

**RECEIVED**

**JUL 30 2019**

**Office of Administrative Law Judges  
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 DAVID P.  
FUAD IN SUPPORT ORACLE'S  
MOTION COMPEL OFCCP TO  
COMPLY WITH THE COURT'S  
DISCOVERY ORDERS  
REGARDING REDACTED  
INTERVIEW MEMORANDA  
AND 30(b)(6) TESTIMONY**

I, David P. Fuad, hereby declare as follows:

1. I am an attorney admitted to practice in the State of California. I am a Partner at Orrick, Herrington & Sutcliffe LLP ("Orrick") and counsel to Oracle America, Inc. ("Oracle") in the above matter. I make this declaration in support of Oracle's Memorandum of Points and Authorities in Support of Oracle's Motion to Compel OFCCP to Comply with the Court's Discovery Orders Regarding Redacted Interview Memoranda and 30(b)(6) Testimony. I have personal knowledge of the facts set forth herein, except where stated on information and belief, and, if called as a witness, could competently testify thereto.

2. Oracle and OFCCP met and conferred telephonically on July 16, 2019 and again on July 23, 2019 regarding, among other things, the various redactions to the 2015 and 2019

**FUAD DECLARATION ISO ORACLE'S MTC OFCCP TO COMPLY WITH THE COURT'S DISCOVERY  
ORDERS**

interview memos that OFCCP produced. Oracle and OFCCP also exchanged extensive meet and confer correspondence regarding these issues, attached hereto as Exhibit E below.

3. Over the course of twelve document productions on July 5, 8, 9, 10, 11, 12, 22, 24, 25, 26, 28, and 29, OFCCP produced to Oracle: (1) witness interviews from 2019; (2) revised and less-redacted 2019 memos as part of the parties' meet and confer; (3) revised and less-redacted 2015 memos as part of the parties' meet and confer; (4) supplemental interrogatory responses; (5) a privilege log dated July 8, 2019; and (6) a privilege log dated July 15, 2019.

4. To the best of my knowledge, I understand there are over forty witness interview memos from 2015. To date, I understand OFCCP has re-done the redactions on approximately twenty-six of those 2015 memos. OFCCP first re-produced the 2015 memos on July 22, 2019.

5. Attached hereto as **Exhibit A** is a true and correct copy of selections of the redacted 2019 interview memoranda OFCCP produced in response to the Court's June 10 and July 2 Orders.

6. Attached hereto as **Exhibit B** is a true and correct copy of selections of the "less-redacted" interview memoranda OFCCP produced during the parties' meet and confer process.

7. Attached hereto as **Exhibit C** is a true and correct copy of OFCCP's privilege log dated July 8, 2019.

8. Attached hereto as **Exhibit D** is a true and correct copy of OFCCP's privilege log dated July 15, 2019.

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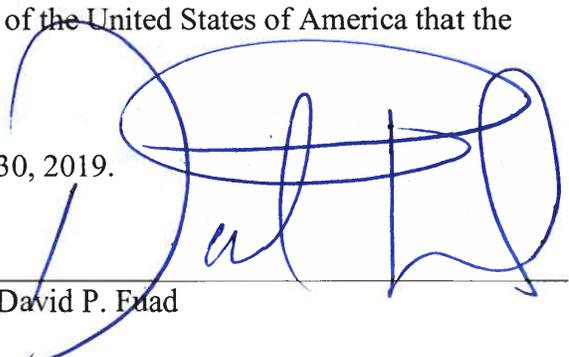
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9. Attached hereto as **Exhibit E** is a true and correct copy of the meet and confer communications between OFCCP and Oracle regarding OFCCP's production of the interview memoranda.

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

Executed in Los Angeles, California on July 30, 2019.



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David P. Fuad