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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

---oOo---

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

Plaintiffs,)

vs.)

No. 17-CIV-02669

ORACLE AMERICA, INC.,)

Defendant.)
_____)

CONFIDENTIAL, PURSUANT TO PROTECTIVE ORDER

VIDEOTAPED PMK DEPOSITION OF ORACLE AMERICA, INC.

BY: KATE WAGGONER

July 26, 2018

Volume I

(Pages 1 - 261)

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VIDEOTAPED PMK DEPOSITION OF ORACLE AMERICA, INC.

BY: KATE WAGGONER - VOLUME I

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A P P E A R A N C E S

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A P P E A R A N C E S

(Continued)

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KEVIN GOGARTY, Videographer

EMILY SULLIVAN, In-house counsel,
Oracle America, Inc.
(Present as indicated in the record)

---oOo---

1 A. And then Amy Santone is somebody who quite
2 recently joined my team. And she joined in support
3 of kind of everybody. We wanted -- we -- we knew we
4 needed another body to help. When a program is
5 heavy, it's a lot of work. And Quynh could use some
6 help.

09:39:27

7 When M and A -- sometimes we'll have three
8 or four M and As going on at a time, and Nikki could
9 use some help.

09:39:41

10 So Amy is kind of being trained to learn a
11 little bit of all of the areas underneath my team.

09:39:53

12 Q. Okay.

13 A. And then I have a man by the name of
14 Chris Crawford, who reports to me. And he does a
15 lot of reporting and figuring out for us what
16 off-cycle spend looks like and how we're tracking
17 against budgets. And -- and that, too, is global --
18 he does that globally.

09:40:04

19 Q. Okay. And you mentioned that before, I
20 guess, November of '13, you reported to a
21 Sue Charley, and now you report to a Phil --

09:40:23

22 A. Jenish.

23 Q. -- Jenish.

24 A. Yeah.

25 Q. Has there been anybody else to whom you've

09:40:34

1 reported since June of 2013?

09:40:36

2 A. No.

3 Q. Okay. Did you do anything to prepare for
4 today's deposition?

5 A. Yes. I had meetings with Erin and Jess.

09:40:50

6 Q. Okay. Don't tell me the content of
7 their --

8 A. Uh-huh.

9 Q. -- of the meetings. That's going to be
10 covered by the attorney-client privilege, so I'm not
11 going to ask you about that.

09:41:00

12 But how long did you meet with either of
13 them?

14 A. The three of us met together probably a
15 couple of times in June, and a couple times last
16 week, and then we met yesterday. Those meetings
17 were generally an hour or two. Yesterday I spent
18 the day with them.

09:41:13

19 And then I also met with four people on
20 the Oracle side: Madie Cheruvu, M-a-d-i-e
21 C-h-e-r-u-v-u; Michelle Hillman, H-i-l-l-m-a-n;
22 Anna Woods; and Les Cundall, C-u-n-d-a-l-l.

09:41:35

23 Q. Were your attorneys present when you met
24 with those --

25 A. They were.

09:42:05

1 -328, which lists the modules -- and it has a
2 copyright of 2011 at the bottom.

10:39:26

3 So are -- all of these modules that we've
4 looked at that are listed here, were they all
5 developed in 2011?

10:39:43

6 A. Yes.

7 Q. Okay. And have they all been used by
8 Oracle for compensation training of managers since
9 2011?

10 A. These or some variation of these, yes.

10:40:01

11 Q. Okay. And these are used company-wide?

12 A. Yes.

13 MS. CONNELL: Objection. Vague, but...

14 MR. FINBERG: Q. And individual offices
15 don't develop manager compensation training;
16 correct?

10:40:21

17 MS. CONNELL: Objection. Calls for
18 speculation.

19 THE WITNESS: Not to my knowledge.

20 MR. FINBERG: Q. Okay. How is this
21 training given to managers?

10:40:28

22 A. We have done some live sessions.

23 And we also have -- these are all recorded
24 as individual on-demand videos that managers can
25 click on a topic and listen to the presentation of

10:40:53

1 it online.

10:40:58

2 Q. Is it required for managers who are
3 involved in making compensation decisions to either
4 listen to or go online and review these modules?

5 A. Not to my knowledge.

10:41:18

6 Q. But it's made available to them all?

7 A. Yes.

8 Q. They're informed that it's available to
9 them?

10 A. Yes.

10:41:28

11 Q. It's recommended that they should do it?

12 MS. CONNELL: Objection. Calls for
13 speculation.

14 THE WITNESS: I would recommend they do
15 it.

10:41:44

16 MR. FINBERG: Q. Okay. Now, you say
17 "iterations" of this.

18 Since you've been involved in the process,
19 how, if at all, has what we're looking at in -- the
20 modules in Exhibit 24, how have they changed?

10:42:00

21 A. The content specifically really hasn't
22 changed.

23 The -- the presentation or kind of a
24 repackaging or adding some different graphics or
25 combining it to be a little bit from various modules

10:42:19

1 a framework to kind of help them to make their
2 decisions and better understand compensation.

10:43:55

3 We refer to it as "Compensation 101."

4 MR. FINBERG: Q. So this is as close as
5 Oracle comes to having compensation policies --
6 these compensation guidelines?

10:44:10

7 MS. CONNELL: Objection. Misstates her
8 testimony.

9 THE WITNESS: And we don't have policies.
10 It's -- it's meant to educate them and
11 help them to make --

10:44:20

12 MR. FINBERG: Q. Okay.

13 A. -- good decisions.

14 Q. So these guidelines have applied to all
15 Oracle offices in California since 2011; correct?

10:44:29

16 A. Yes.

17 Q. And all managers at Oracle's offices in
18 California since 2011 have been encouraged to follow
19 these guidelines; correct?

20 MS. CONNELL: Objection. Misstates her
21 testimony and calls for speculation.

10:44:44

22 THE WITNESS: In the -- the HR business
23 partners know this content. They know the
24 Compensation 101, the -- the best practices. If
25 they don't, they partner with their compensation

10:45:05

1 by "consequence."

11:05:41

2 MR. FINBERG: Q. Does it affect their
3 reporting relationship?

4 A. No.

5 Q. What does it affect?

11:05:51

6 MS. CONNELL: Objection. Vague.

7 THE WITNESS: Again, I -- I don't know
8 what you mean, "What does it affect?"

9 MR. FINBERG: Q. Does it impact their
10 pay?

11:06:06

11 A. No.

12 Q. How about being in a job family, does that
13 affect your pay?

14 MS. CONNELL: Objection. Vague.

15 THE WITNESS: In a family, no.

11:06:22

16 MR. FINBERG: Q. Does this document
17 accurately list the specialties and job families for
18 information technology?

19 A. Off the top of my head, I don't know if it
20 covers all of them or not.

11:06:42

21 Q. Let me show you another document.

22 MR. FINBERG: Peder, can you reach in
23 there and get me 6678?

24 (Deposition Exhibit 26 was marked for
25 identification.)

11:07:55

1 Q. Okay. And for product development, 11:16:06
2 there are two that are not listed on 6678 to -79.

3 There's ENG SVCS, which might be
4 engineered services.

5 A. It is engineered services. And that is a 11:16:20
6 specialty area that was added after '09. That just
7 hasn't been -- like I said, this worksheet hasn't
8 been maintained.

9 Q. And what does engineered services do?

10 A. I'm not positive. 11:16:38

11 Q. Okay. All right. Well, here's another
12 one. There's HW ENGE.

13 A. Yes.

14 Q. What's that?

15 A. That's hardware engineering. 11:16:49

16 Q. Okay.

17 A. And that was a specialty area created when
18 we purchased Sun Microsystems --

19 Q. Okay.

20 A. -- because they specialized in hardware, 11:16:57
21 and we did not have that before.

22 Q. Okay. So 6678 says:

23 "In order to provide accurate, consistent,
24 employee information for global reporting
25 and analysis, Oracle must classify all 11:17:30

1 employees according to four standard 11:17:33

2 categories: Function, Specialty Area,
3 Career Level, and Product Association."

4 So what does that mean?

5 MS. CONNELL: Objection. Calls for 11:17:49
6 speculation.

7 THE WITNESS: This document was -- I -- I
8 wasn't part of creating.

9 But the framework helps us to put our
10 employees into buckets, general categories of what 11:18:08
11 they do.

12 MR. FINBERG: Q. And why is that helpful?

13 A. So we can get a good idea of how many
14 employees we have performing general duties of --
15 of, say, the software engineering specialty area or 11:18:31
16 the -- in specific job codes. We can get a general
17 idea of the numbers of people in which locations.

18 And -- and, also, it's -- from a
19 compensation standpoint, it's -- it's the way that
20 we report our data for salary surveys and the way 11:19:00
21 that we get market data on competitive pay
22 practices.

23 Q. So you set salaries, in part, by job
24 title?

25 MS. CONNELL: Objection. Misstates her 11:19:20

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testimony.

THE WITNESS: No.

Salary -- we get down to job code and location and market data.

MR. FINBERG: Q. Okay. And what does a job code consist of?

A. It's numbers, and it's the unique identifier for the jobs within a job family.

Q. Okay. Well, there are some other pages here that have it in more specific detail that we'll come to a bit later.

But for the purpose of this page, it says:

"PRODUCT

"Is the position associated with a particular product?"

What does that mean?

A. We -- we don't use that anymore.

And, again, I did not develop this.

But I believe we used to have certain job codes that were only used in association with people who worked on a certain product.

Q. Okay. And when did you stop doing that?

A. I don't know.

The job codes in IT and development, in

11:19:21

11:19:39

11:20:02

11:20:11

11:20:32

11:20:52

1 particular, have never been product-associated. 11:21:01

2 I'm not familiar with support.

3 Q. So IT and product development were
4 never -- people in IT and product development were
5 never coded based on particular products? 11:21:26

6 A. No.

7 Q. "No" meaning that's correct; they never
8 were?

9 A. That is correct; they never were.

10 MS. CONNELL: Jim, again, when you get to 11:21:38
11 a breaking point, if we could take a short break.

12 MR. FINBERG: Okay. One last question.

13 Q. It says:
14 "If required, a product is assigned
15 directly to an employee's record in the 11:21:46
16 HRDB."

17 Is that the human resources database?

18 A. Yes.

19 MR. FINBERG: Okay. Let's take a short
20 break. 11:21:55

21 THE VIDEOGRAPHER: We're going off the
22 record at 11:21.

23 (Recess taken: 11:21 a.m. until 11:33 a.m.)

24 THE VIDEOGRAPHER: We're back on the
25 record at 11:33, beginning Media No. 3. 11:33:45

1 MR. FINBERG: Q. But all initial salaries 11:35:49
2 are approved way up the chain; correct?

3 MS. CONNELL: Objection. Assumes facts
4 and vague.

5 THE WITNESS: They are -- they are 11:36:09
6 reviewed way up the chain.

7 MR. FINBERG: Q. Including by
8 Lawrence Ellison; correct?

9 A. He personally does not review anything,
10 no. 11:36:19

11 Q. But his office does?

12 A. A representative of his office, yes.

13 Q. And that's for setting the initial salary
14 for each new employee at Oracle; correct?

15 A. It is a review of what has been submitted. 11:36:36

16 Q. And it's an essential part of setting the
17 salary? The salary cannot be set at a particular
18 level until Mr. Ellison's office has reviewed that
19 amount; correct?

20 MS. CONNELL: Objection. Assumes facts;
21 compound; vague and ambiguous. 11:36:58

22 THE WITNESS: I wouldn't say it's
23 Mr. Ellison's office.

24 We refer to it as the board of directors'
25 approval because it is for all organizations 11:37:29

1 globally.

11:37:34

2 And that final app- -- it's not an
3 approval. It's -- a final review is more for sanity
4 check purposes, not anything more than that.

5 MR. FINBERG: Q. But they have the power
6 to reject the number; correct?

11:37:54

7 A. I suppose they do.

8 Q. And do they on occasion?

9 MS. CONNELL: Objection. Calls for
10 speculation.

11:38:10

11 THE WITNESS: I haven't been part of that
12 review process in a few years.

13 I was during the -- during the period
14 from -- going back to 2013, I was part of it.

15 And it is incredibly rare because by the
16 time it has worked its way up, the submitting
17 manager has worked with their HR business partner or
18 their compensation consultant, or both, and they
19 have proposed an offer that they can justify.

11:38:30

20 MR. FINBERG: Q. But it did happen
21 sometimes while you were working in that area?

11:38:51

22 MS. CONNELL: Objection. Misstates her
23 testimony.

24 THE WITNESS: I can't recall a specific
25 instance.

11:39:01

1 I would like to turn your attention to 11:50:50
2 page -836. And it says:
3 "Tanksley, Kim's job offer to Xian Luo
4 requires approval."
5 And it's from Thomas Kurian to 11:51:28
6 Lawrence Ellison, dated 12 November, 2010.
7 So what does this page signify?
8 A. It signifies that it was a new hire within
9 Thomas's organization that worked its way up the
10 chain from the immediate manager up to Thomas, and 11:51:51
11 that Thomas was -- and that it was looking for the
12 final cursory review to go forward with the hire.
13 Q. Okay. And let me look at -- have you look
14 at page -840.
15 And it looks like at the bottom there's a 11:52:22
16 line item DeValle, Shawn, 8 November; Activity
17 Result: Approved.
18 And then there's, two lines above that,
19 Dumont, Chantal, 8 November, Approved.
20 Two lines above that, Lynn, Lawrence, 12 11:52:42
21 November, Approved.
22 And then two lines above that, Ellison,
23 Lawrence, 12 November, Approved.
24 What does this page signify?
25 A. So this one is a little bit different. 11:52:57

1 I know Chantal Dumont's name from our
2 product development college recruiting department.

11:53:00

3 Lawrence Lynn is a direct report to
4 Larry Ellison, and he heads up our product
5 development college recruiting program.

11:53:14

6 And so this --

7 (Clarification requested by the reporter.)

8 THE WITNESS: Lawrence -- Lawrence Lynn
9 heads up our college recruiting for product
10 development program, reporting directly to
11 Larry Ellison.

11:53:28

12 And so this signifies to me that this was
13 a hire through that college program.

14 MR. FINBERG: Q. Okay. And so this hire
15 and the salary for this hire was approved by
16 Shawn DeValle, Chantal Dumont, Lawrence Lynn, and
17 Lawrence Ellison; correct?

11:53:44

18 A. It was reviewed by -- for the college hire
19 program.

20 At the beginning of each fiscal year, they
21 set what the package will look like.

11:54:06

22 And then pretty much all offers from --
23 for -- for a specific job code for -- from certain
24 schools -- from this that was generated from this
25 program, they essentially get the similar -- a

11:54:26

1 similar offer.

11:54:34

2 Q. Okay. But this particular offer and the
3 amount of the offer was approved by each of these
4 four people, Shawn DeValle, Chantal Dumont,
5 Lawrence Lynn, and Lawrence Ellison; correct?

11:54:43

6 MS. CONNELL: Objection. Misstates her
7 testimony as to Ellison's role.

8 THE WITNESS: Yeah, I wouldn't say
9 "approved by."

10 MR. FINBERG: Q. Well, in the "Activity
11 Result" column, it has the word "Approved"; correct?

11:55:00

12 A. Yes.

13 It -- it -- it got the stamp.

14 Personally in detail reviewed? No.

15 Q. You don't have personal knowledge one way
16 or the other --

11:55:19

17 A. I know that --

18 Q. -- how much time Mr. Ellison --
19 Larry Ellison --

20 A. I know that Larry Ellison does not review
21 offers. I do know that.

11:55:24

22 Q. You don't really have personal knowledge
23 of how he spends his time; correct?

24 A. I know that he does not review offers.

25 Q. And how do you know that?

11:55:36

1 standard hires and initial salary?

12:30:18

2 MS. CONNELL: Objection. Misstates her
3 testimony.

4 THE WITNESS: Not them personally, no.

5 That -- it is a representative of the
6 office that reviews for pretty much sanity check
7 that what's coming through can be committed into the
8 system.

12:30:25

9 MR. FINBERG: Q. And still signs off on
10 the base salary increases?

12:30:40

11 A. Also still reviews for sanity purposes a
12 base salary increase that has been submitted.

13 Q. And still reviews all bonuses?

14 A. Yes. Again, for sanity purposes, they
15 make sure that nobody is trying to do anything
16 crazy.

12:31:00

17 Q. And still reviews all stock?

18 A. The same statement, reviewing it for
19 sanity purposes, yes.

20 Q. Okay. One last document before lunch,
21 -6671.

12:31:14

22 (Deposition Exhibit 37 was marked for
23 identification.)

24 MR. FINBERG: Q. The court reporter has
25 marked as Exhibit 37 a document with the Bates

12:32:01

1 numbers ORACLE_JEWETT-6671 through -6672 (sic). It 12:32:04
2 has the title "Oracle HR Global Approval Matrix User
3 Guide."

4 Do you recognize this document?

5 A. I do. 12:32:22

6 Q. What is this?

7 A. It looks like it's just a user guide to
8 tell people how to navigate and figure out which
9 level of review is needed for certain changes.

10 Q. What are some of the reasons that a base 12:32:48
11 salary recommendation might be denied?

12 MS. CONNELL: Objection. Calls for
13 speculation. It's also vague as to "at what level."

14 MR. FINBERG: Q. For employees in IT,
15 product development, and support in California. 12:33:08

16 MS. CONNELL: Same objections.

17 THE WITNESS: Those could fall under many,
18 many different leaders.

19 As I've stated, it's pretty rare that it
20 would reach the point of the very top level and get 12:33:31
21 rejected.

22 MR. FINBERG: Q. Is it more common to get
23 rejected at a lower level?

24 A. I'm not sure.

25 Q. Do you know how frequently that occurred? 12:33:48

1 A. I have no idea. 12:33:51

2 Q. Are there records kept of that?

3 A. I'm not sure.

4 Q. Does there need to be a paper trail if
5 somebody rejects a recommendation? 12:34:02

6 A. I --

7 MS. CONNELL: Objection. Vague.

8 THE WITNESS: I don't know that either.

9 MR. FINBERG: Q. Do you know the date of
10 this document? 12:34:32

11 A. I do not.

12 Q. So for this one on page -6673, for
13 standard hire or rehire, we have a check for "HR
14 Pre-Approval."

15 What does that refer to? 12:34:57

16 A. I believe that has to do with the checking
17 for typos, making sure they've entered everything in
18 as intended.

19 And then it makes its way up to the
20 next-level manager. 12:35:24

21 Q. Okay. And level -- "1 Level," what does
22 that refer to?

23 A. Probably the next level up from the person
24 who's -- from the manager who submitted it.

25 Q. So could you give an example of that? 12:35:40

1 what might not.

02:38:01

2 Q. Okay. Is that unusual for there not to be
3 a market match?

4 A. It's fairly unusual, yes.

5 Q. Okay. We'll get into this in more detail
6 later because there are some other documents that
7 spell this out in more detail.

02:38:16

8 So the second bullet point is:

9 "the employee's global career level."

10 To what does that refer?

02:38:26

11 A. It's the level at which someone is
12 performing their job.

13 So an IC0 would be very basic. It
14 generally is reserved for, like, the administrative
15 functions.

02:38:48

16 IC1 is -- is entry-level professional-type
17 jobs, like a developer or a programmer.

18 And then it goes up. Most families go up
19 through an IC5, which means individual contributor
20 at the level 5.

02:39:02

21 Q. Is there also an IC6?

22 A. Some families have an IC6.

23 Q. So product development does?

24 A. Not all job families within the product
25 development function do.

02:39:16

1 Q. Okay. And so, basically, global career
2 level is a measure of responsibility, with lower
3 levels having less and higher numbers having more?

02:39:19

4 A. Responsibility, complexity, knowledge,
5 skills, and abilities that the person brings to the
6 table, their scope.

02:39:36

7 There are a lot of things that go into
8 play for a global career level.

9 Q. So what's the -- so salary range is around
10 a specific job title; is that correct?

02:39:52

11 A. A job code. A salary range is assigned to
12 a code.

13 Q. Which is both a job title and a career
14 level?

15 A. A job code is assigned a job title, and it
16 has a -- it also has -- one job code can only have
17 one title and one career level, yes.

02:40:10

18 Q. So as you go up the career level ladder
19 from IC1 up through IC5 or -6, you're moving to a
20 higher and higher salary range if you're within the
21 same job title?

02:40:40

22 A. If you're within the same job family, yes.

23 Q. Okay. And the third bullet point here is:
24 "the salaries of other Oracle employees in
25 the same job and location."

02:40:57

1 her testimony.

04:12:20

2 THE WITNESS: We use very, very general --
3 general terms, general definitions as we compare and
4 get our market data, simply because if -- if we
5 said, "You all have to be working on the exact same
6 product," then we would be a company on our own.
7 There wouldn't be a market to which we could
8 compare.

04:12:37

9 MR. FINBERG: Q. And you believe that the
10 market data that you get is useful to you?

04:12:58

11 MS. CONNELL: Objection. Vague.

12 THE WITNESS: Yes, market data is useful.

13 (Deposition Exhibit 44 was marked for
14 identification.)

15 MR. FINBERG: Q. The court reporter has
16 marked as Exhibit 44 a spreadsheet that has the
17 first page of -889.

04:13:51

18 Do you recognize that?

19 A. I do.

20 Q. What is that?

04:14:01

21 A. It is our definitions for our career
22 levels.

23 Q. And who created this document?

24 A. This predates me.

25 I don't know.

04:14:14

1 Q. Okay. What is this document used for? 04:14:14

2 MS. CONNELL: Objection. Calls for
3 speculation.

4 THE WITNESS: It lays out our definitions
5 and helps HR people, managers to get a better
6 understanding of what we mean when we say "IC3" or
7 what we mean when we say an "M4."

8 MR. FINBERG: Q. And these are the
9 same -- the IC columns and the M columns here are
10 the same as column 5 of Exhibit 43? 04:14:56

11 A. Well, what's in column 5 could be
12 referenced across here to find out what we mean by
13 that level.

14 Q. Right. So column 5 gives you the number,
15 and then it -- column 5 of Exhibit 43 gives you the
16 number, and then Exhibit (sic) 89 -- -889 tells you
17 what that number means? 04:15:12

18 A. Yes.

19 Q. And tells you the attributes of somebody
20 with that number? 04:15:26

21 A. Yes.

22 Q. And people with those numbers all share
23 certain attributes?

24 MS. CONNELL: Objection. Misstates her
25 testimony. 04:15:33

1 THE WITNESS: The individuals may not
2 share certain attributes.

04:15:40

3 The scope of their role or the impact of
4 their role may share certain attributes.

5 But the individuals -- their background
6 could be vastly different.

04:15:53

7 MR. FINBERG: Q. But their levels of
8 responsibility and impact are similar?

9 A. They should be, yes.

10 Q. And is there a certain salary range for
11 each one of these career levels?

04:16:07

12 A. No.

13 Q. So salary range is based around a job?

14 A. The specific job code, yes.

15 Q. Now, is there a relationship between an IC
16 career level and an M career level?

04:16:30

17 MS. CONNELL: Objection. Vague.

18 THE WITNESS: There is not.

19 MR. FINBERG: Q. So you don't go 1, 2,
20 3, 4, 5 in the IC and then become an M1?

04:16:42

21 A. No.

22 Q. Is it -- it's not promote from within in
23 that sense?

24 MS. CONNELL: Objection. Vague.

25 THE WITNESS: I'm not sure what you mean.

04:16:57

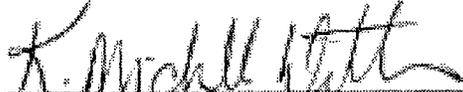
1 STATE OF COLORADO)
2 CITY & COUNTY OF DENVER) ss.

3 I, K. Michelle Dittmer, a Registered
4 Professional Reporter and Notary Public within the State
5 of Colorado, do hereby certify that previous to the
6 commencement of the examination, the said deponent was
7 duly sworn or affirmed by me to testify to the truth.

8 I further certify this deposition was taken in
9 shorthand by me at the time and place herein set forth
10 and thereafter reduced to typewritten form, and that the
11 foregoing transcript constitutes a true and correct
12 record.

13 I further certify that I am not related to,
14 employed by, nor of counsel for any of the parties or
15 attorneys herein, nor otherwise interested in the result
16 of the within action.

17 My commission expires: April 13, 2020.

18 
19 _____
20 K. Michelle Dittmer
21 Registered Professional Reporter
22 Notary Public

23 Dated: July 29, 2019
24
25