

JANET M. HEROLD
Regional Solicitor
JEREMIAH MILLER
Acting Counsel for Civil Rights
LAURA C. BREMER
Senior Trial Attorney
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

RECEIVED

FEB 12 2019

Office of Administrative Law Judges
San Francisco, CA

**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.

Case No. 2017-OFC-00006

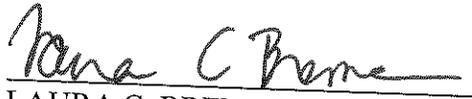
**DECLARATION OF LAURA C. BREMER IN SUPPORT OF OFCCP'S REPLY FOR
MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT**

I, Laura Bremer, state and declare as follows.

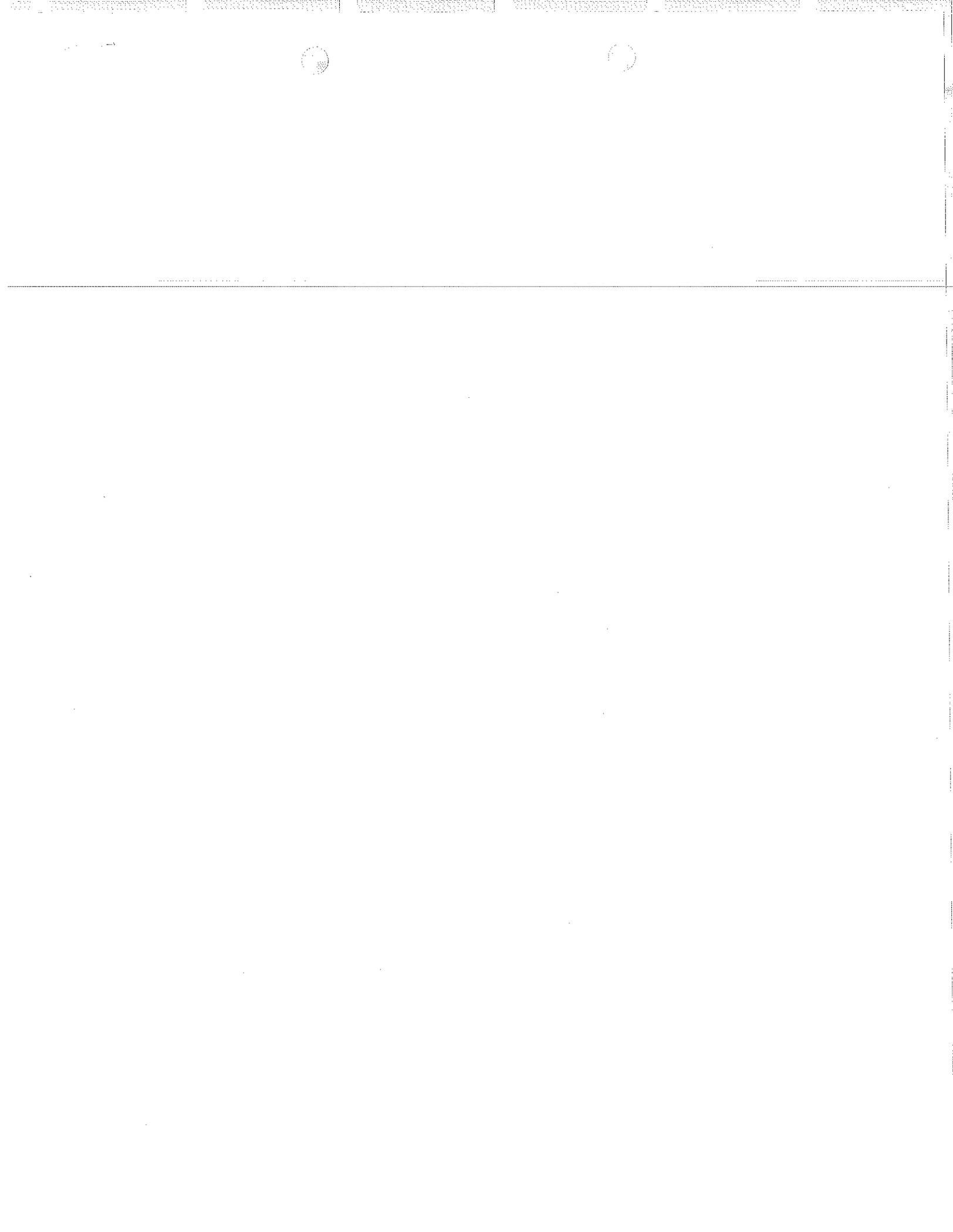
1. Attached as Exhibit 1 hereto is a true and correct copy of a letter that Erin Connell sent me and Marc Pilotin on October 11, 2017.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 12, 2019 in San Francisco, California.



LAURA C. BREMER





October 11, 2017

Via E-Mail and Hand Delivery

Orrick, Herrington & Sutcliffe LLP

The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669

+1 415 773 5700

orrick.com

Laura C. Bremer
Marc A. Pilotin
Ian Eliasoph
Attorneys for OFCCP
Office of Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, CA 94103

Erin M. Connell

E econnell@orrick.com

D +1 415 773 5969

F +1 415 773 5759

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

Dear Counsel:

As we have previously discussed, Oracle is producing today both the “database” that the parties have referenced in prior correspondence, as well as additional discovery responsive to the Court’s September 11, 2017 Order Granting in Part and Denying in Part Plaintiff’s Motion to Compel, including relevant employee personal contact information. The “database” is being hand delivered to you today on a hard drive in light of its volume. Oracle’s remaining document production is being produced through the usual FTP process. The files containing employee contact information are being produced both on the hard drive, as well as through a separate FTP electronic production. You will receive two separate emails today containing the FTP productions.

I. Data Export Files

In today’s “database” production, Oracle is producing over 75 data export files containing more than 1,000 data fields, and tens of thousands of accompanying documents. A detailed appendix is attached to this letter, and describes the sources from which these exports were drawn and the population parameters governing these extracts. All of data therein is confidential and produced subject to the Protective Order in this matter. We have endeavored to procure and produce data such that individuals can be identified across various data files through the use of name, employee ID, person ID, and/or party ID.

As I previously advised, and as we discussed this morning, during our QC process we have learned that a narrow range of exports related to the specific issues of pre-2015 offers to college applicants and data regarding employee H1B visa status will need to follow as supplements to this production. We will make our supplemental production related to the pre-2015 offers to college applicants no later than October 20, 2017. We are currently working to confirm a production date for the H1B visa information, and will confirm that date later today.



Laura C. Bremer; Marc A. Pilton; Ian Eliasoph
October 11, 2017
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II. Contact Information

Also in today's production, Oracle is producing data exports containing personal contact information consistent with the Court's September 11, 2017 order. The "Group I" files contain contact information for employees or former employees who fall within the compensation class. The "Group II" files contain contact information for employees or former employees who fall within the applicant class. Responsive contact information also is contained in the "database" files. This information is confidential and produced subject to both the Protective Order in this matter, as well as subject to the additional protections placed on it in the Court's September 11 order.

While we are providing this contact information as ordered, we believe the parties' agreement to stay discovery while the parties mediate includes OFCCP communicating with these individuals. If you believe differently, please let us know right away so that we can arrange a meet and confer call.

Moreover, even absent a discovery stay, with regards to any individuals who are or were employed in a managerial capacity (as indicated by a managerial job level, beginning with "M"), we expect you will abide by the limits on contact, and content of any contact, set forth in the applicable ethical rules and OFCCP's own guidance regarding notifications and rights to representation (*see* FCCM § 2M00).

We anticipate that you will have clarifying questions about this data once you begin your review, and would be happy to arrange meet and confer calls as appropriate to provide clarification. In the interest of ensuring a productive mediation, we ask that the parties use best efforts to complete any follow-up discussion or clarification regarding any of Oracle's data exports at least 30 days prior to the first mediation session.

Very truly yours,

A handwritten signature in cursive script that reads "Erin M. Connell".

Erin M. Connell

cc: Gary R. Siniscalco
Warrington Parker
Kathryn G. Mantoan
Jinnifer Pitcher