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San Francisco, Ca

**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 JONATHAN
RIDDELL IN SUPPORT OF
DEFENDANT ORACLE
AMERICA, INC.'S MOTION TO
SEAL PORTIONS OF THE
EVIDENCE SUBMITTED IN
SUPPORT OF ORACLE'S
MOTION FOR SUMMARY
JUDGMENT, OR, IN THE
ALTERNATIVE, FOR PARTIAL
SUMMARY JUDGMENT AND
MOTION TO EXCLUDE THE
TESTIMONY OF JANICE
FANNING MADDEN, PH.D.**

I, Jonathan Riddell, declare as follows:

1. I am an attorney with Orrick, Herrington & Sutcliffe LLP, attorneys of record for defendant Oracle America, Inc. ("Oracle"). I make this declaration in support of Oracle's Motion to Seal. I have personal knowledge of the facts set forth herein and if called as a witness could competently testify thereto.

2. I have reviewed the materials that Oracle seeks to seal in its Motion to Seal Portions of the Evidence Submitted in Support of Oracle's Motion for Summary Judgment, or, in the Alternative, for Partial Summary Judgment and Motion to Exclude the Testimony of Janice Fanning Madden, Ph.D. I have also reviewed the attached versions of the aforementioned

DECLARATION OF J. RIDDELL IN SUPPORT OF ORACLE'S MOTION TO SEAL

documents. The attached versions include redactions covering the information that Oracle both deems confidential and seeks to seal through its motion; more specifically:

Exhibit	Document Name	Document Location	Confidential Material
A	Declaration of Farouk Abushaban in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment	N/A	Identifying information of non-party employee: ¶¶ 10-13, 18 Compensation and performance information of non-party employees: ¶18
B	Declaration of Balaji Bashyam in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment	N/A	Personally-identifying information about non-party employee including compensation and performance information: ¶ 13
C	Declaration of Janet Chan in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment	N/A	Equity distribution strategy that likely divulges the identities of individuals and their compensation: ¶ 12 Identifying information of non-party employee: ¶ 8
D	Declaration of Jon Tyler Eckard in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment	N/A	Identifying information of non-party employees: ¶¶ 8-10
E	Declaration of Barbara Fox in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment	N/A	Identifying information of non-party employees: ¶¶ 10-13, 15 Performance information of non-party employees: ¶¶ 11, 15 Compensation information of non-party employee: ¶ 15
F	Declaration of Sachin Shah in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment	N/A	Identifying information of non-party employees: ¶¶ 8-10, 17-18 Performance information about non-party employee: ¶ 18

Exhibit	Document Name	Document Location	Confidential Material
G	Declaration of Harmohan Suri in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment	N/A	Bonus and equity allocation strategy, the details of which personally identify non-parties and reveal their compensation: ¶ 21 Identifying information of non-party employees: ¶¶ 10-15 Compensation information of non-party employees: ¶ 20
H	Declaration of Chandna Talluri in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment	N/A	Identifying information of non-party employees: ¶¶ 12-13
I	Declaration of Nachiketa Yakkundi in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment	N/A	Identifying information of non-party employees: ¶¶ 14-15, 18
J	Declaration of Kate Waggoner in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment ("Waggoner MSJ Decl.")	N/A	Salary range information: ¶ 23
K	Annual Focal Program (Sales & Non-sales) and Workforce Compensation (ORACLE_HQCA_0000380438)	Waggoner MSJ Decl., Ex. A	Salary increase strategy: pp. 12-13 Internal Oracle network access instructions and images: pp. 18-22, 27-32, 34, 36-37, 40-44, 46, 48, 50-54, 56-61, 64-65, 67-68
L	Global Compensation Training: Managing Pay Module (ORACLE_HQCA_0000364183)	Waggoner MSJ Decl., Ex. B	Compensation strategies regarding offers to new hires: p. 9
M	Global Compensation Training: Salary Ranges at Oracle (ORACLE_HQCA_0000364272)	Waggoner MSJ Decl., Ex. C	Salary Ranges: p. 9 Pay structure and grade level exemplar: p. 10
N	Global Compensation Training: Job Classification and Global Job Table Module (ORACLE_HQCA_0000364276)	Waggoner MSJ Decl., Ex. D	Internal job structure from Oracle internal network: p. 6

DECLARATION OF J. RIDDELL IN SUPPORT OF ORACLE'S MOTION TO SEAL

Exhibit	Document Name	Document Location	Confidential Material
O	Managing Compensation, July 2016 (ORACLE_HQCA_0000056234)	Waggoner MSJ Decl., Ex. E	Internal job structure, responsibilities, and organization: pp. 4, 6-7 Salary, salary range and compa-ratio information: pp. 17-18, 20
P	Transcript of the Deposition of Kate Waggoner, July 19, 2019	Declaration of Erin Connell in Support of Defendant Oracle America, Inc.'s Motion for Summary Judgment or, in the Alternative, For Partial Summary Judgment "Connell Decl."), Ex. C	Strategies regarding application of salary ranges: 174:15, 174:19, 178:4-5, 178:7-9, 178:12, 178:15-18 Confidential information regarding focal budgets: 192:8-10, 192:13, 192:23-25, 193:6-7, 193:24-25, 252:1-4, 266:13, 266:17-18
Q	Oracle Compensation & Mapping (ORACLE_HQCA_0000399991)	Connell Decl., Ex. I:	Internal job structure, functions, and organization as they appear on Oracle's internal network: ORACLE_HQCA_0000399998-400001

Exhibit	Document Name	Document Location	Confidential Material
R	Expert Report of Ali Saad, Ph.D., July 19, 2019	Connell Decl., Ex M Declaration of Kathryn G. Mantoan in Support of Oracle America, Inc.'s Motion to Exclude the Expert Report and Testimony of Janice Fanning Madden, Ph.D. ("Mantoan Decl."), Ex. A-23	Oracle salary, bonus, and equity information: ¶¶ 14, 38-40, 43-44, 46, 51, 53-54, 57-58, 68-69, 71-72, 82, 85-89 (fn. 61), 118, 126, 136-137, 139-41, 162-163, 166 (fn. 129), 186, 190, and pp. C2-C3, C8, E6-E9 Compensation and promotion strategies that relate to specific teams of employees: ¶ 115 (fn. 89, 91) Compensation information for specific non-party employees: ¶¶ 51, 53-54, 68, 71-72, 85-89 (fn. 61), 106-107, 139, 141 Identifying information of non-party employees: ¶¶ 87, 103 (fn. 70), 106-107, 110 (fn. 79), 111, 115 (fn. 89), and pp. B6-B7
S	Expert Report of Janice Madden, PhD, July 19, 2019	Connell Decl., Ex. N Mantoan Decl., Ex. A-2	Information about bonus awards: pp. 11, 26 (fn. 15) Information about stock awards: pp. 11, 23-24, 36, 44
T	Expert Rebuttal Report of Ali Saad, Ph.D., August 2019	Connell Decl., Ex. O Mantoan Decl., Ex. A-5	Oracle compensation information: ¶¶ 38 (fn. 40), 39, 41 Personnel information of non-party employees: ¶¶ 28-30 (including Examples 1-3) (fn. 23-24), 48, and p. B3 Compensation information for specific non-party employees: ¶¶ 28-30 (including Examples 1-3), 37-38, 41, 48, 86 Identifying information of non-party employees: ¶ 28-30 (fn. 23, 24), B3
U	Expert Rebuttal Report of Janice Madden, PhD, August 16, 2019	Connell Decl., Ex. P Mantoan Decl., Ex. A-3	Pay growth data: p. 52 (Table R10)
V	Transcript of the Deposition of Janice Madden, Ph.D., October 10, 2019	Mantoan Decl., Ex. A	Salary range information: 55:5, 121:23

3. The materials that Oracle seeks to seal in its Motion to Seal include excerpts from the following documents that were produced to OFCCP and expressly designated as “Confidential” pursuant to the May 22, 2019 Protective Order adopting and amending Judge Larsen’s May 26, 2017 Protective Order (“Protective Order”):

- a. Connell Decl., Ex. I (ORACLE_HQCA_0000399991-400009)
- b. Waggoner MSJ Decl., Ex. A (ORACLE_HQCA_0000380438)
- c. Waggoner MSJ Decl., Ex. B (ORACLE_HQCA_0000364183)
- d. Waggoner MSJ Decl., Ex. C (ORACLE_HQCA_0000364272)
- e. Waggoner MSJ Decl., Ex. D (ORACLE_HQCA_0000364276)
- f. Waggoner MSJ Decl., Ex. E (ORACLE_HQCA_0000056234)

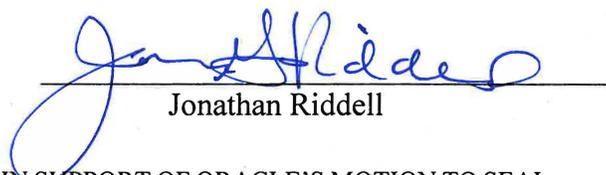
4. The materials Oracle seeks to seal also include excerpts from the Expert Report of Ali Saad, Ph.D. (July 19, 2019) and the Expert Rebuttal Report of Ali Saad, Ph.D. (August 16, 2019), both of which were produced by Oracle to OFCCP and expressly designated as “Confidential.”

5. On or about April 12, 2019, May 24, 2019, and May 30, 2019, Oracle produced data files containing data related to individuals who worked in HQCA in the Product Development, Support, or Information Technology job functions at some point between January 1, 2013 and January 18, 2019, all of which were expressly designated as “Confidential.”

6. On or about May 30, 2019, Oracle produced a Salary Range History spreadsheet to OFCCP with Bates number ORACLE_HQCA_0000581471, which Oracle expressly designated as “Confidential.”

I declare under penalty of perjury in accordance with the laws of the United States of America that the foregoing is true and correct.

Executed on October 18, 2019, in Sacramento, California.


Jonathan Riddell

DECLARATION OF J. RIDDELL IN SUPPORT OF ORACLE’S MOTION TO SEAL