

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").

RESPONSE TO REQUEST FOR PRODUCTION NO. 74:

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 the request as being vague and ambiguous, including but not limited to, as to the data being requested, as well as to the terms: "data dictionaries" and "internal documentation." Similarly the use of commas, qualifiers, "data," and "window[s]" renders the request unintelligible. Oracle further objects to this request as overbroad in scope and 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 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 that relates to and invades the privacy rights of individuals who are not a party to this action.

During the meet and confer process, Oracle explained that this request, as written, seeks the export of the entire iRecruitment and Taleo databases, which involves a massive amount of data associated with tens of thousands of Oracle employees who are wholly unrelated to the allegations in the Amended Complaint. In response, OFCCP provided an explanation of what they were hoping to obtain with their request, stating that they were not in fact seeking the export of entire databases, thus providing an interpretation of the request that is contrary to its plain language, which, as written, seeks "include all data contained in Oracle's iRecruitment system

and Taleo system.” Oracle suggested that OFCCP narrow its requests to better reflect OFCCP’s stated intent.

Since these discussions, Oracle has continued to meet and confer with OFCCP to identify whether and how it can produce data related to this request. During the meet and confer process, Oracle has explained—with the assistance of eight witnesses produced to OFCCP to discuss Oracle’s databases and the modules and applications associated with them—that its databases were not designed for the purpose of exporting data en masse in the manner contemplated by OFCCP. Oracle has further explained that exporting data for the OFCCP will require scripts to be written that collect and generate the information sought by OFCCP as well as testing, confirmation, and quality control of the results of any data export. Notwithstanding the burdensome and time-consuming nature of this process—further illustrated by OFCCP’s eleven-page letter dated June 30, 2017 outlining in detail the various data they are seeking in Oracle’s databases—and Oracle’s objections as detailed above, Oracle continues actively working with OFCCP to provide it with data related to this request.

REQUEST FOR PRODUCTION NO. 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”).

RESPONSE TO REQUEST FOR PRODUCTION NO. 75:

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 the request as being vague and ambiguous, including but not limited to, as to the data being requested, as well as to the terms: “data dictionaries” and “internal documentation.” Similarly the use of commas, qualifiers, “data,” and “window[s]” renders the request unintelligible. Oracle further objects to this request as overbroad in scope and 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 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 that relates to and invades the privacy rights of individuals who are not a party to this action.

During the meet and confer process, Oracle explained that this request, as written, seeks the export of the entire iRecruitment and Taleo databases, which involves a massive amount of data associated with tens of thousands of Oracle employees who are wholly unrelated to the allegations in the Amended Complaint. In response, OFCCP provided an explanation of what they were hoping to obtain with their request, stating that they were not in fact seeking the export of entire databases, thus providing an interpretation of the request that is contrary to its plain language, which, as written, seeks “include all data contained in Oracle’s iRecruitment system and Taleo system.” Oracle suggested that OFCCP narrow its requests to better reflect OFCCP’s stated intent.

Since these discussions, Oracle has continued to meet and confer with OFCCP to identify whether and how it can produce data related to this request. During the meet and confer process, Oracle has explained—with the assistance of eight witnesses produced to OFCCP to discuss Oracle’s databases and the modules and applications associated with them—that its databases were not designed for the purpose of exporting data en masse in the manner contemplated by

OFCCP. Oracle has further explained that exporting data for the OFCCP will require scripts to be written that collect and generate the information sought by OFCCP as well as testing, confirmation, and quality control of the results of any data export. Notwithstanding the burdensome and time-consuming nature of this process—further illustrated by OFCCP’s eleven-page letter dated June 30, 2017 outlining in detail the various data they are seeking in Oracle’s databases—and Oracle’s objections as detailed above, Oracle continues actively working with OFCCP to provide it with data related to this request.

REQUEST FOR PRODUCTION NO. 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”).

RESPONSE TO REQUEST FOR PRODUCTION NO. 76:

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 the request as being vague and ambiguous, including but not limited to, as to the data being requested, as well as to the terms: “data dictionaries” and “internal documentation.” Similarly the use of commas, qualifiers, “data,” and “window[s]” renders the request unintelligible. Oracle further objects to this request as overbroad in scope and 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 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 that relates to and invades the privacy rights of individuals who are not a party to this action.

During the meet and confer process, Oracle explained that this request, as written, seeks the export of the entire iRecruitment and Taleo databases, which involves a massive amount of data associated with tens of thousands of Oracle employees who are wholly unrelated to the allegations in the Amended Complaint. In response, OFCCP provided an explanation of what they were hoping to obtain with their request, stating that they were not in fact seeking the export of entire databases, thus providing an interpretation of the request that is contrary to its plain language, which, as written, seeks "include all data contained in Oracle's iRecruitment system and Taleo system." Oracle suggested that OFCCP narrow its requests to better reflect OFCCP's stated intent.

Since these discussions, Oracle has continued to meet and confer with OFCCP to identify whether and how it can produce data related to this request. During the meet and confer process, Oracle has explained—with the assistance of eight witnesses produced to OFCCP to discuss Oracle's databases and the modules and applications associated with them—that its databases were not designed for the purpose of exporting data en masse in the manner contemplated by OFCCP. Oracle has further explained that exporting data for the OFCCP will require scripts to be written that collect and generate the information sought by OFCCP as well as testing, confirmation, and quality control of the results of any data export. Notwithstanding the burdensome and time-consuming nature of this process—further illustrated by OFCCP's eleven-page letter dated June 30, 2017 outlining in detail the various data they are seeking in Oracle's databases—and Oracle's objections as detailed above, Oracle continues actively working with OFCCP to provide it with data related to this request.

REQUEST FOR PRODUCTION NO. 77:

All LABOR CONDITION APPLICATIONS for the RELEVANT TIME PERIOD,

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

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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 77:

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. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

During its June 5, 2017 meet and confer with the OFCCP, Oracle explained its overbreadth objections. Oracle also stated that it understood that OFCCP already possessed many of the documents encompassed by this request and that compliance with this request would therefore be unreasonably burdensome and oppressive. Accordingly, Oracle requested that OFCCP provide Oracle with the list of individuals for whom it still had not received responsive documents. OFCCP provided this list as an attachment to its letter dated June 28, 2017.

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

Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 78:

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. 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. 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. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 79:

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. 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. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

During its meet and confer with OFCCP on June 5, 2017, Oracle explained its objections

and requested that OFCCP clarify and explain this request. Following OFCCP's explanation, Oracle requested that OFCCP provide a clarified or modified request in writing. OFCCP has yet to provide a clarified or modified request.

REQUEST FOR PRODUCTION NO. 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.

RESPONSE TO REQUEST FOR PRODUCTION NO. 80:

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. 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. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

During its meet and confer with OFCCP on June 5, 2017, Oracle explained its objections and requested that OFCCP clarify and explain this request. Following OFCCP's explanation, Oracle requested that OFCCP provide a clarified or modified request in writing. OFCCP has yet to provide a clarified or modified request.

REQUEST FOR PRODUCTION NO. 81:

All DOCUMENTS RELATING TO training or other instruction YOU provided to any officers, executives, all levels of management, human resources and/or PERSONNEL