APPLICATIONS" means a Labor Condition Application for H-1B Nonimmigrants provided by the United States Department of Labor,

Employment and Training Administration.

16. "OFCCP" means the Office of Federal Contract Compliance Programs, United States Department of Labor.

17. "ORGANIZATIONAL CHART" means a graphic or written representation of the structure of YOUR business or any portion of YOUR business, which shows the relationships of the positions or jobs (including but not limited to reporting relationships) within each line of business, job function, or any other division or group as YOU have defined them in the normal course of YOUR business operations.

18. "PERSON" means without limitation individuals, firms, associations, partnerships, corporations, governmental agencies or offices and employees, and any other entity.

19. "PERSONNEL" means information relating to YOUR current, former, or prospective employees.

20. "PERSONNEL FILE" means any data, file (including electronic files), collection of DOCUMENTS and COMMUNICATIONS, or other form in which information is stored or maintained by YOU or any of YOUR officers, executives, all levels of management, human resources department(s) or division(s), and/or any other employee or PERSON acting or purporting to act on YOUR behalf or at YOUR direction, concerning the employment of a particular employee, whether current, former, or prospective.

21. "POLICIES," "PRACTICES," or "PROCEDURES" means each rule, action, or directive, whether formal or informal, and each common understanding or course of conduct that was recognized as such by YOUR present or former officers, agents, employees, or other PERSONS acting or purporting to act on YOUR behalf or at YOUR direction, that was in effect

at any time during the RELEVANT TIME PERIOD. These terms include any changes that occurred during the RELEVANT TIME PERIOD.

22. "PROMOTION" means a change in an employee's job title, salary code, grade, or other ranking which results in an increase in COMPENSATION, responsibility, and/or other benefit.

23. "RELATING TO" means constituting, memorializing, evidencing, containing, showing, supporting, contradicting, summarizing, pertaining to, or referring to, whether directly or indirectly, the subject of the particular request.

24. "TRANSFER EMPLOYEE" means an individual previously employed by YOU (i.e., a rehire) or at the time of hire was employed by YOU (at YOUR headquarters or at any of YOUR other locations) or by a corporate affiliate of YOU (such as Oracle India Pvt. Ltd.).

INSTRUCTIONS

1. Unless otherwise stated, these requests relate to Oracle's POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California.

2. In responding to these requests, furnish all information that is available to YOU. If, after exercising due diligence to secure the DOCUMENTS, YOU cannot produce the requested DOCUMENTS in full, respond to the extent possible, specifying YOUR inability to produce the remainder. If YOU object to any request, state with specificity the basis for the objection, decline to respond to only that portion of the request deemed objectionable, and respond to the balance of the request.

3. If any requested DOCUMENT was, but is no longer, in YOUR possession,

custody, or control, or is no longer in existence, state whether such DOCUMENT is:

- a. missing or lost;
- b. destroyed;
- c. transferred to others; or
- d. otherwise disposed of.

For any DOCUMENT so disposed of, summarize the contents of the DOCUMENT in as much detail as possible. If the DOCUMENT is missing, lost, or destroyed, set forth the circumstances surrounding such disposition. If the DOCUMENT was transferred to others or otherwise disposed of, describe in detail the authorization for such disposition, state the date or closest approximate date known to YOU of such disposition, state the current location of the DOCUMENT, and identify the custodian of all copies of such DOCUMENT.

4. These requests are intended to cover all DOCUMENTS in existence or in effect at any time during the RELEVANT TIME PERIOD. If any responsive DOCUMENTS have changed over the RELEVANT TIME PERIOD, produce all responsive DOCUMENTS, regardless of whether they reflect POLICIES, PRACTICES, or PROCEDURES that are no longer in effect.

5. With respect to the application of privileges: If YOU decline to produce any DOCUMENT or to otherwise provide information on the basis of a claim of privilege, so state in response to the DOCUMENT request. Any part of a DOCUMENT for which YOU do not claim a privilege must be produced. Furnish a complete log of any DOCUMENTS or portions of DOCUMENTS withheld on the basis of privilege, describing each such DOCUMENT or portion thereof in a manner that will enable OFCCP to assess the applicability of the privilege being asserted. This includes, without limitation, setting forth for each such DOCUMENT the dates

the DOCUMENT was prepared and transmitted, to whom and from whom the DOCUMENT was transmitted, including copies thereof, the length of the DOCUMENT, the privilege(s) claimed, and the factual basis for the claim of privilege.

6. Under 41 C.F.R. § 60-30.1 and Rule 26(e) of the Federal Rules of Civil Procedure, these requests for production are continuing in nature and, to the extent that the responses may be enlarged, diminished, or otherwise modified by information acquired by YOU or YOUR attorneys after filing this response, YOU and YOUR attorneys are required to promptly serve and file supplemental DOCUMENTS reflecting the changes.

7. The parties responding to these requests are charged with knowledge of what they know, what their agents, employees, servants, representatives, and attorneys know, what is in records available to them, and what others have told them on which they intend to rely in their defense.

8. All DOCUMENT productions made in response to these requests must comply with OFCCP's technical specifications, which will be provided separately.

REQUESTS FOR PRODUCTION OF DOCUMENTS

30. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), by name and job title, with authority to affect an EXPERIENCED RECRUIT's disposition or HIRING, including PERSONS participating in job fairs, evaluating or screening expressions of interest, resumes and other application DOCUMENTS, interviewing applicants, making recommendations whether to hire applicants, and approving hires during the RELEVANT TIME PERIOD.

31. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists,

sufficient to identify any and all PERSON(S), by name and job title, with authority to affect a TRANSFER EMPLOYEE's disposition or HIRING, including PERSONS evaluating or screening expressions of interest, resumes and other application DOCUMENTS, interviewing applicants, making recommendations whether to hire applicants, and approving hires for technical positions, including positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD.

32. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify the structure of, and any and all PERSON(S) (by name and job title) within, YOUR human resources and/or PERSONNEL department(s) during the RELEVANT TIME PERIOD, including but not limited to: the job positions that existed within the human resources and/or PERSONNEL department(s); the PERSONS who held those positions; and the reporting relationships between each individual and job position.

33. For each job position listed in the ORGANIZATIONAL CHARTS or lists identified in response to Request No. 32, produce all DOCUMENTS RELATING TO, or containing, a description of the specific functions, responsibilities, and tasks assigned and job duties to be performed.

34. All DOCUMENTS and COMMUNICATIONS RELATING TO YOUR POLICIES, PRACTICES, or PROCEDURES for HIRING EXPERIENCED RECRUITS during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and COMMUNICATIONS RELATING TO any criteria that YOU used to evaluate EXPERIENCED RECRUITS at any stage (i.e., screening, interview, post-interview, etc.) of the application process.

35. All DOCUMENTS and COMMUNICATIONS RELATING TO YOUR POLICIES,

PRACTICES, or PROCEDURES for HIRING TRANSFER EMPLOYEES during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and COMMUNICATIONS RELATING TO any criteria that YOU used to evaluate TRANSFER EMPLOYEES at any stage (i.e., screening, interview, post-interview, etc.) of the application process.

36. All DOCUMENTS and COMMUNICATIONS RELATING TO YOUR POLICIES, PRACTICES, or PROCEDURES for HIRING international TRANSFER EMPLOYEES during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and COMMUNICATIONS RELATING TO any criteria that YOU used to evaluate international TRANSFER EMPLOYEES at any stage (i.e., screening, interview, post-interview) of the application process.

37. All DOCUMENTS and COMMUNICATIONS RELATING TO events YOU were involved with (including but not limited to events YOU held, sponsored, attended, or sent materials [whether or not YOU attended], such as recruiting fairs, job fairs, events for AFFINITY GROUPS) RELATING TO HIRING EXPERIENCED RECRUITS during the RELEVANT TIME PERIOD.

38. All DOCUMENTS and COMMUNICATIONS RELATING TO events YOU were involved with (including but not limited to events YOU held, sponsored or attended, such as internal job fairs, events for AFFINITY GROUPS) RELATING TO HIRING TRANSFER EMPLOYEES for any technical positions, including all PT1 job group positions and all positions within the Product Development line of business during the RELEVANT TIME PERIOD.

39. All DOCUMENTS and COMMUNICATIONS exchanged between YOU and any recruiter (internal or external) RELATING TO HIRING EXPERIENCED RECRUITS during the

RELEVANT TIME PERIOD.

40. All DOCUMENTS and COMMUNICATIONS exchanged between YOU and any recruiter (internal or external) RELATING TO HIRING TRANSFER EMPLOYEES during the RELEVANT TIME PERIOD.

41. All DOCUMENTS and COMMUNICATIONS RELATING TO POLICIES, PRACTICES, or PROCEDURES (including but not limited to manuals or instructions) for searching external job boards or websites for potential HIRES during the RELEVANT TIME PERIOD.

42. All notes or records of interviews, whether by phone or in-person (including but not limited to memos, emails, and text messages), of EXPERIENCED RECRUITS who were interviewed during the RELEVANT TIME PERIOD.

43. All notes or records of interviews, whether by phone or in-person (including but not limited to memos, emails, and text messages), of TRANSFER EMPLOYEES who were interviewed for any PT1 job group positions or positions within the Product Development line of business during the RELEVANT TIME PERIOD.

44. All DOCUMENTS and COMMUNICATIONS (including but not limited to memos, emails, and text messages) stating, summarizing, supporting, or explaining YOUR decision or recommendation on a disposition of an expression of interest or application at any point of the HIRING process from an EXPERIENCED RECRUIT during the RELEVANT TIME PERIOD.

45. All DOCUMENTS and COMMUNICATIONS (including but not limited to memos, emails, and text messages) stating, summarizing, supporting, or explaining YOUR decision or recommendation on a disposition of an expression of interest or application at any point of the HIRING process from a TRANSFER EMPLOYEE who applied for or expressed an interest for

any PT1 job group positions or positions within the Product Development line of business during the RELEVANT TIME PERIOD.

46. All COMMUNICATIONS (including by not limited to memos, emails, and text messages) to and from Joyce Westerdahl RELATING TO: HIRING; COMPENSATION; PROMOTIONS; diversity or affirmative action; race; gender; national origin; or complaints (whether formal or informal) regarding: discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; and/or hostile work environment.

47. All DOCUMENTS (e.g., applications, resumes, expressions of interest, transcripts, references) submitted by PERSONS expressing an interest in or applying for positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD.

48. All DOCUMENTS (e.g., job postings, requisitions, e-mails) submitted from YOU to PERSONS expressing an interest in or applying for positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD.

49. All DOCUMENTS that define or describe YOUR DOCUMENT and data retention POLICIES, PRACTICES, or PROCEDURES for YOUR DATABASE(S) and any other repository for storing DOCUMENTS RELATING TO HIRING (including iRecruitment and Taleo) during the RELEVANT TIME PERIOD.

50. All DOCUMENTS that define or describe YOUR DOCUMENT and data retention POLICIES, PRACTICES, or PROCEDURES for YOUR human resources, compensation, and/or PERSONNEL DATABASE(S) and any other repository for storing PERSONNEL DOCUMENTS and COMMUNICATIONS (including E-business suites, HRIS, Compensation workbench, and GSIAP) during the RELEVANT TIME PERIOD.

51. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S) with knowledge of YOUR human resources and/or PERSONNEL DATABASE(S) and any other repository for storing PERSONNEL DOCUMENTS and COMMUNICATIONS, including but not limited to identifying any and all PERSONS(S) with knowledge RELATING TO: inputting, saving, storing, producing, deleting, and manipulating information contained in said DATABASE(S).

52. All performance evaluation forms (including electronic forms or fields for data entry) that YOU used for PERSONS in PT1 job group positions or in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

53. DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), including but not limited to officers, executives, and all levels of management, with the ability to make a decision to affect a PERSON'S COMPENSATION (i.e., by evaluating job performance, recommending increases or decreases in COMPENSATION; recommending PROMOTIONS or demotions) during the RELEVANT TIME PERIOD for positions within the Product Development, Information Technology, and Support lines of business.

54. All DOCUMENTS relating to PRACTICES, POLICIES, or PROCEDURES for assigning PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD to a "salary code" or "grade" and to a job title.

55. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for determining starting COMPENSATION (i.e., upon hire) for COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

56. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for

determining starting COMPENSATION (i.e., upon hire) for EXPERIENCED RECRUITS hired into PT1 job group positions or into positions in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

57. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for determining starting COMPENSATION (i.e., upon hire for that particular position) for TRANSFER EMPLOYEES hired into PT1 job group positions or into positions in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD (including COMPENSATION guidelines for international TRANSFER EMPLOYEES).

58. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for determining job assignments (including but not limited to department/division, group, product team, and/or client assignments) for PERSONS in PT1 job group positions or in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

59. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES RELATING TO the PROMOTION process for PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

60. All DOCUMENTS RELATING TO managers' requests for a PROMOTION of PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD, including but not limited to any completed "Promotion Template."

61. For each PERSON in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD, DOCUMENTS evidencing the

PERSON's characteristics YOU considered when setting that PERSON's COMPENSATION, either upon hire or in connection with a raise or PROMOTION, including but not limited to performance evaluations or other DOCUMENTS from the PERSON's PERSONNEL FILE evidencing that PERSON's experience or qualifications.

62. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for determining any changes in COMPENSATION for PERSONS in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

63. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for setting pay ranges for job titles and/or pay grades in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

64. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES reflecting how PERSONS in the Product Development, Information Technology, and Support lines of business are evaluated, ranked, and/or analyzed, during the RELEVANT TIME PERIOD, including but not limited to: standards used; the process for evaluating, ranking, and/or analyzing; positions that evaluate, rank and/or analyze; the review and approval process.

65. All DOCUMENTS provided to YOUR employees, including but not limited to employee handbooks, describing PRACTICES, POLICIES, or PROCEDURES RELATING TO: HIRING; job assignments (including but not limited to initial job assignments, lateral movements, and transfers); COMPENSATION; PROMOTIONS; demotions; diversity and/or affirmative action, for PT1 job group positions and positions in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

66. All DOCUMENTS RELATING TO PRACTICES, POLICIES, or PROCEDURES for raising a complaint of: discrimination (including but not limited to race or gender); retaliation;

unfair treatment; unfair COMPENSATION; and/or hostile work environment (including all PRACTICES, POLICIES, or PROCEDURES RELATING TO YOU investigating and addressing such complaints, whether internal or external) during the RELEVANT TIME PERIOD.

67. All DOCUMENTS RELATING TO complaints made (whether formal or informal, oral or written) against YOU (including against any and all PERSON(S) involved in HIRING for PT1 job group and/or Product Development job group positions or involved in determining COMPENSATION for employees in the Product Development, Information Technology, and Support lines of business) that allege, in whole or in part, discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; and/or hostile work environment during the RELEVANT TIME PERIOD.

68. All DOCUMENTS initiating legal proceedings against YOU concerning PERSONNEL issues by PERSONS in the PT1 job group or in the Product Development, Information Technology, or Support lines of business during the RELEVANT TIME PERIOD, including but not limited to: civil lawsuits; arbitrations; and/or administrative charges of: discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; and/or hostile work environment, including but not limited to charges filed with the Equal Employment Opportunity Commission, any state equal employment agencies, human rights agencies, or unemployment agencies.

69. All DOCUMENTS, including but not limited to employee surveys, summaries, reports, or presentations, addressing or referencing: discrimination (including but not limited to race or gender); retaliation; unfair treatment; unfair COMPENSATION; hostile work environment; morale; and/or improper management conduct during the RELEVANT TIME PERIOD.

70. All GOVERNMENT CONTRACTS to which YOU have been a party during the RELEVANT TIME PERIOD, including any addenda, modifications, affirmations, and/or novations.

71. YOUR internal pay equity analyses conducted pursuant to 41 C.F.R. § 60-2.17 for the RELEVANT TIME PERIOD, including the date of analysis and dataset(s) used for the analysis.

72. All DOCUMENTS RELATING TO actions taken during the RELEVANT TIME PERIOD in response to YOUR internal pay equity analyses conducted pursuant to 41 C.F.R. § 60-2.17.

73. DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or internal documentation describing the fields/outputs containing the following, regardless of time period: PERSONNEL, PROMOTION, payroll, gender, and race data for employees in the PT1 job group or in the Product Development, Information Technology, and Support lines of business. Data should include all data contained in Oracle's GSIAP system, including data from (1) the "People" window and all tabs shown on that window (i.e., "Personal," "Employment," "Office Details," "Applicant," "Further Name," "Other," and "Benefits"); (2) the "Previous Employment Information" window; (3) the "Schools and Colleges Attended" window; (4) the "Assignment" screen and all tabs shown on that window (i.e., "Salary Information," "Supervisor," "Standard Conditions," and "Statutory Information"); (5) the "Salary Administration" window; (6) the "Performance" window; (7) the "Salary History" window; and (8) the "DateTrack History of Assignments" window.

74. DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or or internal documentation describing the

fields/outputs containing the following: applicant, offer, gender, and race data for EXPERIENCED RECRUITS during the RELEVANT TIME PERIOD. Data should include all data contained in Oracle's iRecruitment system and Taleo system, including data from (1) the "Candidate Details" window and all tabs shown on that window (i.e., including "Candidate Profile," "Qualifications," "Resumes and Documents," "Jobs Considered for," "Applications," and "Offers"), (2) the "Vacancies" window and all tabs shown on that window (i.e., "Vacancy Details," "Applicants," and links, such as "Review Resume" and "Application Notes").

75. DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or internal documentation describing the fields/outputs containing the following: applicant, offer, gender, and race data for TRANSFER EMPLOYEES into positions in the PT1 job group or Product Development line of business during the RELEVANT TIME PERIOD. Data should include all data contained in Oracle's iRecruitment system and Taleo system, including data from (1) the "Candidate Details" window and all tabs shown on that window (i.e., including "Candidate Profile," "Qualifications," "Resumes and Documents," "Jobs Considered for," "Applications," and "Offers"), (2) the "Vacancies" window and all tabs shown on that window (i.e., "Vacancy Details," "Applicants," and links, such as "Review Resume" and "Application Notes").

76. DATABASE(S) exported in a non-proprietary format, such as an Excel-readable file (e.g., .XLS or .CSV files), with data dictionaries and/or internal documentation describing the fields/outputs containing the following: applicant, offer, gender, and race data for COLLEGE RECRUITS during the RELEVANT TIME PERIOD. Data should include all data contained in Oracle's iRecruitment system, Taleo system, or other system, such as data from (1) the "Candidate Details" window and all tabs shown on that window (i.e., including "Candidate

Profile,” “Qualifications,” “Resumes and Documents,” “Jobs Considered for,” “Applications,” and “Offers”), (2) the “Vacancies” window and all tabs shown on that window (i.e., “Vacancy Details,” “Applicants,” and links, such as “Review Resume” and “Application Notes”).

77. All LABOR CONDITION APPLICATIONS for the RELEVANT TIME PERIOD, including any LABOR CONDITION APPLICATIONS YOU submitted during the RELEVANT TIME PERIOD or any additional LABOR CONDITION APPLICATIONS YOU used to employ any PERSON during the RELEVANT TIME PERIOD.

78. ADVERSE IMPACT ANALYSES, as required by 41 C.F.R. § 60-3.15A, performed by YOU or any other PERSONS acting or purporting to act on YOUR behalf or at YOUR direction for the RELEVANT TIME PERIOD.

79. Evaluations of each step or component of the selection (i.e., HIRING) process, as described in 41 C.F.R. § 60-3.4(C), for positions in the PT1 job group and/or Product Development line of business for the RELEVANT TIME PERIOD.

80. In-depth analyses of the total employment process, as required in 41 C.F.R. § 60-2.17(b), for positions in the PT1 job group or Product Development, Information Technology, and/or Support lines of business for the RELEVANT TIME PERIOD.

81. All DOCUMENTS RELATING TO training or other instruction YOU provided to any officers, executives, all levels of management, human resources and/or PERSONNEL department(s) or division(s), and/or any other employee or PERSON acting or purporting to act on YOUR behalf or at YOUR direction, involved in HIRING and/or determining COMPENSATION that relates to YOUR Affirmative Action Program (AAP) or laws or policies prohibiting discrimination on the basis of gender or race during the RELEVANT TIME PERIOD.

82. DOCUMENTS sufficient to show the eligibility requirements for any employment benefits offered to employees in the PT1 job group or Product Development, Information Technology, and/or Support lines of business during the RELEVANT TIME PERIOD, including but not limited to the following benefits: life insurance; retirement; vacation pay; sick pay; 401(k) profit sharing or retirement plans; stock options; DOCUMENTS governing any health, dental, vision, disability, or other welfare plan; DOCUMENTS governing any sick, vacation, and holiday plans; and summary plan descriptions.

83. Contact information for all current and former employees in the PT1 job group and Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD, including: full name, home address, home phone number, mobile phone number, and home/personal email address.

84. All DOCUMENTS RELATING TO any statistical analyses that YOU rely upon to deny any of the allegations in the AMENDED COMPLAINT, including all results, assumptions, variables, and analyses upon which YOU rely, and the computer code and formulas underlying the analyses.

85. For any and all analyses YOU provide in response to Request No. 84, provide the entire DATABASE YOU relied upon for each analysis.

86. For each DATABASE provided in response to Request No. 84, produce all written and electronic source DOCUMENTS that YOU relied upon to create and refine the DATABASE, including but not limited to DOCUMENTS relied upon to establish each PERSON's name, gender, race, position, education, work experience, and any other factor YOU included in the DATABASE.

87. All DOCUMENTS RELATING TO validity studies or evaluations that YOU or someone

on YOUR behalf conducted RELATING TO any step or component of the HIRING process for employees in the PT1 job group and Product Development line of business during the RELEVANT TIME PERIOD.

88. All DOCUMENTS RELATING TO validity studies or evaluations that YOU or someone on YOUR behalf conducted RELATING TO any step or component of the COMPENSATION determination process for employees in the Product Development, Information Technology, and Support lines of business during the RELEVANT TIME PERIOD.

89. All DOCUMENTS YOU rely upon or reviewed in preparing YOUR ANSWER.

90. All DOCUMENTS that support YOUR "Preliminary Statement" (pages 1-9) set forth in YOUR ANSWER.

91. All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT.

92. All DOCUMENTS that YOU plan to introduce as exhibits at the trial in this matter.

//

DATED: February 21, 2017

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

NORMAN E. GARCIA
Senior Trial Attorney

MARC A. PILOTIN
Trial Attorney

/s/ Grace A. Kim
GRACE A. KIM, Trial Attorney

Attorneys for OFCCP
Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7757
Fax: (415) 625-7772
Email: bremer.laura@dol.gov

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 350 S. Figueroa St., Ste. 370, Los Angeles, California, 90071.

On the date indicated below, I served the foregoing **OFCCP'S SECOND SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: February 21, 2017

/s/ Grace A. Kim
GRACE A. KIM
Trial Attorney

Office of the Solicitor
U.S. Department of Labor



EXHIBIT 7

U.S. Department of Labor

Office of the Solicitor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7757
Fax: (415) 625-7772



March 2, 2017

VIA E-MAIL

Gary R. Siniscalco
Erin M. Connell
ORRICK, HERRINGTON & SUTCLIFFE LLP
405 Howard Street
San Francisco, CA 94105-2669

Re: OFCCP v. Oracle America, Inc., OALJ Case No. 2017-OFC-00006

Dear Counsel:

We are noticing the deposition of the person(s) most knowledgeable to testify regarding Oracle's databases and computer systems (as described specifically in the attached Notice). We have provided close to a month's notice to allow Oracle more than sufficient time to designate the persons to testify and ensure that they are available. In addition, the schedule provides us time to attempt to obtain the information sought during the deposition by an alternative method. We are open to meeting at Oracle with Oracle personnel knowledgeable on the topics listed in the Notice to discuss the topics and demonstrate how the systems work. If OFCCP is able to obtain all the information it seeks through this method, after the meeting it would take the deposition off calendar. Even if the deposition proceeded, it would likely be streamlined if we were able to hold such a meeting in advance of the deposition. Please let me know if you are interested in this alternative, the person(s) Oracle is designating to testify on the attached topics, and confirm that they are available to testify on March 28. Thank you.

Sincerely,

Laura C. Bremer
Senior Trial Attorney

Enclosure

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**OFCCP'S NOTICE OF DEPOSITION PURSUANT TO 41 C.F.R. § 60-30.11 AND
FEDERAL RULE OF CIVIL PROCEDURE 30(B)(6) REGARDING HUMAN
RESOURCES DATABASES AND OTHER RECORDS**

PLEASE TAKE NOTICE that, pursuant to 41 C.F.R. §60-30.11 and Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP") will take the deposition upon oral examination of Defendant Oracle America, Inc. ("Oracle"), through its designated agent(s).

The deposition will commence on March 28, 2017, at 9:00 a.m., at 90 7th Street, Suite 3-700, San Francisco, California 94103, or at a mutually agreeable location. Pursuant to the provisions of Rule 30(b)(6) of the Federal Rules of Civil Procedure, Oracle is hereby directed to designate one or more officers, directors, managing agents, or other persons who consent to testify and are most knowledgeable and competent to testify regarding the matters designated below.

DEFINITIONS AND INSTRUCTIONS

1. Except as otherwise defined or broadened in this notice of deposition, Plaintiff incorporates by reference the definitions set forth in Fed. R. Civ. P. 26 and 30.
2. "Affected Employees" refers to any employee identified in paragraphs ¶¶ 7-10 in the Amended Complaint (*i.e.*, employees in the Information Technology, Product Development, and Support lines of business and employees in the Professional Technical 1, Individual Contributor job group).
3. "Payroll Records" means all documents kept for the purpose of identifying the wages or any other compensation owed to Oracle employees.
4. "Personnel Record" or "Personnel File" means all documents kept by Oracle that refer to a particular employee, including but not limited to all of the following: personnel records; discipline records; internal or confidential documents referring to such employee; and other documents kept by Oracle that have been used or may have affected a particular employee's qualifications for, eligibility for, subjection to, receipt of, or receipt of an offer of employment, promotion, transfer, additional compensation, termination, or disciplinary action.
5. The terms "including" and "includes" shall mean "including, but not limited to" or the grammatical equivalent, and shall not be construed to exclude items not listed.
6. For purposes of the subjects below, the relevant time period is from January 1, 2013 through the present.

MATTERS DESIGNATED FOR DEPOSITION TESTIMONY

1. Oracle's databases containing information about Affected Employees, including Affected Employees' Payroll Records and Personnel Files. In addition to being able to testify generally about such databases, any person or set of persons Oracle designates as being the most knowledgeable about such databases must also provide testimony on the specific matters below:

- a. the purpose of the databases;
- b. the identity, by job title or other general description, of individuals who use the databases;
- c. the content of the database, including the fields used in the databases and any changes to the content during the relevant period;
- d. the manner in which data is entered into the databases;
- e. the types of reports that can be generated from the databases;
- f. the process by which data can be exported from the databases;
- g. any relationships (*e.g.*, whether data stored in one database is used by another) among the databases; and,
- h. the extraction of data from the databases and creation of Excel Spreadsheets provided to OFCCP in response to data requests.

2. Oracle's databases containing information about individuals expressing interest in, recruited for, or applying for positions held by Affected Employees (*e.g.*, Recruitment and Taleo). In addition to being able to testify generally about such databases, any person or set of persons Oracle designates as being the most knowledgeable about such databases must also provide testimony on the specific matters below:

- a. the purpose of the databases;
- b. the identity, by job title or other general description, of individuals who use the databases;
- c. the content of the database, including the fields used in the databases and any changes to the content during the relevant period;
- d. the manner in which data is entered into the databases;

- e. the types of reports that can be generated from the databases;
- f. the process by which data can be exported from the databases;
- g. any relationships (*e.g.*, whether data stored in one database is used by another) among the databases; and,
- h. the extraction of data from the databases and creation of Excel

Spreadsheets provided to OFCCP in response to data requests.

3. The e-mail system Oracle uses at its Redwood Shores facility (including back-ups) and how material can be retrieved from that system.

4. Oracle's policies and practices regarding document retention and/or destruction and computer-based record-keeping.

5. For information Oracle claimed or claims is not in any electronic database or cannot be easily extracted into an Excel spreadsheet or other electronic format (including, but not limited to: college(s) employees and applicants attended, educational degree(s) attained, prior salary, years of prior work experience, resumes, etc.):

- a. all locations where these records are stored;
- b. all formats these records are stored in to include native formats;
- c. The process required for Oracle to put these records into a digital format;
- d. The process necessary for Oracle to create spreadsheets or other lists containing such information;
- e. the cost to Oracle to individually or collectively put these records into a digital database and /or excel spreadsheets; the time it would take Oracle to individually or collectively put these records into a digital database and /or excel spreadsheets; and

- f. any analysis of the costs that Oracle conducted regarding data and information that OFCCP requested.

Date: March 2, 2017

NICHOLAS C. GEALE
Acting Solicitor

JANET M. HEROLD
Regional Solicitor

IAN H. ELIASOPH
Counsel for Civil Rights



LAURA C. BREMER
Senior Trial Attorney
UNITED STATES DEPARTMENT OF LABOR
Office of the Solicitor
90 7th Street, Suite 3-700
San Francisco, CA 94103
Telephone: (415) 625-7745
Fax: (415) 625-7772
E-Mail: Schultz.Andrew@dol.gov

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 90 7th Street, Suite 3-700, San Francisco, California, 94103.

On the date indicated below, I served the foregoing OFCCP'S NOTICE OF DEPOSITION PURSUANT TO 41 C.F.R. § 60-30.11 AND FEDERAL RULE OF CIVIL PROCEDURE 30(B)(6) REGARDING HUMAN RESOURCES DATABASES AND OTHER RECORDS by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: March 2, 2017



LAURA C. BREMER
Trial Attorney

Office of the Solicitor
U.S. Department of Labor

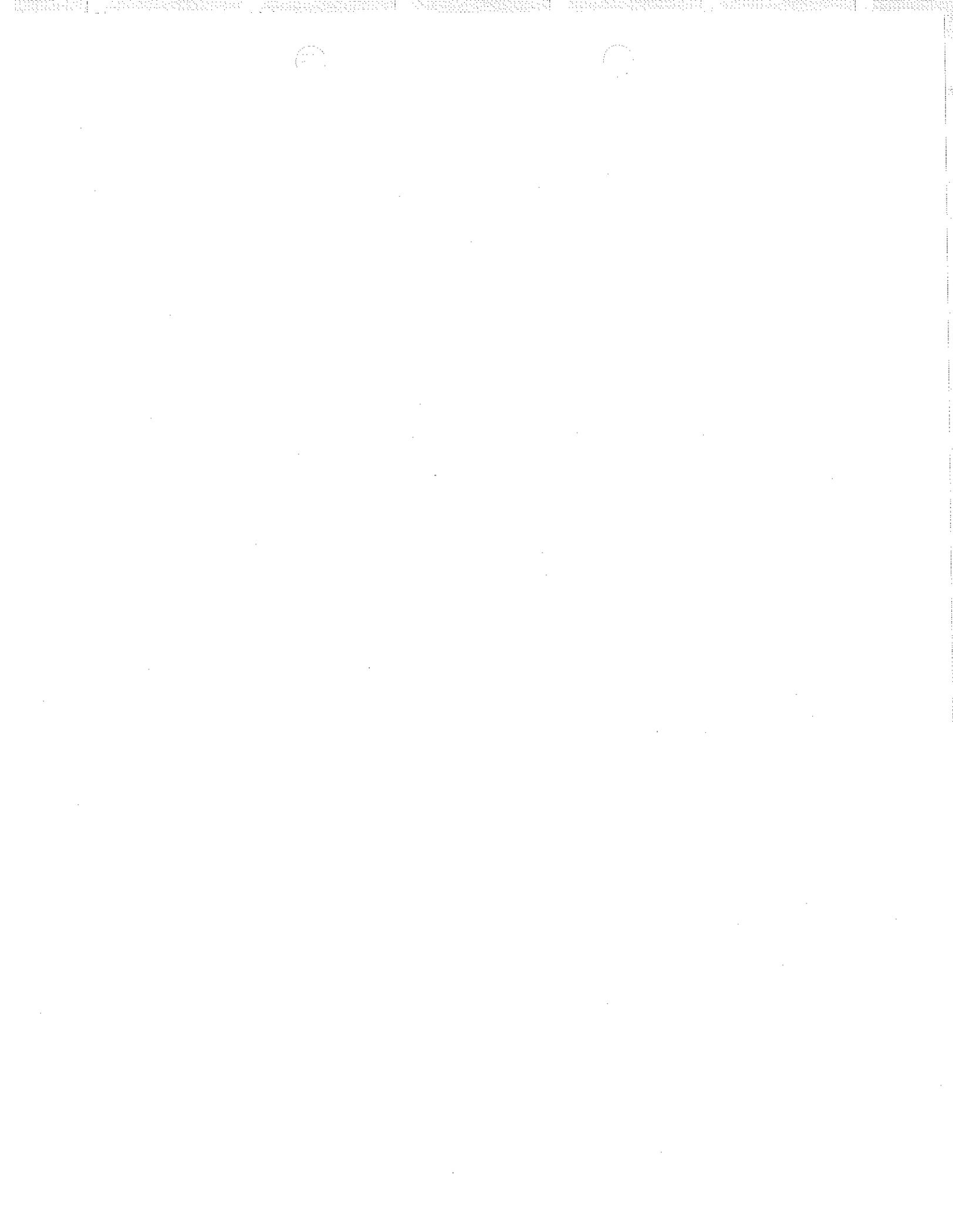


EXHIBIT 8

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**DEFENDANT ORACLE
AMERICA, INC.'S RESPONSES
AND OBJECTIONS TO FIRST
SET OF REQUESTS FOR THE
PRODUCTION OF DOCUMENTS**

PROPOUNDING PARTY: Plaintiff OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED STATES
DEPARTMENT OF LABOR

RESPONDING PARTY: Defendant ORACLE AMERICA, INC.

SET NO.: One

Pursuant to 41 C.F.R. § 60-30.10 and, as applicable, Federal Civil Procedure Rule 34, Defendant Oracle America, Inc. ("Oracle") responds to Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor's ("OFCCP") First Set of Requests for Production of Documents ("Requests") as follows:

PRELIMINARY STATEMENT

Oracle has not completed its investigation of the facts related to this case and therefore its responses are of a preliminary nature. Further discovery, investigation, and research may bring to light additional relevant facts that may lead to changes in the responses set forth below. Although these responses are complete to the best of Oracle's knowledge at this time, these responses are given without prejudice to Oracle's right to amend its objections and responses or to produce additional relevant evidence that may come to light regarding the issues raised in this lawsuit. Nothing contained in these responses shall in any way limit Oracle's ability to make all uses at trial or otherwise of the information or documents referenced herein or of any subsequently discovered information or documents or of information or documents omitted from

DEF. ORACLE AMERICA, INC.'S RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS
CASE NO. 2017-OFC-00006

these responses as a result of good faith oversight, error, or mistake.

For the reasons set forth in Oracle's Answer, Oracle's responses and productions responsive to the document requests related to OFCCP's recruiting and hiring claims are limited to the period January 1, 2013 through June 30, 2014 and to positions in the Professional Technical 1, Individual Contributor ("PT1") job group at Oracle's Redwood Shores, CA, location, and responses and productions responsive to the document requests related to OFCCP's compensation claims are limited to the period January 1, 2014 through December 31, 2014 and to positions in the Product Development, Support, and Information Technology job functions at Oracle's Redwood Shores, CA, location.

Oracle's production of documents is contingent upon and subject to the entry of a protective order. Oracle will provide OFCCP a proposed protective order.

These responses are made solely for purposes of this action, and are subject to all objections as to competence, authenticity, relevance, materiality, propriety, admissibility, and any and all other objections and grounds that would or could require or permit the exclusion of any document or statement therein from evidence, all of which objections and grounds are reserved and may be interposed at the time of trial.

No incidental or implied admissions are intended by these responses. The fact that Oracle has responded or objected to any request or part thereof shall not be deemed an admission that Oracle accepts or admits the existence of any facts set forth or assumed by such request. Nor shall Oracle's responses or objections be deemed an admission that any statement or characterization in any request is accurate or complete, or that any particular document exists, is relevant, or is admissible in evidence.

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OBJECTIONS TO SPECIFIC DEFINITIONS

DEFINITION NO. 1. “YOU” and “YOUR” mean Oracle America, Inc. and all of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

OBJECTION TO DEFINITION NO. 1:

Oracle objects to the OFCCP’s definitions of “YOU” and “YOUR” as vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case, to the extent that these terms include Oracle’s agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions. Oracle further objects to this definition to the extent it includes information protected by attorney-client privilege, the attorney work product doctrine, or calls for a legal conclusion as to the relationship between Oracle and other entities, including agents. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle’s Redwood Shores, CA, location. Accordingly, and in light of OFCCP’s Instruction No. 1, which provides “Unless otherwise stated, these requests relate to Oracle’s POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California”, Oracle’s responses, objections, and productions are limited to documents “relate[d] to Oracle’s POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California.”

DEFINITION NO. 2. “RELEVANT TIME PERIOD” means January 1, 2013 to the present unless otherwise stated.

OBJECTION TO DEFINITION NO. 2:

Oracle objects to this definition as including the term “present,” which renders the phrase vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. As to Requests related to OFCCP’s recruiting and hiring claim, Oracle’s responses, objections and productions are limited to the relevant time period of January 1, 2013 through June 30, 2014. As to Requests related to OFCCP’s compensation claims, Oracle’s responses, objections and

production are limited to the relevant time period of January 1, 2014 through December 31, 2014.

DEFINITION NO. 3. "AFFINITY GROUP" means any group of people linked by a common interest or purpose and includes, but is not limited to, gender or race.

OBJECTION TO DEFINITION NO. 3:

Oracle objects to this definition as including the phrases "any group," "linked," and "common interest or purpose," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the OFCCP's allegations pertaining to Oracle's Redwood Shores, CA, location.

DEFINITION NO. 4. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

DEFINITION NO. 5. "ANSWER" means the Answer to the Amended Complaint filed by YOU in this action on February 8, 2017.

DEFINITION NO. 6. "COLLEGE RECRUIT" means any PERSON who expresses interest or applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, and recent graduates) for technical positions (as opposed to sales positions), including positions in the Professional Technical I, Individual Contributor job group or Product Development, Support, or Information Technology lines of business.

OBJECTION TO DEFINITION NO. 6:

Oracle objects to this definition as including the term "PERSON" and the phrases "expresses interest," "college recruiting program," and "technical positions," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA. Oracle's

responses, objections and production are limited to responsive documents related to the Professional Technical 1, Individual Contributor ("PT1") job group at its Redwood Shores, CA, location between January 1, 2013 and June 30, 2014.

DEFINITION NO. 7. "COMMUNICATIONS" means all transactions or transfers of information of any kind, whether orally, in writing, or in any other manner, at any time or place, under any circumstances whatsoever.

OBJECTION TO DEFINITION NO. 7:

Oracle objects to this definition as including the phrase "all transactions or transfers" and the term "orally," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to existing written or electronically stored information in the custody, control, and possession of Oracle America, Inc. and related to its Redwood Shores, CA, location.

DEFINITION NO. 8. "COMPENSATION" means any payments made to, or on behalf of, an employee as remuneration for employment, including but not limited to salary, wages, overtime pay, shift differentials, commissions, bonuses, vacation and holiday pay, retirement and other benefits, stock options and awards, and profit sharing.

OBJECTION TO DEFINITION NO. 8:

Oracle objects to this definition as including the phrase "remuneration for employment," which renders the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to documents in the custody, control, and possession of Oracle America, Inc. and related to its Redwood Shores, CA,

location.

DEFINITION NO. 9. "COMPLIANCE REVIEW" means OFCCP's compliance evaluation of YOUR headquarters located at Redwood Shores, California in connection with the scheduling letter OFCCP sent to YOU on or about September 24, 2014 pursuant to 41 C.F.R. Chapter 60: Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, unless otherwise stated.

OBJECTION TO DEFINITION NO. 9:

Oracle objects to this definition as including the phrase "compliance evaluation," which renders the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to documents in the custody, control, and possession of Oracle America, Inc. and related to its Redwood Shores, CA.

DEFINITION NO. 10. "DOCUMENT" means all writings of any kind, including any written, printed, typed, electronically stored, or other graphic matter of any kind or nature and all mechanical or electronic sound recordings or transcripts thereof, in YOUR possession and/or control or known by YOU to exist, and also means all copies of documents by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books or records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, and any drafts, revisions, or amendments of the above, and all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

OBJECTION TO DEFINITION NO. 10:

Oracle objects to this definition as including the phrase "or known by YOU to exist,"

DEF. ORACLE AMERICA, INC.'S RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS
CASE NO. 2017-OF-C-00006

which, to the extent such documents are not in Oracle's possession, custody, or control, encompasses documents beyond those that Oracle has any obligation to produce.

DEFINITION NO. 11. "HIRING" or "HIRE" mean receiving expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary and other COMPENSATION for, and/or extending offers to, PERSONS who express interest in a position with YOU or requisition posted by YOU.

OBJECTION TO DEFINITION NO. 11:

Oracle objects to this definition as unintelligible in its entirety. Oracle further objects to this definition as including the term "PERSON" and the phrases "expressions of interest," "communicating with," and "express interest," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA. Oracle interprets this definition using the commonly understood use of the word "hiring" or "hire" and its responses, objections and production are limited to responsive documents related to the PTI job group at its Redwood Shores, CA, location between January 1, 2013 and June 30, 2014.

DEFINITION NO. 12. "OFCCP" means the Office of Federal Contract Compliance Programs, United States Department of Labor.

DEFINITION NO. 13. "OFCCP'S REQUESTS FOR DATA" means all DOCUMENTS and COMMUNICATIONS requested from YOU by OFCCP during the COMPLIANCE REVIEW, whether orally, in writing, or in any other manner.

OBJECTION TO DEFINITION NO. 13:

Oracle objects to this definition as including the term COMMUNICATIONS, which includes the term "orally," and the phrase "any other manner," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct

allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to existing written or electronically stored information in the custody, control, and possession of Oracle America, Inc. and relating to its Redwood Shores, CA, location.

DEFINITION NO. 14. "ORGANIZATIONAL CHART" means a graphic or written representation of the structure of YOUR business or any portion of YOUR business, which shows the relationships of the positions or jobs (including but not limited to reporting relationships) within each line of business, job function, or any other division or group as YOU have defined them in the normal course of YOUR business operations.

OBJECTION TO DEFINITION NO. 14:

Oracle objects to this definition as including the terms "structure," "relationship," and "each," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to responsive documents related to the Product Development, Support, and Information Technology job functions at its Redwood Shores, CA, location between January 1, 2013 and June 30, 2014.

DEFINITION NO. 15. "PERSON" means without limitation individuals, firms, associations, partnerships, corporations, governmental agencies or offices and employees, and any other entity.

OBJECTION TO DEFINITION NO. 15:

Oracle objects to this definition as vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case, to the extent this definition includes firms, associations, partnerships, corporations, governmental agencies or offices and employees, and any other entity. Oracle further objects to this definition to the extent it includes information protected by attorney-client privilege or the attorney work product doctrine. Oracle further objects to this

definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to information in the custody, control, and possession of Oracle America, Inc. and related to its Redwood Shores, CA, location.

DEFINITION NO. 16. "PERSONNEL" means information relating to YOUR current, former, or prospective employees.

OBJECTION TO DEFINITION NO. 16:

Oracle objects to this definition as vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case, to the extent this definition includes employees not employed by Oracle during the relevant time period. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to responsive documents related to the Product Development, Support, and Information Technology job functions at its Redwood Shores, CA, location between January 1, 2013 and June 30, 2014.

DEFINITION NO. 17. "PERSONNEL FILE" means any data, file (including electronic files), collection of DOCUMENTS and COMMUNICATIONS, or other form in which information is stored or maintained by YOU or any of YOUR officers, executives, all levels of management, human resources department(s) or division(s), and/or any other employee or PERSON acting or purporting to act on YOUR behalf or at YOUR direction, concerning the employment of a particular employee, whether current, former, or prospective.

OBJECTION TO DEFINITION NO. 17:

Because the term "PERSONNEL FILE" does not appear in any of the document requests below, Oracle does not respond regarding this definition at this time.

DEFINITION NO. 18. "POLICIES," "PRACTICES," or "PROCEDURES" means each rule, action, or directive, whether formal or informal, and each common understanding or course of

conduct that was recognized as such by YOUR present or former officers, agents, employees, or other PERSONS acting or purporting to act on YOUR behalf or at YOUR direction, that was in effect at any time during the RELEVANT TIME PERIOD. These terms include any changes that occurred during the RELEVANT TIME PERIOD.

OBJECTION TO DEFINITION NO. 18:

Oracle objects to this definition as including the phrases “common understanding” and “course of conduct,” which render the definition vague, ambiguous. Oracle further objects to this definition as overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle’s Redwood Shores, CA, location within the Product Development, Support and Information Technology job functions. Accordingly, and in light of OFCCP’s Instruction No. 1, which provides “Unless otherwise stated, these requests relate to Oracle’s POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California” Oracle’s responses, objections, and production are limited to documents “relate[d] to Oracle’s POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California” and which pertain to the Product Development, Support and Information Technology job functions.

DEFINITION NO. 19. “RELATING TO” means constituting, memorializing, evidencing, containing, showing, supporting, contradicting, summarizing, pertaining to, or referring to, whether directly or indirectly, the subject of the particular request.

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RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify YOUR organizational structure for the Support, Product Development, and Information Technology lines of business or job functions during the RELEVANT TIME PERIOD, including identifying by name and job title, any and all PERSON(S) that are officers, executives, and all levels of management within each job function or line of business, including reporting relationships between PERSONS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "organizational structure," "all levels of management," and "reporting relationships." Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control with sufficient information to identify management within the Support, Product Development and Information Technology job functions at its Redwood Shores, CA location for the period January 1, 2013 through December 31, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 2:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), by name and job title, with authority to affect a

COLLEGE RECRUIT's disposition or HIRING, including PERSONS participating in job fairs, evaluating or screening expressions of interest, resumes and other application DOCUMENTS, interviewing applicants, making recommendations whether to hire applicants, and approving hires for positions in the Professional Technical I, Individual Contributor ("PTI") job group or Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "authority to affect" and "expressions of interest." Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control with sufficient information to identify individuals within the Human Resources Department responsible for college recruiting for PTI positions at its Redwood Shores, CA location for the period January 1, 2013 through June 30, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 3:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S) by name and job title, involved in determining YOUR budget for PERSONNEL costs (i.e., budget for determining number of hires, starting salaries, promotions, any other changes in COMPENSATION, transfers, demotions, layoffs, and all other costs associated with PERSONNEL) during the RELEVANT TIME PERIOD, including

but not limited to identifying any and all PERSON(S), by name and job title, with knowledge of how YOU define and determine the "Headcount" term YOU used in YOUR responses to OFCCP during the COMPLIANCE REVIEW.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "sufficient to identify" and "involved in determining," as well as the terms "budget" and "headcount." Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

After conducting a reasonably diligent search, Oracle does not have responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 4:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), by name and job title, involved in determining how, once established, funds allocated in YOUR PERSONNEL budget are distributed within the Product Development, Information Technology, and Support lines of business or job functions, including the distributions to executives, managers or anyone else for further distribution, and distribution of the budget to any team, division, or group within these lines of business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "funds allocated," as well as the terms "budget" and "distribution[s]." Oracle further objects to this request as overbroad in scope, uncertain as to

time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

After conducting a reasonably diligent search, Oracle does not have responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 5:

All COMMUNICATIONS relating to OFCCP'S REQUESTS FOR DATA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 6:

All COMMUNICATIONS relating to the preparation of YOUR responses (regardless of whether YOU furnished information or objected) to OFCCP'S REQUESTS FOR DATA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly

burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 7:

All COMMUNICATIONS relating to feasibility (i.e., YOUR ability and efforts to collect information, including but not limited to data or fields of data) in response to OFCCP'S REQUESTS FOR DATA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the term "feasibility." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS and COMMUNICATIONS relating to POLICIES, PRACTICES, or PROCEDURES, for YOUR preparation of Affirmative Action Programs ("AAP"), as described in 41 C.F.R. § 60-2.10, for the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the ground that it seeks confidential information. Oracle further objects to this request on the ground that it calls for a legal conclusion. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS and COMMUNICATIONS relating to YOUR POLICIES, PRACTICES, or PROCEDURES, for responding to OFCCP'S REQUESTS FOR DATA during compliance reviews, including but not limited to the particular COMPLIANCE REVIEW period cited herein.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "responses," "compliance reviews," and "including but not limited to the particular COMPLIANCE REVIEW period cited herein." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information

protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for its Redwood Shores, CA, location for the COMPLIANCE REVIEW.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS and COMMUNICATIONS relating to YOUR POLICIES, PRACTICES, or PROCEDURES, for determining how YOU define an "applicant" as that term is used in YOUR responses to OFCCP'S REQUESTS FOR DATA during compliance reviews, including but not limited to the particular COMPLIANCE REVIEW period cited herein. This includes, but is not limited to, all DOCUMENTS and COMMUNICATIONS relating to how YOU determine which PERSONS to include and exclude as an "applicant," what factors go into this determination, and identifying any and all PERSON(S) involved in making this determination.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "compliance reviews" and "including but not limited to the particular COMPLIANCE REVIEW period cited herein." Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unintelligible, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and

invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS and COMMUNICATIONS that define or describe YOUR DOCUMENT and data retention POLICIES, PRACTICES, or PROCEDURES, relating to any and all PERSONS expressing an interest in an Oracle job (whether or not such PERSONS eventually applied for said job) during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "data retention" and "expressing an interest." Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the ground that it seeks confidential information. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control relating to the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

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REQUEST FOR PRODUCTION NO. 12:

All user manuals and training materials for YOUR Compensation Workbench system.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "user manuals" and "training materials." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the ground that it seeks confidential information.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged manuals and training materials in its possession, custody or control for its Compensation Workbench system to the extent that such documents relate to the Product Development, Support, and Information Technology job functions at its Redwood Shores, CA, location for the period of January 1, 2013 through December 31, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 13:

All user manuals and training materials for YOUR I-Recruitment system.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "user manuals" and "training materials." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the ground that it seeks confidential information.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged manuals and training materials in its possession, custody or control for its I-Recruit system to the extent it relates to the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 14:

All user manuals and training materials for YOUR system for tracking HIRING for COLLEGE RECRUITS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "user manuals" and "training materials," as well as the term "system." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the ground that it seeks confidential information.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged manuals and training materials in its possession, custody or control to the extent they relate to the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 15:

All user manuals and training materials for YOUR Taleo system.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

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Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "user manuals" and "training materials." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the ground that it seeks confidential information.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged manuals and training materials in its possession, custody or control for its Taleo system to the extent it relates to the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS and COMMUNICATIONS relating to YOUR POLICIES, PRACTICES, or PROCEDURES for HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and COMMUNICATIONS relating to any criteria that YOU used to evaluate applicants at any stage (i.e., screening, interview, post-interview) of the application process.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the terms "criteria" and "evaluate." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, compound, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

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Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS and COMMUNICATIONS exchanged between YOU and all domestic colleges and universities relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD. This includes all DOCUMENTS and COMMUNICATIONS exchanged between YOU and college and university career services, AFFINITY GROUPS, and any other organizations whose members include college and university students and alumni.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "all domestic colleges and universities," "career services," and "any other organizations." Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS and COMMUNICATIONS exchanged between YOU and any internal or external recruiter for YOU relating to HIRING COLLEGE RECRUITS during the

RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "internal or external recruiter." Oracle further objects to this request as overbroad in scope, compound, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS and COMMUNICATIONS exchanged between YOU and all international colleges and universities relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD. This includes all DOCUMENTS and COMMUNICATIONS exchanged between YOU and college and university career services, AFFINITY GROUPS, and any other organizations whose members include college and university students and alumni.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "all international colleges and universities," "career services," and "any other organizations." Oracle further objects to this request as overbroad in scope, compound, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle

further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS and COMMUNICATIONS relating to “Good Faith Efforts (GFEs) in the U.S. to reach out to interested women and minorities” for any PT1 job group positions and all positions within the Product Development line of business during the RELEVANT TIME PERIOD, as stated in YOUR letter to OFCCP dated October 31, 2016.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this as a mischaracterization of the October 31, 2016 letter, for which the quoted language is taken out of context and which referred only to PT1 job group positions and not Product Development. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “Good Faith Efforts (GFEs) in the U.S. to reach out to interested women and minorities.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent

search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS and COMMUNICATIONS relating to efforts to recruit PERSONS internationally for any PT1 job group positions and all positions within the Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the terms "recruit" and "internationally." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 22:

All notes or records of interviews, whether by phone or in-person (including but not limited to memos, emails, and text messages), of COLLEGE RECRUITS who were interviewed during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including

but not limited to the terms “notes,” “records,” and “interviews.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS and COMMUNICATIONS (including but not limited to memos, emails, text messages) stating, summarizing, supporting, or explaining YOUR decision on a disposition of an expression of interest or application at any point of the HIRING process from a COLLEGE RECRUIT during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the terms “disposition” and “application” as well as the phrase “expression of interest.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent

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search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PTI job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 24:

All COMMUNICATIONS (including but not limited to memos, emails and text messages) to and from Larry Lynn, Vice President, College Recruiting, relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PTI job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 25:

All COMMUNICATIONS (including but not limited to memos, emails and text messages) to and from Chantal Dumont, Senior Director, College Recruiting, relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly

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burdensome, compound, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS and COMMUNICATIONS relating to POLICIES, PRACTICES, or PROCEDURES for YOUR Employee Referral Program.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "Employee Referral Program." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores,

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CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS and COMMUNICATIONS relating to PERSONS who were referred under YOUR Employee Referral Program.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "Employee Referral Program." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and seeks information that is not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS and COMMUNICATIONS relating to PERSONS receiving a bonus or other form of COMPENSATION through YOUR Employee Referral Program.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "Employee Referral Program." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and seeks information that is not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS YOU rely upon or reviewed in making each and every affirmative defense set forth in YOUR ANSWER.

RESPONSE TO REQUEST NO. FOR PRODUCTION 29:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "rely upon or reviewed." Oracle further objects to this request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case e. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

March 7, 2017

GARY R. SINISCALCO
ERIN M. CONNELL



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ORACLE AMERICA, INC.

PROOF OF SERVICE BY ELECTRONIC MAIL

I am more than eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, The Orrick Building, 405 Howard Street, San Francisco, California 94105-2669. My electronic service address is jkaddah@orrick.com.

On March 7, 2017, I served the interested parties in this action with the following document(s):

**ORACLE'S RESPONSES AND OBJECTIONS TO FIRST SET OF
REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

by serving true copies of these documents via electronic mail in Adobe PDF format the documents listed above to the electronic addresses set forth below:

Marc A. Pilotin (pilotin.marc.a@dol.gov)
Laura Bremer (Bremer.Laura@dol.gov)
Ian Eliasoph (eliasoph.ian@dol.gov)
Jeremiah Miller (miller.jeremiah@dol.gov)
U.S. Department of Labor, Office of the Solicitor, Region IX – San Francisco
90 Seventh Street, Suite 3-700
San Francisco, CA 94103
Telephone: (415) 625-7769
Fax: (415) 625-7772

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 7, 2017, at San Francisco, California.

Jacqueline D. Kaddah

