

its prior objections to Definition No. 15.

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

**OBJECTION TO DEFINITION NO. 16 (WITHDRAWN):**

Based on OFCCP's clarifications during the meet and confer process, Oracle withdraws its prior objections to Definition No. 16.

**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:**

Due to OFCCP's lack of clarification or limitation, Oracle objects to this definition as including the phrases "common understanding" and "course of conduct," which render the definition vague and 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. Based on its meet and confer conversations with OFCCP, Oracle limits its objections based on vagueness and ambiguity to the terms: "all levels of management," and "reporting relationships." Oracle maintains its objections 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.

However, subject to and without waiving these objections, Oracle responds:

As identified in separate correspondence, Oracle has produced documents responsive to this request for the period January 1, 2013 through December 31, 2014. Subject to the ALJ Relevant Period, Oracle is amenable to producing similar reports for 2015, 2016, and 2017 with sufficient information to identify management within the Support, Product Development and Information Technology job functions at its Redwood Shores, CA location.

**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 ("PT1") 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 maintains its objection 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, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

However, subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search, 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 the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

**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 maintains its objections 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, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

However, subject to and without waiving these objections, Oracle responds:

After conducting a reasonably diligent search, Oracle does not keep documents in the manner contemplated by this Request, whereby specific individuals involved in certain decisions are specifically identified by name. However, Oracle will produce an approval matrix that indicates various levels of approval necessary for certain actions related to PERSONNEL COSTS.

**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 maintains its objections 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, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

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After conducting a reasonably diligent search, Oracle does not keep documents in the manner contemplated by this Request, whereby specific individuals involved in certain decisions are specifically identified by name. However, Oracle will produce an approval matrix that indicates various levels of personnel involved in certain distributions of funds.

**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 maintains its objections 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. In particular, this request seeks "All COMMUNICATIONS relating to OFCCP's REQUESTS FOR DATA," regardless of whether those requests, let alone the communications related to those requests, are relevant to this litigation. Not all requested data pertains to the claims at issue here, which were the subject of OFCCP's Notice of Violation.

OFCCP's Amended Complaint makes specific reference to three REQUESTS FOR DATA that Oracle allegedly refused to respond to; namely: OFCCP's requests for Oracle's "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"; "any material demonstrating whether or not [Oracle] had performed an in-depth review of its compensation practices, the findings of any such review, and the reporting and corrective actions proposed as a result of such review"; and "any evidence that [Oracle] conducted an adverse impact analyses [sic] required by 41 C.F.R. §§ 60-3.15A and 60-3.4." See Amended Complaint ¶¶ 12-13. OFCCP has made no attempt to tailor the subject matter of the request to only those REQUESTS FOR DATA at issue in this litigation, and has not explained how all communications relating to OFCCP's REQUESTS FOR DATA are relevant to this litigation. Accordingly, communications related to

OFCCP's Requests that are outside these topics are not relevant to OFFCP's claim, and Oracle objects to producing any documents that are not related to these topics. 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:

As discussed during the meet and confer process, Oracle will, after conducting a reasonably diligent search, utilizing reasonable search parameters that limit the scope of the search to materials created on or before the Notice of Violation, 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 maintains its objections 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 also maintains its objection that this request is cumulative, specifically of OFCCP's Request for Production No. 5, which Oracle understands as subsuming this request.

OFCCP's Amended Complaint makes specific reference to three REQUESTS FOR DATA that Oracle allegedly refused to respond to; namely: OFFCP's requests for Oracle's "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"; "any material demonstrating whether or not [Oracle] had performed an in-depth review of its compensation practices, the findings of any such review, and the reporting and corrective actions proposed as a result of such review"; and "any evidence that [Oracle] conducted an adverse impact analyses [sic] required by

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41 C.F.R. §§ 60-3.15A and 60-3.4.” See Amended Complaint ¶¶ 12-13. OFCCP has made no attempt to tailor the subject matter of the request to only those REQUESTS FOR DATA at issue in this litigation, and has not explained how all communications relating to Oracle’s preparation of responses to OFCCP’s REQUESTS FOR DATA are relevant to this litigation. Nor has OFCCP explained why it needs internal communications related to those REQUESTS FOR DATA where Oracle did in fact furnish information in response. Accordingly, communications related to OFCCP’s Requests that are outside these topics are not relevant to OFFCP’s claim, and Oracle objects to producing any documents that are not related to these topics. 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:

As discussed during the meet and confer process, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters that limit the scope of the search to materials created on or before the Notice of Violation, 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 maintains its objections 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 also maintains its objection that this request is cumulative, specifically of OFCCP’s Request for Production No. 5, which Oracle understands as subsuming this request.

OFCCP's Amended Complaint makes specific reference to three REQUESTS FOR DATA that Oracle allegedly refused to respond to; namely: OFFCP's requests for Oracle's "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"; "any material demonstrating whether or not [Oracle] had performed an in-depth review of its compensation practices, the findings of any such review, and the reporting and corrective actions proposed as a result of such review"; and "any evidence that [Oracle] conducted an adverse impact analyses [sic] required by 41 C.F.R. §§ 60-3.15A and 60-3.4." See Amended Complaint ¶¶ 12-13. OFCCP has made no attempt to tailor the subject matter of the request to only those REQUESTS FOR DATA at issue in this litigation, and has not explained how all communications relating to the feasibility of responding to all of OFCCP's REQUESTS FOR DATA are relevant to this litigation. Accordingly, communications related to OFCCP's Requests that are outside these topics are not relevant to OFFCP's claim, and Oracle objects to producing any documents that are not related to these topics. 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:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters that limit the scope of the search to materials created on or before the Notice of Violation, 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. Based on discussions during the meet and confer process, Oracle maintains its objections 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 ground that it calls for a legal conclusion; specifically, as Oracle noted in its meet and confer letter dated June 9, 2017, this request, by referring to a regulation, requires Oracle to read, research, and apply the regulation to the request, which inherently requires a legal analysis of the regulation and its applicability.

However, subject to and without waiving these objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search produce responsive, non-privileged policies, practices, and procedures for its Affirmative Action Program that are in its possession, custody or control.

**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. Based on discussions during the meet and confer process, Oracle maintains its objections 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, 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.

Subject to and without waiving these objections, Oracle responds:

Based on Oracle's meet and confer discussions with the OFCCP, it is Oracle's understanding that this request seeks any materials that could be reasonably described as Oracle's written policies, practices, or procedures for responding to OFCCP's REQUESTS FOR DATA. Subject to that understanding and after undertaking a reasonably diligent search, Oracle has determined that it does not have such responsive documents in its possession, custody or control.

**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 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.

Subject to and without waiving these objections, Oracle responds:

Based on Oracle's meet and confer discussions with the OFCCP, it is Oracle's understanding that this request seeks any materials that could be reasonably described as written

policies, practices, or procedures providing guidance to Oracle's compliance team as to how to define the term "applicant" in the particular context of responding to OFCCP's REQUESTS FOR DATA. Subject to that understanding and after undertaking a reasonably diligent search, Oracle has determined that it does not have such responsive documents in its possession, custody or control.

**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, 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.

Subject to and without waiving these objections, Oracle responds:

Oracle has produced its Records Management Policy and Retention Schedules, which in addition to being responsive to Nos. 49 and 50 of OFCCP's Requests for Production, are responsive to this request.

**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.

Based on its meet and confer conversations with OFCCP, Oracle withdraws its objections based on vagueness and ambiguity. Oracle maintains its objections to this request as overbroad in scope and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving these objections, Oracle responds:

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 for the ALJ Relevant Period.

**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. Based on its meet and confer conversations with OFCCP, Oracle withdraws its objections based on vagueness and ambiguity. Oracle maintains its objections to this request as overbroad in scope and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving its objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged manuals and training materials in its possession, custody or control for its iRecruitment system for the ALJ Relevant Period.

**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. Based on its meet and confer conversations with OFCCP, Oracle withdraws its objections based

on vagueness and ambiguity. Oracle maintains its objections to this request as overbroad in scope and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving its objections, Oracle responds:

Oracle will produce responsive, non-privileged manuals and training materials for its Resumate system used to track hiring of COLLEGE RECRUITS for the ALJ Relevant Period.

**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. Based on its meet and confer conversations with OFCCP, Oracle withdraws its objections based on vagueness and ambiguity. Oracle maintains its objections to this request as overbroad in scope and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

Subject to and without waiving its objections, Oracle responds:

Taleo was not operational during the period covered by the COMPLIANCE REVIEW, and accordingly, Oracle does not have any documents responsive to this request based on what Oracle contends is the relevant period of this litigation. However, subject to Judge Larsen's ruling on the relevant period of the litigation, Oracle will produce responsive, non-privileged manuals and training materials in its possession, custody or control for its Taleo system for the ALJ Relevant Period.

**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,

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