

PROOF OF SERVICE BY ELECTRONIC MAIL

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

On July 12, 2017, I served the interested parties in this action with the following document(s):

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

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

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U.S. Department of Labor, Office of the Solicitor, Region IX – San Francisco

90 Seventh Street, Suite 3-700

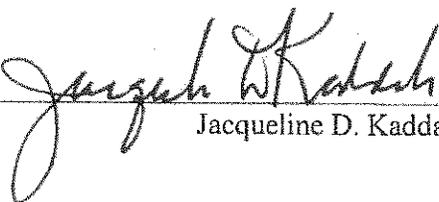
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 12, 2017, at San Francisco, California.



Jacqueline D. Kaddah



EXHIBIT C



March 22, 2017

VIA E-MAIL

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

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

Dear Erin:

This letter follows our meet and confer discussion on March 15, 2017 regarding the 30(b)(6) deposition that OFCCP noticed on March 2, 2017, and to which Oracle served objections on March 9, 2017. During our call, you agreed to let us know who will testify regarding the deposition topics this week, as well as their availability for depositions during the first week of April, and will respond to our offer to attempt to obtain the information more informally (as offered in my letter to you dated March 2, 2017).

Location of Deposition

You mentioned that we could discuss location of the deposition later. It is our position that the deposition should take place at the location in the notice--the Federal Building in San Francisco. The parties agree that San Francisco is the proper location for the case, and Oracle's principal place of business is within this jurisdiction, as well as the attorneys handling the case for both Oracle and OFCCP.

Oracle's Proposed Protective Order

During our conversation, we discussed Oracle's request for a protective order based on its objections that topics 1, 2, and 5 seek "confidential information, and invades the privacy rights of individuals who are not a party to this action," and that topics 1-5 seek "confidential, trade secret and/or proprietary business information." I stated that OFCCP would not agree to a protective order, since a protective order is unnecessary in light of statutory protections. Nevertheless, at your request, we agreed to review the draft protective order that you sent to us on March 15.

After our review, our position remains the same. Confidential information and documents produced to OFCCP, as well as documents filed with the Office of Administrative

Law Judges, are already protected by the Privacy Act and FOIA. Thus, a protective order is not necessary in this case.

Even if Oracle continues to assert that a protective order should be issued in this case, the absence of a protective order should not delay the deposition. First, as we discussed during our telephone call, OFCCP is not asking for information about how Oracle's systems are coded, which Oracle could argue is a trade secret. Rather, the deposition topics relate generally to Oracle's storage of electronic information and its ability to produce such information. The deposition is not seeking highly confidential information, and to the extent any confidential or private information is revealed, it will be protected by FOIA and the Privacy Act. Second, Oracle did not bring a motion for a protective order when it received the deposition notice on March 2. Oracle's objections are insufficient to stop the deposition.

Deposition Topics

During our telephone call, when we discussed the type of people Oracle is interviewing, you suggested that Oracle would not be producing someone with knowledge of Oracle's production to OFCCP. Reviewing the topics again, they clearly request production of a person with knowledge of "the extraction of data from the databases and creation of Excel Spreadsheets provided to OFCCP in response to data requests" in connection with both Payroll Records and Personnel Files and Recruitment and Taleo Files. (Topic 1(h), Topic 2(h).) These topics clearly call for the testimony of the person most knowledgeable about how the data was exported from Oracle's databases and put into Excel spreadsheets for production to OFCCP in response to OFCCP's data requests.

Furthermore, Topic 5 requests testimony by the person most knowledgeable about Oracle's systems and databases for maintaining information and/or data that OFCCP requested during the compliance review that Oracle did not produce electronically. As Topic 5 indicates, Oracle never produced certain data OFCCP requested during the compliance review, including data regarding "college(s) employees and applicants attended, educational degree(s) attained, prior salary, years of prior work experience, resumes." Oracle's objection that this request is unintelligible, and that common words, such as "database," are vague rings hollow. Of course, we are willing to answer questions you have about this request, if you seek to clarify the request. Generally, OFCCP requests that Oracle produce a person knowledgeable about where all relevant information is stored, including the information sought by OFCCP during the compliance review, and methods of extracting (or exporting) the data to create Excel spreadsheets or other electronic formats for production. OFCCP is entitled to seek testimony from Oracle about its systems for maintaining information relevant to this case (and the compliance review) that Oracle has not produced.

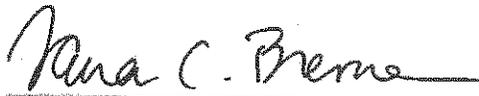
As to sub-topics (e) and (f) of Topic 5, to the extent that Oracle claims that producing certain data in electronic format would be burdensome and costly, OFCCP is entitled to seek the basis for Oracle's claims, which sub-topic (e) requests. Sub-topic (f) only seeks "any analysis of costs that Oracle conducted," so to the extent that Oracle has not conducted an analysis of costs, the topic does not require Oracle to do so. Please produce a person most knowledgeable with

respect to Topic 5. If Oracle fails to produce a deponent on all of the topics listed, OFCCP will move to compel the testimony, and will seek sanctions.

Scope of Deposition

Finally, we discussed during our call Oracle's statement that its witnesses would only "be prepared to testify regarding the relevant time period of January 1, 2013 through June 30, 2014" regarding the recruiting and hiring claim and regarding 2014 for the compensation claim. The relevant time period is the period alleged in the Amended Complaint: 2013 through the present. You agreed to let us know this week whether you will limit the deposition to this time period, including whether Oracle intends to instruct witnesses not to answer questions outside the narrow time period specified in its objection. If Oracle's witness(es) do not testify regarding the entire period at issue, OFCCP will move to compel and will seek to recall deponent(s) to testify regarding the entire time period alleged in the Amended Complaint, at Oracle's expense.

Sincerely,



Laura C. Bremer
Senior Trial Attorney

