

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

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APR 22 2019

Office of Administrative Law Judges
San Francisco, Ca

PLAINTIFF'S MOTION TO COMPEL *JEWETT* DOCUMENTS

Pursuant to the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246 (OFCCP Rules), Plaintiff Office of Federal Contract Compliance Programs (OFCCP) hereby moves to compel Oracle to produce documents from the private litigation *Jewett, et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669, including the following: (1) all unredacted deposition transcripts and exhibits taken in *Jewett*, including all expert depositions, (2) all produced expert materials, (3) written discovery requests and responses, and (4) meet-and-confer correspondence. *See* 41 C.F.R. § 60-30.8.

OFCCP and Oracle America, Inc. have met and conferred on the issue of the *Jewett* documents responsive to OFCCP's Request for Production Nos. 166 and 168.

DATED: April 22, 2019

Respectfully submitted,

KATE O'SCANNLAIN
Solicitor of Labor
JANET M. HEROLD
Regional Solicitor
LAURA C. BREMER

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Office of Administrative Law Judges
San Francisco, Ca

Senior Trial Attorney
NORMAN GARCIA
Senior Trial Attorney

BY: 

JEREMIAH MILLER
Counsel for Civil Rights

U.S. Department of Labor
Office of the Solicitor
300 5th Avenue, Suite 1120
Seattle, WA 98104
206-757-6757

Attorneys for Plaintiff OFCCP

CERTIFICATE OF SERVICE

I certify that on this 22nd day of April, 2019, the foregoing PLAINTIFF'S MOTION TO COMPEL, MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL, and DELCLARATION OF NORMAN GARCIA IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL were served upon the following individuals by U.S. mail, as well as by courtesy copies via email, at the following addresses:

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U.S. Department of Labor

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**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,	:	
	:	
Plaintiff,	:	Case No. 2017-OFC-00006
	:	
v.	:	
	:	
ORACLE AMERICA, INC.	:	
	:	
Defendant.	:	

**OFCCP'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
MOTION TO COMPEL JEWETT DOCUMENTS**

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Office of Administrative Law Judges
San Francisco, Ca

I. INTRODUCTION

OFCCP hereby moves to compel production of the highly relevant deposition transcripts and other discovery documents from the parallel private litigation *Jewett, et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669, in which plaintiffs, like OFCCP, claim that Oracle systematically underpays women. OFCCP has attempted to streamline discovery in this case by seeking copies of deposition transcripts, written discovery and responses, and discovery-related communications from the overlapping private litigation. OFCCP and the *Jewett* plaintiffs have both alleged gender pay discrimination at Oracle's Redwood Shores Headquarters and OFCCP has requested the sworn testimony and discovery regarding the parties' shared allegations. Because the *Jewett* discovery pertains to the same subject matter as OFCCP's lawsuit, it is directly relevant to OFCCP's gender discrimination claim and OFCCP is entitled to the requested information. Prompt production of the deposition transcripts and other *Jewett* documents OFCCP seeks will facilitate efficient discovery in this matter and assist the parties to meet the discovery cutoff and hearing schedule established by this Court. Accordingly, OFCCP requests the Court order immediate production of all deposition transcripts and exhibits (to be supplemented as additional depositions occur),¹ produced expert materials, written discovery requests and responses, and discovery-related communications from the *Jewett* litigation responsive to RFPs 166 and 168.

II. FACTUAL BACKGROUND

OFCCP has requested deposition transcripts (and exhibits), as well as written discovery requests and responses from *Jewett, et al. v. Oracle America, Inc.*, i.e. prior sworn testimony on the Plaintiffs' shared allegation that Oracle discriminates against women, paying them significantly less than their male counterparts. OFCCP initially sought material related to the

¹ Despite OFCCP's request for "all unredacted deposition transcripts of depositions taken in *Jewett et al. v. Oracle America, Inc.*," Oracle produced deposition transcripts with redacted exhibits. Norm Garcia Decl. at ¶ 6, Ex. 1 (RFP 166). OFCCP hereby moves to compel all fully *unredacted* deposition materials, including unredacted copies of exhibits to those deposition transcripts Oracle already produced.

Jewett case from both Oracle and the *Jewett* plaintiffs. Norm Garcia Decl. at ¶¶ 2-3, Ex. 1 (RFPs Set 5); Ex. 2 (Subpoena). On January 30, 2019, OFCCP served Oracle with RFPs Nos. 166 and 168,² which include all unredacted transcripts of depositions taken in *Jewett*, written discovery requests and responses and document production in the case. *Id.* at ¶¶ 2-3, Ex. 1.

Subsequently, on February 15, 2019, OFCCP served the *Jewett* plaintiffs with a subpoena for the same material. *Id.* at ¶ 2, Ex. 2. After Oracle advised that it intended to move to quash the subpoena, OFCCP withdrew the subpoena and instead engaged in an extended discussion with Oracle about the RFPs. *Id.* at ¶ 4. Oracle initially objected across the board. *Id.* at ¶ 5, Ex. 3 (Oracle Resp. to RFP 166, 167, 168). As of the date of filing this motion, Oracle has produced four “person most knowledgeable” transcripts and four plaintiff deposition transcripts, but has continued to object to production of any additional material, including the highly relevant deposition transcripts of the *Jewett* parties’ experts. *Id.* at ¶ 5. The *Jewett* plaintiffs consented to production of the documents OFCCP now moves to compel. *Id.* at ¶ 7, Ex. 6 (March 29, 2019 email from *Jewett* plaintiff’s counsel).

III. ARGUMENT

A. **Production of the requested *Jewett* documents will facilitate efficient discovery.**

OFCCP’s goal in seeking information from the *Jewett* litigation is to engage in efficient discovery in this case given that the private plaintiffs, like OFCCP, allege that Oracle discriminates against women in pay. OFCCP’s approach conforms with Rule 1 of the Federal Rules of Civil Procedure, to interpret the federal rules “to secure the just, speedy, and inexpensive determination of every action.” Fed. R. Civ. P. 1. Here, for example, OFCCP seeks expert materials from the private litigation. The experts in both cases must examine the same or similar issues and, therefore, by knowing the results of analyses in the overlapping private litigation, OFCCP can avoid wasting resources pursuing irrelevant or unproductive lines of inquiry here. Further, OFCCP should not have to waste public resources litigating discovery

² In RFP No. 167, OFCCP sought the documents actually produced in discovery by the *Jewett* parties. OFCCP is not seeking to compel documents in response to this RFP at this time, but it reserves the right to compel documents that were produced in the *Jewett* case but have not yet been produced in this case.

disputes that have already been resolved in *Jewett*. Nor should Oracle succeed in concealing relevant facts that came to light in *Jewett* from OFCCP in this litigation. As Oracle acknowledged while conferring over this request, *Jewett* and this case “overlap” and therefore “there may be some efficiencies to be gained by stipulating that . . . testimony there can apply here, so we don’t have to repeat depositions on the same topics.” Garcia Decl. at ¶ 9, Ex. 8 (Feb 22, 2019 email).³ Despite acknowledging overlap, Oracle has repeatedly objected and delayed in producing most of this obviously relevant material. Oracle has articulated no credible argument to preclude OFCCP from receiving testimony and other information produced in *Jewett*.

B. Oracle’s objections to producing *Jewett* documents are meritless.

Each of Oracle’s objections to producing the requested *Jewett* documents lacks merit. First, contrary to Oracle’s assertion, the *Jewett* documents sought here are highly relevant as both cases have a similar core claim—gender pay discrimination by Oracle. Courts routinely order production of deposition transcripts and other discovery materials from other litigation where that litigation involves “substantially similar claims and issues.” *In re Intuitive Surgical Sec. Litig.*, No. 513CV01920EJDHRL, 2016 WL 10459420, at *1 (N.D. Cal. Sept. 27, 2016) (citing cases).⁴ Here, both cases involve factual allegations of gender-based pay discrimination by the same company in the same “Product Development, Information Technology, and Support Job Functions.” Compare OFCCP Second Am. Compl. (SAC) ¶ 12; *Jewett* SAC ¶ 2, Garcia Decl. Ex. 7. The geographical areas and timeframes of the cases are overlapping. The employees in OFCCP’s gender discrimination claim—employees at Oracle’s headquarters in Redwood Shores, California—are part of the *Jewett* class of California-based employees; and both cases cover time frames from 2013 through the present or date of trial. See OFCCP SAC ¶ 12; *Jewett* SAC ¶ 1 (Garcia Decl. Ex. 7).

³ “There is overlap—we see that.” Garcia Decl. ¶ 9, Ex. 8 (Feb 22, 2019 email).

⁴ See also *Oracle USA, Inc. v. Rimini St., Inc.*, No. 2:10-CV-00106-LRH, 2012 WL 6100306, at *2 (D. Nev. Dec. 7, 2012) (noting Oracle’s argument that “the Ninth Circuit has a strong policy of favoring access to discovery material in collateral litigation”); “Allowing use of discovery materials in ‘one litigation to facilitate preparation in other cases advances the interests of judicial economy by avoiding the wasteful duplication of discovery.’” *Id.* at *10–12 (D. Nev. Dec. 7, 2012) (quoting *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1131 (9th Cir. 2003)).

The simple fact that the *Jewett* class involves other Oracle offices in California does not undermine the relevance of the discovery in that case. *See, e.g., Carter-Wallace, Inc. v. Hartz Mountain Indus., Inc.*, 92 F.R.D. 67, 70 (S.D.N.Y. 1981) (rejecting relevance argument based on claims that plaintiff had a “narrower” product line and “different customers” than those in the parallel case). As the *Jewett* plaintiffs themselves alleged, Oracle maintains centralized control over employees terms of employment, and the compensation policies and practices are uniformly applied to all of Oracle’s employees through its California office locations. *Jewett* SAC ¶¶ 15-18. Accordingly, any testimony by individuals employed at any California office location is relevant to OFCCP’s claim, and any expert testimony about California-wide pay analyses is also relevant to OFCCP’s claim. Oracle’s objection on relevance grounds is frivolous and cannot prevent production of the requested information.

Second, Oracle’s confidentially arguments are baseless as the Protective Order in this case addresses confidentiality issues. Further, the *Jewett* plaintiffs have consented in writing to the production to OFCCP of the material responsive to the requests.

Third, Oracle’s perfunctory argument that OFCCP’s request are overly broad and unduly burdensome is entirely undermined by the fact that Oracle prevented the lead plaintiff in *Jewett* from providing the same material to OFCCP. Indeed, OFCCP would likely already have the documents responsive to RFPs 166 and 168 it now moves to compel with minimal, if any, burden to Oracle if Oracle had not prevented the *Jewett* plaintiffs from complying with OFCCP’s subpoena. Thus, any burden is of Oracle’s own making. Further, Oracle cannot claim that production of these documents is unduly burdensome as the documents requested are already gathered and likely exist in electronic form. *In re Cathode Ray Tube (CRT) Antitrust Litig.*, No. 1917, 2014 WL 12647879, at *2 (N.D. Cal. Nov. 14, 2014) (noting that “there would not be any significant burden because the responsive documents from the LCD Litigation have already been collected, reviewed and produced in the LCD Litigation”).⁵

⁵ Additionally, Oracle raises a number of non-specific general objections that are aimed at impeding the free flow of meaningful discovery. Oracle provides no support for these assertions and such unsupported boilerplate objections are waived. *Nat’l Acad. of Recording Arts & Sciences, Inc. v. On Point Events, LP*, 256 F.R.D. 678, 680 (C.D. Cal.

Accordingly, OFCCP requests the Court order Oracle to produce: all unredacted deposition transcripts and exhibits, which Oracle must supplement with any future depositions taken in *Jewett*, including all expert depositions, all produced expert materials, written discovery requests and responses, and meet-and-confer correspondence.

IV. CONCLUSION

The documents that OFCCP requested from the *Jewett* litigation, where plaintiffs allege gender pay discrimination at Oracle's Redwood Shores Headquarters, are directly relevant to OFCCP's gender-based discrimination claim and OFCCP is therefore entitled to this information in discovery. The Court should grant OFCCP's motion to compel and order immediate production of the requested *Jewett* materials.

Dated: April 22, 2019

Respectfully submitted,

KATE S. O'SCANNLAIN
Solicitor of Labor

JANET M. HEROLD
Regional Solicitor

LAURA C. BREMER
Senior Trial Attorney



JEREMIAH MILLER
Counsel for Civil Rights

2009) (“The party who resists discovery . . . has the burden of clarifying, explaining, and supporting its objections.”); *DL v. D.C.*, 251 F.R.D. 38, 43 (D.D.C. 2008) (When faced with general objections, the applicability of which to specific document requests is not explained further, “[t]his Court will not raise objections for [the responding party],’ but instead will ‘overrule[] [the responding party’s] objection[s] on those grounds.’” (citation omitted).

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.

Defendant.

Case No. 2017-OFC-00006

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Office of Administrative Law Judges
San Francisco, Ca

**DECLARATION OF NORMAN E. GARCIA IN SUPPORT OF OFCCP'S MOTION TO
COMPEL JEWETT DOCUMENTS**

I, Norman E. Garcia, state and declare as follows:

1. I am a Senior Trial Attorney for the U.S. Department of Labor, Office of the Solicitor, and counsel of record for Plaintiff in this action. I submit this declaration in support of OFCCP's Motion to Compel documents from the parallel private litigation *Jewett, et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669. I have personal knowledge of the matter set forth in this declaration, and I could and would competently testify thereto if called upon to do so.

2. On January 30, 2019, OFCCP served Oracle with its Fifth Set of Requests for Production, attached hereto as **Exhibit 1**, which included RFPs 166-168 requesting documents from the *Jewett* litigation.

3. On February 15, 2019, OFCCP served the *Jewett* plaintiffs with a subpoena, attached as **Exhibit 2**, including the same material it requested from Oracle in RFPs 166-168.

4. After Oracle advised that it intended to move to quash the subpoena, OFCCP withdrew the subpoena and instead engaged in an extended discussion with Oracle about the RFPs.

5. Oracle initially objected to producing any documents responsive to RFPS 166-168. Attached as **Exhibit 3** is a true copy of Oracle's responses to RFPS 166-168. Oracle has since produced some deposition transcripts from *Jewett*, including four "person most knowledgeable" transcripts and their exhibits, and four plaintiff deposition transcripts and their exhibits. Oracle has continued to object to any additional deposition transcripts including, but not limited to experts and expert materials; producing discovery requests responses and meet and confer communications thereto; and almost all of the documents produced in *Jewett*. Oracle did state it would produce some documents from the productions but failed to identify the specific document produced from the *Jewett* case save those in the deposition exhibits. Attached as **Exhibit 4** is a true and accurate copy of meet and confer correspondence regarding the *Jewett* RFPs.

6. The *Jewett* deposition transcripts that Oracle agreed to produce were produced with significant redactions. Specifically, bates numbers 01-078-115, 401816-17, and 401821-39 of Rong Jewett's deposition transcript and bates numbers 403457-403509 and 403534-403571 of Xian Murray's deposition transcript have been redacted.

7. Oracle initially objected that the documents OFCCP seeks are confidential and subject to the protective order in the *Jewett* litigation. However, paragraph 4 of the *Jewett* protective order, attached as **Exhibit 5**, does not prohibit a party from disclosing material designated as confidential as long as the other parties consent in writing. The *Jewett* plaintiffs have consented in writing to the production to OFCCP of the material responsive to the requests. Attached as **Exhibit 6** is a true and accurate copy of the email correspondence in which plaintiffs consent to the production of OFCCP's requested material.

8. Attached as **Exhibit 7** is a copy of the Second Amended Complaint filed in *Jewett*.

9. Attached as **Exhibit 8** is a copy of email correspondence acknowledging the overlap between this case and *Jewett*.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed in San Francisco, California on April 22, 2019.

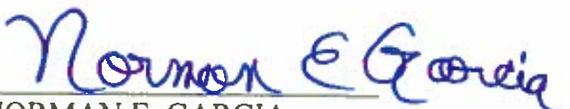

NORMAN E. GARCIA
Senior Trial Attorney

EXHIBIT 1

EXHIBIT 1

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**OFCCP'S FIFTH SET OF REQUESTS FOR THE PRODUCTION OF
DOCUMENTS TO ORACLE AMERICA, INC.**

Plaintiff, the Office of Federal Contract Compliance Programs, United States Department of Labor ("OFCCP"), under 41 C.F.R. § 60-30.10, requests that Defendant, Oracle America, Inc. ("Oracle"), produce at the Office of the Solicitor, U.S. Department of Labor, 90 7th Street, Suite 3-700, San Francisco, California 94103, within 25 days after these requests are served, the documents requested below that are in Oracle's possession, custody, or control, or in the possession, custody, or control of any of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

DEFINITIONS

1. "YOU" AND "YOUR" mean Oracle America, Inc. AND all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, OR divisions.

2. “RELEVANT TIME PERIOD” means January 1, 2013, to the present unless otherwise stated.

3. “ANALYSES” means any AND all draft AND final narratives, summaries, chronologies, determination memorandums, statistical summaries, charts, matrices, spreadsheets, audits, evaluations, studies, methodologies, models, actual computations, AND regression AND other statistical analysis.

4. “AND” AND “OR” shall be construed conjunctively OR disjunctively as necessary to make the request inclusive rather than exclusive.

5. “APPLICANT” means any person who YOU received expressions of interest, solicited, recruited, communicated with, screened, interviewed, evaluated, determined starting salary AND other COMPENSATION for, OR extended offers to, persons who expressed interest in a job at Oracle.

6. “ASSIGNED” means responsible, designated, appointed, worked on, performed work.

7. “CAP-GAP EXTENSION” means a temporary extension of employment authorization under provisions allowing relief for holders of F-1 US VISAs who are seeking H1-B US VISAs.

8. “COLLEGE RECRUIT” means any person who expresses interest OR applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, AND recent graduates) for positions in the Professional Technical I, Individual Contributor Job Group, including product development positions.

9. “COMMUNICATIONS” means all transactions OR transfers of information of any kind, whether orally, in writing, OR in any other manner, at any time

OR place, under any circumstances whatsoever.

10. “COMPA-RATIO” means the ratio of the employee’s base salary to the midpoint of their job’s salary range multiplied by 100.

11. “COMPENSATION” means any payments made to, OR on behalf of, YOUR employee as remuneration for employment, including but not limited to salary, wages, money for relocation, overtime pay, shift differentials, commissions, bonuses, vacation AND holiday pay, retirement AND other benefits, stock options AND awards, AND profit sharing.

12. “DOCUMENT” means all writings of any kind, including any written, printed, typed, electronically stored, OR other graphic matter of any kind OR nature AND all mechanical OR electronic sound recordings OR transcripts thereof, in YOUR possession OR control OR known by YOU to exist, AND also means all copies of DOCUMENTS by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books OR records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, AND any drafts, revisions, OR amendments of the above, AND all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

13. “HIRING” OR “HIRE” means to establish an employer to employee relationship, to employ someone.

14. “LIST” means a compilation of information, a record of information AND includes Excel spreadsheets OR other types of documents OR files compiling

information.

15. “OFCCP” means the Office of Federal Contract Compliance Programs, United States Department of Labor.

16. “OPT EXTENSION” means Optional Practical Training employment authorization extension for students with F-1 US VISAs.

17. “PAY DECISION” means any choice Oracle made about a person’s COMPENSATION, including whether to give OR not to give a particular type of COMPENSATION (e.g., starting pay, bonus, stock options), the amount of COMPENSATION to give, OR to change OR not to change the amount of COMPENSATION of a person.

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 to them during the RELEVANT TIME PERIOD.

19. “RELATED 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.

20. “SELECTION PROCESS” mean YOU responding to expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary AND other COMPENSATION for, OR extending job offers to, persons who

express interest in a job at Oracle.

21. “STEM OPT EXTENSION” means Optional Practical Training employment authorization extension for students with F-1 US VISAs who earned degrees in science, technology, engineering OR mathematics.

22. “SUPPORTING” OR “SUPPORTS” means relied upon, used, sustained, utilized.

23. “USCIS” means the United States Custom AND Immigration Services.

24. “US VISA” means an endorsement issued by an authorized representative of the United States AND marked in a passport, permitting the passport holder to enter, travel through, OR reside in the United States.

INSTRUCTIONS

1. Unless otherwise stated, these requests RELATE TO Oracle’s headquarters located at Redwood Shores, California.

2. In responding to these requests, furnish all information that is available to YOU. If, after exercising due diligence to secure the DOCUMENTS, YOU cannot produce the requested DOCUMENTS in full, respond to the extent possible, specifying YOUR inability to produce the remainder. If YOU object to any request, state with specificity the basis for the objection, decline to respond to only that portion of the request deemed objectionable, AND respond to the balance of the request.

3. If any requested DOCUMENT was, but is no longer, in YOUR possession, custody, OR control, OR is no longer in existence, state whether such DOCUMENT is:

- a. missing OR lost;
- b. destroyed;
- c. transferred to others; OR
- d. otherwise disposed of.

For any DOCUMENT so disposed of, summarize the contents of the DOCUMENT in as much detail as possible. If the DOCUMENT is missing, lost, OR destroyed, set forth the circumstances surrounding such disposition. If the DOCUMENT was transferred to others OR otherwise disposed of, describe in detail the authorization for such disposition, state the date OR closest approximate date known to YOU of such disposition, state the current location of the DOCUMENT, AND IDENTIFY the custodian of all copies of such DOCUMENT.

4. These requests are intended to cover all DOCUMENTS in existence OR in effect at any time during the RELEVANT TIME PERIOD. If any responsive DOCUMENT has changed over the RELEVANT TIME PERIOD, produce all responsive DOCUMENTS, regardless of whether they reflect YOUR POLICIES, PRACTICES OR PROCEDURES that are no longer in effect.

5. With respect to the application of privileges: If YOU decline to produce any DOCUMENT OR to otherwise provide information on the basis of a claim of privilege, so state in response to the DOCUMENT production request. Any part of a DOCUMENT for which YOU do not claim a privilege must be produced. Furnish a complete log of any DOCUMENTS OR portions of DOCUMENTS withheld on the basis of privilege, describing each such DOCUMENT OR portion thereof in a manner that will enable OFCCP to assess the applicability of the privilege being asserted. This includes,

without limitation, setting forth for each such DOCUMENT the dates the DOCUMENT was prepared AND transmitted, to whom AND from whom the DOCUMENT was transmitted, including copies thereof, the length of the DOCUMENT, the privilege(s) claimed, AND the factual basis for the claim of each privilege.

6. Under 41 C.F.R. § 60-30.1 AND Rule 26(e) of the Federal Rules of Civil Procedure, these requests for production are continuing in nature AND, to the extent that the responses may be enlarged, diminished, OR otherwise modified by information acquired by YOU OR YOUR attorneys after filing this response, YOU AND YOUR attorneys are required to promptly serve AND file supplemental DOCUMENTS reflecting the changes.

7. The parties responding to these requests are charged with knowledge of what they know, what their agents, employees, servants, representatives, AND attorneys know, what is in records available to them, AND what others have told them on which they intend to rely in their defense.

8. All DOCUMENT productions made in response to these requests must comply with OFCCP's technical specifications previously provided.

REQUESTS FOR PRODUCTION OF DOCUMENTS

131. For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD, produce all DOCUMENTS IDENTIFYING a person's eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2,

O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916).

132. For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD who were not citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp

number (“BSN”) ORACLE_HQCA_1279 & 2003); YOUR “VISA Status Questionnaire” in any of its forms (e.g., ORACLE_HQCA_916); Labor Condition Application; Immigration & Naturalization Service Work Authorization; DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

133. For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, produce all DOCUMENTS IDENTIFYING a person’s eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS’ Employment Eligibility Verification Form (i.e., USCIS’s I-9 Form) filled out for YOUR employees; USCIS’ Petition for a Non-Immigrant Worker Form (i.e., USCIS’s I-129 Form) filled out for YOUR employees; YOUR “Employment Eligibility Questionnaire” in any of its forms (e.g., Bates stamp number (“BSN”) ORACLE_HQCA_1279 & 2003); YOUR “VISA Status Questionnaire” in any of its forms (e.g., ORACLE_HQCA_916).

134. For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD who

were not citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916); Labor Condition Application; Immigration & Naturalization Service Work Authorization; DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

135. For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, produce all DOCUMENTS IDENTIFYING a person's eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant

status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916).

136. For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, who were not citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916); DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

137. For all of the people who were YOUR employees in the Information Technology,

Product Development AND Support Job Functions who YOU identified in response to the prior six requests of this set of document production requests as having any US VISAs, produce, for each type of US VISA previously identified, DOCUMENTS IDENTIFYING the type of US VISA (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS), the start AND end dates of this US VISA AND the country of origin for the employees holding the US VISA

138. For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD, produce DOCUMENTS sufficient to IDENTIFY their: country of birth, country of origin, race AND gender.

139. Produce all of YOUR POLICIES, PRACTICES OR PROCEDURES RELATING TO employees OR COLLEGE RECRUITS who were not citizens of the United States at any time during the RELEVANT TIME PERIOD being eligible to lawfully work in the United States, including, but not limited to YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO US VISAs, passports, permanent resident cards (green cards), OPT EXTENSIONS, STEM OPT EXTENSIONS, CAP-GAP EXTENSIONS, employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document, USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees, USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees, YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003), YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916), YOU sponsoring workers for US VISAS, Labor Condition Applications, POLICIES, PRACTICES OR PROCEDURES regarding the

eligibility of non-United States citizens to work OR not work in the United States.

140. For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD OR YOUR employees in the Product Development, Support, OR Information Technology Job Functions since 1985, produce DOCUMENTS sufficient to IDENTIFY the following information, for each college degree that they obtained at any time: the full name of the college they obtained the degree from, the degree obtained, the year they obtained this degree, the major they acquired this degree in. This request should include employees listed in the HQCA_iRec_MAIN.xlsx file, AND include the data fields in the APL_EMPLOYMENT_HISTORY, APL_QUALIFICATIONS, AND APPLICANT_PROFILES tabs produced in the PT1_HQCA_iRec_MAIN.xlsx file.

141. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) to AND from Larry Lynn, Vice President, College Recruiting, RELATED TO the SELECTION PROCESS for COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

142. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) to AND from Thomas Kurian RELATED TO the SELECTION PROCESS FOR COLLEGE RECRUITS OR PAY DECISIONS for the Product Development Job Function during the RELEVANT TIME PERIOD.

143. Produce each LIST RELATED TO COLLEGE RECRUITS for positions in the PT1 Job

Group during the RELEVANT TIME PERIOD, including “TK Master List,” LIST of offers, LIST of people who declined OR reneged on offers, LIST tracking the eligibility of people to work in the United States, LIST of their US VISA status, LIST of people by educational degrees, LIST of people who applied for jobs, LIST of people who were screened AND rejected, LIST of people interviewed, LIST of people interviewed AND rejected, LIST of people submitted to Larry Lynn for review, LIST of people rejected by Larry Lynn, LIST of people accepted by Larry Lynn, LIST of people by country of origin, LIST of people by country of birth, LIST of people by race, LIST of people by gender.

144. Produce all e-mails AND attachments COLLEGE RECRUITS sent to Oracle’s college recruiting inbox (college_US e-mail account) during the RELEVANT TIME PERIOD.

145. Produce all DOCUMENTS wherein YOU evaluated whether YOU should HIRE OR reject a COLLEGE RECRUIT during any part of the SELECTION PROCESS.

146. Produce all resumes of COLLEGE RECRUITS sent to Larry Lynn to review during the RELEVANT TIME PERIOD, including, but not limited to, copies of e-mails in the “sent to Larry” box OR folder of YOUR college_US e-mail account.

147. Produce all spreadsheets AND other DOCUMENTS used, reviewed by OR considered by Larry Lynn for his review of any COLLEGE RECRUITS during the RELEVANT TIME PERIOD, including spreadsheets, resumes, letters, text messages, e-mails, references, transcripts submitted to him during his annual review AND DOCUMENTS including, but not limited to, spreadsheets with any writings made by Larry Lynn.

148. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.17(b) for YOUR Information Technology, Product Development AND Support

Job Functions OR PT1 Job Group, including, but not limited to, all DOCUMENTS RELATING TO action-oriented programs identified in 41 C.F.R. § 60-2.17(c).

149. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-3.15A for YOUR Information Technology, Product Development AND Support Job Functions OR YOUR PT1 Job Group.

150. Produce all DOCUMENTS RELATED TO any PAY DECISION ANALYSES YOU conducted for the COMPENSATION YOU provided to YOUR employees in YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including but not limited to, COMPENSATION audits YOU conducted, statistical ANALYSES YOU conducted, the “salary surveys,” “equity studies,” AND “ad hoc analyses” YOU conducted referenced by either Shauna Holman-Harries OR Lisa Gordon in Lisa Gordon’s interview signed February 15, 2015 at BSN DOL 584, 587-89; AND the “different analyses,” “compensation analyses,” “adverse impact analyses,” “internal audits,” OR “internal self-audits” that YOU conducted that were referenced by Shauna Holman-Harries in her March 26, 2015, interview at BSN DOL 36769, 36772-73.

151. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

152. Produce all DOCUMENTS RELATED TO “Oracle’s evaluation of its compensation system” that Shauna Holman-Harries referenced in her June 2, 2015, e-mail at BSN DOL 1212 for YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including but not limited to, all of evaluations that YOU

conducted, the underlying data OR information considered in these evaluations, AND the COMMUNICATIONS RELATED TO these evaluations.

153. All DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any evaluation conducted pursuant to the previous document production request.

154. Produce all DOCUMENTS RELATED TO YOUR “pay audits to assess legal compliance with Oracle’s non-discrimination obligations and to further ensure Oracle’s compensation policies and practices are carried out” that Shauna Holman-Harries referenced in her June 2, 2015, e-mail at BSN DOL 1212 for YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including but not limited to, all of audits that YOU conducted, the underlying data OR information considered in these audits, AND the COMMUNICATIONS RELATED TO these audits.

155. All DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any audits conducted pursuant to the previous document production request.

156. Produce all DOCUMENTS RELATED TO any ANALYSES YOU conducted of the SELECTION PROCESS YOU used to HIRE COLLEGE RECRUITS to work for YOU in the PT1 Job Group during the RELEVANT TIME PERIOD.

157. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

158. Produce all DOCUMENTS RELATED TO the data, information AND DOCUMENTS you provided to any person at Orrick, Herrington & Sutcliffe, LLP to conduct any ANALYSES

AND evaluation(s) referenced in document production request nos. 143-157, 160-165, 174-175 including, but not limited to, the data, information AND DOCUMENTS that YOU provided to Orrick, Herrington & Sutcliffe, LLP to conduct these ANALYSES AND any data, information AND DOCUMENTS Orrick, Herrington & Sutcliffe, LLP provided to YOU regarding the ANALYSES it conducted.

159. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES OR evaluation(s) conducted by Orrick, Herrington & Sutcliffe, LLP.

160. Produce all DOCUMENTS RELATED TO YOUR establishment of OR changes to salary grade ranges for the job titles within YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including DOCUMENTS RELATED TO YOU matching job titles to salary grades, DOCUMENTS RELATED TO YOUR annual review of market data to adjust salary grades, DOCUMENTS RELATED TO salary surveys YOU reviewed, AND DOCUMENTS RELATED TO the matching of YOUR jobs AND the survey jobs that Lisa Gordon referenced in her interview signed February 15, 2015, at BSN DOL 584, 578. This request includes documents pertaining to salary grades that were matched to job titles prior to the RELEVANT TIME PERIOD wherein this matching remained in effect during the RELEVANT TIME PERIOD.

161. Produce all DOCUMENTS IDENTIFYING the COMPENSATION AND COMPARATIO information that Oracle reviewed during the RELEVANT TIME PERIOD when it considered HIRING OR transferring someone from another company OR an Oracle-affiliated company such as Oracle India Pvt. Ltd. OR a company that YOU acquired to work in the Product Development, Information Technology AND Support Job Functions, including, but not

limited to, the person's: annual OR base salary in the other company in United States dollars; annual OR base salary in the other company in another country's currency, COMPA-RATIO in the other company in another company's currency, bonuses received in the other company, AND what a person's COMPA-RATIO would be with their new salary in the United States in dollars.

162. Produce all YOUR POLICIES, PRACTICES OR PROCEDURES RELATING TO how each employee in the Product Development, Information Technology AND Support Job Functions were ASSIGNED to product lines, product line groups, teams, OR organizations during the RELEVANT TIME PERIOD. This includes assignments requested by YOUR employees AND assignments directed by YOU.

163. For each employee in the Product Development, Information Technology AND Support Job Functions, produce DOCUMENTS RELATING TO what initial product line, product line groups, team, AND organization each employee was ASSIGNED when the employee first started working for Oracle, including DOCUMENTS IDENTIFYING who made the decision for the assignment, DOCUMENTS IDENTIFYING when the assignment decision was made AND DOCUMENTS IDENTIFYING why each employee was ASSIGNED to a particular product line, product line group, team AND organization..

164. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) regarding YOUR employees expressing a desire to move (i.e., transfer) from their current position to a different supervisor, product, product line, organization, OR team in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD, including, but not limited to DOCUMENTS IDENTIFYING: requests to transfer, evaluations of transfer, justifications for transfer,

SUPPORT for transfer OR recommending rejection of transfer, acceptance OR rejection of transfer, headcount OR budget changes because of the transfer.

165. Produce all YOUR POLICIES, PRACTICES OR PROCEDURES RELATING TO the movement (i.e., transfer) of YOUR employees from their current position to a different supervisor, product, product line, organization, OR team in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD, including, but not limited to DOCUMENTS IDENTIFYING: information to be included in a transfer request AND the approval OR rejection thereof; guidance for approvals AND rejections of transfer requests; the effect of transfers on headcount; the effect of transfers on budgets, AND PAY DECISIONS RELATED TO transfer.

166. Produce all unredacted deposition transcripts of depositions taken in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation.

167. Produce all DOCUMENTS YOU produced to OR received from the plaintiffs in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation that were not previously produced in this litigation.

168. Produce all DOCUMENTS YOU provided to OR received from the plaintiffs in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation RELATED TO written discovery requests (e.g., interrogatories, requests for admissions, requests for the production of DOCUMENTS) to include the discovery requests, the responses AND meet AND confer COMMUNICATIONS RELATED TO the discovery requests OR responses. This request does not include the DOCUMENTS actually produced RELATED TO the responses, but it does include any AND all COMMUNICATIONS RELATED TO the written discovery requests OR responses thereto.

169. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) RELATED TO allocating budget funds to each organization OR supervisor within the different product lines AND product groups in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD, including, but not limited to DOCUMENTS pertaining to the amount of budget funds allocated to each organization OR Supervisor, who made each of the decisions to allocate the budget funds allocated, the date each allocation decision was made, what each person who allocated the budget funds considered when allocating these funds OR why each person who allocated the budgets funds chose the specific amount of budget funds allocated to the specific organizations he/she allocated it.

170. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, electronic approvals, to include any attachments to any of these examples) wherein someone having a Global Career Level of M7 OR above made any decisions in the SELECTION PROCESS OR PAY DECISIONS for anyone working in the Product Development, Information Technology AND Support Job Functions OR PT1 Job Group during the RELEVANT TIME PERIOD, including, but not limit to, approving job offers, transfers, promotions to a higher Global Career Level, COMPENSATION OR approving recommendations for job offers, transfers, promotions OR COMEPNSATION..

171. Produce all DOCUMENTS during the RELEVANT TIME PERIOD RELATED TO the “TK Campus Program” OR “TK Campus Hires” OR “IDC Campus Hires” wherein college graduates from India were HIRED to work in the PT1 Job Group OR Product Development Job

Function.

172. Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, electronic approvals, to include any attachments to any of these examples) during the RELEVANT TIME PERIOD between YOU AND COLLEGE RECRUITS.

173. Produce the YOUR AAPs for HQCA YOU are required to make AND maintain pursuant to 41 C.F.R. §§ 60-2.10(b) & (c) from 2013 to the present.

174. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.12 for YOUR Information Technology, Product Development AND Support Job Functions OR YOUR PT1 Job Group.

175. Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.12 for YOUR Information Technology, Product Development AND Support Job Functions OR YOUR PT1 Job Group.

176. Produce the data AND DOCUMENTS YOU relied upon when creating the “job groups” in YOUR affirmative action programs during the RELEVANT TIME PERIOD.

177. Produce all COMPENSATION DOCUMENTS for every employee working in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD.

178. Produce all COMPENSATION DOCUMENTS for every employee working in the Product Development, Information Technology AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, whether OR not they were employees in one

of these Job Functions after January 1, 2013.

179. Produce all DOCUMENTS IDENTIFYING the COMPENSATION AND COMPA-RATIO information that YOU reviewed during the RELEVANT TIME PERIOD when YOU considered HIRING OR transferring someone from an another company OR an Oracle affiliated company, e.g., Oracle India Pvt. Ltd., OR a company that YOU acquired to work in the Product Development, Information Technology AND Support Job Functions, including, but not limited to, the person's: annual OR base salary in the other company in United States dollars; annual OR base salary in the other company in another country's currency; annual OR base salary at Oracle's headquarters located at Redwood Shores, California; COMPA-RATIO in the other company AND at Oracle's headquarters located at Redwood Shores, California; bonuses AND stocks received in the other company; AND, if applicable, Global Career Level in the other company AND at Oracle's headquarters located at Redwood Shores, California.

180. For employees listed in the HQCA_iRec_MAIN.xlsx file having a "HIRE_TYPE" of "International Transfer" in Column AR, OR for YOUR employees for which a salary is in a denomination other than US dollars that is listed in the CANDIDATE_CURRENT_SALARY_ATV (Column BC), produce YOUR employee's last COMPA-RATIO at that Oracle affiliate.

181. Produce all DOCUMENTS of YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO the SELECTION PROCESS for COLLEGE RECRUITS from June 1, 2012, to the present.

182. Produce all DOCUMENTS of YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO seeking, referring to OR using prior pay information from APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS during the

RELEVANT TIME PERIOD.

183. Produce all DOCUMENTS RELATING TO the prior pay of APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS during the RELEVANT TIME PERIOD IN YOUR Product Development, Information Technology AND Support Job Functions OR PT1 Job Group, including, but not limited to, DOCUMENTS received from APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS, DOCUMENTS showing how YOU used the prior pay information received to make PAY DECISIONS, AND DOCUMENTS comparing OR evaluating the person's prior pay.

DATED: January 30, 2019

JANET M. HEROLD
Regional Solicitor

JEREMIAH MILLER
Acting Counsel for Civil Rights

LAURA C. BREMER
Senior Trial Attorney

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

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Office of the Solicitor
United States Department of Labor
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San Francisco, California 94103
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Fax: (415) 625-7772
Email: garcia.norman@dol.gov

CERTIFICATE OF SERVICE

I am a citizen of the United States of America and am over eighteen years of age. I am not a party to the instant action; my business address is 90 Seventh St., Rm. 3-700, San Francisco, CA 94103.

On the date indicated below, I served the foregoing **OFCCP'S FIFTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO ORACLE AMERICA, INC.** by electronic mail, by prior written agreement between counsel, to the following:

Connell, Erin M.: econnell@orrick.com

Kaddah, Jacqueline D.: jkaddah@orrick.com

James, Jessica R. L.: jessica.james@orrick.com

Siniscalco, Gary: grsiniscalco@orrick.com

I certify under penalty of perjury that the above is true and correct.

Executed: January 30, 2019

/s/ Laura C. Bremer

LAURA C. BREMER
Senior Trial Attorney

Office of the Solicitor
U.S. Department of Labor

EXHIBIT 2

EXHIBIT 2

United States Department of Labor
OFFICE OF ADMINISTRATIVE LAW JUDGES

In Re

Office of Federal Contract Compliance Programs, U.S. Dept. of Labor

(Plaintiff/Complainant/Claimant)

Oracle America, Inc.

OALJ Case No 2017-OFC-00006

(Defendant/Respondent/Employer/Carrier)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES

To: Rong Jewett as lead class representative in Jewitt et al. v. Oracle America, Inc., case no. 17-CIV-02669 in Superior Ct. of
Address: the State of CA, San Mateo county via her counsel, Jim Finberg, at 177 Post St. Suite 300, SF, CA 94108

Production: YOU ARE COMMANDED to produce the following documents, electronically stored information, or
objects, and permit their inspection, copying, testing, or sampling of the material at your address set forth above and at the
following Date March 8, 2019 and Time at 9:00 a.m.

See attached Exhibit A for definitions, instructions and documents to produce.

Alternate to Personal Production: You may avoid personally producing the described items at your address set forth above
by delivering copies of the described items to the following described location on or before the date and time set forth above.

Place of Production: Office of the Solicitor, c/o Norm Garcia, 90 Seventh Street, Rm. 3-700, San Francisco, California,
94103

Inspection: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or
controlled by you at the time, date and location set forth below, so that the requesting party may inspect, measure, survey,
photograph, test, or sample the property or any designated object on it.

Place of Inspection: Date:
Time:

The following provisions of the Code of Federal Regulations (C.F.R.) are attached - 29 C.F.R. §§18.56(c) and 18.52(a), relating to
your protection as a person subject to a subpoena, and 29 C.F.R. §§18.56(d) and 18.56(e), relating to your duty to respond to this
subpoena and the potential consequences of not doing so.

This subpoena is issued upon the application of (indicate attorney/representative for named party):
(Person requesting subpoena) (Address and Telephone Number)

Firm Name Office of the Solicitor, U.S. Dept. of Labor

Name Norman E. Garcia

Address 90 Seventh Street, Rm. 3-700

Bar Number CA Bar #: 215626

City San Francisco

Phone Number 4156257747

State CA Zip Code 94103

IN WITNESS WHEREOF the undersigned United States Administrative Law Judge
has hereunto set his/her hand and caused the seal of the United States Department
of Labor to be affixed.

Signature of U.S. Administrative Law Judge

Date FEB 15 2019

To be valid, a raised USDOL Seal must appear here

NOTICES

<p>NOTICE: This subpoena is only valid in proceedings before the Office of Administrative Law Judges or Office of Workers' Compensation Programs. To be valid, this subpoena must bear a raised United States Department of Labor (USDOL) seal, and the signature of a Department of Labor (DOL) administrative law judge.</p>	<p>HIPAA NOTICE: In regard to the Privacy of Individually Identifiable Health Information under the Health Insurance Portability and Accountability Act of 1996, if this subpoena does not bear a raised USDOL seal and the signature of a DOL administrative law judge, it is not valid under 45 C.F.R. §§164.512(e), 164.512(f) or 164.512(l)</p>
<p>29 C.F.R. §18.56 Subpoenas(c) Protecting a Person Subject to a Subpoena</p> <p>(1) <i>Avoiding Undue Burden or Expense Sanctions.</i> A party or representative responsible for requesting, issuing or serving a subpoena must take reasonable steps to avoid imposing undue burden on a person subject to the subpoena. The judge must enforce this duty and impose an appropriate sanction.</p> <p>(2) <i>Command to Produce Materials or Permit Inspection.</i></p> <p>(A) <i>Appearance Not Required.</i> A person commanded to produce documents, electronically stored information, or tangible things, or to permit inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition or hearing.</p> <p>(B) <i>Objections.</i> A person commanded to produce documents or tangible things or to permit inspection may serve on the party or representative designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises - or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served.</p> <p>(i) At any time, upon notice to the commanded person, the serving party may move the judge for an order compelling production or inspection.</p> <p>(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.</p> <p>(3) <i>Quashing or Modifying a Subpoena.</i></p> <p>(A) <i>When Required.</i> On timely motion, the judge must quash or modify a subpoena that:</p> <p>(i) fails to allow a reasonable time to comply;</p> <p>(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person - except that, subject to paragraph (c)(3)(B)(iii) of this section, the person may be commanded to attend the formal hearing;</p> <p>(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or</p> <p>(iv) subjects a person to undue burden.</p> <p>(B) <i>When permitted.</i> To protect a person subject to or affected by a subpoena, the judge may, on motion, quash or modify the subpoena if it requires:</p> <p>(i) disclosing a trade secret or other confidential research, development, or commercial information;</p> <p>(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or</p> <p>(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend the formal hearing.</p> <p>(d) <i>Duties in Responding to a Subpoena.</i></p> <p>(1) <i>Producing Documents or Electronically Stored Information.</i> These procedures apply to producing documents or electronically stored information:</p> <p>(A) <i>Documents.</i> A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.</p> <p>(B) <i>Form for Producing Electronically Stored Information Not Specified.</i> If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is usually maintained or in a reasonably usable form or forms.</p>	<p>(A) <i>Electronically Stored Information Produced in Only One Form.</i> The person responding need not produce the same electronically stored information in more than one form.</p> <p>(D) <i>Inaccessible Electronically Stored Information.</i> The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or expense. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the judge may nonetheless order discovery from such sources if the requesting party show good cause. The judge may specify conditions for the discovery.</p> <p>(2) <i>Claiming Privilege or Protection.</i></p> <p>(A) <i>Information Withheld.</i> A person withholding subpoenaed information under a claim that it is privileged or subject to protection as hearing-preparation material must:</p> <p>(i) expressly make the claim; and</p> <p>(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.</p> <p>(B) <i>Information Produced.</i> If information produced in response to a subpoena is subject to a claim of privilege or of protection as hearing-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has, must not use or disclose the information until the claim is resolved, must take reasonable steps to retrieve the information if the party disclosed it before being notified, and may promptly present the information to the judge <i>in camera</i> for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.</p> <p>(e) <i>Failure to Obey.</i> When a person fails to obey a subpoena, the party adversely affected by the failure may, when authorized by statute or law, apply to the appropriate District Court to enforce the subpoena.</p> <p>29 C.F.R. §18.52 Protective orders</p> <p>(a) <i>In General.</i> A party or person from whom discovery is sought may file a written motion for a protective order. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the affected parties in an effort to resolve the dispute without the judge's action. The judge may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:</p> <p>(1) Forbidding the disclosure or discovery;</p> <p>(2) Specifying terms, including a designation of the time and place, for the disclosure or discovery;</p> <p>(3) Prescribing a discovery method other than the one selected by the party seeking discovery;</p> <p>(4) Forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters;</p> <p>(5) Designating the persons who may be present while discovery is conducted;</p> <p>(6) Requiring that a deposition be sealed and only opened on the judge's order;</p> <p>(7) Requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way; and</p> <p>(8) Requiring that the parties simultaneously file specified documents or information in sealed envelopes, to be opened as the judge directs.</p>

PROOF OF SERVICE

On _____ I received this subpoena and served it pursuant to 29 CFR §18.56(b) as follows

Person served (print name) _____

Date of Service _____

Place of Service _____

Manner of Service _____

I have also tendered to the witness fees for one day's attendance and the mileage allowed by law, in the amount of \$ _____

I have not tendered witness fees for one day's attendance and for the mileage allowed by law.

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Address:

Signature of Server _____

Date _____

Name of Server (Print Name) _____

City:

	State:		ZIP:	
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Exhibit A

To subpoena served to Rong Jewett as lead class representative in *Jewitt et al. v. Oracle America, Inc.*, case no. 17-CIV-02669 in Superior Ct. of the State of CA, San Mateo County via her counsel, Jim Finberg, at 177 Post St. Suite 300, SF, CA 94108

DEFINITIONS

1. “YOU” AND “YOUR” mean Rong Jewett as lead class representative in *Jewitt et al. v. Oracle America, Inc.* AND all of her agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, OR divisions.

2. “ANALYSES” means any AND all narratives, summaries, chronologies, determination memorandums, statistical summaries, charts, matrices, spreadsheets, audits, evaluations, studies, methodologies, models, actual computations, AND regression AND other statistical analysis.

3. “AND” AND “OR” shall be construed conjunctively OR disjunctively as necessary to make the request inclusive rather than exclusive.

4. “COMMUNICATIONS” means all transactions OR transfers of information of any kind, whether orally, in writing, OR in any other manner, at any time OR place, under any circumstances whatsoever.

5. “DOCUMENT” means all writings of any kind, including any written, printed, typed, electronically stored, OR other graphic matter of any kind OR nature AND all mechanical OR electronic sound recordings OR transcripts thereof, in YOUR possession OR control OR known by YOU to exist, AND also means all copies of DOCUMENTS by whatever means made, including, but not limited to: papers, letters,

correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books OR records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, AND any drafts, revisions, OR amendments of the above, AND all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

6. "OFCCP" means Office of Federal Contract Compliance of the United States Department of Labor.

7. "ORACLE" means Oracle America, Inc.

8. "RELATED 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.

9. "SUPPORTING" OR "SUPPORTS" means relied upon, used, sustained, OR utilized.

INSTRUCTIONS

1. Unless otherwise stated, these requests RELATE TO ORACLE'S headquarters located at Redwood Shores, California.

2. In responding to these requests, furnish all information that is available to YOU. If, after exercising due diligence to secure the DOCUMENTS, YOU cannot produce the requested DOCUMENTS in full, respond to the extent possible, specifying YOUR inability to produce the remainder. If YOU object to any request, state with specificity the basis for the objection, decline to respond to only that portion of the

request deemed objectionable, AND respond to the balance of the request.

3. With respect to the application of privileges: If YOU decline to produce any DOCUMENT OR to otherwise provide information on the basis of a claim of privilege, so state in response to this subpoena. Any part of a DOCUMENT for which YOU do not claim a privilege must be produced. Furnish a complete log of any DOCUMENTS OR portions of DOCUMENTS withheld on the basis of privilege, describing each such DOCUMENT OR portion thereof in a manner that will enable OFCCP to assess the applicability of the privilege being asserted. This includes, without limitation, setting forth for each such DOCUMENT the dates the DOCUMENT was prepared AND transmitted, to whom AND from whom the DOCUMENT was transmitted, including copies thereof, the length of the DOCUMENT, the privilege(s) claimed, AND the factual basis for the claim of each privilege.

4. In producing DOCUMENTS, please produce them in the format(s) YOU received from OR produced to ORACLE. E-mails need to be produced in pdf format.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce all unredacted deposition transcripts of depositions taken in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation.
2. Produce all DOCUMENTS YOU produced to OR received from ORACLE in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation.
3. Produce all DOCUMENTS YOU produced to OR received from ORACLE in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation RELATED TO written discovery requests (e.g., interrogatories, requests for admissions, requests for the

production of DOCUMENTS) OR disclosures (e.g., initial or expert) to include the discovery requests, the responses thereto, initial disclosures, expert disclosures AND meet AND confer COMMUNICATIONS RELATED TO the discovery requests, responses thereto OR disclosures. This request does not include the DOCUMENTS actually produced RELATED TO the discovery responses if they were previously produced, but it does include any AND all COMMUNICATIONS RELATED TO the written discovery requests, responses thereto or disclosures.

4. To the extent not already produced, produce all expert reports, DOCUMENTS submitted with these expert reports, AND DOCUMENTS that SUPPORT the assertions made in these expert reports that YOU produced to OR received from ORACLE in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation.

5. To the extent not already produced, produce all ANALYSES, DOCUMENTS submitted with these ANALYSES, AND DOCUMENTS that SUPPORT the assertions made in these ANALYSES that YOU produced to OR received from ORACLE in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation.

6. To the extent not already produced, produce all DOCUMENTS evidencing stipulations that either YOU OR ORACLE made in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation.

EXHIBIT 3

EXHIBIT 3

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

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

PROPOUNDING PARTY:

Plaintiff OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED STATES
DEPARTMENT OF LABOR

RESPONDING PARTY:

Defendant ORACLE AMERICA, INC.

Pursuant to 41 C.F.R. § 60-30.10 and, as applicable, Rule 34 of the Federal Rules of Civil Procedure, Defendant Oracle America, Inc. ("Oracle") responds to Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor's ("OFCCP") Fifth Set of Requests for Production of Documents ("Requests") as follows:

PRELIMINARY STATEMENT

Oracle has not completed its investigation of the facts related to this case and therefore its responses are of a preliminary nature. Further discovery, investigation, and research may bring to light additional relevant facts that may lead to changes in the responses set forth below. Although these responses are complete to the best of Oracle's knowledge at this time, these responses are given without prejudice to Oracle's right to amend its objections and responses or to produce additional relevant evidence that may come to light regarding the issues raised in this lawsuit. To the extent applicable, nothing contained in these responses shall in any way limit Oracle's ability to make all uses at trial or otherwise of the information or documents referenced herein or of any subsequently discovered information or documents or of information or

DEF. ORACLE AMERICA, INC.'S RESP. & OBJS. TO FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS

documents omitted from these responses as a result of good faith oversight, error, or mistake.

This set of 52 Requests arrived after OFCCP previously served—and Oracle responded to—130 prior Requests for Production. Following its written responses and objections, Oracle has produced over 96,000 documents as well as over 85 million discrete fields of data in its database production. Indeed, in October 2017, Oracle produced tens of thousands of additional documents in response to OFCCP’s prior requests. Moreover, a large number of OFCCP’s new Requests, as explained in greater detail below, are entirely duplicative of, or subsumed within, prior Requests made by OFCCP to which Oracle has already responded. It is difficult to see how such frivolous and unnecessary Requests have any purpose other than improper harassment.

For the reasons set forth in Oracle’s initial Answer and its prior Responses and Objections to OFCCP’s first four sets of Requests, and because OFCCP has stated it is not pursuing claims related to recruiting and hiring of experienced employees at this time, Oracle’s responses to the document requests related to OFCCP’s recruiting and hiring claims are limited to College Recruiting for the PT1 job group at Oracle’s Redwood Shores, CA, location, assuming OFCCP will provide specification of the universe of the “college recruit” population now that OFCCP has receded from its recruiting claims concerning “experienced hires.” Likewise, responses to the document requests related to OFCCP’s compensation claims are limited to positions in the Product Development, Support, and Information Technology job functions at Oracle’s Redwood Shores, CA, location.

While Oracle maintains its objection that any production should be limited to responsive documents from the period of January 1, 2013, through June 30, 2014, for Requests related to OFCCP’s hiring claims, and January 1, 2013, through December 31, 2014, for Requests related to OFCCP’s compensation claims, in the interest of cooperation, and without waiving its objections or the right to restrict its production, Oracle will meet and confer regarding the appropriate cutoff date to govern its production.

These responses are made solely for purposes of this action, and are subject to all objections as to competence, authenticity, relevance, materiality, propriety, admissibility, and

any and all other objections and grounds that would or could require or permit the exclusion of any document, or statement therein, from evidence, all of which objections and grounds are reserved and may be interposed at the time of trial.

No incidental or implied admissions are intended by these responses. The fact that Oracle has responded or objected to any request or part thereof shall not be deemed an admission that Oracle accepts or admits the existence of any facts set forth or assumed by such request. Nor shall Oracle's responses or objections be deemed an admission that any statement or characterization in any request is accurate or complete, or that any particular document exists, is relevant, or is admissible in evidence.

GENERAL OBJECTIONS

Oracle objects to these Requests on the ground that they are propounded and founded upon various rulings made by Judge Larsen that affect the scope of the litigation and matters relevant and at issue for purposes of discovery. Judge Larsen, on October 15, 2018, indicated he should have granted Oracle's motion to disqualify him. Furthermore, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of this litigation and matters relevant for purposes of discovery are in a state of flux. These requests, therefore, rest on conjecture and assumptions and are not the proper subject of discovery at this time.

Oracle further objects generally to these Requests on the grounds that they are unduly burdensome and oppressive and not proportionate to the needs of this case, coming as they do at this late date in this proceeding, with a trial date set for December 2019, and with the state of the pleadings still remaining unsettled as of this date. Oracle notes that prior data discovery in this litigation has been obtained in substantial part by the use of scrips, and that those scrips are now out-of-date owing both to interim changes in the underlying data sources effected in the ordinary course of Oracle's business and by OFCCP's withdrawal of its claims focused on experienced hires. Updating Oracle's prior discovery responses, therefore, would require the significant development of new scrips and the retrieval and review of information through their use,

rendering the process of discovery production time-consuming and impracticable within the time period allowed for it unless constrained within reasonable bounds and confined to information that is actually necessary at this late date for OFCCP to prosecute its claims.

Oracle further objects generally to these Requests to the extent they presume and assume that all information and documents produced by Oracle to OFCCP in the underlying compliance audit and investigation is reasonably discoverable in or proportionate to the needs of this litigation, in that the compliance audit and investigation were significantly broader than the claims in this litigation and much of the information produced for review during the compliance investigation is irrelevant or only tangentially relevant to matters actually in issue in this litigation.

OBJECTIONS TO SPECIFIC DEFINITIONS

DEFINITION NO. 1. “YOU” and “YOUR” mean Oracle America, Inc. and all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, or divisions.

OBJECTION TO DEFINITION NO. 1:

Because of OFCCP’s lack of clarification or limitation of these terms, Oracle objects to these definitions of “YOU” and “YOUR” as vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing information not relevant to any party’s claim or defense nor proportional to the needs of the case, particularly to the extent that these terms expansively include Oracle’s agents, representatives, attorneys, consultants, successors, subsidiaries or divisions. Oracle further objects to this definition to the extent it includes information protected by the attorney-client privilege, the attorney work product doctrine, or calls for a legal conclusion as to the relationship between Oracle and other entities, including agents. 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. Accordingly, and in light of OFCCP’s Instruction No. 1, which provides “Unless otherwise stated, these requests RELATE TO Oracle’s headquarters located at Redwood Shores, California,” Oracle’s responses, objections and productions are limited to documents related to

and focused only upon Oracle America, Inc., and limited to its headquarters and to employment located at Redwood Shores, California.

DEFINITION NO. 2. “RELEVANT TIME PERIOD” means January 1, 2013 to the present unless otherwise stated.

OBJECTION TO DEFINITION NO. 2:

Oracle objects to this definition as including the term “present”, which renders the phrase vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing information not relevant to any party’s claim or defense nor proportional to the needs of this case. As noted above, Oracle maintains its objections that its responses, objections and productions should be limited to the relevant periods of January 1, 2013, through June 30, 2014, for Requests related to OFCCP’s hiring claims and January 1, 2013, through December 31, 2014 for Requests related to OFCCP’s compensation claims. Nevertheless, while preserving and maintaining its objections, Oracle will act in compliance with outstanding rulings on the relevant period and with agreement with OFCCP on the outer ongoing boundary of that period.

DEFINITION NO. 3. “ANALYSES” means any AND all draft AND final narratives, summaries, chronologies, determination memorandums, statistical summaries, charts, matrices, spreadsheets, audits, evaluations, studies, methodologies, models, actual computations, AND regression AND other statistical analyses.

OBJECTION TO DEFINITION NO. 3:

Oracle objects to this definition as vague, ambiguous, and overbroad because it includes documents that would rarely if ever be considered analyses. For example, narratives, summaries, chronologies, memoranda, and spreadsheets may or may not include any actual analysis, and as a result cannot categorically be deemed to be analyses within the commonly understood definition of the word. Furthermore, to the extent a document is an analysis within the commonly understood meaning, such a broad definition includes and encompasses analyses that are not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition on the grounds that, by its terms, together with the definition of YOU

and YOUR, it would include *all* documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine.

DEFINITION NO. 4. “AND” and “OR” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

DEFINITION NO. 5. “APPLICANT” means any person who YOU received expressions of interest, solicited, recruited, communicated with, screened, interviewed, evaluated, determined starting salary AND other COMPENSATION for, OR extended offers to, persons who expressed interest in a job at Oracle.

OBJECTION TO DEFINITION NO. 5:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, incoherent and incomprehensible. Even speculating on what this Definition is intended to include, Oracle objects to this definition on the grounds that it does not set forth with reasonable particularity the nature of the “expressions of interest” referenced.

DEFINITION NO. 6. “ASSIGNED” means responsible, designated, appointed, worked on, performed work.

OBJECTION TO DEFINITION NO. 6:

Oracle objects to this definition on the grounds that it is vague, ambiguous, inherently incomplete and incoherent. Oracle further objects to this definition on the ground that it is argumentative. Oracle further objects to this definition on the grounds that it is irrelevant to the hiring process at issue in this case, inasmuch as individuals apply for employment against specific requisitions or, as college recruits, choose the positions in which they wish to serve.

DEFINITION NO. 7. “CAP-GAP EXTENSION” means a temporary extension of employment authorization under provisions allowing relief for holders of F-1 US VISAs who are seeking H1-B VISAs.

OBJECTION TO DEFINITION NO. 7:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, argumentatively assumes legal conclusions and calls for legal conclusions.

DEFINITION NO. 8. “COLLEGE RECRUIT” means any person who expresses interest OR applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students AND recent graduates) for positions in the Professional Technical I, Individual Contributor Job Group, including product development positions.

OBJECTIONS TO DEFINITION NO. 8:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, overbroad, conclusory and, in its unlimited breadth, would include information not available to Oracle and information not relevant to any party’s claims or defenses in this proceeding. Oracle further objects to this definition in its inclusion of the terms “person,” “expresses interest,” and “college recruiting program,” which further render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing information not relevant to any party’s claims or defenses nor proportional to the needs of this case. Oracle further objects to this definition on the grounds that it is uncertain and calls for speculation now that OFCCP has receded from its claims related to experienced hires, with respect to which Oracle requests that OFCCP further and more specifically define the universe of population it purports to include within the term “college recruit.”

DEFINITION NO. 9. “COMMUNICATIONS” means all transactions OR transfers of information of any kind, whether orally, in writing, OR in any other manner, at any time OR place, under any circumstances whatsoever.

OBJECTION TO DEFINITION NO. 9:

Oracle objects to this definition as including the phrase “all transactions or transfers” and the term “orally,” which render the definition vague, ambiguous, uncertain, and overbroad, and encompassing information not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition on the grounds that, by its terms, together with the definition of YOU and YOUR, it would include all documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine. Oracle further

objects to this definition to the extent it would include documents or information beyond existing written or electronically stored information in the custody, control and possession of Oracle America, Inc., and related to employment at its Redwood Shores, California headquarters.

DEFINITION NO. 10. “COMPA-RATIO” means the ratio of the employee’s base salary to the midpoint of their job’s salary range multiplied by 100.

OBJECTION TO DEFINITION NO. 10:

Oracle objects to this definition on the grounds that, given OFCCP’s recession from its pay equity and hiring discrimination claims based on experienced hires, this definition is overbroad and, in the unlimited scope of its terms, extends to large numbers of employees whose salaries are irrelevant to any party’s claim or defense actually in issue in this litigation. Oracle further objects to this definition on the grounds that it is vague, ambiguous, uncertain and argumentative, particularly in regard to its reference to “job salary range.”

DEFINITION NO. 11. “COMPENSATION” means any payments made to, OR on behalf of, YOUR employee as remuneration for employment, including but not limited to, salary, wages, money for relocation, overtime pay, shift differentials, commissions, bonuses, vacation AND holiday pay, retirement AND other benefits, stock options AND awards, AND profit sharing.

OBJECTION TO DEFINITION NO. 11:

Oracle objects to this definition on the grounds that it is vague, ambiguous, overbroad and argumentative, in its use of the term “remuneration for employment”, inasmuch as “money for relocation” is not generally considered compensation, and overtime pay, shift differentials, vacation and holiday pay, and retirement and other benefits are governed by generally applicable Oracle policies and procedures that are not specific to Oracle’s Redwood Shores, California headquarters and not in dispute with respect to any party’s claim or defense actually in issue in this litigation, and that detailed, individualized discovery into such matters is unduly burdensome, oppressive and not proportional to the needs of this case.

DEFINITION NO. 12. “DOCUMENT” means all writings of any kind, including any written, printed, typed, electronically stored, OR other graphic matter of any kind OR nature AND all

mechanical OR electronic sound recordings OR transcripts thereof, in YOUR possession OR control OR known by YOU to exist, AND also means all copies of DOCUMENTS by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books OR records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, AND any drafts, revisions, OR amendments of the above, AND all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

OBJECTION TO DEFINITION NO. 12:

Oracle objects to this definition on the grounds that it is internally redundant and cumulative and as such would include duplicative information and documents regardless of relevance and, as such, its application would be unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this definition as including the phrase “OR known by YOU to exist,” which, to the extent such documents are not in Oracle’s possession, custody, or control, encompasses documents beyond those that Oracle has any obligation to produce. Oracle further objects to this definition on the grounds that, by its terms, together with the definition of YOU and YOUR, it would include all documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine.

DEFINITION NO. 13. “HIRING” OR “HIRE,”” means to establish an employer to employee relationship, to employ someone.

DEFINITION NO. 14. “LIST” means a compilation of information, a record of information AND includes Excel spreadsheets OR other types of documents OR files compiling information.

OBJECTION TO DEFINITION NO. 14:

Oracle objects to this definition on the grounds it is vague, ambiguous, overbroad and fails to comport with the commonly understood meaning of the term “list”. Oracle further objects to this definition on the grounds that, by its terms, together with the definition of YOU and YOUR, it would include all documents protected from discovery by the attorney-client

privilege and the attorney work-product doctrine.

DEFINITION NO. 15. “OFCCP” means the Office of Federal Contract Compliance Programs, United States Department of Labor.

DEFINITION NO. 16. “OPT EXTENSION” means Optional Practical Training employment authorization extension for students with F-1 US VISAs.

OBJECTION TO DEFINITION NO. 16:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, argumentatively assumes legal conclusions and calls for legal conclusions.

DEFINITION NO. 17. “PAY DECISION” means any choice Oracle made about a person’s COMPENSATION, including whether to give OR not to give a particular type of COMPENSATION (e.g. starting pay, bonus, stock options), the amount of COMPENSATION to give, OR to change OR not to change the amount of COMPENSATION of a person.

OBJECTION TO DEFINITION NO. 17:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, overbroad and argumentative, particularly inasmuch as it is devoid of any specification of the conditions or circumstances under which a “pay decision” is to be deemed to be made or to have been made, and on the grounds that the term “COMPENSATION” itself is ambiguous and overbroad as objected to above.

DEFINITION NO. 18. “POLICIES,” “PRACTICES,” or “PROCEDURES” mean 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 and include their implementing criteria.

OBJECTION TO DEFINITION NO. 18:

Oracle objects to this definition as including the phrases “informal,” “common

understanding,” “course of conduct,” “implementing criteria,” and “rule, action, or directive, whether formal or informal,” which render the definition vague, ambiguous, uncertain, speculative and argumentative. Oracle further objects to this definition as overbroad, unduly burdensome and oppressive, and encompassing policies or procedures not relevant to any party’s claim or defense nor proportional to the needs of the case.

DEFINITION NO. 19. “RELATED 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.

DEFINITION NO. 20. “SELECTION PROCESS” mean [sic] YOU responding to expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary AND other COMPENSATION for, OR, extending job offers to, persons who express interest in a job at Oracle.

OBJECTION TO DEFINITION NO. 20:

Oracle objects to this definition on the grounds that it is compound, argumentative and uncertain, including, but not limited to, its attempted inclusion of “determining starting salary and other compensation” in its concept of “selection process.”

DEFINITION NO. 21. “STEM OPT EXTENSION” means Optional Practical Training employment authorization extension for students with F-1 US VISAs who earned degrees in science, technology, engineering, OR mathematics.

OBJECTION TO DEFINITION NO. 21:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, argumentatively assumes legal conclusions and calls for legal conclusions.

DEFINITION NO. 22. “SUPPORTING” OR “SUPPORTS” means relied upon, used, sustained, utilized.

OBJECTION TO DEFINITION NO. 22:

Oracle objects to this definition as vague, ambiguous, overbroad, and extending to support materials not relevant to any party’s claim or defense nor proportional to the needs of the

case. Furthermore, the definition is contrary to the ordinarily understood meaning of the word, which does not mean used, sustained or utilized, rendering the term unintelligible.

DEFINITION NO. 23. “USCIS” means the United States Custom AND Immigration Services.

OBJECTION TO DEFINITION NO. 23:

Oracle objects to this definition on the grounds that it is irrelevant to OFFCP’s responsibilities and authority in this case and on the grounds that, given OFCCP’s definition of the term “AND,” there are no governmental entities recognized by such a name, rendering the definition vague, ambiguous, and unintelligible. Oracle further objects on the grounds that its reference is to matters that are beyond the OFCCP’s authority or jurisdiction..

DEFINITION NO. 24. “US VISA” means an endorsement issued by an authorized representative of the United States AND marked in a passport, permitting the passport holder to enter, travel through, OR reside in the United States.

OBJECTION TO DEFINITION NO. 24:

Oracle objects to this definition on the grounds that it is irrelevant to OFCCP’s responsibilities and authority in this case, is vague, ambiguous and uncertain and assumes legal conclusions and calls for legal conclusions.

[OFCCP’S] INSTRUCTIONS

1. Unless otherwise stated, these requests RELATE TO Oracle’s headquarters located at Redwood Shores, California.
2. In responding to these requests, furnish all information that is available to YOU. If, after exercising due diligence to secure the DOCUMENTS, YOU cannot produce the requested DOCUMENTS in full, respond to the extent possible, specifying YOUR inability to produce the remainder. If YOU object to any request, state with specificity the basis for the objection, decline to respond to only that portion of the request deemed objectionable, AND respond to the balance of the request.

3. If any requested DOCUMENT was, but is no longer in YOUR possession, custody, OR control, OR is no longer in existence, state whether such DOCUMENT is:

- a. missing OR lost;
- b. destroyed;
- c. transferred to others; OR
- d. otherwise disposed of.

For any DOCUMENT so disposed of, summarize the contents of the DOCUMENT in as much detail as possible. If the DOCUMENT is missing, lost, OR destroyed, set forth the circumstances surrounding such disposition. If the DOCUMENT was transferred to others OR otherwise disposed of, describe in detail the authorization for such disposition, state the date OR closest approximate date known to YOU of such disposition, state the date OR closest approximate date known to YOU of such disposition, state the current location of the DOCUMENT, AND IDENTIFY the custodian of all copies of such DOCUMENT.

4. These requests are intended to cover all DOCUMENTS in existence OR in effect at any time during the RELEVANT TIME PERIOD. If any responsive DOCUMENT has changed over the RELEVANT TIME PERIOD, produce all responsive DOCUMENTS, regardless of whether they reflect YOUR POLICIES, PRACTICES OR PROCEDURES that are no longer in effect.

5. With respect to the application of privileges: If YOU decline to produce any DOCUMENT OR to otherwise provide information on the basis of a claim of privilege, so state in response to the DOCUMENT production request. Any part of a DOCUMENT for which YOU do not claim a privilege must be produced. Furnish a complete log of any DOCUMENTS OR portions of DOCUMENTS withheld on the basis of privilege, describing each such

DOCUMENT OR portion thereof in a manner that will enable OFCCP to assess the applicability of the privilege being asserted. This includes, without limitation, setting forth for each such DOCUMENT the dates the DOCUMENT was prepared AND transmitted, to whom AND from whom the DOCUMENT was transmitted, including copies thereof, the length of the DOCUMENT, the privilege(s) claimed, AND the factual basis for the claim of each privilege.

6. UNDER 41 C.F.R. § 60-30.1 AND Rule 26(e) of the Federal Rules of Civil Procedure, these requests for production are continuing in nature AND, to the extent that the responses may be enlarged, diminished, OR otherwise modified by information acquired by YOU OR YOUR attorneys after filing this response, YOU AND YOUR attorneys are required to promptly serve AND file supplemental DOCUMENTS reflecting the changes.

7. The parties responding to these requests are charged with knowledge of what they know, what their agents, employees, servants, representatives, AND attorneys know, what is in records available to them, AND what others have told them on which they intend to rely in their defense.

8. All DOCUMENT productions made in response to these requests must comply with OFCCP's technical specifications previously provided.

OBJECTIONS TO OFCCP'S INSTRUCTIONS:

Oracle objects to the foregoing Instructions to the extent they conflict with, exceed, or are inconsistent with the requirements of 41 C.F.R. § 60-30.10 or the Federal Rules of Civil Procedure, particularly Rules 26 and 34.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 131:

For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD, produce all

DOCUMENTS IDENTIFYING a person's eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916).

RESPONSE TO REQUEST FOR PRODUCTION NO. 131:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle objects to the term IDENTIFYING as a capitalized yet undefined term. The commonly understood meaning of that term renders the Request vague, ambiguous, and unintelligible. 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 is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party's claim or defense nor proportional to the needs of the case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately

in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects that this Request is overbroad in seeking responsive documents for both the PTI Job Group and COLLEGE RECRUITS, and the relevance of the requested documents for those groups is not apparent. Additionally, although OFCCP's Amended Complaint included claims related to hiring and recruiting discrimination for both college recruits and experienced employees into the PTI job group, OFCCP has since stated it is not pursuing claims with respect to experienced employees at this time, which further renders the Request overbroad, unduly burdensome and irrelevant. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may

amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 132:

For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD who were not citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916); Labor Condition Application; Immigration & Naturalization Service Work Authorization; DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 132:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that its phrase "all Documents of a person" is overbroad, oppressive, and unintelligible and incoherent in its context. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party's claim or defense nor

proportional to the needs of this case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is overbroad in seeking responsive documents for both the PT1 Job Group and COLLEGE RECRUITS for the PT1 Job Group, and the relevance of the requested documents for those groups is not apparent. Additionally, although OFCCP's Amended Complaint included claims related to hiring and recruiting discrimination for both college recruits and experienced employees into the PT1 Job Group, OFCCP has since stated it is not pursuing claims with respect to experienced employees at this time, which further renders the Request overbroad and irrelevant. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 133:

For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, produce all DOCUMENTS IDENTIFYING a person's eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916).

RESPONSE TO REQUEST FOR PRODUCTION NO. 133:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to the term IDENTIFYING as a capitalized yet undefined term. The commonly understood meaning of the term renders the Request vague, ambiguous and unintelligible. 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 is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party's claim or defense nor proportional to the needs of the case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is irrelevant and oppressive in its entirety with respect to its categorical attempt to seek information concerning employees in the Information Technology, Product Development and Support Job Functions, in that the information requested could be plausibly relevant only to hiring claims and OFCCP has not made and does not make such claims broadly with respect to those Job Functions. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP

responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 134:

For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD who were not citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916); Labor Condition Application; Immigration & Naturalization Service Work Authorization; DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 134:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly

burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that its phrase “all DOCUMENTS of a person” is overbroad, oppressive, and unintelligible and incoherent in its context. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party’s claim or defense nor proportional to the needs of the case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is irrelevant and oppressive in its entirety with respect to its categorical attempt to seek information concerning employees in the Information Technology, Product Development and Support Job Functions, in that the information requested could be plausibly relevant only to hiring claims and OFCCP has not made and does not make such claims broadly with respect to those Job Functions. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP’s authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP

responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 135:

For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, produce all DOCUMENTS IDENTIFYING a person's eligibility to work in the United States, including, but not limited to, a person being on a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); United States Passport; United States identification card; certified birth certificate issued by the city, county OR state of birth; Consular Report of Birth (of U.S. citizen) Abroad OR Certification of Birth; Naturalization Certificate; Certificate of Citizenship; foreign passport with an I-551 stamp; foreign passport with Form I-94 containing an endorsement of nonimmigrant status; alien registration receipt card; alien permanent resident card (aka green card); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916).

RESPONSE TO REQUEST FOR PRODUCTION NO. 135:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to the term IDENTIFYING as a capitalized

yet undefined term. The commonly understood meaning of the term renders the Request vague, ambiguous and unintelligible. 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 is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party's claim or defense nor proportional to the needs of the case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is irrelevant and oppressive in its entirety with respect to its categorical attempt to seek information concerning employees in the Information Technology, Product Development and Support Job Functions, in that the information requested could be plausibly relevant only to hiring claims and OFCCP has not made and does not make such claims broadly with respect to those Job Functions. Oracle further objects to this Request on the grounds that, insofar as it requests information going back to 1985, it is egregiously overbroad, defies relevancy and can only be viewed as propounded for purposes of harassment and oppression, inasmuch as claims based on acts or omissions outside of the relevant time period are barred by the statute of limitations. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is

oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 136:

For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, who were not citizens of the United States at any time during the RELEVANT TIME PERIOD, produce, to the extent not otherwise produced in response to the previous request, all DOCUMENTS of a person having a US VISA OR any extension thereto (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS); employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document; Social Security card; USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees; USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employee; YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003); YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916); DOCUMENTS RELATING TO YOU sponsoring people for US VISAS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 136:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request on the grounds that its phrase “all DOCUMENTS of a person” is overbroad, oppressive, and unintelligible and incoherent in its context. 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 is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that the information requested is neither relevant to any party’s claim or defense nor proportional to the needs of the case. In the event the requested documents are relevant in some manner, such materials are only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is irrelevant and oppressive in its entirety with respect to its categorical attempt to seek information concerning employees in the Information Technology, Product Development and Support Job Functions, in that the information requested could be plausibly relevant only to hiring claims and OFCCP has not made and does not make such claims broadly with respect to those Job Functions. Oracle further objects to this Request on the grounds that, insofar as it requests information going back to 1985, it is egregiously overbroad, defies relevancy and can only be viewed as propounded for purposes of harassment and oppression, inasmuch as claims based on acts or omissions outside of the relevant time period are barred by the statute of limitations. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of broad, cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an

abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 137:

For all of the people who were YOUR employees in the Information Technology, Product Development AND Support Job Functions who YOU identified in response to the prior six requests of this set of document production requests as having any US VISAs, produce, for each type of US VISA previously identified, DOCUMENTS IDENTIFYING the type of US VISA (e.g., E-3, F-1, F-1 with OPT EXTENSION, F-1 with STEM OPT EXTENSION, H-1B, H-4, J-1, L-1, L-1A, L-1B, L-2, O-1, TN, CAP-GAP EXTENSIONS), the start AND end dates of this US VISA AND the country of origin for the employees holding the US VISA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 137:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. 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 responds further to this Request as

follows: See Responses and Objections to Requests Nos. 131, 132, 133, 134, 135 and 136, which are incorporated herein as if fully here stated. The referenced Requests are objectionable as noted, and this Request cannot be responded to without resolving the foregoing objections. Oracle has not and will not identify individuals in response to the prior Requests, so this Request is unintelligible. This Request is further incomprehensible in that the referenced prior Requests referred in some instances only to employees or college recruits in the PT1 Job Group, and in others only to employees in the Information Technology, Product Development and Support Job Functions. As such, it would require Oracle to analyze information, compile and cross-reference lists and then compile additional information in order to respond to this Request, and, in any event, even if this Request were not incomprehensible and otherwise defective and objectionable for all of the foregoing reasons, Oracle does not have in its possession, custody or control documents that it understands might be responsive.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is prepared to meet and confer with OFCCP in good faith and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 138:

For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD, produce DOCUMENTS sufficient to IDENTIFY their: country of birth, country of origin, race AND gender.

RESPONSE TO REQUEST FOR PRODUCTION NO. 138:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to

this Request on the grounds that the information requested is, if at all, only tangentially relevant to matters legitimately in issue in this case and disproportionate when weighed against the burden and expense of the requested discovery in relation to any likely benefit from it. Oracle further objects to this Request on the grounds that it is overbroad in seeking responsive documents for both the PTI Job Group and COLLEGE RECRUITS for the PTI Job Group, and the relevance of the requested documents for either of those groups is not apparent. Additionally, although OFCCP's Amended Complaint included claims related to hiring and recruiting discrimination for both college recruits and experienced employees for the PTI Job Group, OFCCP has since stated it is not pursuing claims with respect to experienced employees at this time, which further renders this Request overbroad. Oracle further objects to this Request on the grounds that, in its attempt to obtain birthplace, date-of-birth, social security and other personal information, it is unreasonably and impermissibly invasive of the privacy rights of individuals. Oracle further objects to this Request on the grounds that it purports to require production of cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request on the grounds that most of the information requested in it is maintained only in hard-copy files and therefore not readily retrievable without extensive manual searches and so is oppressive and unnecessary to resolution of the matters legitimately in issue in this case. Given the burden and objectionable nature of this Request for broad immigration, visa, citizenship and work eligibility information, and the apparent lack of relevance of such information, and the scope of the population for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these Requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this

Request by stating that it is in the process of updating the database(s) produced to OFCCP, and that to the extent information called for in this Request is in the database(s), that information will be updated and produced.

REQUEST FOR PRODUCTION NO. 139:

Produce all of YOUR POLICIES, PRACTICES OR PROCEDURES RELATING TO employees OR COLLEGE RECRUITS who were not citizens of the United States at any time during the RELEVANT TIME PERIOD being eligible to lawfully work in the United States, including, but not limited to YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO US VISAs, passports, permanent resident cards (green cards), OPT EXTENSIONS, STEM OPT EXTENSIONS, CAP-GAP EXTENSIONS, employment authorization card (e.g., filled out I-765 form for YOUR employees); employment authorization document, USCIS' Employment Eligibility Verification Form (i.e., USCIS's I-9 Form) filled out for YOUR employees, USCIS' Petition for a Non-Immigrant Worker Form (i.e., USCIS's I-129 Form) filled out for YOUR employees, YOUR "Employment Eligibility Questionnaire" in any of its forms (e.g., Bates stamp number ("BSN") ORACLE_HQCA_1279 & 2003), YOUR "VISA Status Questionnaire" in any of its forms (e.g., ORACLE_HQCA_916), YOU sponsoring workers for US VISAS, Labor Condition Applications, POLICIES, PRACTICES OR PROCEDURES regarding the eligibility of non-United States citizens to work OR not work in the United States.

RESPONSE TO REQUEST FOR PRODUCTION NO. 139:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 is internally redundant and redundant of information and documents Oracle has already produced to OFCCP and therefore unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that the information requested is, if at all, only tangentially relevant to matters legitimately in issue in this case. Oracle further objects to this Request on the grounds

that it purports to require production of cumulative and redundant immigration, visa, citizenship and work eligibility information and as such is beyond, and an abuse of, OFCCP's authority and jurisdiction. Oracle further objects to this Request to the extent it calls for information beyond that for college recruits for PT1 jobs on the grounds that such discovery is irrelevant to OFCCP's college recruiting and pay equity claims and not reasonably proportional to the needs of this case. Given the burden and objectionable nature of this Request relating to an attempt at broad discovery of immigration, visa, citizenship and work eligibility information, the apparent lack of relevance of such information, and the scope of the business units for which such information is being requested, Oracle, on February 11, 2019, two weeks before these responses and objections were due, sent a letter to OFCCP asking it to articulate a rationale for these immigration, visa and work eligibility requests and to participate in working out the difficult issues they raise, to which the OFCCP responded on February 20, 2019, but without providing a rationale for this sweeping and invasive discovery or any expression of interest in meeting and conferring about the matter.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, based on its understanding of the Request, the policies, practices and procedures regarding "being eligible to lawfully work in the United States" are reflected in the laws, regulations, and processes set forth by the federal government. Oracle is prepared to continue to meet and confer in good faith concerning this Request and may amend or supplement its response and objections as merited.

REQUEST FOR PRODUCTION NO. 140:

For all of the people who were YOUR employees in the PT1 Job Group OR COLLEGE RECRUITS for the PT1 Job Group during the RELEVANT TIME PERIOD OR YOUR employees in the Product Development, Support, OR Information Technology Job Functions since 1985, produce DOCUMENTS sufficient to IDENTIFY the following information, for each college degree that they obtained at any time: the full name of the college they obtained the degree from, the degree obtained, the year they obtained this degree, the major they acquired this

degree in. This request should include employees listed in the HQCA_iRec_MAIN.xlsx file, AND include the data fields in the APL_EMPLOYMENT_HISTORY, APL_QUALIFICATIONS, AND APPLICANT_PROFILES tabs produced in the PT1_HQCA_iRec_MAIN.xlsx file.

RESPONSE TO REQUEST FOR PRODUCTION NO. 140:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 to the extent that it is redundant of prior requests from OFCCP, and to the extent that responsive information has already been produced by Oracle to OFCCP. Oracle further objects to this Request to the extent it calls for information beyond that for college recruits for PT1 jobs on the grounds that such discovery is irrelevant to OFCCP's college recruiting and pay equity claims and not reasonably proportional to the needs of this case. Oracle further objects to this Request to the extent it calls for production of information outside the relevant time period, as defined, on the grounds that claims based on such information are barred by the statute of limitations, that such information is only tangentially relevant, if at all, to any claims legitimately in issue in this litigation, that this Request, to the extent it asks for such information, is harassing and oppressive, and that such discovery is not reasonably proportional to the needs of this case.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, as the Request itself reflects, information responsive to this Request has been produced to OFCCP in the database(s) as reflected in Laura Bremer's email and attachment of February 1, 2019, including iRecruitment, Taleo and resume files. Oracle further responds that it is willing to meet and confer with OFCCP concerning updating database information reasonably called for by this Request to the extent it is limited to college recruits and provided that OFCCP will agree to a data-based definition of "college recruits", and to an end-date agreed to between OFCCP and Oracle.

REQUEST FOR PRODUCTION NO. 141:

Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) to AND from Larry Lynn, Vice President, College Recruiting, RELATED TO the SELECTION PROCESS for COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 141:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 to the extent it is redundant of prior requests from OFCCP, and to the extent that responsive information has already been produced by Oracle to OFCCP. Oracle further objects to this Request on the grounds that it is internally redundant and, by its terms, calls for search, retrieval and production of duplicative information. Oracle further objects to this Request in its attempt to seek production of any and all emails and attachments, on the grounds that such discovery is overbroad and not reasonably proportional to the needs of this case. Oracle further objects to this Request to the extent that it seeks communications to or from Larry Lynn with college recruits who were not interested in positions at Oracle's Redwood Shores, California headquarters, on the grounds that such discovery is not relevant.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is similar to OFCCP's prior Request No. 24, which sought all communications to and from Larry Lynn "related to HIRING COLLEGE RECRUITS;" that meet and confer exchanges took place between Oracle and OFCCP in June through August 2017, pursuant to which Oracle produced to OFCCP a sample of communications, included in ORA_OFCCP008, that OFCCP at that time agreed to further meet and confer with Oracle to identify appropriate search terms for further review and retrieval of such information, and that OFCCP did not further pursue such information. Additionally, and in light of the above, on

February 11, 2019, Oracle sent a meet and confer letter, two weeks before any response or objection to these Requests was due, for the purpose of attempting to work through these issues. Oracle will continue to meet and confer in good faith and may amend or supplement its response and objections as merited. In the meantime, Oracle reiterates its willingness to attempt to reach agreement with OFCCP on reasonable parameters for responding to this Request, especially given the limited amount of time within which to complete discovery, and to identify reasonable search terms for that purpose.

REQUEST FOR PRODUCTION NO. 142:

Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) to AND from Thomas Kurian RELATED TO the SELECTION PROCESS FOR COLLEGE RECRUITS OR PAY DECISIONS for the Product Development Job Function during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 142:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 to the extent it is redundant of prior requests from OFCCP, and to the extent that responsive information has already been produced by Oracle to OFCCP, including workflow data and pay decision documents. Oracle further objects to this Request on the grounds that it is internally redundant and, by its terms, calls for search, retrieval and production of duplicative information. Oracle further objects to this Request in its attempt to seek production of any and all emails and attachments, on the grounds that such discovery is overbroad and not reasonably proportional to the needs of this case. Oracle further objects to this Request on the grounds that, by its terms, it would require an exhaustive search and review exercise of the communications, including all email communications, of a senior executive

whose scope of responsibilities far exceeded the subjects of college recruiting and pay decisions referenced in this Request, and that, as such, this Request is also not reasonably proportional to the needs of this case. Oracle further objects to this Request to the extent that it seeks communications to or from Thomas Kurian that are not related to Oracle's Redwood Shores, California headquarters, on the grounds that such discovery is not relevant to any party's claims or defenses in this case. Oracle further objects to this Request on the grounds that it is vague and ambiguous, in that the phrase "selection process for * * * pay decisions" is incoherent. In the event the Request is for documents related to both the selection process for College Recruits and for documents related to pay decisions, it is a multipart request and is objectionable on that ground as well.

Without waiver of the foregoing objections, and subject thereto, and subject to its understanding of this Request, Oracle responds by stating that Oracle's system of record and workflows are the official and primary means through which Thomas Kurian communicated regarding the selection process for college recruits or pay decisions referenced in this Request. Information responsive to this Request in that sense is contained in Oracle's previous database production(s), and, to the extent information in the database(s) is responsive to this Request, and to an agreed-upon data-based definition of "college recruits," it will be updated and produced.

REQUEST FOR PRODUCTION NO. 143:

Produce each LIST RELATED TO COLLEGE RECRUITS for positions in the PT1 Job Group during the RELEVANT TIME PERIOD, including "TK Master List," LIST of offers, LIST of people who declined OR reneged on offers, LIST tracking the eligibility of people to work in the United States, LIST of their US VISA status, LIST of people by educational degrees, LIST of people who applied for jobs, LIST of people who were screened AND rejected, LIST of people interviewed, LIST of people interviewed AND rejected, LIST of people submitted to Larry Lynn for review, LIST of people rejected by Larry Lynn, LIST of people accepted by Larry Lynn, LIST of people by country of origin, LIST of people by country of birth, LIST of people by race, LIST of people by gender.

RESPONSE TO REQUEST FOR PRODUCTION NO. 143:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 the term “List”, even as defined, is inherently vague, ambiguous and overbroad, and that it is argumentative in that it assumes that such “lists” as are referred to were created or maintained by Oracle in the ordinary course of business. Oracle further objects to this Request on the grounds stated in the Responses to Requests Nos. 131 through 139 and Nos. 140 through 142, *supra*.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request as follows: See Responses and Objections to Requests Nos. 131 through 139 and Nos. 140 through 142, *supra*. Oracle further responds to this Request by stating that it will produce what it understands to be “TK Master Lists” and “TK Boards” for the relevant period to the extent those items are available.

REQUEST FOR PRODUCTION NO. 144:

Produce all e-mails AND attachments COLLEGE RECRUITS sent to Oracle’s college recruiting inbox (college_US e-mail account) during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 144:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request on the grounds that it overlaps with and is duplicative of OFCCP’s prior Request No. 76, pursuant to which Oracle agreed to produce resumes submitted to the referenced inbox. Oracle further objects to this Request on the grounds that it is overbroad, unduly burdensome and not proportional to the needs of this case in its attempt to obtain emails and attachments other than resumes, in that such emails and other attachments submitted to the inbox with the resumes are not reasonably likely to contribute admissible evidence that is other than redundant of that contained in the resumes themselves, and that the burden of retrieving, reviewing and producing such redundant information substantially

outweighs any possible benefit to the expeditious resolution of issues in this case.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it will produce resumes submitted to the inbox, subject to reaching an agreement on a data-based definition of “college recruits,” and on reasonable parameters for responding to this Request, including the time frame to be covered, provided also that such agreement can be reached expeditiously given the limited time available for completion of discovery.

REQUEST FOR PRODUCTION NO. 145:

Produce all DOCUMENTS wherein YOU evaluated whether YOU should HIRE OR reject a COLLEGE RECRUIT during any part of the SELECTION PROCESS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 145:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request on the grounds that the term “evaluated” and whether something was “evaluated” in a “document” are inherently vague, ambiguous, uncertain and argumentative, and that the term “SELECTION PROCESS” as defined is ambiguous, compound and in part irrelevant to this Request as stated. Oracle further objects to this Request to the extent to which it overlaps Request No. 141 and refers OFCCP to its Response and Objections thereto. Oracle further objects to this Request on the grounds that, insofar as it attempts wholesale to compel a search, retrieval and review of emails and attachments, it is unduly burdensome, oppressive and not tethered to any criteria that are proportional to the needs of this case.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the databases that have been produced by Oracle to OFCCP have been derived from Oracle’s systems of record that reflect its consideration of college recruits for hiring, and that it is in the process of updating those databases, and, subject to various limitations set forth in the letter of Laura Bremer’s email and attachment of February 1, 2019, and to an end-date agreed upon by the parties, it will be producing updates to those databases.

REQUEST FOR PRODUCTION NO. 146:

Produce all resumes of COLLEGE RECRUITS sent to Larry Lynn to review during the RELEVANT TIME PERIOD, including, but not limited to, copies of e-mails in the “sent to Larry” box OR folder of YOUR college_US e-mail account.

RESPONSE TO REQUEST FOR PRODUCTION NO. 146:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request on the grounds that the phrase “sent to Larry’ box OR folder of YOUR college_US e-mail account” is vague, ambiguous, incoherent and unintelligible. Oracle further objects to this Request on the grounds that its attempt to define “resumes” to include e-mails is a non-sequitur. Oracle further objects to this Request on the grounds that it is vague and irrelevant to the extent it seeks resumes and other college recruit information concerning college recruits who expressed no interest in employment at Oracle’s Redwood Shores, California headquarters. Oracle further responds to this Request by referring OFCCP to its Responses and Objections to Requests Nos. 140 and 144, *supra*, which Oracle incorporates herein.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, on February 11, 2019, two weeks before any response or objection to these Requests was due, Oracle sent OFCCP a meet and confer letter for the purpose of attempting to work through the issues raised by this and other requests. Oracle will continue to meet and confer in good faith and may amend or supplement its response and objections as merited. In the meantime, Oracle reiterates its willingness to attempt to reach agreement with OFCCP on a data-based definition of “college recruits,” and on reasonable parameters for responding to this Request, especially given the limited amount of time within which to complete discovery.

REQUEST FOR PRODUCTION NO. 147:

Produce all spreadsheets AND other DOCUMENTS used, reviewed by OR considered by Larry Lynn for his review of any COLLEGE RECRUITS during the RELEVANT TIME

PERIOD, including spreadsheets, resumes, letters, text messages, e-mails, references, transcripts submitted to him during his annual review AND DOCUMENTS including, but not limited to, spreadsheets with any writings made by Larry Lynn.

RESPONSE TO REQUEST FOR PRODUCTION NO. 147:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 the phrase “during his annual review” is vague, uncertain and ambiguous. Oracle further responds to this Request by referring OFCCP to its Responses and Objections to Requests Nos. 145 and 146, *supra*, which it incorporates herein.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is willing to attempt to reach agreement with OFCCP on reasonable parameters for responding to this Request, provided that such agreement and an agreement on a data-based definition of “college recruits” can be reached expeditiously, especially given the limited amount of time within which to complete discovery.

REQUEST FOR PRODUCTION NO. 148:

Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.17(b) for YOUR Information Technology, Product Development AND Support Job Functions OR PTI Job Group, including, but not limited to, all DOCUMENTS RELATING TO action-oriented programs identified in 41 C.F.R. § 60-2.17(c).

RESPONSE TO REQUEST FOR PRODUCTION NO. 148:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 overlaps and is duplicative of

OFCCP's prior Requests, including, but not limited to, Requests Nos. 71, 72, 78, 79, 80, 87, 88 and 93 through 102, to each and all of which Oracle has previously asserted objections, inviting, in meet-and-confer discussions with respect to Requests Nos. 71, 72, 78, 79, 80, 87 and 88, OFCCP to provide more limited, clarified and modified requests in writing for Oracle's consideration, to which OFCCP has not further responded. In particular, this Request exactly duplicates prior Request No. 93, except for its addition of and expansion to the PT1 Job Group. Under those circumstances, Oracle reiterates as objections to this Request that it is overbroad in scope, unduly burdensome, oppressive, and encompassing of documents not relevant to any party's claim or defense nor proportional to the needs of this case. Although Oracle recognizes that the ALJ overruled a similar objection in its September 11, 2017 Order, so as to avoid any claim that Oracle has waived the objection, Oracle also objects to this Request on the grounds that it calls argumentatively for a legal conclusion; specifically, by referring to a regulation, requiring Oracle to apply the regulation assuming the construction OFCCP is impliedly imposing upon it, which inherently requires Oracle to undertake 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. Oracle further objects to this Request on the grounds that, given that, on October 11, 2017, Oracle produced a substantial database and folders containing data and documents sufficient to demonstrate and reflect Oracle's actions related to compensation and hiring within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores headquarters during the relevant period, including data from Oracle's system of record related to compensation and hiring, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation and hiring decisions, as well as documents showing its good faith diversity and outreach efforts, this Request substantially would require Oracle to duplicate that burdensome exercise.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request as follows: Following and in response to meet-and-confer discussions with respect to

prior Request No. 80, Oracle produced to OFCCP (1) its Affirmative Action Plan Underutilization analyses (2013-2017); (2) its Affirmative Action Plan Goals (2013-2017); (3) its Affirmative Action Progress towards goals (2013-2017); (4) High level GFE documents (i.e., tracking spreadsheets); (5) a 2013 Management Snapshot re Diversity Inclusion & Compliance updates; and (6) Excel spreadsheet database extracts. Oracle further responds to this Request by stating that it is willing to supplement its database production of October 11, 2017, to the extent reasonable parameters for doing so can be agreed upon between Oracle and OFCCP.

REQUEST FOR PRODUCTION NO. 149:

Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-3.15A for YOUR Information Technology, Product Development AND Support Job Functions OR YOUR PT1 Job Group.

RESPONSE TO REQUEST FOR PRODUCTION NO. 149:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 overlaps and is duplicative of OFCCP's prior Requests, including, but not limited to, Requests Nos. 71, 72, 78, 79, 80, 87, 88 and 93 through 102, to each and all of which Oracle has previously asserted objections, inviting, in meet-and-confer discussions with respect to Requests Nos. 71, 72, 78, 79, 80, 87 and 88, OFCCP to provide more limited, clarified and modified requests in writing for Oracle's consideration, to which OFCCP has not further responded. In particular, this Request exactly duplicates prior Request No. 94, except for its addition of and expansion to the PT1 Job Group. Under those circumstances, Oracle reiterates as objections to this Request that it is overbroad in scope, unduly burdensome, oppressive, and encompassing of documents not relevant to any party's claim or defense nor proportional to the needs of this case. Although Oracle recognizes that the ALJ overruled a similar objection in its September 11, 2017 Order, so as to avoid any

claim that Oracle has waived the objection, Oracle also objects to this Request on the grounds that it calls argumentatively for a legal conclusion; specifically, by referring to a regulation, requiring Oracle to apply the regulation assuming the construction OFCCP is impliedly imposing upon it, which inherently requires Oracle to undertake 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. Oracle further objects to the false premise embedded in this Request that Oracle was required under 41 C.F.R. § 60-3.15A to perform an adverse impact analysis and to take action as a result of it. Section 60-3.15A sets forth guidelines for “[u]sers of selection procedures,” and, as Oracle has repeatedly noted, OFCCP has not alleged that Oracle used any specific employee selection device that has an adverse impact. Oracle further objects to this Request on the grounds that, on October 11, 2017, it produced a substantial database and folders containing data and documents sufficient to demonstrate and reflect Oracle’s actions related to compensation and hiring within the Product Development, Support, and Information Technology lines of business at Oracle’s Redwood Shores headquarters during the relevant period, including data from Oracle’s system of record related to compensation and hiring, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation and hiring decisions, as well as documents showing its good faith diversity and outreach efforts, and that this Request substantially would require Oracle to duplicate that burdensome exercise.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, as Oracle understands this Request, it does not have responsive non-privileged documents to this Request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 150:

Produce all DOCUMENTS RELATED TO any PAY DECISION ANALYSES YOU conducted for the COMPENSATION YOU provided to YOUR employees in YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including but not limited to, COMPENSATION audits YOU

conducted, statistical ANALYSES YOU conducted, the “salary surveys,” “equity studies,” AND “ad hoc analyses” YOU conducted referenced by either Shauna Holman-Harries OR Lisa Gordon in Lisa Gordon’s interview signed February 15, 2015 at BSN DOL 584, 587-89; AND the “different analyses,” “compensation analyses,” “adverse impact analyses,” “internal audits,” OR “internal self-audits” that YOU conducted that were referenced by Shauna Holman-Harries in her March 26, 2015, interview at BSN DOL 36769, 36772-73.

RESPONSE TO REQUEST FOR PRODUCTION NO. 150:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 overlaps and is duplicative of OFCCP’s prior Requests, including, but not limited to, Requests Nos. 71, 72, 78, 79, 80, 87, 88 and 93 through 102, to each and all of which Oracle has previously asserted objections, inviting, in meet-and-confer discussions with respect to Requests Nos. 71, 72, 78, 79, 80, 87 and 88, OFCCP to provide more limited, clarified and modified requests in writing for Oracle’s consideration, to which OFCCP has not further responded. In particular, this Request substantially duplicates prior Request No. 95. Under those circumstances, Oracle reiterates as objections to this Request that it is overbroad in scope, unduly burdensome, oppressive, and encompassing of documents not relevant to any party’s claim or defense nor proportional to the needs of this case. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself. Oracle further objects to this Request to the extent it relies on purported quotes from Shauna Holman-Harries from the interview of Lisa Gordon dated January 9, 2015 (DOL000000575-93), and the interview of Shauna Holman-Harries dated March 26, 2015 (DOL000036766-75). Section 2M00(f) of the Federal Contract Compliance Manual (“FCCM”) expressly requires that, for compliance interviews such as these, the Compliance Officer (“CO”) “must ask each person to read, sign and date the CO’s interview notes” and that “the CO will review the questions asked and the answers given, and obtain

confirmation that any direct quotes are accurate and that all paraphrases convey the interviewee's intended meaning." The phrases cited in this Request do not appear as quotes in either interview, making it unclear whether Ms. Holman-Harries in fact "referenced" any of the items as OFCCP claims in this Request. Moreover, OFCCP's failure to have Ms. Holman-Harries review and sign either of these interviews to certify the accuracy of their contents as required by the FCCM further compounds the lack of foundation for using these documents as the basis for quotes in OFCCP's Request. Oracle further objects to this Request on the grounds that, on October 1, 2017, it produced a substantial database and folders containing data and documents sufficient to demonstrate and reflect Oracle's actions related to compensation and hiring within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores headquarters during the relevant period, including data from Oracle's system of record related to compensation and hiring, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation and hiring decisions, as well as documents showing its good faith diversity and outreach efforts, and that this Request substantially would require Oracle to duplicate that burdensome exercise.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request as follows: Oracle is also willing to supplement its database production of October 11, 2017, to the extent reasonable parameters for doing so can be agreed upon between Oracle and OFCCP, and subject to various limitations in Laura Bremer's email and attachment of February 1, 2019, and to an end-date agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 151:

Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 151:

Oracle incorporates by reference its General Objections and its Objections to Specific

Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the work product doctrine. Oracle further objects to this Request on the grounds that it is identical to prior Request No. 96, in relation to prior Request No. 95. Oracle therefore further responds to this Request as follows: See Response and Objections to Request No. 150, *supra*.

REQUEST FOR PRODUCTION NO. 152:

Produce all DOCUMENTS RELATED TO “Oracle’s evaluation of its compensation system” that Shauna Holman-Harries referenced in her June 2, 2015, e-mail at BSN DOL 1212 for YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including but not limited to, all of evaluations that YOU conducted, the underlying data OR information considered in these evaluations, AND the COMMUNICATIONS RELATED TO these evaluations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 152:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 overlaps and is duplicative of OFCCP’s prior Requests, including, but not limited to, Requests Nos. 71, 72, 78, 79, 80, 87, 88 and 93 through 102, to each and all of which Oracle has previously asserted objections, inviting, in meet-and-confer discussions with respect to Requests Nos. 71, 72, 78, 79, 80, 87 and 88, OFCCP to provide more limited, clarified and modified requests in writing for Oracle’s consideration, to which OFCCP has not further responded. In particular, this Request exactly duplicates prior Request No. 97. Under those circumstances, Oracle reiterates as objections to this Request that it is overbroad in scope, unduly burdensome, oppressive, and encompassing of documents not relevant to any party’s claim or defense nor proportional to the needs of this case. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself. Oracle further objects to this Request to the extent it relies on

purported quotes taken out of context from an email of Shauna Holman-Harries of June 2, 2015 (BSN DOL000001212). Oracle further objects to this Request on the grounds that, on October 11, 2017, it produced a substantial database and folders containing data and documents sufficient to demonstrate and reflect Oracle's actions related to compensation and hiring within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores headquarters during the relevant period, including data from Oracle's system of record related to compensation and hiring, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation and hiring decisions, as well as documents showing its good faith diversity and outreach efforts, and that this Request substantially would require Oracle to duplicate that burdensome exercise.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request as follows: Oracle is willing to supplement its database production of October 11, 2017, to the extent reasonable parameters for doing so can be agreed upon between Oracle and OFCCP, and subject to various limitations in Laura Bremer's email and attachment of February 1, 2019, and to an end-date agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 153:

All DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any evaluation conducted pursuant to the previous document production request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 153:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the work product doctrine. Oracle further objects to this Request on the grounds that it is identical to prior Request No. 98, in relation to prior Request No. 97. Oracle therefore further responds to this Request as follows: See Response and Objections to Request No. 152, *supra*, which are incorporated herein.

REQUEST FOR PRODUCTION NO. 154:

Produce all DOCUMENTS RELATED TO YOUR “pay audits to assess legal compliance with Oracle’s non-discrimination obligations and to further ensure Oracle’s compensation policies and practices are carried out” that Shauna Holman-Harries referenced in her June 2, 2015, e-mail at BSN DOL 1212 for YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including but not limited to, all of audits that YOU conducted, the underlying data OR information considered in these audits, AND the COMMUNICATIONS RELATED TO these audits.

RESPONSE TO REQUEST FOR PRODUCTION NO. 154:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the work product doctrine. Oracle further objects to this Request on the grounds that it is vague, ambiguous, uncertain and argumentative, in that it assumes a characterization of Ms. Holman-Harries email remarks out of context and without specificity.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, as it understands this Request, it does not have any non-privileged responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 155:

All DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any audits conducted pursuant to the previous document production request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 155:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 responds to this Request on the ground that it is a follow-up to Request No. 154,

and Oracle therefore refers OFCCP to its Response and Objections to Request No. 154, which are incorporated herein.

REQUEST FOR PRODUCTION NO. 156:

Produce all DOCUMENTS RELATED TO any ANALYSES YOU conducted of the SELECTION PROCESS YOU used to HIRE COLLEGE RECRUITS to work for YOU in the PT1 Job Group during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 156:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. 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 overlaps and is duplicative of OFCCP's prior Requests, including, but not limited to, Requests Nos. 71, 72, 78, 79, 80, 87, 88 and 93 through 102, to each and all of which Oracle has previously asserted objections, inviting, in meet-and-confer discussions with respect to Requests Nos. 71, 72, 78, 79, 80, 87 and 88, OFCCP to provide more limited, clarified and modified requests in writing for Oracle's consideration, to which OFCCP has not further responded. Under those circumstances, Oracle reiterates as objections to this Request that it is overbroad in scope, unduly burdensome, oppressive, and encompassing of documents not relevant to any party's claim or defense nor proportional to the needs of this case. Oracle further objects to the false premise embedded in this Request that Oracle was required under 41 C.F.R. § 60-3.15A to perform an adverse impact analysis and take action as a result of it. Section 60-3.15A sets forth guidelines for "[u]sers of selection procedures," and, as Oracle has repeatedly noted, OFCCP has not alleged that Oracle used any specific employee selection device that has an adverse impact. Oracle further objects to this Request on the grounds that, on October 11, 2017, it produced a substantial database and folders containing data and documents sufficient to demonstrate and reflect Oracle's actions related to compensation and hiring within the PT1 Job Group at Oracle's Redwood Shores headquarters during the relevant period, including data from Oracle's system of record related to compensation and hiring, that reflect the evaluative

processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation and hiring decisions, as well as documents showing its good faith diversity and outreach efforts, and that this Request substantially would require Oracle to duplicate that burdensome exercise.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request as follows: Following and in response to meet-and-confer discussions with respect to prior Request No. 80, Oracle produced to OFCCP (1) its Affirmative Action Plan Underutilization analyses (2013-2017); (2) its Affirmative Action Plan Goals (2013-2017); (3) its Affirmative Action Progress towards goals (2013-2017); (4) High level GFE documents (i.e., tracking spreadsheets); (5) a 2013 Management Snapshot re Diversity Inclusion & Compliance updates; and (6) Excel spreadsheet database extracts. Oracle further responds to this Request by stating that it is willing to supplement its database production of October 11, 2017, to the extent reasonable parameters for doing so can be agreed upon between Oracle and OFCCP, subject to various limitations in Laura Bremer's email and attachment of February 1, 2019, and to an end-date agreed upon by the parties.

REQUEST FOR PRODUCTION NO. 157:

Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES conducted pursuant to the previous document production request.

RESPONSE TO REQUEST FOR PRODUCTION NO. 157:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Because this Request is a follow-up to Request No. 156, Oracle refers OFCCP to its Response and Objections to Request No. 156, *supra*, which are incorporated herein.

REQUEST FOR PRODUCTION NO. 158:

Produce all DOCUMENTS RELATED TO the data, information AND DOCUMENTS

you provided to any person at Orrick, Herrington & Sutcliffe, LLP to conduct any ANALYSES AND evaluation(s) referenced in document production request nos. 143-157, 160-165, 174-175 including, but not limited to, the data, information AND DOCUMENTS that YOU provided to Orrick, Herrington & Sutcliffe, LLP to conduct these ANALYSES AND any data, information AND DOCUMENTS Orrick, Herrington & Sutcliffe, LLP provided to YOU regarding the ANALYSES it conducted.

RESPONSE TO REQUEST FOR PRODUCTION NO. 158:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Further responding to this Request, Oracle incorporates its Responses and Objections to Requests Nos. 143-157, 160-165, and 174-175. Further responding to this Request, Oracle objects on the grounds that it is overbroad in scope, oppressive and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of this case. Oracle further objects to this Request on the grounds that, considering Oracle has responded to the other Requests identified in this Request, which are in some instances identical to previously propounded requests, there can be no question that that this Request is patently asserted for purposes of harassment, inasmuch as it is a brazen and overt attempt to obtain privileged information by seeking communications and documents exchanged between Oracle and its outside counsel for the purposes of obtaining legal advice. Oracle is not obligated to identify and delineate the communications or items among the data, documents, and information produced to OFCCP that were provided to counsel for the purpose of seeking legal advice, as that is privileged information. *See, e.g., Oasis Int'l Waters, Inc. v. United States*, 110 Fed. Cl. 87, 99-100 (2013) ("The fact that a client included a document in a request for legal advice is privileged, however, because it partially reveals the substance of the client's privileged communication to an attorney."); *Hilton-Rorar v. State & Fed. Commc'ns Inc.*, No. 5:09-cv-01004, 2010 WL 1486916 at *7 (N.D. Ohio Apr. 13, 2010) ("[T]he very fact that non-privileged

information was communicated to an attorney may itself be privileged, even if that underlying information remains unprotected.”).

REQUEST FOR PRODUCTION NO. 159:

Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES OR evaluation(s) conducted by Orrick, Herrington & Sutcliffe, LLP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 159:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 is a follow-up to Request No. 158 and therefore infected with all of the defects and violations of privilege in that Request. Therefore, Oracle further responds to this Request by referring OFCCP to its Response and Objections to Request No. 158, *supra*, which are incorporated herein.

REQUEST FOR PRODUCTION NO. 160:

Produce all DOCUMENTS RELATED TO YOUR establishment of OR changes to salary grade ranges for the job titles within YOUR Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD, including DOCUMENTS RELATED TO YOU matching job titles to salary grades, DOCUMENTS RELATED TO YOUR annual review of market data to adjust salary grades, DOCUMENTS RELATED TO salary surveys YOU reviewed, AND DOCUMENTS RELATED TO the matching of YOUR jobs AND the survey jobs that Lisa Gordon referenced in her interview signed February 15, 2015, at BSN DOL 584, 578. This request includes documents pertaining to salary grades that were matched to job titles prior to the RELEVANT TIME PERIOD wherein this matching remained in effect during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 160:

Oracle incorporates by reference its General Objections and its Objections to Specific

Definitions set forth above. 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 overlaps and is duplicative of OFCCP's prior Requests Nos. 54 and 63, the Responses and Objections to which Oracle incorporates here. Oracle further objects to this Request on the grounds that it appears to call for production of documents Oracle has already produced; in that connection, Oracle refers OFCCP to BSN DOL 584, 578. Oracle further objects to this Request on the grounds that it is vague, ambiguous and argumentative in its phrases "matching job titles to salary grades," "review of market data to adjust salary grades," "matching of YOUR jobs AND the survey jobs," and "documents pertaining to salary grades that were matched to job titles," inasmuch as those phrases are not only inherently vague and ambiguous, but that they also assume and characterize purported Oracle processes without any reasonable basis in fact. Oracle further objects to this Request to the extent it purports to rely on "references" of Lisa Gordon. Section 2M00(f) of the Federal Contract Compliance Manual ("FCCM") expressly requires that, for compliance interviews such as this, the Compliance Officer ("CO") will review the questions asked and the answers given, and obtain confirmation that any direct quotes are accurate and that all paraphrases convey the interviewee's intending meaning." The phrases cited in this Request do not appear as quotes in the interview of Ms. Gordon, making it unclear whether Ms. Gordon in fact "referenced" the "matching" of "jobs" and "survey jobs" as OFCCP claims in this Request. 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 this case, particularly but not exclusively insofar as it requests for information about acts, events or omissions prior to the relevant period because such information is irrelevant and any claims based on such information are barred by the statute of limitations.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, subject to its understanding, and to the extent documents have not already been produced in response to similar Requests, after conducting a reasonably diligent

search and utilizing reasonable search parameters, Oracle will produce responsive, non-privileged documents as may exist and can be located from the relevant period sufficient to demonstrate its establishment of or changes to salary grade ranges for the job titles within the Information Technology, Product Development and Support Job Functions applicable to employees at its Redwood Shores, California headquarters.

REQUEST FOR PRODUCTION NO. 161:

Produce all DOCUMENTS IDENTIFYING the COMPENSATION AND COMPA-RATIO information that Oracle reviewed during the RELEVANT TIME PERIOD when it considered HIRING OR transferring someone from another company OR an Oracle-affiliated company such as Oracle India Pvt. Ltd. OR a company that YOU acquired to work in the Product Development, Information Technology AND Support Job Functions, including, but not limited to, the person's: annual OR base salary in the other company in United States dollars; annual OR base salary in the other company in another country's currency, COMPA-RATIO in the other company in another company's currency, bonuses received in the other company, AND what a person's COMPA-RATIO would be with their new salary in the United States in dollars.

RESPONSE TO REQUEST FOR PRODUCTION NO. 161:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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, given that, on October 11, 2017, Oracle produced a substantial database and folders containing data and documents sufficient to demonstrate and reflect Oracle's actions related to compensation and hiring within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores headquarters during the relevant period, including data from Oracle's system of record related to compensation and hiring, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation and hiring decisions, as well as documents showing its good faith

diversity and outreach efforts, this Request substantially would require Oracle to duplicate that burdensome exercise. Oracle further objects to this Request on the grounds that, based on OFCCP's apparent withdrawal of any claims based on hiring of experienced employees, and its prior meet-and-confer agreement that "transfers" are limited to those employees hired into new positions at Oracle's Redwood Shores headquarters and do not include promotion to the same role, and on the grounds that hires at Redwood Shores from Oracle India Pvt. Ltd. or another Oracle company are, by definition, experienced hires, the information apparently called for by this Request appears to have become of doubtful, if any, relevance to the claims or defenses of any party to this litigation.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is actively meeting and conferring with OFCCP regarding the parameters to supplement the aforementioned database(s), inclusive of data and information that may be responsive as Oracle understands this Request. Furthermore, Oracle is willing to consider production of relevant and non-privileged documents within its possession, custody or control that may exist and pertain to hiring at Oracle's Redwood Shores headquarters that OFCCP may consider responsive to this Request, provided that OFCCP first articulate the rationale for this Request in the present posture of OFCCP's claims, identify more particularly what is sought and how it is relevant to those claims, and agree with Oracle on a reasonable and practicable procedure and methodology for retrieval and review of such information, particularly in light of the limited time within which to complete discovery.

REQUEST FOR PRODUCTION NO. 162:

Produce all YOUR POLICIES, PRACTICES OR PROCEDURES RELATING TO how each employee in the Product Development, Information Technology AND Support Job Functions were ASSIGNED to product lines, product line groups, teams, OR organizations during the RELEVANT TIME PERIOD. This includes assignments requested by YOUR employees AND assignments directed by YOU.

RESPONSE TO REQUEST FOR PRODUCTION NO. 162:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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, unless OFCCP's proposed Second Amended Complaint becomes the operative pleading in this litigation, this Request is irrelevant. Oracle further objects to this Request on the grounds that the terms "product lines," "product line groups," "teams," "organizations," "assignment(s)," and "assignment decision" are vague, ambiguous and uncertain, and that they are also argumentative, in that "assignment" as Oracle understands it is not the procedure by which individuals obtain the positions OFCCP is attempting to refer to. Oracle further objects to this Request on the grounds that it is overbroad and calls for the production of information that is not relevant to any party's claims or defenses, given OFCCP's withdrawal of its claims with respect to experienced hires. Oracle further objects to this Request to the extent that it overlaps and is duplicative of OFCCP's prior Requests, particularly Requests Nos. 54 and 58, to which Oracle has previously asserted objections, which objections are incorporated herein. Under those circumstances, Oracle further reiterates as objections to this Request that it is overbroad in scope, unduly burdensome, oppressive, and encompassing of documents not relevant to any party's claim or defense nor proportional to the needs of this case. Oracle further objects to this Request on the grounds that, on October 11, 2017, it produced a substantial database sufficient to demonstrate and reflect Oracle's actions related to compensation, hiring and job placement within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores headquarters during the relevant period, including data from Oracle's system of record related to compensation and hiring, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation and hiring decisions, as well as documents showing its good faith diversity and outreach efforts, and that this Request substantially would require Oracle to

duplicate that burdensome exercise.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is actively meeting and conferring with OFCCP regarding the parameters to supplement the aforementioned database, inclusive of data and information that may be responsive as Oracle understands this Request. Furthermore, in addition to information reflecting HR transactions associated with specific employees, Oracle has produced various documents that reflect relevant policies, practices, and/or procedures concerning hiring into requisitions, specific teams, job duties and products associated with those requisitions.

REQUEST FOR PRODUCTION NO. 163:

For each employee in the Product Development, Information Technology AND Support Job Functions, produce DOCUMENTS RELATING TO what initial product line, product line groups, team, AND organization each employee was ASSIGNED when the employee first started working for Oracle, including DOCUMENTS IDENTIFYING who made the decision for the assignment, DOCUMENTS IDENTIFYING when the assignment decision was made AND DOCUMENTS IDENTIFYING why each employee was ASSIGNED to a particular product line, product line group, team AND organization.

RESPONSE TO REQUEST FOR PRODUCTION NO. 163:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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, unless OFCCP's proposed Second Amended Complaint becomes the operative pleading in this litigation, this Request is irrelevant. Oracle further objects to this Request on the grounds that the terms "product lines," "product line groups," "teams," "organizations," "assignment(s)," and "assignment decision" are vague, ambiguous and uncertain, and that they are also argumentative, in that "assignment" as Oracle understands it is not the procedure by which individuals obtain the positions OFCCP is attempting to refer to. Oracle further objects to this Request on the grounds that it is overbroad

and calls for the production of information that is not relevant to any party's claims or defenses, given OFCCP's withdrawal of its claims with respect to experienced hires. Oracle further objects to this Request on the grounds that it overlaps and is duplicative of OFCCP's prior Requests, particularly Requests Nos. 54 and 58, to which Oracle has previously asserted objections, which objections are incorporated herein. Under those circumstances, Oracle further reiterates as objections to this Request that it is overbroad in scope, unduly burdensome, oppressive, and encompassing of documents not relevant to any party's claim or defense nor proportional to the needs of this case. Oracle further objects to this Request on the grounds that, on October 11, 2017, it produced a substantial database sufficient to demonstrate and reflect Oracle's actions related to compensation, hiring and within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores headquarters during the relevant period, including data from Oracle's system of record related to compensation and hiring, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation and hiring decisions, as well as documents showing its good faith diversity and outreach efforts, and that this Request substantially would require Oracle to duplicate that burdensome exercise.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is actively meeting and conferring with OFCCP regarding the parameters to supplement the aforementioned database, inclusive of data and information that may be responsive as Oracle understands this Request. Furthermore, in addition to information reflecting HR transactions associated with specific employees, Oracle has produced various documents that reflect relevant policies, practices, and/or procedures concerning hiring into requisitions, specific teams, job duties and products associated with those requisitions.

REQUEST FOR PRODUCTION NO. 164:

Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) regarding YOUR employees expressing a desire to

move (i.e., transfer) from their current position to a different supervisor, product, product line, organization, OR team in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD, including, but not limited to DOCUMENTS IDENTIFYING: requests to transfer, evaluations of transfer, justifications for transfer, SUPPORT for transfer OR recommending rejection of transfer, acceptance OR rejection of transfer, headcount OR budget changes because of the transfer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 164:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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, unless OFCCP's proposed Second Amended Complaint becomes the operative pleading in this litigation, this Request is irrelevant. Oracle further objects to this Request on the grounds that its attempt to require production of "all" communications with respect to the subject matter is unduly burdensome and oppressive, given that it would require, even if limited to employees at the Redwood Shores headquarters, exhaustive searches and cross-referencing of email caches and hard copy files with regard to every one of the thousands of Redwood Shores headquarters employees employed during the relevant period. Oracle further objects to this Request on the grounds that it calls for production of information and documents already produced by Oracle to OFCCP; specifically that, on October 31, 2017, and thereafter, Oracle produced substantial databases, including employment histories on individuals, that may be responsive to this Request, an exercise this Request would require Oracle to duplicate. Oracle further objects to this Request on the grounds that it is overbroad, in that in prior meet-and-confer discussions, OFCCP has agreed "transfers" are limited to those employees hired into new positions at Oracle's Redwood Shores headquarters and do not include promotion to the same role, and that hires at Redwood Shores from Oracle India Pvt. Ltd. or another Oracle-affiliated company are, by definition, experienced hires, as to which OFCCP is no longer asserting claims. As a result, the information apparently called for by this Request appears to have become, at

least in part, of doubtful, if any, relevance to the claims or defenses of any party to this litigation.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is actively meeting and conferring with OFCCP regarding the parameters to supplement the aforementioned database(s),

REQUEST FOR PRODUCTION NO. 165:

Produce all YOUR POLICIES, PRACTICES OR PROCEDURES RELATING TO the movement (i.e., transfer) of YOUR employees from their current position to a different supervisor, product, product line, organization, OR team in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD, including, but not limited to DOCUMENTS IDENTIFYING: information to be included in a transfer request AND the approval OR rejection thereof; guidance for approvals AND rejections of transfer requests; the effect of transfers on headcount; the effect of transfers on budgets, AND PAY DECISIONS RELATED TO transfer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 165:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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, unless OFCCP's proposed Second Amended Complaint becomes the operative pleading in this litigation, this Request is irrelevant. Oracle further objects to this Request on the grounds that it overlaps and is duplicative of OFCCP's prior Requests, particularly Request No. 57, to which Oracle has previously asserted objections, which objections are incorporated here. Oracle further objects to this Request to the extent it calls for production of documents and information that have previously been produced by Oracle to OFCCP in its database productions of October 11 and 31, 2017, and thereafter. Oracle reiterates as objections to this Request that it is overbroad in scope, unduly burdensome, oppressive, and encompassing of documents not relevant to any party's claim or defense nor proportional to the needs of this case. In particular, Oracle objects to this Request with respect to

“the effect of transfers on headcount,” the effect of transfers on budgets,” and “DOCUMENTS IDENTIFYING * * PAY DECISIONS RELATED TO transfer,” on the grounds that, to the extent such phrases are not incoherent, the information that may reasonably be understood to be encompassed within them is irrelevant to any matter legitimately in issue in this case. Oracle further objects to this Request on the grounds that it is vague, ambiguous and argumentative in its reference to “transfers,” inasmuch as OFCCP has agreed in prior meet-and-confer agreement that “transfers” are limited to those employees hired into new positions at Oracle’s Redwood Shores headquarters and do not include promotion to the same role.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is actively meeting and conferring with OFCCP regarding the parameters to supplement the aforementioned database(s), which may be construed as reflecting responsive practices.

REQUEST FOR PRODUCTION NO. 166:

Produce all unredacted deposition transcripts of depositions taken in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 166:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 is grossly overbroad, unduly burdensome, oppressive and seeks documents that are neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Oracle further objects to this Request on the grounds that it manifests harassing intent on its face by its wholesale attempt to interrupt and disrupt Oracle’s motion and trial preparations in a case to which OFCCP is not a party and in which it has no direct interest. The *Jewett* litigation is a different case. There, plaintiffs allege violation of the California Equal Pay Act, violation of the California Labor Code, and violation of the California Business and Professions Code, and the

putative class spans throughout California (including approximately 166 separate location codes). It is not limited to Oracle's Redwood Shores, California, headquarters, and the three remaining class representatives in the *Jewett* case never worked at Oracle's Redwood Shores, California, headquarters. The two proceedings, therefore, are not congruent; moreover, their lack of congruence makes this Request as stated exponentially oppressive, in that confidential Oracle information subject to a protective order has been produced to the *Jewett* plaintiffs, inclusive of deposition testimony and exhibits, and substantial portions of that confidential information have no bearing on this proceeding. Similarly, Oracle is bound by the terms of the protective order in the *Jewett* litigation as it relates to testimony, documents and exhibits provided or produced by the *Jewett* plaintiffs.

Without waiver of the foregoing objection, and subject thereto, Oracle is willing to consider production to OFCCP of certain information or documents from the *Jewett* case upon reasonable specification thereof and identification by OFCCP of such information or documents pursuant to the meet and confer process. However, unless and until the parties come to an agreement on a protective order for this case, Oracle will not produce information or documents in arguable violation of the protective order in force in the *Jewett* litigation, nor will Oracle produce information or documents from the *Jewett* litigation that unduly infringe upon the privacy rights of third party individuals or that is not relevant to OFCCP's claims in this proceeding.

REQUEST FOR PRODUCTION NO. 167:

Produce all DOCUMENTS YOU produced to OR received from the plaintiffs in the *Jewett et al. v. Oracle America, Inc.*, California state case number 17-CIV-02669 litigation that were not previously produced in this litigation.

RESPONSE TO REQUEST FOR PRODUCTION NO. 167:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further responds to this Request as follows: See Response and Objections to Request No. 166, *supra*.

REQUEST FOR PRODUCTION NO. 168:

Produce all DOCUMENTS YOU provided to OR received from the plaintiffs in the Jewett et al. v. Oracle America, Inc., California state case number 17-CIV-02669 litigation RELATED TO written discovery requests (e.g., interrogatories, requests for admissions, requests for the production of DOCUMENTS) to include the discovery requests, the responses AND meet AND confer COMMUNICATIONS RELATED TO the discovery requests OR responses. This request does not include the DOCUMENTS actually produced RELATED TO the responses, but it does include any AND all COMMUNICATIONS RELATED TO the written discovery requests OR responses thereto.

RESPONSE TO REQUEST FOR PRODUCTION NO. 168:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further responds to this Request as follows: See Response and Objections to Request No. 166, *supra*.

REQUEST FOR PRODUCTION NO. 169:

Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, to include any attachments to any of these examples) RELATED TO allocating budget funds to each organization OR supervisor within the different product lines AND product groups in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD, including, but not limited to DOCUMENTS pertaining to the amount of budget funds allocated to each organization OR Supervisor, who made each of the decisions to allocate the budget funds allocated, the date each allocation decision was made, what each person who allocated the budget funds considered when allocating these funds OR why each person who allocated the budgets funds chose the specific amount of budget funds allocated to the specific organizations he/she allocated it.

RESPONSE TO REQUEST FOR PRODUCTION NO. 169:

Oracle incorporates by reference its General Objections and its Objections to Specific

Definitions set forth above. Oracle further objects to this Request to the extent that 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 is vague, ambiguous and uncertain, and that it is oppressively overbroad in that the “allocation” process as Oracle understands this Request is not limited to Oracle’s Redwood Shores headquarters and hence unduly burdensome and not proportionate to the needs of this case. Oracle further objects to this Request on the grounds that it overlaps and is duplicative of OFCCP’s prior Requests Nos. 3 and 4, to which Oracle has responded by stating that it does not keep documents whereby specific individuals involved in certain decisions are specifically identified by name, and, therefore, this Request for “communications” would require a global email and hard document search and analysis untethered to any criteria that could reasonably be devised or implemented based on the vagueness and comprehensiveness of the language of the Request.

Without waiver of the foregoing objections, and subject thereto, Oracle responds further to this Request as follows: Upon agreement to and entry of, an appropriate protective order in this proceeding, Oracle is willing to confer with OFCCP to attempt to agree upon reasonable parameters to identify any documents created in the ordinary course of business that may be proportionately responsive to this Request.

REQUEST FOR PRODUCTION NO. 170:

Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, electronic approvals, to include any attachments to any of these examples) wherein someone having a Global Career Level of M7 OR above made any decisions in the SELECTION PROCESS OR PAY DECISIONS for anyone working in the Product Development, Information Technology AND Support Job Functions OR PT1 Job Group during the RELEVANT TIME PERIOD, including, but not limit to, approving job offers, transfers, promotions to a higher Global Career Level, COMPENSATION OR approving recommendations for job offers, transfers, promotions OR COMEPNSATION [sic].

RESPONSE TO REQUEST FOR PRODUCTION NO. 170:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further responds to this Request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine and refers OFCCP to the Response and Objections to Request for Production No. 169, *supra*, which are incorporated herein.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the information Oracle understands to be called for by this Request, to the extent it exists and is readily retrievable, would be reflected in the workflow data and pay decision documents already produced to OFCCP, and for which Oracle is actively meeting and conferring with OFCCP regarding the parameters to supplement the aforementioned database, which will include responsive information.

REQUEST FOR PRODUCTION NO. 171:

Produce all DOCUMENTS during the RELEVANT TIME PERIOD RELATED TO the “TK Campus Program” OR “TK Campus Hires” OR “IDC Campus Hires” wherein college graduates from India were HIRED to work in the PT1 Job Group OR Product Development Job Function.

RESPONSE TO REQUEST FOR PRODUCTION NO. 171:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request on the grounds that it is vague, ambiguous, uncertain and calls for speculation, in its use of the terms “TK Campus Program,” “TK Campus Hires,” and “IDC Campus Hires.” Oracle further objects to this Request on the grounds that it is redundant of prior requests from OFCCP, and to the extent that responsive information has already been produced by Oracle to OFCCP, including workflow data and pay decision documents. Oracle further objects to this Request to the extent it seeks production of any and all emails and attachments, on the grounds that such discovery is overbroad, unduly burdensome and not reasonably proportional to the needs of this case.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request, to the extent it understands it, by stating that Oracle is actively meeting and conferring with OFCCP regarding the parameters of an update to the database(s) that have been produced and that such materials may include responsive information related to individuals hired that may be referenced in this Request.

REQUEST FOR PRODUCTION NO. 172:

Produce all COMMUNICATIONS (including, but not limited to, memos, letters, emails, spreadsheets, photographs, transcripts, reports, print outs, text messages, computer screen shots, computer files, electronic approvals, to include any attachments to any of these examples) during the RELEVANT TIME PERIOD between YOU AND COLLEGE RECRUITS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 172:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 to the extent that it is redundant of prior requests from OFCCP and to the extent that responsive information has already been produced by Oracle to OFCCP. Oracle further objects to this Request on the grounds that it is internally redundant and, by its terms, calls for search, retrieval and production of duplicative information. Oracle further objects to this Request on the grounds that its expansive scope is not cabined by any limiting criteria; hence, it calls for a massive search and review, much of it necessarily manual, of multiple repositories of data and documents containing data and documents which are not relevant to the claims or defenses of any party to this litigation, the review and analysis of which is not proportional to the needs of this case; as such, this Request is vastly overbroad, unduly burdensome and oppressive.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it is willing to meet and confer with OFCCP in an attempt to reach expeditious agreement on reasonable parameters for responding to this Request, especially given

the limited time within which to complete discovery.

REQUEST FOR PRODUCTION NO. 173:

Produce the YOUR AAPs for HQCA YOU are required to make AND maintain pursuant to 41 C.F.R. §§ 60-2.10(b) & (c) from 2013 to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 173:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to the legal premises and conclusions embedded in this Request. Additionally, Oracle objects to this Request on the grounds that the Request is unintelligible, vague and ambiguous as Oracle understands this Request; that is, 41 C.F.R. §§60-2,10(b) & (c) do not require Oracle to make and maintain AAPs.

REQUEST FOR PRODUCTION NO. 174:

Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.12 for YOUR Information Technology, Product Development AND Support Job Functions OR YOUR PT1 Job Group.

RESPONSE TO REQUEST FOR PRODUCTION NO. 174:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 overlaps and is duplicative of OFCCP's prior Requests, including, but not limited to, Requests Nos. 71, 72, 78, 79, 80, 87, 88 and 93 through 102, to each and all of which Oracle has previously asserted objections, inviting, in meet-and-confer discussions with respect to Requests Nos. 71, 72, 78, 79, 80, 87 and 88, OFCCP to provide more limited, clarified and modified requests in writing for Oracle's consideration, to which OFCCP has not further responded. Under those circumstances, Oracle reiterates as objections to this Request that it is overbroad in scope, unduly burdensome, oppressive, and encompassing of documents not relevant to any party's claim or defense nor

proportional to the needs of this case. Although Oracle recognizes that the ALJ overruled a similar objection in its September 11, 2017 Order, so as to avoid any claim that Oracle has waived the objection, Oracle also objects to this Request on the grounds that it calls argumentatively for a legal conclusion; specifically, by referring to a regulation, requiring Oracle to apply the regulation assuming the construction OFCCP is impliedly imposing upon it, which inherently requires Oracle to undertake 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. Oracle further objects to the legal premises and conclusions embedded in this Request. Additionally, Oracle objects to this Request on the grounds that it is unintelligible, vague and ambiguous as Oracle understands the Request; that is, analyses are not “conducted pursuant to” 41 C.F.R. § 60-2.12, but rather that section describes job group analyses and what they should include.

REQUEST FOR PRODUCTION NO. 175:

Produce all DOCUMENTS RELATED TO any actions YOU took during the RELEVANT TIME PERIOD in response to any ANALYSES YOU conducted pursuant to 41 C.F.R. § 60-2.12 for YOUR Information Technology, Product Development AND Support Job Functions OR YOUR PTI Job Group.

RESPONSE TO REQUEST FOR PRODUCTION NO. 175:

Oracle objects to this Request on the grounds that it is redundant and duplicative of Request No. 174, *supra*.

REQUEST FOR PRODUCTION NO. 176:

Produce the data AND DOCUMENTS YOU relied upon when creating the “job groups” in YOUR affirmative action programs during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 176:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 overlaps and is duplicative of OFCCP's prior Requests, including, but not limited to, Requests Nos. 8, 71, 72, 78, 79, 80, 87, 88 and 93 through 102, to each and all of which Oracle has previously asserted objections, inviting, in meet-and-confer discussions with respect to Requests Nos. 71, 72, 78, 79, 80, 87 and 88, OFCCP to provide more limited, clarified and modified requests to Oracle in writing for Oracle's consideration, to which OFCCP has not further responded. Under those circumstances, Oracle reiterates as objections to this Request that it is overbroad in scope, vague and ambiguous, unduly burdensome, oppressive, argumentative, and encompassing of documents not relevant to any party's claim or defense nor proportional to the needs of this case. Oracle further objects to this Request on the grounds that "creating the 'job groups' in * * * during the relevant time period" is temporally vague, ambiguous and uncertain.

REQUEST FOR PRODUCTION NO. 177:

Produce all COMPENSATION DOCUMENTS for every employee working in the Product Development, Information Technology AND Support Job Functions during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 177:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 is vague, ambiguous, overbroad, internally redundant and redundant and duplicative of OFCCP's prior Requests, particularly, but not limited to, Requests Nos. 55, 56, 57, 62, 63, 73, 74, 75 and 76, the objections to which are incorporated here. Oracle further objects to this Request on the ground that, on its face it is unduly burdensome and oppressive, in that it would require Oracle to search for and analyze every record, electronic or otherwise, for thousands of employees, that might constitute a "compensation document" according to OFCCP's expansive definition. Oracle further objects to this Request on the grounds that, on October 11, 2017, it produced a substantial database and

folders containing data and documents sufficient to demonstrate and reflect Oracle's actions related to compensation and hiring within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores headquarters during the relevant period, including data from oracle's system of record related to compensation, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for its compensation decisions, and that this Request substantially would require Oracle to duplicate that effort, which is complex, time-consuming and fraught with quality control problems.

Without waiver of the foregoing objections, and subject thereto, Oracle responds further to this Request as follows: Oracle is actively meeting and conferring with OFCCP regarding the parameters to supplement the aforementioned database(s), which Oracle construes as including compensation documents.

REQUEST FOR PRODUCTION NO. 178:

Produce all COMPENSATION DOCUMENTS for every employee working in the Product Development, Information Technology AND Support Job Functions from January 1, 1985, through AND including December 31, 2012, whether OR not they were employees in one of these Job Functions after January 1, 2013.

RESPONSE TO REQUEST FOR PRODUCTION NO. 178:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 responds to this Request as follows: See Response and Objections to Request No. 177, *supra*, to which Oracle adds objection on the grounds that, in this amorphous Request for information going back to 1985, OFCCP compounds the oppression and burden it seeks to impose in that the information purportedly sought here is not relevant to the claims or defenses of any party to this proceeding. Oracle further objects to this Request on the grounds that, inasmuch as there is no claim that the alleged unlawful practices were in existence continuously,

if at all, prior to January 1, 2013, OFCCP implicitly admits that any claims based on acts or omissions occurring prior to that date are barred by the statute of limitations, and discovery into that period therefore is irrelevant. *See OFCCP v. Bank of America*, ARB No. 13-099, 2016 WL 2941106 (ARB Apr. 21, 2016).

REQUEST FOR PRODUCTION NO. 179:

Produce all DOCUMENTS IDENTIFYING the COMPENSATION AND COMPA-RATIO information that YOU reviewed during the RELEVANT TIME PERIOD when YOU considered HIRING OR transferring someone from an another company OR an Oracle affiliated company, e.g., Oracle India Pvt. Ltd., OR a company that YOU acquired to work in the Product Development, Information Technology AND Support Job Functions, including, but not limited to, the person's: annual OR base salary in the other company in United States dollars; annual OR base salary in the other company in another country's currency; annual OR base salary at Oracle's headquarters located at Redwood Shores, California; COMPA-RATIO in the other company AND at Oracle's headquarters located at Redwood Shores, California; bonuses AND stocks received in the other company; AND, if applicable, Global Career Level in the other company AND at Oracle's headquarters located at Redwood Shores, California.

RESPONSE TO REQUEST FOR PRODUCTION NO. 179:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 is almost verbatim duplicative and redundant of Request No. 161, *supra*. Oracle, therefore, further responds to this Request by referring OFCCP to its Response and Objections to Request No. 161, which are incorporated here.

REQUEST FOR PRODUCTION NO. 180:

For employees listed in the HQCA_iRec_MAIN.xlsx file having a "HIRE_TYPE" of "International Transfer" in Column AR, OR for YOUR employees for which a salary is in a

denomination other than US dollars that is listed in the CANDIDATE_CURRENT_SALARY_ATV (Column BC), produce YOUR employee's last COMPA-RATIO at that Oracle affiliate.

RESPONSE TO REQUEST FOR PRODUCTION NO. 180:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 is vague, ambiguous, uncertain and unduly burdensome, particularly insofar as it references various files in the database and asks Oracle to compile information for particular individuals as to which Oracle has no summary or compilation made in the ordinary course of business. Oracle further responds and objects to this Request by on the grounds asserted in its Response and Objections to Request No. 161, *supra*, which are incorporated here.

REQUEST FOR PRODUCTION NO. 181:

Produce all DOCUMENTS of YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO the SELECTION PROCESS for COLLEGE RECRUITS from June 1, 2012, to the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 181:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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 to the extent it seeks documents from outside of the relevant period, on the grounds that such discovery is overbroad, unduly burdensome, not relevant to the claims or defenses of any party to this litigation and not proportional to the needs of this case. Oracle further objects to this Request on the grounds that it is duplicative and redundant of prior Requests of OFCCP to Oracle, particularly, but not limited to, Request No. 16, in response to which Oracle has already made a substantial production of documents, which

this Request would require Oracle to repeat.

Without waiver of the foregoing objections, and subject thereto, Oracle responds further to this Request by stating that, in response to this Request, it will produce additional, non-privileged documents responsive to this Request sufficient to demonstrate its policies, practices, or procedures related to the selection of college recruits.

REQUEST FOR PRODUCTION NO. 182:

Produce all DOCUMENTS of YOUR POLICIES, PRACTICES OR PROCEDURES, RELATING TO seeking, referring to OR using prior pay information from APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 182:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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, unless OFCCP's proposed Second Amended Complaint becomes the operative pleading in this litigation, this Request is irrelevant. Oracle further objects to this Request on the grounds that it seeks information not relevant to the claims or defenses of any party to this litigation and on the grounds that it is not proportional to the needs of this litigation. Oracle further objects to this Request on the grounds that it is vague, ambiguous and incoherent, particularly in its reference to "prior pay information from * * * anyone involved in the SELECTION PROCESS." Oracle further objects to this Request on the grounds that its generalized references to "APPLICANTS" and "HIRES" renders it, in the wake of OFCCP's withdrawal of any hiring claims concerning experienced employees, overbroad, unduly burdensome and further irrelevant to any claim or defense any longer in issue in this litigation.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it will supplement and update its previously produced policies and

practices for college recruiting, and that it is willing to meet and confer with OFCCP in an attempt to reach agreement on the scope and relevance of the discovery sought in this Request.

REQUEST FOR PRODUCTION NO. 183:

Produce all DOCUMENTS RELATING TO the prior pay of APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS during the RELEVANT TIME PERIOD IN YOUR Product Development, Information Technology AND Support Job Functions OR PTI Job Group, including, but not limited to, DOCUMENTS received from APPLICANTS, COLLEGE RECRUITS, HIRES OR anyone involved in the SELECTION PROCESS, DOCUMENTS showing how YOU used the prior pay information received to make PAY DECISIONS, AND DOCUMENTS comparing OR evaluating the person's prior pay.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 183:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. 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, unless OFCCP's proposed Second Amended Complaint becomes the operative pleading in this litigation, this Request is irrelevant. Oracle further objects to this Request on the grounds that it seeks information not relevant to the claims or defenses of any party to this litigation and on the grounds that it is not proportional to the needs of this litigation. Oracle further objects to this Request on the grounds that it is vague, ambiguous and incoherent, particularly in its reference to "prior pay information from * * * anyone involved in the SELECTION PROCESS." Oracle further objects to this Request on the grounds that its generalized references to "APPLICANTS" and "HIRES" renders it, in the wake of OFCCP's withdrawal of any hiring claims concerning experienced employees, overbroad, unduly burdensome and further irrelevant to any claim or defense any longer in issue in this litigation.

February 25, 2019

GARY R. SINISCALCO
ERIN M. CONNELL
WARRINGTON PARKER



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Attorneys for Defendant

ORACLE AMERICA, INC.

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 February 25, 2019, I served the interested parties in this action with the following document(s):

DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO FIFTH 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:

Marc A. Pilotin (pilotin.marc.a@dol.gov)
Laura Bremer (Bremer.Laura@dol.gov)
Jeremiah Miller (miller.jeremiah@dol.gov)
Norman E. Garcia (Garcia.Norman@DOL.GOV)
U.S. Department of Labor, Office of the Solicitor, Region IX – San Francisco
90 Seventh Street, Suite 3-700
San Francisco, CA 94103
Telephone: (415) 625-7769 / Fax: (415) 625-7772

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

Executed on February 25, 2019, at San Francisco, California.

Jacqueline D. Kaddah

EXHIBIT 4

EXHIBIT 4

Garcia, Norman - SOL

From: Garcia, Norman - SOL
Sent: Tuesday, April 2, 2019 4:51 PM
To: Giansello, John
Cc: Siniscalco, Gary R.; James, Jessica R. L.; Kaddah, Jacqueline D.; Miller, Jeremiah - SOL; Bremer, Laura - SOL; Richardson, Cedrick P - SOL; Song, Charles C - SOL; Daquiz, Abigail - SOL; Heath, Jacob M.; Parker, Warrington; Connell, Erin M.; Kaddah, Jacqueline D.
Subject: OFCCP response to Oracle Jewett e-mail sent today

John,

Thank you for agreeing to provide the unredacted *Jewett* PMK transcripts and four of the *Jewett* non-PMK transcripts by Friday. Please identify who was deposed in the four non-PMK transcripts you will be providing us and who was deposed in the *Jewett* non-PMK transcripts that you still refuse to produce.

Your claim that "it is far too late in this proceeding" to search for documents is a disingenuous claim given that the *Jewett* Plaintiffs were willing to produce the documents requested and would have but for Oracle's interference. Furthermore, even though the parties initially addressed this matter in February 2019, Oracle did not provide a substantive response until March 25, 2019. In fact, even though we scheduled a specific conference call on March 22, 2019, days in advance of this call in response to OFCCP's March 12, 2019, meet and confer letter to address the *Jewett* RFPs, Oracle was not prepared to seriously discuss the matter on that date and only broached possibilities, as opposed to an actual compromise offer, for one of the three RFPs. Then, when Oracle does engage in serious discussions, it puts onerous conditions on its production of highly relevant *Jewett* PMK depositions that OFCCP was entitled to that further delayed the production.

Oracle's dilatory tactics are especially onerous when Oracle justifies its unwillingness to schedule just a conference call to meet and confer on the issues presented 11 days before on March 22, 2019, because "we are busy with other activities responsive to OFCCP's demands." Then, as Oracle did here, Oracle will likely claim that it is "far too late in the proceeding" to produce the documents that OFCCP has been trying to secure with more than five attempts to simply convene a conference call to discuss. Moreover, it is bad faith to repeatedly commit to scheduling a call by a date certain and then not keeping these commitments.

It is also disingenuous for you to lump both RFPs 167 & 168 into the same "scavenger hunt" meritless excuse. RFP 168 simply requests the *Jewett* discovery requests, responses and the meet and confer communications thereto. One does not have to conduct an alleged "scavenger hunt" to find and produce those documents. Oracle's meritless excuse is even more noteworthy because it already likely has the responsive documents in electronic form. Yet, it still refuses to produce them.

Lastly, it appears that the parties have fully met and conferred on these requests and we will act accordingly.

Norm Garcia

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

This message may contain information that is privileged or otherwise exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this e-mail in error, please notify the sender immediately.

From: Giansello, John <jgiansello@orrick.com>

Sent: Tuesday, April 2, 2019 2:38 PM

To: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>

Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.James@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Parker, Warrington <wparker@orrick.com>; Connell, Erin M. <econnell@orrick.com>; Riddell, J.R. <jriddell@orrick.com>; Horton, Nicholas J. <nhorton@orrick.com>; Stanley, James <jamesstanley@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>

Subject: RE: OFCCP letter regarding Jewett RFPs

Mr. Garcia:

I respond briefly to the attached letter and to your email(s) of last Friday, concerning the *Jewett* discovery issues.

First, I take exception to your unnecessary aspersions in your second email last Friday about our supposed "failure" to produce *Jewett* transcripts. We have not "failed" to do anything. We have serious concerns about OFCCP's access to the *Jewett* materials, and it is our right to raise those concerns and attempt to ensure that your access to those materials is proper and properly conducted. As for the scope of any depositions you may seek to take of the four PMK witnesses, we trust that any such issues can be resolved expeditiously if you will give us advance notice prior to serving notices of deposition, and in the meet-and-confer process required prior to filing a motion for a protective order.

Second, although we do not concede that they are relevant to the issues in this proceeding, we are producing the four unredacted PMK deposition transcripts and exhibits from the *Jewett* litigation. We are not able to produce them by noon tomorrow. The exhibits are voluminous, and we have been encountering some logistical difficulties in preparing these materials for production. At present, we expect to be able to produce all of them to you by Friday.

Second, as for non-PMK deposition transcripts, we are willing to produce the transcripts of four depositions that relate to HQCA. Otherwise, our position has not changed. We appreciate your obtaining consent to your access to additional transcripts from *Jewett* counsel, but we continue to object that such documents are not relevant to the issues in this litigation, let alone "highly relevant," as you contend. In addition, *Jewett* counsel's apparent waiver of any confidentiality interest does not and cannot satisfy our confidentiality concerns about personal privacy and competitively sensitive matters, given the different standards that apply as a result of FOIA exposure in this case.

Third, we cannot agree to your proposal for RFPs Nos. 167 and 168. As I mentioned previously, we are producing material from the *Jewett* litigation that we believe may have some arguable relevance to this proceeding. Some of that material was produced to you last Friday, and I would recommend that you review it before pursuing these requests further. Beyond that, the *Jewett* litigation has been a massive, sprawling enterprise that is not congruent on the issues with this case, and, even if we were willing to concede relevance in part – which we are not – it is far too late in this proceeding to indulge in a scavenger hunt picking through the enormous document corpus of the *Jewett* litigation to find a few additional things that might have some proximate bearing on the very different issues in this case.

Finally, we did not wait to provide a substantive response on these matters until March 25. That was when responses to your RFPs were due, and we complied with our objections with respect thereto.

John Giansello

From: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>

Sent: Monday, April 1, 2019 8:08 PM

To: Giansello, John <jgiansello@orrick.com>

Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Parker, Warrington <wparker@orrick.com>; Connell, Erin M. <econnell@orrick.com>; Riddell, J.R. <jriddell@orrick.com>; Horton, Nicholas J. <nhorton@orrick.com>; Stanley, James <jamesstanley@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>

Subject: OFCCP letter regarding Jewett RFPs

John,

Since we have not heard anything from Oracle today regarding the Jewett RFPs, attached is letter on this subject.

Thanks,

Norm

Norman E. Garcia

Senior Trial Attorney

United States Department of Labor

90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

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From: Garcia, Norman - SOL

Sent: Friday, March 29, 2019 1:38 PM

To: Giansello, John <jgiansello@orrick.com>

Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Parker, Warrington <wparker@orrick.com>; Connell, Erin M. <econnell@orrick.com>; Riddell, J.R. <jriddell@orrick.com>; Horton, Nicholas J. <nhorton@orrick.com>; Stanley, James <jamesstanley@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>

Subject: RE: OFCCP's response to Oracle's conditional offer for Jewett PMK deposition transcripts

John,

We agree that we can resolve the dispute over Oracle's failure to produce the PMK depositions taken in Jewett by Oracle producing the unredacted deposition transcripts, notices of those depositions, and exhibits by noon on Wednesday of next week. Our understanding is that Judge Clark is "leav[ing] Judge Larsen's Protective Order in place, with a slight revision to the Pre-Hearing Order." Order Addressing Protective Order and Order Modifying Pre-Hearing Order (Mar. 22, 2019). Accordingly, Oracle may designate excerpts of the transcripts as Confidential pursuant to the Protective Order, if appropriate.

We will also agree to give prior notice to Oracle before noticing PMK depositions on the same topics in the notice of depositions for those depositions and will meet and confer with Oracle to attempt to resolve disputes. This assumes of

course that we receive them before we serve our 30(b)(6) notices. However, we do not agree to prior notice as to anything that may have been touched upon in the deposition transcripts to include topics not covered in the deposition notices because the witnesses were not testifying in their capacity as PMK witnesses for non-noticed topics. We take this position because we believe that doing otherwise is unworkable and will lead to further disputes. Of course, we intend to cooperate with Oracle, in any event, in seeking mutually convenient deposition dates, which provides the opportunity to meet and confer regarding any matters Oracle believes warrant a protective order.

Lastly, given the schedule in this case and your unwillingness to seek a protective order within five days of notice, we will need to serve any notice promptly if the parties cannot quickly resolve their differences through the meet and confer process.

Please advise if this is acceptable to you.

Thanks,

Norm

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

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From: Giansello, John <jgiansello@orrick.com>
Sent: Friday, March 29, 2019 10:28 AM
To: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Parker, Warrington <wparker@orrick.com>; Connell, Erin M. <econnell@orrick.com>; Riddell, J.R. <jriddell@orrick.com>; Horton, Nicholas J. <nhorton@orrick.com>; Stanley, James <jamesstanley@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: RE: OFCCP's response to Oracle's conditional offer for Jewett PMK deposition transcripts

Mr. Garcia:

I respond to your comments below, concerning the *Jewett* PMK depositions.

First, as to scope, yes, our intention is to include the deposition topics contained with the deposition notices for those PMK depositions, but also topics actually covered in those depositions and anything that may range outside the matters for which those witnesses were designated. The topics covered by the depositions are reflected in the transcripts themselves, and in colloquy between counsel that appears in the transcripts.

We do intend to produce the deposition transcripts and the exhibits to those depositions. The deposition notices are included in the exhibits in each case. I advise you that these depositions were taken as confidential in the *Jewett* litigation, and subject to the protective order in that case. We therefore deem the transcripts and their exhibits, if produced to you, subject to the protective order in effect in this litigation, as modified by Judge Clark in his order of March 22, 2019, as to which there are some matters remaining to be worked out between the parties.

We will not be producing the transcripts or exhibits today. I seem to recall that, when you first raised the issue of deposition transcripts directly, you asked that they be produced by some time in April. These shifting, imperious and arbitrary deadlines are not helpful to the resolution of this or any other dispute in this litigation, particularly when they arrive at almost 10 PM my time the night before. Assuming we are in agreement on the particulars of producing these transcripts and exhibits, I anticipate we will be able to produce them next week.

The request that we agree to file a motion for a protective order within five days of service of any deposition notice for these witnesses is unworkable. We are required to meet and confer prior to filing such a motion. That is why we request your agreement to inform us of your intent to serve a notice of deposition before you do so, in order to afford the parties an adequate opportunity to resolve any differences or misunderstandings in an orderly manner. Also, your proposed short-fuse requirement is unnecessary, in that, given the positions these witnesses occupy in the Company and the schedules of counsel on both sides, finding deposition dates and times for each of them will inevitably require discussion and flexibility.

Finally, of course, if we file a motion for a protective order, you have all rights afforded to you by the applicable rules and the scheduling order in this case with respect thereto.

John Giansello

From: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Sent: Thursday, March 28, 2019 9:39 PM
To: Giansello, John <jgiansello@orrick.com>
Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Parker, Warrington <wparker@orrick.com>; Connell, Erin M. <econnell@orrick.com>; Riddell, J.R. <jriddell@orrick.com>; Horton, Nicholas J. <nhorton@orrick.com>; Stanley, James <jamesstanley@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: RE: OFCCP's response to Oracle's conditional offer for Jewett PMK deposition transcripts
Importance: High

John,

Thank you for the e-mail. We will only be responding at this time to your PMK deposition transcript proposal.

We need to confirm some points in your e-mail below.

- You state that Oracle will produce PMK transcripts subject to "our reservation of our right to seek protective orders as to the scope of any depositions of those witnesses you may seek to obtain, and to your agreement that you will, in each case, inform us of your intent to do so prior to service of a deposition notice." We interpret your statement of "the scope of any depositions of those witnesses you may seek to obtain" to mean the deposition topics contained within the deposition notices for these PMK depositions. If Oracle seeks prior notice of intent to serve deposition notices on these topics, Oracle will need to immediately provide us with the deposition topics, so we know what they are.
- We want to confirm that you will be producing the deposition transcripts, their notices and any exhibits covered in the depositions as part of your proposal.

- Assuming we understand the scope of Oracle's proposal, we would request that you provide electronic copies of the aforementioned PMK documents by the end of the day Friday, March 29, 2019.
- It was unclear when Oracle would file a protective order in response to our prior notice of our intent to depose. To not hold up the taking of any deposition, we would request that Oracle, if it should want to file a protective order, file it within five days of the notice.
- Of course, this agreement would include not only a reservation of rights for Oracle to bring a motion for a protective order, which it already has the right to do so, but a likewise reservation of rights for OFCCP to oppose such a protective order motion.

Please let us know immediately if we understand your proposal, and if Oracle will agree to electronically produce the documents requested above by the end of the day tomorrow, agree that it will bring protective orders regarding the PMK depositions within five days of notice that OFCCP seeks such depositions, and agree to the reservation of rights by both parties.

Thanks,

Norm

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

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From: Giansello, John <igiansello@orrick.com>
Sent: Thursday, March 28, 2019 4:18 PM
To: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Parker, Warrington <wparker@orrick.com>; Connell, Erin M. <econnell@orrick.com>; Riddell, J.R. <jriddell@orrick.com>; Horton, Nicholas J. <nhorton@orrick.com>; Stanley, James <jamesstanley@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: RE: OFCCP's response to Oracle's conditional offer for Jewett PMK deposition transcripts

Mr. Garcia:

We respond as follows to your email of March 26, 2019 (below), concerning RFPs Nos. 166, 167 and 168, and our prior discussions and exchanges concerning RFP No. 24:

As for transcripts of depositions taken in the *Jewett* litigation, we are willing to produce the transcripts of the depositions of the four Oracle PMK witnesses who have already been identified to you by position and title. Our willingness to do so, however, is subject to our reservation of our right to seek protective orders as to the scope of any depositions of those witnesses you may seek to obtain, and to your agreement that you will, in each case, inform us of your intent to do so prior to service of a deposition notice.

As for the other depositions taken in the *Jewett* litigation, we do not believe they are relevant to the issues in the OFCCP litigation against Oracle, and their production would implicate serious issues and problems arising from the production in the *Jewett* litigation of private personal information of individuals and of Oracle's competitively sensitive and otherwise confidential information. Therefore, we decline to produce them.

As for RFPs Nos. 167 and 168, as written, they ask us indiscriminately to provide OFCCP with what would be a complete dump of everything exchanged between the parties to the *Jewett* litigation. We decline to do so. We do note that we have produced and are producing material from the *Jewett* litigation that is relevant to the issues in this litigation.

Finally, with respect to your proposed procedure for dealing with RFP No. 24, we reject it. It is a much too cumbersome and protracted mechanism for a problem that can be addressed much more simply. In that regard, we are in the process of re-reviewing the Larry Lynn emails from the earlier-identified sample period, and we will produce anything additional that we believe is responsive. If OFCCP wishes, it can propose search terms when it reviews the additional material – or before if it is inclined to do so.

John Giansello

From: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Sent: Tuesday, March 26, 2019 1:12 PM
To: Giansello, John <jgiansello@orrick.com>
Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Parker, Warrington <wparker@orrick.com>; Connell, Erin M. <econnell@orrick.com>
Subject: OFCCP's response to Oracle's conditional offer for Jewitt PMK deposition transcripts

John,

Thank you for the deposition response.

From the titles you mentioned, all of the PMK depositions you listed seem highly relevant to this case. There is no legal basis to withhold them. As stated previously, after we review them, we may determine that it is unnecessary to depose some of the witnesses, or may choose to limit our questioning. Thus, providing the depositions will likely lead to efficiencies for both parties.

Therefore, we request again that you provide the highly relevant PMK transcripts, without seeking to impose limitations on us.

In terms of the non-PMK transcripts, those are relevant too because they, inter alia, likely cover Oracle's compensation practices in California which were the same throughout the state to include its Redwood Shores Headquarters. The privacy concerns are a non-issue because of the protective order for this case. Thus, there is also no legal basis to withhold them. We request again that you also provide these relevant transcripts.

If you don't agree to produce these deposition transcripts, we will bring a motion to compel.

As stated in yesterday's letter, please let us know by noon on Wednesday, March 27, 2019, if Oracle wishes to change its positions on the deposition transcripts and what Oracle will do in response to RFPs 167-68.

Lastly, please advise if Oracle will accept OFCCP's compromise offer for RFP 24 as stated in OFCCP's letter dated March 21, 2019.

Thanks,

Norm

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

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From: Giansello, John <jgiansello@orrick.com>
Sent: Monday, March 25, 2019 4:44 PM
To: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.James@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Parker, Warrington <wparker@orrick.com>; Connell, Erin M. <econnell@orrick.com>
Subject: RE: Memorializing the March 22, 2019, conference call for the Jewett and privilege log letters

Mr. Garcia:

Without responding to your attached letter (which I have not yet had the opportunity to read), we respond as promised in our discussion Friday evening concerning the depositions taken in the *Jewett* litigation:

The Oracle witnesses deposed in the *Jewett* litigation were all PMK witnesses, and their titles were the Vice President of Human Resources, the Director of Talent Advisory, the Senior Director of US Compensation, and the Senior Director of Global Compensation. We are prepared to produce the transcripts of these depositions to you provided that you agree that you will not serve notices for PMK depositions covering the topics covered in these depositions, and that the PMK testimony from *Jewett* will be, to the extent relevant, the PMK testimony in this case on those topics.

We are not willing to produce transcripts of other witnesses deposed in the *Jewett* litigation. We believe they are irrelevant to the issues in this proceeding and also raise significant issues of personal privacy.

John Giansello

From: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Sent: Monday, March 25, 2019 6:35 PM
To: Giansello, John <jgiansello@orrick.com>
Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.James@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Parker, Warrington <wparker@orrick.com>; Connell, Erin M. <econnell@orrick.com>
Subject: Memorializing the March 22, 2019, conference call for the Jewett and privilege log letters

John,

Attached is OFCCP's letter memorializing our meet and confer communications on March 22, 2019, as well as adding a few items when noted.

Also, on this past Friday, while we discussed the visa compromise offer that OFCCP made in its March 21, 2019, letter, we did not discuss the compromise offer that OFCCP made in this letter for RFP 24. Please advise if Oracle will accept OFCCP's compromise offer.

Lastly, in the second paragraph of this letter we are asking Oracle to identify by noon on Wednesday, March 27, 2019, if it will be producing the documents requested in RFPs 166-168 not later than April 8, 2019, for the reasons stated in the letter. Chief among them is that Oracle could not identify what documents, if any, that it will produce when for these RFPs and that the potential PMK transcript offer was not different from what Ms. Connell stated a month before on February 22, 2019, in an e-mail.

Mr. Song will be sending you separate correspondence for the meet and confer communications on March 22, 2019, that involved his March 14, 2019, meet and confer letter.

Thanks,

Norm

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

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From: Garcia, Norman - SOL
Sent: Thursday, March 21, 2019 3:38 PM
To: Giansello, John <jgiansello@orrick.com>
Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Parker, Warrington <wparker@orrick.com>; Connell, Erin M. <econnell@orrick.com>
Subject: RE: Meet and Confer Letter re Oracle's privilege log and production

John,

Attached is our response to your letter dated March 18, 2019, regarding your alleged memorialization of our March 15, 2019, conference call. We have also identified about another 20 blank documents that Oracle produced that are in addition to those identified in the letter to Erin. The BSNs of these documents are identified below.

Talk to you tomorrow regarding my letters dated March 12th and 15th and Charles Song's letter dated March 14, 2019.

Thanks,

Norm

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ORACLE_HQCA_0000160624
ORACLE_HQCA_0000172708
ORACLE_HQCA_0000179517
ORACLE_HQCA_0000186609
ORACLE_HQCA_0000186610
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ORACLE_HQCA_0000211987
ORACLE_HQCA_0000211988
ORACLE_HQCA_0000211990
ORACLE_HQCA_0000211991
ORACLE_HQCA_0000213244

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

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From: Connell, Erin M. <econnell@orrick.com>
Sent: Wednesday, March 20, 2019 10:21 AM
To: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Giansello, John <jgiansello@orrick.com>; Parker, Warrington <wparker@orrick.com>
Subject: RE: Meet and Confer Letter re Oracle's privilege log and production

Hi Norm,

I'm re-sending one more time as I inadvertently did not add Warrington.

Thanks,
Erin

From: Connell, Erin M.
Sent: Wednesday, March 20, 2019 10:20 AM
To: 'Garcia, Norman - SOL' <Garcia.Norman@DOL.GOV>
Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>; Heath, Jacob M. <jheath@orrick.com>; Giansello, John <jgiansello@orrick.com>
Subject: RE: Meet and Confer Letter re Oracle's privilege log and production

Hi Norm,

I have been out of the office (and out of the country) for the past several days, as my out-of-office message confirmed. In any event, please coordinate with John and Jake (copied here) directly on your request for a meet and confer call this week.

Also, please let Warrington know when you are available to meet and confer call with him, per his request on March 19.

Finally, can you please include Warrington, Jake and John on discovery correspondence going forward? I have added them here.

Thanks,
Erin

From: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Sent: Wednesday, March 20, 2019 9:25 AM
To: Connell, Erin M. <econnell@orrick.com>
Cc: Siniscalco, Gary R. <grsiniscalco@orrick.com>; James, Jessica R. L. <Jessica.james@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>; Song, Charles C - SOL <Song.Charles.C@dol.gov>; Daquiz, Abigail - SOL <Daquiz.Abigail@dol.gov>
Subject: RE: Meet and Confer Letter re Oracle's privilege log and production
Importance: High

Erin,

I am following up on the meeting and confer letters that I sent on March 12, 2019, concerning the Jewitt RFPs and on March 15, 2019, concerning issues with Oracle's privilege log, non-referenced redactions, blank pages and empty native file folders. While I requested a meeting this week in both, I have heard nothing back from you. When are you available this Thursday, March 21, 2019, to discuss?

Thanks,

Norm

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

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From: Garcia, Norman - SOL
Sent: Friday, March 15, 2019 5:05 PM
To: econnell@orrick.com
Cc: grsiniscalco@orrick.com; jessica.james@orrick.com; jkaddah@orrick.com; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Richardson, Cedrick P - SOL <Richardson.Cedrick.P@DOL.gov>
Subject: Meet and Confer Letter re Oracle's privilege log and production

Erin,

Attached is a meet and confer letter about Oracle's privilege log and production.

Thanks,

Norm

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700, SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

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EXHIBIT 5

EXHIBIT 5

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JAMES M. FINBERG (SBN 114850)
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emp@rezlaw.com

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SOPHY WANG, and XIAN MURRAY, on behalf
of themselves and all others similarly situated*

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Facsimile: 650-614-7401

*Attorneys for Defendant ORACLE AMERICA,
INC.*

RECEIVED
NOV 20 2017
CLERK OF THE SUPERIOR COURT
SAN MATEO COUNTY

FILED
SAN MATEO COUNTY
NOV 21 2017
Clerk of the Superior Court
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

FILED BY FAX

Case No. 17CIV02669

STIPULATION AND [PROPOSED]
PROTECTIVE ORDER REGARDING
CONFIDENTIAL INFORMATION

RONG JEWETT, SOPHY WANG, and XIAN
MURRAY, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ORACLE AMERICA, INC.,
Defendant.

17-CIV-02669
SO
Stipulation & Order
840830
[Barcode]

1 Defendant Oracle America, Inc. ("Defendant") and Plaintiffs Rong Jewett, Sophy Wang
2 and Xian Murray (collectively, "Plaintiffs") (together, "the Parties"), in order to protect
3 confidential information obtained by the parties in connection with this case, by and through their
4 respective undersigned counsel, and subject to the approval of the Court, hereby agree as follows:

5 **Part One: Use Of Confidential Materials In Discovery**

6 1. Any party or non-party may designate as "Confidential Information" (by stamping
7 the relevant page or as otherwise set forth herein) any document or response to discovery which
8 that party or non-party considers in good faith to contain information involving trade secrets, or
9 confidential business or financial information, including personal individual financial or other
10 private information (including but not limited to compensation information, but not including an
11 analysis of compensation information that does not disclose the underlying compensation
12 information or any other confidential information), about any party to the lawsuit, putative class
13 members or employees of any party to this lawsuit; non-public company strategic initiatives
14 regarding commercial products or services; and any information regarding any party not
15 otherwise available to the public, subject to protection under Rules 2.550, 2.551, 2.580, 2.585,
16 8.160, and 8.490 of the California Rules of Court or under other provisions of California law.
17 Where a document or response consists of more than one page, the first page and each subsequent
18 page on which confidential information appears in the document shall be so designated.

19 2. A party or non-party may designate information disclosed during a deposition or in
20 response to written discovery as "Confidential" by so indicating in said responses or on the record
21 at the deposition and requesting the preparation of a separate transcript of such material. In
22 addition, a party or non-party may designate in writing, within thirty (30) days after receipt of
23 said responses or of the deposition transcript for which the designation is proposed, that specific
24 pages of the transcript and/or specific responses be treated as "Confidential Information." Within
25 the first thirty (30) days of receipt of a deposition transcript, the entire transcript should be treated
26 as "Confidential Information." Any other party may object to such proposal, in writing or on the
27 record. Upon such objection, the parties shall follow the procedures described in Paragraph 9
28 below. After any designation made according to the procedure set forth in this paragraph, the

1 designated documents or information shall be treated according to the designation until the matter
2 is resolved according to the procedures described in Paragraph 9 below, and counsel for all
3 parties shall be responsible for marking all previously unmarked copies of the designated material
4 in their possession or control with the specified designation. A party that makes original
5 documents or materials available for inspection need not designate them as Confidential
6 Information until after the inspecting party has indicated which materials it would like copied and
7 produced. During the inspection and before the designation and copying, all of the material made
8 available for inspection shall be considered Confidential Information.

9 3. All Confidential Information produced or exchanged in the course of this case (not
10 including information that is publicly available) shall be used by the party or parties to whom the
11 information is produced solely for the purpose of this case. Confidential Information shall not be
12 used for any commercial competitive, personal, or other purpose.

13 4. Except with the prior written consent of the other parties, or upon prior order of
14 this Court obtained upon notice to opposing counsel, Confidential Information shall not be
15 disclosed to any person other than:

16 (a) counsel for the respective parties to this litigation, including in-house
17 counsel and co-counsel retained for this litigation;

18 (b) employees of such counsel and persons engaged by any counsel or party to
19 photocopy, image, or maintain the Confidential Information;

20 (c) individual parties or officers or employees of a party, to the extent deemed
21 necessary by counsel for the prosecution or defense of this litigation;

22 (d) consultants or expert witnesses retained for the prosecution or defense of
23 this litigation, provided that each such person shall execute a copy of the Certification annexed to
24 this Order (which shall be retained by counsel to the party so disclosing the Confidential
25 Information and made available for inspection by opposing counsel during the pendency or after
26 the termination of the action only upon good cause shown and upon order of the Court) before
27 being shown or given any Confidential Information;

28 (e) any authors or recipients of the Confidential Information

1 (f) the Court, court personnel, and court reporters; and
2 (g) deposition and trial witnesses (other than persons described in
3 Paragraph 4(e)). Deposition and trial witnesses shall sign the Certification before being shown a
4 confidential document. Confidential Information may be disclosed to a witness who will not sign
5 the Certification only in a deposition at which the party who designated the Confidential
6 Information is represented or has been given notice that Confidential Information produced by the
7 party may be used. At the request of any party, the portion of the deposition transcript involving
8 the Confidential Information shall be designated "Confidential" pursuant to Paragraph 2 above.
9 Witnesses shown Confidential Information shall not be allowed to retain copies.

10 5. Any persons receiving Confidential Information shall not reveal or discuss such
11 information to or with any person who is not entitled to receive such information, except as set
12 forth herein. If a party or any of its representatives, including counsel, inadvertently discloses
13 any Confidential Information to persons who are not authorized to use or possess such material,
14 the party shall provide immediate written notice of the disclosure to the party whose material was
15 inadvertently disclosed. If a party has actual knowledge that Confidential Information is being
16 used or possessed by a person not authorized to use or possess that material, regardless of how the
17 material was disclosed or obtained by such person, the party shall provide immediate written
18 notice of the unauthorized use or possession to the party whose material is being used or
19 possessed. No party shall have an affirmative obligation to inform itself regarding such possible
20 use or possession.

21 6. In connection with discovery proceedings as to which a party submits Confidential
22 Information, all documents and chamber copies containing Confidential Information which are
23 submitted to the Court shall be filed with the Court in sealed envelopes or other appropriate
24 sealed containers. On the outside of the envelopes, a copy of the first page of the document shall
25 be attached. If Confidential Information is included in the first page attached to the outside of the
26 envelopes, it may be deleted from the outside copy. The word "CONFIDENTIAL" shall be
27 stamped on the envelope and a statement substantially in the following form shall also be printed
28 on the envelope:

1 "This envelope is sealed pursuant to Order of the Court, contains Confidential Information
2 and is not to be opened or the contents revealed, except by Order of the Court or agreement by the
3 parties."

4 7. If another court, administrative agency or third party requests, subpoenas or orders
5 production of Confidential Information, such party shall (a) promptly notify counsel for the party
6 who produced the material of the pendency of such request, subpoena or order and shall furnish
7 counsel with a copy of said request, subpoena or order; (b) immediately notify in writing the party
8 who caused the request, subpoena or order to issue that some or all of the material covered by the
9 subpoena or order is subject to this Protective Order (including by providing a copy of this
10 Protective Order); and (c) cooperate with respect to all reasonable procedures sought to be
11 pursued by the party whose Confidential Information may be affected.

12 8. A party may designate as "Confidential Information" documents or discovery
13 materials produced by a non-party by providing written notice to all parties of the relevant
14 document numbers or other identification within thirty (30) days after receiving such documents
15 or discovery materials. Any party or non-party may voluntarily disclose to others without
16 restriction any information designated by that party or non-party as Confidential Information,
17 although a document may lose its confidential status if it is made public. If a party produces
18 materials designated Confidential Information in compliance with this Order, that production
19 shall be deemed to have been made consistent with any confidentiality or privacy requirements
20 mandated by local, state or federal laws.

21 9. If a party contends that any material is not entitled to confidential treatment, such
22 party may at any time give written notice to the party or non-party who designated the material as
23 confidential. The parties shall attempt to resolve each challenge in good faith through a meet and
24 confer process. If the parties are unable to resolve the challenge, the party or non-party who
25 designated the material as confidential shall have twenty-one (21) days from the parties agreeing
26 that the meet and confer process will not resolve their dispute, unless the parties agree to extend
27 this time period, to apply to the Court for an order designating the material as confidential. The
28

1 party or non-party seeking the order has the burden of establishing that the document is entitled to
2 protection.

3 10. Notwithstanding any challenge to the designation of material as Confidential
4 Information, all documents shall be treated as such and shall be subject to the provisions hereof
5 unless and until one of the following occurs:

6 (a) the party or non-party who claims that the material is Confidential
7 Information withdraws such designation in writing; or

8 (b) the party or non-party who claims that the material is Confidential
9 Information fails to apply to the Court for an order designation the material confidential within
10 the time period specified above after receipt of a written challenge to such designation; or

11 (c) the Court rules the material is not Confidential Information.

12 11. All provisions of this Order restricting the communication or use of Confidential
13 Information shall continue to be binding after the conclusion of this action, unless otherwise
14 agreed or ordered. Upon conclusion of the litigation, a party in the possession of Confidential
15 Information, other than that which is contained in pleadings, correspondence, and deposition
16 transcripts, shall either (a) return such documents no later than thirty (30) days after conclusion of
17 this action to counsel for the party or non-party who provided such information, or (b) destroy
18 such documents within the time period upon consent of the party who provided the information
19 and certify in writing within thirty (30) days that the documents have been destroyed.

20 12. Nothing herein shall be deemed to waive any applicable privilege or work product
21 protection, or to affect the ability of a party to seek relief for an inadvertent disclosure of material
22 protected by privilege or work product protection. Any witness or other person, firm or entity
23 from which discovery is sought may be informed of and may obtain the protection of this Order
24 by written advice to the parties' respective counsel or by oral advice at the time of any deposition
25 or similar proceeding.

26 **Part Two: Use of Confidential Materials in Court**

27 The following provisions govern the treatment of Confidential Information used at trial or
28 submitted as a basis for adjudication of matters other than discovery motions or proceedings.

1 These provisions are subject to Rules 2.550, 2.551, 2.580, 2.585, 8.160, and 8.490 of the
2 California Rules of Court and must be construed in light of those Rules.

3 13. A party that files with the Court, or seeks to use at trial, materials designated as
4 Confidential Information, and who seeks to have the record containing such information sealed,
5 shall submit to the Court a motion or an application to seal, pursuant to California Rule of
6 Court 2.551.

7 14. A party that files with the Court, or seeks to use at trial, materials designated as
8 Confidential Information by anyone other than itself, and who does not seek to have the record
9 containing such information sealed, shall comply with either of the following requirements:

10 (a) At least ten (10) business days prior to the filing or use of the Confidential
11 Information, the submitting party shall give notice to all other parties, and to any non-party that
12 designated the materials as Confidential Information pursuant to this Order, of the submitting
13 party's intention to file or use the Confidential Information, including specific identification of
14 the Confidential Information. Any affected party or non-party may then file a motion to seal,
15 pursuant to California Rule of Court 2.551(b); or

16 (b) At the time of filing or desiring to use the Confidential Information, the
17 submitting party shall submit the materials pursuant to the lodging-under-seal provision of
18 California Rule of Court 2.551(d). Any affected party or non-party may then file a motion to seal,
19 pursuant to the California Rule of Court 2.551(b), within ten (10) business days after such
20 lodging. Documents lodged pursuant to California Rule of Court 2.551(d) shall bear a legend
21 stating that such materials shall be unsealed upon expiration of ten (10) business days, absent the
22 filing of a motion to seal pursuant to Rule 2.551(b) or Court order.

23 15. In connection with a request to have materials sealed pursuant to Paragraph 12 or
24 Paragraph 13, the requesting party's declaration pursuant to California Rule of Court 2.551(b)(1)
25 shall contain sufficient particularity with respect to the particular Confidential Information and
26 the basis for sealing to enable the Court to make the findings required by California Rule of
27 Court 2.550(d).
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Part Three: Inadvertent Production of Privileged or Otherwise Protected Material

16. To expedite the production of information, a party may inadvertently produce documents that are privileged, including but not limited to documents protected by the attorney-client privilege, work product doctrine, or mediation privilege (together, all inadvertently produced documents shall be a "Privileged Document"). Production of a Privileged Document shall not be deemed a waiver of any applicable privilege. Upon discovery that a Privileged Document has been produced, the producing party shall promptly notify counsel for the other party who shall promptly return the Privileged Document and all copies of the Privileged Document. If a party contends that a Privileged Document has been erroneously designated as such, the party will nevertheless return the Privileged Document and all copies of the Privileged Document to the party asserting the privilege. The parties reserve the right to contest any determination that a document is privileged or is otherwise protected from disclosure.

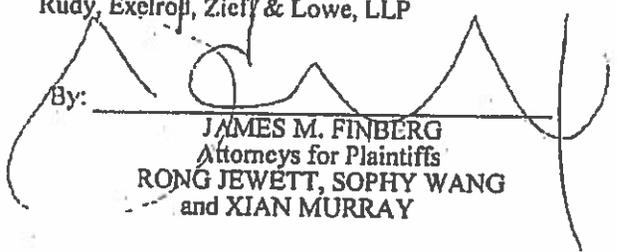
IT IS SO STIPULATED.

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Dated: October 1, 2017

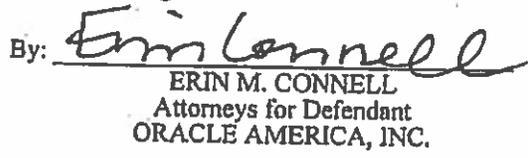
JAMES M. FINBERG
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PEDER J. THOREEN
CONNIE K. CHAN
Altshuler Berson LLP

JOHN MULLAN
CHAYA MANDELBAUM
ERIN PULASKI
Rudy, Exelroff, Ziefel & Lowe, LLP

By: 
JAMES M. FINBERG
Attorneys for Plaintiffs
RONG JEWETT, SOPHY WANG
and XIAN MURRAY

Dated: October 2, 2017

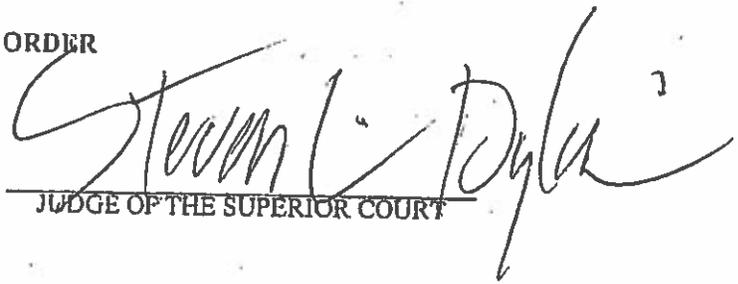
GARY R. SINISCALCO
JESSICA R. PERRY
ERIN M. CONNELL
Orrick, Herrington & Sutcliffe LLP

By: 
ERIN M. CONNELL
Attorneys for Defendant
ORACLE AMERICA, INC.

IT IS SO ORDERED.

Dated: 11/21/17

ORDER


JUDGE OF THE SUPERIOR COURT

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CERTIFICATION

I hereby certify my understanding that Confidential Information is being provided to me pursuant to the terms and restrictions of the Stipulation and Protective Order Regarding Confidential Information filed on _____, 20__ in San Mateo County Superior Court Case No. 17CIV02669 ("Order"). I have been given a copy of that Order and have read it.

I agree to be bound by the Order. I will not reveal the Confidential Information to anyone, except as allowed by the Order. I will maintain all such Confidential Information, including copies, notes, or other transcriptions made therefrom, in a secure manner to prevent unauthorized access to it. No later than thirty (30) days after the conclusion of this action, I will return the Confidential Information, including copies, notes, or other transcriptions made therefrom, to the counsel who provided me with the Confidential Information. I hereby consent to the jurisdiction of the San Mateo County Superior Court for the purpose of enforcing the Order.

I declare under penalty of perjury that the foregoing is true and correct and that this certificate is executed this ___ day of _____, 20__, at _____.

By: _____
Address: _____

Phone: _____

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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 cflores@orrick.com.

On November 20, 2017, I served the interested parties in this action the following document(s):

- **STIPULATION AND [PROPOSED] PROTECTIVE ORDER REGARDING CONFIDENTIAL INFORMATION**

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:

James M. Finberg (jfinberg@altshulerberzon.com)
Eve Cervantez (ecervantez@altshulerberzon.com)
Peder J. Thoreen (pthoreen@altshulerberzon.com)
Connie K. Chan (cchan@altshulerberzon.com)
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John T. Mullan (jtm@rezlaw.com)
Chaya M. Mandelbaum (cmm@rezlaw.com)
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RUDY, EXCELROD, ZIEFF & LOWE, LLP
351 California Street, Suite 700
San Francisco, California 94104
Telephone: (415) 434-9800
Facsimile: (415) 434-0513

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 20, 2017, 2017, at San Francisco, California.

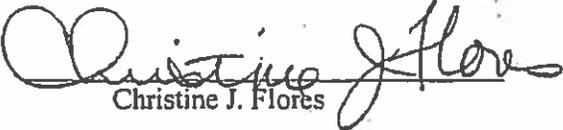

Christine J. Flores

EXHIBIT 6

EXHIBIT 6

From: [Jim Finberg](#)
To: [Miller, Jeremiah - SOL](#)
Subject: RE: OFCCP v. Oracle-- seeking documents
Date: Friday, March 29, 2019 3:55:41 PM

Jeremiah,

Plaintiffs consent to Oracle producing those materials to you.

Jim

From: Miller, Jeremiah - SOL [mailto:Miller.Jeremiah@dol.gov]
Sent: Thursday, March 28, 2019 6:06 PM
To: Jim Finberg <jfinberg@altshulerberzon.com>
Subject: OFCCP v. Oracle-- seeking documents

Hi Jim,

We are seeking transcripts (and exhibits) for the depositions that the parties took in *Jewett, et al. v. Oracle America, Inc.*, as well as written discovery requests and responses. We are aware that confidential information in that litigation is subject to a protective order, and that that order (in paragraph 4) requires written consent of the other parties prior to the disclosure of confidential information. Therefore, I am writing to you to request your consent on behalf of your clients to the production of un-redacted deposition transcripts and exhibits for depositions taken by the parties in the *Jewett* matter, as well as written discovery requests and responses served in *Jewett*.

It is our position that any confidential information produced through these transcripts and exhibits would be subject to the protective order in our case, *OFCCP v. Oracle America, Inc.* so we do not believe there is any risk that your clients' or the deponents' confidential information (as defined by the Protective Order in *OFCCP v. Oracle America, Inc.*) will be released as a result of this production.

Please let me know if you consent to Oracle producing these materials to us.

Thank you,
Jeremiah

Jeremiah Miller
Counsel for Civil Rights
U.S. Department of Labor, Office of the Solicitor
300 Fifth Avenue, Suite 1120
Seattle, WA 98104
telephone: 206-757-6757
fax: 206-757-6761

This document may contain information that is privileged by the attorney-client privilege or work product doctrine or otherwise exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor.

EXHIBIT 7

EXHIBIT 7

10-17
RSEM

1 JAMES M. FINBERG (SBN 114850)
EVE CERVANTEZ (SBN 164709)
2 PEDER J. THOREN (SBN 217081)
P. CASEY PITTS (SBN 262463)
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pthoren@altshulerberzon.com
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Email: jtm@rezlaw.com
13 cmm@rezlaw.com
emp@rezlaw.com
14

15 Attorneys for Plaintiffs RONG JEWETT, SOPHY
WANG, and XIAN MURRAY, on behalf of
16 themselves and all others similarly situated

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA
18 COUNTY OF SAN MATEO

19 RONG JEWETT, SOPHY WANG, and XIAN
MURRAY, individually and on behalf of all
20 others similarly situated,

21 Plaintiffs,

22 v.

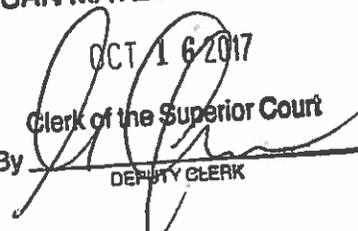
23 ORACLE AMERICA, INC.,

24 Defendant.
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FILED
SAN MATEO COUNTY

OCT 16 2017

Clerk of the Superior Court

By 
DEPUTY CLERK

Case No.: 17-CIV-02669

**SECOND AMENDED CLASS ACTION
COMPLAINT**

1. Violation of California Equal Pay Act, as amended (Labor Code §§1197.5, 1194.5)
2. Failure to Pay All Wages Due to Discharged and Quitting Employees (Labor Code §§201-203, 1194.5)
3. Unfair and Unlawful Business Practices (Bus. & Prof. Code §17200 *et seq.*)
4. Declaratory Judgment (C.C.P. §1060 *et seq.*)
5. Penalties under the Labor Code Private Attorneys General Act (Labor Code §§2698-2699.5)

JURY TRIAL DEMANDED

17 - CIV - 02669
ACM2
Second Amended Complaint
765347



SECOND AMENDED COMPLAINT

1 Plaintiffs Rong Jewett, Sophy Wang, and Xian Murray (collectively "Plaintiffs"),
2 individually and on behalf of all others similarly situated, are informed and believe, and
3 thereon allege, as follows:

4 INTRODUCTION

5 1. Plaintiffs bring this class action on behalf of themselves and on behalf of a class
6 defined as all women employed by Defendant Oracle America, Inc. ("Oracle" or "Defendant") in
7 California at any time during the time period beginning four years prior to the filing of the
8 original Complaint in this action through the date of trial in this action ("Class Period") in
9 Information Technology, Product Development, or Support job functions ("Covered Positions").

10 2. Throughout the Class Period and throughout California, Oracle has
11 discriminated against its female employees by systematically paying them lower wage rates
12 than Oracle pays to male employees performing equal and substantially similar work under
13 similar working conditions, in violation of the California Equal Pay Act, Cal. Labor Code
14 §1197.5, as amended. Oracle's failure to pay women and men equal wages for performing
15 equal and substantially similar work is not justified by any lawful reason.

16 3. At all relevant times, Oracle has known or should have known of this pay
17 disparity between its female and male employees, yet Oracle has taken no action to equalize men
18 and women's pay for equal and substantially similar work. Oracle's failure to pay female
19 employees the same wage rates paid to male employees for equal and substantially similar work
20 has been and is willful.

21 4. As a result of Oracle's discriminatory and unlawful pay policies and/or
22 practices, Plaintiffs and class members have been denied fair wages for all work performed
23 during the Class Period and are entitled to wages due, interest thereon, and liquidated
24 damages, plus interest. In addition to damages, Plaintiffs also seek declaratory and
25 injunctive relief enjoining Oracle from continuing to pay women less than men for
26 substantially similar work.

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1 Plaintiff Wang and male employees in the same establishment performed equal work on jobs the
2 performance of which required equal skill, effort, and responsibility, and which were performed
3 under similar working conditions, from at least the beginning of the class period through
4 December 31, 2015. Plaintiff Wang and male employees performed substantially similar work,
5 when viewed as a composite of skill, effort, and responsibility, and performed under similar
6 working conditions, from at least January 1, 2016 until the end of Plaintiff Wang's employment.
7 On information and belief, Oracle paid Plaintiff Wang less than men for equal work through
8 December 31, 2015, and for substantially similar work from January 1, 2016 until the end of
9 Plaintiff Wang's employment.

10 9. Plaintiff Xian Murray is a woman who was employed by Oracle as a software
11 engineer, senior engineer, and project lead, which are all Covered Positions, at Oracle's
12 headquarters located in Redwood Shores from approximately March 2011 through
13 approximately October 2016. Plaintiff Murray and male employees in the same establishment
14 performed equal work on jobs the performance of which required equal skill, effort, and
15 responsibility, and which were performed under similar working conditions, from at least the
16 beginning of the class period through December 31, 2015. Plaintiff Murray and male employees
17 performed substantially similar work, when viewed as a composite of skill, effort, and
18 responsibility, and performed under similar working conditions, from at least January 1, 2016
19 until the end of Plaintiff Murray's employment. On information and belief, Oracle paid Plaintiff
20 Murray less than men for equal work through December 31, 2015, and for substantially similar
21 work from January 1, 2016 until the end of Plaintiff Murray's employment.

22 10. Defendant Oracle America, Inc. is a corporation that develops and markets
23 software and hardware products and also sells services related to those products. Oracle's
24 headquarters are located at 500 Oracle Parkway, Redwood Shores, California 94065. Upon
25 information and belief, Oracle employs over 7,000 employees at its Redwood Shores
26 headquarters and also has employees at its 14 other office locations throughout California.

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1 FACTUAL ALLEGATIONS

2 11. On January 17, 2017, the United States Department of Labor's Office of Federal
3 Contract Compliance Programs ("OFCCP") filed an administrative complaint against Oracle
4 based on its compliance review of Oracle's headquarters in Redwood Shores, California, which
5 found "systemic discrimination against women" and "gross disparities in pay" even after
6 controlling for job title, full-time status, exempt status, global career level, job specialty,
7 estimated prior work experience, and company tenure. OFCCP's compliance audit of Oracle's
8 Redwood Shores headquarters found that from at least January 1, 2014 onward, and on
9 information and belief from 2013 onward, Oracle discriminated against qualified female
10 employees in its Information Technology, Product Development, and Support lines of business
11 or job functions (covering 80 job titles) based upon sex by paying them less than male employees
12 employed in similar roles.

13 12. Regardless of employees' office locations, Oracle employees with the same job
14 title employed in Information Technology, Product Development, or Support job functions
15 throughout California have performed, from the beginning of the Class Period until at least
16 December 31, 2015, equal work on jobs the performance of which requires equal skill, effort,
17 and responsibility, and performed under similar working conditions, and from at least January 1,
18 2016 until the present, substantially similar work, when viewed as a composite of skill, effort,
19 and responsibility, and performed under similar working conditions.

20 13. Throughout the Class Period, Oracle's central administrative officers based in its
21 Redwood Shores headquarters have maintained centralized control over employees' terms and
22 conditions of employment, including, without limitation, job and location assignment, career
23 progression, promotion, and compensation policies, practices and procedures.

24 14. Throughout the Class Period, Oracle's corporate headquarters has maintained
25 responsibility for hiring employees, setting wages, and assigning the location of employment
26 across all of its California offices.

1 15. Throughout the Class Period, Oracle's compensation policies and practices have
2 been and continue to be centrally determined and uniformly applied to all of Oracle's employees
3 throughout its California office locations.

4 16. Throughout the Class Period, Oracle has maintained and continues to maintain a
5 centrally determined and uniformly applied set of policies and/or practices for determining
6 employees' wage rates throughout California, including centralized policies and/or practices for
7 setting employees' initial pay, and centralized policies and/or practices for giving employees pay
8 raises. For example, Oracle's corporate headquarters administers a centralized pay structure
9 requiring that employees' salaries be restricted to corporate-imposed compensation ranges.
10 These compensation ranges are set on a company-wide basis and apply across all of Oracle's
11 California offices.

12 17. Throughout the Class Period, all compensation decisions concerning Oracle's
13 California employees have been and continue to be subject to approval by Oracle's central
14 administrative officers based in headquarters. Salary increases are dictated by payroll budgets
15 established by corporate headquarters, and must be approved by central management. Similarly,
16 Oracle has applied uniform promotion policies and practices to its employees throughout
17 California, including its requirement that promotions must be approved by Oracle's corporate
18 headquarters.

19 18. Throughout the Class Period, Oracle has maintained and continues to maintain a
20 centrally determined and uniformly applied policy and/or practice throughout California of not
21 adjusting employees' wage rates to ensure that it does not pay its female employees less than its
22 male employees for substantially equal or similar work.

23 19. From the beginning of the Class Period until at least December 31, 2015, Oracle
24 has paid women less than men in the same establishment (as interpreted to mean all of Oracle's
25 office locations in California, in light of the allegations in paragraphs 12 through 18) for equal
26 work on jobs the performance of which requires equal skill, effort, and responsibility, and
27 performed under similar working conditions. From at least January 1, 2016 until the present,
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1 Oracle has paid women less than men for substantially similar work, when viewed as a
2 composite of skill, effort, and responsibility, and performed under similar working conditions.

3 20. Oracle is required to maintain records of the wages and wage rates, job
4 classifications, and other terms and conditions of employment of all of its employees throughout
5 California. Oracle therefore knew or should have known that it paid female employees in the
6 Covered Positions less than it paid their male counterparts for performing equal and substantially
7 similar work, yet Oracle took no steps to eliminate its unlawful and discriminatory pay practices
8 at any time during the Class Period.

9 **CLASS ACTION ALLEGATIONS**

10 21. Plaintiffs bring their first through third causes of action on behalf of themselves
11 and on behalf of the following proposed class ("Class"):

12 All women employed by Oracle in California in Information Technology, Product
13 Development, or Support job functions at any time during the time period
14 beginning four years prior to the filing of the original Complaint through the date
of trial in this action.

15 22. This action is appropriately suited for a class action because:

16 a. The proposed Class is numerous and ascertainable. On information and
17 belief, the proposed Class includes thousands of current and former female Oracle employees
18 located across California, and therefore joinder of all individual Class members would be
19 impractical.

20 b. This action involves questions of law and fact common to Plaintiffs and all
21 Class members which predominate over any individual issues, including but not limited to: (a)
22 whether Oracle had a systemic policy and/or practice, from the beginning of the Class Period
23 until at least December 31, 2015, of paying its female employees at wage rates lower than those
24 paid to its male employees in the same establishment (as interpreted to mean all of Oracle's
25 office locations in California, in light of the allegations in paragraphs 12 through 18) for equal
26 work on jobs the performance of which required equal skill, effort, and responsibility, and which
27 were performed under similar working conditions; (b) whether Oracle has had a systemic policy
28 and/or practice, from at least January 1, 2016 to the present, of paying its female employees at

1 wage rates lower than those paid to its male employees performing substantially similar work,
2 when viewed as a composite of skill, effort, and responsibility, and performed under similar
3 conditions; (c) whether Oracle's systemic policy and/or practice of paying its female employees
4 at wage rates lower than those paid to their male counterparts violates the California Equal Pay
5 Act, as amended, Cal. Labor Code §1197.5; and (d) whether Oracle's systemic policy and/or
6 practice of paying its female employees at wage rates lower than those paid to their male
7 counterparts was willful. These common questions of law and fact predominate over any
8 questions affecting only individual class members in this action.

9 c. Plaintiffs Jewett's, Wang's, and Murray's claims are typical of Class
10 members' claims because they are women who were employed by Oracle in California during
11 the Class Period in one or more of the Covered Positions, and, on information and belief, were
12 paid less than male employees for equal and substantially similar work. Upon information and
13 belief, Oracle has applied uniform wage rate policies and practices to its employees throughout
14 California at all times throughout the Class Period.

15 d. Plaintiffs Jewett, Wang, and Murray are able to fairly and adequately
16 protect the interests of all members of the class because it is in Plaintiffs' best interests to
17 prosecute the claims alleged herein to obtain full compensation due to the Class for all work
18 performed, and to obtain injunctive relief to protect the Class from further discriminatory wage
19 rates going forward. Plaintiffs have selected counsel who have the requisite resources and ability
20 to prosecute this case as a class action and are experienced labor and employment attorneys who
21 have successfully litigated other cases involving similar issues, including in class actions.

22 e. This suit is properly maintained as a class action under C.C.P. §382
23 because Oracle has implemented an unlawful wage rate scheme that is generally applicable to the
24 Class, making it appropriate to issue final injunctive relief and corresponding declaratory relief
25 with respect to the Class as a whole. This suit is also properly maintained as a class action
26 because the common questions of law and fact predominate over any questions affecting only
27 individual members of the class. For all these and other reasons, a class action is superior to
28 other available methods for the fair and efficient adjudication of the controversy set forth herein.

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FIRST CAUSE OF ACTION

Violation of the California Equal Pay Act, as amended

Cal. Labor Code §§1197.5, 1194.5

(Brought by All Plaintiffs on Behalf of Themselves and the Plaintiff Class)

23. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and every preceding paragraph as if fully set forth herein.

24. Oracle has discriminated against Plaintiffs and all Class members in violation of California Labor Code §1197.5 by paying its female employees at wage rates less than the wage rates paid to male employees for equal and substantially similar work throughout the Class Period. Specifically, from the beginning of the Class Period until at least December 31, 2015, Oracle has paid women less than men in the same establishment (as interpreted to mean all of Oracle’s office locations in California, in light of the allegations in paragraphs 12 through 18) for equal work on jobs the performance of which required equal skill, effort, and responsibility, and which were performed under similar working conditions. From at least January 1, 2016 until the present, Oracle has paid women less than men for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions.

25. Oracle willfully violated California Labor Code §1197.5 by intentionally, knowingly, and deliberately paying women less than men for equal and substantially similar work throughout the Class Period.

26. As a result of Oracle’s conduct, violation of California Labor Code §1197.5, and/or Oracle’s willful, knowing, and intentional discrimination, Plaintiffs and Class members have suffered and will continue to suffer harm, including but not limited to lost earnings, lost benefits, and other financial loss, as well as non-economic damages.

27. Plaintiffs and Class members are therefore entitled to all legal and equitable remedies available under law, including wages, interest, and liquidated damages.

SECOND CAUSE OF ACTION

Failure to Pay All Wages Due to Discharged and Quitting Employees

Cal. Labor Code §§201-203, 1194.5

(Brought by All Plaintiffs on Behalf of Themselves and the Plaintiff Class)

28. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and every preceding paragraph as if fully set forth herein.

1 employees who are discharged or who quit all wages earned and due constitute business
2 practices because Oracle's acts and omissions as alleged herein have been done repeatedly over a
3 significant period of time, and in a systematic manner, to the detriment of Plaintiffs and Class
4 members.

5 35. Oracle's acts and omissions, as alleged herein, violate the California Equal Pay
6 Act, as amended, Labor Code §1197.5, and California Labor Code §§201, 202, and 203, and
7 therefore constitute unlawful business practices prohibited by Business & Professions Code
8 §17200 *et seq.*

9 36. Oracle's acts and omissions, as alleged herein, constitute unfair business practices
10 prohibited by Business & Professions Code §17200 *et seq.* Oracle's business practice of paying
11 women less than men for equal and substantially similar work causes harm to Plaintiffs and
12 Class members that outweighs any reason Oracle may have for doing so. Oracle's business
13 practice as alleged herein is also immoral, unethical, oppressive, unscrupulous, and offensive to
14 the established public policies of ensuring women and men are paid equally for performing equal
15 and substantially similar work, as reflected in both the California Equal Pay Act, Cal. Labor
16 Code §1197.5, and the federal Equal Pay Act, 29 U.S.C. §206(d), and ensuring women are not
17 discriminated against in the workplace, as reflected in both the California Fair Employment and
18 Housing Act, Cal. Gov't Code §12940 *et seq.*, and Title VII of the Civil Rights Act of 1964, 42
19 U.S.C. §2000e *et seq.*

20 37. As a result of its unlawful and/or unfair business practices, Oracle has reaped and
21 continues to reap unfair and illegal profits at the expense of Plaintiffs and Class members.
22 Accordingly, Oracle should be disgorged of its illegal profits, and Plaintiffs and Class members
23 are entitled to restitution with interest of such ill-gotten profits in an amount according to proof
24 at the time of trial.

25 38. Oracle's unlawful and/or unfair business practices entitle Plaintiffs and Class
26 members to preliminary and permanent injunctive relief and other equitable relief available
27 under law.

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1 **FOURTH CAUSE OF ACTION**

2 **Declaratory Judgment**
3 **Cal. C.C.P. § 1060 et seq.**

4 **(Brought by All Plaintiffs on Behalf of Themselves and the Plaintiff Class)**

5 39. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and
6 every preceding paragraph as if fully set forth herein.

7 40. An actual controversy has arisen and now exists between the parties relating to
8 the legal rights and duties of the parties as set forth above, for which Plaintiffs desire a
9 declaration of rights and other relief available pursuant to the California Declaratory Judgment
10 Act, C.C.P. §1060 *et seq.*

11 41. A declaratory judgment is necessary and proper in that Plaintiffs contend that
12 Oracle has committed and continues to commit the violations set forth above and, on information
13 and belief, Oracle will deny that it has done so and/or will continue to commit such acts.

14 **FIFTH CAUSE OF ACTION**

15 **Representative Action for Civil Penalties**
16 **Cal. Labor Code §§ 2698- 2699.5**

17 **(Brought by Plaintiffs Jewett and Wang on Behalf of Themselves, All Similarly Aggrieved**
18 **Current and Former Oracle Employees, and the State)**

19 42. Plaintiffs hereby re-allege and incorporate by reference all allegations in each and
20 every preceding paragraph as if fully set forth herein.

21 43. Plaintiffs Jewett and Wang are each an "aggrieved employee" within the meaning
22 of California Labor Code §2699(c), and are each a proper representative to bring a civil action on
23 behalf of herself and other current and former employees of Oracle pursuant to the procedures
24 specified in California Labor Code §2699.3, because Plaintiffs Jewett and Wang were employed
25 by Oracle and the alleged violations of California Labor Code §§201-203 and 1197.5 were
26 committed by Oracle against them.

27 44. Pursuant to the California Private Attorneys General Act of 2004 ("PAGA"),
28 Labor Code §§2698-2699.5, Plaintiffs seek to recover civil penalties in the amount of \$100 for
each aggrieved employee per pay period for the initial violation, and \$200 for each aggrieved
employees per pay period for each subsequent violation of California Labor Code §1197.5 as
alleged herein.

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DEMAND FOR JURY TRIAL

Plaintiffs Rong Jewett, Sophy Wang, and Xian Murray, on behalf of themselves and all others similarly situated, hereby demand a jury trial with respect to all issues triable of right by jury.

Respectfully submitted,

Dated: October 9, 2017

JAMES M. FINBERG
EVE CERVANTEZ
PEDER THOREEN
P. CASEY RITTS
CONNIE K. CHAN
Althuler, Berzon LLP

By: _____
James M. Finberg

JOHN MULLAN
CHAYA MANDELBAUM
ERIN PULASKI
Rudy, Exelrod, Zieff & Lowe, LLP

Attorneys for Plaintiffs

EXHIBIT 8

EXHIBIT 8

Garcia, Norman - SOL

From: Garcia, Norman - SOL
Sent: Monday, February 25, 2019 4:27 PM
To: Connell, Erin M.
Cc: Parker, Warrington; Grundy, Kayla Delgado; Mantoan, Kathryn G.; Siniscalco, Gary R.; Kaddah, Jacqueline D.; Bremer, Laura - SOL; Miller, Jeremiah - SOL
Subject: RE: OFCCP v Oracle - subpoena issue

Erin,

Once again, your threatening communications are filled with conjecture, speculation and do not accurately portray the communications between the parties. As noted in my letter to John Giansello, you personally committed to your client producing 7,887 of Larry Lynn's e-mails to avoid this issue being raised to Judge Larsen in a motion to compel. Then, after OFCCP filed the motion to compel briefing, your client failed to produce all of these 7,887 e-mails you had committed to produce. While you made inaccurate references to OFCCP's correspondence with Mr. Giansello, we see that you avoided comment on this issue.

We disagree with your characterization of the subpoena and note that subpoenas have explicitly been included in other OFCCP scheduling orders, and are addressed in Part 18. We have offered a means of shifting the burden of production of documents in *Jewett* from Oracle to plaintiffs, including the burden of protecting individual privacy rights. Our position is that documents can be produced to OFCCP without redaction (regardless of who produces them), as documents have already been produced by Oracle to OFCCP in this case. Significantly, we have not disclosed any individual's data in this action (unlike Oracle). We can agree that the documents produced to OFCCP from the *Jewett* case – whether pursuant to the subpoena issued to the *Jewett* plaintiffs or by Oracle—will be governed by the protective order in this case. As you know, there is a temporary protective order that remains in place while the parties meet and confer about the protective order that will govern the case going forward. So your purported need for “immediate assurance that the confidential information produced in *Jewett* will remain confidential” is a poor excuse for not producing highly relevant documents in this case.

Your suggestion that we already have all unredacted documents from the *Jewett* case is incorrect. Nevertheless, it is obvious that we will need unredacted versions of the documents filed in court, as well as documents marked confidential in the *Jewett* case. We are entitled to Oracle's confidential information in this action. There is simply no justification for Oracle redacting information in relevant documents it produces to OFCCP, or for the suggestion that OFCCP articulate why it needs unredacted documents. As you recognize, the actions overlap, so broad swaths of documents relevant in *Jewett* are also relevant in this case. Moreover, in terms of discovery, the *Jewett* case is ahead of our case, so it only makes sense to take advantage of the discovery that has already been conducted in *Jewett*. Of course, if there are particular categories of documents that were produced in *Jewett* that you think are not relevant to the OFCCP case, we can discuss that. But, since Oracle's compensation and hiring policies were consistent across California, depositions and documents that address Oracle's policies at California locations other than HQCA are also relevant to OFCCP's case.

We will withdraw the subpoena in anticipation of Oracle producing the (unredacted) documents from the *Jewett* case, but reserve the right to reissue the subpoena and/or bring a motion to compel if Oracle fails to produce the documents. Oracle should be able to produce most of these documents immediately, as they have already been reviewed for privilege and quality-checked.

Thanks,

Norm

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

This message may contain information that is privileged or otherwise exempt from disclosure under applicable law. Do not disclose without consulting the Office of the Solicitor. If you think you received this e-mail in error, please notify the sender immediately.

From: Bremer, Laura - SOL <Bremer.Laura@dol.gov>
Sent: Friday, February 22, 2019 2:57 PM
To: Connell, Erin M. <econnell@orrick.com>; Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Cc: Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Parker, Warrington <wparker@orrick.com>; Grundy, Kayla Delgado <kgrundy@orrick.com>; Mantoan, Kathryn G. <kmantoan@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: RE: OFCCP v Oracle - subpoena issue

Erin,

As you know, Norm extended the deadline to respond to the subpoena until March 20, 2019 to give the parties a chance to thoroughly meet and confer about this issues. Norm is out of the office today, and can respond to your email next week (including the series of inaccurate conclusions you make). Given that your meet and confer with Norm is ongoing and OFCCP extended the deadline to respond to the subpoena until March 20, your threats to immediately file a motion with Judge Clark if we "do not immediately withdraw the subpoena" are unnecessary and premature. Norm will get back to you next week.

Laura C. Bremer
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U.S. Department of Labor
90 7th Street, Suite 3-700
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From: Connell, Erin M. <econnell@orrick.com>
Sent: Friday, February 22, 2019 10:59 AM
To: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Cc: Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Parker, Warrington <wparker@orrick.com>; Grundy, Kayla Delgado <kgrundy@orrick.com>; Mantoan, Kathryn G. <kmantoan@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: RE: OFCCP v Oracle - subpoena issue

Norm,

Thanks for your response, although it doesn't address the substantive points made in my letter. For example, you don't address the legal authority we provided – nor OFCCP's prior admission – confirming that OFCCP lacks authority to serve a third-party subpoena (nor that you presumably did not inform Judge Clark of that fact when you asked him to sign it). You also ignore that you never served us with the subpoena – we only learned of it over the weekend when plaintiffs' counsel in *Jewett* forwarded it to us via email. These omissions lead us to conclude that you know we are right.

In your email below, you attempt to deflect attention away from these facts by making unfounded accusations of wrongdoing by Oracle. I note you employed the same strategy in your letter to John Giansello on Wednesday of this week – instead of addressing the merits of the issues or providing substantive, thoughtful explanations backed by legal authority articulating why you are entitled to the massively burdensome documents and data you have requested, you instead accuse Oracle of discovery misconduct (and even bring up the audit, which obviously has nothing to do with whether the discovery requests you've served in this litigation are relevant and reasonably tailored to the claims asserted here). This repeated tactic of avoiding the substance of our disputes and instead resorting to attacks on Oracle is not helpful. It doesn't advance things or help narrow the disputes for which we may need assistance from the ALJ, which is the entire purpose of the meet and confer process.

With respect to the "compromises" you suggest below, they are not really compromises at all. You need to immediately withdraw the subpoena, having all but conceded it is invalid. Please confirm you will do so, or we'll have no choice but to raise this with Judge Clark. The documents and data you've requested from plaintiffs' counsel are covered by a protective order in *Jewett* – you know this, because you acknowledge it in your email to Jim Finberg attaching the subpoena. The putative class in *Jewett* is state-wide, and therefore broader than the class at issue here. Accordingly, the data you've requested is covered by third party privacy rights of individuals who are not part of this litigation. It also includes information that the *Jewett* plaintiffs (not Oracle) have designated as confidential – and three of them (including the three remaining named class representatives) never worked at HQCA. Particularly given OFCCP's current position regarding a protective order in this case, we need immediate assurance that the confidential information produced in *Jewett* will remain confidential.

With respect to Request Nos. 166-168, our written objections and responses are not due until next week. As you'll see when we serve them, however, we are willing to meet and confer and produce documents from the *Jewett* case that are also relevant here. There is overlap – we see that. We also recognize there may be some efficiencies to be gained for both sides by stipulating that PMK depo testimony there can apply here, so we don't have to repeat depositions on the same topics. As to other documents and depo transcripts – we assume you already have everything not marked "confidential" pursuant to your "common interest agreement" with

Jewett's counsel, so you should be in a very good position to articulate during the meet and confer process why you need unredacted versions of things, and exactly what it is you think you're missing.

Please confirm whether you will withdraw the subpoena, or whether we need to ask Judge Clark to quash it. If you won't withdraw it, please confirm when you are available for a phone call to meet and confer regarding our motion, per Judge Clark's scheduling order.

Thanks,
Erin

From: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Sent: Thursday, February 21, 2019 4:29 PM
To: Connell, Erin M. <econnell@orrick.com>
Cc: Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Parker, Warrington <wparker@orrick.com>; Grundy, Kayla Delgado <kgrundy@orrick.com>; Mantoan, Kathryn G. <kmantoan@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: RE: OFCCP v Oracle - subpoena issue

Erin,

We seek to avoid a repeat of Oracle's actions when we served discovery in February 2017. At that time, Oracle demanded a very lengthy meet and confer process, we were forced to eventually file a motion to compel, and did not receive any data, and most of the documents Oracle produced, until September and October 2017. Over the last month, we have received repeated communications from your office regarding discovery, objections thereto, how burdensome it is and, how your office would be hard pressed to provide the documents and data, etc. In fact, up and until Tuesday of this week, the date our joint proposed schedule was due to the Court, Oracle resisted providing a date certain to produce data. Moreover, Oracle's response to a set of document production requests and interrogatories that we served before the stay consisted solely of objections, and claimed a new judge and the filing of a new complaint excused it from producing documents or answers (even to requests relevant to both the First Amended Complaint and the Second Amended Complaint).

To lessen the burden to Oracle and to ensure that we actually receive the data and documents on time, we issued a subpoena to the lead Jewitt Plaintiff to secure documents, to include data, from that case since you had already produced it or received it in that litigation. The request for depositions would also render discovery in this action more efficient, as it may eliminate the need for us to duplicate depositions. However, you have identified that you have issues with us taking this tack. In an effort to compromise to lessen the amount of time spent to meet and confer and to avoid motion practice, we would be willing to withdraw the subpoena in Jewitt if you would agree to produce the requested documents to RFPs 166-168. Alternatively, we would agree to withdraw RFPs 166-168 if you permit us to secure and use the documents from the Jewitt plaintiffs that we seek in the subpoena.

Please advise if you are willing to agree to one of these compromises.

Thanks,

Norm

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

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From: Connell, Erin M. <econnell@orrick.com>
Sent: Thursday, February 21, 2019 10:19 AM
To: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Cc: Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Parker, Warrington <wparker@orrick.com>; Grundy, Kayla Delgado <kgrundy@orrick.com>; Mantoan, Kathryn G. <kmantoan@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: RE: OFCCP v Oracle - request for meet and confer call tomorrow

Norm,

I understand the purpose of the extension – I wasn't clear if you intended to respond to my letter in writing, or if we would discuss it on a call. I'll look for your written response.

Thanks,

Erin

From: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Sent: Thursday, February 21, 2019 10:10 AM
To: Connell, Erin M. <econnell@orrick.com>
Cc: Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Parker, Warrington <wparker@orrick.com>; Grundy, Kayla Delgado <kgrundy@orrick.com>; Mantoan, Kathryn G. <kmantoan@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: RE: OFCCP v Oracle - request for meet and confer call tomorrow

Erin,

The purpose of giving a 12-day extension was to give the parties adequate time to thoroughly meet and confer over this issue as opposed to one party quickly running to the Court without this adequate meet and confer. We are currently evaluating your correspondence in this matter and we will get back to you today.

Thanks,

Norm

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

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From: Connell, Erin M. <econnell@orrick.com>
Sent: Wednesday, February 20, 2019 5:40 PM
To: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Cc: Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Parker, Warrington <wparker@orrick.com>; Grundy, Kayla Delgado <kgrundy@orrick.com>; Mantoan, Kathryn G. <kmantoan@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: RE: OFCCP v Oracle - request for meet and confer call tomorrow

Norm,

Thanks for confirming the extension. To confirm regarding tomorrow, are you available for a call?

Erin

From: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Sent: Wednesday, February 20, 2019 5:31 PM
To: Connell, Erin M. <econnell@orrick.com>
Cc: Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Parker, Warrington <wparker@orrick.com>; Grundy, Kayla Delgado <kgrundy@orrick.com>; Mantoan, Kathryn G. <kmantoan@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: RE: OFCCP v Oracle - request for meet and confer call tomorrow

Erin,

I would like to get back to you tomorrow regarding your letter. We can extend the production deadline beyond March 8 to March 20 so that we can meet and confer on this issue. I will notify Jim tomorrow of the extension.

Thanks,

Norm

Norman E. Garcia
Senior Trial Attorney
United States Department of Labor
90 7th Street, Rm. 3-700; SF, CA 94103 Telephone number: (415) 625-7747 Facsimile number: (415) 625-7772

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From: Connell, Erin M. <econnell@orrick.com>
Sent: Wednesday, February 20, 2019 4:18 PM
To: Garcia, Norman - SOL <Garcia.Norman@DOL.GOV>
Cc: Bremer, Laura - SOL <Bremer.Laura@dol.gov>; Miller, Jeremiah - SOL <Miller.Jeremiah@dol.gov>; Parker, Warrington <wparker@orrick.com>; Grundy, Kayla Delgado <kgrundy@orrick.com>; Mantoan, Kathryn G. <kmantoan@orrick.com>; Siniscalco, Gary R. <grsiniscalco@orrick.com>; Kaddah, Jacqueline D. <jkaddah@orrick.com>
Subject: OFCCP v Oracle - request for meet and confer call tomorrow

Norm,

Per Judge Clark's scheduling order, I'm writing to request a telephone call tomorrow to meet and confer regarding a motion to quash OFCCP's subpoena to Rong Jewett. As you know, I sent you a letter yesterday confirming our position that the subpoena is invalid, and asked you to confirm by close of business yesterday that you would withdraw the subpoena. I did not hear from you. In the event we cannot resolve this issue through the meet and confer process, and in light of the subpoena's March 8 deadline for production, we intend to file our motion this week, and will ask the Court to rule on it on shortened time. Alternatively, if you agree to extend the subpoena's production deadline, there will be no need for shortened time on the motion.

Please let me know when you are available tomorrow for a call.

Thanks,
Erin

Erin M. Connell
Partner

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Employment Blog

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