

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

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

Plaintiff,

v.

ORACLE AMERICA, INC.

Defendant.

Case No. 2017-OFC-00006

RECEIVED

MAY 10 2019

Office of Administrative Law Judges
San Francisco, Ca

**DECLARATION OF NORMAN E. GARCIA IN SUPPORT OF OFCCP'S COMPEL THE
DEPOSITION OF ORACLE AMERICA, INC. PURSUANT TO 41 C.F.R. § 60-30.11 AND
FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6)**

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

1. I am a Senior Trial Attorney for the U.S. Department of Labor, Office of the Solicitor, and counsel of record for Plaintiff in this action. I submit this declaration in support of OFCCP's Motion to Compel testimony by Oracle America, Inc. I have personal knowledge of the matter set forth in this declaration, and I could and would competently testify thereto if called upon to do so.

2. I reviewed all of the "person most knowledgeable" (PMK) deposition transcripts that Oracle produced to OFCCP. As explained to respondents, OFCCP does not intend to be duplicative and will streamline depositions based on this prior testimony in *Jewett*.

3. Oracle has repeatedly stated that *Jewett* PMK deposition testimony is not relevant to the issues in this case. See John Giansello April 5, 2019 letter, **Exhibit A**. OFCCP cannot

agree to forfeit or limit its right to inquire into, and follow up on, the topics discussed in the PMK *Jewett* depositions.

4. In addition, OFCCP was not a party to the *Jewett* case, did not participate in those depositions, and private counsel took those depositions without coordination with OFCCP.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed in San Francisco, California on May 10, 2019.

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

EXHIBIT A

EXHIBIT A



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April 5, 2019

VIA E-mail: (Garcia.Norman@dol.gov; Bremer.Laura@dol.gov)

Norman E. Garcia, Esq.
Senior Trial Attorney
United States Department of Labor
90 Seventh Street, Room 3-700
San Francisco, CA 94103

**Re: OFCCP v. Oracle America, Inc.
OALJ Case No. 2017-OFC-00006; OFCCP No. R001192699**

Dear Mr. Garcia:

In furtherance of my prior response to your April 1, 2019 letter, today Oracle is producing load files that include the four unredacted transcripts and exhibits from the Persons Most Knowledgeable (PMKs) depositions in the *Jewett* litigation. The PMK materials include transcripts and exhibits from Anje Dodson (produced at ORACLE_HQCA_0000398389 to ORACLE_HQCA_0000399189), Kristina Karstenson Edwards (produced here at ORACLE_HQCA_0000399190 to ORACLE_HQCA_0000399378), Chad Wayne Kidder (produced at ORACLE_HQCA_0000399379 to ORACLE_HQCA_0000399630), and Kate Waggoner (produced here at ORACLE_HQCA_0000399631 to ORACLE_HQCA_0000401021). As I stated in my previous letter, we do not concede that this production is relevant to the issues in this proceeding, and Oracle reserves its rights in that regard.

Furthermore, we are producing these materials in accordance with our e-discovery protocols and they are marked "Confidential" in their entirety due to system limitations that do not facilitate confidential designations by page or line numbers. However, through this letter we narrow our designations as reflected in the attached chart. These materials are only being produced subject to our understanding that you will observe each of the designations in accordance with the protective order in effect in this litigation.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Giansello".

John Giansello

cc: Jeremiah Miller, Esq. (via email to Miller.Jeremiah@dol.gov)
Charles C. Song, Esq. (via email to Song.Charles.C@dol.gov)