

**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

**DECLARATION OF
WARRINGTON PARKER IN
SUPPORT OF DEFENDANT
ORACLE AMERICA INC.'S
SECOND MOTION TO COMPEL
PLAINTIFF OFCCP TO
PRODUCE DOCUMENTS AND
RESPOND TO
INTERROGATORIES**

EXHIBITS VOLUME 1 OF 2

RECEIVED

MAY 03 2019

Office of Administrative Law Judges
San Francisco, Ca

EXHIBITS VOLUME 1 OF 2
PARKER DECLARATION ISO ORACLE'S SECOND MOTION TO COMPEL

CASE NO. 2017-OFC-00006

Exhibit 1

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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,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**DEFENDANT ORACLE'S
REQUEST FOR PRODUCTION,
SET ONE**

REQUESTING PARTY: DEFENDANT ORACLE AMERICA, INC.,
RESPONDING PARTY: PLAINTIFF OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED STATES
DEPARTMENT OF LABOR
SET NO.: ONE

1 TO PLAINTIFF AND ITS COUNSEL OF RECORD:

2 Pursuant to 41 C.F.R. § 60-30.10, Defendant Oracle America, Inc. hereby requests that
3 Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor,
4 produce the documents, records, and other tangible things requested below at the offices of Orrick,
5 Herrington & Sutcliffe LLP, 405 Howard Street, San Francisco, CA 94105-2669, United States,
6 within twenty-five (25) days of service.

7 **DEFINITIONS AND INSTRUCTIONS**

8 1. "PERSON" means, unless otherwise specified, any natural person, firm, entity,
9 corporation, partnership, proprietorship, association, joint venture, other form of organization or
10 arrangement, and government and government agency of every nature or type.

11 2. "OFCCP," "YOU," "YOUR," and "PLAINTIFF" mean Plaintiff Office of Federal
12 Contract Compliance Programs, United States Department of Labor, and its directors, officers,
13 subsidiaries, affiliates, agents, servants, employees, investigators, attorneys, and all other
14 PERSONS and entities representing it or acting on its behalf.

15 3. "DEFENDANT" and "ORACLE" mean Defendant Oracle America, Inc., and its
16 agents, servants, employees, investigators, attorneys, and all other PERSONS and entities
17 representing it or acting on its behalf.

18 4. "COMMUNICATION" means any contact, oral or documentary, formal or
19 informal, at any time or place or under any circumstances whatsoever whereby information of any
20 nature is transmitted or transferred.

21 5. "RELATED" and all its variants, including RELATE, RELATED, and RELATING,
22 means evidences, supports, mentions, constitutes, contains, summarizes, describes, concerns
23 (directly or indirectly), refers to, contradicts, contravenes, or addresses in any way the subject
24 matter of the demand.

25 6. "CASE FILES" means the Compliance Evaluation File (Federal Contract
26 Compliance Manual 8K01) and any files or system of files or records maintained electronically or
27 physically by OFCCP in its compliance audit of Oracle's headquarters in Redwood Shores,
28 California.

1 7. “CASE ANALYSIS” and all its variants, including “ANALYSES”, means any and
2 all draft and final narratives, summaries, chronologies, determination memorandums, enforcement
3 memorandums, statistical summaries, methodologies, models, actual computations and regression
4 and other statistical analyses.

5 8. “CLASS MEMBERS” is defined to include all individuals YOU contend were
6 discriminated against as a result of the allegations YOU make in Paragraphs 7 through 10 of the
7 Amended Complaint.

8 9. “HQCA” is defined to mean ORACLE’s headquarters in Redwood Shores,
9 California.

10 10. “NOV” means the OFCCP’s Notice of Violation sent to HQCA dated March 11,
11 2016.

12 11. “THIRD PARTY” is defined to include any PERSON other than PLAINTIFF or
13 DEFENDANT.

14 12. “DOCUMENT(S)” means all writings of any kind (including the originals and all
15 nonidentical copies, whether different from the originals by reason of any notation made on such
16 copies or otherwise), including without limitation any of the following: correspondence,
17 memoranda, notes, affidavits, statements, diaries, journals, calendars, appointment books, day
18 planners (or weekly or monthly planners), statistics, computations, letters, emails, telegrams,
19 minutes, contracts, reports, studies, checks, receipts, returns, summaries, pamphlets, books,
20 interoffice and intra-office COMMUNICATIONS; notations of any sort of conversation, telephone
21 calls, meetings or other COMMUNICATIONS; bulletins, printed matter, computer printouts,
22 teletypes, telefax, invoices, work sheets; voicemails or voicemail greetings; text or “SMS”
23 messages, instant messages, tweets, online postings, other real-time text transmissions over the
24 Internet, and/or any record of such text, instant message, tweet, or other transmission; all drafts,
25 alterations, modifications, and amendments of any of the foregoing; graphic or representations of
26 any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm,
27 videotapes, recordings); any electronic, mechanical, or electric records or representations of any
28 kind (including, without limitation, tapes, cassettes, discs, recordings, and computer memories);

1 and any DOCUMENTS within the scope of Federal Rule of Civil Procedure 34(a) and Federal Rule
2 of Evidence 1001.

3 13. Please segregate and designate by category number the DOCUMENTS produced.
4 Thus, for example, DOCUMENTS produced pursuant to Category No. 1 should be so labeled and
5 grouped separately from DOCUMENTS produced pursuant to other specific categories of
6 DOCUMENTS.

7 14. If YOU object to the production of any DOCUMENT on the grounds that it is
8 protected from disclosure by the attorney-client privilege, work product doctrine or any other
9 privilege, please identify each DOCUMENT for which the privilege is claimed and give the
10 following information:

11 a. the name of the writer, sender, or initiator of each copy of the
12 DOCUMENT;

13 b. the name of the recipient, addressee, or party to whom any copy of the
14 DOCUMENT was sent;

15 c. the date of each copy of the DOCUMENT, if any, or an estimate of its
16 date;

17 d. a statement of the basis for the claim of privilege; and

18 e. a description of the DOCUMENT sufficient for the Court to rule on the
19 applicability and appropriateness of the claimed privilege.

20 **DOCUMENTS TO BE PRODUCED**

21 **REQUEST FOR PRODUCTION NO. 1:**

22 All DOCUMENTS YOU reviewed in connection with the “compliance review” process
23 identified in Paragraph 6 of the AMENDED COMPLAINT.

24 **REQUEST FOR PRODUCTION NO. 2:**

25 All DOCUMENTS RELATED to the claim in Paragraph 7 of the Amended Complaint
26 that “Oracle discriminated against qualified female employees in its Information Technology . . .
27 lines of business or job functions” at HQCA.

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1 **REQUEST FOR PRODUCTION NO. 3:**

2 All DOCUMENTS RELATED to the claim in Paragraph 7 of the Amended Complaint
3 that “Oracle discriminated against qualified female employees in its . . . Product Development . . .
4 lines of business or job functions” at HQCA.

5 **REQUEST FOR PRODUCTION NO. 4:**

6 All DOCUMENTS RELATED to the claim in Paragraph 7 of the Amended Complaint
7 that “Oracle discriminated against qualified female employees in its . . . Support lines of business
8 or job functions” at HQCA.

9 **REQUEST FOR PRODUCTION NO. 5:**

10 All DOCUMENTS RELATED to YOUR determination of which employees are
11 “qualified,” as alleged in Paragraph 7 of the Amended Complaint, including but not limited to
12 DOCUMENTS RELATED to the methodology used to make such a determination.

13 **REQUEST FOR PRODUCTION NO. 6:**

14 All DOCUMENTS RELATED to YOUR determination of which employees are
15 “comparable males,” as alleged in Paragraph 7 of the Amended Complaint, including but not
16 limited to DOCUMENTS RELATED to the methodology used to make such a determination.

17 **REQUEST FOR PRODUCTION NO. 7:**

18 All DOCUMENTS RELATED to YOUR determination of which “roles” are “similar,” as
19 alleged in Paragraph 7 of the Amended Complaint, including but not limited to DOCUMENTS
20 RELATED to the methodology used to make such a determination.

21 **REQUEST FOR PRODUCTION NO. 8:**

22 All DOCUMENTS RELATED to YOUR “controlling for job title, full-time status,
23 exempt status, global career level, job specialty, estimated prior work experience, and company
24 tenure,” as alleged in Paragraph 7 of the Amended Complaint, including but not limited to
25 DOCUMENTS RELATED to the methodology YOU used.

26 **REQUEST FOR PRODUCTION NO. 9:**

27 All DOCUMENTS RELATED to the allegation in Paragraph 7 of the Amended
28 Complaint that a standard deviation of -2.71 impacts 133 “female information technology

1 employees.” This request includes but is not limited to final and draft DOCUMENTS showing
2 underlying statistical data, methodologies, models and actual computations used to determine the
3 standard deviation, as well as DOCUMENTS showing calculations and/or methodologies
4 different from what is represented in Paragraph 7.

5 **REQUEST FOR PRODUCTION NO. 10:**

6 All DOCUMENTS RELATED to the allegation in Paragraph 7 of the Amended
7 Complaint that a standard deviation of -8.41 impacts 1,207 “female product development
8 employees.” This request includes but is not limited to final and draft DOCUMENTS showing
9 underlying statistical data, methodologies, models and actual computations used to determine the
10 standard deviation, as well as DOCUMENTS showing calculations and/or methodologies
11 different from what is represented in Paragraph 7.

12 **REQUEST FOR PRODUCTION NO. 11:**

13 All DOCUMENTS RELATED to the allegation in Paragraph 7 of the Amended
14 Complaint that a standard deviation of -3.67 impacts 47 “female support employees.” This
15 request includes but is not limited to both final and draft DOCUMENTS showing underlying
16 statistical data, methodologies, models and actual computations used to determine the standard
17 deviation, as well as DOCUMENTS showing calculations and/or methodologies different from
18 what is represented in Paragraph 7.

19 **REQUEST FOR PRODUCTION NO. 12:**

20 All DOCUMENTS that identify the female employees YOU included in each class listed
21 in the table found in Paragraph 7 of the Amended Complaint.

22 **REQUEST FOR PRODUCTION NO. 13:**

23 All DOCUMENTS that identify the “comparable males employed in similar jobs” that
24 YOU used as comparators in reaching the conclusions alleged in Paragraph 7 of the Amended
25 Complaint.

26 **REQUEST FOR PRODUCTION NO. 14:**

27 All DOCUMENTS RELATED to the comparisons YOU made between any “female
28 CLASS MEMBERS” and any “comparable males employed in similar roles” as described in

1 Paragraph 7 of the Amended Complaint.

2 **REQUEST FOR PRODUCTION NO. 15:**

3 All CASE FILES RELATED to the allegations described in Paragraph 7 of the Amended
4 Complaint.

5 **REQUEST FOR PRODUCTION NO. 16:**

6 All CASE ANALYSES RELATED to the allegations described in Paragraph 7 of the
7 Amended Complaint.

8 **REQUEST FOR PRODUCTION NO. 17:**

9 All interview notes, summaries and memoranda for each interview YOU conducted that
10 RELATES to the allegations described in Paragraph 7 of the Amended Complaint.

11 **REQUEST FOR PRODUCTION NO. 18:**

12 All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD
13 PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the
14 allegations described in Paragraph 7 of the Amended Complaint.

15 **REQUEST FOR PRODUCTION NO. 19:**

16 All statistical studies and analyses RELATED to the allegations described in Paragraph 7
17 of the Amended Complaint, including any that YOU did not adopt or endorse, and any that
18 resulted in calculations different from those presented in Paragraph 7. This request seeks all
19 responsive DOCUMENTS in both final and draft form.

20 **REQUEST FOR PRODUCTION NO. 20:**

21 All DOCUMENTS RELATED to the claim in Paragraph 8 of the Amended Complaint
22 that “Oracle discriminated against qualified African American employees in Product
23 Development roles” at HQCA.

24 **REQUEST FOR PRODUCTION NO. 21:**

25 All DOCUMENTS RELATED to YOUR determination of which employees are
26 “qualified,” as alleged in Paragraph 8 of the Amended Complaint, including but not limited to
27 DOCUMENTS RELATED to the methodology used to make such a determination.

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1 **REQUEST FOR PRODUCTION NO. 22:**

2 All DOCUMENTS RELATED to YOUR determination of which employees are
3 “comparable Whites,” as alleged in Paragraph 8 of the Amended Complaint, including but not
4 limited to DOCUMENTS RELATED to the methodology used to make such a determination.

5 **REQUEST FOR PRODUCTION NO. 23:**

6 All DOCUMENTS RELATED to YOUR determination of which “roles” are “similar,” as
7 alleged in Paragraph 8 of the Amended Complaint, including but not limited to DOCUMENTS
8 RELATED to the methodology used to make such a determination.

9 **REQUEST FOR PRODUCTION NO. 24:**

10 All DOCUMENTS RELATED to YOUR “controlling for job title, full-time status,
11 exempt status, global career level, job specialty, estimated prior work experience, and company
12 tenure,” as alleged in Paragraph 8 of the Amended Complaint, including but not limited to
13 DOCUMENTS RELATED to the methodology YOU used.

14 **REQUEST FOR PRODUCTION NO. 25:**

15 All DOCUMENTS RELATED to the allegation in Paragraph 8 of the Amended
16 Complaint that a standard deviation of -2.10 exists. This request includes but is not limited to
17 final and draft DOCUMENTS showing underlying statistical data, methodologies, models and
18 actual computations used to determine the standard deviation, as well as DOCUMENTS showing
19 calculations and/or methodologies different from what is alleged in Paragraph 8.

20 **REQUEST FOR PRODUCTION NO. 26:**

21 All DOCUMENTS that identify the African Americans that YOU allege are victims of the
22 alleged discrimination described in Paragraph 8 of the Amended Complaint.

23 **REQUEST FOR PRODUCTION NO. 27:**

24 All DOCUMENTS that identify the “comparable Whites employed in similar jobs” that
25 YOU used as comparators in reaching the conclusions alleged in Paragraph 8 of the Amended
26 Complaint.

27 **REQUEST FOR PRODUCTION NO. 28:**

28 All DOCUMENTS RELATED to the comparisons YOU made between any “African

1 Americans” and any “comparable Whites employed in similar roles” as alleged in Paragraph 8 of
2 the Amended Complaint.

3 **REQUEST FOR PRODUCTION NO. 29:**

4 All CASE FILES RELATED to the allegations of Paragraph 8 of the Amended
5 Complaint.

6 **REQUEST FOR PRODUCTION NO. 30:**

7 All CASE ANALYSES RELATED to the allegations of Paragraph 8 of the Amended
8 Complaint.

9 **REQUEST FOR PRODUCTION NO. 31:**

10 All interview notes, summaries and memoranda for each interview YOU conducted that
11 RELATES to the allegations of Paragraph 8 of the Amended Complaint.

12 **REQUEST FOR PRODUCTION NO. 32:**

13 All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD
14 PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the
15 allegations described in Paragraph 8 of the Amended Complaint.

16 **REQUEST FOR PRODUCTION NO. 33:**

17 All statistical studies and analyses RELATED to the allegations described in Paragraph 8
18 of the Amended Complaint, including any that YOU did not adopt or endorse, and any that
19 resulted in calculations different from those alleged. This request seeks all responsive
20 DOCUMENTS in both final and draft form.

21 **REQUEST FOR PRODUCTION NO. 34:**

22 All DOCUMENTS RELATED to the claim in Paragraph 9 of the Amended Complaint
23 that “Oracle discriminated against qualified Asian employees in Product Development roles” at
24 HQCA.

25 **REQUEST FOR PRODUCTION NO. 35:**

26 All DOCUMENTS RELATED to YOUR determination of which employees are
27 “qualified,” as alleged in Paragraph 9 of the Amended Complaint, including but not limited to
28 DOCUMENTS RELATED to the methodology used to make such a determination.

1 **REQUEST FOR PRODUCTION NO. 36:**

2 All DOCUMENTS RELATED to YOUR determination of which employees are
3 “comparable Whites,” as alleged in Paragraph 9 of the Amended Complaint, including but not
4 limited to DOCUMENTS RELATED to the methodology used to make such a determination.

5 **REQUEST FOR PRODUCTION NO. 37:**

6 All DOCUMENTS RELATED to YOUR determination of which “roles” are “similar,” as
7 alleged in Paragraph 9 of the Amended Complaint, including but not limited to DOCUMENTS
8 RELATED to the methodology used to make such a determination.

9 **REQUEST FOR PRODUCTION NO. 38:**

10 All DOCUMENTS RELATED to YOUR “controlling for job title, full-time status,
11 exempt status, global career level, job specialty, estimated prior work experience, and company
12 tenure,” as alleged in Paragraph 9 of the Amended Complaint, including but not limited to
13 DOCUMENTS RELATED to the methodology YOU used.

14 **REQUEST FOR PRODUCTION NO. 39:**

15 All DOCUMENTS RELATED to the allegation in Paragraph 9 of the Amended
16 Complaint that a standard deviation of -6.99 exists. This request includes, but is not limited to
17 final and draft DOCUMENTS showing underlying statistical data, methodologies, models and
18 actual computations used to determine the standard deviation, as well as DOCUMENTS showing
19 calculations and/or methodologies different from what is represented in Paragraph 9.

20 **REQUEST FOR PRODUCTION NO. 40:**

21 All DOCUMENTS that identify the Asians that YOU allege are victims of the alleged
22 discrimination described in Paragraph 8 of the Amended Complaint.

23 **REQUEST FOR PRODUCTION NO. 41:**

24 All DOCUMENTS that identify the “comparable Whites employed in similar jobs” that
25 YOU used as comparators in reaching the conclusions found in paragraph 9 of the Amended
26 Complaint.

27 **REQUEST FOR PRODUCTION NO. 42:**

28 All DOCUMENTS RELATED to the comparisons YOU made between any “Asians” and

1 any “comparable Whites employed in similar roles” as described in Paragraph 9 of the Amended
2 Complaint.

3 **REQUEST FOR PRODUCTION NO. 43:**

4 All CASE FILES RELATED to the allegations described in Paragraph 9 of the Amended
5 Complaint.

6 **REQUEST FOR PRODUCTION NO. 44:**

7 All CASE ANALYSES RELATED to the allegations described in Paragraph 9 of the
8 Amended Complaint.

9 **REQUEST FOR PRODUCTION NO. 45:**

10 All interview notes, summaries and memoranda for each interview YOU conducted that
11 RELATE to the allegations described in Paragraph 9 of the Amended Complaint.

12 **REQUEST FOR PRODUCTION NO. 46:**

13 All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD
14 PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the
15 allegations described in Paragraph 9 of the Amended Complaint.

16 **REQUEST FOR PRODUCTION NO. 47:**

17 All statistical studies and analyses RELATED to the allegations described in Paragraph 9
18 of the Amended Complaint, including any that YOU did not adopt or endorse and any that
19 resulted in calculations different from those alleged. This request seeks all responsive
20 DOCUMENTS in both final and draft form.

21 **REQUEST FOR PRODUCTION NO. 48:**

22 All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended
23 Complaint that ORACLE discriminates against qualified “[‘non-Asian’] applicants in favor of
24 Asian applicants, particularly Asian Indians based upon race for positions in the [“PT1”] job
25 group and Product Development line of business (or job function) at Oracle Redwood Shores.”
26 This request includes but is not limited to all DOCUMENTS that identify the “non-Asians” that
27 OFCCP alleges to be victims of discrimination.

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1 **REQUEST FOR PRODUCTION NO. 49:**

2 All DOCUMENTS RELATED to YOUR determination of which employees are
3 “qualified,” as alleged in Paragraph 10 of the Amended Complaint, including but not limited to
4 DOCUMENTS RELATED to the methodology used to make such a determination.

5 **REQUEST FOR PRODUCTION NO. 50:**

6 All DOCUMENTS RELATED to YOUR determination of which employees are
7 “Asians,” as alleged in Paragraph 10 of the Amended Complaint.

8 **REQUEST FOR PRODUCTION NO. 51:**

9 All DOCUMENTS RELATED to YOUR determination of which employees are “Asian
10 Indians,” as alleged in Paragraph 10 of the Amended Complaint.

11 **REQUEST FOR PRODUCTION NO. 52:**

12 All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended
13 Complaint that ORACLE “hired 82% Asians into the PT1 job group ... exceeding the 73% of
14 Asians who applied and resulting in statistically significant adverse impact against non-Asian
15 applicants.” This request includes but is not limited to DOCUMENTS showing underlying
16 statistical data, methodologies, and actual computations used to support this contention.

17 **REQUEST FOR PRODUCTION NO. 53:**

18 All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended
19 Complaint that ORACLE “utilize[s] a recruiting and hiring process that discriminates against
20 qualified African American, Hispanic and White ... applicants in favor of Asian applicants.”

21 **REQUEST FOR PRODUCTION NO. 54:**

22 All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended
23 Complaint that “comparisons between available applicants from national labor data and Oracle’s
24 hires show gross and statistically significant disparities in the hiring of Asians versus non-
25 Asians.”

26 **REQUEST FOR PRODUCTION NO. 55:**

27 All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended
28 Complaint that “Oracle’s applicant pool was heavily over-represented by Asian applicants as the

1 result of Oracle's recruiting and hiring practices."

2 **REQUEST FOR PRODUCTION NO. 56:**

3 All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended
4 Complaint that ORACLE "over-select[ed] Asian applicants, particularly Asian Indians, from its
5 actual applicant pool."

6 **REQUEST FOR PRODUCTION NO. 57:**

7 All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended
8 Complaint that ORACLE used "hiring strategies such as targeted recruitment."

9 **REQUEST FOR PRODUCTION NO. 58:**

10 All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended
11 Complaint that ORACLE used "referral bonuses that encouraged its heavily Asian workforce to
12 recruit other Asians."

13 **REQUEST FOR PRODUCTION NO. 59:**

14 All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended
15 Complaint that Oracle has a "reputation for favoring Asians."

16 **REQUEST FOR PRODUCTION NO. 60:**

17 All CASE FILES RELATED to the allegations described in Paragraph 10 of the Amended
18 Complaint.

19 **REQUEST FOR PRODUCTION NO. 61:**

20 All CASE ANALYSES RELATED to the allegations described in Paragraph 10 of the
21 Amended Complaint.

22 **REQUEST FOR PRODUCTION NO. 62:**

23 All interview notes, summaries and memoranda for each interview YOU conducted that
24 RELATES to the allegations described in Paragraph 10 of the Amended Complaint.

25 **REQUEST FOR PRODUCTION NO. 63:**

26 All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD
27 PARTIES, including possible CLASS MEMBERS or their attorneys, RELATED to the
28 allegations described in Paragraph 10 of the Amended Complaint.

1 **REQUEST FOR PRODUCTION NO. 64:**

2 All statistical studies and analyses RELATED to the allegations described in Paragraph 10
3 of the Amended Complaint, including any that YOU did not adopt or endorse and any that
4 resulted in calculations different from those presented in that paragraph. This request seeks all
5 responsive DOCUMENTS in both final and draft form.

6 **REQUEST FOR PRODUCTION NO. 65:**

7 All DOCUMENTS RELATED to the allegation in Paragraph 12 of the Amended
8 Complaint that YOU requested “various records” that ORACLE “refused to produce,” including
9 but not limited to all requests YOU contend YOU made and all responses or explanations
10 provided by ORACLE.

11 **REQUEST FOR PRODUCTION NO. 66:**

12 All DOCUMENTS RELATED to the allegation in Paragraph 13 of the Amended
13 Complaint that YOU requested “material demonstrating whether or not [Oracle] had performed
14 an in-depth review of its compensation practice.”

15 **REQUEST FOR PRODUCTION NO. 67:**

16 All DOCUMENTS RELATED to the allegation in Paragraph 13 of the Amended
17 Complaint that “Oracle refused to produce to the agency any material demonstrating whether or
18 not it had performed an in-depth review of its compensation practice.”

19 **REQUEST FOR PRODUCTION NO. 68:**

20 All DOCUMENTS RELATED to the allegation in Paragraph 13 of the Amended
21 Complaint that “Oracle failed to provide any evidence that it conducted an adverse impact
22 analysis.”

23 **REQUEST FOR PRODUCTION NO. 69:**

24 All DOCUMENTS RELATED to the allegation in Paragraph 14 of the Amended
25 Complaint that “Oracle defaulted on its obligations.”

26 **REQUEST FOR PRODUCTION NO. 70:**

27 All DOCUMENTS RELATED to any objections and inquiries made by ORACLE in
28 connection with the conciliation process, including but not limited to any responsive

1 correspondence, actions, or other responses by YOU.

2 **REQUEST FOR PRODUCTION NO. 71:**

3 All DOCUMENTS RELATED to the allegation in Paragraph 17 of the Amended
4 Complaint that YOU “attempted to conciliate with Oracle.”

5 **REQUEST FOR PRODUCTION NO. 72:**

6 All DOCUMENTS RELATED to the allegation in Paragraph 18 of the Amended
7 Complaint that YOUR “conciliation ... efforts were unsuccessful.”

8 **REQUEST FOR PRODUCTION NO. 73:**

9 All DOCUMENTS RELATED to the allegation in Paragraph 19 of the Amended
10 Complaint that “Oracle will continue to violate its obligations under the Executive Order and the
11 regulations issued pursuant thereto.”

12 **REQUEST FOR PRODUCTION NO. 74:**

13 All DOCUMENTS RELATED to the allegation in Violation 2 of the NOV that YOU
14 “analyzed Oracle’s compensation system and, through regression and other analysis, found
15 statistically significant pay disparities based upon sex after controlling for legitimate explanatory
16 factors.” This request includes but is not limited to, DOCUMENTS that RELATE to the “other
17 analysis” (e.g., final versions, work papers and drafts) and DOCUMENTS RELATED to any
18 controls YOU employed to account for “legitimate explanatory factors.”

19 **REQUEST FOR PRODUCTION NO. 75:**

20 All DOCUMENTS RELATED to the allegation in Violation 3 of the NOV that YOU
21 “analyzed Oracle’s compensation system and, through regression and other analysis, found
22 statistically significant pay disparities based upon sex after controlling for legitimate explanatory
23 factors.” This request includes but is not limited to, DOCUMENTS that RELATE to the “other
24 analysis” (e.g., final versions, work papers and drafts) and DOCUMENTS RELATED to any
25 controls YOU employed to account for “legitimate explanatory factors.”

26 **REQUEST FOR PRODUCTION NO. 76:**

27 All DOCUMENTS RELATED to the allegation in Violation 4 of the NOV that YOU
28 “analyzed Oracle’s compensation system and, through regression and other analysis, found

1 statistically significant pay disparities based upon sex after controlling for legitimate explanatory
2 factors.” This request includes but is not limited to, DOCUMENTS that RELATE to the “other
3 analysis” (e.g., final versions, work papers and drafts) and DOCUMENTS that RELATED to any
4 controls YOU employed to account for “legitimate explanatory factors.”

5 **REQUEST FOR PRODUCTION NO. 77:**

6 All DOCUMENTS RELATED to the allegation at page 2 of the NOV that YOU
7 conducted an “analysis of Oracle’s applicant data and appropriate workforce availability
8 statistics,” including but not limited to, all draft analysis, COMMUNICATIONS, considerations,
9 factors, data, and statistics considered, whether or not referred to in the NOV.

10 **REQUEST FOR PRODUCTION NO. 78:**

11 All DOCUMENTS RELATED to the allegation in Attachment A of the NOV that the
12 “OFCCP analyzed Oracle’s employees’ compensation data by Oracle job function using a model
13 that included the natural log of annual salary as a dependent variable,” including but not limited
14 to this analysis and all other models considered, conducted, or rejected, as well as different
15 models, iterations and computations, whether or not referred to in the NOV.

16 **REQUEST FOR PRODUCTION NO. 79:**

17 All COMMUNICATIONS transmitted to, from, or between OFCCP compliance officers
18 regarding the NOV and/or Amended Complaint filed against ORACLE.

19 **REQUEST FOR PRODUCTION NO. 80:**

20 All DOCUMENTS RELATED to YOUR use of pay analysis groups under Directive 307
21 to determine if employees are similarly situated for purposes of the alleged violations that are
22 included in both the NOV and Amended Complaint.

23 **REQUEST FOR PRODUCTION NO. 81:**

24 All DOCUMENTS RELATED to any statistical analysis performed that RELATES to any
25 of the violations alleged in the NOV or Amended Complaint. This request includes but is not
26 limited to COMMUNICATIONS with statisticians, data RELATED to explanatory pay factors,
27 draft and final statistical models, and statistical models listed in attachments to the NOV to the
28 extent they RELATE to violations alleged in the Amended Complaint.

1 **REQUEST FOR PRODUCTION NO. 82:**

2 All DOCUMENTS RELATED to any onsite inspection of the HQCA worksite in
3 connection with YOUR compliance review, including but not limited to all notes, memoranda, or
4 other DOCUMENTS memorializing the inspection.

5 **REQUEST FOR PRODUCTION NO. 83:**

6 All DOCUMENTS RELATED to any interviews YOU conducted to the extent they
7 RELATE to the allegations in the Complaint.

8 **REQUEST FOR PRODUCTION NO. 84:**

9 All DOCUMENTS RELATED to any statements made to YOU by any THIRD PARTY,
10 including but not limited to applicants or employees, regarding any of the allegations in
11 Paragraphs 7 through 10 of the Amended Complaint.

12 **REQUEST FOR PRODUCTION NO. 85:**

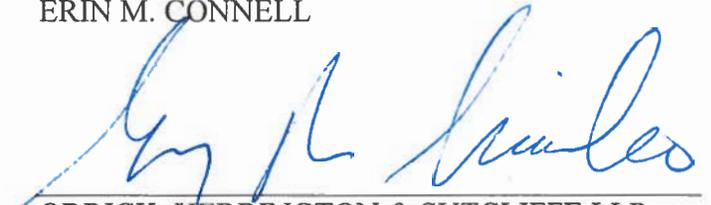
13 All DOCUMENTS RELATED to any COMMUNICATIONS sent to or received by YOU
14 from any THIRD PARTY RELATED to of the allegations in the NOV.

15 **REQUEST FOR PRODUCTION NO. 86:**

16 All DOCUMENTS RELATED to any anecdotal evidence of possible discrimination by
17 ORACLE at HQCA.

18
19 February 8, 2017

GARY R. SINISCALCO
ERIN M. CONNELL

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23 ORRICK, HERRINGTON & SUTCLIFFE LLP
24 The Orrick Building
25 405 Howard Street
26 San Francisco, Ca 94105-2669
27 Telephone: (415) 773-5700
28 Facsimile: (415) 773-5759
Email: gsiniscalco@orrick.Com
econnell@orrick.Com
Attorneys For Defendant
ORACLE AMERICA, INC.

Exhibit 2

**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'S
INTERROGATORIES, SET ONE
(AS AMENDED)**

REQUESTING PARTY: DEFENDANT ORACLE AMERICA, INC.

RESPONDING PARTY: PLAINTIFF OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED STATES
DEPARTMENT OF LABOR

SET NO.: One

TO PLAINTIFF AND ITS COUNSEL OF RECORD:

PLEASE TAKE NOTICE that pursuant to 41 C.F.R. § 60-30.9, Defendant Oracle America, Inc. hereby requests that Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor answer the following interrogatories within twenty-five (25) days after service of this notice.

DEFINITIONS AND INSTRUCTIONS

For purposes of these Interrogatories, the following definitions and instructions shall apply:

1. "PERSON" means, unless otherwise specified, any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type, including, but not limited to, any person employed or formerly employed at Plaintiff Office of Federal Contract

DEF. ORACLE'S INTERROGATORIES,
SET ONE (AS AMENDED)
CASE NO. 2017-OFC-00006

Compliance Programs and any person employed or formerly employed at Defendant Oracle America, Inc.

2. “OFCCP,” “YOU,” “YOUR,” and “PLAINTIFF” mean Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor, and its directors, officers, subsidiaries, affiliates, agents, servants, employees, investigators, attorneys, and all other PERSONS and entities representing it or acting on its behalf.

3. “DEFENDANT” and “ORACLE” mean Defendant Oracle America, Inc., and its agents, servants, employees, investigators, attorneys, and all other PERSONS and entities representing it or acting on its behalf.

4. “COMMUNICATION” means any contact, oral or documentary, formal or informal, at any time or place or under any circumstances whatsoever whereby information of any nature is transmitted or transferred.

5. “HQCA” is defined to mean ORACLE’s headquarters in Redwood Shores, California.

6. COMPLIANCE REVIEW” is defined as OFCCP’s compliance evaluation of Oracle’s Redwood Shores location and referenced in OFCCP’s Amended Complaint, including the time period from the date of determination that Oracle Redwood Shores was selected for a compliance evaluation until March 11, 2016.

7. “NOV” means the OFCCP’s Notice of Violation sent to HQCA dated March 11, 2016.

8. “ANY” shall be understood to include and encompass “all.” As used herein, the singular shall always include the plural and the present tense also shall include the past tense. The words “and” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of each Interrogatory all information, documents, or things that might otherwise be construed to be outside its scope.

9. These Interrogatories are deemed to be continuing in nature, and pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, are subject to the requirement that any responses

be supplemented in the event new or additional information is discovered or obtained after service thereof. If, after responding, Plaintiff discovers additional information responsive to any Interrogatory, or part thereof, Defendant requests that Plaintiff provide such information to Defendant within thirty (30) days after acquiring knowledge of such additional information or advise Defendant in writing as to why such additional information cannot be provided within the specified period.

10. For any information withheld based on any ground, including privilege, provide a written statement setting forth: (a) the identity of all person(s) from and to whom the information has been communicated; (b) the names and organizational position, if any, of each such person; (c) a brief description of the subject matter of the information; and (d) the legal ground upon which you rely in withholding the information; and (e) if work product is asserted, the proceeding for or during which the information was obtained or created.

11. If, after exercising due diligence to secure the information, Plaintiff cannot answer the Interrogatories in full, answer them to the extent Plaintiff can do so. If Plaintiff cannot answer each Interrogatory in full, specify the portion of any Interrogatory to which Plaintiff is unable to fully respond, state the facts upon which Plaintiff bases her contention that she is unable fully to respond to such portion, and state any knowledge, information, or belief Plaintiff has concerning such portion.

12. As to those Interrogatories consisting of related parts or portions, a complete response is required to each such part or portion with the same effect as if it were propounded as a separate Interrogatory. Should any objection to an Interrogatory be interposed, it should clearly indicate to which part or portion of the Interrogatory it is directed. No part of the Interrogatory shall be left unanswered merely because an objection is interposed to another part of the Interrogatory.

13. If, in answering any of these Interrogatories, Plaintiff claims ambiguity in interpreting either the Interrogatory or a definition or instruction applicable thereto, such claim shall not be interposed as a basis for refusing to respond but there shall be set forth as a part of

the response language deemed to be ambiguous and the interpretation chosen or used in responding to the Interrogatory.

14. If, in response to any of the Interrogatories, Plaintiff responds by referring to documents containing the requested information, either provide those documents categorized by the Interrogatory(ies) to which they respond or identify the Bates number range of the documents to which Plaintiff refers in her response.

15. Whenever appropriate, any Interrogatory propounded in the disjunctive shall be read as if propounded in the conjunctive, and vice versa.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each PERSON by name, title, role, and last known contact information who participated in the “COMPLIANCE REVIEW” referenced in Paragraph 6 of the Amended Complaint, whether by way of providing interviews, conducting interviews, providing information, requesting information, or assessing or reviewing the information provided.

INTERROGATORY NO. 2:

State all facts that support the allegation in Paragraph 7 of the Amended Complaint that “Oracle discriminated against qualified female employees in its Information Technology, Product Development and Support lines of business or job functions at Oracle Redwood Shores based upon sex by paying them less than comparable males employed in similar roles.”

INTERROGATORY NO. 3:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 7 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

INTERROGATORY NO. 4:

As to each qualified female employee allegedly discriminated against as referenced in Paragraph 7 of the Amended Complaint, identify by name and job title the comparable male or males employed in similar roles.

INTERROGATORY NO. 5:

For each qualified female employee allegedly discriminated against as referenced in Paragraph 7 of the Amended Complaint, state all facts that support the allegation that the male(s) identified as similarly situated and comparable were similarly situated and comparable.

INTERROGATORY NO. 6:

State all facts that support the table contained in Paragraph 7, which table contains the headings “Class,” “Number of Female Class Members,” and “Standard Deviations,” including the statistical data used, the analysis and methodologies used, the computations used to determine the standard deviations, and the identities of the female employees.

INTERROGATORY NO. 7:

State all facts that support the allegation in Paragraph 8 of the Amended Complaint that “Oracle discriminated against qualified African Americans in Product Development roles at Oracle Redwood Shores based upon race by paying them less than comparable Whites employed in similar roles.”

INTERROGATORY NO. 8:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 8 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

INTERROGATORY NO. 9:

As to each African American allegedly discriminated against as referenced in Paragraph 8 of the Amended Complaint, identify by name and job title the comparable White or Whites employed in similar roles.

INTERROGATORY NO. 10:

For each qualified African American allegedly discriminated against as referenced in Paragraph 8 of the Amended Complaint, state all facts that support the allegation that the White employee(s) identified as similarly situated and comparable were similarly situated and comparable.

INTERROGATORY NO. 11:

State all facts that support the allegation contained in Paragraph 8 of the Amended Complaint that there was a standard deviation of -2.10, including the statistical data used, the analysis and methodologies used, and the computations used to determine the standard deviations.

INTERROGATORY NO. 12:

State all facts that support the allegation in Paragraph 9 of the Amended Complaint that “Oracle discriminated against qualified Asians in Product Development roles at Oracle Redwood Shores based upon race by paying them less than comparable Whites employed in similar roles.”

INTERROGATORY NO. 13:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 9 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

INTERROGATORY NO. 14:

As to each Asian allegedly discriminated against as referenced in Paragraph 9 of the Amended Complaint, identify by name and job title the comparable White or Whites employed in similar roles.

INTERROGATORY NO. 15:

For each qualified Asian allegedly discriminated against as referenced in Paragraph 9 of the Amended Complaint, state all facts that support the allegation that the White employee(s) identified as similarly situated and comparable were similarly situated and comparable.

INTERROGATORY NO. 16:

State all facts that support the allegation contained in Paragraph 9 of the Amended Complaint that there was a standard deviation of -6.55, including the statistical data used, the analysis and methodologies used, and the computations used to determine the standard deviations.

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INTERROGATORY NO. 17:

State all facts that support the allegation in Paragraph 10 of the Amended Complaint, that “Oracle utilized . . . a recruiting and hiring process that discriminates against [non-Asian] applicants in favor of Asian applicants, . . . based upon race for positions in the [PT1] job group and Product Development line of business” at HQCA.

INTERROGATORY NO. 18:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 10 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

INTERROGATORY NO. 19:

As to each “non-Asian” allegedly discriminated against as referenced in Paragraph 10 of the Amended Complaint, described how the “non-Asian” not hired was equally or better qualified than the Asian hired in that “non-Asian” person’s stead.

INTERROGATORY NO. 20:

State all facts that support the allegation in Paragraph 10 of the Amended Complaint that Oracle’s hiring practices resulted in statistically significant adverse impact against non-Asian employees and statistically significant disparities in the hiring of Asians versus non-Asians, including the statistical data used, the analysis and methodologies used, and the computations used.

INTERROGATORY NO. 21:

State all facts that support the allegation in Paragraph 12 and 13 of the Amended Complaint that YOU requested “various records” that Oracle “refused to produce,” including a description of the specific records YOU requested, the date(s) on which YOU requested the records, the date(s) on which YOU contend that Oracle refused to produce those records, the PERSON that refused to produce the records, and the COMMUNICATION reflecting the refusal.

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INTERROGATORY NO. 22:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraphs 12 and 13 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

INTERROGATORY NO. 23:

State all facts that support the allegation in Paragraph 14 of the Amended Complaint that Oracle “defaulted on its obligations under 41 sections 60-2.17(b)-(d), 60-315A, and 60-3.4, including a description of the specific “reviews and analysis” that YOU contend Oracle failed to conduct, the date(s) on which YOU contend that Oracle refused to produce those reviews and analysis, the PERSON that refused to produce the reviews and analysis, and the COMMUNICATION reflecting the refusal.

INTERROGATORY NO. 24:

Describe in detail any anecdotal evidence of discrimination YOU contend supports any allegation in the Amended Complaint.

INTERROGATORY NO. 25:

If YOU contend that any of the discrimination alleged in the Amended Complaint is based upon a theory of disparate impact, identify the policies, practices, procedures, and tests that YOU contend operate to have a disparate impact.

May 16, 2017

GARY R. SINISCALCO
ERIN M. CONNELL



ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759
Email: grsiniscalco@orrick.com
econnell@orrick.com

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 May 16, 2017, I served the interested parties in this action with the following document(s):

DEFENDANT ORACLE'S INTERROGATORIES, SET ONE (AS AMENDED)

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)
Ian Eliasoph (eliasoph.ian@dol.gov)
Jeremiah Miller (miller.jeremiah@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 May 16, 2017, at San Francisco, California.



Jacqueline D. Kaddah

Exhibit 3

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

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,	:	
	:	
Plaintiff,	:	OALJ Case No. 2017-OFC-00006
	:	
v.	:	OFCCP No. R00192699
	:	
ORACLE AMERICA, INC.,	:	
	:	
Defendant.	:	
	:	
	:	
	:	

OFCCP’S OBJECTIONS AND ANSWERS TO DEFENDANT ORACLE AMERICA, INC.’S REQUEST FOR PRODUCTION, SET ONE

The United States Department of Labor, Office of Federal Contract Compliance Programs (“OFCCP”), by and through the Office of the Solicitor, hereby submits its objections and answers to Defendant Oracle America, Inc.’s Request for Production, Set One.

PRELIMINARY STATEMENT

Discovery in this matter is currently ongoing. Each and every following response is rendered and based upon information reasonably available to OFCCP at the time of preparation of these responses. OFCCP reserves the right to amend the responses to these Requests as discovery progresses. OFCCP will provide supplemental responses in the event any further responsive material comes within its knowledge, possession, custody or control.

OFCCP has not completed its respective discovery in this action. OFCCP, therefore, specifically reserves the right to introduce any evidence from any source which may hereinafter be discovered in testimony from any witness whose identity may hereafter be discovered.

GENERAL OBJECTIONS

OFCCP objects to Definition and Instruction No. 13 (which requests that OFCCP segregate and designate by category number the documents produced) as being unduly burdensome and beyond what is required of OFCCP pursuant to either 41 C.F.R. § 60-30.10 or Rule 34 of the Federal Rules of Civil Procedure.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS YOU reviewed in connection with the “compliance review” process identified in Paragraph 6 of the AMENDED COMPLAINT.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “in connection with” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS RELATED to the claim in Paragraph 7 of the Amended Complaint that “Oracle discriminated against qualified female employees in its Information Technology . . . lines of business or job functions” at HQCA.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS RELATED to the claim in Paragraph 7 of the Amended Complaint that “Oracle discriminated against qualified female employees in its . . . Product Development . . . lines of business or job functions” at HQCA.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS RELATED to the claim in Paragraph 7 of the Amended Complaint that "Oracle discriminated against qualified female employees in its . . . Support lines of business or job functions" at HQCA.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS RELATED to YOUR determination of which employees are “qualified,” as alleged in Paragraph 7 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodology” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS RELATED to YOUR determination of which employees are “comparable males,” as alleged in Paragraph 7 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal

Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS RELATED to YOUR determination of which "roles" are "similar," as alleged in Paragraph 7 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodology” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS RELATED to YOUR “controlling for job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure,” as alleged in Paragraph 7 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology YOU used.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodology” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS RELATED to the allegation in Paragraph 7 of the Amended Complaint that a standard deviation of -2.71 impacts 133 “female information technology employees.” This request includes but is not limited to final and draft DOCUMENTS showing underlying statistical data, methodologies, models and actual computations used to determine the standard deviation, as well as DOCUMENTS showing calculations and/or methodologies different from what is represented in Paragraph 7.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodologies” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS RELATED to the allegation in Paragraph 7 of the Amended Complaint that a standard deviation of -8.41 impacts 1,207 “female product development employees.” This request includes but is not limited to final and draft DOCUMENTS showing

underlying statistical data, methodologies, models and actual computations used to determine the standard deviation, as well as DOCUMENTS showing calculations and/or methodologies different from what is represented in Paragraph 7.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodologies" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS RELATED to the allegation in Paragraph 7 of the Amended Complaint that a standard deviation of -3.67 impacts 47 "female support employees." This request includes but is not limited to both final and draft DOCUMENTS showing underlying statistical data, methodologies, models and actual computations used to determine the standard deviation, as well as DOCUMENTS showing calculations and/or methodologies different from what is represented in Paragraph 7.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodologies" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS that identify the female employees YOU included in each class listed in the table found in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because

any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “identify” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS that identify the “comparable males employed in similar jobs” that YOU used as comparators in reaching the conclusions alleged in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “identify” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS RELATED to the comparisons YOU made between any “female CLASS MEMBERS” and any “comparable males employed in similar roles” as described in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 15:

All CASE FILES RELATED to the allegations described in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome. Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 16:

All CASE ANALYSES RELATED to the allegations described in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 17:

All interview notes, summaries and memoranda for each interview YOU conducted that RELATES to the allegations described in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s

informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "relates to" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "summaries" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome. OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 19:

All statistical studies and analyses RELATED to the allegations described in Paragraph 7 of the Amended Complaint, including any that YOU did not adopt or endorse, and any that resulted in calculations different from those presented in Paragraph 7. This request seeks all responsive DOCUMENTS in both final and draft form.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP further objects to the phrases “adopt” and “endorse” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS RELATED to the claim in Paragraph 8 of the Amended Complaint that “Oracle discriminated against qualified African American employees in Product Development roles” at HQCA.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS RELATED to YOUR determination of which employees are “qualified,” as alleged in Paragraph 8 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS RELATED to YOUR determination of which employees are "comparable Whites," as alleged in Paragraph 8 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS RELATED to YOUR determination of which "roles" are "similar," as alleged in Paragraph 8 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS RELATED to YOUR "controlling for job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company

tenure,” as alleged in Paragraph 8 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology YOU used.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodology” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS RELATED to the allegation in Paragraph 8 of the Amended Complaint that a standard deviation of -2.10 exists. This request includes but is not limited to final and draft DOCUMENTS showing underlying statistical data, methodologies, models and actual computations used to determine the standard deviation, as well as DOCUMENTS showing calculations and/or methodologies different from what is alleged in Paragraph 8.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process

privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodologies" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS that identify the African Americans that YOU allege are victims of the alleged discrimination described in Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "identify" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS that identify the “comparable Whites employed in similar jobs” that YOU used as comparators in reaching the conclusions alleged in Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “identify” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS RELATED to the comparisons YOU made between any “African Americans” and any “comparable Whites employed in similar roles” as alleged in Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 29:

All CASE FILES RELATED to the allegations of Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 30:

All CASE ANALYSES RELATED to the allegations of Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 31:

All interview notes, summaries and memoranda for each interview YOU conducted that RELATES to the allegations of Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's

informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "relates to" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "summaries" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 33:

All statistical studies and analyses RELATED to the allegations described in Paragraph 8 of the Amended Complaint, including any that YOU did not adopt or endorse, and any that resulted in calculations different from those alleged. This request seeks all responsive DOCUMENTS in both final and draft form.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the phrases "adopt" and "endorse" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS RELATED to the claim in Paragraph 9 of the Amended Complaint that “Oracle discriminated against qualified Asian employees in Product Development roles” at HQCA.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS RELATED to YOUR determination of which employees are “qualified,” as alleged in Paragraph 9 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS RELATED to YOUR determination of which employees are "comparable Whites," as alleged in Paragraph 9 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS RELATED to YOUR determination of which "roles" are "similar," as alleged in Paragraph 9 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS RELATED to YOUR "controlling for job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company

tenure,” as alleged in Paragraph 9 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology YOU used.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodology” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS RELATED to the allegation in Paragraph 9 of the Amended Complaint that a standard deviation of -6.99 exists. This request includes, but is not limited to final and draft DOCUMENTS showing underlying statistical data, methodologies, models and actual computations used to determine the standard deviation, as well as DOCUMENTS showing calculations and/or methodologies different from what is represented in Paragraph 9.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process

privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodologies" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS that identify the Asians that YOU allege are victims of the alleged discrimination described in Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "identify" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 41:

All DOCUMENTS that identify the “comparable Whites employed in similar jobs” that YOU used as comparators in reaching the conclusions found in paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “identify” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS RELATED to the comparisons YOU made between any “Asians” and any “comparable Whites employed in similar roles” as described in Paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 43:

All CASE FILES RELATED to the allegations described in Paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 44:

All CASE ANALYSES RELATED to the allegations described in Paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 45:

All interview notes, summaries and memoranda for each interview YOU conducted that RELATE to the allegations described in Paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's

informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "relate to" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "summaries" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 46:

All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 47:

All statistical studies and analyses RELATED to the allegations described in Paragraph 9 of the Amended Complaint, including any that YOU did not adopt or endorse and any that resulted in calculations different from those alleged. This request seeks all responsive DOCUMENTS in both final and draft form.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the phrases "adopt" and "endorse" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 48:

All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended Complaint that ORACLE discriminates against qualified “[‘non-Asian’] applicants in favor of Asian applicants, particularly Asian Indians based upon race for positions in the [“PT1”] job group and Product Development line of business (or job function) at Oracle Redwood Shores.” This request includes but is not limited to all DOCUMENTS that identify the “non-Asians” that OFCCP alleges to be victims of discrimination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP further objects to the phrase “identify” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 49:

All DOCUMENTS RELATED to YOUR determination of which employees are “qualified,” as alleged in Paragraph 10 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP’S OBJECTIONS AND ANSWERS TO DEFENDANT ORACLE AMERICA, INC.’S REQUEST FOR PRODUCTION, SET ONE
(OALJ CASE NO. 2017-OFC-00006)

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 50:

All DOCUMENTS RELATED to YOUR determination of which employees are "Asians," as alleged in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome. Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 51:

All DOCUMENTS RELATED to YOUR determination of which employees are “Asian Indians,” as alleged in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 52:

All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended Complaint that ORACLE “hired 82% Asians into the PT1 job group ... exceeding the 73% of Asians who applied and resulting in statistically significant adverse impact against non-Asian

applicants.” This request includes but is not limited to DOCUMENTS showing underlying statistical data, methodologies, and actual computations used to support this contention.

RESPONSE:

OFCCP objects to the entirety of this request as it misquotes from Paragraph 10 of the Amended Complaint.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodologies” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 53:

All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended Complaint that ORACLE “utilize[s] a recruiting and hiring process that discriminates against qualified African American, Hispanic and White ... applicants in favor of Asian applicants.”

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal

Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 54:

All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended Complaint that "comparisons between available applicants from national labor data and Oracle's hires show gross and statistically significant disparities in the hiring of Asians versus non-Asians."

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 55:

All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended Complaint that "Oracle's applicant pool was heavily over-represented by Asian applicants as the result of Oracle's recruiting and hiring practices."

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 56:

All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended Complaint that ORACLE "over-select[ed] Asian applicants, particularly Asian Indians, from its actual applicant pool."

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 57:

All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended Complaint that ORACLE used "hiring strategies such as targeted recruitment."

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 58:

All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended Complaint that ORACLE used “referral bonuses that encouraged its heavily Asian workforce to recruit other Asians.”

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 59:

All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended Complaint that Oracle has a “reputation for favoring Asians.”

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process

privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 60:

All CASE FILES RELATED to the allegations described in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 61:

All CASE ANALYSES RELATED to the allegations described in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 62:

All interview notes, summaries and memoranda for each interview YOU conducted that RELATES to the allegations described in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "relates to" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "summaries" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 63:

All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATED to the allegations described in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 64:

All statistical studies and analyses RELATED to the allegations described in Paragraph 10 of the Amended Complaint, including any that YOU did not adopt or endorse and any that resulted in calculations different from those presented in that paragraph. This request seeks all responsive DOCUMENTS in both final and draft form.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the phrases "adopt" and "endorse" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 65:

All DOCUMENTS RELATED to the allegation in Paragraph 12 of the Amended Complaint that YOU requested "various records" that ORACLE "refused to produce," including

but not limited to all requests YOU contend YOU made and all responses or explanations provided by ORACLE.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects on the grounds that this request is unduly burdensome, duplicative, and unnecessary, as Oracle is asking OFCCP to produce back to it responses or explanations previously provided by Oracle itself and equally within Oracle's possession or control.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 66:

All DOCUMENTS RELATED to the allegation in Paragraph 13 of the Amended Complaint that YOU requested "material demonstrating whether or not [Oracle] had performed an in-depth review of its compensation practice."

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal

Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 67:

All DOCUMENTS RELATED to the allegation in Paragraph 13 of the Amended Complaint that "Oracle refused to produce to the agency any material demonstrating whether or not it had performed an in-depth review of its compensation practice."

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the Amended Complaint.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 68:

All DOCUMENTS RELATED to the allegation in Paragraph 13 of the Amended Complaint that "Oracle failed to provide any evidence that it conducted an adverse impact analysis."

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the Amended Complaint.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 69:

All DOCUMENTS RELATED to the allegation in Paragraph 14 of the Amended Complaint that "Oracle defaulted on its obligations."

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the Amended Complaint.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 70:

All DOCUMENTS RELATED to any objections and inquiries made by ORACLE in connection with the conciliation process, including but not limited to any responsive correspondence, actions, or other responses by YOU.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because

any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP further objects on the grounds that this request is unduly burdensome, duplicative, and unnecessary, as Oracle is asking OFCCP to produce back to it objections and inquiries made by Oracle and equally within Oracle’s possession or control.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 71:

All DOCUMENTS RELATED to the allegation in Paragraph 17 of the Amended Complaint that YOU “attempted to conciliate with Oracle.”

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 72:

All DOCUMENTS RELATED to the allegation in Paragraph 18 of the Amended Complaint that YOUR “conciliation ... efforts were unsuccessful.”

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 73:

All DOCUMENTS RELATED to the allegation in Paragraph 19 of the Amended Complaint that "Oracle will continue to violate its obligations under the Executive Order and the regulations issued pursuant thereto."

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the Amended Complaint.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 74:

All DOCUMENTS RELATED to the allegation in Violation 2 of the NOV that YOU “analyzed Oracle’s compensation system and, through regression and other analysis, found statistically significant pay disparities based upon sex after controlling for legitimate explanatory factors.” This request includes but is not limited to, DOCUMENTS that RELATE to the “other analysis” (e.g., final versions, work papers and drafts) and DOCUMENTS RELATED to any controls YOU employed to account for “legitimate explanatory factors.”

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the NOV.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 75:

All DOCUMENTS RELATED to the allegation in Violation 3 of the NOV that YOU “analyzed Oracle’s compensation system and, through regression and other analysis, found statistically significant pay disparities based upon sex after controlling for legitimate explanatory factors.” This request includes but is not limited to, DOCUMENTS that RELATE to the “other analysis” (e.g., final versions, work papers and drafts) and DOCUMENTS RELATED to any controls YOU employed to account for “legitimate explanatory factors .”

RESPONSE:

OFCCP objects to the entirety of this request as it does not reflect what OFCCP has alleged in Violation 3 of the NOV.

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the NOV.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 76:

All DOCUMENTS RELATED to the allegation in Violation 4 of the NOV that YOU “analyzed Oracle’s compensation system and, through regression and other analysis, found statistically significant pay disparities based upon sex after controlling for legitimate explanatory factors.” This request includes but is not limited to, DOCUMENTS that RELATE to the “other analysis” (e.g., final versions, work papers and drafts) and DOCUMENTS that RELATED to any controls YOU employed to account for “legitimate explanatory factors.”

RESPONSE:

OFCCP objects to the entirety of this request as it does not reflect what OFCCP has alleged in Violation 4 of the NOV.

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the NOV.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 77:

All DOCUMENTS RELATED to the allegation at page 2 of the NOV that YOU conducted an “analysis of Oracle’s applicant data and appropriate workforce availability statistics,” including but not limited to, all draft analysis, COMMUNICATIONS, considerations, factors, data, and statistics considered, whether or not referred to in the NOV.

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the NOV.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP further objects to the phrase “communications” as overbroad and unduly burdensome.

OFCCP further objects to the phrases “considerations” and “considered” as vague and ambiguous.

OFCCP objects to this Interrogatory as overbroad with respect to the terms “facts,” “data” and “statistics” because these terms are not confined to the principal or material facts, data, or statistics of the case, but seeks the identity of each and every fact, data, or statistics, however minor, that may relate to the case.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 78:

All DOCUMENTS RELATED to the allegation in Attachment A of the NOV that the “OFCCP analyzed Oracle’s employees’ compensation data by Oracle job function using a model

that included the natural log of annual salary as a dependent variable,” including but not limited to this analysis and all other models considered, conducted, or rejected, as well as different models, iterations and computations, whether or not referred to in the NOV.

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the NOV.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP further objects to the phrase “considered” and “rejected” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 79:

All COMMUNICATIONS transmitted to, from, or between OFCCP compliance officers regarding the NOV and/or Amended Complaint filed against ORACLE.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal

Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrases "transmitted" and "regarding" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 80:

All DOCUMENTS RELATED to YOUR use of pay analysis groups under Directive 307 to determine if employees are similarly situated for purposes of the alleged violations that are included in both the NOV and Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 81:

All DOCUMENTS RELATED to any statistical analysis performed that RELATES to any of the violations alleged in the NOV or Amended Complaint. This request includes but is not limited to COMMUNICATIONS with statisticians, data RELATED to explanatory pay factors, draft and final statistical models, and statistical models listed in attachments to the NOV to the extent they RELATE to violations alleged in the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "related to" (including all variations) as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 82:

All DOCUMENTS RELATED to any onsite inspection of the HQCA worksite in connection with YOUR compliance review, including but not limited to all notes, memoranda, or other DOCUMENTS memorializing the inspection.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the phrases "in connection with" and "memorializing" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 83:

All DOCUMENTS RELATED to any interviews YOU conducted to the extent they RELATE to the allegations in the Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" (including all variations) as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 84:

All DOCUMENTS RELATED to any statements made to YOU by any THIRD PARTY, including but not limited to applicants or employees, regarding any of the allegations in Paragraphs 7 through 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "statements" as vague and ambiguous.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 85:

All DOCUMENTS RELATED to any COMMUNICATIONS sent to or received by YOU from any THIRD PARTY RELATED to of the allegations in the NOV.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 86:

All DOCUMENTS RELATED to any anecdotal evidence of possible discrimination by ORACLE at HQCA.

RESPONSE:

OFCCP'S OBJECTIONS AND ANSWERS TO DEFENDANT ORACLE AMERICA, INC.'S REQUEST FOR PRODUCTION, SET ONE
(OALJ CASE NO. 2017-OFC-00006)

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

DATED: March 6, 2017

NICHOLAS C. GEAL
Acting Solicitor of Labor

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

/s/ Laura C. Bremer
LAURA C. BREMER
Senior Trial Attorney

Attorneys for OFCCP

Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7757
Fax: (415) 625-7772
Email: bremer.laura@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 7th Street, Suite 3-700, San Francisco, CA 94103.

On the date indicated below, I served the foregoing **OFCCP'S OBJECTIONS AND ANSWERS TO DEFENDANT ORACLE AMERICA, INC.'S REQUEST FOR PRODUCTION, SET ONE** 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: March 6, 2017

/s/ Laura C. Bremer

LAURA C. BREMER
Senior Trial Attorney

Office of the Solicitor
U.S. Department of Labor

Exhibit 4

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

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,	:	
	:	
Plaintiff,	:	OALJ Case No. 2017-OFC-00006
	:	
v.	:	OFCCP No. R00192699
	:	
ORACLE AMERICA, INC.,	:	
	:	
Defendant.	:	
	:	
	:	
	:	

**OFCCP’S OBJECTIONS AND ANSWERS TO DEFENDANT ORACLE AMERICA,
INC.’S INTERROGATORIES, SET ONE (AS AMENDED)**

The United States Department of Labor, Office of Federal Contract Compliance Programs (“OFCCP”), by and through the Office of the Solicitor, hereby submits its objections and answers to Defendant Oracle America, Inc.’s Interrogatories, Set One (As Amended).

PRELIMINARY STATEMENT

Discovery in this matter is currently ongoing. Each and every following response is rendered and based upon information reasonably available to OFCCP at the time of preparation of these responses. OFCCP reserves the right to amend the responses to these Interrogatories as discovery progresses. OFCCP will provide supplemental responses in the event any further responsive material comes within its knowledge, possession, custody or control.

OFCCP has not completed its respective discovery in this action. OFCCP, therefore, specifically reserves the right to introduce any evidence from any source which may hereinafter be discovered in testimony from any witness whose identity may hereafter be discovered.

GENERAL OBJECTIONS

1. OFCCP objects to each of Defendant's Interrogatories to the extent that it is premature at this early stage of discovery. At this time, many material facts supporting OFCCP's contentions remain uniquely in Oracle's custody and control. To date, OFCCP has not yet obtained significant discovery from Oracle, including data and documents that Oracle failed to produce during the compliance review (*see* Amended Complaint ¶¶ 1-15) and in this litigation, data and documents regarding Oracle's hiring and compensation practices outside the review period, and depositions of persons knowledgeable about Oracle's hiring and compensation practices. Federal Rule of Civil Procedure 33(a)(2) permits courts to protect parties from abusive interrogatories, particularly those served before discovery is complete, providing that when an interrogatory asks for "opinion or contention[,] . . . the court may order that the interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time." Fed. R. Civ. P. 33(a)(2).

OFCCP's position is supported by ample authority in the Ninth Circuit. *See, e.g., Miles v. Shanghai Zhenhua Port Mach. Co.*, 2009 WL 3837523, at *1 (W.D. Wash. 2009) ("Contention interrogatories which 'systematically track all of the allegations in an opposing party's pleading, and that ask for 'each and every fact' and application of law to fact that support the party's allegations are an abuse of the discovery process because they are overly broad and unduly burdensome.") (*quoting Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007)) (permitting a plaintiff to rest on allegations in the complaint in response to a contention interrogatory a full eleven months into discovery); *see also Aldapa v. Fowler Packing Co. Inc.*, 310 F.R.D. 583, 591 (E.D. Cal. 2015).

Courts in the Ninth Circuit also routinely reject a defendant's use of contention interrogatories when they attempt to prematurely narrow a plaintiff's case. *See, e.g., Advocare International, L.P. v. Scheckenbach*, 2009 WL 3064867, at *1 (W.D. Wash. 2009) (denying defendant's motion to compel a response to an "overly broad" contention interrogatory as "an

attempt to prevent the plaintiff from using any evidence or argument, other than that already provided”).

Moreover, courts have held that it is inefficient and burdensome to require a plaintiff to provide responses to contention interrogatories that would be incomplete during early phases of discovery, as would be the case here. *See In re eBay Seller Antitrust Litigation*, 2008 WL 5212170, at *2 (N.D. Cal. 2008) (denying defendant's motion to compel responses to contention interrogatories early in discovery because the plaintiff's answers “likely would be materially incomplete,” and given “the tentative nature of any responses generated at this stage,” they “would be of questionable value to the goal of efficiently advancing the litigation”); *E.E.O.C. v. Sterling Jewelers Inc.*, 2012 WL 1680811, at *8 (W.D. N.Y. 2012) (sustaining EEOC’s objections to contention interrogatories as “premature or seeking information currently in [defendant’s] own control”); *see also Campbell v. Facebook, Inc.*, 2015 WL 3533221, at *5 (N.D. Cal. 2015) (same, noting that the defendant had “better access to the information” sought). The Campbell court also rejected the defendant’s request that the plaintiff be ordered to update answers to interrogatories over the course of litigation, explaining that “[i]t strikes the Court as unnecessarily burdensome to constantly revise and update such responses.” *Id.* at *6. Defendant’s contention interrogatories served on OFCCP are wholly inappropriate at this time for all of the same reasons.¹

2. OFCCP objects to each of Defendant’s Interrogatories to the extent that they seek information subject to any privilege, including but not limited to: the attorney-client privilege,

¹ Moreover, numerous other courts in the Ninth Circuit have rejected the use of contention interrogatories in similar contexts. *See, e.g., Amgen, Inc. v. Sandoz, Inc.*, 2016 WL 1039029, at *4 (N.D. Cal. 2016) (“[Defendant] has not demonstrated that its interrogatory is appropriate at this stage as it has not shown how responding to its interrogatories before substantial discovery has been conducted will contribute meaningfully to clarifying the issues in the case or narrowing the scope of the dispute.”); *Cardoza v. Bloomin’ Brands, Inc.*, 2015 WL 3875916, at *1-2 (D. Nev. 2015) (holding that contention interrogatories served shortly after the opening of discovery and ten months before its close were premature); *Folz v. Union Pac. R.R. Co.*, WL 357929, at *2 (S.D. Cal. 2014) (“[C]ourts are reluctant to allow contention interrogatories, especially when the responding party has not yet obtained enough information through discovery to respond.”); *S.E.C. v. Berry*, WL 2441706, at *4 (N.D. Cal. 2011) (“Contention interrogatories asking for ‘each and every fact,’ or application of law to fact, that supports particular allegations in an opposing pleading may be held overly broad and unduly burdensome.” (*quoting Schwarzer et. al., Cal. Prac. Guide: Fed. Civ. Pr. Before Trial* § 11:1682 (The Rutter Group 2010))).

attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, trial preparation privilege, or any other privilege or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

3. OFCCP objects to each of Defendant's Interrogatories to the extent that they seek any documents or information previously produced or not within OFCCP's custody, possession, or control.

4. OFCCP objects to each of Defendant's Interrogatories to the extent that they seek any documents or information that is irrelevant or otherwise beyond the scope of discovery permitted in this proceeding.

5. OFCCP objects to the "DEFINITIONS AND INSTRUCTIONS" section as containing vague, ambiguous, and unintelligible definitions, and seeking to impose additional requirements on OFCCP that exceed and/or are inconsistent with the Federal Rules of Civil Procedure, Judge Larsen's Pre-Hearing Order, 29 C.F.R. Part 18, and 41 C.F.R. 60-30.

6. OFCCP objects to each of Defendant's Interrogatories to the extent they seek discovery that is not proportional to the needs of the case. Proportionality includes the parties' relative access to relevant information. Fed. R. Civ. P. 26(b)(1). To the extent that Oracle possesses documents or has information that OFCCP does not, including discovery requested by OFCCP but not yet produced by Oracle, OFCCP properly objects. OFCCP further objects to each of Defendant's Interrogatories as being premature to the extent they ask OFCCP to provide information to Oracle that Oracle has prevented OFCCP from obtaining.

7. OFCCP objects to each of Defendant's Interrogatories to the extent they assert or presume that OFCCP was required to allege statistical data in its Amended Complaint. To the contrary, in *OFCCP v. JPMorgan Chase & Co.*, 2017-OFC-00007, at 2 (Apr. 5, 2017), the ALJ recently denied a motion to dismiss that had argued that OFCCP was required to summarize the regression analysis in the Complaint. Instead, the ALJ found that the allegation "that the

discrimination is supported by statistical evidence” was sufficient to put the contractor on notice of the violations and satisfied the pleading requirements of 41 C.F.R. § 60-30(b). *Id.* at 6. Statistical data supporting OFCCP’s claims of discrimination will be developed and refined, during and after discovery. Any attempt to bind OFCCP, though these interrogatories, to a particular set of statistics at the pleading stage would be both unfair and inefficient. *See Jenkins v. N.Y. City Transit Auth.*, 646 F.Supp.2d 464, 469 (S.D. N.Y. 2009)(“It would be inappropriate to require a plaintiff to produce statistics to support her disparate impact claim before the plaintiff has had the benefit of discovery”). The time for assessing OFCCP’s statistical evidence, including whether it accounts for all relevant variables, is after discovery has closed and the case is tried. *See Barrett v. Forrest Laboratories, Inc.*, 39 F.Supp.3d 407, 430 (S.D. N.Y. 2014). Furthermore, it is impossible for OFCCP to make any refinements to statistics in this case until Defendants produce the myriad relevant records they refused to provide to OFCCP and have not yet provided in discovery.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each PERSON by name, title, role, and last known contact information who participated in the “COMPLIANCE REVIEW” referenced in Paragraph 6 of the Amended Complaint, whether by way of providing interviews, conducting interviews, providing information, requesting information, or assessing or reviewing the information provided.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil

Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the term “participated in” as vague and ambiguous because it is not clear what constitutes participation. In the widest sense of the term, participation might include individuals who had no meaningful role in the Compliance Review, such as technical personnel that maintain systems relevant to the investigation but have no knowledge of the actual investigation. OFCCP also objects to the term “role” as vague and ambiguous. For example, “role” could mean the actions that the person took or the person’s formal title.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to fully answer this Interrogatory, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain everyone who provided information that OFCCP obtained during the compliance review. This would include people involved with the databases, who built spreadsheets or populated some, who were involved in collecting documents, etc.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP further objects to the Interrogatory because it seeks each individual’s contact information for persons’ represented by counsel. OFCCP’s personnel (current or former) may be contacted through OFCCP’s counsel at the Office of the Solicitor.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone who was involved in providing information that OFCCP received during the compliance review, to include managers and supervisory personnel, available to OFCCP so that OFCCP can fully identify everyone who provided information for the compliance review.

Subject to and without waiving the foregoing objections, OFCCP responds that the following persons, excluding OFCCP attorneys at the Office of the Solicitor, that may have, in some capacity, “participated in” or “provid[ed] information” for the compliance review include Oracle’s management and supervisory employees, people in Oracle’s human resources and/or personnel departments, Oracle employees or agents involved in its compliance with the Executive Order and implementing regulations identified in this litigation, people involved in securing and processing information provided to OFCCP, etc., and the following OFCCP personnel.

1. Janette Wipper, Regional Director
2. Jane Suhr, Deputy Regional Director
3. Robert Doles, District Director
4. Hea Jung Atkins, Special Assistant
5. Brian Mikel, Area Office Director
6. Hoan Luong, Compliance Officer
7. Anna Liu, Compliance Officer
8. Jennifer Yeh, Compliance Officer
9. Milton Crossland, Compliance Officer
10. Molly Almeida, Compliance Officer
11. Francisco Melara, Regional Liaison
12. Shirong (Andy) Leu, Statistician
13. Robert LaJeunesse, Branch Chief of Expert Services

INTERROGATORY NO. 2:

State all facts that support the allegation in Paragraph 7 of the Amended Complaint that “Oracle discriminated against qualified female employees in its Information Technology, Product Development and Support lines of business or job functions at Oracle Redwood Shores based upon sex by paying them less than comparable males employed in similar roles.”

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data

for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

Subject to and without waiving the foregoing objections, OFCCP incorporates its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. OFCCP further responds that that upon initiating a compliance review of Oracle's headquarters in Redwood Shores, California, OFCCP conducted a comprehensive analysis and evaluation of the hiring and employment practices of Oracle, the written affirmative action program (AAP), and the results of the affirmative action efforts undertaken by Oracle, including a desk audit, on-site review and off-site analysis.

Specifically, OFCCP analyzed and evaluated Oracle's AAP and supporting documentation, and other documents related to the contractor's personnel policies and employment actions that may be relevant to a determination of whether Oracle complied with the requirements of the Executive Order, VEVRRRA, Section 503 and their implementing regulations, including but not limited to: employment policies, practices, records, and actions;

management, human resources, non-management employee, and former employee statements; employee complaints; one-year of individual employee compensation data and other evidence; Labor Condition Applications; Oracle's compliance history by reviewing OFCCP internal database system, and review any information received from EEOC, State or local FEP, and/or other labor and employment agencies, such as the Department of Labor's Veterans' Employment and Training Service and Wage and Hour Division, and publically available company information; and Oracle's hiring data, workforce data and appropriate labor market workforce availability statistics. OFCCP also obtained and analyzed any complaints filed against Oracle through the Equal Employment Opportunity Commission (EEOC), the State and/or Local Fair Employment Practice (FEP) agency, and/or other government agencies. Additionally, OFCCP requested additional information from Oracle during the compliance review that Oracle withheld (*see* Amended Complaint ¶¶ 11-15) that is relevant to a determination of whether Oracle complied with the requirements of the Executive Order and the regulations.

OFCCP further responds that during the compliance review of Oracle headquarters, OFCCP evaluated and analyzed Oracle's compensation information and evidence gathered in the investigation and found statistically significant pay disparities based upon gender between females and males after controlling for legitimate explanatory factors in the Information Technology, Product Development, and Support lines of business. Within these lines of business, OFCCP controlled for the following factors: job title, full-time/part-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure/work experience at Oracle. Even after controlling for such factors in the analysis, female employees were paid significantly less than male employees in the Information Technology, Product Development, and Support lines of business. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 3:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 7 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the Interrogatory on the basis that it is compound, vague and ambiguous as to "nature of the facts," "knowledge of the facts," and "contact information." "Nature of facts" is so unintelligible that it is unclear what Oracle is seeking. For example, is nature of the facts the date the person acquired the facts, how he acquired the facts, who he acquired the facts from, the contents of the facts, when the facts occurred, who observed or witnessed the facts, etc. In terms of knowledge of the facts: it is not known if Oracle was referring to personal knowledge, constructive knowledge, third-hand knowledge, hearsay knowledge, etc. It is not clear what Oracle means by contact information, is it a person home telephone number, is it a person's business address, etc.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this request, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain everyone who has knowledge of the discrimination.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP who might have knowledge of the discrimination so that OFCCP can identify all of the people who have knowledge of the discrimination.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” if the nature of the facts includes every fact, however, minor that the person knows regardless of how the person obtained knowledge of the alleged fact.

OFCCP objects to this interrogatory as it is making two distinct information requests in one interrogatory – identify the name, job title and contact information of the person with knowledge, and the content/nature of this knowledge. OFCCP will count this as two interrogatories.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

OFCCP further objects to the Interrogatory to the extent it seeks each individual’s contact information for individuals that are represented by counsel. OFCCP’s personnel (current or former) may be contacted through OFCCP’s counsel at the Office of the Solicitor.

Subject to and without waiving the foregoing objections, OFCCP responds that the following persons, excluding OFCCP attorneys at the Office of the Solicitor, may have knowledge of the facts giving rise to the allegations made in the Amended Complaint include:

Oracle employees, supervisors and managers employed by Oracle during the review period; former employees, supervisors and managers of Oracle; and OFCCP personnel listed in response to Interrogatory No. 1. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 4:

As to each qualified female employee allegedly discriminated against as referenced in Paragraph 7 of the Amended Complaint, identify by name and job title the comparable male or males employed in similar roles.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive

documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory "requires [the party answering the written discovery] to refer to materials outside of the request itself," OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its response to Interrogatory No. 2, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the

NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of male employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable male employees in similar roles to female employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of females in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014 through the present, OFCCP expects that additional males, as well female victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 5:

For each qualified female employee allegedly discriminated against as referenced in Paragraph 7 of the Amended Complaint, state all facts that support the allegation that the male(s) identified as similarly situated and comparable were similarly situated and comparable.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2 and 4, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of male employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable male employees in similar roles to female employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of females in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that it determined which roles were similar by reviewing evidence gathered during the compliance review. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014, through the present, OFCCP expects that additional comparable males, as well female victims of discrimination, will be identified. OFCCP will supplement this response as

more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 6:

State all facts that support the table contained in Paragraph 7, which table contains the headings “Class,” “Number of Female Class Members,” and “Standard Deviations,” including the statistical data used, the analysis and methodologies used, the computations used to determine the standard deviations, and the identities of the female employees.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this Interrogatory to the extent it implies that OFCCP was required to allege statistical data. Statistical data supporting OFCCP’s claims of discrimination will be developed and refined, during and after discovery. Tying OFCCP to a particular set of statistics at the pleading stage would be both unfair and inefficient.² The time for assessing OFCCP’s statistical evidence, including whether it accounts for all relevant variables, is after discovery has closed and the case is tried.³ Further, it is impossible for OFCCP to make any refinements

² See *Jenkins*, 646 F.Supp.2d 469 (“It would be inappropriate to require a plaintiff to produce statistics to support her disparate impact claim before the plaintiff has had the benefit of discovery”).

³ See *Barrett*, 39 F.Supp.3d 430.

to statistics in this case until Defendants produce the myriad relevant records they refused to provide to OFCCP and have not yet produced in discovery.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of

forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP also objects to the term “Paragraph 7” as vague and ambiguous because Oracle did not identify the document containing the paragraph 7 to which it refers. OFCCP likewise objects to the terms “statistical data used,” “the analysis and methodologies used,” the computations used.” For these latter three terms the context of “used” it is not known and it is not clear which “statistical data,” “analysis,” “methodologies” and “computations” that Oracle is referring.

OFCCP objects to this Interrogatory as overbroad, unduly burdensome, oppressive, not proportional to the needs of the case with respect to the term “all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP further objects to producing any in-house statistical analyses performed to include the data, methodology and computations that OFCCP employed. This information is protected under the various privileges asserted above, is irrelevant, and is not proportional to the needs of the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2, 4 and 5, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the

names of male employees in the Product Development, Support and Information Technology lines of business, as well as their job titles that OFCCP alleges were comparable male employees in similar roles to female employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of females in the Product Development, Support and Information Technology lines of business, as well as their job titles, that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that during the compliance review, OFCCP evaluated and analyzed Oracle's compensation information and found statistically significant pay disparities adverse to female employees after controlling for legitimate explanatory factors in the duct Development, Support and Information Technology lines of business. Within these lines of business, OFCCP controlled for the following factors: job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure/work experience within Oracle. Even after controlling for such factors in the analysis, female employees were paid significantly less than in the Product Development line of business at -8.41 standard deviations, the Support line of business at -3.67 standard deviations and the Information Technology line of business at -2.71 standard deviations. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014 through the present, OFCCP expects that additional comparable males, as well as female victims of discrimination, will be identified in the Product Development, Support and Information Technology lines of business. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 7:

State all facts that support the allegation in Paragraph 8 of the Amended Complaint that "Oracle discriminated against qualified African Americans in Product Development roles at

Oracle Redwood Shores based upon race by paying them less than comparable Whites employed in similar roles.”

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data

regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

Subject to and without waiving the foregoing objections, OFCCP incorporates its response to Interrogatory No. 2, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. OFCCP further responds that during the compliance review of Oracle headquarters, OFCCP evaluated and analyzed Oracle's compensation information and evidence gathered in the investigation and found statistically significant pay disparities based upon race between African Americans and Whites after controlling for legitimate explanatory factors in the Product Development line of business. Within this line of business, OFCCP controlled for the following factors: job title, full-time/part-time status, exempt status, global career level, job specialty, estimated prior work experience, and work experience at Oracle. Even after

controlling for such factors in the analysis, African American employees were paid significantly less than White employees in the Product Development line of business. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 8:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 8 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the Interrogatory on the basis that it is compound, vague and ambiguous as to "nature of the facts," "knowledge of the facts," and "contact information." "Nature of facts" is so unintelligible that it is unclear what Oracle is seeking. For example, is nature of the facts the date the person acquired the facts, how he acquired the facts, who he acquired the facts from, the contents of the facts, when the facts occurred, who observed or witnessed the facts, etc. In terms of knowledge of the facts: it is not known if Oracle was referring to personal knowledge, constructive knowledge, third-hand knowledge, hearsay

knowledge, etc. It is not clear what Oracle means by contact information, is it a person home telephone number, is it a person's business address, etc.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this request, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain everyone who has knowledge of the discrimination.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP everyone who might have knowledge of the discrimination so that OFCCP can identify all of the people who have knowledge of the discrimination.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" if the nature of the facts includes every fact, however, minor that the person knows regardless of how the person obtained knowledge of the alleged fact.

OFCCP objects to this interrogatory as it is making two distinct information requests in one interrogatory – identify the name, job title and contact information of the person with knowledge, and the content/nature of this knowledge. OFCCP will count this as two interrogatories.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory "requires [the party answering the written discovery] to refer to materials

outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

OFCCP further objects to the request to the extent it seeks each individual’s contact information on the grounds of the Privacy Act and that they are represented by counsel. OFCCP’s personnel (current or former) may be contacted through OFCCP’s counsel at the Office of the Solicitor.

Subject to and without waiving the foregoing objections, OFCCP responds that the following persons, excluding OFCCP attorneys at the Office of the Solicitor, may have knowledge of the facts giving rise to the allegations made in the Amended Complaint include: Oracle employees, supervisors and managers employed by Oracle during the review period; former employees, supervisors and managers of Oracle; and OFCCP personnel listed in response to Interrogatory No. 1. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 9:

As to each African American allegedly discriminated against as referenced in Paragraph 8 of the Amended Complaint, identify by name and job title the comparable White or Whites employed in similar roles.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil

Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of

forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2 and 7, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable White employees in similar roles to African American employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of African Americans in the Product Development line of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014, through the present, OFCCP expects that additional Whites, as well African American victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 10:

For each qualified African American allegedly discriminated against as referenced in Paragraph 8 of the Amended Complaint, state all facts that support the allegation that the White employee(s) identified as similarly situated and comparable were similarly situated and comparable.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example,

as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory "requires [the party answering the written discovery] to refer to materials outside of the request itself," OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2, 7 and 9, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP

for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable White employees in similar roles to African American employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of African Americans in the Product Development line of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that it determined which roles were similar by reviewing evidence gathered during the compliance review. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014, through the present, OFCCP expects that additional Whites, as well African American victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 11:

State all facts that support the allegation contained in Paragraph 8 of the Amended Complaint that there was a standard deviation of -2.10, including the statistical data used, the analysis and methodologies used, and the computations used to determine the standard deviations.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant

privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this Interrogatory to the extent it implies that OFCCP was required to allege statistical data. Statistical data supporting OFCCP's claims of discrimination will be developed and refined, during and after discovery. Tying OFCCP to a particular set of statistics at the pleading stage would be both unfair and inefficient.⁴ The time for assessing OFCCP's statistical evidence, including whether it accounts for all relevant variables, is after discovery has closed and the case is tried.⁵ Further, it is impossible for OFCCP to make any refinements to statistics in this case until Defendants produce the myriad relevant records they refused to provide to OFCCP and have not yet provided in discovery.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and

⁴ *See Jenkins*, 646 F.Supp.2d 469 (“It would be inappropriate to require a plaintiff to produce statistics to support her disparate impact claim before the plaintiff has had the benefit of discovery”).

⁵ *See Barrett*, 39 F.Supp.3d 430.

obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP likewise objects to the terms "statistical data used," "the analysis and methodologies used," the computations used." For these latter three terms the context of "used" it is not known and it is not clear which "statistical data," "analysis," "methodologies" and "computations" that Oracle is referring.

OFCCP objects to this Interrogatory as overbroad, unduly burdensome, oppressive, not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP further objects to producing any in-house statistical analyses performed to include the data, methodology and computations that OFCCP employed. This information is protected under the various privileges asserted above, is irrelevant, and is not proportional to the needs of the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2, 7, 9 and 10, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable White employees in similar roles to African American employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of African American in the Product Development line of business, as well as their job titles, that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that during the compliance review, OFCCP evaluated and analyzed Oracle’s compensation information and found statistically significant pay disparities adverse to African American employees after controlling for legitimate explanatory factors in the Product Development line of business. Within this line of business, OFCCP controlled for the following factors: job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure/Oracle work experience. Even after controlling for such factors in the analysis, African American employees were paid significantly less than White employees in the Product Development line of business at -2.10 standard deviations. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014 through the present, OFCCP

expects that additional comparable Whites, as well as African American victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 12:

State all facts that support the allegation in Paragraph 9 of the Amended Complaint that “Oracle discriminated against qualified Asians in Product Development roles at Oracle Redwood Shores based upon race by paying them less than comparable Whites employed in similar roles.”

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to

produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

Subject to and without waiving the foregoing objections, OFCCP incorporates its response to Interrogatory No. 2, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the

NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. OFCCP further responds that during the compliance review of Oracle headquarters, OFCCP evaluated and analyzed Oracle's compensation information and evidence gathered in the investigation and found statistically significant pay disparities based upon race between Asians and Whites after controlling for legitimate explanatory factors. Within this line of business, OFCCP controlled for the following factors: job title, full-time/part-time status, exempt status, global career level, job specialty, estimated prior work experience, and work experience at Oracle. Even after controlling for such factors in the analysis, Asian employees were paid significantly less than White employees in the Product Development line of business. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 13:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 9 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the Interrogatory on the basis that it is compound, vague and ambiguous as to “nature of the facts,” “knowledge of the facts,” and “contact information.” “Nature of facts” is so unintelligible that it is unclear what Oracle is seeking. For example, is nature of the facts the date the person acquired the facts, how he acquired the facts, who he acquired the facts from, the contents of the facts, when the facts occurred, who observed or witnessed the facts, etc. In terms of knowledge of the facts: it is not known if Oracle was referring to personal knowledge, constructive knowledge, third-hand knowledge, hearsay knowledge, etc. It is not clear what Oracle means by contact information, is it a person home telephone number, is it a person’s business address, etc.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this Interrogatory, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain everyone who has knowledge of the discrimination.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP still further objects because the interrogatory calls for speculation if Oracle does not make everyone available to OFCCP everyone who might have knowledge of the discrimination so that OFCCP can identify all of the people who have knowledge of the discrimination.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” if the nature of the facts includes every fact, however, minor that the person knows regardless of how the person obtained knowledge of the alleged fact.

OFCCP objects to this interrogatory as it is making two distinct information requests in one interrogatory – identify the name, job title and contact information of the person with knowledge, and the content/nature of this knowledge. OFCCP will count this as two interrogatories.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

OFCCP further objects to the Interrogatory to the extent it seeks each individual’s contact information on the grounds of the Privacy Act and that they are represented by counsel. OFCCP’s personnel (current or former) may be contacted through OFCCP’s counsel at the Office of the Solicitor.

Subject to and without waiving the foregoing objections, OFCCP responds that the following persons, excluding OFCCP attorneys at the Office of the Solicitor, may have knowledge of the facts giving rise to the allegations made in the Amended Complaint include: Oracle employees, supervisors and managers employed by Oracle during the review period; former employees, supervisors and managers of Oracle; and OFCCP personnel listed in response to Interrogatory No. 1. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 14:

As to each Asian allegedly discriminated against as referenced in Paragraph 9 of the Amended Complaint, identify by name and job title the comparable White or Whites employed in similar roles.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data

for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory "requires [the party answering the written discovery] to refer to materials outside of the request itself," OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2 and 12, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable White employees in similar roles to Asian employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of Asians in the Product Development line of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014, through the present, OFCCP expects that additional Whites, as well

Asian victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 15:

For each qualified Asian allegedly discriminated against as referenced in Paragraph 9 of the Amended Complaint, state all facts that support the allegation that the White employee(s) identified as similarly situated and comparable were similarly situated and comparable.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information

responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory "requires [the party answering the written discovery] to refer to materials outside of the request itself," OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2, 12 and 14, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable White employees in similar roles to Asian employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of Asians in the Product Development line of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that it determined which roles were similar by reviewing evidence gathered during the compliance review. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014, through the present, OFCCP expects that additional Whites, as well Asian victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 16:

State all facts that support the allegation contained in Paragraph 9 of the Amended Complaint that there was a standard deviation of -6.55, including the statistical data used, the analysis and methodologies used, and the computations used to determine the standard deviations.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege,

attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this Interrogatory to the extent it implies that OFCCP was required to allege statistical data. Statistical data supporting OFCCP's claims of discrimination will be developed and refined, during and after discovery. Tying OFCCP to a particular set of statistics at the pleading stage would be both unfair and inefficient.⁶ The time for assessing OFCCP's statistical evidence, including whether it accounts for all relevant variables, is after discovery has closed and the case is tried.⁷ Further, it is impossible for OFCCP to make any refinements to statistics in this case until Defendants produce the myriad relevant records they refused to provide to OFCCP and have not yet provided in discovery.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to

⁶ *See Jenkins*, 646 F.Supp.2d 469 (“It would be inappropriate to require a plaintiff to produce statistics to support her disparate impact claim before the plaintiff has had the benefit of discovery”).

⁷ *See Barrett*, 39 F.Supp.3d 430.

this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP likewise objects to the terms "statistical data used," "the analysis and methodologies used," "the computations used." For these latter three terms the context of "used" it is not known and it is not clear which "statistical data," "analysis," "methodologies" and "computations" that Oracle is referring.

OFCCP objects to this Interrogatory as overbroad, unduly burdensome, oppressive, not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP further objects to producing any in-house statistical analyses performed to include the data, methodology and computations that OFCCP employed. This information is protected under the various privileges asserted above, is irrelevant, and is not proportional to the needs of the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2, 12, 14 and 15, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable White employees in similar roles to Asian employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of Asians in the Product Development line of business, as well as their job titles, that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that during the compliance review, OFCCP evaluated and analyzed Oracle’s compensation information and found statistically significant pay disparities adverse to Asian employees after controlling for legitimate explanatory factors in the Product Development line of business. Within this line of business, OFCCP controlled for the following factors: job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure/Oracle work

experience. Even after controlling for such factors in the analysis, Asian employees were paid significantly less than White employees in the Product Development line of business at -6.55 standard deviations. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014 through the present, OFCCP expects that additional comparable Whites, as well as Asian victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 17:

State all facts that support the allegation in Paragraph 10 of the Amended Complaint, that “Oracle utilized . . . a recruiting and hiring process that discriminates against [non-Asian] applicants in favor of Asian applicants, . . . based upon race for positions in the [PT1] job group and Product Development line of business” at HQCA.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as

premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

Subject to and without waiving the foregoing objections, OFCCP incorporates its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the hiring databases that Oracle provided to OFCCP. OFCCP further responds that that upon initiating a compliance review of Oracle's headquarters in Redwood Shores, California, OFCCP conducted a comprehensive analysis and evaluation of the hiring and employment practices of Oracle, the written affirmative action program (AAP), and the results of the affirmative action efforts undertaken by Oracle, including a desk audit, on-site review and off-site analysis.

Specifically, OFCCP analyzed and evaluated Oracle's AAP and supporting documentation, and other documents related to the contractor's personnel policies and employment actions that may be relevant to a determination of whether Oracle complied with the requirements of the Executive Order, VEVRRRA, Section 503 and their implementing regulations, including but not limited to: employment policies, practices, records, and actions; management, human resources, non-management employee, and former employee statements; employee complaints; one-year of individual employee compensation data and other evidence; Labor Condition Applications; Oracle's compliance history by reviewing OFCCP internal database system, and review any information received from EEOC, State or local FEP, and/or other labor and employment agencies, such as the Department of Labor's Veterans' Employment and Training Service and Wage and Hour Division, and publically available company information; and Oracle's hiring data, workforce data and appropriate labor market workforce availability statistics. OFCCP also obtained and analyzed any complaints filed against Oracle through the Equal Employment Opportunity Commission (EEOC), the State and/or Local Fair Employment Practice (FEP) agency, and/or other government agencies. Additionally, OFCCP requested additional information from Oracle during the compliance review that Oracle withheld (*see* Amended Complaint ¶¶ 11-15) that is relevant to a

determination of whether Oracle complied with the requirements of the Executive Order and the regulations.

During the compliance review of Oracle headquarters, OFCCP evaluated and analyzed Oracle's recruiting and hiring information and evidence gathered in the investigation and found statistically significant hiring disparities based upon race. OFCCP used U.S. Census data and other workforce data reflecting the potential applicant and hiring pools to evaluate recruiting and hiring decisions for U.S. jobs. This data use is consistent with Title VII and relevant case law to perform this analysis because it was inappropriate to use Oracle's pools.

Specifically, an analysis of Oracle's Professional Technical 1, Individual Contributor ("PT1") applicant data uncovered gross disparities between the expected applicant rate (availability) and the actual applicant rate. In these entry-level technical roles, the Asian applicant rate was over 75%, compared to less than 30% in the available workforce in the relevant labor market. Among Oracle's college applicants, the overrepresentation of Asians was even more extreme: the Asian applicant rate was 85% in 2013 and 92% in 2014. Based upon this data and OFCCP's analysis of Oracle's applicant data and appropriate workforce availability statistics, OFCCP found that Oracle favored Asian applicants, particularly Asian Indians, in recruiting at a standard deviation as significant as +85 and found race disparities in Oracle's recruiting practices against African American, Hispanic and White applicants.

Similarly, OFCCP found gross disparities between the available workforce in the relevant U.S. labor market and Oracle's hires in PT1. In PT1 roles, OFCCP found race disparities in Oracle's hiring practices against African American, Hispanic and White applicants. Notably, even with such a skewed applicant pool in favor of Asians, Oracle's Asian hiring rate significantly exceeded it -- by more than 6% . Compared to approximately 75% Asian applicants (and 74% Asian incumbents), Oracle hired over 82% Asians in PT1 roles during the review period. OFCCP's analysis of Oracle's hiring data and appropriate workforce

availability statistics show that Oracle favored Asian applicants, particularly Asian Indians, in hiring at a standard deviation as significant as +30.

Additional evidence, including anecdotal evidence, also reinforces that these gross statistical findings are not due to chance. OFCCP obtained statements from confidential sources evincing Oracle's reputation as favoring Asians, specifically Asian Indians. Additionally, Oracle's reputation is consistent with its recruiting efforts for engineering roles, which target Asian Indians. Oracle's recruiting priorities on its website has it directly recruiting entry-level software positions from India despite the oversupply of STEM graduates in the United States.

Furthermore, Oracle has a longstanding and well-known preference of sponsoring H1B visas almost exclusively for employees from Asia and particularly India. Over 92% of all of Oracle's H1B employees are Asian. Such preference is most pronounced in entry-level technical roles (or PT1 roles). Nearly one third of Oracle's PT1 workforce are H1B employees, compared to 13% of Oracle's overall workforce. Across Oracle headquarters, approximately 90% of H1B employees work in PT1 roles.

Moreover, despite this heavy concentration of Asians in Oracle's workforce, Oracle relied on word-of-mouth recruiting practices, which further perpetuated already existing disparities. In PT1, most successful employment referrals (or referrals that lead to a hire) originate from Asians. For technical jobs, approximately 74% of successful referrals come from PT1 employees, and approximately 80% of the referrals come from Asians.

Thus, based upon the analyses conducted and the evidence gathered during the compliance evaluation, OFCCP found that Oracle recruited, selected, and hired Asian applicants, particularly Asian Indians, for PT1 roles at a rate significantly greater than their non-Asian counterparts and Oracle's recruiting and hiring practices resulted in discrimination against African American, Hispanic, and White applicants. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 18:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 10 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the Interrogatory on the basis that it is compound, vague and ambiguous as to "nature of the facts," "knowledge of the facts," and "contact information." "Nature of facts" is so unintelligible that it is unclear what Oracle is seeking. For example, is nature of the facts the date the person acquired the facts, how he acquired the facts, who he acquired the facts from, the contents of the facts, when the facts occurred, who observed or witnessed the facts, etc. In terms of knowledge of the facts: it is not known if Oracle was referring to personal knowledge, constructive knowledge, third-hand knowledge, hearsay knowledge, etc. It is not clear what Oracle means by contact information, is it a person home telephone number, is it a person's business address, etc.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this request, OFCCP would need to literally interview thousands of Oracle employees to include

employees in supervisory and management positions to ascertain everyone who has knowledge of the discrimination.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP everyone who might have knowledge of the discrimination so that OFCCP can identify all of the people who have knowledge of the discrimination.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” if the nature of the facts includes every fact, however, minor that the person knows regardless of how the person obtained knowledge of the alleged fact.

OFCCP objects to this interrogatory as it is making two distinct information requests in one interrogatory – identify the name, job title and contact information of the person with knowledge, and the content/nature of this knowledge. OFCCP will count this as two interrogatories.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

OFCCP further objects to the request to the extent it seeks each individual’s contact information on the grounds of the Privacy Act and that they are represented by counsel.

OFCCP's personnel (current or former) may be contacted through OFCCP's counsel at the Office of the Solicitor.

Subject to and without waiving the foregoing objections, OFCCP responds that the following persons, excluding OFCCP attorneys at the Office of the Solicitor, may have knowledge of the facts giving rise to the allegations made in the Amended Complaint include: Oracle employees, supervisors and managers employed by Oracle during the review period; former employees, supervisors and managers of Oracle; and OFCCP personnel listed in response to Interrogatory No. 1. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 19:

As to each "non-Asian" allegedly discriminated against as referenced in Paragraph 10 of the Amended Complaint, described how the "non-Asian" not hired was equally or better qualified than the Asian hired in that "non-Asian" person's stead.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the

information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP further objects that this interrogatory is compound, and has vague, and ambiguous terms such as "equally or better qualified" and "person's stead." In terms of "equally or better qualified," it is not clear which quality or characteristic or combination

thereof that Oracle is referring. In terms of person's stead, it is not clear if Oracle is referring to the advantage brought by a person standing in good stead or in the position of a replacement or successor when the Asian did not replace the non-Asian but instead was hired instead of the non-Asian.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its response to Interrogatory No. 17, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the hiring databases that Oracle provided to OFCCP and the application materials it provided to include iRecruitment documents, resumes and the recruiting and hiring information in the personnel files. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 20:

State all facts that support the allegation in Paragraph 10 of the Amended Complaint that Oracle's hiring practices resulted in statistically significant adverse impact against non-Asian employees and statistically significant disparities in the hiring of Asians versus non-Asians, including the statistical data used, the analysis and methodologies used, and the computations used.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil

Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this Interrogatory to the extent it implies that OFCCP was required to allege statistical data. Statistical data supporting OFCCP's claims of discrimination will be developed and refined, during and after discovery. Tying OFCCP to a particular set of statistics at the pleading stage would be both unfair and inefficient.⁸ The time for assessing OFCCP's statistical evidence, including whether it accounts for all relevant variables, is after discovery has closed and the case is tried.⁹ Further, it is impossible for OFCCP to make any refinements to statistics in this case until Defendants produce the myriad relevant records they refused to provide to OFCCP and have not yet provided in discovery.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example,

⁸ *See Jenkins*, 646 F.Supp.2d 469 (“It would be inappropriate to require a plaintiff to produce statistics to support her disparate impact claim before the plaintiff has had the benefit of discovery”).

⁹ *See Barrett*, 39 F.Supp.3d 430.

as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP likewise objects to the terms "statistical data used," "the analysis and methodologies used," the computations used." For these latter three terms the context of "used" it is not known and it is not clear which "statistical data," "analysis," "methodologies" and "computations" that Oracle is referring.

OFCCP objects to this Interrogatory as overbroad, unduly burdensome, oppressive, not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP further objects to producing any in-house statistical analyses performed to include the data, methodology and computations that OFCCP employed. This information is protected under the various privileges asserted above, is irrelevant, and is not proportional to the needs of the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its response to Interrogatory No. 17, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the hiring database that Oracle provided to OFCCP for the 2014 snapshot and the application materials it provided to include iRecruitment documents, resumes and the recruiting and hiring information in the personnel files. During the compliance review of Oracle headquarters, OFCCP evaluated and analyzed Oracle's recruiting and hiring information and evidence gathered in the investigation and found statistically significant hiring disparities based upon race. OFCCP's analysis of Oracle's applicant data and appropriate workforce availability statistics show that Oracle favored Asian applicants, particularly Asian Indians, in recruiting at a standard deviation as significant as +85. Additionally, an analysis of Oracle's hiring data and appropriate workforce availability statistics show that Oracle favored Asian applicants, particularly Asian Indians, in hiring at a standard deviation as significant as +30. Based upon the analyses conducted and the evidence gathered during the compliance evaluation, OFCCP found that Oracle recruited, selected, and hired Asian applicants, particularly Asian Indians, in the referenced groups at a rate significantly greater than their non-Asian counterparts and Oracle's recruiting and hiring practices resulted in discrimination against African American, Hispanic, and White applicants. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 21:

State all facts that support the allegation in Paragraph 12 and 13 of the Amended Complaint that YOU requested “various records” that Oracle “refused to produce,” including a description of the specific records YOU requested, the date(s) on which YOU requested the records, the date(s) on which YOU contend that Oracle refused to produce those records, the PERSON that refused to produce the records, and the COMMUNICATION reflecting the refusal.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP’s discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of

repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP likewise objects to this Interrogatory as vague and ambiguous because it simultaneously refers to two different paragraphs in the complaint containing different allegations and then it requests the facts to support just one of the allegations located therein when it states "[s]tate all facts that support the allegation in Paragraph 12 and 13." It is not clear which allegation to which Oracle is referring.

OFCCP further objects to this Interrogatory as vague and ambiguous for the following terms "description of the specific records" "refused to produce," and "communication reflecting the refusal." For example, it is not known what Oracle is requesting when it requests a description of the records. Is it the record's title, database, or snapshot; date of record or snapshot; author or custodian of record or data base, etc.? The parties have provided each other with different definitions of what constitutes "refusal to produce" during the investigation and

litigation and it is not clear what definition Oracle is referring to in this Interrogatory. Additionally, it is not clear what Oracle means by “reflecting the refusal.” Does this term mean only those communications wherein Oracle actually used the word “refusal” or some deviation of this word; does Oracle mean communications that evidence this refusal, etc.? Furthermore, Oracle just defined communication to oral or documents and not to a party’s action or inactions. Thus, its definition of communication is artificially constrained and any response using this definition would be incomplete.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this Interrogatory, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain every person who took part in Oracle’s refusal to provide OFCCP the requested information, data and documents and to identify all of their related communications.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP who might have knowledge of Oracle’s failure to conduct the reviews and analysis so that OFCCP can identify all of the people involved and their related communications.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to create a compendium from communications that Oracle is already in possession of these communications.

OFCCP objects to this interrogatory as it is making five distinct information requests in one interrogatory: (1) description of the specific records requested; (2) dates records were

requested; (3) dates Oracle refused to provide the records; (4) the person that refused to provide the records; and (5) the communications reflecting refusal.

OFCCP objects to this interrogatory because Oracle, with this interrogatory, makes its 25th interrogatory when seeking information about the “description of the specific records requested” and exceeds the 25 interrogatory limit for the four additional items listed in the previous paragraph.

Subject to and without waiving the foregoing objections, OFCCP will only answer this Interrogatory for a description of the specific records requested. OFCCP incorporates herein its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot and the correspondence between the parties. The categories of information that Oracle refused to produce are: pay equity analysis pursuant to 41 C.F.R. § 60-2.17, some fields of information for the 2014 snapshot; data for the 2013 snapshot, employee contact information, internal complaints, external arbitration complaints and data for the 2012 applicant flow log. Furthermore, Oracle refused to produce most of the various employer personnel actions requested, and a significant amount of the application materials requested. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 22:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraphs 12 and 13 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the Interrogatory on the basis that it is compound, vague and ambiguous as to "nature of the facts," "knowledge of the facts," and "contact information." "Nature of facts" is so unintelligible that it is unclear what Oracle is seeking. For example, is nature of the facts the date the person acquired the facts, how he acquired the facts, who he acquired the facts from, the contents of the facts, when the facts occurred, who observed or witnessed the facts, etc. In terms of knowledge of the facts: it is not known if Oracle was referring to personal knowledge, constructive knowledge, third-hand knowledge, hearsay knowledge, etc. It is not clear what Oracle means by contact information, is it a person home telephone number, is it a person's business address, etc.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this Interrogatory, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain everyone who has knowledge of the discrimination.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP who might have knowledge of the discrimination so that OFCCP can identify all of the people who have knowledge of the discrimination.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” if the nature of the facts includes every fact, however, minor that the person knows regardless of how the person obtained knowledge of the alleged fact.

OFCCP objects to this interrogatory as it is making two distinct information requests in one interrogatory – identify the name, job title and address of the person with knowledge, and the content/nature of this knowledge. OFCCP will count this as two interrogatories.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

OFCCP further objects to the Interrogatory to the extent it seeks each individual’s contact information on the grounds of the Privacy Act and that they are represented by counsel. OFCCP’s personnel (current or former) may be contacted through OFCCP’s counsel at the Office of the Solicitor.

OFCCP objects to this interrogatory because Oracle has already asked more than 25 interrogatories because four of its previous interrogatories contained two subparts each, another Interrogatory contained five subparts, and this Interrogatory contains two subparts. As such, Oracle exceeded the number of interrogatories that it can make without a court order.

Subject to and without waiving the foregoing objections, OFCCP declines to answer this Interrogatory because Oracle exceeded the number of interrogatories allowed without court order.

INTERROGATORY NO. 23:

State all facts that support the allegation in Paragraph 14 of the Amended Complaint that Oracle “defaulted on its obligations under 41 sections 60-2.17(b)-(d), 60-315A, and 60-3.4, including a description of the specific “reviews and analysis” that YOU contend Oracle failed to conduct, the date(s) on which YOU contend that Oracle refused to produce those reviews and analysis, the PERSON that refused to produce the reviews and analysis, and the COMMUNICATION reflecting the refusal.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP’s discovery requests. Furthermore, OFCCP objects to

this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP further objects to this Interrogatory as vague and ambiguous for the following terms "description of the specific 'reviews and analysis,'" "Oracle failed to conduct," "Oracle refused to produce those reviews and analysis" and "communication reflecting the refusal." For example, it is not known what Oracle is requesting when it requests a description. Is it the title of the review, the particular requirement or regulation requiring the review, what the review concerned, etc.? The parties have provided each other with different definitions of what constitutes "refusal to produce" during the investigation and litigation and it is not clear what definition Oracle is referring to in this Interrogatory. Additionally, it is not clear what Oracle means by "reflecting the refusal." For example, does this term mean only those communications wherein Oracle actually used the word "refusal" or some deviation of this

word; does Oracle mean communications that evidence this refusal, etc.? Furthermore, Oracle just defined communication to oral or documents and not to a party's action or inactions. Thus, its definition of communication is artificially constrained and any response using this definition would be incomplete. It is also not clear what Oracle means by "failure to conduct." For example, does this term mean only those communications wherein Oracle actually stated that it failed to conduct the review; does it mean communications that Oracle repeatedly failed to provide evidence that it conducted the review after repeated requests, etc.?

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this Interrogatory, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain every person who took part in Oracle's failure to conduct the reviews and analysis and to identify all of their related communications.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to create a compendium from communications that Oracle is already in possession of these communications.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP who might have knowledge of Oracle's failure to conduct the reviews and analysis so that OFCCP can identify all of the people involved and their related communications.

OFCCP objects to this interrogatory as it is making four distinct information requests in one interrogatory: (1) description of the specific "reviews and analysis" that Oracle failed to

conduct; (2) dates Oracle refused to produce reviews; (3) the person that refused to provide the reviews; and (4) the communications reflecting refusal.

OFCCP objects to this interrogatory because Oracle has already asked the equivalent of 25 interrogatories in that five of its previous interrogatories contained two subparts each, another Interrogatory contained five subparts and this Interrogatory contained four subparts. As such, Oracle exceeded the number of interrogatories that it can make without a court order.

Subject to and without waiving the foregoing objections, OFCCP declines to answer this Interrogatory because Oracle exceeded the number of interrogatories allowed without court order.

INTERROGATORY NO. 24:

Describe in detail any anecdotal evidence of discrimination YOU contend supports any allegation in the Amended Complaint.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases

cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP further objects on the ground that Oracle continues, against legal authorities, to withhold its employee contact information, preventing OFCCP from communicating with them in order to obtain further anecdotal evidence of unlawful discrimination. *See, e.g., OFCCP v. Jefferson County Board of Education*, Case No. 1990-OFC-4 (ALJ, Nov. 16, 1990) (granting

OFCCP's motion to compel Defendant to provide "names, addresses, phone numbers, positions, dates of employment educational background, and previous employment for all hires for [a] two-year period."); *see also OFCCP v. American Airlines, Inc.*, Case No. 1994-OFC-9 (ALJ, Jan. 19, 1995) (ordering the defendant "to supply the requested telephone numbers and addresses for all former and current employees except those with authority to speak for the company; and, further, to supply addresses, either work addresses or home addresses, of former and current management employees with authority to bind the company for the limited purpose of allowing OFCCP to notice depositions."); *see also* 79 FR 55712-02, 2014 WL 4593912 (F.R.), Proposed Rules, 41 C.F.R. Part 60-1, RIN 1250-AA06 (interviewing "employees potentially impacted by discriminatory compensation" is "an invaluable way for [OFCCP] to determine whether compensation discrimination in violation of Executive Order 11246 has occurred and to support its statistical findings."); *see also Kasten v. St.-Gobain Performance Plastics Corp.*, 531 U.S. 1, 11-12 (2011) (in order to enforce the FLSA, the Secretary of Labor necessarily relies, "not upon 'continuing detailed federal supervision or inspection of payrolls,' but upon 'information and complaints received from employees seeking to vindicate rights claimed to have been denied.'"); *see also E.E.O.C. v. McLane Co., Inc.*, 804 F.3d 1051, 1056-57 (9th Cir. 2015) (ordering employer to produce employee contact information).

OFCCP further objects to this Interrogatory as vague and ambiguous for the following terms "[d]escribe in detail," and "anecdotal evidence." For example, it is not known what Oracle is requesting when it requests for OFCCP to describe in detail, the level of detail needed and how much information constitutes sufficient detail. To the extent that Oracle's describe in detail means to state all facts, then OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case. In terms of anecdotal evidence it is not clear what definition of evidence that Oracle is

requesting OFCCP to provide and what it considers to be anecdotal as opposed to another form of evidence.

OFCCP objects to this interrogatory because Oracle has already asked the equivalent of 25 interrogatories in that five of its previous interrogatories contained two subparts each, another Interrogatory contained four subparts and still another Interrogatory contained five subparts. As such, Oracle exceeded the number of interrogatories that it can make without a court order.

Subject to and without waiving the foregoing objections, OFCCP declines to answer this Interrogatory because Oracle exceeded the number of interrogatories allowed without court order.

INTERROGATORY NO. 25:

If YOU contend that any of the discrimination alleged in the Amended Complaint is based upon a theory of disparate impact, identify the policies, practices, procedures, and tests that YOU contend operate to have a disparate impact.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain

flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as compound, vague, and ambiguous with respect to the terms "identify," "policies," "practices," "procedures," "tests," and "operate." It is not clear

what information Oracle is seeking to identify and what will constitute a sufficient identification. Is it the title of the policy or other terms referenced; is it the date they became effective, etc. It is not clear what Oracle considers a governing policy, practice, procedure to be, what constitutes an official or formal policy, practice or procedure of Oracle as opposed to an individual practice of an Oracle supervisor, etc. It is not clear what test Oracle is referring. Is it referring to a validity test or some other kind of test. Operate is also vague and ambiguous. There are multiple ways that operate can be interpreted, does it mean how it functions, what Oracle created, how it is managed or run, etc.?

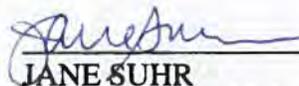
OFCCP objects to this interrogatory because Oracle has already asked the equivalent of 25 interrogatories in that five of its previous interrogatories contained two subparts each, another four subparts and still another contained five subparts. As such, Oracle exceeded the number of interrogatories that it can make without a court order.

Subject to and without waiving the foregoing objections, OFCCP declines to answer this Interrogatory because Oracle exceeded the number of interrogatories allowed without court order.

Declaration

I declare under penalty of perjury that to the best of my knowledge, the foregoing is true and correct.

Executed June 12, 2017



JANE SUHR

Deputy Regional Director, OFCCP Pacific Region

///

AS TO OBJECTIONS

DATED: June 12, 2017

Respectfully submitted,

NICHOLAS C. GEALE
Acting Solicitor of Labor

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney
NATALIE A. NARDECCHIA
Trial Attorney

Attorneys for OFCCP

Office of the Solicitor
United States Department of Labor

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 7th Street, Suite 3-700, San Francisco, CA 94103.

On the date indicated below, I served the foregoing **OFCCP'S OBJECTIONS AND ANSWERS TO DEFENDANT ORACLE AMERICA, INC.'S INTERROGATORIES, SET ONE (AS AMENDED)** 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: June 12, 2017

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

Office of the Solicitor
U.S. Department of Labor

Exhibit 5

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

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,	:	
	:	
Plaintiff,	:	OALJ Case No. 2017-OFC-00006
	:	
v.	:	OFCCP No. R00192699
	:	
ORACLE AMERICA, INC.,	:	
	:	
Defendant.	:	
	:	
	:	

**OFCCP’S SUPPLEMENTAL OBJECTIONS AND RESPONSES TO DEFENDANT
ORACLE AMERICA, INC.’S REQUEST FOR PRODUCTION, SET ONE**

The United States Department of Labor, Office of Federal Contract Compliance Programs (“OFCCP”), by and through the Office of the Solicitor, hereby submits its supplemental objections and answers to Defendant Oracle America, Inc.’s Request for Production, Set One.

PRELIMINARY STATEMENT

Discovery in this matter is currently ongoing. Each and every following response is rendered and based upon information reasonably available to OFCCP at the time of preparation of these responses. OFCCP reserves the right to amend the responses to these Requests as discovery progresses. OFCCP provides these supplemental responses pursuant to the Court’s September 11, 2017, Order and the parties’ previous meet and confer agreements.

OFCCP has not completed its respective discovery in this action. OFCCP, therefore, specifically reserves the right to introduce any evidence from any source which may hereinafter be discovered in testimony from any witness whose identity may hereafter be discovered.

GENERAL OBJECTIONS

OFCCP objects to Definition and Instruction No. 13 (which requests that OFCCP segregate and designate by category number the documents produced) as being unduly burdensome and beyond what is required of OFCCP pursuant to either 41 C.F.R. § 60-30.10 or Rule 34 of the Federal Rules of Civil Procedure.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS YOU reviewed in connection with the “compliance review” process identified in Paragraph 6 of the AMENDED COMPLAINT.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “in connection with” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the

whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS RELATED to the claim in Paragraph 7 of the Amended Complaint that "Oracle discriminated against qualified female employees in its Information Technology . . . lines of business or job functions" at HQCA.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because

any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court’s September 11, 2017, Order and the parties’ meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS RELATED to the claim in Paragraph 7 of the Amended Complaint that “Oracle discriminated against qualified female employees in its . . . Product Development . . . lines of business or job functions” at HQCA.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after

conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS RELATED to the claim in Paragraph 7 of the Amended Complaint that “Oracle discriminated against qualified female employees in its . . . Support lines of business or job functions” at HQCA.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing

may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 5:

All DOCUMENTS RELATED to YOUR determination of which employees are "qualified," as alleged in Paragraph 7 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS RELATED to YOUR determination of which employees are "comparable males," as alleged in Paragraph 7 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's

informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS RELATED to YOUR determination of which “roles” are “similar,” as alleged in Paragraph 7 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodology” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing

may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS RELATED to YOUR "controlling for job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure," as alleged in Paragraph 7 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology YOU used.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS RELATED to the allegation in Paragraph 7 of the Amended Complaint that a standard deviation of -2.71 impacts 133 "female information technology employees." This request includes but is not limited to final and draft DOCUMENTS showing underlying statistical data, methodologies, models and actual computations used to determine the

standard deviation, as well as DOCUMENTS showing calculations and/or methodologies different from what is represented in Paragraph 7.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodologies" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it

will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS RELATED to the allegation in Paragraph 7 of the Amended Complaint that a standard deviation of -8.41 impacts 1,207 "female product development employees." This request includes but is not limited to final and draft DOCUMENTS showing underlying statistical data, methodologies, models and actual computations used to determine the standard deviation, as well as DOCUMENTS showing calculations and/or methodologies different from what is represented in Paragraph 7.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodologies" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS RELATED to the allegation in Paragraph 7 of the Amended Complaint that a standard deviation of -3.67 impacts 47 "female support employees." This request includes but is not limited to both final and draft DOCUMENTS showing underlying statistical data, methodologies, models and actual computations used to determine the standard

deviation, as well as DOCUMENTS showing calculations and/or methodologies different from what is represented in Paragraph 7.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodologies" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it

will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS that identify the female employees YOU included in each class listed in the table found in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "identify" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the

whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 13:

All DOCUMENTS that identify the "comparable males employed in similar jobs" that YOU used as comparators in reaching the conclusions alleged in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because

any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “identify” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court’s September 11, 2017, Order and the parties’ meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 14:

All DOCUMENTS RELATED to the comparisons YOU made between any “female CLASS MEMBERS” and any “comparable males employed in similar roles” as described in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after

conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 15:

All CASE FILES RELATED to the allegations described in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 16:

All CASE ANALYSES RELATED to the allegations described in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal

Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 17:

All interview notes, summaries and memoranda for each interview YOU conducted that RELATES to the allegations described in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "relates to" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "summaries" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 7 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one

way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “communications” as overbroad and unduly burdensome.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court’s September 11, 2017, Order and the parties’ meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 19:

All statistical studies and analyses RELATED to the allegations described in Paragraph 7 of the Amended Complaint, including any that YOU did not adopt or endorse, and any that resulted in calculations different from those presented in Paragraph 7. This request seeks all responsive DOCUMENTS in both final and draft form.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the phrases "adopt" and "endorse" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used

during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS RELATED to the claim in Paragraph 8 of the Amended Complaint that "Oracle discriminated against qualified African American employees in Product Development roles" at HQCA.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS RELATED to YOUR determination of which employees are "qualified," as alleged in Paragraph 8 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS RELATED to YOUR determination of which employees are “comparable Whites,” as alleged in Paragraph 8 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodology” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts

are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS RELATED to YOUR determination of which "roles" are "similar," as alleged in Paragraph 8 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 24:

All DOCUMENTS RELATED to YOUR "controlling for job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure," as alleged in Paragraph 8 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology YOU used.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal

Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 25:

All DOCUMENTS RELATED to the allegation in Paragraph 8 of the Amended Complaint that a standard deviation of -2.10 exists. This request includes but is not limited to final and draft DOCUMENTS showing underlying statistical data, methodologies, models and actual computations used to determine the standard deviation, as well as DOCUMENTS showing calculations and/or methodologies different from what is alleged in Paragraph 8.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodologies" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the

statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS that identify the African Americans that YOU allege are victims of the alleged discrimination described in Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "identify" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS that identify the "comparable Whites employed in similar jobs" that YOU used as comparators in reaching the conclusions alleged in Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process

privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "identify" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS RELATED to the comparisons YOU made between any “African Americans” and any “comparable Whites employed in similar roles” as alleged in Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts

are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 29:

All CASE FILES RELATED to the allegations of Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 30:

All CASE ANALYSES RELATED to the allegations of Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 31:

All interview notes, summaries and memoranda for each interview YOU conducted that RELATES to the allegations of Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “relates to” as overbroad and unduly burdensome.

OFCCP further objects to the phrase “summaries” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court’s September 11, 2017, Order and the parties’ meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 32:

All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it

will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 33:

All statistical studies and analyses RELATED to the allegations described in Paragraph 8 of the Amended Complaint, including any that YOU did not adopt or endorse, and any that resulted in calculations different from those alleged. This request seeks all responsive DOCUMENTS in both final and draft form.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the phrases "adopt" and "endorse" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 34:

All DOCUMENTS RELATED to the claim in Paragraph 9 of the Amended Complaint that "Oracle discriminated against qualified Asian employees in Product Development roles" at HQCA.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 35:

All DOCUMENTS RELATED to YOUR determination of which employees are “qualified,” as alleged in Paragraph 9 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodology” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts

are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 36:

All DOCUMENTS RELATED to YOUR determination of which employees are "comparable Whites," as alleged in Paragraph 9 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 37:

All DOCUMENTS RELATED to YOUR determination of which "roles" are "similar," as alleged in Paragraph 9 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 38:

All DOCUMENTS RELATED to YOUR “controlling for job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure,” as alleged in Paragraph 9 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology YOU used.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodology” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used

during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 39:

All DOCUMENTS RELATED to the allegation in Paragraph 9 of the Amended Complaint that a standard deviation of -6.99 exists. This request includes, but is not limited to final and draft DOCUMENTS showing underlying statistical data, methodologies, models and actual computations used to determine the standard deviation, as well as DOCUMENTS showing calculations and/or methodologies different from what is represented in Paragraph 9.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodologies” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court’s September 11, 2017, Order and the parties’ meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 40:

All DOCUMENTS that identify the Asians that YOU allege are victims of the alleged discrimination described in Paragraph 8 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process

privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "identify" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 41:

All DOCUMENTS that identify the “comparable Whites employed in similar jobs” that YOU used as comparators in reaching the conclusions found in paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “identify” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used

during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS RELATED to the comparisons YOU made between any "Asians" and any "comparable Whites employed in similar roles" as described in Paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 43:

All CASE FILES RELATED to the allegations described in Paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one

way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 44:

All CASE ANALYSES RELATED to the allegations described in Paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 45:

All interview notes, summaries and memoranda for each interview YOU conducted that RELATE to the allegations described in Paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "relate to" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "summaries" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after

conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 46:

All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 9 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the

statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 47:

All statistical studies and analyses RELATED to the allegations described in Paragraph 9 of the Amended Complaint, including any that YOU did not adopt or endorse and any that resulted in calculations different from those alleged. This request seeks all responsive DOCUMENTS in both final and draft form.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because

any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP further objects to the phrases “adopt” and “endorse” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court’s September 11, 2017, Order and the parties’ meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 48:

All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended Complaint that ORACLE discriminates against qualified “[‘non-Asian’] applicants in favor of Asian applicants, particularly Asian Indians based upon race for positions in the [“PT1”] job

group and Product Development line of business (or job function) at Oracle Redwood Shores.”

This request includes but is not limited to all DOCUMENTS that identify the “non-Asians” that OFCCP alleges to be victims of discrimination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP further objects to the phrase “identify” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it

will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 49:

All DOCUMENTS RELATED to YOUR determination of which employees are "qualified," as alleged in Paragraph 10 of the Amended Complaint, including but not limited to DOCUMENTS RELATED to the methodology used to make such a determination.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP objects to the phrase "methodology" as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 50:

All DOCUMENTS RELATED to YOUR determination of which employees are "Asians," as alleged in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court’s September 11, 2017, Order and the parties’ meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 51:

All DOCUMENTS RELATED to YOUR determination of which employees are “Asian Indians,” as alleged in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after

conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 52:

All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended Complaint that ORACLE “hired 82% Asians into the PT1 job group ... exceeding the 73% of Asians who applied and resulting in statistically significant adverse impact against non-Asian applicants.” This request includes but is not limited to DOCUMENTS showing underlying statistical data, methodologies, and actual computations used to support this contention.

RESPONSE:

OFCCP objects to the entirety of this request as it misquotes from Paragraph 10 of the Amended Complaint.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP objects to the phrase “methodologies” as vague and ambiguous and overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 53:

All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended Complaint that ORACLE "utilize[s] a recruiting and hiring process that discriminates against qualified African American, Hispanic and White ... applicants in favor of Asian applicants."

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one

way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court’s September 11, 2017, Order and the parties’ meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 54:

All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended Complaint that “comparisons between available applicants from national labor data and Oracle’s

hires show gross and statistically significant disparities in the hiring of Asians versus non-Asians.”

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it

will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 55:

All DOCUMENTS RELATED to the allegation in Paragraph 10 of the Amended Complaint that "Oracle's applicant pool was heavily over-represented by Asian applicants as the result of Oracle's recruiting and hiring practices."

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the

whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 56:

All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended Complaint that ORACLE "over-select[ed] Asian applicants, particularly Asian Indians, from its actual applicant pool."

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because

any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court’s September 11, 2017, Order and the parties’ meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 57:

All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended Complaint that ORACLE used “hiring strategies such as targeted recruitment.”

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 58:

All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended Complaint that ORACLE used “referral bonuses that encouraged its heavily Asian workforce to recruit other Asians.”

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used

during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 59:

All DOCUMENTS RELATED to the allegation from Paragraph 10 of the Amended Complaint that Oracle has a "reputation for favoring Asians."

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 60:

All CASE FILES RELATED to the allegations described in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 61:

All CASE ANALYSES RELATED to the allegations described in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 62:

All interview notes, summaries and memoranda for each interview YOU conducted that RELATES to the allegations described in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "relates to" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "summaries" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after

conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 63:

All DOCUMENTS RELATED to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATED to the allegations described in Paragraph 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the

statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 64:

All statistical studies and analyses RELATED to the allegations described in Paragraph 10 of the Amended Complaint, including any that YOU did not adopt or endorse and any that resulted in calculations different from those presented in that paragraph. This request seeks all responsive DOCUMENTS in both final and draft form.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because

any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP further objects to the phrases “adopt” and “endorse” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court’s September 11, 2017, Order and the parties’ meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 65:

All DOCUMENTS RELATED to the allegation in Paragraph 12 of the Amended Complaint that YOU requested “various records” that ORACLE “refused to produce,” including

but not limited to all requests YOU contend YOU made and all responses or explanations provided by ORACLE.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects on the grounds that this request is unduly burdensome, duplicative, and unnecessary, as Oracle is asking OFCCP to produce back to it responses or explanations previously provided by Oracle itself and equally within Oracle's possession or control.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 66:

All DOCUMENTS RELATED to the allegation in Paragraph 13 of the Amended Complaint that YOU requested "material demonstrating whether or not [Oracle] had performed an in-depth review of its compensation practice."

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal

Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 67:

All DOCUMENTS RELATED to the allegation in Paragraph 13 of the Amended Complaint that "Oracle refused to produce to the agency any material demonstrating whether or not it had performed an in-depth review of its compensation practice."

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the Amended Complaint.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 68:

All DOCUMENTS RELATED to the allegation in Paragraph 13 of the Amended Complaint that “Oracle failed to provide any evidence that it conducted an adverse impact analysis.”

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the Amended Complaint.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 69:

All DOCUMENTS RELATED to the allegation in Paragraph 14 of the Amended Complaint that “Oracle defaulted on its obligations.”

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the Amended Complaint.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s

informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 70:

All DOCUMENTS RELATED to any objections and inquiries made by ORACLE in connection with the conciliation process, including but not limited to any responsive correspondence, actions, or other responses by YOU.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects on the grounds that this request is unduly burdensome, duplicative, and unnecessary, as Oracle is asking OFCCP to produce back to it objections and inquiries made by Oracle and equally within Oracle's possession or control.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 71:

All DOCUMENTS RELATED to the allegation in Paragraph 17 of the Amended Complaint that YOU "attempted to conciliate with Oracle."

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 72:

All DOCUMENTS RELATED to the allegation in Paragraph 18 of the Amended Complaint that YOUR “conciliation ... efforts were unsuccessful.”

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 73:

All DOCUMENTS RELATED to the allegation in Paragraph 19 of the Amended Complaint that "Oracle will continue to violate its obligations under the Executive Order and the regulations issued pursuant thereto."

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the Amended Complaint.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the

whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 74:

All DOCUMENTS RELATED to the allegation in Violation 2 of the NOV that YOU "analyzed Oracle's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon sex after controlling for legitimate explanatory factors." This request includes but is not limited to, DOCUMENTS that RELATE to the "other analysis" (e.g., final versions, work papers and drafts) and DOCUMENTS RELATED to any controls YOU employed to account for "legitimate explanatory factors."

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the NOV.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal

Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 75:

All DOCUMENTS RELATED to the allegation in Violation 3 of the NOV that YOU “analyzed Oracle’s compensation system and, through regression and other analysis, found statistically significant pay disparities based upon sex after controlling for legitimate explanatory factors.” This request includes but is not limited to, DOCUMENTS that RELATE to the “other analysis” (e.g., final versions, work papers and drafts) and DOCUMENTS RELATED to any controls YOU employed to account for “legitimate explanatory factors .”

RESPONSE:

OFCCP objects to the entirety of this request as it does not reflect what OFCCP has alleged in Violation 3 of the NOV.

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the NOV.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the

statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 76:

All DOCUMENTS RELATED to the allegation in Violation 4 of the NOV that YOU "analyzed Oracle's compensation system and, through regression and other analysis, found statistically significant pay disparities based upon sex after controlling for legitimate explanatory factors." This request includes but is not limited to, DOCUMENTS that RELATE to the "other analysis" (e.g., final versions, work papers and drafts) and DOCUMENTS that RELATED to any controls YOU employed to account for "legitimate explanatory factors."

RESPONSE:

OFCCP objects to the entirety of this request as it does not reflect what OFCCP has alleged in Violation 4 of the NOV.

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the NOV.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal

Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 77:

All DOCUMENTS RELATED to the allegation at page 2 of the NOV that YOU conducted an “analysis of Oracle’s applicant data and appropriate workforce availability statistics,” including but not limited to, all draft analysis, COMMUNICATIONS, considerations, factors, data, and statistics considered, whether or not referred to in the NOV.

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the NOV.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP’s internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP further objects to the phrase “communications” as overbroad and unduly burdensome.

OFCCP further objects to the phrases “considerations” and “considered” as vague and ambiguous.

OFCCP objects to this Interrogatory as overbroad with respect to the terms “facts,” “data” and “statistics” because these terms are not confined to the principal or material facts, data, or statistics of the case, but seeks the identity of each and every fact, data, or statistics, however minor, that may relate to the case.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the

statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 78:

All DOCUMENTS RELATED to the allegation in Attachment A of the NOV that the "OFCCP analyzed Oracle's employees' compensation data by Oracle job function using a model that included the natural log of annual salary as a dependent variable," including but not limited to this analysis and all other models considered, conducted, or rejected, as well as different models, iterations and computations, whether or not referred to in the NOV.

RESPONSE:

OFCCP objects to the entirety of this Interrogatory as it contains only a partial quote and may not reflect the intended allegations set forth in the NOV.

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one

way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase “related to” as overbroad and unduly burdensome.

OFCCP further objects to the phrase “considered” and “rejected” as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP’s investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties’ meet and confer agreements.

Pursuant to the Court’s September 11, 2017, Order and the parties’ meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 79:

All COMMUNICATIONS transmitted to, from, or between OFCCP compliance officers regarding the NOV and/or Amended Complaint filed against ORACLE.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrases "transmitted" and "regarding" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

REQUEST FOR PRODUCTION NO. 80:

All DOCUMENTS RELATED to YOUR use of pay analysis groups under Directive 307 to determine if employees are similarly situated for purposes of the alleged violations that are included in both the NOV and Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 81:

All DOCUMENTS RELATED to any statistical analysis performed that RELATES to any of the violations alleged in the NOV or Amended Complaint. This request includes but is not limited to COMMUNICATIONS with statisticians, data RELATED to explanatory pay factors, draft and final statistical models, and statistical models listed in attachments to the NOV to the extent they RELATE to violations alleged in the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "related to" (including all variations) as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will

use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 82:

All DOCUMENTS RELATED to any onsite inspection of the HQCA worksite in connection with YOUR compliance review, including but not limited to all notes, memoranda, or other DOCUMENTS memorializing the inspection.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the phrases "in connection with" and "memorializing" as vague and ambiguous.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 83:

All DOCUMENTS RELATED to any interviews YOU conducted to the extent they RELATE to the allegations in the Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal

Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" (including all variations) as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 84:

All DOCUMENTS RELATED to any statements made to YOU by any THIRD PARTY, including but not limited to applicants or employees, regarding any of the allegations in Paragraphs 7 through 10 of the Amended Complaint.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "statements" as vague and ambiguous.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used

during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 85:

All DOCUMENTS RELATED to any COMMUNICATIONS sent to or received by YOU from any THIRD PARTY RELATED to of the allegations in the NOV.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "communications" as overbroad and unduly burdensome.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the forgoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

REQUEST FOR PRODUCTION NO. 86:

All DOCUMENTS RELATED to any anecdotal evidence of possible discrimination by ORACLE at HQCA.

RESPONSE:

OFCCP objects to this Request to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects on relevance grounds. Materials reflecting OFCCP's internal deliberations and processes in its investigation are not relevant because they will not show, one way or the other, whether Oracle violated its equal opportunity obligations, including through engaging in systemic compensation and hiring discrimination.

OFCCP additionally objects to this Request to the extent it seeks documents that were created after March 11, 2016, which was the date the Notice of Violation was issued, because any such documents were created in anticipation of litigation and are protected by the work product doctrine, trial preparation privilege, and/or attorney-client privilege.

OFCCP further objects to the phrase "related to" as overbroad and unduly burdensome.

OFCCP further objects to the entirety of this request as overbroad and unduly burdensome.

Subject to and without waiving the foregoing objections, OFCCP will produce all non-privileged documents contained in OFCCP's investigative file for Oracle Redwood Shores (OFCCP Case No.: R00192699).

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. Lastly, OFCCP notes that its discovery efforts are on-going and to the extent that it secures additional, non-privileged responsive documents, it will produce them in accordance with Rule 26(e)(1) of the Federal Rules of Civil Procedure and the parties' meet and confer agreements.

Pursuant to the Court's September 11, 2017, Order and the parties' meet and confer agreements, OFCCP has found responsive, non-privileged documents for this request after ///
///

conducting a reasonably diligent search. OFCCP has either already produced these documents or will be producing them on October 11, 2017.

DATED: October 11, 2017

NICHOLAS C. GEALE
Acting Solicitor of Labor

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

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

Attorneys for OFCCP

Office of the Solicitor
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Tel: (415) 625-7747
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 7th Street, Suite 3-700, San Francisco, CA 94103.

On the date indicated below, I served the foregoing **OFCCP'S SUPPLEMENTAL OBJECTIONS AND RESPONSES TO DEFENDANT ORACLE AMERICA, INC.'S REQUEST FOR PRODUCTION, SET ONE** 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: October 11, 2017

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

Office of the Solicitor
U.S. Department of Labor

Exhibit 6

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

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, UNITED STATES DEPARTMENT OF LABOR,	:	
	:	
Plaintiff,	:	OALJ Case No. 2017-OFC-00006
	:	
v.	:	OFCCP No. R00192699
	:	
ORACLE AMERICA, INC.,	:	
	:	
Defendant.	:	
	:	
	:	

OFCCP’S SUPPLEMENTAL OBJECTIONS AND ANSWERS TO DEFENDANT ORACLE AMERICA, INC.’S INTERROGATORIES, SET ONE (AS AMENDED)

The United States Department of Labor, Office of Federal Contract Compliance Programs (“OFCCP”), by and through the Office of the Solicitor, hereby submits its supplemental objections and answers to Defendant Oracle America, Inc.’s Interrogatories, Set One (As Amended).

PRELIMINARY STATEMENT

Discovery in this matter is currently ongoing. Each and every following response is rendered and based upon information reasonably available to OFCCP at the time of preparation of these responses. OFCCP reserves the right to amend the responses to these Interrogatories as discovery progresses. OFCCP provides these supplemental responses pursuant to the Court’s September 11, 2017, Order and the parties’ previous meet and confer agreements. In referring to documents in these responses, OFCCP adopted an err on the side of caution approach to ensure that the applicable documents relied upon were identified.

OFCCP’s Supplemental Objections And Answers To Defendant Oracle America, Inc.’s
Interrogatories, Set One (As Amended)
(OALJ CASE NO. 2017-OFC-00006)

OFCCP has not completed its respective discovery in this action. OFCCP, therefore, specifically reserves the right to introduce any evidence from any source which may hereinafter be discovered in testimony from any witness whose identity may hereafter be discovered.

GENERAL OBJECTIONS

1. OFCCP objects to each of Defendant's Interrogatories to the extent that it is premature at this early stage of discovery. At this time, many material facts supporting OFCCP's contentions remain uniquely in Oracle's custody and control. To date, OFCCP has not yet obtained significant discovery from Oracle, including data and documents that Oracle failed to produce during the compliance review (*see* Amended Complaint ¶¶ 1-15) and in this litigation, data and documents regarding Oracle's hiring and compensation practices outside the review period, and depositions of persons knowledgeable about Oracle's hiring and compensation practices. Federal Rule of Civil Procedure 33(a)(2) permits courts to protect parties from abusive interrogatories, particularly those served before discovery is complete, providing that when an interrogatory asks for "opinion or contention[,] . . . the court may order that the interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time." Fed. R. Civ. P. 33(a)(2).

OFCCP's position is supported by ample authority in the Ninth Circuit. *See, e.g., Miles v. Shanghai Zhenhua Port Mach. Co.*, 2009 WL 3837523, at *1 (W.D. Wash. 2009) ("Contention interrogatories which 'systematically track all of the allegations in an opposing party's pleading, and that ask for 'each and every fact' and application of law to fact that support the party's allegations are an abuse of the discovery process because they are overly broad and unduly burdensome.") (*quoting Lucero v. Valdez*, 240 F.R.D. 591, 594 (D. N.M. 2007)) (permitting a plaintiff to rest on allegations in the complaint in response to a contention interrogatory a full eleven months into discovery); *see also Aldapa v. Fowler Packing Co. Inc.*, 310 F.R.D. 583, 591 (E.D. Cal. 201 5).

Courts in the Ninth Circuit also routinely reject a defendant's use of contention interrogatories when they attempt to prematurely narrow a plaintiff's case. *See, e.g., Advocare International, L.P. v. Scheckenbach*, 2009 WL 3064867, at *1 (W.D. Wash. 2009) (denying defendant's motion to compel a response to an "overly broad" contention interrogatory as "an attempt to prevent the plaintiff from using any evidence or argument, other than that already provided").

Moreover, courts have held that it is inefficient and burdensome to require a plaintiff to provide responses to contention interrogatories that would be incomplete during early phases of discovery, as would be the case here. *See In re eBay Seller Antitrust Litigation*, 2008 WL 5212170, at *2 (N.D. Cal. 2008) (denying defendant's motion to compel responses to contention interrogatories early in discovery because the plaintiff's answers "likely would be materially incomplete," and given "the tentative nature of any responses generated at this stage," they "would be of questionable value to the goal of efficiently advancing the litigation"); *E.E.O.C. v. Sterling Jewelers Inc.*, 2012 WL 1680811, at *8 (W.D. N.Y. 2012) (sustaining EEOC's objections to contention interrogatories as "premature or seeking information currently in [defendant's] own control"); *see also Campbell v. Facebook, Inc.*, 2015 WL 3533221, at *5 (N.D. Cal. 2015) (same, noting that the defendant had "better access to the information" sought). The Campbell court also rejected the defendant's request that the plaintiff be ordered to update answers to interrogatories over the course of litigation, explaining that "[i]t strikes the Court as unnecessarily burdensome to constantly revise and update such responses." *Id.* at *6.

Defendant's contention interrogatories served on OFCCP are wholly inappropriate at this time for all of the same reasons.¹

¹ Moreover, numerous other courts in the Ninth Circuit have rejected the use of contention interrogatories in similar contexts. *See, e.g., Amgen, Inc. v. Sandoz, Inc.*, 2016 WL 1039029, at *4 (N.D. Cal. 2016) ("[Defendant] has not demonstrated that its interrogatory is appropriate at this stage as it has not shown how responding to its interrogatories before substantial discovery has been conducted will contribute meaningfully to clarifying the issues in the case or narrowing the scope of the dispute."); *Cardoza v. Bloomin' Brands, Inc.*, 2015 WL 3875916, at *1-2 (D. Nev. 2015) (holding that contention interrogatories served shortly after the opening of discovery and ten months before its close were premature); *Folz v. Union Pac. R.R. Co.*, WL 357929, at *2 (S.D. Cal. 2014) ("[C]ourts are reluctant to allow contention interrogatories, especially when the responding party has not yet obtained enough

2. OFCCP objects to each of Defendant's Interrogatories to the extent that they seek information subject to any privilege, including but not limited to: the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, trial preparation privilege, or any other privilege or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.
3. OFCCP objects to each of Defendant's Interrogatories to the extent that they seek any documents or information previously produced or not within OFCCP's custody, possession, or control.
4. OFCCP objects to each of Defendant's Interrogatories to the extent that they seek any documents or information that is irrelevant or otherwise beyond the scope of discovery permitted in this proceeding.
5. OFCCP objects to the "DEFINITIONS AND INSTRUCTIONS" section as containing vague, ambiguous, and unintelligible definitions, and seeking to impose additional requirements on OFCCP that exceed and/or are inconsistent with the Federal Rules of Civil Procedure, Judge Larsen's Pre-Hearing Order, 29 C.F.R. Part 18, and 41 C.F.R. 60-30.
6. OFCCP objects to each of Defendant's Interrogatories to the extent they seek discovery that is not proportional to the needs of the case. Proportionality includes the parties' relative access to relevant information. Fed. R. Civ. P. 26(b)(1). To the extent that Oracle possesses documents or has information that OFCCP does not, including discovery requested by OFCCP but not yet produced by Oracle, OFCCP properly objects. OFCCP further objects to each of Defendant's Interrogatories as being premature to the extent they ask OFCCP to provide information to Oracle that Oracle has prevented OFCCP from obtaining.

information through discovery to respond."); *S.E.C. v. Berry*, WL 2441706, at *4 (N.D. Cal. 2011) ("Contention interrogatories asking for 'each and every fact,' or application of law to fact, that supports particular allegations in an opposing pleading may be held overly broad and unduly burdensome." (quoting *Schwarzer et. al., Cal. Prac. Guide: Fed. Civ. Pr. Before Trial* § 11:1682 (The Rutter Group 2010))).

7. OFCCP objects to each of Defendant's Interrogatories to the extent they assert or presume that OFCCP was required to allege statistical data in its Amended Complaint. To the contrary, in *OFCCP v. JPMorgan Chase & Co.*, 2017-OFC-00007, at 2 (Apr. 5, 2017), the ALJ recently denied a motion to dismiss that had argued that OFCCP was required to summarize the regression analysis in the Complaint. Instead, the ALJ found that the allegation "that the discrimination is supported by statistical evidence" was sufficient to put the contractor on notice of the violations and satisfied the pleading requirements of 41 C.F.R. § 60-30(b). *Id.* at 6. Statistical data supporting OFCCP's claims of discrimination will be developed and refined, during and after discovery. Any attempt to bind OFCCP, through these interrogatories, to a particular set of statistics at the pleading stage would be both unfair and inefficient. *See Jenkins v. N.Y. City Transit Auth.*, 646 F.Supp.2d 464, 469 (S.D. N.Y. 2009)("It would be inappropriate to require a plaintiff to produce statistics to support her disparate impact claim before the plaintiff has had the benefit of discovery"). The time for assessing OFCCP's statistical evidence, including whether it accounts for all relevant variables, is after discovery has closed and the case is tried. *See Barrett v. Forrest Laboratories, Inc.*, 39 F.Supp.3d 407, 430 (S.D. N.Y. 2014). Furthermore, it is impossible for OFCCP to make any refinements to statistics in this case until Defendants produce the myriad relevant records they refused to provide to OFCCP and have not yet provided in discovery.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each PERSON by name, title, role, and last known contact information who participated in the "COMPLIANCE REVIEW" referenced in Paragraph 6 of the Amended Complaint, whether by way of providing interviews, conducting interviews, providing information, requesting information, or assessing or reviewing the information provided.

RESPONSE:

OFCCP's Supplemental Objections And Answers To Defendant Oracle America, Inc.'s
Interrogatories, Set One (As Amended)
(OALJ CASE NO. 2017-OFC-00006)

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the term "participated in" as vague and ambiguous because it is not clear what constitutes participation. In the widest sense of the term, participation might include individuals who had no meaningful role in the Compliance Review, such as technical personnel that maintain systems relevant to the investigation but have no knowledge of the actual investigation. OFCCP also objects to the term "role" as vague and ambiguous. For example, "role" could mean the actions that the person took or the person's formal title.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to fully answer this Interrogatory, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain everyone who provided information that OFCCP obtained during the compliance review. This would include people involved with the databases, who built spreadsheets or populated some, who were involved in collecting documents, etc.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP further objects to the Interrogatory because it seeks each individual's contact information for persons' represented by counsel. OFCCP's personnel (current or former) may be contacted through OFCCP's counsel at the Office of the Solicitor.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone who was involved in providing information that OFCCP received during the compliance review, to include managers and supervisory personnel, available to OFCCP so that OFCCP can fully identify everyone who provided information for the compliance review.

Subject to and without waiving the foregoing objections, OFCCP responds that the following persons, excluding OFCCP attorneys at the Office of the Solicitor, that may have, in some capacity, "participated in" or "provid[ed] information" for the compliance review include Oracle's management and supervisory employees, people in Oracle's human resources and/or personnel departments, Oracle employees or agents involved in its compliance with the Executive Order and implementing regulations identified in this litigation, people involved in securing and processing information provided to OFCCP, etc., and the following OFCCP personnel.

1. Janette Wipper, Regional Director
2. Jane Suhr, Deputy Regional Director
3. Robert Doles, District Director
4. Hea Jung Atkins, Special Assistant
5. Brian Mikel, Area Office Director
6. Hoan Luong, Compliance Officer
7. Anna Liu, Compliance Officer
8. Jennifer Yeh, Compliance Officer
9. Milton Crossland, Compliance Officer
10. Molly Almeida, Compliance Officer
11. Francisco Melara, Regional Liaison

12. Shirong (Andy) Leu, Statistician
13. Robert LaJeunesse, Branch Chief of Expert Services

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections, OFCCP responds that the following OFCCP personnel also have meaningful first-hand knowledge of the compliance review:

14. Rhea Lucas, Compliance Officer
15. Marianne Montler, Compliance Officer
16. Stacy Stevens, Compliance Officer
17. Phuong Kim Nguyen, Compliance Officer

INTERROGATORY NO. 2:

State all facts that support the allegation in Paragraph 7 of the Amended Complaint that “Oracle discriminated against qualified female employees in its Information Technology, Product Development and Support lines of business or job functions at Oracle Redwood Shores based upon sex by paying them less than comparable males employed in similar roles.”

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain

flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term

“all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

Subject to and without waiving the foregoing objections, OFCCP incorporates its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. OFCCP further responds that that upon initiating a compliance review of Oracle’s headquarters in Redwood Shores, California, OFCCP conducted a comprehensive analysis and evaluation of the hiring and employment practices of Oracle, the written affirmative action program (AAP), and the results of the affirmative action efforts undertaken by Oracle, including a desk audit, on-site review and off-site analysis.

Specifically, OFCCP analyzed and evaluated Oracle’s AAP and supporting documentation, and other documents related to the contractor’s personnel policies and employment actions that may be relevant to a determination of whether Oracle complied with the requirements of the Executive Order, VEVRAA, Section 503 and their implementing regulations, including but not limited to: employment policies, practices, records, and actions; management, human resources, non-management employee, and former employee statements; employee complaints; one-year of individual employee compensation data and other evidence; Labor Condition Applications; Oracle’s compliance history by reviewing OFCCP internal database system, and review any information received from EEOC, State or local FEP, and/or other labor and employment agencies, such as the Department of Labor's Veterans’ Employment and Training Service and Wage and Hour Division, and publically available company information; and Oracle's hiring data, workforce data and appropriate labor market workforce availability statistics. OFCCP also obtained and analyzed any complaints filed against Oracle through the Equal Employment Opportunity Commission (EEOC), the State and/or Local Fair Employment Practice (FEP) agency, and/or other government agencies.

Additionally, OFCCP requested additional information from Oracle during the compliance review that Oracle withheld (*see* Amended Complaint ¶¶ 11-15) that is relevant to a determination of whether Oracle complied with the requirements of the Executive Order and the regulations.

OFCCP further responds that during the compliance review of Oracle headquarters, OFCCP evaluated and analyzed Oracle's compensation information and evidence gathered in the investigation and found statistically significant pay disparities based upon gender between females and males after controlling for legitimate explanatory factors in the Information Technology, Product Development, and Support lines of business. Within these lines of business, OFCCP controlled for the following factors: job title, full-time/part-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure/work experience at Oracle. Even after controlling for such factors in the analysis, female employees were paid significantly less than male employees in the Information Technology, Product Development, and Support lines of business. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

Facts known to OFCCP at the time it filed its Amended Complaint to support the following statement in Paragraph 7 of this Complaint: “Oracle discriminated against qualified female employees in its Information Technology, Product Development and Support lines of business or job functions at Oracle Redwood Shores based upon sex by paying them less than comparable males employed in similar roles.”

- Compensation Database also known as 2014 snapshot at Bates stamp number (“BSN”) DOL 26401 in the Native000027 folder. This snapshot provided, inter alia, the following information: person’s name, employee identification number, gender, race, job title, Job Function or Line of Business (“LOB,” e.g., Product Development, Support, Information Technology), job specialty, Job Group (e.g. Professional Technical 1, “PT1”), grade, global career level, company tenure, salary, exempt status, part time or full time status, salary, total compensation, estimated prior work experience, H-1B and visa status, and national origin. OFCCP determined the national origin information in column L from the following two websites: <http://forebears.co.uk/surnames> and <http://www.behindthename.com/name/>.
- Wage determination memos contained in the Labor Condition Applications (“LCAs”) that Oracle provided for employees working under H-1B status at BSN DOL 6523-6620, 6689-6715, 7261-8040, 8100-12674, 33204-35301. These memos, their LCAs and notices provided, inter alia, wage range information for different job titles and position descriptions.
- Wages and job information contained in personnel files and payroll related documents Oracle produced with these personnel files at BSN DOL 30664-31981.
- Interviews of Oracle personnel provided information about Oracle’s payroll policies, practices and procedures and how they were implemented at BSN DOL 507-904, 36573-806, 39030-37, 39151-73.

- Oracle’s written compensation policies, procedures and practices in its U.S. Employee Handbook (BSN DOL 37217-23), Global Compensation Training Managing Pay Module (BSN DOL 4730-4753), Oracle Compensation Guidelines (BSN DOL 4726-29), Compensation Review & Oversight (BSN DOL 4724), and other compensation documents Oracle provided to OFCCP at BSN DOL 4719, 4721, 4723, 4725, 4734, 4754-95, 4816-40, 4944-69, 4971-75 provided information regarding how Oracle administered its compensation.
- Oracle’s correspondence, including e-mails, providing or explaining its policies or submissions at BSN DOL 926-31, 943-54, 987-1006, 1027-30, 1031-34, 1053-58, 1087-91, 1093-97, 1128-34, 1143, 1174-76, 1180-84, 1193-1204, 1212-13, 1233-34, 1237-40, 1243-46, 1322-23, 1327-45, 1350-58, 1362-66, 1395-1406, 37175-78, 37528-33, 38548-57, 38673-77, 38764-67, 38876-95, 38898-906, 39128-29.
- Oracle’s Affirmative Action Program (“AAP”) information at BSN DOL 4377-4710, 32150-52, 31982-98, 31999-32132 provided information related to Oracle’s general AAP plan; how Oracle organized its job titles by both Job Group and organization/work force; identified the numbers of its employees in these Job Groups and job titles by: total, gender, total for all minorities, specific totals for individual minorities, and percentages; identified the numbers of its employees in these organizations/work forces and job titles by: salary total, EEO code, female gender total, total for all minorities, specific totals for individual minorities, and percentages; and provided detailed job information for each job position such as: job code, job title, job function, global career level, brief and detailed descriptions and job responsibilities.
- Facts in the articles and filing at BSN DOL 37746-47, 37792, 37795-99, 37803-04, 37809-10, 37818-25, 37827-34, 38754-55, 39442-43, 39446-39790, 39832-74 and at the following URLs:
 - <http://www.oracle.com/us/corporate/press/executives/016380.htm>;

- <http://www.thehindu.com/business/Industry/new-oracle-chiefs-kerala-roots/article6775912.ece>;
- <https://www.oracle.com/corporate/citizenship/workforce/diversity.html>;
- http://guestworkerdata.org/wp-content/uploads/2014/02/H1BNationalFactsheet11_13_13FINAL.pdf;
- http://www.lpfi.org/wp-content/uploads/2015/04/code2040_lpfi_final.pdf;
- <http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H1B/h1b-fy-12-characteristics.pdf>;
- <http://www.nytimes.com/2015/11/11/us/large-companies-game-H1B-visa-program-leaving-smaller-ones-in-the-cold.html>;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=0;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=1;
- <http://www.epi.org/press/1b-visa-program-attracting-brightest-workers/>;
- <http://www.epi.org/files/2013/outstanding-talent-high-skilled-immigration.pdf>;
- <http://www.eeoc.gov/policy/docs/national-origin.html>;
- <http://www.eeoc.gov/eeoc/newsroom/release/8-28-14.cfm>;
- https://blogs.oracle.com/campusrecruitment/entry/my_journey_from_college_to;
- <https://www.sec.gov/Archives/edgar/data/1341439/000119312514251351/d725622d10k.htm>;
- <https://www.usatoday.com/story/tech/2014/10/12/silicon-valley-diversity-tech-hiring-computer-science-graduates-african-american-hispanic/14684211/>;
- <http://www.sfgate.com/bayarea/article/Oraclescozinesswithgovernmentgoesbackto2820370.Php>;
- <https://www.eeoc.gov/eeoc/statistics/reports/hightech/>;

- https://c.ymcdn.com/sites/ascendleadership.site-ym.com/resource/resmgr/Research/HiddenInPlainSight_Paper_042.pdf;
- <http://www.cxotoday.com/story/why-india-is-becoming-so-important-for-oracle/>.

Conclusions reached for Paragraph 7:

- The conclusions reached are identified for female employees in the Notice of Violation (“NOV”) dated March 11, 2016, at BSN DOL 945-46, 952 and in the chart below.

Class	Number of Female Class Members	Standard Deviations
Female Information Technology Employees	133	-2.71
Female Product Development Employees	1,207	-8.41
Female Support Employees	47	-3.67

Linkage between the facts and the conclusions:

For the statistical results identified in Paragraph 7 of the Amended Complaint, OFCCP relied on databases produced by Oracle during the investigation to conduct them, including the spreadsheets produced in this litigation at BSN DOL 26401-03 in the Native000027 folder and 32196-98 in the Native000033 folder. The methodology OFCCP used to derive these results is explained in the NOV at BSN DOL 945-46, 952.

To reiterate it briefly, OFCCP conducted a standard or ordinary regression analyses of the databases, with the natural log of annual salary as dependent variable, controlling for (1) gender, (2) work experience at Oracle, (3) the employee’s age (as a proxy for work experience prior to employment by Oracle), (4) full/part-time status, (5) exempt status, (6) global career level, (7) job specialty and (8) job title. OFCCP grouped these analyses by Job Function at Oracle. These analyses revealed statistically significant disparities in pay for women in the identified LOBs/Job Functions at Oracle, and produced the corresponding standard deviations described in both Attachment A to the NOV and Paragraph 7 of the Amended Complaint. This model and its results are at BSN DOL 5298-5320. The identities of the affected class members

and their comparators are referenced below in response to Interrogatory Nos. 4 and 5 and are incorporated herein by reference.

INTERROGATORY NO. 3:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 7 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the Interrogatory on the basis that it is compound, vague and ambiguous as to "nature of the facts," "knowledge of the facts," and "contact information." "Nature of facts" is so unintelligible that it is unclear what Oracle is seeking. For example, is nature of the facts the date the person acquired the facts, how he acquired the facts, who he acquired the facts from, the contents of the facts, when the facts occurred, who observed or witnessed the facts, etc. In terms of knowledge of the facts: it is not known if Oracle was referring to personal knowledge, constructive knowledge, third-hand knowledge, hearsay knowledge, etc. It is not clear what Oracle means by contact information, is it a person home telephone number, is it a person's business address, etc.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this

request, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain everyone who has knowledge of the discrimination.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP who might have knowledge of the discrimination so that OFCCP can identify all of the people who have knowledge of the discrimination.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” if the nature of the facts includes every fact, however, minor that the person knows regardless of how the person obtained knowledge of the alleged fact.

OFCCP objects to this interrogatory as it is making two distinct information requests in one interrogatory – identify the name, job title and contact information of the person with knowledge, and the content/nature of this knowledge. OFCCP will count this as two interrogatories.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

OFCCP further objects to the Interrogatory to the extent it seeks each individual’s contact information for individuals that are represented by counsel. OFCCP’s personnel (current or former) may be contacted through OFCCP’s counsel at the Office of the Solicitor.

Subject to and without waiving the foregoing objections, OFCCP responds that the following persons, excluding OFCCP attorneys at the Office of the Solicitor, may have knowledge of the facts giving rise to the allegations made in the Amended Complaint include: Oracle employees, supervisors and managers employed by Oracle during the review period; former employees, supervisors and managers of Oracle; and OFCCP personnel listed in response to Interrogatory No. 1. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP identifies that all persons (other than persons affiliated with Defendant) who have knowledge of the material facts alleged in Paragraph 7 of the Amended Complaint at the time of filing this Complaint are the people listed in OFCCP's initial and supplemental responses to Interrogatory No. 1.

INTERROGATORY NO. 4:

As to each qualified female employee allegedly discriminated against as referenced in Paragraph 7 of the Amended Complaint, identify by name and job title the comparable male or males employed in similar roles.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil

Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of

forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its response to Interrogatory No. 2, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of male employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable male employees in similar roles to female employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of females in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014 through the present, OFCCP expects that additional males, as well female victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the forgoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the

whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. The Compensation Database also known as 2014 Snapshot at BSN DOL 26401 in the Native000027 folder, standing alone, readily identifies the names and job titles of the persons who are the subject of this interrogatory by crossing references the names in columns A & B with the female gender in column D with the Job Function in column H with the title in column G. In column H the Product Development LOB is abbreviated as “PRODEV;” the Support LOB is abbreviated as “SUPP;” and the Information Technology LOB is abbreviated as “INFTECH.”

INTERROGATORY NO. 5:

For each qualified female employee allegedly discriminated against as referenced in Paragraph 7 of the Amended Complaint, state all facts that support the allegation that the male(s) identified as similarly situated and comparable were similarly situated and comparable.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2 and 4, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of male employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable male employees in similar roles to female employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of females in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that it determined which roles were similar by reviewing evidence gathered during the compliance review. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014, through the present, OFCCP expects that additional comparable males, as well female victims of discrimination, will be identified. OFCCP will supplement this response as

more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process. The Compensation Database also known as 2014 Snapshot at BSN DOL 26401 in the Native000027 folder, standing alone, readily identifies the names and job titles of the persons who are the subject of this interrogatory by crossing references the names in columns A & B with the male gender in column D with the Job Function/LOB in column H with the title in column G. The process for identifying qualified females was previously identified in response to Interrogatory No. 4 and is incorporated herein by reference.

The male comparators are similarly situated by job function, which is closely aligned with Oracle's Job Functions/LOBs. Females in the Product Development LOB were compared to males in the same LOB as was the case with the Information Technology and Support LOBs. Many of the facts that were identified in response to Interrogatory No. 2 are applicable here and are stated below:

- Compensation Database also known as 2014 snapshot at BSN DOL 26401 in the Native000027 folder. This snapshot provided, inter alia, the following information: person's name, employee identification number, gender, race, job title, Job function/LOB (e.g., Product Development, Support, Information Technology), job specialty, job group

(e.g. PT1), grade, global career level, company tenure, salary, exempt status, part time or full time status, salary, total compensation, estimated prior work experience, H-1B and visa status, and national origin. OFCCP determined the national origin information in column L from the following two websites: <http://forebears.co.uk/surnames> and <http://www.behindthename.com/name/>.

- Wage determination memos contained in the LCAs that Oracle provided for employees working under H-1B status at BSN DOL 6523-6620, 6689-6715, 7261-8040, 8100-12674, 33204-35301. These memos, their LCAs and notices provided, inter alia, wage range information for different job titles and position descriptions.
- Wages and job information contained in personnel files and payroll related documents Oracle produced with these personnel files at BSN DOL 30664-31981.
- Interviews of Oracle personnel provided information about Oracle's payroll policies, practices and procedures and how they were implemented at BSN DOL 507-904, 36573-806, 39030-37, 39151-73.
- Oracle's written compensation policies, procedures and practices in its U.S. Employee Handbook (BSN DOL 37217-23), Global Compensation Training Managing Pay Module (BSN DOL 4730-4753), Oracle Compensation Guidelines (BSN DOL 4726-29), Compensation Review & Oversight (BSN DOL 4724), and other compensation documents Oracle provided to OFCCP at BSN DOL 4719, 4721, 4723, 4725, 4734, 4754-95, 4816-40, 4944-69, 4971-75 provided information regarding how Oracle administered its compensation.
- Oracle's correspondence, including e-mails, providing or explaining its policies or submissions at BSN DOL 926-31, 943-54, 987-1006, 1027-30, 1031-34, 1053-58, 1087-91, 1093-97, 1128-34, 1143, 1174-76, 1180-84, 1193-1204, 1212-13, 1233-34, 1237-40, 1243-46, 1322-23, 1327-45, 1350-58, 1362-66, 1395-1406, 37175-78, 37528-33, 38548-57, 38673-77, 38764-67, 38876-95, 38898-906, 39128-29.

- Oracle’s AAP information at BSN DOL 4377-4710, 32150-52, 31982-98, 31999-32132 provided information related to Oracle’s general AAP plan; how Oracle organized its job titles by both Job Group and organization/work force; identified the numbers of its employees in these Job Groups and job titles by: total, gender, total for all minorities, specific totals for individual minorities, and percentages; identified the numbers of its employees in these organizations/work forces and job titles by: salary total, EEO code, female gender total, total for all minorities, specific totals for individual minorities, and percentages; and provided detailed job information for each job position such as: job code, job title, job function, global career level, brief and detailed descriptions and job responsibilities.

INTERROGATORY NO. 6:

State all facts that support the table contained in Paragraph 7, which table contains the headings “Class,” “Number of Female Class Members,” and “Standard Deviations,” including the statistical data used, the analysis and methodologies used, the computations used to determine the standard deviations, and the identities of the female employees.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this Interrogatory to the extent it implies that OFCCP was required to allege statistical data. Statistical data supporting OFCCP’s claims of discrimination will be

developed and refined, during and after discovery. Tying OFCCP to a particular set of statistics at the pleading stage would be both unfair and inefficient.² The time for assessing OFCCP's statistical evidence, including whether it accounts for all relevant variables, is after discovery has closed and the case is tried.³ Further, it is impossible for OFCCP to make any refinements to statistics in this case until Defendants produce the myriad relevant records they refused to provide to OFCCP and have not yet produced in discovery.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot,

² *See Jenkins*, 646 F.Supp.2d 469 (“It would be inappropriate to require a plaintiff to produce statistics to support her disparate impact claim before the plaintiff has had the benefit of discovery”).

³ *See Barrett*, 39 F.Supp.3d 430.

Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP also objects to the term "Paragraph 7" as vague and ambiguous because Oracle did not identify the document containing the paragraph 7 to which it refers. OFCCP likewise objects to the terms "statistical data used," "the analysis and methodologies used," "the computations used." For these latter three terms the context of "used" it is not known and it is not clear which "statistical data," "analysis," "methodologies" and "computations" that Oracle is referring.

OFCCP objects to this Interrogatory as overbroad, unduly burdensome, oppressive, not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP further objects to producing any in-house statistical analyses performed to include the data, methodology and computations that OFCCP employed. This information is protected under the various privileges asserted above, is irrelevant, and is not proportional to the needs of the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory "requires [the party answering the written discovery] to refer to materials

outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2, 4 and 5, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of male employees in the Product Development, Support and Information Technology lines of business, as well as their job titles that OFCCP alleges were comparable male employees in similar roles to female employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of females in the Product Development, Support and Information Technology lines of business, as well as their job titles, that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that during the compliance review, OFCCP evaluated and analyzed Oracle’s compensation information and found statistically significant pay disparities adverse to female employees after controlling for legitimate explanatory factors in the duct Development, Support and Information Technology lines of business. Within these lines of business, OFCCP controlled for the following factors: job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure/work experience within Oracle. Even after controlling for such factors in the analysis, female employees were paid significantly less than in the Product Development line of business at -8.41 standard deviations, the Support line of business at -3.67 standard deviations and the Information Technology line of business at -2.71 standard deviations. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014 through the present, OFCCP expects that additional comparable males, as well as female victims of discrimination, will be identified in the Product

Development, Support and Information Technology lines of business. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

For the statistical results identified in Paragraph 7 of the Amended Complaint, OFCCP relied on databases produced by Oracle during the investigation to conduct them, including the spreadsheets produced in this litigation at BSN DOL 26401-03 in the Native000027 folder and 32196-98 in the Native000033 folder. The methodology OFCCP used to derive these results is explained in the NOV at BSN DOL 945-46, 952.

To reiterate it briefly, OFCCP conducted a standard or ordinary regression analyses of the databases, with the natural log of annual salary as dependent variable, controlling for (1) gender, (2) work experience at Oracle, (3) the employee's age (as a proxy for work experience prior to employment by Oracle), (4) full/part-time status, (5) exempt status, (6) global career level, (7) job specialty and (8) job title. OFCCP grouped these analyses by job function at Oracle. These analyses revealed statistically significant disparities in pay for women in the identified LOBs/Job Functions at Oracle, and produced the corresponding standard deviations described in both Attachment A to the NOV and Paragraph 7 of the Amended Complaint. This model and its results are at BSN DOL 5298-5320.

INTERROGATORY NO. 7:

State all facts that support the allegation in Paragraph 8 of the Amended Complaint that “Oracle discriminated against qualified African Americans in Product Development roles at Oracle Redwood Shores based upon race by paying them less than comparable Whites employed in similar roles.”

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and

obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

Subject to and without waiving the foregoing objections, OFCCP incorporates its response to Interrogatory No. 2, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. OFCCP further responds that during the compliance review of Oracle headquarters, OFCCP evaluated and analyzed Oracle's compensation information and evidence gathered in the investigation and found statistically significant pay disparities based upon race between African Americans and Whites after controlling for legitimate explanatory factors in

the Product Development line of business. Within this line of business, OFCCP controlled for the following factors: job title, full-time/part-time status, exempt status, global career level, job specialty, estimated prior work experience, and work experience at Oracle. Even after controlling for such factors in the analysis, African American employees were paid significantly less than White employees in the Product Development line of business. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

Facts known to OFCCP at the time it filed its Amended Complaint to support the following statement in Paragraph 8 of this Complaint: “Oracle discriminated against qualified African Americans in Product Development roles at Oracle Redwood Shores based upon race by paying them less than comparable Whites employed in similar roles.”

- Compensation Database also known as 2014 snapshot at BSN DOL 26401 in the Native000027 folder. This snapshot provided, inter alia, the following information: person’s name, employee identification number, gender, race, job title, Job function/LOB (e.g., Product Development, Support, Information Technology), job specialty, job group (e.g. PT1), grade, global career level, company tenure, salary, exempt status, part time or full time status, salary, total compensation, estimated prior work experience, H-1B and

visa status, and national origin. OFCCP determined the national origin information in column L from the following two websites: <http://forebears.co.uk/surnames> and <http://www.behindthename.com/name/>.

- Wage determination memos contained in the LCAs that Oracle provided for employees working under H-1B status at BSN DOL 6523-6620, 6689-6715, 7261-8040, 8100-12674, 33204-35301. These memos, their LCAs and notices provided, inter alia, wage range information for different job titles and position descriptions.
- Wages and job information contained in personnel files and payroll related documents Oracle produced with these personnel files at BSN DOL 30664-31981.
- Interviews of Oracle personnel provided information about Oracle's payroll policies, practices and procedures and how they were implemented at BSN DOL 507-904, 36573-806, 39030-37, 39151-73.
- Oracle's written compensation policies, procedures and practices in its U.S. Employee Handbook (BSN DOL 37217-23), Global Compensation Training Managing Pay Module (BSN DOL 4730-4753), Oracle Compensation Guidelines (BSN DOL 4726-29), Compensation Review & Oversight (BSN DOL 4724), and other compensation documents Oracle provided to OFCCP at BSN DOL 4719, 4721, 4723, 4725, 4734, 4754-95, 4816-40, 4944-69, 4971-75 provided information regarding how Oracle administered its compensation.
- Oracle's correspondence, including e-mails, providing or explaining its policies or submissions at BSN DOL 926-31, 943-54, 987-1006, 1027-30, 1031-34, 1053-58, 1087-91, 1093-97, 1128-34, 1143, 1174-76, 1180-84, 1193-1204, 1212-13, 1233-34, 1237-40, 1243-46, 1322-23, 1327-45, 1350-58, 1362-66, 1395-1406, 37175-78, 37528-33, 38548-57, 38673-77, 38764-67, 38876-95, 38898-906, 39128-29.
- Oracle's AAP information at BSN DOL 4377-4710, 32150-52, 31982-98, 31999-32132 provided information related to Oracle's general AAP plan; how Oracle organized its job

titles by both Job Group and organization/work force; identified the numbers of its employees in these Job Groups and job titles by: total, gender, total for all minorities, specific totals for individual minorities, and percentages; identified the numbers of its employees in these organizations/work forces and job titles by: salary total, EEO code, female gender total, total for all minorities, specific totals for individual minorities, and percentages; and provided detailed job information for each job position such as: job code, job title, job function, global career level, brief and detailed descriptions and job responsibilities.

- Facts in the articles and filing at BSN DOL 37746-47, 37792, 37795-99, 37803-04, 37809-10, 37818-25, 37827-34, 38754-55, 39442-43, 39446-39790, 39832-74 and at the following URLs:
 - <http://www.oracle.com/us/corporate/press/executives/016380.htm>;
 - <http://www.thehindu.com/business/Industry/new-oracle-chiefs-kerala-roots/article6775912.ece>;
 - <https://www.oracle.com/corporate/citizenship/workforce/diversity.html>;
 - http://guestworkerdata.org/wp-content/uploads/2014/02/H1BNationalFactsheet11_13_13FINAL.pdf;
 - http://www.lpfi.org/wp-content/uploads/2015/04/code2040_lpfi_final.pdf;
 - <http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H1B/h1b-fy-12-characteristics.pdf>;
 - <http://www.nytimes.com/2015/11/11/us/large-companies-game-H1B-visa-program-leaving-smaller-ones-in-the-cold.html>;
 - http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=0;
 - http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=1;

- [http://www.epi.org/press/1b-visa-program-attracting-brightest-workers/;](http://www.epi.org/press/1b-visa-program-attracting-brightest-workers/)
- [http://www.epi.org/files/2013/outstanding-talent-high-skilled-immigration.pdf;](http://www.epi.org/files/2013/outstanding-talent-high-skilled-immigration.pdf)
- [http://www.eeoc.gov/policy/docs/national-origin.html;](http://www.eeoc.gov/policy/docs/national-origin.html)
- [http://www.eeoc.gov/eeoc/newsroom/release/8-28-14.cfm;](http://www.eeoc.gov/eeoc/newsroom/release/8-28-14.cfm)
- [https://blogs.oracle.com/campusrecruitment/entry/my_journey_from_college_to;](https://blogs.oracle.com/campusrecruitment/entry/my_journey_from_college_to)
- [https://www.sec.gov/Archives/edgar/data/1341439/000119312514251351/d725622d10k.htm;](https://www.sec.gov/Archives/edgar/data/1341439/000119312514251351/d725622d10k.htm)
- [https://www.usatoday.com/story/tech/2014/10/12/silicon-valley-diversity-tech-hiring-computer-science-graduates-african-american-hispanic/14684211/;](https://www.usatoday.com/story/tech/2014/10/12/silicon-valley-diversity-tech-hiring-computer-science-graduates-african-american-hispanic/14684211/)
- [http://www.sfgate.com/bayarea/article/Oraclescozinesswithgovernmentgoesbackto2820370.Php;](http://www.sfgate.com/bayarea/article/Oraclescozinesswithgovernmentgoesbackto2820370.Php)
- [https://www.eeoc.gov/eeoc/statistics/reports/hightech/;](https://www.eeoc.gov/eeoc/statistics/reports/hightech/)
- [https://c.ymcdn.com/sites/ascendleadership.site-ym.com/resource/resmgr/Research/HiddenInPlainSight_Paper_042.pdf;](https://c.ymcdn.com/sites/ascendleadership.site-ym.com/resource/resmgr/Research/HiddenInPlainSight_Paper_042.pdf)
- [http://www.cxotoday.com/story/why-india-is-becoming-so-important-for-oracle/.](http://www.cxotoday.com/story/why-india-is-becoming-so-important-for-oracle/)

Conclusions reached for Paragraph 8:

The conclusions reached are identified for African-American employees in the NOV at BSN DOL 946, 953 wherein African American employees showed a standard deviation of -2.10.

Linkage between the facts and the conclusions:

For the statistical results identified in Paragraph 8 of the Amended Complaint, OFCCP relied on databases produced by Oracle during the investigation to conduct them, including the spreadsheets produced in this litigation at BSN DOL 26401-03 in the Native000027 folder and 32196-98 in the Native000033 folder. The methodology OFCCP used to derive these results is explained in the NOV at BSN DOL 946, 953.

To reiterate it briefly, OFCCP conducted a standard or ordinary regression analysis of the databases, with the natural log of annual salary as dependent variable, controlling for (1)

gender, (2) work experience at Oracle, (3) the employee's age (as a proxy for work experience prior to employment by Oracle), (4) full/part-time status, (5) exempt status, (6) global career level, (7) job specialty and (8) job title. OFCCP grouped these analyses by job function at Oracle. These analyses revealed statistically significant disparities in pay for African Americans in the Product Development Job Function/LOB at Oracle and produced the corresponding standard deviation described in both Attachment A to the NOV and Paragraph 8 of the Amended Complaint. This model and its results are at BSN DOL 5298-5320.

Identification of qualified African Americans and their White comparators:

- The Compensation Database also known as 2014 Snapshot at BSN DOL 26401 in the Native000027 folder, standing alone, readily identifies the names and job titles of the qualified African Americans by crossing references the names in columns A & B with the African American race identifier in column E with the Product Development Job Function/LOB in column H with the title in column G.
- The Compensation Database also known as 2014 Snapshot at BSN DOL 26401 in the Native000027 folder, standing alone, readily identifies the names and job titles of the White comparators by crossing references the names in columns A & B with the White race identifier in column E with the Product Development Job Function/LOB in column H with the title in column G.

INTERROGATORY NO. 8:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 8 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this

Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the Interrogatory on the basis that it is compound, vague and ambiguous as to "nature of the facts," "knowledge of the facts," and "contact information." "Nature of facts" is so unintelligible that it is unclear what Oracle is seeking. For example, is nature of the facts the date the person acquired the facts, how he acquired the facts, who he acquired the facts from, the contents of the facts, when the facts occurred, who observed or witnessed the facts, etc. In terms of knowledge of the facts: it is not known if Oracle was referring to personal knowledge, constructive knowledge, third-hand knowledge, hearsay knowledge, etc. It is not clear what Oracle means by contact information, is it a person home telephone number, is it a person's business address, etc.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this request, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain everyone who has knowledge of the discrimination.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP everyone who might have knowledge of the

discrimination so that OFCCP can identify all of the people who have knowledge of the discrimination.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” if the nature of the facts includes every fact, however, minor that the person knows regardless of how the person obtained knowledge of the alleged fact.

OFCCP objects to this interrogatory as it is making two distinct information requests in one interrogatory – identify the name, job title and contact information of the person with knowledge, and the content/nature of this knowledge. OFCCP will count this as two interrogatories.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

OFCCP further objects to the request to the extent it seeks each individual’s contact information on the grounds of the Privacy Act and that they are represented by counsel. OFCCP’s personnel (current or former) may be contacted through OFCCP’s counsel at the Office of the Solicitor.

Subject to and without waiving the foregoing objections, OFCCP responds that the following persons, excluding OFCCP attorneys at the Office of the Solicitor, may have knowledge of the facts giving rise to the allegations made in the Amended Complaint include: Oracle employees, supervisors and managers employed by Oracle during the review period; former employees, supervisors and managers of Oracle; and OFCCP personnel listed in response to Interrogatory No. 1. OFCCP will supplement this response as more documents and

data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP identifies that all persons (other than persons affiliated with Defendant) who have knowledge of the material facts alleged in Paragraph 8 of the Amended Complaint at the time of filing this Complaint are the people listed in OFCCP's initial and supplemental responses to Interrogatory No. 1.

INTERROGATORY NO. 9:

As to each African American allegedly discriminated against as referenced in Paragraph 8 of the Amended Complaint, identify by name and job title the comparable White or Whites employed in similar roles.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See*

cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory "requires [the party answering the written discovery] to refer to materials

outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2 and 7, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable White employees in similar roles to African American employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of African Americans in the Product Development line of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014, through the present, OFCCP expects that additional Whites, as well African American victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used

during the investigation and conciliation process. OFCCP identifies that its response to Interrogatory No. 7 identifies the qualified African Americans and their White comparators and is incorporated herein by reference.

INTERROGATORY NO. 10:

For each qualified African American allegedly discriminated against as referenced in Paragraph 8 of the Amended Complaint, state all facts that support the allegation that the White employee(s) identified as similarly situated and comparable were similarly situated and comparable.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information

responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory "requires [the party answering the written discovery] to refer to materials outside of the request itself," OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2, 7 and 9, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable White employees in similar roles to African American employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of African Americans in the Product Development line of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that it determined which roles were similar by reviewing evidence gathered during the compliance review. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014, through the present, OFCCP expects that additional Whites, as well African American victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing

may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

The White comparators are similarly situated by Job Function, which is closely aligned with Oracle's LOB's. The identification of the qualified African Americans and their White comparators was identified in OFCCP's response to Interrogatory No. 7 and is incorporated herein by reference. Many of the facts that were listed in response to Interrogatory No. 7 are applicable here and are stated below:

- Compensation Database also known as 2014 snapshot at BSN DOL 26401 in the Native000027 folder. This snapshot provided, inter alia, the following information: person's name, employee identification number, gender, race, job title, Job function/LOB (e.g., Product Development, Support, Information Technology), job specialty, job group (e.g. PT1), grade, global career level, company tenure, salary, exempt status, part time or full time status, salary, total compensation, estimated prior work experience, H-1B and visa status, and national origin. OFCCP determined the national origin information in column L from the following two websites: <http://forebears.co.uk/surnames> and <http://www.behindthename.com/name/>.
- Wage determination memos contained in the LCAs that Oracle provided for employees working under H-1B status at BSN DOL 6523-6620, 6689-6715, 7261-8040, 8100-12674, 33204-35301. These memos, their LCAs and notices provided, inter alia, wage range information for different job titles and position descriptions.
- Wages and job information contained in personnel files and payroll related documents Oracle produced with these personnel files at BSN DOL 30664-31981.
- Interviews of Oracle personnel provided information about Oracle's payroll policies, practices and procedures and how they were implemented at BSN DOL 507-904, 36573-806, 39030-37, 39151-73.

- Oracle's written compensation policies, procedures and practices in its U.S. Employee Handbook (BSN DOL 37217-23), Global Compensation Training Managing Pay Module (BSN DOL 4730-4753), Oracle Compensation Guidelines (BSN DOL 4726-29), Compensation Review & Oversight (BSN DOL 4724), and other compensation documents Oracle provided to OFCCP at BSN DOL 4719, 4721, 4723, 4725, 4734, 4754-95, 4816-40, 4944-69, 4971-75 provided information regarding how Oracle administered its compensation.
- Oracle's correspondence, including e-mails, providing or explaining its policies or submissions at BSN DOL 926-31, 943-54, 987-1006, 1027-30, 1031-34, 1053-58, 1087-91, 1093-97, 1128-34, 1143, 1174-76, 1180-84, 1193-1204, 1212-13, 1233-34, 1237-40, 1243-46, 1322-23, 1327-45, 1350-58, 1362-66, 1395-1406, 37175-78, 37528-33, 38548-57, 38673-77, 38764-67, 38876-95, 38898-906, 39128-29.
- Oracle's AAP information at BSN DOL 4377-4710, 32150-52, 31982-98, 31999-32132 provided information related to Oracle's general AAP plan; how Oracle organized its job titles by both Job Group and organization/work force; identified the numbers of its employees in these Job Groups and job titles by: total, gender, total for all minorities, specific totals for individual minorities, and percentages; identified the numbers of its employees in these organizations/work forces and job titles by: salary total, EEO code, female gender total, total for all minorities, specific totals for individual minorities, and percentages; and provided detailed job information for each job position such as: job code, job title, job function, global career level, brief and detailed descriptions and job responsibilities.

INTERROGATORY NO. 11:

State all facts that support the allegation contained in Paragraph 8 of the Amended Complaint that there was a standard deviation of -2.10, including the statistical data used, the

analysis and methodologies used, and the computations used to determine the standard deviations.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this Interrogatory to the extent it implies that OFCCP was required to allege statistical data. Statistical data supporting OFCCP’s claims of discrimination will be developed and refined, during and after discovery. Tying OFCCP to a particular set of statistics at the pleading stage would be both unfair and inefficient.⁴ The time for assessing OFCCP’s statistical evidence, including whether it accounts for all relevant variables, is after discovery has closed and the case is tried.⁵ Further, it is impossible for OFCCP to make any refinements to statistics in this case until Defendants produce the myriad relevant records they refused to provide to OFCCP and have not yet provided in discovery.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See*

⁴ *See Jenkins*, 646 F.Supp.2d 469 (“It would be inappropriate to require a plaintiff to produce statistics to support her disparate impact claim before the plaintiff has had the benefit of discovery”).

⁵ *See Barrett*, 39 F.Supp.3d 430.

cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP likewise objects to the terms "statistical data used," "the analysis and methodologies used," "the computations used." For these latter three terms the context of "used" it is not known and it is not clear which "statistical data," "analysis," "methodologies" and "computations" that Oracle is referring.

OFCCP objects to this Interrogatory as overbroad, unduly burdensome, oppressive, not proportional to the needs of the case with respect to the term “all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP further objects to producing any in-house statistical analyses performed to include the data, methodology and computations that OFCCP employed. This information is protected under the various privileges asserted above, is irrelevant, and is not proportional to the needs of the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2, 7, 9 and 10, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable White employees in similar roles to African American employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of African American in the Product Development line of business, as well as their job titles, that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that during the compliance review, OFCCP evaluated and analyzed Oracle’s compensation information and

found statistically significant pay disparities adverse to African American employees after controlling for legitimate explanatory factors in the Product Development line of business. Within this line of business, OFCCP controlled for the following factors: job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure/Oracle work experience. Even after controlling for such factors in the analysis, African American employees were paid significantly less than White employees in the Product Development line of business at -2.10 standard deviations. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014 through the present, OFCCP expects that additional comparable Whites, as well as African American victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

Facts known to OFCCP at the time it filed its Amended Complaint to support the allegation contained in Paragraph 8 of the Amended Complaint that there was a standard deviation of -2.10, including the statistical data used, the analysis and methodologies used, and the computations used to determine the standard deviations.

- Compensation Database also known as 2014 snapshot at BSN DOL 26401 in the Native000027 folder. This snapshot provided, inter alia, the following information: person's name, employee identification number, gender, race, job title, Job function/LOB (e.g., Product Development, Support, Information Technology), job specialty, job group (e.g. PT1), grade, global career level, company tenure, salary, exempt status, part time or full time status, salary, total compensation, estimated prior work experience, H-1B and visa status, and national origin. OFCCP determined the national origin information in column L from the following two websites: <http://forebears.co.uk/surnames> and <http://www.behindthename.com/name/>.
- Wage determination memos contained in the LCAs that Oracle provided for employees working under H-1B status at BSN DOL 6523-6620, 6689-6715, 7261-8040, 8100-12674, 33204-35301. These memos, their LCAs and notices provided, inter alia, wage range information for different job titles and position descriptions.
- Wages and job information contained in personnel files and payroll related documents Oracle produced with these personnel files at BSN DOL 30664-31981.
- Interviews of Oracle personnel provided information about Oracle's payroll policies, practices and procedures and how they were implemented at BSN DOL 507-904, 36573-806, 39030-37, 39151-73.
- Oracle's written compensation policies, procedures and practices in its U.S. Employee Handbook (BSN DOL 37217-23), Global Compensation Training Managing Pay Module (BSN DOL 4730-4753), Oracle Compensation Guidelines (BSN DOL 4726-29), Compensation Review & Oversight (BSN DOL 4724), and other compensation documents Oracle provided to OFCCP at BSN DOL 4719, 4721, 4723, 4725, 4734, 4754-95, 4816-40, 4944-69, 4971-75 provided information regarding how Oracle administered its compensation.

- Oracle’s correspondence, including e-mails, providing or explaining its policies or submissions at BSN DOL 926-31, 943-54, 987-1006, 1027-30, 1031-34, 1053-58, 1087-91, 1093-97, 1128-34, 1143, 1174-76, 1180-84, 1193-1204, 1212-13, 1233-34, 1237-40, 1243-46, 1322-23, 1327-45, 1350-58, 1362-66, 1395-1406, 37175-78, 37528-33, 38548-57, 38673-77, 38764-67, 38876-95, 38898-906, 39128-29.
- Oracle’s AAP information at BSN DOL 4377-4710, 32150-52, 31982-98, 31999-32132 provided information related to Oracle’s general AAP plan; how Oracle organized its job titles by both Job Group and organization/work force; identified the numbers of its employees in these Job Groups and job titles by: total, gender, total for all minorities, specific totals for individual minorities, and percentages; identified the numbers of its employees in these organizations/work forces and job titles by: salary total, EEO code, female gender total, total for all minorities, specific totals for individual minorities, and percentages; and provided detailed job information for each job position such as: job code, job title, job function, global career level, brief and detailed descriptions and job responsibilities.
- Facts in the articles and filing at BSN DOL 37746-47, 37792, 37795-99, 37803-04, 37809-10, 37818-25, 37827-34, 38754-55, 39442-43, 39446-39790, 39832-74 and at the following URLs:
 - <http://www.oracle.com/us/corporate/press/executives/016380.htm>;
 - <http://www.thehindu.com/business/Industry/new-oracle-chiefs-kerala-roots/article6775912.ece>;
 - <https://www.oracle.com/corporate/citizenship/workforce/diversity.html>;
 - http://guestworkerdata.org/wp-content/uploads/2014/02/H1BNationalFactsheet11_13_13FINAL.pdf;
 - http://www.lpfi.org/wp-content/uploads/2015/04/code2040_lpfi_final.pdf;

- <http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H1B/h1b-fy-12-characteristics.pdf>;
- <http://www.nytimes.com/2015/11/11/us/large-companies-game-H1B-visa-program-leaving-smaller-ones-in-the-cold.html>;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=0;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=1;
- <http://www.epi.org/press/1b-visa-program-attracting-brightest-workers/>;
- <http://www.epi.org/files/2013/outstanding-talent-high-skilled-immigration.pdf>;
- <http://www.eeoc.gov/policy/docs/national-origin.html>;
- <http://www.eeoc.gov/eeoc/newsroom/release/8-28-14.cfm>;
- https://blogs.oracle.com/campusrecruitment/entry/my_journey_from_college_to;
- <https://www.sec.gov/Archives/edgar/data/1341439/000119312514251351/d725622d10k.htm>;
- <https://www.usatoday.com/story/tech/2014/10/12/silicon-valley-diversity-tech-hiring-computer-science-graduates-african-american-hispanic/14684211/>;
- <http://www.sfgate.com/bayarea/article/Oraclescozinesswithgovernmentgoesbackto2820370.Php>;
- <https://www.eeoc.gov/eeoc/statistics/reports/hightech/>;
- https://c.yimcdn.com/sites/ascendleadership.site-yim.com/resource/resmgr/Research/HiddenInPlainSight_Paper_042.pdf;
- <http://www.cxotoday.com/story/why-india-is-becoming-so-important-for-oracle/>.

Data, analysis, method and computations used:

For the statistical results identified in Paragraph 8 of the Amended Complaint, OFCCP relied on databases produced by Oracle during the investigation to conduct them, including the

spreadsheets produced in this litigation at BSN DOL 26401-03 in the Native000027 folder and 32196-98 in the Native000033 folder. The methodology OFCCP used to derive these results is explained in the NOV at BSN DOL 946, 953.

To reiterate it briefly, OFCCP conducted a standard or ordinary regression analysis of the databases, with the natural log of annual salary as dependent variable, controlling for (1) gender, (2) work experience at Oracle, (3) the employee's age (as a proxy for work experience prior to employment by Oracle), (4) full/part-time status, (5) exempt status, (6) global career level, (7) job specialty and (8) job title. OFCCP grouped these analyses by Job Function at Oracle. These analyses revealed statistically significant disparities in pay for African Americans in the Product Development Job Function/LOB at Oracle and produced the corresponding standard deviation described in both Attachment A to the NOV and Paragraph 8 of the Amended Complaint. This model and its results are at BSN DOL 5298-5320.

INTERROGATORY NO. 12:

State all facts that support the allegation in Paragraph 9 of the Amended Complaint that “Oracle discriminated against qualified Asians in Product Development roles at Oracle Redwood Shores based upon race by paying them less than comparable Whites employed in similar roles.”

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

Subject to and without waiving the foregoing objections, OFCCP incorporates its response to Interrogatory No. 2, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. OFCCP further responds that during the compliance review of Oracle headquarters, OFCCP evaluated and analyzed Oracle’s compensation information and evidence gathered in the investigation and found statistically significant pay disparities based upon race between Asians and Whites after controlling for legitimate explanatory factors. Within this line of business, OFCCP controlled for the following factors: job title, full-time/part-time status, exempt status, global career level, job specialty, estimated prior work experience, and work experience at Oracle. Even after controlling for such factors in the analysis, Asian employees were paid significantly less than White employees in the Product Development line of business. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing

may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

Facts known to OFCCP at the time it filed its Amended Complaint to support the following statement in Paragraph 9 of this Complaint: “Oracle discriminated against qualified Asians in Product Development roles at Oracle Redwood Shores based upon race by paying them less than comparable Whites employed in similar roles.”

- Compensation Database also known as 2014 snapshot at BSN DOL 26401 in the Native000027 folder. This snapshot provided, inter alia, the following information: person’s name, employee identification number, gender, race, job title, Job function/LOB (e.g., Product Development, Support, Information Technology), job specialty, job group (e.g. PT1), grade, global career level, company tenure, salary, exempt status, part time or full time status, salary, total compensation, estimated prior work experience, H-1B and visa status, and national origin. OFCCP determined the national origin information in column L from the following two websites: <http://forebears.co.uk/surnames> and <http://www.behindthename.com/name/>.
- Wage determination memos contained in the LCAs that Oracle provided for employees working under H-1B status at BSN DOL 6523-6620, 6689-6715, 7261-8040, 8100-12674, 33204-35301. These memos, their LCAs and notices provided, inter alia, wage range information for different job titles and position descriptions.
- Wages and job information contained in personnel files and payroll related documents Oracle produced with these personnel files at BSN DOL 30664-31981.
- Interviews of Oracle personnel provided information about Oracle’s payroll policies, practices and procedures and how they were implemented at BSN DOL 507-904, 36573-806, 39030-37, 39151-73.
- Oracle’s written compensation policies, procedures and practices in its U.S. Employee Handbook (BSN DOL 37217-23), Global Compensation Training Managing Pay Module

(BSN DOL 4730-4753), Oracle Compensation Guidelines (BSN DOL 4726-29), Compensation Review & Oversight (BSN DOL 4724), and other compensation documents Oracle provided to OFCCP at BSN DOL 4719, 4721, 4723, 4725, 4734, 4754-95, 4816-40, 4944-69, 4971-75 provided information regarding how Oracle administered its compensation.

- Oracle's correspondence, including e-mails, providing or explaining its policies or submissions at BSN DOL 926-31, 943-54, 987-1006, 1027-30, 1031-34, 1053-58, 1087-91, 1093-97, 1128-34, 1143, 1174-76, 1180-84, 1193-1204, 1212-13, 1233-34, 1237-40, 1243-46, 1322-23, 1327-45, 1350-58, 1362-66, 1395-1406, 37175-78, 37528-33, 38548-57, 38673-77, 38764-67, 38876-95, 38898-906, 39128-29.
- Oracle's AAP information at BSN DOL 4377-4710, 32150-52, 31982-98, 31999-32132 provided information related to Oracle's general AAP plan; how Oracle organized its job titles by both Job Group and organization/work force; identified the numbers of its employees in these Job Groups and job titles by: total, gender, total for all minorities, specific totals for individual minorities, and percentages; identified the numbers of its employees in these organizations/work forces and job titles by: salary total, EEO code, female gender total, total for all minorities, specific totals for individual minorities, and percentages; and provided detailed job information for each job position such as: job code, job title, job function, global career level, brief and detailed descriptions and job responsibilities.
- Facts in the articles and filing at BSN DOL 37746-47, 37792, 37795-99, 37803-04, 37809-10, 37818-25, 37827-34, 38754-55, 39442-43, 39446-39790, 39832-74 and at the following URLs:
 - <http://www.oracle.com/us/corporate/press/executives/016380.htm>;
 - <http://www.thehindu.com/business/Industry/new-oracle-chiefs-kerala-roots/article6775912.ece>;

- <https://www.oracle.com/corporate/citizenship/workforce/diversity.html>;
- http://guestworkerdata.org/wp-content/uploads/2014/02/H1BNationalFactsheet11_13_13FINAL.pdf;
- http://www.lpfi.org/wp-content/uploads/2015/04/code2040_lpfi_final.pdf;
- <http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H1B/h1b-fy-12-characteristics.pdf>;
- <http://www.nytimes.com/2015/11/11/us/large-companies-game-H1B-visa-program-leaving-smaller-ones-in-the-cold.html>;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=0;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=1;
- <http://www.epi.org/press/1b-visa-program-attracting-brightest-workers/>;
- <http://www.epi.org/files/2013/outstanding-talent-high-skilled-immigration.pdf>;
- <http://www.eeoc.gov/policy/docs/national-origin.html>;
- <http://www.eeoc.gov/eeoc/newsroom/release/8-28-14.cfm>;
- https://blogs.oracle.com/campusrecruitment/entry/my_journey_from_college_to;
- <https://www.sec.gov/Archives/edgar/data/1341439/000119312514251351/d725622d10k.htm>;
- <https://www.usatoday.com/story/tech/2014/10/12/silicon-valley-diversity-tech-hiring-computer-science-graduates-african-american-hispanic/14684211/>;
- <http://www.sfgate.com/bayarea/article/Oraclescozinesswithgovernmentgoesbackto2820370.Php>;
- <https://www.eeoc.gov/eeoc/statistics/reports/hightech/>;
- https://c.ymcdn.com/sites/ascendleadership.site-ym.com/resource/resmgr/Research/HiddenInPlainSight_Paper_042.pdf;

- <http://www.cxotoday.com/story/why-india-is-becoming-so-important-for-oracle/>.

Conclusions reached for Paragraph 9:

The conclusions reached are identified for Asian employees in the NOV at BSN DOL 947, 953 wherein Asian employees showed a standard deviation of -6.55.

Linkage between the facts and the conclusions:

For the statistical results identified in Paragraph 9 of the Amended Complaint, OFCCP relied on databases produced by Oracle during the investigation to conduct them, including the spreadsheets produced in this litigation at BSN DOL 26401-03 in the Native000027 folder and 32196-98 in the Native000033 folder. The methodology OFCCP used to derive these results is explained in the NOV at BSN DOL 947, 953.

To reiterate it briefly, OFCCP conducted a standard or ordinary regression analysis of the databases, with the natural log of annual salary as dependent variable, controlling for (1) gender, (2) work experience at Oracle, (3) the employee's age (as a proxy for work experience prior to employment by Oracle), (4) full/part-time status, (5) exempt status, (6) global career level, (7) job specialty and (8) job title. OFCCP grouped these analyses by Job Function at Oracle. These analyses revealed statistically significant disparities in pay for Asians in the Product Development Job Function/LOB at Oracle and produced the corresponding standard deviation described in both Attachment A to the NOV and Paragraph 9 of the Amended Complaint. This model and its results are at BSN DOL 5298-5320.

INTERROGATORY NO. 13:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 9 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

RESPONSE:

OFCCP's Supplemental Objections And Answers To Defendant Oracle America, Inc.'s
Interrogatories, Set One (As Amended)
(OALJ CASE NO. 2017-OFC-00006)

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the Interrogatory on the basis that it is compound, vague and ambiguous as to "nature of the facts," "knowledge of the facts," and "contact information." "Nature of facts" is so unintelligible that it is unclear what Oracle is seeking. For example, is nature of the facts the date the person acquired the facts, how he acquired the facts, who he acquired the facts from, the contents of the facts, when the facts occurred, who observed or witnessed the facts, etc. In terms of knowledge of the facts: it is not known if Oracle was referring to personal knowledge, constructive knowledge, third-hand knowledge, hearsay knowledge, etc. It is not clear what Oracle means by contact information, is it a person home telephone number, is it a person's business address, etc.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this Interrogatory, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain everyone who has knowledge of the discrimination.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP still further objects because the interrogatory calls for speculation if Oracle does not make everyone available to OFCCP everyone who might have knowledge of the discrimination so that OFCCP can identify all of the people who have knowledge of the discrimination.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” if the nature of the facts includes every fact, however, minor that the person knows regardless of how the person obtained knowledge of the alleged fact.

OFCCP objects to this interrogatory as it is making two distinct information requests in one interrogatory – identify the name, job title and contact information of the person with knowledge, and the content/nature of this knowledge. OFCCP will count this as two interrogatories.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

OFCCP further objects to the Interrogatory to the extent it seeks each individual’s contact information on the grounds of the Privacy Act and that they are represented by counsel. OFCCP’s personnel (current or former) may be contacted through OFCCP’s counsel at the Office of the Solicitor.

Subject to and without waiving the foregoing objections, OFCCP responds that the following persons, excluding OFCCP attorneys at the Office of the Solicitor, may have knowledge of the facts giving rise to the allegations made in the Amended Complaint include: Oracle employees, supervisors and managers employed by Oracle during the review period; former employees, supervisors and managers of Oracle; and OFCCP personnel listed in

response to Interrogatory No. 1. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP identifies that all persons (other than persons affiliated with Defendant) who have knowledge of the material facts alleged in Paragraph 9 of the Amended Complaint at the time of filing this Complaint are the people listed in OFCCP's initial and supplemental responses to Interrogatory No. 1.

INTERROGATORY NO. 14:

As to each Asian allegedly discriminated against as referenced in Paragraph 9 of the Amended Complaint, identify by name and job title the comparable White or Whites employed in similar roles.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the

information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory "requires [the party answering the written discovery] to refer to materials

outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2 and 12, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable White employees in similar roles to Asian employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of Asians in the Product Development line of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014, through the present, OFCCP expects that additional Whites, as well Asian victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing

may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

- The Compensation Database also known as 2014 Snapshot at BSN DOL 26401 in the Native000027 folder, standing alone, readily identifies the names and job titles of the qualified Asians by crossing references the names in columns A & B with the Asian race identifier in column E with the Product Development Job Function/LOB in column H with the title in column G.
- The Compensation Database also known as 2014 Snapshot at BSN DOL 26401 in the Native000027 folder, standing alone, readily identifies the names and job titles of the White comparators by crossing references the names in columns A & B with the White race identifier in column E with the Product Development Job Function/LOB in column H with the title in column G.

INTERROGATORY NO. 15:

For each qualified Asian allegedly discriminated against as referenced in Paragraph 9 of the Amended Complaint, state all facts that support the allegation that the White employee(s) identified as similarly situated and comparable were similarly situated and comparable.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2, 12 and 14, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable White employees in similar roles to Asian employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of Asians in the Product Development line of business, as well as their job titles that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that it determined which roles were similar by reviewing evidence gathered during the compliance review. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014, through the present, OFCCP expects that additional Whites, as well Asian victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

The White comparators are similarly situated by Job Function, which is closely aligned with Oracle's LOB's. The identification of the qualified Asians and their White comparators was identified in OFCCP's response to Interrogatory No. 14 and is incorporated herein by reference. Many of the facts that were listed in response to Interrogatory No. 12 are applicable here and are stated below:

- Compensation Database also known as 2014 snapshot at BSN DOL 26401 in the Native000027 folder. This snapshot provided, inter alia, the following information: person's name, employee identification number, gender, race, job title, Job function/LOB (e.g., Product Development, Support, Information Technology), job specialty, job group (e.g. PT1), grade, global career level, company tenure, salary, exempt status, part time or full time status, salary, total compensation, estimated prior work experience, H-1B and visa status, and national origin. OFCCP determined the national origin information in column L from the following two websites: <http://forebears.co.uk/surnames> and <http://www.behindthename.com/name/>.
- Wage determination memos contained in the LCAs that Oracle provided for employees working under H-1B status at BSN DOL 6523-6620, 6689-6715, 7261-8040, 8100-

12674, 33204-35301. These memos, their LCAs and notices provided, inter alia, wage range information for different job titles and position descriptions.

- Wages and job information contained in personnel files and payroll related documents Oracle produced with these personnel files at BSN DOL 30664-31981.
- Interviews of Oracle personnel provided information about Oracle's payroll policies, practices and procedures and how they were implemented at BSN DOL 507-904, 36573-806, 39030-37, 39151-73.
- Oracle's written compensation policies, procedures and practices in its U.S. Employee Handbook (BSN DOL 37217-23), Global Compensation Training Managing Pay Module (BSN DOL 4730-4753), Oracle Compensation Guidelines (BSN DOL 4726-29), Compensation Review & Oversight (BSN DOL 4724), and other compensation documents Oracle provided to OFCCP at BSN DOL 4719, 4721, 4723, 4725, 4734, 4754-95, 4816-40, 4944-69, 4971-75 provided information regarding how Oracle administered its compensation.
- Oracle's correspondence, including e-mails, providing or explaining its policies or submissions at BSN DOL 926-31, 943-54, 987-1006, 1027-30, 1031-34, 1053-58, 1087-91, 1093-97, 1128-34, 1143, 1174-76, 1180-84, 1193-1204, 1212-13, 1233-34, 1237-40, 1243-46, 1322-23, 1327-45, 1350-58, 1362-66, 1395-1406, 37175-78, 37528-33, 38548-57, 38673-77, 38764-67, 38876-95, 38898-906, 39128-29.
- Oracle's AAP information at BSN DOL 4377-4710, 32150-52, 31982-98, 31999-32132 provided information related to Oracle's general AAP plan; how Oracle organized its job titles by both Job Group and organization/work force; identified the numbers of its employees in these Job Groups and job titles by: total, gender, total for all minorities, specific totals for individual minorities, and percentages; identified the numbers of its employees in these organizations/work forces and job titles by: salary total, EEO code, female gender total, total for all minorities, specific totals for individual minorities, and

percentages; and provided detailed job information for each job position such as: job code, job title, job function, global career level, brief and detailed descriptions and job responsibilities.

INTERROGATORY NO. 16:

State all facts that support the allegation contained in Paragraph 9 of the Amended Complaint that there was a standard deviation of -6.55, including the statistical data used, the analysis and methodologies used, and the computations used to determine the standard deviations.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this Interrogatory to the extent it implies that OFCCP was required to allege statistical data. Statistical data supporting OFCCP's claims of discrimination will be developed and refined, during and after discovery. Tying OFCCP to a particular set of statistics at the pleading stage would be both unfair and inefficient.⁶ The time for assessing OFCCP's statistical evidence, including whether it accounts for all relevant variables, is after discovery has closed and the case is tried.⁷ Further, it is impossible for OFCCP to make any refinements

⁶ See *Jenkins*, 646 F.Supp.2d 469 ("It would be inappropriate to require a plaintiff to produce statistics to support her disparate impact claim before the plaintiff has had the benefit of discovery").

⁷ See *Barrett*, 39 F.Supp.3d 430.

to statistics in this case until Defendants produce the myriad relevant records they refused to provide to OFCCP and have not yet provided in discovery.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of

forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP likewise objects to the terms “statistical data used,” “the analysis and methodologies used,” the computations used.” For these latter three terms the context of “used” it is not known and it is not clear which “statistical data,” “analysis,” “methodologies” and “computations” that Oracle is referring.

OFCCP objects to this Interrogatory as overbroad, unduly burdensome, oppressive, not proportional to the needs of the case with respect to the term “all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP further objects to producing any in-house statistical analyses performed to include the data, methodology and computations that OFCCP employed. This information is protected under the various privileges asserted above, is irrelevant, and is not proportional to the needs of the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its responses to Interrogatory Nos. 2, 12, 14 and 15, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot. The compensation database provided to OFCCP by Oracle lists the names of White employees in the Information Technology, Support, and Product Development lines of business, as well as their job titles that OFCCP alleges were comparable

White employees in similar roles to Asian employees based on the snapshot of data Oracle provided as of January 1, 2014. The compensation database provided to OFCCP by Oracle also lists the names of Asians in the Product Development line of business, as well as their job titles, that OFCCP alleges were victims of discrimination based on the snapshot of data Oracle provided as of January 1, 2014. OFCCP further responds that during the compliance review, OFCCP evaluated and analyzed Oracle's compensation information and found statistically significant pay disparities adverse to Asian employees after controlling for legitimate explanatory factors in the Product Development line of business. Within this line of business, OFCCP controlled for the following factors: job title, full-time status, exempt status, global career level, job specialty, estimated prior work experience, and company tenure/Oracle work experience. Even after controlling for such factors in the analysis, Asian employees were paid significantly less than White employees in the Product Development line of business at -6.55 standard deviations. As more data is produced, including data from 2013 and since the snapshot from January 1, 2014 through the present, OFCCP expects that additional comparable Whites, as well as Asian victims of discrimination, will be identified. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

Facts known to OFCCP at the time it filed its Amended Complaint to support the allegation contained in Paragraph 9 of the Amended Complaint that there was a standard deviation of -6.55, including the statistical data used, the analysis and methodologies used, and the computations used to determine the standard deviations.

- Compensation Database also known as 2014 snapshot at BSN DOL 26401 in the Native000027 folder. This snapshot provided, inter alia, the following information: person's name, employee identification number, gender, race, job title, Job function/LOB (e.g., Product Development, Support, Information Technology), job specialty, job group (e.g. PT1), grade, global career level, company tenure, salary, exempt status, part time or full time status, salary, total compensation, estimated prior work experience, H-1B and visa status, and national origin. OFCCP determined the national origin information in column L from the following two websites: <http://forebears.co.uk/surnames> and <http://www.behindthename.com/name/>.
- Wage determination memos contained in the LCAs that Oracle provided for employees working under H-1B status at BSN DOL 6523-6620, 6689-6715, 7261-8040, 8100-12674, 33204-35301. These memos, their LCAs and notices provided, inter alia, wage range information for different job titles and position descriptions.
- Wages and job information contained in personnel files and payroll related documents Oracle produced with these personnel files at BSN DOL 30664-31981.
- Interviews of Oracle personnel provided information about Oracle's payroll policies, practices and procedures and how they were implemented at BSN DOL 507-904, 36573-806, 39030-37, 39151-73.
- Oracle's written compensation policies, procedures and practices in its U.S. Employee Handbook (BSN DOL 37217-23), Global Compensation Training Managing Pay Module (BSN DOL 4730-4753), Oracle Compensation Guidelines (BSN DOL 4726-29), Compensation Review & Oversight (BSN DOL 4724), and other compensation

documents Oracle provided to OFCCP at BSN DOL 4719, 4721, 4723, 4725, 4734, 4754-95, 4816-40, 4944-69, 4971-75 provided information regarding how Oracle administered its compensation.

- Oracle's correspondence, including e-mails, providing or explaining its policies or submissions at BSN DOL 926-31, 943-54, 987-1006, 1027-30, 1031-34, 1053-58, 1087-91, 1093-97, 1128-34, 1143, 1174-76, 1180-84, 1193-1204, 1212-13, 1233-34, 1237-40, 1243-46, 1322-23, 1327-45, 1350-58, 1362-66, 1395-1406, 37175-78, 37528-33, 38548-57, 38673-77, 38764-67, 38876-95, 38898-906, 39128-29.
- Oracle's AAP information at BSN DOL 4377-4710, 32150-52, 31982-98, 31999-32132 provided information related to Oracle's general AAP plan; how Oracle organized its job titles by both Job Group and organization/work force; identified the numbers of its employees in these Job Groups and job titles by: total, gender, total for all minorities, specific totals for individual minorities, and percentages; identified the numbers of its employees in these organizations/work forces and job titles by: salary total, EEO code, female gender total, total for all minorities, specific totals for individual minorities, and percentages; and provided detailed job information for each job position such as: job code, job title, job function, global career level, brief and detailed descriptions and job responsibilities.
- Facts in the articles and filing at BSN DOL 37746-47, 37792, 37795-99, 37803-04, 37809-10, 37818-25, 37827-34, 38754-55, 39442-43, 39446-39790, 39832-74 and at the following URLs:
 - <http://www.oracle.com/us/corporate/press/executives/016380.htm>;
 - <http://www.thehindu.com/business/Industry/new-oracle-chiefs-kerala-roots/article6775912.ece>;
 - <https://www.oracle.com/corporate/citizenship/workforce/diversity.html>;

- http://guestworkerdata.org/wp-content/uploads/2014/02/H1BNationalFactsheet11_13_13FINAL.pdf;
- http://www.lpfi.org/wp-content/uploads/2015/04/code2040_lpfi_final.pdf;
- <http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H1B/h1b-fy-12-characteristics.pdf>;
- <http://www.nytimes.com/2015/11/11/us/large-companies-game-H1B-visa-program-leaving-smaller-ones-in-the-cold.html>;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=0;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=1;
- <http://www.epi.org/press/1b-visa-program-attracting-brightest-workers/>;
- <http://www.epi.org/files/2013/outstanding-talent-high-skilled-immigration.pdf>;
- <http://www.eeoc.gov/policy/docs/national-origin.html>;
- <http://www.eeoc.gov/eeoc/newsroom/release/8-28-14.cfm>;
- https://blogs.oracle.com/campusrecruitment/entry/my_journey_from_college_to;
- <https://www.sec.gov/Archives/edgar/data/1341439/000119312514251351/d725622d10k.htm>;
- <https://www.usatoday.com/story/tech/2014/10/12/silicon-valley-diversity-tech-hiring-computer-science-graduates-african-american-hispanic/14684211/>;
- <http://www.sfgate.com/bayarea/article/Oraclescozinesswithgovernmentgoesbackto2820370.Php>;
- <https://www.eeoc.gov/eeoc/statistics/reports/hightech/>;
- https://c.ymcdn.com/sites/ascendleadership.site-ym.com/resource/resmgr/Research/HiddenInPlainSight_Paper_042.pdf;
- <http://www.cxotoday.com/story/why-india-is-becoming-so-important-for-oracle/>.

Data, analysis, method and computations used:

For the statistical results identified in Paragraph 9 of the Amended Complaint, OFCCP relied on databases produced by Oracle during the investigation to conduct them, including the spreadsheets produced in this litigation at BSN DOL 26401-03 in the Native000027 folder and 32196-98 in the Native000033 folder. The methodology OFCCP used to derive these results is explained in the NOV at BSN DOL 947, 953.

To reiterate it briefly, OFCCP conducted a standard or ordinary regression analysis of the databases, with the natural log of annual salary as dependent variable, controlling for (1) gender, (2) work experience at Oracle, (3) the employee's age (as a proxy for work experience prior to employment by Oracle), (4) full/part-time status, (5) exempt status, (6) global career level, (7) job specialty and (8) job title. OFCCP grouped these analyses by Job Function at Oracle. These analyses revealed statistically significant disparities in pay for Asians in the Product Development Job Function/LOB at Oracle and produced the corresponding standard deviation described in both Attachment A to the NOV and Paragraph 9 of the Amended Complaint. This model and its results are at BSN DOL 5298-5320.

INTERROGATORY NO. 17:

State all facts that support the allegation in Paragraph 10 of the Amended Complaint, that "Oracle utilized . . . a recruiting and hiring process that discriminates against [non-Asian] applicants in favor of Asian applicants, . . . based upon race for positions in the [PT1] job group and Product Development line of business" at HQCA.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant

privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that

OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

Subject to and without waiving the foregoing objections, OFCCP incorporates its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the hiring databases that Oracle provided to OFCCP. OFCCP further responds that that upon initiating a compliance review of Oracle’s headquarters in Redwood Shores, California, OFCCP conducted a comprehensive analysis and evaluation of the hiring and employment practices of Oracle, the written affirmative action program (AAP), and the results of the affirmative action efforts undertaken by Oracle, including a desk audit, on-site review and off-site analysis.

Specifically, OFCCP analyzed and evaluated Oracle’s AAP and supporting documentation, and other documents related to the contractor’s personnel policies and employment actions that may be relevant to a determination of whether Oracle complied with the requirements of the Executive Order, VEVRRRA, Section 503 and their implementing regulations, including but not limited to: employment policies, practices, records, and actions; management, human resources, non-management employee, and former employee statements; employee complaints; one-year of individual employee compensation data and other evidence; Labor Condition Applications; Oracle’s compliance history by reviewing OFCCP internal database system, and review any information received from EEOC, State or local FEP, and/or other labor and employment agencies, such as the Department of Labor's Veterans’ Employment and Training Service and Wage and Hour Division, and publically available

company information; and Oracle's hiring data, workforce data and appropriate labor market workforce availability statistics. OFCCP also obtained and analyzed any complaints filed against Oracle through the Equal Employment Opportunity Commission (EEOC), the State and/or Local Fair Employment Practice (FEP) agency, and/or other government agencies. Additionally, OFCCP requested additional information from Oracle during the compliance review that Oracle withheld (*see* Amended Complaint ¶¶ 11-15) that is relevant to a determination of whether Oracle complied with the requirements of the Executive Order and the regulations.

During the compliance review of Oracle headquarters, OFCCP evaluated and analyzed Oracle's recruiting and hiring information and evidence gathered in the investigation and found statistically significant hiring disparities based upon race. OFCCP used U.S. Census data and other workforce data reflecting the potential applicant and hiring pools to evaluate recruiting and hiring decisions for U.S. jobs. This data use is consistent with Title VII and relevant case law to perform this analysis because it was inappropriate to use Oracle's pools.

Specifically, an analysis of Oracle's Professional Technical 1, Individual Contributor ("PT1") applicant data uncovered gross disparities between the expected applicant rate (availability) and the actual applicant rate. In these entry-level technical roles, the Asian applicant rate was over 75%, compared to less than 30% in the available workforce in the relevant labor market. Among Oracle's college applicants, the overrepresentation of Asians was even more extreme: the Asian applicant rate was 85% in 2013 and 92% in 2014. Based upon this data and OFCCP's analysis of Oracle's applicant data and appropriate workforce availability statistics, OFCCP found that Oracle favored Asian applicants, particularly Asian Indians, in recruiting at a standard deviation as significant as +85 and found race disparities in Oracle's recruiting practices against African American, Hispanic and White applicants.

Similarly, OFCCP found gross disparities between the available workforce in the relevant U.S. labor market and Oracle's hires in PT1. In PT1 roles, OFCCP found race

disparities in Oracle's hiring practices against African American, Hispanic and White applicants. Notably, even with such a skewed applicant pool in favor of Asians, Oracle's Asian hiring rate significantly exceeded it -- by more than 6% . Compared to approximately 75% Asian applicants (and 74% Asian incumbents), Oracle hired over 82% Asians in PT1 roles during the review period. OFCCP's analysis of Oracle's hiring data and appropriate workforce availability statistics show that Oracle favored Asian applicants, particularly Asian Indians, in hiring at a standard deviation as significant as +30.

Additional evidence, including anecdotal evidence, also reinforces that these gross statistical findings are not due to chance. OFCCP obtained statements from confidential sources evincing Oracle's reputation as favoring Asians, specifically Asian Indians. Additionally, Oracle's reputation is consistent with its recruiting efforts for engineering roles, which target Asian Indians. Oracle's recruiting priorities on its website has it directly recruiting entry-level software positions from India despite the oversupply of STEM graduates in the United States.

Furthermore, Oracle has a longstanding and well-known preference of sponsoring H1B visas almost exclusively for employees from Asia and particularly India. Over 92% of all of Oracle's H1B employees are Asian. Such preference is most pronounced in entry-level technical roles (or PT1 roles). Nearly one third of Oracle's PT1 workforce is H1B employees, compared to 13% of Oracle's overall workforce. Across Oracle headquarters, approximately 90% of H1B employees work in PT1 roles.

Moreover, despite this heavy concentration of Asians in Oracle's workforce, Oracle relied on word-of-mouth recruiting practices, which further perpetuated already existing disparities. In PT1, most successful employment referrals (or referrals that lead to a hire) originate from Asians. For technical jobs, approximately 74% of successful referrals come from PT1 employees, and approximately 80% of the referrals come from Asians.

Thus, based upon the analyses conducted and the evidence gathered during the compliance evaluation, OFCCP found that Oracle recruited, selected, and hired Asian

applicants, particularly Asian Indians, for PT1 roles at a rate significantly greater than their non-Asian counterparts and Oracle's recruiting and hiring practices resulted in discrimination against African American, Hispanic, and White applicants. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

Facts known to OFCCP at the time it filed its Amended Complaint to support the following statement in Paragraph 10 of this Complaint: "Oracle utilized ... a recruiting and hiring process that discriminates against [non-Asian] applicants in favor of Asian applicants, ... based on race for positions in the [PT1] job group and Product Development line of business."

- Applicant and hiring databases at BSN DOL 12676, 12677, 12681 in the Native0000013 folder, BSN DOL 32194 in the Native0000033 folder, and BSN DOL 39444-45. The applicant and hiring databases at BSN DOL 12676 and 12677 are for January 1 – December 31, 2013, for non-college and college respectively. The applicant and hiring databases at BSN DOL 12681 and 32194 are for January 1 – June 30, 2014, for non-college and college hires respectively. The applicant and hiring database at BSN DOL 39444 combines the data of the two non-college hire databases and adds national origin and year information while the applicant and hiring database at BSN DOL 39445 does the

same for the two college databases. All three of the non-college applicant and hiring databases have the following information: the person's name, department/organization, gender, race, job title, vacancy number, disposition and Job Group. All three of the college applicant and hiring databases have the following information: the person's name, hire vs. applicant determination, department/organization, gender, race, job title, and Job Group. OFCCP determined the national origin information in column I for BSN DOL 39444 and column H for BSN DOL 39445 from the following two websites: <http://forebears.co.uk/surnames> and <http://www.behindthename.com/name/>.

- OFCCP used H-1B information that Oracle provided in the Compensation Database also known as 2014 snapshot at BSN DOL 26401 in the Native000027 folder. Also, from 2012 through 2014, OFCCP found that Oracle submitted 1,279 H1B visa applications for its headquarters facility, of which 1,007 were for the PT1 Job Group.
- Interviews of Oracle personnel provide information about Oracle's recruiting and hiring policies, practices and procedures and how Oracle implemented them at BSN DOL 507-904, 36573-806, 39030-37, 39151-73.
- Oracle's written recruiting and hiring policies in its U.S. Employee Handbook (BSN DOL 37221-24) and Oracle's Recruitment Process Summary (BSN DOL 4722).
- Oracle's Recruitment documents that identified vacancy number, vacancy job title and code, applicant's name, applicant number, application date, citizenship status, education, location of schools attended (e.g., state, countries such as India), and contained resumes.
- Compensation Database also known as 2014 snapshot at Bates stamp number ("BSN") DOL 26401 in the Native000027 folder. This snapshot provided, inter alia, the following information: person's name, employee identification number, gender, race, job title, Job Function or Line of Business ("LOB," e.g., Product Development, Support, Information Technology), job specialty, Job Group (e.g. Professional Technical 1, "PT1"), grade, global career level, company tenure, salary, exempt status, part time or full time status,

salary, total compensation, estimated prior work experience, H-1B and visa status. This databased provided information for applicants Oracle hired in 2013 and / or 2014 who were employed by Oracle in 2014.

- Oracle’s correspondence, including e-mails, providing or explaining its policies or submissions at BSN DOL 926-31, 943-54, 987-1006, 1027-30, 1031-34, 1053-58, 1087-91, 1093-97, 1128-34, 1143, 1174-76, 1180-84, 1193-1204, 1212-13, 1233-34, 1237-40, 1243-46, 1322-23, 1327-45, 1350-58, 1362-66, 1395-1406, 37175-78, 37528-33, 38548-57, 38673-77, 38764-67, 38876-95, 38898-906, 39128-29.
- Oracle’s AAP information at BSN DOL 4377-4710, 32150-52, 31982-98, 31999-32132 provided information related to Oracle’s general AAP plan; how Oracle organized its job titles by both Job Group and organization/work force; identified the numbers of its employees in these Job Groups and job titles by: total, gender, total for all minorities, specific totals for individual minorities, and percentages; identified the numbers of its employees in these organizations/work forces and job titles by: salary total, EEO code, female gender total, total for all minorities, specific totals for individual minorities, and percentages; and provided detailed job information for each job position such as: job code, job title, job function, global career level, brief and detailed descriptions and job responsibilities.
- Bureau of Labor Statistics (“BLS”) data for the software developers, applications & systems software occupations at BSN DOL 36078-83, 36111-16, 36148-53 and 36169-74 provided employment data (numbers and percentages) by race.
- Facts in the articles and filing at BSN DOL 37746-47, 37792, 37795-99, 37803-04, 37809-10, 37818-25, 37827-34, 38754-55, 39442-43, 39446-39790, 39832-74 and at the following URLs:
 - <http://www.oracle.com/us/corporate/press/executives/016380.htm>;

- <http://www.thehindu.com/business/Industry/new-oracle-chiefs-kerala-roots/article6775912.ece>;
- <https://www.oracle.com/corporate/citizenship/workforce/diversity.html>;
- http://guestworkerdata.org/wp-content/uploads/2014/02/H1BNationalFactsheet11_13_13FINAL.pdf;
- http://www.lpfi.org/wp-content/uploads/2015/04/code2040_lpfi_final.pdf;
- <http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H1B/h1b-fy-12-characteristics.pdf>;
- <http://www.nytimes.com/2015/11/11/us/large-companies-game-H1B-visa-program-leaving-smaller-ones-in-the-cold.html>;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=0;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=1;
- <http://www.bls.gov/opub/mlr/2011/11/art1full.pdf>;
- <http://www.epi.org/press/1b-visa-program-attracting-brightest-workers/>;
- <http://www.epi.org/files/2013/outstanding-talent-high-skilled-immigration.pdf>;
- <http://www.eeoc.gov/policy/docs/national-origin.html>;
- <http://www.eeoc.gov/eeoc/newsroom/release/8-28-14.cfm>;
- https://blogs.oracle.com/campusrecruitment/entry/my_journey_from_college_to;
- <https://www.sec.gov/Archives/edgar/data/1341439/000119312514251351/d725622d10k.htm>;
- <https://www.usatoday.com/story/tech/2014/10/12/silicon-valley-diversity-tech-hiring-computer-science-graduates-african-american-hispanic/14684211/>;
- <http://www.sfgate.com/bayarea/article/Oraclescozinesswithgovernmentgoesbackto2820370.Php>;

- <https://www.eeoc.gov/eeoc/statistics/reports/hightech/>;
- https://c.ymcdn.com/sites/ascendleadership.site-ym.com/resource/resmgr/Research/HiddenInPlainSight_Paper_042.pdf;
- <http://www.cxotoday.com/story/why-india-is-becoming-so-important-for-oracle/>.

Conclusions reached for Paragraph 10:

- The conclusions reached are identified in the NOV at BSN DOL 943-44.

Linkage between the facts and the conclusions:

For the statistical results identified in Paragraph 10 of the Amended Complaint, OFCCP relied on databases produced by Oracle during the investigation to conduct them (e.g., BSN DOL 12676, 12677, 12681 in the Native0000013 folder and BSN DOL 32194 in the Native0000033 folder) that OFCCP consolidated to just one non-college and one college spreadsheet to which it added national origin data (e.g., BSN DOL 39444-45). OFCCP also relied on labor force data compiled by the BLS for 2013-2014 at BSN DOL 36078-83, 36111-16, 36148-53 and 36169-74. OFCCP used information from the two consolidated databases for the PT1 Job Group coupled with the BLS data to conduct a statistical analysis of Oracle's hiring practices for the protected groups.

OFCCP used BLS data instead of Oracle's data because Oracle's data is unreliable since its record keeping and discriminatory practices skewed the results. Oracle's selective record keeping skewed the results because Oracle did not maintain complete records. For example, on the college side, not all "applicants" were included in the data base. For non-college applicants, OFCCP obtained information that Oracle's in-house recruiters conducted searches and had communications with persons expressing an interest in a position at Oracle, but all such persons were not included in Oracle's applicant databases for non-college applicants.

OFCCP made the discriminatory practices determination after comparing Oracle's PT1 AAP Job Group statistics with BLS' availability statistics for the relevant labor market – software developers, applications & systems software occupations because over 65% of job

titles in the PT1 Job Group are software and applications developers. OFCCP found that Oracle's PT1 Job Group displayed a significant concentration of Asians (over 70%) compared to less than 30% in the available workforce in BLS' labor market data. Moreover, even though Oracle already had a skewed applicant pool in favor of Asians, Oracle's Asian hiring rate significantly exceeded it -- *by more than 6%*. Compared to approximately 75% Asian applicants (and 74% Asian incumbents), Oracle hired over 82% Asians in PT1 roles during the review period. To date, Oracle has provided no explanation for the gross disparities between Asians and non-Asians in its recruiting and hiring practices. Another factor compelling the use of BLS data is the antidotal information OFCCP acquired during the investigation, including from interviews, that Oracle has a reputation of hiring Indians. This reputation correlates with the aforementioned data analyses.

Indeed, with respect to COLLEGE RECRUITS, OFCCP has obtained evidence through discovery demonstrating how Oracle's applicant flow data may be skewed. According to Oracle Senior Sourcing Manager Mallory Cohn, Oracle college recruiters conduct an initial screening of applicants prior to entering candidates into RESUMate, the system Oracle uses to track its COLLEGE RECRUITS. *See also* ORACLE_HQCA_0000020140-41 (explaining sourcing of COLLEGE RECRUITS through "College Recruiting Inboxes"). Ms. Cohn made clear that RESUMate does not contain all COLLEGE RECUITS who submitted resumes to apply to Oracle, demonstrating that the applicant flow data Oracle has produced thus far may not reflect the pool of persons applying to Oracle.

The methodology OFCCP used to derive these results is explained in the NOV at BSN DOL 943-44. To reiterate it briefly, OFCCP (1) compared Oracle's applicant pool to the availability data from BLS and (2) compared Oracle hiring rates against the availability data from BLS. OFCCP analyzed these results by conducting an impact ratio analysis of the applicants and hires relative to the availability data. The results of those comparisons are provided at BSN DOL 5324-26, 5328-30, and 39446-47. Lastly, it should be noted that while

OFCCP did not rely on U.S. Census data to calculate the NOV results, it did examine this data, as well as other data, and found it to be supportive of the BLS data.

INTERROGATORY NO. 18:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraph 10 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the Interrogatory on the basis that it is compound, vague and ambiguous as to "nature of the facts," "knowledge of the facts," and "contact information.". "Nature of facts" is so unintelligible that it is unclear what Oracle is seeking. For example, is nature of the facts the date the person acquired the facts, how he acquired the facts, who he acquired the facts from, the contents of the facts, when the facts occurred, who observed or witnessed the facts, etc. In terms of knowledge of the facts: it is not known if Oracle was referring to personal knowledge, constructive knowledge, third-hand knowledge, hearsay knowledge, etc. It is not clear what Oracle means by contact information, is it a person home telephone number, is it a person's business address, etc.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this request, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain everyone who has knowledge of the discrimination.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP everyone who might have knowledge of the discrimination so that OFCCP can identify all of the people who have knowledge of the discrimination.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” if the nature of the facts includes every fact, however, minor that the person knows regardless of how the person obtained knowledge of the alleged fact.

OFCCP objects to this interrogatory as it is making two distinct information requests in one interrogatory – identify the name, job title and contact information of the person with knowledge, and the content/nature of this knowledge. OFCCP will count this as two interrogatories.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

OFCCP further objects to the request to the extent it seeks each individual's contact information on the grounds of the Privacy Act and that they are represented by counsel. OFCCP's personnel (current or former) may be contacted through OFCCP's counsel at the Office of the Solicitor.

Subject to and without waiving the foregoing objections, OFCCP responds that the following persons, excluding OFCCP attorneys at the Office of the Solicitor, may have knowledge of the facts giving rise to the allegations made in the Amended Complaint include: Oracle employees, supervisors and managers employed by Oracle during the review period; former employees, supervisors and managers of Oracle; and OFCCP personnel listed in response to Interrogatory No. 1. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP identifies that all persons (other than persons affiliated with Defendant) who have knowledge of the material facts alleged in Paragraph 10 of the Amended Complaint at the time of filing this Complaint are the people listed in OFCCP's initial and supplemental responses to Interrogatory No. 1.

INTERROGATORY NO. 19:

As to each "non-Asian" allegedly discriminated against as referenced in Paragraph 10 of the Amended Complaint, described how the "non-Asian" not hired was equally or better qualified than the Asian hired in that "non-Asian" person's stead.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege,

attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive

documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP further objects that this interrogatory is compound, and has vague, and ambiguous terms such as "equally or better qualified" and "person's stead." In terms of "equally or better qualified," it is not clear which quality or characteristic or combination thereof that Oracle is referring. In terms of person's stead, it is not clear if Oracle is referring to the advantage brought by a person standing in good stead or in the position of a replacement or successor when the Asian did not replace the non-Asian but instead was hired instead of the non-Asian.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its response to Interrogatory No. 17, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the hiring databases that Oracle provided to OFCCP and the application materials it provided to include iRecruitment documents, resumes and the recruiting and hiring information in the personnel files. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing

may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

BLS availability data provided the number of equally or better qualified non-Asian individuals because Oracle's data is unreliable since its record keeping and discriminatory practices skewed the results. Oracle's selective record keeping skewed the results because Oracle did not maintain complete records. For example, on the college side, not all "applicants" were included in the data base. For non-college applicants, OFCCP obtained information that Oracle's in-house recruiters conducted searches and had communications with persons expressing an interest in a position at Oracle, but all such persons were not included in Oracle's applicant databases for non-college applicants.

OFCCP made the discriminatory practices determination after comparing Oracle's PT1 AAP Job Group statistics with BLS' availability statistics for the relevant labor market – software developers, applications & systems software occupations because over 65% of job titles in the PT1 Job Group are software and applications developers. OFCCP found that Oracle's PT1 Job Group displayed a significant concentration of Asians (over 70%) compared to less than 30% in the available workforce in BLS' labor market data. Moreover, even though Oracle already had a skewed applicant pool in favor of Asians, Oracle's Asian hiring rate significantly exceeded it -- *by more than 6%* . Compared to approximately 75% Asian applicants (and 74% Asian incumbents), Oracle hired over 82% Asians in PT1 roles during the review period. To date, Oracle has provided no explanation for the gross disparities between Asians and non-Asians in its recruiting and hiring practices. Another factor compelling the use of BLS data is the antidotal information OFCCP acquired during the investigation, including from interviews, that Oracle has a reputation of hiring Indians. This reputation correlates with the aforementioned data analyses.

Indeed, with respect to COLLEGE RECRUITS, OFCCP has obtained evidence through discovery demonstrating how Oracle's applicant flow data may be skewed. According to Oracle Senior Sourcing Manager Mallory Cohn, Oracle college recruiters conduct an initial

screening of applicants prior to entering candidates into RESUMate, the system Oracle uses to track its COLLEGE RECRUITS. *See also* ORACLE_HQCA_0000020140-41 (explaining sourcing of COLLEGE RECRUITS through “College Recruiting Inboxes”). Ms. Cohn made clear that RESUMate does not contain all COLLEGE RECRUITS who submitted resumes to apply to Oracle, demonstrating that the applicant flow data Oracle has produced thus far may not reflect the pool of persons applying to Oracle.

INTERROGATORY NO. 20:

State all facts that support the allegation in Paragraph 10 of the Amended Complaint that Oracle’s hiring practices resulted in statistically significant adverse impact against non-Asian employees and statistically significant disparities in the hiring of Asians versus non-Asians, including the statistical data used, the analysis and methodologies used, and the computations used.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this Interrogatory to the extent it implies that OFCCP was required to allege statistical data. Statistical data supporting OFCCP’s claims of discrimination will be developed and refined, during and after discovery. Tying OFCCP to a particular set of statistics

at the pleading stage would be both unfair and inefficient.⁸ The time for assessing OFCCP's statistical evidence, including whether it accounts for all relevant variables, is after discovery has closed and the case is tried.⁹ Further, it is impossible for OFCCP to make any refinements to statistics in this case until Defendants produce the myriad relevant records they refused to provide to OFCCP and have not yet provided in discovery.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data

⁸ *See Jenkins*, 646 F.Supp.2d 469 (“It would be inappropriate to require a plaintiff to produce statistics to support her disparate impact claim before the plaintiff has had the benefit of discovery”).

⁹ *See Barrett*, 39 F.Supp.3d 430.

for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP likewise objects to the terms "statistical data used," "the analysis and methodologies used," "the computations used." For these latter three terms the context of "used" it is not known and it is not clear which "statistical data," "analysis," "methodologies" and "computations" that Oracle is referring.

OFCCP objects to this Interrogatory as overbroad, unduly burdensome, oppressive, not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP further objects to producing any in-house statistical analyses performed to include the data, methodology and computations that OFCCP employed. This information is protected under the various privileges asserted above, is irrelevant, and is not proportional to the needs of the case.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory "requires [the party answering the written discovery] to refer to materials outside of the request itself," OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

Subject to and without waiving the foregoing objections, OFCCP incorporates herein its response to Interrogatory No. 17, its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the hiring database that Oracle provided to OFCCP for the 2014 snapshot and the application materials it provided to include iRecruitment documents, resumes and the recruiting and hiring information in the personnel files. During the compliance review of Oracle headquarters, OFCCP evaluated and analyzed Oracle's recruiting and hiring information and evidence gathered in the investigation and found statistically significant hiring disparities based upon race. OFCCP's analysis of Oracle's applicant data and appropriate workforce availability statistics show that Oracle favored Asian applicants, particularly Asian Indians, in recruiting at a standard deviation as significant as +85. Additionally, an analysis of Oracle's hiring data and appropriate workforce availability statistics show that Oracle favored Asian applicants, particularly Asian Indians, in hiring at a standard deviation as significant as +30. Based upon the analyses conducted and the evidence gathered during the compliance evaluation, OFCCP found that Oracle recruited, selected, and hired Asian applicants, particularly Asian Indians, in the referenced groups at a rate significantly greater than their non-Asian counterparts and Oracle's recruiting and hiring practices resulted in discrimination against African American, Hispanic, and White applicants. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still (1) waiting for updated databases from Oracle covering the whole period of this suit, (2) reviewing documents produced by Oracle and (3) developing the statistical model it will rely on at hearing in this matter. OFCCP does not regard its models

during the investigation and conciliation phase as determinative of the statistical evidence it will use to support its Amended Complaint at hearing in this case. The model used at the hearing may rely on different factors, different mathematics and different data than the model used during the investigation and conciliation process.

Facts known to OFCCP at the time it filed its Amended Complaint to support the following statement in Paragraph 10 of this Complaint: “Oracle utilized ... a recruiting and hiring process that discriminates against [non-Asian] applicants in favor of Asian applicants, ... based on race for positions in the [PT1] job group and Product Development line of business.”

- Applicant and hiring databases at BSN DOL 12676, 12677, 12681 in the Native0000013 folder, BSN DOL 32194 in the Native0000033 folder, and BSN DOL 39444-45. The applicant and hiring databases at BSN DOL 12676 and 12677 are for January 1 – December 31, 2013, for non-college and college respectively. The applicant and hiring databases at BSN DOL 12681 and 32194 are for January 1 – June 30, 2014, for non-college and college hires respectively. The applicant and hiring database at BSN DOL 39444 combines the data of the two non-college hire databases and adds national origin and year information while the applicant and hiring database at BSN DOL 39445 does the same for the two college databases. All three of the non-college applicant and hiring databases have the following information: the person’s name, department/organization, gender, race, job title, vacancy number, disposition and Job Group. All three of the college applicant and hiring databases have the following information: the person’s name, hire vs. applicant determination, department/organization, gender, race, job title, and Job Group. OFCCP determined the national origin information in column I for BSN DOL 39444 and column H for BSN DOL 39445 from the following two websites: <http://forebears.co.uk/surnames> and <http://www.behindthename.com/name/>.
- OFCCP used H-1B information that Oracle provided in the Compensation Database also known as 2014 snapshot at BSN DOL 26401 in the Native000027 folder. Also, from

2012 through 2014, OFCCP found that Oracle submitted 1,279 H1B visa applications for its headquarters facility, of which 1,007 were for the PT1 Job Group.

- Interviews of Oracle personnel provide information about Oracle’s recruiting and hiring policies, practices and procedures and how Oracle implemented them at BSN DOL 507-904, 36573-806, 39030-37, 39151-73.
- Oracles written recruiting and hiring policies in its U.S. Employee Handbook (BSN DOL 37221-24) and Oracle’s Recruitment Process Summary (BSN DOL 4722).
- Oracle’s correspondence, including e-mails, providing or explaining its policies or submissions at BSN DOL 926-31, 943-54, 987-1006, 1027-30, 1031-34, 1053-58, 1087-91, 1093-97, 1128-34, 1143, 1174-76, 1180-84, 1193-1204, 1212-13, 1233-34, 1237-40, 1243-46, 1322-23, 1327-45, 1350-58, 1362-66, 1395-1406, 37175-78, 37528-33, 38548-57, 38673-77, 38764-67, 38876-95, 38898-906, 39128-29.
- Oracle’s Irecruitment documents that identified vacancy number, vacancy job title and code, applicant’s name, applicant number, application date, citizenship status, education, location of schools attended (e.g., state, countries such as India), and contained resumes.
- Compensation Database also known as 2014 snapshot at Bates stamp number (“BSN”) DOL 26401 in the Native000027 folder. This snapshot provided, inter alia, the following information: person’s name, employee identification number, gender, race, job title, Job Function or Line of Business (“LOB,” e.g., Product Development, Support, Information Technology), job specialty, Job Group (e.g. Professional Technical 1, “PT1”), grade, global career level, company tenure, salary, exempt status, part time or full time status, salary, total compensation, estimated prior work experience, H-1B and visa status. This databased provided information for applicants Oracle hired in 2013 and / or 2014 who were employed by Oracle in 2014.
- Oracle’s AAP information at BSN DOL 4377-4710, 32150-52, 31982-98, 31999-32132 provided information related to Oracle’s general AAP plan; how Oracle organized its job

titles by both Job Group and organization/work force; identified the numbers of its employees in these Job Groups and job titles by: total, gender, total for all minorities, specific totals for individual minorities, and percentages; identified the numbers of its employees in these organizations/work forces and job titles by: salary total, EEO code, female gender total, total for all minorities, specific totals for individual minorities, and percentages; and provided detailed job information for each job position such as: job code, job title, job function, global career level, brief and detailed descriptions and job responsibilities.

- BLS data for the software developers, applications & systems software occupations at BSN DOL 36078-83, 36111-16, 36148-53 and 36169-74 provided employment data (numbers and percentages) by race.
- Facts in the articles and filing at BSN DOL 37746-47, 37792, 37795-99, 37803-04, 37809-10, 37818-25, 37827-34, 38754-55, 39442-43, 39446-39790, 39832-74 and at the following URLs:
 - <http://www.oracle.com/us/corporate/press/executives/016380.htm>;
 - <http://www.thehindu.com/business/Industry/new-oracle-chiefs-kerala-roots/article6775912.ece>;
 - <https://www.oracle.com/corporate/citizenship/workforce/diversity.html>;
 - http://guestworkerdata.org/wp-content/uploads/2014/02/H1BNationalFactsheet11_13_13FINAL.pdf;
 - http://www.lpfi.org/wp-content/uploads/2015/04/code2040_lpfi_final.pdf;
 - <http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H1B/h1b-fy-12-characteristics.pdf>;
 - <http://www.nytimes.com/2015/11/11/us/large-companies-game-H1B-visa-program-leaving-smaller-ones-in-the-cold.html>;

- http://www.nytimes.com/interactive/2015/11/06/us/outourcing-companies-dominate-h1b-visas.html?_r=0;
- http://www.nytimes.com/interactive/2015/11/06/us/outourcing-companies-dominate-h1b-visas.html?_r=1;
- <http://www.bls.gov/opub/mlr/2011/11/art1full.pdf>;
- <http://www.epi.org/press/1b-visa-program-attracting-brightest-workers/>;
- <http://www.epi.org/files/2013/outstanding-talent-high-skilled-immigration.pdf>;
- <http://www.eeoc.gov/policy/docs/national-origin.html>;
- <http://www.eeoc.gov/eeoc/newsroom/release/8-28-14.cfm>;
- https://blogs.oracle.com/campusrecruitment/entry/my_journey_from_college_to;
- <https://www.sec.gov/Archives/edgar/data/1341439/000119312514251351/d725622d10k.htm>;
- <https://www.usatoday.com/story/tech/2014/10/12/silicon-valley-diversity-tech-hiring-computer-science-graduates-african-american-hispanic/14684211/>;
- <http://www.sfgate.com/bayarea/article/Oraclescozinesswithgovernmentgoesbackto2820370.Php>;
- <https://www.eeoc.gov/eeoc/statistics/reports/hightech/>;
- https://c.ymcdn.com/sites/ascendleadership.site-ym.com/resource/resmgr/Research/HiddenInPlainSight_Paper_042.pdf;
- <http://www.cxotoday.com/story/why-india-is-becoming-so-important-for-oracle/>.

Conclusions reached for Paragraph 10:

- The conclusions reached are identified in the NOV at BSN DOL 943-44.

Data, analysis, method and computations used:

For the statistical results identified in Paragraph 10 of the Amended Complaint, OFCCP relied on databases produced by Oracle during the investigation to conduct them (e.g., BSN DOL 12676, 12677, 12681 in the Native0000013 folder and BSN DOL 32194 in the

Native0000033 folder) that OFCCP consolidated to just one non-college and one college spreadsheet to which it added national origin data (e.g., BSN DOL 39444-45). OFCCP also relied on labor force data compiled by the BLS for 2013-2014 at BSN DOL 36078-83, 36111-16, 36148-53 and 36169-74. OFCCP used information from the two consolidated databases for the PT1 Job Group coupled with the BLS data to conduct a statistical analysis of Oracle's hiring practices for the protected groups.

OFCCP used BLS data instead of Oracle's data because Oracle's data is unreliable since its record keeping and discriminatory practices skewed the results. Oracle's selective record keeping skewed the results because Oracle did not maintain complete records. For example, on the college side, not all "applicants" were included in the data base. For non-college applicants, OFCCP obtained information that Oracle's in-house recruiters conducted searches and had communications with persons expressing an interest in a position at Oracle, but all such persons were not included in Oracle's applicant databases for non-college applicants.

OFCCP made the discriminatory practices determination after comparing Oracle's PT1 AAP Job Group statistics with BLS' availability statistics for the relevant labor market – software developers, applications & systems software occupations because over 65% of job titles in the PT1 Job Group are software and applications developers. OFCCP found that Oracle's PT1 Job Group displayed a significant concentration of Asians (over 70%) compared to less than 30% in the available workforce in BLS' labor market data. Moreover, even though Oracle already had a skewed applicant pool in favor of Asians, Oracle's Asian hiring rate significantly exceeded it -- *by more than 6%* . Compared to approximately 75% Asian applicants (and 74% Asian incumbents), Oracle hired over 82% Asians in PT1 roles during the review period. To date, Oracle has provided no explanation for the gross disparities between Asians and non-Asians in its recruiting and hiring practices. Another factor compelling the use of BLS data is the antidotal information OFCCP acquired during the investigation, including

from interviews, that Oracle has a reputation of hiring Indians. This reputation correlates with the aforementioned data analyses.

Indeed, with respect to COLLEGE RECRUITS, OFCCP has obtained evidence through discovery demonstrating how Oracle's applicant flow data may be skewed. According to Oracle Senior Sourcing Manager Mallory Cohn, Oracle college recruiters conduct an initial screening of applicants prior to entering candidates into RESUMate, the system Oracle uses to track its COLLEGE RECRUITS. *See also* ORACLE_HQCA_0000020140-41 (explaining sourcing of COLLEGE RECRUITS through "College Recruiting Inboxes"). Ms. Cohn made clear that RESUMate does not contain all COLLEGE RECUITS who submitted resumes to apply to Oracle, demonstrating that the applicant flow data Oracle has produced thus far may not reflect the pool of persons applying to Oracle.

The methodology OFCCP used to derive these results is explained in the NOV at BSN DOL 943-44. To reiterate it briefly, OFCCP (1) compared Oracle's applicant pool to the availability data from BLS and (2) compared Oracle hiring rates against the availability data from BLS. OFCCP analyzed these results by conducting an impact ratio analysis of the applicants and hires relative to the availability data. The results of those comparisons are provided at BSN DOL 5324-26, 5328-30, and 39446-47. Lastly, it should be noted that while OFCCP did not rely on U.S. Census data to calculate the NOV results, it did examine this data, as well as other data, and found it to be supportive of the BLS data.

INTERROGATORY NO. 21:

State all facts that support the allegation in Paragraph 12 and 13 of the Amended Complaint that YOU requested "various records" that Oracle "refused to produce," including a description of the specific records YOU requested, the date(s) on which YOU requested the records, the date(s) on which YOU contend that Oracle refused to produce those records, the

PERSON that refused to produce the records, and the COMMUNICATION reflecting the refusal.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data

regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP likewise objects to this Interrogatory as vague and ambiguous because it simultaneously refers to two different paragraphs in the complaint containing different allegations and then it requests the facts to support just one of the allegations located therein when it states "[s]tate all facts that support the allegation in Paragraph 12 and 13." It is not clear which allegation to which Oracle is referring.

OFCCP further objects to this Interrogatory as vague and ambiguous for the following terms "description of the specific records" "refused to produce," and "communication reflecting the refusal." For example, it is not known what Oracle is requesting when it requests a description of the records. Is it the record's title, database, or snapshot; date of record or snapshot; author or custodian of record or data base, etc.? The parties have provided each other with different definitions of what constitutes "refusal to produce" during the investigation and litigation and it is not clear what definition Oracle is referring to in this Interrogatory. Additionally, it is not clear what Oracle means by "reflecting the refusal." Does this term mean only those communications wherein Oracle actually used the word "refusal" or some deviation of this word; does Oracle mean communications that evidence this refusal, etc.? Furthermore,

Oracle just defined communication to oral or documents and not to a party's action or inactions. Thus, its definition of communication is artificially constrained and any response using this definition would be incomplete.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term "all facts" because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this Interrogatory, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain every person who took part in Oracle's refusal to provide OFCCP the requested information, data and documents and to identify all of their related communications.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP who might have knowledge of Oracle's failure to conduct the reviews and analysis so that OFCCP can identify all of the people involved and their related communications.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to create a compendium from communications that Oracle is already in possession of these communications.

OFCCP objects to this interrogatory as it is making five distinct information requests in one interrogatory: (1) description of the specific records requested; (2) dates records were requested; (3) dates Oracle refused to provide the records; (4) the person that refused to provide the records; and (5) the communications reflecting refusal.

OFCCP objects to this interrogatory because Oracle, with this interrogatory, makes its 25th interrogatory when seeking information about the "description of the specific records

requested” and exceeds the 25 interrogatory limit for the four additional items listed in the previous paragraph.

Subject to and without waiving the foregoing objections, OFCCP will only answer this Interrogatory for a description of the specific records requested. OFCCP incorporates herein its statements in the Amended Complaint and refers Oracle to the responsive documents that it produced during discovery, including, but not limited to, the NOV and Attachment, and the compensation database that Oracle provided to OFCCP for the 2014 snapshot and the correspondence between the parties. The categories of information that Oracle refused to produce are: pay equity analysis pursuant to 41 C.F.R. § 60-2.17, some fields of information for the 2014 snapshot; data for the 2013 snapshot, employee contact information, internal complaints, external arbitration complaints and data for the 2012 applicant flow log. Furthermore, Oracle refused to produce most of the various employer personnel actions requested, and a significant amount of the application materials requested. OFCCP will supplement this response as more documents and data are produced during discovery under the supervision of the office of administrative law judges.

INTERROGATORY NO. 22:

Identify by name and last known contact information each PERSON with knowledge of the facts alleged in Paragraphs 12 and 13 of the Amended Complaint, including the nature of the facts of which the PERSON identified has knowledge.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government’s deliberative process privilege, the governmental privilege for investigative files and techniques, the government’s informant

privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP further objects to the Interrogatory on the basis that it is compound, vague and ambiguous as to “nature of the facts,” “knowledge of the facts,” and “contact information.” “Nature of facts” is so unintelligible that it is unclear what Oracle is seeking. For example, is nature of the facts the date the person acquired the facts, how he acquired the facts, who he acquired the facts from, the contents of the facts, when the facts occurred, who observed or witnessed the facts, etc. In terms of knowledge of the facts: it is not known if Oracle was referring to personal knowledge, constructive knowledge, third-hand knowledge, hearsay knowledge, etc. It is not clear what Oracle means by contact information, is it a person home telephone number, is it a person’s business address, etc.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this Interrogatory, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain everyone who has knowledge of the discrimination.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to interview potentially thousands of employees to obtain their last known contact information when Oracle is already in possession of this information.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP who might have knowledge of the discrimination so that OFCCP can identify all of the people who have knowledge of the discrimination.

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term

“all facts” if the nature of the facts includes every fact, however, minor that the person knows regardless of how the person obtained knowledge of the alleged fact.

OFCCP objects to this interrogatory as it is making two distinct information requests in one interrogatory – identify the name, job title and address of the person with knowledge, and the content/nature of this knowledge. OFCCP will count this as two interrogatories.

To the extent that the following objection that Defendant used during written discovery is a valid objection since the parties are meeting and conferring about it: the request/Interrogatory “requires [the party answering the written discovery] to refer to materials outside of the request itself,” OFCCP makes this objection here because this Interrogatory referred to materials outside of the Interrogatory itself.

OFCCP further objects to the Interrogatory to the extent it seeks each individual’s contact information on the grounds of the Privacy Act and that they are represented by counsel. OFCCP’s personnel (current or former) may be contacted through OFCCP’s counsel at the Office of the Solicitor.

OFCCP objects to this interrogatory because Oracle has already asked more than 25 interrogatories because four of its previous interrogatories contained two subparts each, another Interrogatory contained five subparts, and this Interrogatory contains two subparts. As such, Oracle exceeded the number of interrogatories that it can make without a court order.

Subject to and without waiving the foregoing objections, OFCCP declines to answer this Interrogatory because Oracle exceeded the number of interrogatories allowed without court order.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP identifies that all persons (other than persons affiliated with Defendant) who have knowledge of the material facts alleged in Paragraphs 12 and 13 of the Amended

Compliant at the time of filing this Complaint are the people listed in OFCCP's initial and supplemental responses to Interrogatory No. 1.

INTERROGATORY NO. 23:

State all facts that support the allegation in Paragraph 14 of the Amended Complaint that Oracle "defaulted on its obligations under 41 sections 60-2.17(b)-(d), 60-315A, and 60-3.4, including a description of the specific "reviews and analysis" that YOU contend Oracle failed to conduct, the date(s) on which YOU contend that Oracle refused to produce those reviews and analysis, the PERSON that refused to produce the reviews and analysis, and the COMMUNICATION reflecting the refusal.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive

documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP further objects to this Interrogatory as vague and ambiguous for the following terms "description of the specific 'reviews and analysis,'" "Oracle failed to conduct," "Oracle refused to produce those reviews and analysis" and "communication reflecting the refusal." For example, it is not known what Oracle is requesting when it requests a description. Is it the title of the review, the particular requirement or regulation requiring the review, what the review concerned, etc.? The parties have provided each other with different definitions of what constitutes "refusal to produce" during the investigation and litigation and it is not clear what definition Oracle is referring to in this Interrogatory. Additionally, it is not clear what Oracle

means by “reflecting the refusal.” For example, does this term mean only those communications wherein Oracle actually used the word “refusal” or some deviation of this word; does Oracle mean communications that evidence this refusal, etc.? Furthermore, Oracle just defined communication to oral or documents and not to a party’s action or inactions. Thus, its definition of communication is artificially constrained and any response using this definition would be incomplete. It is also not clear what Oracle means by “failure to conduct.” For example, does this term mean only those communications wherein Oracle actually stated that it failed to conduct the review; does it mean communications that Oracle repeatedly failed to provide evidence that it conducted the review after repeated requests, etc.?

OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case.

OFCCP also objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case because for OFCCP to truly answer this Interrogatory, OFCCP would need to literally interview thousands of Oracle employees to include employees in supervisory and management positions to ascertain every person who took part in Oracle’s failure to conduct the reviews and analysis and to identify all of their related communications.

OFCCP again objects to the Interrogatory as being unduly burdensome, overly broad, not relevant, oppressive and not proportional to the case for OFCCP to create a compendium from communications that Oracle is already in possession of these communications.

OFCCP still further objects because the Interrogatory calls for speculation if Oracle does not make everyone available to OFCCP who might have knowledge of Oracle’s failure to conduct the reviews and analysis so that OFCCP can identify all of the people involved and their related communications.

OFCCP objects to this interrogatory as it is making four distinct information requests in one interrogatory: (1) description of the specific “reviews and analysis” that Oracle failed to conduct; (2) dates Oracle refused to produce reviews; (3) the person that refused to provide the reviews; and (4) the communications reflecting refusal.

OFCCP objects to this interrogatory because Oracle has already asked the equivalent of 25 interrogatories in that five of its previous interrogatories contained two subparts each, another Interrogatory contained five subparts and this Interrogatory contained four subparts. As such, Oracle exceeded the number of interrogatories that it can make without a court order.

Subject to and without waiving the foregoing objections, OFCCP declines to answer this Interrogatory because Oracle exceeded the number of interrogatories allowed without court order.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still waiting for Oracle to produce documents in response to the Court’s Motion to Compel Order dated September 11, 2017, and in response to multiple sets of documents production requests. As such, the evidence used at the hearing may rely on different facts and different documentary evidence that is identified in response to this interrogatory. Facts known to OFCCP at the time it filed its Amended Complaint to support the following statement in Paragraph 14 of this Complaint: “Oracle defaulted on its obligations under 41 [sic] sections 60-2.17(b)-(d), 60-315A [sic], and 60-3.4.”

- The implementing regulation at 41 C.F.R. § 60-2.17(b) requires Oracle to have an AAP that identifies its problem areas. Under this regulation, Oracle is required to evaluate its:
 - “workforce by organizational unit and job group to determine whether there are problems of minority or female utilization (*i.e.*, employment in the unit or group),

- or of minority or female distribution (*i.e.*, placement in the different jobs within the unit or group);”
- “[p]ersonnel activity (applicant flow, hires, terminations, promotions, and other personnel actions) to determine whether there are selection disparities;”
 - “[c]ompensation system(s) to determine whether there are gender-, race-, or ethnicity-based disparities;”
 - “[s]election, recruitment, referral, and other personnel procedures to determine whether they result in disparities in the employment or advancement of minorities or women;”
 - “[a]ny other areas that might impact the success of the affirmative action program.”
- The implementing regulation at 41 C.F.R. § 60-2.17(c) requires Oracle to “develop and execute action-oriented programs designed to correct any problem areas identified pursuant to § 60-2.17(b) and to attain established goals and objectives. In order for these action-oriented programs to be effective, the contractor must ensure that they consist of more than following the same procedures which have previously produced inadequate results. Furthermore, a contractor must demonstrate that it has made good faith efforts to remove identified barriers, expand employment opportunities, and produce measurable results.”
 - The implementing regulation at 41 C.F.R. § 60-2.17(d) requires Oracle to “develop and implement an auditing system that periodically measures the effectiveness of its total affirmative action program. The actions listed below are key to a successful affirmative action program:”
 - “[m]onitor records of all personnel activity, including referrals, placements, transfers, promotions, terminations, and compensation, at all levels to ensure the nondiscriminatory policy is carried out;”

- “[r]equire internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained;”
- “[r]eview report results with all levels of management;”
- “[a]dvice top management of program effectiveness and submit recommendations to improve unsatisfactory performance.”
- The implementing regulation at 41 C.F.R. § 60-3.15(A) requires Oracle to “maintain and have available for each job information on adverse impact of the selection process for that job and, where it is determined a selection process has an adverse impact, evidence of validity.” Under sub-paragraphs (2)-(3) of this regulation, Oracle is required to:
 - “maintain and have available for each job records or other information showing whether the total selection process for that job has an adverse impact on any of the groups for which records are called for by section 4B of this part. Adverse impact determinations should be made at least annually for each such group which constitutes at least 2 percent of the labor force in the relevant labor area or 2 percent of the applicable workforce. Where a total selection process for a job has an adverse impact, the user should maintain and have available records or other information showing which components have an adverse impact. Where the total selection process for a job does not have an adverse impact, information need not be maintained for individual components except in circumstances set forth in subsection 15A(2)(b) of this section. If the determination of adverse impact is made using a procedure other than the ‘four-fifths rule,’ as defined in the first sentence of section 4D of this part, a justification, consistent with section 4D of this part, for the procedure used to determine adverse impact should be available.”
 - “[w]henver the total selection process for a particular job has had an adverse impact, as defined in section 4 of this part, in any year, but no longer has an

adverse impact, the user should maintain and have available the information on individual components of the selection process required in the preceding paragraph for the period in which there was adverse impact. In addition, the user should continue to collect such information for at least two (2) years after the adverse impact has been eliminated.”

- “[w]here there has been an insufficient number of selections to determine whether there is an adverse impact of the total selection process for a particular job, the user should continue to collect, maintain and have available the information on individual components of the selection process required in paragraph 15(A)(2)(a) of this part until the information is sufficient to determine that the overall selection process does not have an adverse impact as defined in section 4 of this part, or until the job has changed substantially.”
- “[w]here a total selection process has an adverse impact (see section 4 of this part) the user should maintain and have available for each component of that process which has an adverse impact, one or more of the following types of documentation evidence:”
 - “[d]ocumentation evidence showing criterion-related validity of the selection procedure (see section 15B, of this section);”
 - “[d]ocumentation evidence showing content validity of the selection procedure (see section 15C, of this section);”
 - “[d]ocumentation evidence showing construct validity of the selection procedure (see section 15D, of this section);”
 - “[d]ocumentation evidence from other studies showing validity of the selection procedure in the user's facility (see section 15E, of this section);”

- “[d]ocumentation evidence showing why a validity study cannot or need not be performed and why continued use of the procedure is consistent with Federal law.”
- “compile[the evidence] in a reasonably complete and organized manner to permit direct evaluation of the validity of the selection procedure. Previously written employer or consultant reports of validity, or reports describing validity studies completed before the issuance of these guidelines are acceptable if they are complete in regard to the documentation requirements contained in this section, or if they satisfied requirements of guidelines which were in effect when the validity study was completed. If they are not complete, the required additional documentation should be appended. If necessary information is not available the report of the validity study may still be used as documentation, but its adequacy will be evaluated in terms of compliance with the requirements of these guidelines.”
- Produce validation reports in accordance with 41 C.F.R. §§ 60-3.15(A)(3)(c); 60-3.15(B)(C).
- The implementing regulation at 41 C.F.R. § 60-3.4 requires Oracle to
 - “maintain and have available for inspection records or other information which will disclose the impact which its tests and other selection procedures have upon employment opportunities of persons by identifiable race, sex, or ethnic group as set forth in subparagraph B of this section in order to determine compliance with these guidelines. Where there are large numbers of applicants and procedures are administered frequently, such information may be retained on a sample basis, provided that the sample is appropriate in terms of the applicant population and adequate in size.”

- “maintain[these records by] sex, and the following races and ethnic groups: Blacks (Negroes), American Indians (including Alaskan Natives), Asians (including Pacific Islanders), Hispanic (including persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish origin or culture regardless of race), whites (Caucasians) other than Hispanic, and totals. The race, sex, and ethnic classifications called for by this section are consistent with the Equal Employment Opportunity Standard Form 100, Employer Information Report EEO-1 series of reports. The user should adopt safeguards to insure that the records required by this paragraph are used for appropriate purposes such as determining adverse impact, or (where required) for developing and monitoring affirmative action programs, and that such records are not used improperly. See sections 4E and 17(4), of this part.”
- evaluate “the individual components of the selection process . . . for adverse impact” “If the information called for by sections 4A and B of this section shows that the total selection process for a job has an adverse impact If this information shows that the total selection process does not have an adverse impact, the Federal enforcement agencies, in the exercise of their administrative and prosecutorial discretion, in usual circumstances, will not expect a user to evaluate the individual components for adverse impact, or to validate such individual components, and will not take enforcement action based upon adverse impact of any component of that process, including the separate parts of a multipart selection procedure or any separate procedure that is used as an alternative method of selection. However, in the following circumstances the Federal enforcement agencies will expect a user to evaluate the individual components for adverse impact and may, where appropriate, take enforcement action with respect to the individual components: (1) where the selection

procedure is a significant factor in the continuation of patterns of assignments of incumbent employees caused by prior discriminatory employment practices, (2) where the weight of court decisions or administrative interpretations hold that a specific procedure (such as height or weight requirements or no-arrest records) is not job related in the same or similar circumstances. In unusual circumstances, other than those listed in paragraphs (1) and (2) of this section, the Federal enforcement agencies may request a user to evaluate the individual components for adverse impact and may, where appropriate, take enforcement action with respect to the individual component.”

- Oracle failed to produce documents documenting its compliance with the aforementioned regulatory requirements when requested by OFCCP during the underlying investigation. OFCCP considers Oracle’s repeated failures to produce the requested documents to be a refusal to comply in addition to Oracle’s outright refusal statements.
- Documents identifying OFCCP’s requests for documents pertaining to these regulations and Oracle’s responses thereto are at BSN DOL 575-93, 987-1006, 1027-30, 1042-44, 1116-17, 1128-31, 1053-58, 1087-91, 1093-1097, 1114-17, 1124, 1128-34, 1212-13, 1235-40, 1242-46, 1327-28, 1336-42, 1350-51, 1371-75, 38548-57, 38673-77, 38764-67, 38876-95, 38991-95, 39025-26, 39128-29. These documents identify the dates in question, the persons involved and the communications.

INTERROGATORY NO. 24:

Describe in detail any anecdotal evidence of discrimination YOU contend supports any allegation in the Amended Complaint.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal

complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP further objects on the ground that Oracle continues, against legal authorities, to withhold its employee contact information, preventing OFCCP from communicating with them in order to obtain further anecdotal evidence of unlawful discrimination. *See, e.g., OFCCP v. Jefferson County Board of Education*, Case No. 1990-OFC-4 (ALJ, Nov. 16, 1990) (granting OFCCP's motion to compel Defendant to provide "names, addresses, phone numbers, positions, dates of employment educational background, and previous employment for all hires for [a] two-year period."); *see also OFCCP v. American Airlines, Inc.*, Case No. 1994-OFC-9 (ALJ, Jan. 19, 1995) (ordering the defendant "to supply the requested telephone numbers and addresses for all former and current employees except those with authority to speak for the company; and, further, to supply addresses, either work addresses or home addresses, of former and current management employees with authority to bind the company for the limited purpose of allowing OFCCP to notice depositions."); *see also* 79 FR 55712-02, 2014 WL 4593912 (F.R.), Proposed Rules, 41 C.F.R. Part 60-1, RIN 1250-AA06 (interviewing "employees potentially impacted by discriminatory compensation" is "an invaluable way for [OFCCP] to determine whether compensation discrimination in violation of Executive Order 11246 has occurred and to support its statistical findings."); *see also Kasten v. St.-Gobain Performance Plastics Corp.*, 531 U.S. 1, 11-12 (2011) (in order to enforce the FLSA, the Secretary of Labor necessarily relies, "not upon

‘continuing detailed federal supervision or inspection of payrolls,’ but upon ‘information and complaints received from employees seeking to vindicate rights claimed to have been denied.’”); *see also E.E.O.C. v. McLane Co., Inc.*, 804 F.3d 1051, 1056-57 (9th Cir. 2015) (ordering employer to produce employee contact information).

OFCCP further objects to this Interrogatory as vague and ambiguous for the following terms “[d]escribe in detail,” and “anecdotal evidence.” For example, it is not known what Oracle is requesting when it requests for OFCCP to describe in detail, the level of detail needed and how much information constitutes sufficient detail. To the extent that Oracle’s describe in detail means to state all facts, then OFCCP objects to this Interrogatory as overly overbroad, unduly burdensome, oppressive, not relevant, and not proportional to the needs of the case with respect to the term “all facts” because this term is not confined to the principal or material facts of the case, but seeks the identity of each and every fact, however minor, that may relate to the case. In terms of anecdotal evidence it is not clear what definition of evidence that Oracle is requesting OFCCP to provide and what it considers to be anecdotal as opposed to another form of evidence.

OFCCP objects to this interrogatory because Oracle has already asked the equivalent of 25 interrogatories in that five of its previous interrogatories contained two subparts each, another Interrogatory contained four subparts and still another Interrogatory contained five subparts. As such, Oracle exceeded the number of interrogatories that it can make without a court order.

Subject to and without waiving the foregoing objections, OFCCP declines to answer this Interrogatory because Oracle exceeded the number of interrogatories allowed without court order.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still waiting for Oracle to produce documents in response to the Court's Motion to Compel Order dated September 11, 2017, and in response to multiple sets of documents production requests. As such, the evidence used at the hearing may rely on different facts and different anecdotal evidence than which is identified in response to this interrogatory.

Anecdotal evidence of discrimination can be found in the following documents:

- Wage determination memos contained in the Labor Condition Applications ("LCAs") that Oracle provided for employees working under H-1B status at BSN DOL 6523-6620, 6689-6715, 7261-8040, 8100-12674, 33204-35301.
- Information contained in personnel files at BSN DOL 30664-31981.
- Interviews of Oracle personnel at BSN DOL 507-904, 36573-806, 39030-37, 39151-73.
- Oracle's correspondence, including e-mails, providing or explaining its policies or submissions at BSN DOL 926-31, 943-54, 987-1006, 1027-30, 1031-34, 1053-58, 1087-91, 1093-97, 1128-34, 1143, 1174-76, 1180-84, 1193-1204, 1212-13, 1233-34, 1237-40, 1243-46, 1322-23, 1327-45, 1350-58, 1362-66, 1395-1406, 37175-78, 37528-33, 38548-57, 38673-77, 38764-67, 38876-95, 38898-906, 39128-29.
- Oracle's AAP at BSN DOL 4377-4710, 32150-52, 31982-98, 31999-32132.
- Information in complaints against Oracle BSN DOL 37732-42.
- Facts in the articles and filing at BSN DOL 37746-47, 37792, 37795-99, 37803-04, 37809-10, 37818-25, 37827-34, 38754-55, 39442-43, 39446-39790, 39832-74 and at the following URLs:
 - <http://www.oracle.com/us/corporate/press/executives/016380.htm>;
 - <http://www.thehindu.com/business/Industry/new-oracle-chiefs-kerala-roots/article6775912.ece>;
 - <https://www.oracle.com/corporate/citizenship/workforce/diversity.html>;

- http://guestworkerdata.org/wp-content/uploads/2014/02/H1BNationalFactsheet11_13_13FINAL.pdf;
- http://www.lpfi.org/wp-content/uploads/2015/04/code2040_lpfi_final.pdf;
- <http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/H1B/h1b-fy-12-characteristics.pdf>;
- <http://www.nytimes.com/2015/11/11/us/large-companies-game-H1B-visa-program-leaving-smaller-ones-in-the-cold.html>;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=0;
- http://www.nytimes.com/interactive/2015/11/06/us/outsourcing-companies-dominate-h1b-visas.html?_r=1;
- <http://www.epi.org/press/1b-visa-program-attracting-brightest-workers/>;
- <http://www.epi.org/files/2013/outstanding-talent-high-skilled-immigration.pdf>;
- <http://www.eeoc.gov/policy/docs/national-origin.html>;
- <http://www.eeoc.gov/eeoc/newsroom/release/8-28-14.cfm>;
- https://blogs.oracle.com/campusrecruitment/entry/my_journey_from_college_to;
- <https://www.sec.gov/Archives/edgar/data/1341439/000119312514251351/d725622d10k.htm>;
- <https://www.usatoday.com/story/tech/2014/10/12/silicon-valley-diversity-tech-hiring-computer-science-graduates-african-american-hispanic/14684211/>;
- <http://www.sfgate.com/bayarea/article/Oraclescozinesswithgovernmentgoesbackto2820370.Php>;
- <https://www.eeoc.gov/eeoc/statistics/reports/hightech/>;
- https://c.ymcdn.com/sites/ascendleadership.site-ym.com/resource/resmgr/Research/HiddenInPlainSight_Paper_042.pdf;
- <http://www.cxotoday.com/story/why-india-is-becoming-so-important-for-oracle/>.

INTERROGATORY NO. 25:

If YOU contend that any of the discrimination alleged in the Amended Complaint is based upon a theory of disparate impact, identify the policies, practices, procedures, and tests that YOU contend operate to have a disparate impact.

RESPONSE:

OFCCP incorporates the general objections stated above, and further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work-product doctrine, the government's deliberative process privilege, the governmental privilege for investigative files and techniques, the government's informant privilege, the trial preparation privilege described in Rule 26(b)(3) of the Federal Rules of Civil Procedure, or exemption provided by the Rules of Practice, Federal Rules of Civil Procedure or Evidence, or the common law.

OFCCP objects to this contention Interrogatory as overly broad and unduly burdensome because OFCCP should be provided the opportunity to conduct discovery and maintain flexibility about its contentions before responding to contention interrogatories, as the information necessary to respond to this Interrogatory becomes more readily available. *See* cases cited in General Objection No. 1. OFCCP further objects to this Interrogatory as premature because OFCCP has only obtained minimal discovery from Oracle because Oracle refused to provide a person for the Rule 30(b)(6) deposition that OFCCP noticed, refused to produce any documents pending a protective order to include not even producing responsive documents that were not covered by the protective order, and has produced information responsive only to a fraction of OFCCP's discovery requests. Furthermore, OFCCP objects to this premature Interrogatory because Oracle is attempting to benefit from its unclean hands of repeatedly failing to produce requested information during the compliance review and obstructing OFCCP's ability

to acquire this same information during discovery. For example, as repeatedly identified in the documents that OFCCP produced during this litigation and the underlying investigation, Oracle failed to produce: applicant and hiring data, such as data regarding name of school attended and prior degrees earned, years of prior work experience and prior salary before being hired by Oracle, compensation data such as the 1/13/13 snapshot, Oracle's pay equity analysis, employee personnel actions, employee contact information, data for the 2012 applicant flow log, internal complaints, external arbitration complaints, documents regarding compensation and hiring, etc. Additionally, in this litigation, Oracle, in its written document production responses identified that it would not be producing any responsive documents for 55 requests or 60% of OFCCP's document production requests. This failure to produce is in addition to refusing to produce a person for the Rule 30(b)(6) deposition that OFCCP noticed. Moreover, this Interrogatory is premature to the extent it will be the subject of forthcoming expert testimony. Finally, OFCCP objects to this interrogatory insofar as it seeks disclosure of information protected under Fed. R. Civ. P. 26(b)(4)(D).

OFCCP objects to this Interrogatory as compound, vague, and ambiguous with respect to the terms "identify," "policies," "practices," "procedures," "tests," and "operate." It is not clear what information Oracle is seeking to identify and what will constitute a sufficient identification. Is it the title of the policy or other terms referenced; is it the date they became effective, etc. It is not clear what Oracle considers a governing policy, practice, procedure to be, what constitutes an official or formal policy, practice or procedure of Oracle as opposed to an individual practice of an Oracle supervisor, etc. It is not clear what test Oracle is referring. Is it referring to a validity test or some other kind of test. Operate is also vague and ambiguous. There are multiple ways that operate can be interpreted, does it mean how it functions, what Oracle created, how it is managed or run, etc.?

OFCCP objects to this interrogatory because Oracle has already asked the equivalent of 25 interrogatories in that five of its previous interrogatories contained two subparts each, another four subparts and still another contained five subparts. As such, Oracle exceeded the number of interrogatories that it can make without a court order.

Subject to and without waiving the foregoing objections, OFCCP declines to answer this Interrogatory because Oracle exceeded the number of interrogatories allowed without court order.

SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections and notwithstanding the foregoing, OFCCP notes it is still waiting for Oracle to produce documents in response to the Court's Motion to Compel Order dated September 11, 2017, and in response to multiple sets of documents production requests. As such, the evidence used at the hearing may rely on different facts and different policies, practices, procedures and tests than which is identified in response to this interrogatory.

OFCCP does contend that discriminations alleged in the Amended Complaint are also based upon a theory of disparate impact. As noted above, while discovery remains ongoing, OFCCP identifies, at this time, the following Oracle policies, practices, procedures, and tests that may have a disparate impact:

- Oracle's recruiting and hiring practices to include: absence of objective criteria; subjective decision making; centralized recruiting; centralized hiring; resume screening; interview screening; employee referral practices; use of internal recruiters; selective school recruiting; recruiting from Oracle India; H-1B visa use;
- Oracle's pay practices to include: absence of objective criteria in setting pay, pay increases, performance, and raises; subjective decision making in setting pay, pay increases, performance, raises; pay secrecy culture; limited, inconsistent use of

performance evaluations, promotions and raises; centralized budgeting; pay setting practices for starting pay, increases, and interns.

Declaration

I declare under penalty of perjury that to the best of my knowledge, the foregoing is true and correct.

Executed October 10, 2017



JANE SUHR
Deputy Regional Director, OFCCP Pacific Region

AS TO OBJECTIONS

DATED: October 10, 2017

Respectfully submitted,

NICHOLAS C. GEALE
Acting Solicitor of Labor

JANET M. HEROLD
Regional Solicitor

IAN ELIASOPH
Counsel for Civil Rights

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

Attorneys for OFCCP

Office of the Solicitor
United States Department of Labor

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 7th Street, Suite 3-700, San Francisco, CA 94103.

On the date indicated below, I served the foregoing **OFCCP'S SUPPLEMENTAL OBJECTIONS AND ANSWERS TO DEFENDANT ORACLE AMERICA, INC.'S INTERROGATORIES, SET ONE (AS AMENDED)** 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: October 11, 2017

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

Office of the Solicitor
U.S. Department of Labor

Exhibit 7

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'S REQUEST
FOR PRODUCTION, SET TWO**

REQUESTING PARTY:

DEFENDANT ORACLE AMERICA, INC.,

RESPONDING PARTY:

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

SET NO.:

TWO

TO PLAINTIFF AND ITS COUNSEL OF RECORD:

Pursuant to 41 C.F.R. § 60-30.10, Defendant Oracle America, Inc. hereby requests that Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor, produce the documents, records, and other tangible things requested below at the offices of Orrick, Herrington & Sutcliffe LLP, 405 Howard Street, San Francisco, CA 94105-2669, United States, within twenty-five (25) days of service.

DEFINITIONS AND INSTRUCTIONS

1. "PERSON" means, unless otherwise specified, any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type.
2. "OFCCP," "YOU," "YOUR," and "PLAINTIFF" mean Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor, and its directors, officers, subsidiaries, affiliates, agents, servants, employees, investigators, attorneys, and all other PERSONS and entities representing it or acting on its behalf.
3. "DEFENDANT" and "ORACLE" mean Defendant Oracle America, Inc., and its agents, servants, employees, investigators, attorneys, and all other PERSONS and entities representing it or acting on its behalf.
4. "COMMUNICATION" means any contact, oral or documentary, formal or informal, at any time or place or under any circumstances whatsoever whereby information of any nature is transmitted or transferred.
5. "RELATING" and all its variants, including RELATE, RELATES, and RELATED, means evidences, supports, mentions, constitutes, contains, summarizes, describes, concerns (directly or indirectly), refers to, contradicts, contravenes, or addresses in any way the subject matter of the demand.
6. "CLASS MEMBERS" is defined to include all individuals YOU contend were discriminated against in the Second Amended Complaint.

7. "HQCA" is defined to mean ORACLE's headquarters in Redwood Shores, California.
8. "NOV" means the OFCCP's Notice of Violation sent to HQCA dated March 11, 2016.
9. "THIRD PARTY" is defined to include any PERSON other than PLAINTIFF or DEFENDANT.
10. "JEWETT" and "JEWETT'S COUNSEL" is defined to include Plaintiffs Rong Jewett, Sophy Wang, Xian Murray, Elizabeth Sue Peterson, and Marilyn Clark of the state court action *Rong Jewett, et al. v. Oracle America, Inc.*, originally filed on June 16, 2017 in the Superior Court of California, San Mateo County as case no. 17-CIV-02669, and their counsel or representatives, including James M. Finberg, Eve Cervantez, Peder J. Thoreen, P. Casey Pitts, Connie K. Chan, Rebecca Langsam, Jenny Orbell, Minerva Solis, John T. Mullen, Chaya M. Mandelbaum, Erin M. Pulaski, and the law firms of Altshuler Berzon LLP, and Rudy, Exelrod, Zieff & Lowe, LLP.
11. "WRITTEN COMMON INTEREST AGREEMENT" means the alleged Common Interest Agreement between OFCCP and JEWETT executed in writing by Jeremiah Miller, Acting Counsel for OFCCP, and counsel for JEWETT, James M. Finberg and John Mullan, on May 9, 2018.
12. "ORAL COMMON INTEREST AGREEMENT" means the alleged oral Common Interest Agreement between OFCCP and JEWETT that predated the WRITTEN COMMON INTEREST AGREEMENT.
13. "CONFIDENTIAL" has the meaning defined in the Protective Order between OFCCP and ORACLE in the above captioned OALJ case issued by Administrative Law Judge Christopher Larsen on May 26, 2017.
14. "DOCUMENT(S)" means all writings of any kind (including the originals and all nonidentical copies, whether different from the originals by reason of any notation made on such copies or otherwise), including without limitation any of the following:

correspondence, memoranda, notes, affidavits, statements, diaries, journals, calendars, appointment books, day planners (or weekly or monthly planners), statistics, computations, letters, emails, telegrams, minutes, contracts, reports, studies, checks, receipts, returns, summaries, pamphlets, books, interoffice and intra-office COMMUNICATIONS; notations of any sort of conversation, telephone calls, meetings or other COMMUNICATIONS; bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets; voicemails or voicemail greetings; text or "SMS" messages, instant messages, tweets, online postings, other real-time text transmissions over the Internet, and/or any record of such text, instant message, tweet, or other transmission; all drafts, alterations, modifications, and amendments of any of the foregoing; graphic or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings); any electronic, mechanical, or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings, and computer memories); and any DOCUMENTS within the scope of Federal Rule of Civil Procedure 34(a) and Federal Rule of Evidence 1001.

15. Please segregate and designate by category number the DOCUMENTS produced. Thus, for example, DOCUMENTS produced pursuant to Category No. 1 should be so labeled and grouped separately from DOCUMENTS produced pursuant to other specific categories of DOCUMENTS.

16. If YOU object to the production of any DOCUMENT on the grounds that it is protected from disclosure by the attorney-client privilege, work product doctrine or any other privilege, please identify each DOCUMENT for which the privilege is claimed and give the following information:

a. the name of the writer, sender, or initiator of each copy of the DOCUMENT;

b. the name of the recipient, addressee, or party to whom any copy of the DOCUMENT was sent;

- c. the date of each copy of the DOCUMENT, if any, or an estimate of its date;
- d. a statement of the basis for the claim of privilege; and
- e. a description of the DOCUMENT sufficient for the Court to rule on the applicability and appropriateness of the claimed privilege.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 87

All DOCUMENTS RELATING to YOUR “evaluation of Oracle’s employment practices” that “reveal[] widespread discrimination at HQCA” as alleged in Paragraph 11 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 88:

All DOCUMENTS RELATING to the allegation in Paragraph 11 of the Second Amended Complaint “that Oracle discriminated against women, Asians, and African Americans or Blacks in compensation, and discriminated in favor of Asians against non-Asians in hiring,” including, but not limited to, any “models, results, and theories of causation.”

REQUEST FOR PRODUCTION NO. 89:

All DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that “Oracle discriminated against qualified female employees in its Product Development” job function at HQCA “based upon sex by paying them less than comparable males employed in similar roles.”

REQUEST FOR PRODUCTION NO. 90:

All DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that “Oracle discriminated against qualified female employees in its . . . Information Technology” job function at HQCA “based upon sex by paying them less than comparable males employed in similar roles.”

REQUEST FOR PRODUCTION NO. 91:

All DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second

Amended Complaint that “Oracle discriminated against qualified female employees in its . . . Support” job function at HQCA “based upon sex by paying them less than comparable rates employed in similar roles.”

REQUEST FOR PRODUCTION NO. 92:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that “Oracle discriminated against qualified Asian . . . employees in its Product Development job function at Oracle’s headquarters based on race or ethnicity by paying them less than comparable White employees employed in similar roles.”

REQUEST FOR PRODUCTION NO. 93:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that “Oracle discriminated against qualified . . . Black or African American employees in its Product Development job function at Oracle’s headquarters based on race or ethnicity by paying them less than comparable White employees employed in similar roles.”

REQUEST FOR PRODUCTION NO. 94:

With regard to the allegations in Paragraph 12 of the Second Amended Complaint, DOCUMENTS sufficient to identify the qualified female employees in Product Development job function and the comparable males employed in similar roles.

REQUEST FOR PRODUCTION NO. 95:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that the female employees in the Product Development job function are qualified and the males in the Product Development job function are comparable and employed in similar roles.

REQUEST FOR PRODUCTION NO. 96:

With regard to the allegations in Paragraph 12 of the Second Amended Complaint, DOCUMENTS sufficient to identify the qualified female employees in Information Technology job function and the comparable males employed in similar roles.

REQUEST FOR PRODUCTION NO. 97:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that the female employees in the Information Technology job function are qualified and the males in the Information Technology job function are comparable and employed in similar roles.

REQUEST FOR PRODUCTION NO. 98:

With regard to the allegations in Paragraph 12 of the Second Amended Complaint, DOCUMENTS sufficient to identify the qualified female employees in the Support job function and the comparable males employed in similar roles.

REQUEST FOR PRODUCTION NO. 99:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that the female employees in the Support job function are qualified and the males in the Support job function are comparable and employed in similar roles.

REQUEST FOR PRODUCTION NO. 100:

With regard to the allegations in Paragraph 12 of the Second Amended Complaint, DOCUMENTS sufficient to identify the qualified Asian employees in the Product Development job function and the comparable White employees employed in similar roles.

REQUEST FOR PRODUCTION NO. 101:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that the Asian employees in the Product Development job function are qualified and the White employees in the Product Development job function are comparable and employed in similar roles.

REQUEST FOR PRODUCTION NO. 102:

With regard to the allegations in Paragraph 12 of the Second Amended Complaint, DOCUMENTS sufficient to identify the qualified Black or African American employees in the Production Development job function and the comparable White employees employed in similar roles.

REQUEST FOR PRODUCTION NO. 103:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that the Black or African American employees in the Product Development job function are qualified and the White employees in the Product Development job function are comparable and employed in similar roles.

REQUEST FOR PRODUCTION NO. 107:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including, but not limited to, possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 12 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 108:

All DOCUMENTS RELATING to the allegation in Paragraph 13 of the Second Amended Complaint and the analysis referenced in Paragraph 13, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis described in Paragraph 13 of the Second Amended Complaint and referenced in Paragraphs 13, 14, 15 and 16 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 112:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including, but not limited to, possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 13 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 113:

All DOCUMENTS RELATING to the allegation in Paragraph 14 of the Second Amended Complaint that “disparities between the total compensation for females and males at Oracle’s headquarters” correspond “to a loss of at least \$165,000,000 in total compensation for women at Oracle.”

REQUEST FOR PRODUCTION NO. 114:

ALL DOCUMENTS RELATING to Paragraph 14, Table 1 of the Second Amended Complaint, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 115:

DOCUMENTS sufficient to identify the “Female EEs” and the “EEs” referenced in Paragraph 14, Table 1 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 116:

DOCUMENTS sufficient to identify the females and males referenced in Paragraph 14 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 120:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 14 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 121:

ALL DOCUMENTS RELATING to the allegation in Paragraph 15 of the Second Amended Complaint that “disparities between the total compensation for Asian employees and White employees at Oracle’s headquarters” corresponds “to a loss of at least \$234,000,000 in total compensation for Asian employees at Oracle.”

REQUEST FOR PRODUCTION NO. 122:

ALL DOCUMENTS RELATING to Paragraph 15, Table 2 of the Second Amended Complaint, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 123:

DOCUMENTS sufficient to identify the “Asian EEs” and the “EEs” referenced in Paragraph 15, Table 2 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 124:

DOCUMENTS sufficient to identify the Asian employees and White employees referenced in Paragraph 15 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 128:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 15 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 129:

ALL DOCUMENTS RELATING to the allegation in Paragraph 16 of the Second Amended Complaint that “Black or African Americans are significantly undercompensated relative to their White peers . . . resulting in a loss of more than \$1,300,000 to those employees.”

REQUEST FOR PRODUCTION NO. 130:

ALL DOCUMENTS RELATING to Paragraph 16, Table 3 of the Second Amended Complaint, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 131:

DOCUMENTS sufficient to identify the “Black EEs” and the “EEs” referenced in Paragraph 16, Table 3 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 132:

DOCUMENTS sufficient to identify the Black or African Americans and White peers referenced in Paragraph 16 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 136:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 16 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 137:

All DOCUMENTS RELATING to the “lost total compensation” alleged in Paragraph 17

of the Second Amended Complaint and the allegation that ORACLE has not adjusted pay and corrected its compensation practices.

REQUEST FOR PRODUCTION NO. 141:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 17 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 142:

ALL DOCUMENTS RELATING to the allegations in Paragraph 18 of the Second Amended Complaint and the analysis and evaluation referenced in Paragraph 18, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis described in Paragraph 18 of the Second Amended Complaint and referenced in Paragraphs 19, 20, and 21 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 143:

DOCUMENTS sufficient to identify the women who ORACLE paid less on hire by suppressing their pay relative to other employees in the same or comparable job as alleged in Paragraph 18 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 144:

As it relates to the allegations regarding women in Paragraph 18 of the Second Amended Complaint, DOCUMENTS sufficient to identify the “other employees in the same or comparable” jobs.

REQUEST FOR PRODUCTION NO. 145:

DOCUMENTS sufficient to identify the Asians who ORACLE paid less on hire by suppressing their pay relative to other employees in the same or comparable job as alleged in Paragraph 18 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 146:

As it relates to the allegations regarding Asians in Paragraph 18 of the Second Amended Complaint, DOCUMENTS sufficient to identify the “other employees in the same or

comparable” jobs.

REQUEST FOR PRODUCTION NO. 147:

DOCUMENTS sufficient to identify the women who ORACLE paid less by hiring them for lower-paid jobs as alleged in Paragraph 18 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 148:

DOCUMENTS sufficient to identify the Asians who ORACLE paid less hiring them for lower-paid jobs as alleged in Paragraph 18 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 152:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 18 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 153:

ALL DOCUMENTS RELATING to the allegation in Paragraph 19 of the Second Amended Complaint “that women were only 70% as likely as men to be assigned to higher global career levels as individual contributors, and only 42% as likely as men to be assigned to higher global career levels as managers,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 154:

DOCUMENTS sufficient to identify the women and men referenced in Paragraph 19 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 158:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATING to the allegations described in Paragraph 19 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 159:

ALL DOCUMENTS RELATING to the allegation in Paragraph 20 of the Second Amended Complaint “that Black or African American employees were only 17% as likely as Whites to be assigned to higher global career levels as individual contributors” and that “[t]here were zero Black or African American employees in management career levels at Oracle between 2013 and 2016,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 160:

DOCUMENTS sufficient to identify the Black or African American employees and the Whites referenced in Paragraph 20 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 164:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATING to the allegations described in Paragraph 20 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 165:

ALL DOCUMENTS RELATING to the allegation in Paragraph 21 of the Second Amended Complaint “that Asians were only 49% as likely as Whites to be assigned into higher global career levels as managers,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 166:

DOCUMENTS sufficient to identify the Asians and Whites referenced in Paragraph 21 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 170:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATING to the allegations described in Paragraph 21 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 171:

All DOCUMENTS RELATING to the allegations of Paragraph 22 of the Second Amended Complaint and the analyses and modeling and evaluation referenced in Paragraph 22, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis described in Paragraph 22 of the Second Amended Complaint and referenced in Paragraphs 23 and 24 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 172:

DOCUMENTS sufficient to identify the women who ORACLE paid less on hire “by suppressing their pay relative to other employees in the same or comparable job,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 173:

As it relates to the allegations regarding women in Paragraph 22 of the Second Amended Complaint, DOCUMENTS sufficient to identify the “other employees in the same or comparable” jobs.

REQUEST FOR PRODUCTION NO. 174:

DOCUMENTS sufficient to identify the Asians who ORACLE paid less on hire “by suppressing their pay relative to other employees in the same or comparable job,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 175:

As it relates to the allegations regarding Asians in Paragraph 22 of the Second Amended Complaint, DOCUMENTS sufficient to identify the “other employees in the same or comparable” jobs.

REQUEST FOR PRODUCTION NO. 176:

DOCUMENTS sufficient to identify the women who ORACLE paid less “by hiring them for lower-paid jobs,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 177:

DOCUMENTS sufficient to identify the Asians who ORACLE paid less “by hiring them for lower-paid jobs” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 178:

DOCUMENTS sufficient to identify the female employees whom ORACLE is “discriminating against . . . by placing . . . in lower global career levels,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 179:

DOCUMENTS sufficient to identify the Asian employees against whom ORACLE is “discriminating against . . . by placing . . . in lower global career levels,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 180:

DOCUMENTS sufficient to identify the Black or African American employees whom ORACLE is “discriminating against . . . by placing . . . in lower global career levels,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 184:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 185:

ALL DOCUMENTS RELATING to the allegation in Paragraph 23 of the Second Amended Complaint that “female employees are paid less than male employees on hire at Oracle,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 186:

DOCUMENTS sufficient to identify the female employees and the male employees referenced in Paragraph 23 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 190:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 23 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 191:

ALL DOCUMENTS RELATING to the allegation in Paragraph 24 of the Second Amended Complaint that “Asian employees are paid less than White employees on hire at Oracle,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 192:

DOCUMENTS sufficient to identify the Asian employees and the White employees referenced in Paragraph 24 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 196:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 24 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 197:

All DOCUMENTS RELATING to the allegations in Paragraph 25 of the Second Amended Complaint and the analyses and evaluation referenced in Paragraph 25, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis described in Paragraph 25 of the Second Amended Complaint and referenced in Paragraphs 26, 27 and 28 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 198:

DOCUMENTS sufficient to identify the female employees whose underpayment continued and worsened as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 199:

DOCUMENTS sufficient to identify the Black or African American employees whose underpayment continued and worsened as alleged in Paragraph 25 of the Second Amended

Complaint.

REQUEST FOR PRODUCTION NO. 200:

DOCUMENTS sufficient to identify the Asian employees whose underpayment continued and worsened as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 201:

DOCUMENTS sufficient to identify the female employees whose pay ORACLE suppressed “by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 202:

DOCUMENTS sufficient to identify the “other employees” referenced in the allegation that “Oracle suppressed the pay of female . . . employees by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO.203:

DOCUMENTS sufficient to identify the Asian employees whose pay ORACLE suppressed “by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 204:

DOCUMENTS sufficient to identify the “other employees” referenced in the allegation that “Oracle suppressed the pay of . . . Asian employees by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 205:

DOCUMENTS sufficient to identify the female employees whose pay ORACLE suppressed “by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 206:

DOCUMENTS sufficient to identify the “other employees in the same positions” referenced in the allegation that “Oracle suppressed the pay of female . . . employees by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 207:

DOCUMENTS sufficient to identify the Asian employees whose pay ORACLE suppressed “by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 208:

DOCUMENTS sufficient to identify the “other employees in the same positions” referenced in the allegation that “Oracle suppressed the pay of . . . Asian employees by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 211:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 213:

ALL DOCUMENTS RELATING to the allegation in Paragraph 26 of the Second Amended Complaint that “the pay gap increases for female employees as they remain at Oracle for longer periods of time,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 214:

ALL DOCUMENTS RELATING to Paragraph 26, Table 4 of the Second Amended Complaint, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 215:

DOCUMENTS sufficient to identify the “Female EEs” and the “EEs” referenced in Paragraph 26, Table 4 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 216:

DOCUMENTS sufficient to identify the female employees referenced in Paragraph 26 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 220:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 26 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 221:

ALL DOCUMENTS RELATING to the allegation in Paragraph 27 of the Second Amended Complaint “the pay gap increases for Asian employees as they remain at Oracle for longer periods of time,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 222:

ALL DOCUMENTS RELATING to Paragraph 27, Table 5, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 223:

DOCUMENTS sufficient to identify the “Asian EEs” and the “EEs” referenced in Paragraph 27, Table 5 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 224:

DOCUMENTS sufficient to identify the Asian employees referenced in Paragraph 27 of

the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 228:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 27 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 229:

ALL DOCUMENTS RELATING to the allegation in Paragraph 28 of the Second Amended Complaint that “the pay gap increases for Black or African American employees as they remain at Oracle for longer periods of time,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 230:

ALL DOCUMENTS RELATING to Paragraph 28, Table 6, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 231:

DOCUMENTS sufficient to identify the “Black EEs” and the “EEs” referenced in Paragraph 28, Table 6 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 232:

DOCUMENTS sufficient to identify the Black or African American employees referenced in Paragraph 28 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 236:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 28 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 237:

ALL DOCUMENTS RELATING to YOUR evaluation of ORACLE’s compensation practices referenced in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 238:

All DOCUMENTS RELATING to the allegations of Paragraph 29 of the Second Amended Complaint and the analyses and evaluation referenced in Paragraph 29, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis described in Paragraph 29 of the Second Amended Complaint and referenced in Paragraphs 30 and 31 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 239:

DOCUMENTS sufficient to identify the female employees whose underpayment continued and worsened as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 240:

DOCUMENTS sufficient to identify the female employees whose pay ORACLE suppressed “by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 241:

DOCUMENTS sufficient to identify the “other employees” referenced in the allegation that “Oracle suppressed the pay of female . . . employees by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 242:

DOCUMENTS sufficient to identify the Asian employees whose pay ORACLE suppressed “by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 243:

DOCUMENTS sufficient to identify the “other employees” referenced in the allegation that “Oracle suppressed the pay of . . . Asian employees by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 244:

DOCUMENTS sufficient to identify the female employees whose pay ORACLE suppressed “by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 245:

DOCUMENTS sufficient to identify the “other employees in the same positions” referenced in the allegation that “Oracle suppressed the pay of female . . . employees by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 246

DOCUMENTS sufficient to identify the Asian employees whose pay ORACLE suppressed “by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 247:

DOCUMENTS sufficient to identify the “other employees in the same positions” referenced in the allegation that “Oracle suppressed the pay of . . . Asian employees by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 251:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATING to the allegations described in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 252:

ALL DOCUMENTS RELATING to the allegation in Paragraph 30 of the Second Amended Complaint that “women experienced slower wage growth than their male peers,” including, but not limited to, the methodology, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 253:

DOCUMENTS sufficient to identify the women and male peers referenced in Paragraph 30 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 256:

ALL DOCUMENTS RELATING to the allegation in Paragraph 31 of the Second Amended Complaint that “Asians experienced slower wage growth than their non-Asian peers,” including, but not limited to, DOCUMENTS RELATING to the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 257:

DOCUMENTS sufficient to identify the Asians and non-Asian peers referenced in Paragraph 31 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 261:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 31 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 262:

ALL DOCUMENTS RELATING to YOUR evaluation of ORACLE’s hiring policies and practices referenced in Paragraph 32 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 263:

ALL DOCUMENTS RELATING to the allegations in Paragraph 32 of the Second Amended Complaint, and the evaluation and analysis referenced in Paragraph 32.

REQUEST FOR PRODUCTION NO. 264:

DOCUMENTS sufficient to identify the approximately 125 recent college or university

graduates hired per year referenced in Paragraph 32 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 265:

All DOCUMENTS RELATING to YOUR allegation in Paragraph 32 of the Second Amended Complaint that “Oracle’s ‘college recruiting program’ recruited graduates in Computer Science, Engineering, and Math from a list of ‘top schools’ Oracle created.”

REQUEST FOR PRODUCTION NO. 269:

All DOCUMENTS RELATING to the allegations in Paragraph 34 of the Second Amended Complaint and the analysis and comparison referenced in Paragraph 34.

REQUEST FOR PRODUCTION NO. 270:

All DOCUMENTS RELATING to the allegation in Paragraph 35 of the Second Amended Complaint that ORACLE “utilized and continued to utilize a recruiting and hiring process that discriminates against qualified non-Asians.”

REQUEST FOR PRODUCTION NO. 271:

All DOCUMENTS RELATING to YOUR determination of who was “qualified,” as alleged in Paragraph 35 of the Second Amended Complaint, including, but not limited to, DOCUMENTS RELATING to the methodology, regression analysis, data and information, and statistical analysis used to make such a determination.

REQUEST FOR PRODUCTION NO. 272:

All DOCUMENTS RELATING to the allegation in Paragraph 35 of the Second Amended Complaint that “Oracle’s college hiring program strongly preferred hiring Asians over non-Asians, under-hiring African American or Black, Hispanic and White individuals relative to the available labor pool.”

REQUEST FOR PRODUCTION NO. 273:

All DOCUMENTS RELATING to YOUR determination of “available labor pool,” as alleged in Paragraph 35 of the Second Amended Complaint, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis used to make such a determination.

REQUEST FOR PRODUCTION NO. 276:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 35 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 278:

All DOCUMENTS RELATING to YOUR comparison of “the race and ethnicity of actual hires at Oracle to an availability pool constructed from data specific to the schools and degrees targeted by Oracle,” as alleged in Paragraph 36 of the Second Amended Complaint, including, but not limited to, the comparison, any statistical analysis, and methodology used.

REQUEST FOR PRODUCTION NO. 279:

All DOCUMENTS RELATING to the allegation in Paragraph 36 of the Second Amended Complaint that “Asians are statistically significantly more likely to be hired than available non-Asians into the PTI job group at Oracle’s headquarters.”

REQUEST FOR PRODUCTION NO. 280:

All DOCUMENTS RELATING to the allegation in Paragraph 36 of the Second Amended Complaint that “90% of the recent college graduates Oracle hired . . . into its PT1 job group at its headquarters “were Asian, even though less than 65% of the graduates at the schools where Oracle recruited and who had the decrees [sic] Oracle targeted were Asian.”

REQUEST FOR PRODUCTION NO. 285:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATING to the allegations described in Paragraph 36 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 286:

All DOCUMENTS RELATING to the allegations in Paragraph 37 of the Second Amended Complaint and the analysis referenced in Paragraph 37.

REQUEST FOR PRODUCTION NO. 287:

All DOCUMENTS RELATING to YOUR determination of which employees are

“qualified,” as alleged in Paragraph 37 of the Second Amended Complaint, including, but not limited to, but not limited to the methodology used to make such a determination.

REQUEST FOR PRODUCTION NO. 288:

ALL DOCUMENTS RELATING to Paragraph 37, Table 7, including, but not limited to, DOCUMENTS RELATING to the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 289:

DOCUMENTS sufficient to identify the “Asian,” “non-Asian,” “White,” “Hispanic,” “Black or African American,” “Total Hires,” and “Group Hires,” referenced in in Paragraph 37 and Paragraph 37, Table 7 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 290:

DOCUMENTS sufficient to identify the qualified recent college or university graduates that ORACLE failed to hire as alleged in Paragraph 37 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 294:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 37 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 295:

ALL DOCUMENTS RELATING to the allegation in Paragraph 38 of the Second Amended Complaint that “Oracle strongly favored hiring students studying in the United States pursuant to student visas, the majority of who were Asian.”

REQUEST FOR PRODUCTION NO. 296:

ALL DOCUMENTS RELATING to the allegation in Paragraph 38 of the Second Amended Complaint that “[t]his strong preference for a workforce that is dependent on Oracle for authorization to work in the United States contributes to Oracle’s suppression of Asian employees’ wages,” including, but not limited to, any statistical analysis, data and information, and regression analysis.

REQUEST FOR PRODUCTION NO. 300:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 38 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 301:

All DOCUMENTS RELATING to the allegation in Paragraph 39 of the Second Amended Complaint that “Oracle . . . increased its hires of Asian recent college graduates by hiring approximately 15 additional Asians each year directly from India through a campus hiring program solely for graduates of colleges in India.”

REQUEST FOR PRODUCTION NO. 305:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 39 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 306:

All DOCUMENTS RELATING to the allegation in Paragraph 41 of the Second Amended Complaint that “Oracle’s compensation and hiring practices described in paragraphs 12-40 constitute violations of the non-discrimination obligations in the Executive Order, and the related regulations at 41 C.F.R. Part 60, including 41 C.F.R. § 60-1.4(a)(1).”

REQUEST FOR PRODUCTION NO. 307:

All DOCUMENTS RELATING to the allegations in Paragraphs 38, 43, 44 and 48 that ORACLE refused to produce or supply data, records, or analyses, including, but not limited to, the request of such information by YOU and ORACLE’s refusal.

REQUEST FOR PRODUCTION NO. 308:

All DOCUMENTS RELATING to the allegation in Paragraph 45 that “Oracle admits it failed to collect and maintain information required.”

REQUEST FOR PRODUCTION NO. 309:

All DOCUMENTS reflecting any COMMUNICATIONS YOU had with JEWETT’S

COUNSEL prior to the commencement of YOUR ORAL COMMON INTEREST AGREEMENT with JEWETT RELATING to the above captioned OALJ case, including any DOCUMENTS exchanged.

REQUEST FOR PRODUCTION NO. 310:

All DOCUMENTS reflecting any COMMUNICATIONS YOU had with JEWETT'S COUNSEL prior to the commencement of YOUR ORAL COMMON INTEREST AGREEMENT with JEWETT RELATED to the state court action Rong Jewett, et al. v. Oracle America, Inc., originally filed on June 16, 2017 in the Superior Court of California, San Mateo County as case no. 17-CIV-02669, including any DOCUMENTS exchanged.

REQUEST FOR PRODUCTION NO. 311:

All DOCUMENTS (including COMMUNICATIONS) RELATING to YOUR ORAL COMMON INTEREST AGREEMENT with JEWETT.

REQUEST FOR PRODUCTION NO. 312:

All DOCUMENTS (including COMMUNICATIONS) RELATING to YOUR WRITTEN COMMON INTEREST AGREEMENT with JEWETT.

REQUEST FOR PRODUCTION NO. 313:

All DOCUMENTS reflecting any COMMUNICATIONS that YOU had with JEWETT'S COUNSEL RELATING to the above captioned OALJ case pursuant to YOUR ORAL COMMON INTEREST AGREEMENT with JEWETT, including any DOCUMENTS exchanged.

REQUEST FOR PRODUCTION NO. 314:

All DOCUMENTS reflecting any COMMUNICATIONS that YOU had with JEWETT'S COUNSEL RELATING to the state court action Rong Jewett, et al. v. Oracle America, Inc., originally filed on June 16, 2017 in the Superior Court of California, San Mateo County as case no. 17-CIV-02669, pursuant to YOUR ORAL COMMON INTEREST AGREEMENT with JEWETT, including any DOCUMENTS exchanged.

REQUEST FOR PRODUCTION NO. 315:

All DOCUMENTS reflecting any COMMUNICATIONS that YOU had with JEWETT'S COUNSEL RELATING to the above captioned OALJ case pursuant to YOUR WRITTEN COMMON INTEREST AGREEMENT with JEWETT, including any DOCUMENTS exchanged.

REQUEST FOR PRODUCTION NO. 316:

All DOCUMENTS reflecting any COMMUNICATIONS that YOU had with JEWETT'S COUNSEL RELATING to the state court action Rong Jewett, et al. v. Oracle America, Inc., originally filed on June 16, 2017 in the Superior Court of California, San Mateo County as case no. 17-CIV-02669, pursuant to YOUR WRITTEN COMMON INTEREST AGREEMENT with JEWETT, including any DOCUMENTS exchanged.

REQUEST FOR PRODUCTION NO. 317:

All DOCUMENTS designated CONFIDENTIAL by DEFENDANT that YOU provided to JEWETT'S COUNSEL in whole or in part.

REQUEST FOR PRODUCTION NO. 318:

All DOCUMENTS designated CONFIDENTIAL by DEFENDANT that YOU provided to a THIRD PARTY in whole or in part.

REQUEST FOR PRODUCTION NO. 319:

All COMMUNICATIONS between YOU and JEWETT'S COUNSEL regarding DOCUMENTS or information designated CONFIDENTIAL by DEFENDANT.

REQUEST FOR PRODUCTION NO. 320:

All COMMUNICATIONS between YOU and a THIRD PARTY regarding DOCUMENTS or information designated CONFIDENTIAL by DEFENDANT.

February 26, 2019

GARY R. SINISCALCO
ERIN M. CONNELL
WARRINGTON S. PARKER III



ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, Ca 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759
Email: grsiniscalco@orrick.Com
 econnell@orrick.Com
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 26, 2019, I served the interested parties in this action with the following document(s):

DEFENDANT ORACLE'S REQUEST FOR THE PRODUCTION, SET TWO

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 26, 2019, at San Francisco, California.



Jacqueline D. Kaddah

Exhibit 8

**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'S AMENDED
REQUEST FOR PRODUCTION, SET
TWO**

REQUESTING PARTY:

DEFENDANT ORACLE AMERICA, INC.,

RESPONDING PARTY:

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

SET NO.:

TWO (AS AMENDED)

TO PLAINTIFF AND ITS COUNSEL OF RECORD:

Pursuant to 41 C.F.R. § 60-30.10, Defendant Oracle America, Inc. hereby requests that Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor, produce the documents, records, and other tangible things requested below at the offices of Orrick, Herrington & Sutcliffe LLP, 405 Howard Street, San Francisco, CA 94105-2669, United States, within twenty-five (25) days of service.

DEFINITIONS AND INSTRUCTIONS

1. "PERSON" means, unless otherwise specified, any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type.
2. "OFCCP," "YOU," "YOUR," and "PLAINTIFF" mean Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor, and its directors, officers, subsidiaries, affiliates, agents, servants, employees, investigators, attorneys, and all other PERSONS and entities representing it or acting on its behalf.
3. "DEFENDANT" and "ORACLE" mean Defendant Oracle America, Inc., and its agents, servants, employees, investigators, attorneys, and all other PERSONS and entities representing it or acting on its behalf.
4. "COMMUNICATION" means any contact, oral or documentary, formal or informal, at any time or place or under any circumstances whatsoever whereby information of any nature is transmitted or transferred.
5. "RELATING" and all its variants, including RELATE, RELATES, and RELATED, means evidences, supports, mentions, constitutes, contains, summarizes, describes, concerns (directly or indirectly), refers to, contradicts, contravenes, or addresses in any way the subject matter of the demand.
6. "CLASS MEMBERS" is defined to include all individuals YOU contend were discriminated against in the Second Amended Complaint.

7. "HQCA" is defined to mean ORACLE's headquarters in Redwood Shores, California.
8. "NOV" means the OFCCP's Notice of Violation sent to HQCA dated March 11, 2016.
9. "THIRD PARTY" is defined to include any PERSON other than PLAINTIFF or DEFENDANT.
10. "JEWETT" and "JEWETT'S COUNSEL" is defined to include Plaintiffs Rong Jewett, Sophy Wang, Xian Murray, Elizabeth Sue Peterson, and Marilyn Clark of the state court action *Rong Jewett, et al. v. Oracle America, Inc.*, originally filed on June 16, 2017 in the Superior Court of California, San Mateo County as case no. 17-CIV-02669, and their counsel or representatives, including James M. Finberg, Eve Cervantez, Peder J. Thoreen, P. Casey Pitts, Connie K. Chan, Rebecca Langsam, Jenny Orbell, Minerva Solis, John T. Mullen, Chaya M. Mandelbaum, Erin M. Pulaski, and the law firms of Altshuler Berzon LLP, and Rudy, Exelrod, Zieff & Lowe, LLP.
11. "WRITTEN COMMON INTEREST AGREEMENT" means the alleged Common Interest Agreement between OFCCP and JEWETT executed in writing by Jeremiah Miller, Acting Counsel for OFCCP, and counsel for JEWETT, James M. Finberg and John Mullan, on May 9, 2018.
12. "ORAL COMMON INTEREST AGREEMENT" means the alleged oral Common Interest Agreement between OFCCP and JEWETT that predated the WRITTEN COMMON INTEREST AGREEMENT.
13. "CONFIDENTIAL" has the meaning defined in the Protective Order between OFCCP and ORACLE in the above captioned OALJ case issued by Administrative Law Judge Christopher Larsen on May 26, 2017.
14. "DOCUMENT(S)" means all writings of any kind (including the originals and all nonidentical copies, whether different from the originals by reason of any notation made on such copies or otherwise), including without limitation any of the following:

correspondence, memoranda, notes, affidavits, statements, diaries, journals, calendars, appointment books, day planners (or weekly or monthly planners), statistics, computations, letters, emails, telegrams, minutes, contracts, reports, studies, checks, receipts, returns, summaries, pamphlets, books, interoffice and intra-office COMMUNICATIONS; notations of any sort of conversation, telephone calls, meetings or other COMMUNICATIONS; bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets; voicemails or voicemail greetings; text or "SMS" messages, instant messages, tweets, online postings, other real-time text transmissions over the Internet, and/or any record of such text, instant message, tweet, or other transmission; all drafts, alterations, modifications, and amendments of any of the foregoing; graphic or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings); any electronic, mechanical, or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings, and computer memories); and any DOCUMENTS within the scope of Federal Rule of Civil Procedure 34(a) and Federal Rule of Evidence 1001.

15. Please segregate and designate by category number the DOCUMENTS produced. Thus, for example, DOCUMENTS produced pursuant to Category No. 1 should be so labeled and grouped separately from DOCUMENTS produced pursuant to other specific categories of DOCUMENTS.

16. If YOU object to the production of any DOCUMENT on the grounds that it is protected from disclosure by the attorney-client privilege, work product doctrine or any other privilege, please identify each DOCUMENT for which the privilege is claimed and give the following information:

- a. the name of the writer, sender, or initiator of each copy of the DOCUMENT;
- b. the name of the recipient, addressee, or party to whom any copy of the DOCUMENT was sent;

- c. the date of each copy of the DOCUMENT, if any, or an estimate of its date;
- d. a statement of the basis for the claim of privilege; and
- e. a description of the DOCUMENT sufficient for the Court to rule on the applicability and appropriateness of the claimed privilege.

DOCUMENTS TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 87

All DOCUMENTS RELATING to YOUR “evaluation of Oracle’s employment practices” that “reveal[] widespread discrimination at HQCA” as alleged in Paragraph 11 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 88:

All DOCUMENTS RELATING to the allegation in Paragraph 11 of the Second Amended Complaint “that Oracle discriminated against women, Asians, and African Americans or Blacks in compensation, and discriminated in favor of Asians against non-Asians in hiring,” including, but not limited to, any “models, results, and theories of causation.”

REQUEST FOR PRODUCTION NO. 89:

All DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that “Oracle discriminated against qualified female employees in its Product Development” job function at HQCA “based upon sex by paying them less than comparable males employed in similar roles.”

REQUEST FOR PRODUCTION NO. 90:

All DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that “Oracle discriminated against qualified female employees in its . . . Information Technology” job function at HQCA “based upon sex by paying them less than comparable males employed in similar roles.”

REQUEST FOR PRODUCTION NO. 91:

All DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second

Amended Complaint that “Oracle discriminated against qualified female employees in its . . . Support” job function at HQCA “based upon sex by paying them less than comparable rates employed in similar roles.”

REQUEST FOR PRODUCTION NO. 92:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that “Oracle discriminated against qualified Asian . . . employees in its Product Development job function at Oracle’s headquarters based on race or ethnicity by paying them less than comparable White employees employed in similar roles.”

REQUEST FOR PRODUCTION NO. 93:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that “Oracle discriminated against qualified . . . Black or African American employees in its Product Development job function at Oracle’s headquarters based on race or ethnicity by paying them less than comparable White employees employed in similar roles.”

REQUEST FOR PRODUCTION NO. 94:

With regard to the allegations in Paragraph 12 of the Second Amended Complaint, DOCUMENTS sufficient to identify the qualified female employees in Product Development job function and the comparable males employed in similar roles.

REQUEST FOR PRODUCTION NO. 95:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that the female employees in the Product Development job function are qualified and the males in the Product Development job function are comparable and employed in similar roles.

REQUEST FOR PRODUCTION NO. 96:

With regard to the allegations in Paragraph 12 of the Second Amended Complaint, DOCUMENTS sufficient to identify the qualified female employees in Information Technology job function and the comparable males employed in similar roles.

REQUEST FOR PRODUCTION NO. 97:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that the female employees in the Information Technology job function are qualified and the males in the Information Technology job function are comparable and employed in similar roles.

REQUEST FOR PRODUCTION NO. 98:

With regard to the allegations in Paragraph 12 of the Second Amended Complaint, DOCUMENTS sufficient to identify the qualified female employees in the Support job function and the comparable males employed in similar roles.

REQUEST FOR PRODUCTION NO. 99:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that the female employees in the Support job function are qualified and the males in the Support job function are comparable and employed in similar roles.

REQUEST FOR PRODUCTION NO. 100:

With regard to the allegations in Paragraph 12 of the Second Amended Complaint, DOCUMENTS sufficient to identify the qualified Asian employees in the Product Development job function and the comparable White employees employed in similar roles.

REQUEST FOR PRODUCTION NO. 101:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that the Asian employees in the Product Development job function are qualified and the White employees in the Product Development job function are comparable and employed in similar roles.

REQUEST FOR PRODUCTION NO. 102:

With regard to the allegations in Paragraph 12 of the Second Amended Complaint, DOCUMENTS sufficient to identify the qualified Black or African American employees in the Production Development job function and the comparable White employees employed in similar roles.

REQUEST FOR PRODUCTION NO. 103:

ALL DOCUMENTS RELATING to the allegation in Paragraph 12 of the Second Amended Complaint that the Black or African American employees in the Product Development job function are qualified and the White employees in the Product Development job function are comparable and employed in similar roles.

REQUEST FOR PRODUCTION NO. 104:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including, but not limited to, possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 12 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 105:

ALL DOCUMENTS RELATING to the allegations in Paragraph 13 of the Second Amended Complaint and the analysis referenced in Paragraph 13, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis described in Paragraph 13 of the Second Amended Complaint and referenced in Paragraphs 13, 14, 15 and 16 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 106:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including, but not limited to, possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 13 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 107:

ALL DOCUMENTS RELATING to the allegation in Paragraph 14 of the Second Amended Complaint that “disparities between the total compensation for females and males at Oracle’s headquarters” correspond “to a loss of at least \$165,000,000 in total compensation for women at Oracle.”

REQUEST FOR PRODUCTION NO. 108:

ALL DOCUMENTS RELATING to Paragraph 14, Table 1 of the Second Amended Complaint, including, but not limited to, the methodology, regression analysis, data and

information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 109:

DOCUMENTS sufficient to identify the “Female EEs” and the “EEs” referenced in Paragraph 14, Table 1 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 110:

DOCUMENTS sufficient to identify the females and males referenced in Paragraph 14 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 111:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 14 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 112:

ALL DOCUMENTS RELATING to the allegation in Paragraph 15 of the Second Amended Complaint that “disparities between the total compensation for Asian employees and White employees at Oracle’s headquarters” corresponds “to a loss of at least \$234,000,000 in total compensation for Asian employees at Oracle.”

REQUEST FOR PRODUCTION NO. 113:

ALL DOCUMENTS RELATING to Paragraph 15, Table 2 of the Second Amended Complaint, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 114:

DOCUMENTS sufficient to identify the “Asian EEs” and the “EEs” referenced in Paragraph 15, Table 2 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 115:

DOCUMENTS sufficient to identify the Asian employees and White employees referenced in Paragraph 15 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 116:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 15 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 117:

All DOCUMENTS RELATING to the allegation in Paragraph 16 of the Second Amended Complaint that “Black or African Americans are significantly undercompensated relative to their White peers . . . resulting in a loss of more than \$1,300,000 to those employees.”

REQUEST FOR PRODUCTION NO. 118:

ALL DOCUMENTS RELATING to Paragraph 16, Table 3 of the Second Amended Complaint, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 119:

DOCUMENTS sufficient to identify the “Black EEs” and the “EEs” referenced in Paragraph 16, Table 3 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 120:

DOCUMENTS sufficient to identify the Black or African Americans and White peers referenced in Paragraph 16 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 121:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 16 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 122:

All DOCUMENTS RELATING to the “lost total compensation” alleged in Paragraph 17 of the Second Amended Complaint and the allegation that ORACLE has not adjusted pay and corrected its compensation practices.

REQUEST FOR PRODUCTION NO. 123:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 17 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 124:

All DOCUMENTS RELATING to the allegations in Paragraph 18 of the Second Amended Complaint and the analysis and evaluation referenced in Paragraph 18, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis described in Paragraph 18 of the Second Amended Complaint and referenced in Paragraphs 19, 20, and 21 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 125:

DOCUMENTS sufficient to identify the women who ORACLE paid less on hire by suppressing their pay relative to other employees in the same or comparable job as alleged in Paragraph 18 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 126:

As it relates to the allegations regarding women in Paragraph 18 of the Second Amended Complaint, DOCUMENTS sufficient to identify the “other employees in the same or comparable” jobs.

REQUEST FOR PRODUCTION NO. 127:

DOCUMENTS sufficient to identify the Asians who ORACLE paid less on hire by suppressing their pay relative to other employees in the same or comparable job as alleged in Paragraph 18 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 128:

As it relates to the allegations regarding Asians in Paragraph 18 of the Second Amended Complaint, DOCUMENTS sufficient to identify the “other employees in the same or comparable” jobs.

REQUEST FOR PRODUCTION NO. 129:

DOCUMENTS sufficient to identify the women who ORACLE paid less by hiring them for lower-paid jobs as alleged in Paragraph 18 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 130:

DOCUMENTS sufficient to identify the Asians who ORACLE paid less hiring them for lower-paid jobs as alleged in Paragraph 18 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 131:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 18 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 132:

ALL DOCUMENTS RELATING to the allegation in Paragraph 19 of the Second Amended Complaint “that women were only 70% as likely as men to be assigned to higher global career levels as individual contributors, and only 42% as likely as men to be assigned to higher global career levels as managers,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 133:

DOCUMENTS sufficient to identify the women and men referenced in Paragraph 19 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 134:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATING to the allegations described in Paragraph 19 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 135:

ALL DOCUMENTS RELATING to the allegation in Paragraph 20 of the Second Amended Complaint “that Black or African American employees were only 17% as likely as Whites to be assigned to higher global career levels as individual contributors” and that “[t]here

were *zero* Black or African American employees in management career levels at Oracle between 2013 and 2016,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 136:

DOCUMENTS sufficient to identify the Black or African American employees and the Whites referenced in Paragraph 20 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 137:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATING to the allegations described in Paragraph 20 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 138:

ALL DOCUMENTS RELATING to the allegation in Paragraph 21 of the Second Amended Complaint “that Asians were only 49% as likely as Whites to be assigned into higher global career levels as managers,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 139:

DOCUMENTS sufficient to identify the Asians and Whites referenced in Paragraph 21 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 140:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATING to the allegations described in Paragraph 21 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 141:

ALL DOCUMENTS RELATING to the allegations of Paragraph 22 of the Second Amended Complaint and the analyses and modeling and evaluation referenced in Paragraph 22, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis described in Paragraph 22 of the Second Amended Complaint and referenced

in Paragraphs 23 and 24 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 142:

DOCUMENTS sufficient to identify the women who ORACLE paid less on hire “by suppressing their pay relative to other employees in the same or comparable job,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 143:

As it relates to the allegations regarding women in Paragraph 22 of the Second Amended Complaint, DOCUMENTS sufficient to identify the “other employees in the same or comparable” jobs.

REQUEST FOR PRODUCTION NO. 144:

DOCUMENTS sufficient to identify the Asians who ORACLE paid less on hire “by suppressing their pay relative to other employees in the same or comparable job,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 145:

As it relates to the allegations regarding Asians in Paragraph 22 of the Second Amended Complaint, DOCUMENTS sufficient to identify the “other employees in the same or comparable” jobs.

REQUEST FOR PRODUCTION NO. 146:

DOCUMENTS sufficient to identify the women who ORACLE paid less “by hiring them for lower-paid jobs,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 147:

DOCUMENTS sufficient to identify the Asians who ORACLE paid less “by hiring them for lower-paid jobs” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 148:

DOCUMENTS sufficient to identify the female employees who ORACLE is “discriminating against . . . by placing . . . in lower global career levels,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 149:

DOCUMENTS sufficient to identify the Asian employees who ORACLE is “discriminating against . . . by placing . . . in lower global career levels,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 150:

DOCUMENTS sufficient to identify the Black or African American employees who ORACLE is “discriminating against . . . by placing . . . in lower global career levels,” as alleged in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 151:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 22 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 152:

ALL DOCUMENTS RELATING to the allegation in Paragraph 23 of the Second Amended Complaint that “female employees are paid less than male employees on hire at Oracle,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 153:

DOCUMENTS sufficient to identify the female employees and the male employees referenced in Paragraph 23 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 154:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 23 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 155:

ALL DOCUMENTS RELATING to the allegation in Paragraph 24 of the Second Amended Complaint that “Asian employees are paid less than White employees on hire at

Oracle,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 156:

DOCUMENTS sufficient to identify the Asian employees and the White employees referenced in Paragraph 24 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 157:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 24 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 158:

ALL DOCUMENTS RELATING to the allegations in Paragraph 25 of the Second Amended Complaint and the analyses and evaluation referenced in Paragraph 25, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis described in Paragraph 25 of the Second Amended Complaint and referenced in Paragraphs 26, 27 and 28 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 159:

DOCUMENTS sufficient to identify the female employees whose underpayment continued and worsened as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 160:

DOCUMENTS sufficient to identify the Black or African American employees whose underpayment continued and worsened as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 161:

DOCUMENTS sufficient to identify the Asian employees whose underpayment continued and worsened as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 162:

DOCUMENTS sufficient to identify the female employees whose pay ORACLE

suppressed “by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 163:

DOCUMENTS sufficient to identify the “other employees” referenced in the allegation that “Oracle suppressed the pay of female . . . employees by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 164:

DOCUMENTS sufficient to identify the Asian employees whose pay ORACLE suppressed “by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 165:

DOCUMENTS sufficient to identify the “other employees” referenced in the allegation that “Oracle suppressed the pay of . . . Asian employees by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 166:

DOCUMENTS sufficient to identify the female employees whose pay ORACLE suppressed “by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 167:

DOCUMENTS sufficient to identify the “other employees in the same positions” referenced in the allegation that “Oracle suppressed the pay of female . . . employees by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 168:

DOCUMENTS sufficient to identify the Asian employees whose pay ORACLE suppressed “by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 169:

DOCUMENTS sufficient to identify the “other employees in the same positions” referenced in the allegation that “Oracle suppressed the pay of . . . Asian employees by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 170:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 25 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 171:

ALL DOCUMENTS RELATING to the allegation in Paragraph 26 of the Second Amended Complaint that “the pay gap increases for female employees as they remain at Oracle for longer periods of time,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 172:

ALL DOCUMENTS RELATING to Paragraph 26, Table 4 of the Second Amended Complaint, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 173:

DOCUMENTS sufficient to identify the “Female EEs” and the “EEs” referenced in Paragraph 26, Table 4 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 174:

DOCUMENTS sufficient to identify the female employees referenced in Paragraph 26 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 175:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 26 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 176:

ALL DOCUMENTS RELATING to the allegation in Paragraph 27 of the Second Amended Complaint “the pay gap increases for Asian employees as they remain at Oracle for longer periods of time,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 177:

ALL DOCUMENTS RELATING to Paragraph 27, Table 5, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 178:

DOCUMENTS sufficient to identify the “Asian EEs” and the “EEs” referenced in Paragraph 27, Table 5 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 179:

DOCUMENTS sufficient to identify the Asian employees referenced in Paragraph 27 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 180:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 27 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 181:

ALL DOCUMENTS RELATING to the allegation in Paragraph 28 of the Second

Amended Complaint that “the pay gap increases for Black or African American employees as they remain at Oracle for longer periods of time,” including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 182:

ALL DOCUMENTS RELATING to Paragraph 28, Table 6, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 183:

DOCUMENTS sufficient to identify the “Black EEs” and the “EEs” referenced in Paragraph 28, Table 6 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 184:

DOCUMENTS sufficient to identify the Black or African American employees referenced in Paragraph 28 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 185:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 28 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 186:

All DOCUMENTS RELATING to YOUR evaluation of ORACLE’s compensation practices referenced in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 187:

All DOCUMENTS RELATING to the allegations of Paragraph 29 of the Second Amended Complaint and the analyses and evaluation referenced in Paragraph 29, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis described in Paragraph 29 of the Second Amended Complaint and referenced in Paragraphs 30 and 31 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 188:

DOCUMENTS sufficient to identify the female employees whose underpayment

continued and worsened as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 189:

DOCUMENTS sufficient to identify the female employees whose pay ORACLE suppressed “by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 190:

DOCUMENTS sufficient to identify the “other employees” referenced in the allegation that “Oracle suppressed the pay of female . . . employees by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 191:

DOCUMENTS sufficient to identify the Asian employees whose pay ORACLE suppressed “by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 192:

DOCUMENTS sufficient to identify the “other employees” referenced in the allegation that “Oracle suppressed the pay of . . . Asian employees by ensuring they remained in lower-paid positions relative to other employees,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 193:

DOCUMENTS sufficient to identify the female employees whose pay ORACLE suppressed “by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 194:

DOCUMENTS sufficient to identify the “other employees in the same positions” referenced in the allegation that “Oracle suppressed the pay of female . . . employees by ensuring

they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 195:

DOCUMENTS sufficient to identify the Asian employees whose pay ORACLE suppressed “by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 196:

DOCUMENTS sufficient to identify the “other employees in the same positions” referenced in the allegation that “Oracle suppressed the pay of . . . Asian employees by ensuring they remained . . . at the lower end of the pay range relative to other employees in the same positions,” as alleged in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 197:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATING to the allegations described in Paragraph 29 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 198:

ALL DOCUMENTS RELATING to the allegation in Paragraph 30 of the Second Amended Complaint that “women experienced slower wage growth than their male peers,” including, but not limited to, the methodology, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 199:

DOCUMENTS sufficient to identify the women and male peers referenced in Paragraph 30 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 200:

ALL DOCUMENTS RELATING to the allegation in Paragraph 31 of the Second Amended Complaint that “Asians experienced slower wage growth than their non-Asian peers,” including, but not limited to, DOCUMENTS RELATING to the methodology, regression

analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 201:

DOCUMENTS sufficient to identify the Asians and non-Asian peers referenced in Paragraph 31 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 202:

ALL DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 31 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 203:

ALL DOCUMENTS RELATING to YOUR evaluation of ORACLE's hiring policies and practices referenced in Paragraph 33 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 204:

ALL DOCUMENTS RELATING to the allegations in Paragraph 33 of the Second Amended Complaint, and the evaluation and analysis referenced in Paragraph 33.

REQUEST FOR PRODUCTION NO. 205:

DOCUMENTS sufficient to identify the approximately 125 recent college or university graduates hired per year referenced in Paragraph 33 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 206:

ALL DOCUMENTS RELATING to YOUR allegation in Paragraph 33 of the Second Amended Complaint that "Oracle's 'college recruiting program' recruited graduates in Computer Science, Engineering, and Math from a list of 'top schools' Oracle created."

REQUEST FOR PRODUCTION NO. 207:

ALL DOCUMENTS RELATING to the allegations in Paragraph 35 of the Second Amended Complaint and the analysis and comparison referenced in Paragraph 35.

REQUEST FOR PRODUCTION NO. 208:

ALL DOCUMENTS RELATING to the allegation in Paragraph 36 of the Second Amended Complaint that ORACLE "utilized and continued to utilize a recruiting and hiring

process that discriminates against qualified non-Asians.”

REQUEST FOR PRODUCTION NO. 209:

All DOCUMENTS RELATING to YOUR determination of who was “qualified,” as alleged in Paragraph 36 of the Second Amended Complaint, including, but not limited to, DOCUMENTS RELATING to the methodology, regression analysis, data and information, and statistical analysis used to make such a determination.

REQUEST FOR PRODUCTION NO. 210:

All DOCUMENTS RELATING to the allegation in Paragraph 36 of the Second Amended Complaint that “Oracle’s college hiring program strongly preferred hiring Asians over non-Asians, under-hiring African American or Black, Hispanic and White individuals relative to the available labor pool.”

REQUEST FOR PRODUCTION NO. 211:

All DOCUMENTS RELATING to YOUR determination of “available labor pool,” as alleged in Paragraph 36 of the Second Amended Complaint, including, but not limited to, the methodology, regression analysis, data and information, and statistical analysis used to make such a determination.

REQUEST FOR PRODUCTION NO. 212:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 36 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 213:

All DOCUMENTS RELATING to YOUR comparison of “the race and ethnicity of actual hires at Oracle to an availability pool constructed from data specific to the schools and degrees targeted by Oracle,” as alleged in Paragraph 36 of the Second Amended Complaint, including, but not limited to, the comparison, any statistical analysis, and methodology used.

REQUEST FOR PRODUCTION NO. 214:

All DOCUMENTS RELATING to the allegation in Paragraph 37 of the Second

Amended Complaint that “Asians are statistically significantly more likely to be hired than available non-Asians into the PTI job group at Oracle’s headquarters.”

REQUEST FOR PRODUCTION NO. 215:

All DOCUMENTS RELATING to the allegation in Paragraph 37 of the Second Amended Complaint that “90% of the recent college graduates Oracle hired . . . into its PT1 job group at its headquarters “were Asian, even though less than 65% of the graduates at the schools where Oracle recruited and who had the decrees [sic] Oracle targeted were Asian.”

REQUEST FOR PRODUCTION NO. 216:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, RELATING to the allegations described in Paragraph 37 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 217:

All DOCUMENTS RELATING to the allegations in Paragraph 38 of the Second Amended Complaint and the analysis referenced in Paragraph 38.

REQUEST FOR PRODUCTION NO. 218:

All DOCUMENTS RELATING to YOUR determination of which employees are “qualified,” as alleged in Paragraph 37 of the Second Amended Complaint, including, but not limited to, but not limited to the methodology used to make such a determination.

REQUEST FOR PRODUCTION NO. 219:

ALL DOCUMENTS RELATING to Paragraph 38, Table 7, including, but not limited to, DOCUMENTS RELATING to the methodology, regression analysis, data and information, and statistical analysis.

REQUEST FOR PRODUCTION NO. 220:

DOCUMENTS sufficient to identify the “Asian,” “non-Asian,” “White,” “Hispanic,” “Black or African American,” “Total Hires,” and “Group Hires,” referenced in in Paragraph 37 and Paragraph 38, Table 7 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 221:

DOCUMENTS sufficient to identify the qualified recent college or university graduates that ORACLE failed to hire as alleged in Paragraph 38 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 222:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 38 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 223:

All DOCUMENTS RELATING to the allegation in Paragraph 38 of the Second Amended Complaint that “Oracle strongly favored hiring students studying in the United States pursuant to student visas, the majority of who were Asian.”

REQUEST FOR PRODUCTION NO. 224:

All DOCUMENTS RELATING to the allegation in Paragraph 39 of the Second Amended Complaint that “[t]his strong preference for a workforce that is dependent on Oracle for authorization to work in the United States contributes to Oracle’s suppression of Asian employees’ wages,” including, but not limited to, any statistical analysis, data and information, and regression analysis.

REQUEST FOR PRODUCTION NO. 225:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 39 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 226:

All DOCUMENTS RELATING to the allegation in Paragraph 40 of the Second Amended Complaint that “Oracle . . . increased its hires of Asian recent college graduates by hiring approximately 15 additional Asians each year directly from India through a campus hiring program solely for graduates of colleges in India.”

REQUEST FOR PRODUCTION NO. 227:

All DOCUMENTS RELATING to COMMUNICATIONS between YOU and any THIRD PARTIES, including possible CLASS MEMBERS or their attorneys, that RELATE to the allegations described in Paragraph 40 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 228:

All DOCUMENTS RELATING to the allegation in Paragraph 42 of the Second Amended Complaint that “Oracle’s compensation and hiring practices described in paragraphs 12-40 constitute violations of the non-discrimination obligations in the Executive Order, and the related regulations at 41 C.F.R. Part 60, including 41 C.F.R. § 60-1.4(a)(1).”

REQUEST FOR PRODUCTION NO. 229:

All DOCUMENTS RELATING to the allegations in Paragraphs 39, 44, 45, and 50 of the Second Amended Complaint that ORACLE refused to produce or supply data, records, or analyses, including, but not limited to, the request of such information by YOU and ORACLE’s refusal.

REQUEST FOR PRODUCTION NO. 230:

All DOCUMENTS RELATING to the allegation in Paragraph 46 of the Second Amended Complaint that “Oracle admits it failed to collect and maintain information required.”

REQUEST FOR PRODUCTION NO. 231:

All DOCUMENTS RELATING to the allegations in Paragraph 47 of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 232:

All DOCUMENTS reflecting any COMMUNICATIONS YOU had with JEWETT’S COUNSEL prior to the commencement of YOUR ORAL COMMON INTEREST AGREEMENT with JEWETT RELATING to the above captioned OALJ case, including any DOCUMENTS exchanged.

REQUEST FOR PRODUCTION NO. 233:

All DOCUMENTS reflecting any COMMUNICATIONS YOU had with JEWETT’S

COUNSEL prior to the commencement of YOUR ORAL COMMON INTEREST AGREEMENT with JEWETT RELATED to the state court action Rong Jewett, et al. v. Oracle America, Inc., originally filed on June 16, 2017 in the Superior Court of California, San Mateo County as case no. 17-CIV-02669, including any DOCUMENTS exchanged.

REQUEST FOR PRODUCTION NO. 234:

All DOCUMENTS (including COMMUNICATIONS) RELATING to YOUR ORAL COMMON INTEREST AGREEMENT with JEWETT.

REQUEST FOR PRODUCTION NO. 235:

All DOCUMENTS (including COMMUNICATIONS) RELATING to YOUR WRITTEN COMMON INTEREST AGREEMENT with JEWETT.

REQUEST FOR PRODUCTION NO. 236:

All DOCUMENTS reflecting any COMMUNICATIONS that YOU had with JEWETT'S COUNSEL RELATING to the above captioned OALJ case pursuant to YOUR ORAL COMMON INTEREST AGREEMENT with JEWETT, including any DOCUMENTS exchanged.

REQUEST FOR PRODUCTION NO. 237:

All DOCUMENTS reflecting any COMMUNICATIONS that YOU had with JEWETT'S COUNSEL RELATING to the state court action Rong Jewett, et al. v. Oracle America, Inc., originally filed on June 16, 2017 in the Superior Court of California, San Mateo County as case no. 17-CIV-02669, pursuant to YOUR ORAL COMMON INTEREST AGREEMENT with JEWETT, including any DOCUMENTS exchanged.

REQUEST FOR PRODUCTION NO. 238:

All DOCUMENTS reflecting any COMMUNICATIONS that YOU had with JEWETT'S COUNSEL RELATING to the above captioned OALJ case pursuant to YOUR WRITTEN COMMON INTEREST AGREEMENT with JEWETT, including any DOCUMENTS exchanged.

REQUEST FOR PRODUCTION NO. 243:

All COMMUNICATIONS between YOU and a THIRD PARTY regarding DOCUMENTS or information designated CONFIDENTIAL by DEFENDANT.

March 12, 2019

GARY R. SINISCALCO
ERIN M. CONNELL
WARRINGTON S. PARKER III



ORRICK, HERRINGTON & SUTCLIFFE LLP

The Orrick Building

405 Howard Street

San Francisco, Ca 94105-2669

Telephone: (415) 773-5700

Facsimile: (415) 773-5759

Email: gsiniscalco@orrick.com

econnell@orrick.com

wparker@orrick.com

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 March 12, 2019, I served the interested parties in this action with the following document(s):

ORACLE'S AMENDED REQUEST FOR PRODUCTION, SET TWO

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 March 12, 2019, at San Francisco, California.



Jacqueline D. Kaddah

Exhibit 9

**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'S
INTERROGATORIES, SET TWO**

REQUESTING PARTY: DEFENDANT ORACLE AMERICA, INC.

RESPONDING PARTY: PLAINTIFF OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED STATES
DEPARTMENT OF LABOR

SET NO.: TWO

TO PLAINTIFF AND ITS COUNSEL OF RECORD:

PLEASE TAKE NOTICE that pursuant to 41 C.F.R. § 60-30.9, Defendant Oracle America, Inc. hereby requests that Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor answer the following interrogatories within twenty-five (25) days after service of this notice.

DEFINITIONS AND INSTRUCTIONS

For purposes of these Interrogatories, the following definitions and instructions shall apply:

1. "PERSON" means, unless otherwise specified, any natural person, firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of organization or arrangement, and government and government agency of every nature or type, including, but not limited to, any person employed or formerly employed at Plaintiff Office of Federal Contract

Compliance Programs and any person employed or formerly employed at Defendant Oracle America, Inc.

2. “OFCCP,” “YOU,” “YOUR,” and “PLAINTIFF” mean Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor, and its directors, officers, subsidiaries, affiliates, agents, servants, employees, investigators, attorneys, and all other PERSONS and entities representing it or acting on its behalf.

3. “DEFENDANT” and “ORACLE” mean Defendant Oracle America, Inc., and its agents, servants, employees, investigators, attorneys, and all other PERSONS and entities representing it or acting on its behalf.

4. “HQCA” is defined to mean ORACLE’s headquarters in Redwood Shores, California.

5. “ANY” shall be understood to include and encompass “all.” As used herein, the singular shall always include the plural and the present tense also shall include the past tense. The words “and” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of each Interrogatory all information, documents, or things that might otherwise be construed to be outside its scope.

6. These Interrogatories are deemed to be continuing in nature, and pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, are subject to the requirement that any responses be supplemented in the event new or additional information is discovered or obtained after service thereof. If, after responding, Plaintiff discovers additional information responsive to any Interrogatory, or part thereof, Defendant requests that Plaintiff provide such information to Defendant within thirty (30) days after acquiring knowledge of such additional information or advise Defendant in writing as to why such additional information cannot be provided within the specified period.

7. For any information withheld based on any ground, including privilege, provide a written statement setting forth: (a) the identity of all person(s) from and to whom the information has been communicated; (b) the names and organizational position, if any, of each such person;

(c) a brief description of the subject matter of the information; and (d) the legal ground upon which you rely in withholding the information; and (e) if work product is asserted, the proceeding for or during which the information was obtained or created.

8. If, after exercising due diligence to secure the information, Plaintiff cannot answer the Interrogatories in full, answer them to the extent Plaintiff can do so. If Plaintiff cannot answer each Interrogatory in full, specify the portion of any Interrogatory to which Plaintiff is unable to fully respond, state the facts upon which Plaintiff bases her contention that she is unable fully to respond to such portion, and state any knowledge, information, or belief Plaintiff has concerning such portion.

9. As to those Interrogatories consisting of related parts or portions, a complete response is required to each such part or portion with the same effect as if it were propounded as a separate Interrogatory. Should any objection to an Interrogatory be interposed, it should clearly indicate to which part or portion of the Interrogatory it is directed. No part of the Interrogatory shall be left unanswered merely because an objection is interposed to another part of the Interrogatory.

10. If, in answering any of these Interrogatories, Plaintiff claims ambiguity in interpreting either the Interrogatory or a definition or instruction applicable thereto, such claim shall not be interposed as a basis for refusing to respond but there shall be set forth as a part of the response language deemed to be ambiguous and the interpretation chosen or used in responding to the Interrogatory.

11. If, in response to any of the Interrogatories, Plaintiff responds by referring to documents containing the requested information, either provide those documents categorized by the Interrogatory(ies) to which they respond or identify the Bates number range of the documents to which Plaintiff refers in her response.

12. Whenever appropriate, any Interrogatory propounded in the disjunctive shall be read as if propounded in the conjunctive, and vice versa.

INTERROGATORIES

INTERROGATORY NO. 26:

State the facts that support the allegations in Paragraph 11 of the Second Amended Complaint, including ANY statistical data, analyses, methodologies, and computations, and the identity of the women, Asians, and African Americans or Blacks referenced in Paragraph 11.

INTERROGATORY NO. 27:

With regard to OFCCP's allegations of discrimination in the Second Amended Complaint, identify by name and last known contact information each PERSON with knowledge of the facts regarding the alleged discrimination, including the nature of the facts of which the PERSON identified has knowledge.

INTERROGATORY NO. 28:

State the facts that the allegation in Paragraph 13 of the Second Amended Complaint that "Oracle systematically undercompensated female and Asian employees with respect to their total compensation," including ANY statistical data, analyses, methodologies, and computations, and the identity of the female and Asian employees referenced in Paragraph 13.

INTERROGATORY NO. 29:

State the facts that support the allegations in Paragraph 14 of the Second Amended Complaint, and relating to Table 1, that there was or is a disparity between the total compensation for females and males at ORACLE's headquarters, including ANY statistical data, analyses, methodologies, and computations and the identity of the females and males.

INTERROGATORY NO. 30:

State the facts that support the allegation in Paragraph 15 of the Second Amended Complaint, and relating to Table 2, that there was or is a disparity between the total compensation for Asian and White employees at ORACLE's headquarters, including ANY statistical data and analysis, methodologies, and computations and the identity of the Asian and White employees referenced in Paragraph 15.

INTERROGATORY NO. 31:

State the facts that support the allegation in Paragraph 16 of the Second Amended Complaint, and relating to Table 3, that Black or African Americans are significantly undercompensated relative to their White peers, including ANY statistical data, analyses, methodologies, and computations and the identity of the Black or African Americans and White peers referenced in Paragraph 16.

INTERROGATORY NO. 32:

State the facts that support the allegation in Paragraph 18 of the Second Amended Complaint that “Oracle pays women and Asians less on hire, either by suppressing their pay relative to other employees in the same or comparable job, or by hiring them for lower-paid jobs,” including ANY statistical data, analyses, methodologies, and computations, and the identity of the women, Asians and “other employees in the same or comparable job” referenced in Paragraph 18.

INTERROGATORY NO. 33:

State the facts that support the allegations in Paragraph 19 of the Second Amended Complaint, including ANY statistical data, analyses, methodologies, and computations and the identity of the women and men referenced in Paragraph 19.

INTERROGATORY NO. 34:

State the facts that support the allegations in Paragraph 20 of the Second Amended Complaint, including ANY statistical data, analyses, methodologies, and computations and the identity of the Black or African American employees and Whites referenced in Paragraph 20.

INTERROGATORY NO. 35:

State the facts that support the allegations in Paragraph 21 of the Second Amended Complaint, including ANY statistical data, analyses, methodologies, and computations and the identity of the Asians and Whites referenced in Paragraph 21.

INTERROGATORY NO. 36:

State the facts that support the allegations in Paragraph 22 of the Second Amended Complaint, including ANY statistical data, analyses, methodologies, and computations and the identity of the Asians and women referenced in Paragraph 22.

INTERROGATORY NO. 37:

State the facts that support the allegations in Paragraph 23 of the Second Amended Complaint, including ANY statistical data, analyses, methodologies, and computations and the identity of the female and male employees referenced in Paragraph 23.

INTERROGATORY NO. 38:

State the facts that support the allegations in Paragraph 24 of the Second Amended Complaint, including ANY statistical data, analyses, methodologies, and computations and the identity of the Asian and White employees referenced in Paragraph 24.

INTERROGATORY NO. 39:

State the facts that support the allegations in Paragraph 25 of the Second Amended Complaint, including ANY statistical data, analyses, methodologies, and computations and the identity of the female, Black or African American and Asian employees referenced in Paragraph 25.

INTERROGATORY NO. 40:

State the facts that support the allegations in Paragraph 26 of the Second Amended Complaint, and relating to Table 4, including ANY statistical data, analyses, methodologies, and computations and the identity of the female employees referenced in Paragraph 26.

INTERROGATORY NO. 41:

State the facts that support the allegations in Paragraph 27 of the Second Amended Complaint, and relating to Table 5, including ANY statistical data, analyses, methodologies, and computations and the identity of the Asian and White employees referenced in Paragraph 27.

INTERROGATORY NO. 42:

State the facts that support the allegation in Paragraph 28 of the Second Amended Complaint, and relating to Table 6, including ANY statistical data, analyses, methodologies, and computations and the identity of the Black or African American employees referenced in Paragraph 28.

INTERROGATORY NO. 43:

State the facts that support the allegations in Paragraph 29 of the Second Amended Complaint, including ANY statistical data, analyses, methodologies, and computations and the identity of the female and Asian employees referenced in Paragraph 29.

INTERROGATORY NO. 44:

State the facts that support the allegations in Paragraph 30 of the Second Amended Complaint, including ANY statistical data, analyses, methodologies, and computations and the identity of the women and male peers referenced in Paragraph 30.

INTERROGATORY NO. 45:

State the facts that support the allegations in Paragraph 31 of the Second Amended Complaint, including ANY statistical data, analyses, methodologies, and the identity of the Asians and non-Asian peers referenced in Paragraph 31.

INTERROGATORY NO. 46:

State the facts that support the allegations of Paragraph 36 of the Second Amended Complaint that ORACLE utilizes a recruiting and hiring process that discriminates against qualified non-Asians, including African Americans or Blacks, Hispanics and Whites, based on race and ethnicity and that ORACLE's college hiring program strongly prefers hiring Asians over non-Asians, including the process that discriminates, the identity of the qualified non-Asians and the African Americans or Blacks, Hispanics and Whites referenced in Paragraph 36.

INTERROGATORY NO. 47:

State the facts that support the allegations of Paragraph 37 of the Second Amended Complaint, including the “comparison,” and ANY statistical data, analyses, methodologies and computations and the identity of the Asians and non-Asians referenced in Paragraph 37.

INTERROGATORY NO. 48:

State the facts that support the allegations of Paragraph 38 of the Second Amended Complaint, and relating to Table 7, and ANY statistical data, analyses, methodologies, and computations and the identity of the Hispanic college graduates, Black or African Americans college graduates, and the “more than 100 qualified, non-Asian recent college or university graduates” referenced in Paragraph 38.

INTERROGATORY NO. 49:

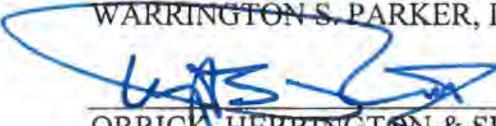
Describe in detail ANY anecdotal evidence of discrimination YOU contend supports ANY allegation in the Second Amended Complaint.

INTERROGATORY NO. 50:

If YOU contend that ANY of the discrimination alleged in the Second Amended Complaint is based upon a theory of disparate impact, identify the policies, practices, procedures, and tests that YOU contend operate to have a disparate impact.

March 15, 2019

GARY R. SINISCALCO
ERIN M. CONNELL
WARRINGTON S. PARKER, III



ORRICK HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: (415) 773-5700
Facsimile: (415) 773-5759
Email: grsiniscalco@orrick.com
econnell@orrick.com
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 March 15, 2019, I served the interested parties in this action with the following document(s):

ORACLE'S INTERROGATORIES, SET TWO

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 March 15, 2019, at San Francisco, California.



Jacqueline D. Kaddah