

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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32:

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 "reporting relationship." 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:

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 in its Human Resources department with responsibilities related to its Support, Product Development and Information Technology job functions for the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 33:

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 and phrases "specific functions," "responsibilities," "tasks assigned," and "job duties." 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.

During its meet and confer conversation with OFCCP on May 25, 2017, Oracle explained its overbreadth and relevance objections to this request; Oracle objected that the request as initially drafted encompasses any and all documents "related to" the duties of any job that appears on the documents produced in response to Request for Production No. 32. This could encompass thousands of potentially responsive documents. OFCCP explained that its goal with this request was to obtain a better understanding of the roles and responsibilities of the individuals working in Oracle's Human Resources department and agreed to modify the request to better meet this objective. In its letter dated June 28, 2017, OFCCP modified its response by replacing "description of specific functions, responsibilities, and tasks assigned and job duties to be performed" with "roles and responsibilities." Oracle continues to object to this request as modified on the grounds that production of "all documents relating to" the roles and responsibilities of any job positions appearing on documents responsive to Request for Production No. 32 is overbroad and disproportionately burdensome.

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

Consistent with its understanding of OFCCP's stated objectives during the meet and confer process, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents sufficient to identify the roles and responsibilities of individuals in its Human Resources department with responsibilities related to its Support, Product Development and Information Technology job functions for the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is 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:

Oracle will produce responsive, non-privileged documents in its possession, custody, or control for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

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 and phrases "any criteria," "evaluate," "any stage," and "application process." 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.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Subject to this understanding and without waiving its objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged policies, practices, or procedures for hiring international transfer employees in its possession, custody, or control for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

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 and phrases "international," "any criteria," "evaluate," "any stage," and "application process." 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.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Subject to this understanding and without waiving its objections, Oracle responds:

Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged policies, practices, or procedures for hiring international transfer employees in its possession, custody, or control for the PT1 job group at Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, 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:

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 Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases "events," "involved with," "any technical positions," "job group positions," and "line of business." 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.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its

responses to reflect this information.

Subject to this understanding and without waiving its objections, Oracle responds:

During its meet and confer call with OFCCP on May 25, 2017, Oracle explained that—setting aside the validity of any objections as to the issue of transfer employees—there are no unique documents in response to this request that would not also be responsive to OFCCP Request for Production No. 37, to which Oracle has agreed to produce responsive, non-privileged documents as set forth above. Accordingly, 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 Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 39:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Due to OFFCP's lack of clarification or limitation during the meet and confer process, Oracle maintains its objection 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.

As explained during its meet and confer conversation with OFCCP on May 25, 2017, Oracle continues to object to the lack of any reasonable limitations on this request. As written, the request encompasses all communications within Oracle related to experienced recruiting, regardless of the particular job position or department, and thus extends to a potentially huge number of non-relevant documents. Oracle objects to the incredible burden associated with searching for and reviewing all of the many thousands of documents and emails that are

potentially related to this request, a burden that will only magnify now that Judge Larsen's forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle's search and review process. Moreover, the Amended Complaint makes clear that OFCCP's findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is "unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome or less expensive").

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 40:

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

RESPONSE TO REQUEST FOR PRODUCTION NO. 40:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is 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. Similar to its objection to Request for Production No. 39, Oracle objects to the lack of any reasonable limitations on this request. As written, the request encompasses all communications within Oracle related to the hiring of transfer employees, regardless of the particular job position or department and thus extends to a potentially huge number of non-relevant documents.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP's hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Nevertheless, with regard to this particular request, Oracle objects to the incredible burden associated with searching for and reviewing all of the many thousands of documents and emails that are potentially related to the request, a burden that will only magnify now that Judge Larsen's forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle's search and review process. Moreover, the Amended Complaint makes clear that OFCCP's findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is "unreasonably cumulative or duplicative,

or can be obtained from some other source that is more convenient, less burdensome or less expensive”).

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 41:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases “instructions,” “manuals,” “external job boards,” “websites,” and “potential.” 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:

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 Oracle’s Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases “notes or records,” “interviews,” and “interviewed.” 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 the incredible burden associated with searching for and reviewing all of the many thousands of documents and emails that are potentially related to this request, a burden that will only magnify now that Judge Larsen’s forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle’s search and review process. Moreover, the Amended Complaint makes clear that OFCCP’s findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is “unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome or less expensive”).

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in

a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases “notes or records,” “interviews,” “interviewed,” “job group positions,” and “line of business.” 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.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP’s hiring claims. However, as set forth in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Notwithstanding this, Oracle further objects to the incredible burden associated with

searching for and reviewing all of the many thousands of documents and emails that are potentially related to this request, a burden that will only magnify now that Judge Larsen's forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle's search and review process. Moreover, the Amended Complaint makes clear that OFCCP's findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is "unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome or less expensive").

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

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

Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases “stating,” “summarizing,” “supporting,” “explaining,” “decision,” “recommendation,” “disposition,” “expression of interest,” “application,” “any point,” and “process.” 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.

During its meet and confer with OFCCP on May 30, 2017, Oracle explained that its overbreadth objection to this request is similar to its objection to OFCCP’s Request for Production No. 42 with regard to OFCCP’s definition of “EXPERIENCED RECRUITS” as Oracle agreed to revisit its responses and objections to this request so long as OFCCP modified it in accordance with Oracle’s position. In its letter dated June 28, 2017, OFCCP offered to modify this request “by just limiting it to the PT1 Job Group or the Product Development Line of Business.”

Notwithstanding OFCCP’s incomplete modification, Oracle maintains its objection to the incredible burden associated with searching for and reviewing all of the many thousands of documents and emails that are potentially related to this request, a burden that will only magnify now that Judge Larsen’s forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle’s search and review process. Moreover, the Amended Complaint makes clear that OFCCP’s findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is “unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient,

less burdensome or less expensive”).

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the terms and phrases “stating,” “summarizing,” “supporting,” “explaining,” “decision,” “recommendation,” “disposition,” “expression of interest,” “application,” “any point,” “process,” “applied for,” “expressed an interest,” “job group positions,” and “line of business.” 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.

In its Initial Responses and during the meet and confer, Oracle objected to this request to the extent that it relates to TRANSFER EMPLOYEES on the grounds that such employees are not treated as new hires and thus not relevant to OFCCP’s hiring claims. However, as set forth

in separate meet and confer correspondence dated June 9, 2017, after conducting a reasonably diligent search, Oracle determined that international transfer employees are treated as new hires in a number of ways, including many aspects of the job application process as well as certain reporting and internal recordkeeping purposes. Accordingly, Oracle agreed to modify its responses to reflect this information.

Nevertheless, with regard to this particular request, Oracle maintains its objection to the incredible burden associated with searching for and reviewing all of the many thousands of documents and emails that are potentially related to this request, a burden that will only magnify now that Judge Larsen's forthcoming ruling on the relevant period has the potential to dramatically increase the pool of documents for Oracle's search and review process. Moreover, the Amended Complaint makes clear that OFCCP's findings of discrimination are based upon statistical analyses it claims to have conducted based on applicant, hire and compensation data submitted by Oracle in the compliance review. OFCCP has not demonstrated the documents and emails sought in this request are relevant to those claims, let alone shown the documents and emails are more relevant, and not cumulative and duplicative of, the massive amounts of material OFCCP already gathered from Oracle in the underlying compliance review. *See* Fed. R. Civ. P. 26(b)(2)(C) (providing that discovery should be limited to the extent that it is "unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome or less expensive").

Although it objects to this request for the reasons stated above, Oracle is willing to continue the meet and confer process with OFCCP to determine how to respond to this request in a manner that is consistent with and proportionate to the needs of the case, including but not limited to Oracle potentially producing responsive documents from a reasonably limited sample period of time and a reasonably limited number of affected persons within the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 46:

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

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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Due to OFCCP's lack of limitation or clarification of this request, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, 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 on the grounds that it seeks confidential information that relates to and invades the privacy rights of individuals who are not a party to this action.

During its meet and confer call with OFCCP on May 30, 2017, Oracle requested that OFCCP modify this request as it lacks any specificity with regard to any job categories or groups, let alone PT1, fails to designate a relevant time frame for responsive materials, and includes topics that are not relevant to this litigation, such as PROMOTIONS. OFCCP responded at that time that it was unwilling to modify or alter its request in any way.

In subsequent meet and confer correspondence dated June 30, 2017, OFCCP offered to modify the request by (1) removing "including, but not limited to race and gender" and replacing it with "on the basis of race, gender, or national origin," and (2) removing the words "unfair treatment." These modifications were contingent, however, on Oracle agreeing to an arbitrary and unilaterally-imposed timeframe for production of these documents. Even setting aside their conditional nature, OFCCP's proposed modifications do not serve as reasonable limitations on this incredibly broad request, and OFCCP has continually failed to meet its burden of explaining

how all of the communications sought by this request are relevant and proportional for the purposes of this litigation. See *Gilead Sciences, Inc. v. Merck & Co.*, No. 5:13-cv-04057, 2016 WL 146574, at *1 (N.D. Cal. Jan. 13, 2016) (“a party seeking discovery of relevant, non-privileged information must show, before anything else, that the discovery sought is proportional to the needs of the case”).

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, 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.

Subject to and without waiving these objections, Oracle responds:

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 Oracle’s Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this

request on the grounds that it is 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.

During its meet and confer with OFCCP on May 30, 2017, Oracle explained that its overbreadth and relevance objections are based on the request's lack of time period limitations and its extension beyond the PT1 job group. Oracle also asked for clarification as to what "submitted" means in the context of this request, and OFCCP explained that this request seeks communications and documents that were affirmatively sent by Oracle employees to persons expressing an interest in a position as opposed to documents that were made generally available and accessible to applicants or potential job applicants, such as through Oracle's website.

In light of the clarification provided by OFCCP during the meet and confer process and without waiving its objections, Oracle responds:

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 Oracle's Redwood Shores, CA, location during the ALJ Relevant Period.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

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

Subject to and without waiving these objections, Oracle responds:

Oracle has produced its Records Management Policy and Retention Schedules, which are responsive to this request.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 50:

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

Subject to and without waiving these objections, Oracle responds:

Oracle has produced its Records Management Policy and Retention Schedules, which are responsive to this request.

REQUEST FOR PRODUCTION NO. 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).

RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is 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:

Over the past few weeks, Oracle has made available multiple witnesses regarding its

various database systems for OFCCP to interview. In light of these interviews, Oracle requests that OFCCP revisit and modify this request.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 52:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Following its meet and confer conversations with OFCCP, Oracle maintains its objections to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “performance evaluation forms” and “job group positions.” 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. Furthermore the request implies that Oracle engages in and has a formal record of some form of performance evaluation for all employees in the PT1 job group or in the Product Development, Information Technology, and Support lines of business. As explained by Oracle’s 30(b)(6) interviewees, this is not the case.

Subject to and without waiving these objections, Oracle responds:

Oracle will produce a screenshot (or screenshots) that shows the fields that can be populated in Oracle’s Performance Appraisal application.

REQUEST FOR PRODUCTION NO. 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