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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATION LAW JUDGES

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

Plaintiff,)

vs.)

ORACLE AMERICA, INC.,)

Defendant.)

) OALJ Case No.
) 2017-OFC-00006
) OFCCP No. R00192699

VIDEOTAPED DEPOSITION OF MADHAVI CHERUVU
San Francisco, California
June 11, 2019

REPORTED BY:
JOHNNA PIPER
CSR 11268
Job No. 10057054

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UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATION LAW JUDGES

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

Plaintiff,)

vs.)

ORACLE AMERICA, INC.,)

Defendant.)

) OALJ Case No.
) 2017-OFC-00006
) OFCCP No. R00192699

Videotaped Deposition of MADHAVI CHERUVU,
Volume I, taken on behalf of Plaintiff, at 90 7th
Street, Suite B-110, San Francisco, California,
beginning at 9:03 a.m. and ending at 5:45 p.m. on
Tuesday, June 11, 2019, before JOHNNNA PIPER,
Certified Shorthand Reporter No. 11268.

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1 hire April 13, 1998. 09:10:15

2 A. April of 1998, I can confirm that. I don't 09:10:20

3 remember the exact date. 09:10:23

4 Q. Okay. And what was the position that you 09:10:24

5 were originally hired for? 09:10:30

6 A. I was hired for, I believe, a senior HR 09:10:31

7 representative. 09:10:37

8 Q. And what is your current position right 09:10:38

9 now? 09:10:42

10 A. I'm a vice president of human resources. 09:10:43

11 Q. Vice president of human resources? 09:10:48

12 A. That's correct. 09:10:50

13 Q. When did you become vice president of human 09:10:50

14 resources? 09:11:00

15 A. I don't remember the exact date. 09:11:01

16 Q. Around what year? 09:11:06

17 A. I would -- I would say five, six years ago. 09:11:07

18 I don't even remember the . . . 09:11:12

19 Q. And what position did you have before vice 09:11:17

20 president of human resources? 09:11:20

21 A. Senior director of human resources. 09:11:23

22 Q. Okay. And how long did you have that 09:11:25

23 position? 09:11:28

24 A. I don't remember. 09:11:28

25 Q. Okay. Like an estimate? 09:11:32

1 BY MS. FLORES: 09:27:38

2 **Q. And currently you -- you are the vice** 09:27:39

3 **president of HR. What are your duties?** 09:27:42

4 A. I manage a team of individuals, and we 09:27:44

5 provide HR support to a -- seven lines of 09:27:53

6 businesses. 09:28:02

7 **Q. Which lines of businesses?** 09:28:04

8 A. Marketing, an organization that's called 09:28:07

9 "Database," one that's called "Fusion," one that's 09:28:20

10 called a Middleware and Paths, and BI Analytics. 09:28:31

11 **Q. Any other lines of business?** 09:28:47

12 A. One small group, but I don't -- I -- I 09:28:48

13 don't believe it has like a name right now. It's 09:28:51

14 just an organization under an individual, but 09:28:54

15 doesn't have a name -- identifier name that I can 09:28:58

16 give you. 09:29:01

17 **Q. What is -- what do they do?** 09:29:01

18 A. It is a -- a broad group under -- it's 09:29:02

19 called "the Oracle startup accelerator." 09:29:10

20 **Q. What does the path group -- what does this** 09:29:20

21 **group do?** 09:29:22

22 A. It has a -- a small set of individuals that 09:29:23

23 work on expanding our technologies into the startup 09:29:31

24 community, the college community with students, so 09:29:42

25 evangelizing our products into areas that we don't 09:29:47

1 if it was a -- a senior hire that my executive was 10:23:20
2 bringing in, then he -- he would determine what the 10:23:24
3 salary was and would again ask me for what the range 10:23:26
4 for the position is. 10:23:29
5 BY MS. FLORES: 10:23:30
6 Q. For someone in a different line of 10:23:31
7 business? 10:23:33
8 MR. PARKER: Vague and ambiguous. 10:23:34
9 THE WITNESS: In the line of business that 10:23:35
10 I was supporting. 10:23:39
11 BY MS. FLORES: 10:23:41
12 Q. And what are the lines of business that you 10:23:42
13 were supporting in March 2015? 10:23:43
14 A. I know I was supporting the -- what -- what 10:23:45
15 is called "the development organization" that was 10:23:53
16 run by our executive vice president at that time. 10:23:57
17 Q. Who was the executive vice president at 10:24:02
18 that time? 10:24:06
19 A. Thomas Kurian. 10:24:06
20 Q. I'm looking at the next paragraph on 10:24:07
21 Exhibit 72. It says, "I look at the skills they 10:24:18
22 have on their résumé and look for what kind of 10:24:22
23 skills they possess which are key to us." Was that 10:24:25
24 statement true in March 2015? 10:24:31
25 MR. PARKER: Compound; vague and ambiguous. 10:24:34

1 other similar companies have they worked for that 10:35:55
2 would make their experience useful to the -- the 10:35:58
3 Oracle situation. For instance, I would find 10:36:03
4 synergy and try and find similar candidates from 10:36:08
5 companies that do technology work like we do. 10:36:11
6 And at that time, yes, I would look at the 10:36:16
7 salary range as a hiring manager. I would look at 10:36:19
8 their résumé, the skills, the experience that they 10:36:22
9 bring, and make a determination based on, you know, 10:36:24
10 some of those factors how -- where I would position 10:36:30
11 them coming in. Does that answer your question? 10:36:33
12 BY MS. FLORES: 10:36:40
13 Q. Somewhat. Half, I think. So the first 10:36:41
14 part says, "We look at our salary ranges after 10:36:43
15 talking to the manager." That part is true? 10:36:46
16 MR. PARKER: Misstates the testimony. It's 10:36:51
17 vague and ambiguous. 10:36:53
18 THE WITNESS: When -- when we are trying to 10:36:54
19 hire for a position, my hiring manager would be the 10:36:56
20 hiring manager, would come to me and say, "Hey, I am 10:36:58
21 trying to bring this individual in as an HR business 10:37:02
22 partner to support this particular organization" -- 10:37:07
23 I'm giving you an example. I'm not telling you -- 10:37:09
24 you know, "This individual now works for Adobe, and 10:37:11
25 these are the skills that, you know, in the hardware 10:37:16

1 space that we could use and have this individual 10:37:19
2 support the hardware organization, and this is the 10:37:22
3 salary range. This is what I am considering 10:37:25
4 bringing the individual in at." 10:37:29

5 And that discussion is something that, you 10:37:31
6 know, before he would put -- put it all into work 10:37:34
7 flow for approval, as a courtesy he would talk to me 10:37:38
8 because the first time I see a transaction, 10:37:41
9 typically just out of courtesy, shouldn't be when it 10:37:44
10 hits my inbox, but they've had the discussion with 10:37:48
11 me. So when I look at this, it seems familiar, 10:37:50
12 we've talked about it, and the justification or the 10:37:54
13 decision-making process the hiring manager in -- on 10:37:57
14 my team has gone through seems like a logical 10:38:02
15 approach, and that -- that's how it's done on my 10:38:06
16 team. 10:38:13

17 BY MS. FLORES: 10:38:15

18 Q. Okay. What about for other people's teams? 10:38:15

19 MR. PARKER: Lacks foundation. 10:38:20

20 THE WITNESS: I don't know how it's done 10:38:21
21 for other people's teams. 10:38:23

22 BY MS. FLORES: 10:38:25

23 Q. Okay. HR has no role in other people's 10:38:25
24 teams? 10:38:28

25 MR. PARKER: Lacks foundation; vague and 10:38:29

1 this individual X which will put this individual at 10:41:04
2 this pers -- you know, of the range," so yes. 10:41:09
3 BY MS. FLORES: 10:41:12
4 Q. And also a hiring manager from another 10:41:13
5 team, if they want to know the salary ranges. Is 10:41:17
6 that correct? 10:41:20
7 MR. PARKER: Lacks foundation. 10:41:20
8 THE WITNESS: If they want to know the 10:41:21
9 salary range of -- a range in -- in a specific 10:41:22
10 geography, then yes. 10:41:27
11 BY MS. FLORES: 10:41:29
12 Q. Okay. And the next -- 10:41:29
13 A. And they don't always do that. If they 10:41:31
14 have access to the information, and if they feel 10:41:32
15 con -- you know, if they feel they can make the 10:41:35
16 determination of what the range is without talking 10:41:38
17 to anybody, then they would go ahead with the 10:41:40
18 determining what the starting salary is. 10:41:45
19 Q. And what do you mean, without talking to 10:41:47
20 anybody? Like, do you mean HR? 10:41:49
21 A. Yes. 10:41:50
22 Q. So a hiring manager can determine a 10:41:51
23 starting salary or set a starting salary without 10:42:00
24 talking to HR? 10:42:04
25 A. Yes. 10:42:05

1 THE WITNESS: I -- I don't know what those 10:44:56
2 two lines mean, but it -- in the context, but it 10:45:00
3 seems reasonable. 10:45:05
4 BY MS. FLORES: 10:45:08
5 Q. The next sentence, it says, "We look at the 10:45:10
6 deliverable when it is" -- "when is it due? Do we 10:45:14
7 need someone right away?" 10:45:18
8 A. I don't know what that means. 10:45:22
9 Q. Okay. I'll finish reading the rest of the 10:45:23
10 paragraph and then -- 10:45:26
11 A. Okay. 10:45:27
12 Q. -- you can tell me if it is true in 10:45:27
13 March 2015. Okay? 10:45:29
14 "We look at the deliverable when it is due. 10:45:30
15 Do we need someone right away? We might go over the 10:45:33
16 range if the skill sets are critical. I don't 10:45:36
17 approve all the hiring that was done, so I can't say 10:45:40
18 how often the range may be over." 10:45:45
19 A. What's your question? 10:45:49
20 Q. Is that statement true in March 2015? 10:45:50
21 MR. PARKER: Compound; vague and ambiguous. 10:45:53
22 THE WITNESS: I'd have to go line by line. 10:45:54
23 I don't approve any of the hiring unless it's hiring 10:45:57
24 on my team. 10:46:01
25

1 BY MS. FLORES: 10:46:06

2 Q. So that part is true? 10:46:06

3 A. Which? 10:46:10

4 Q. "I don't approve all the hiring." 10:46:10

5 A. No. 10:46:12

6 MR. PARKER: Misstates the testimony. 10:46:12

7 THE WITNESS: I said, "I don't approve any 10:46:13

8 of the hiring" -- 10:46:15

9 BY MS. FLORES: 10:46:15

10 Q. Okay. 10:46:16

11 A. -- "unless it is a hiring that is in my own 10:46:16

12 team." 10:46:19

13 Q. Okay. And do you know how often the range 10:46:19

14 may be over? 10:46:25

15 MR. PARKER: Vague and ambiguous. 10:46:26

16 THE WITNESS: I don't know. There are 10:46:28

17 guidelines, so I don't know. 10:46:31

18 BY MS. FLORES: 10:46:32

19 Q. And the rest of the statement? 10:46:35

20 MR. PARKER: Vague and ambiguous; compound. 10:46:38

21 THE WITNESS: I don't know what -- you 10:46:40

22 know, I don't know what that means. I could 10:46:43

23 speculate which I don't want to, but I don't know 10:46:45

24 what that means. 10:46:47

25

1 THE WITNESS: How to do, you know, talent 10:53:35
2 review boards, how to do performance management, how 10:53:41
3 to have crucial conversations. 10:53:44
4 BY MS. FLORES: 10:53:52
5 Q. Any other training? 10:53:53
6 A. There may be others that's not coming to my 10:53:55
7 mind right now. 10:53:59
8 MS. FLORES: Okay. Counsel, you need a 10:54:00
9 break? 10:54:05
10 MR. PARKER: Yes. 10:54:05
11 THE VIDEOGRAPHER: This marks the end of 10:54:07
12 Media 1 in the deposition of Madhavi Cheruvu at 10:54:08
13 10:53. We're going off the record. 10:54:15
14 (Recess taken.) 10:54:16
15 THE VIDEOGRAPHER: On record at 11:09. 11:09:46
16 This marks the beginning of Media 2 in the 11:10:11
17 deposition of Madhavi Cheruvu. 11:10:13
18 MR. PARKER: And before we start, I think 11:10:18
19 there's one thing Ms. Cheruvu wants to clarify for 11:10:19
20 the record. 11:10:23
21 MS. FLORES: Okay. 11:10:24
22 THE WITNESS: We talked about using current 11:10:24
23 salary as one of the factors? 11:10:35
24 BY MS. FLORES: 11:10:36
25 Q. Yes. 11:10:37

1 A. We do not do that today. 11:10:37

2 Q. Okay. 11:10:39

3 A. It was one of the factors, but -- but not 11:10:42

4 since the change in the law. 11:10:44

5 Q. Okay. But it was true in March 2015? 11:10:47

6 A. It was one of the factors, yes. 11:10:52

7 Q. Okay. 11:10:54

8 A. Sometimes. 11:10:56

9 Q. Before we went on break, we were talking a 11:10:57

10 little bit about training. What -- what is HR's 11:11:02

11 role with training employees at Oracle? 11:11:10

12 MR. PARKER: Vague and ambiguous; vague as 11:11:14

13 to time. 11:11:15

14 THE WITNESS: That's a very broad question. 11:11:16

15 I don't know what that means. 11:11:17

16 BY MS. FLORES: 11:11:18

17 Q. Okay. Does J -- does HR conduct training? 11:11:19

18 A. That is also a broad question. There's 11:11:22

19 several individuals in HR who do it, so I don't now 11:11:24

20 how to answer that question. 11:11:29

21 Q. Okay. What kind of training does HR 11:11:32

22 provide to -- to employees at Oracle? 11:11:35

23 MR. PARKER: Vague and ambiguous; vague as 11:11:38

24 to time; lacks foundation. 11:11:39

25 THE WITNESS: I -- I can't answer that 11:11:40

1 who sort of gives the employee a job title? 13:19:49

2 MR. PARKER: Vague and ambiguous; compound. 13:19:55

3 THE WITNESS: The hiring manager. 13:19:58

4 BY MS. FLORES: 13:20:00

5 Q. Okay. What about the job code? 13:20:01

6 MR. PARKER: Same objections. 13:20:04

7 THE WITNESS: The hiring manager. 13:20:05

8 BY MS. FLORES: 13:20:07

9 Q. Okay. And it would be the hiring manager 13:20:07

10 for a specific line of business or for a hiring 13:20:09

11 manager in HR? 13:20:14

12 MR. PARKER: Lacks -- lacks foundation. 13:20:16

13 THE WITNESS: Can you repeat that? 13:20:18

14 BY MS. FLORES: 13:20:19

15 Q. Is it a hiring manager in HR that assigns a 13:20:20

16 job code or a hiring manager in their own line of 13:20:23

17 business that assigns the job code? 13:20:27

18 A. In their own line of business. 13:20:29

19 Q. Does HR have any role in assigning a job 13:20:31

20 code to an employee? 13:20:41

21 MR. PARKER: Vague and ambiguous; vague as 13:20:43

22 to time; lacks foundation. 13:20:46

23 THE WITNESS: If managers have questions, 13:20:47

24 they would sometimes ask their HR business partners. 13:20:53

25

1 BY MS. FLORES: 14:39:09

2 Q. Can a hiring manager set initial pay below 14:39:10

3 the salary -- the salary range? 14:39:12

4 MR. PARKER: Lacks foundation. 14:39:15

5 THE WITNESS: I personally haven't done 14:39:16

6 that. 14:39:23

7 BY MS. FLORES: 14:39:24

8 Q. But can a hiring manager do that? 14:39:24

9 MR. PARKER: Lacks foundation. 14:39:26

10 THE WITNESS: It's -- it's a range, but I 14:39:27

11 don't -- I don't believe they would. 14:39:33

12 BY MS. FLORES: 14:39:37

13 Q. But my question is can they. 14:39:38

14 MR. PARKER: Same objection. 14:39:40

15 THE WITNESS: Hiring -- hiring manager can 14:39:41

16 determine what the -- the range -- the starting 14:39:44

17 salary is. 14:39:45

18 BY MS. FLORES: 14:39:46

19 Q. Okay. And even if it's below the salary 14:39:47

20 range? 14:39:50

21 A. I'm not -- 14:39:50

22 MR. PARKER: Lacks foundation. 14:39:51

23 THE WITNESS: I don't know. 14:39:52

24 BY MS. FLORES: 14:39:53

25 Q. Is there anything else the hiring manager 14:40:03

1 considers when setting initial pay? I know we 14:40:05

2 talked about the scales experience and the -- the 14:40:09

3 salary ranges. 14:40:14

4 MR. PARKER: That misstates her testimony 14:40:16

5 and generally that it lacks foundation. 14:40:18

6 THE WITNESS: I'd look at several 14:40:21

7 factors -- I think we covered that -- how critical 14:40:24

8 it all is, what sort of deliverable they have, what 14:40:26

9 sort of skill sets they need, number of factors. 14:40:29

10 BY MS. FLORES: 14:40:32

11 Q. What about budget? 14:40:32

12 MR. PARKER: Lacks foundation. 14:40:35

13 THE WITNESS: What about budget? 14:40:36

14 BY MS. FLORES: 14:40:38

15 Q. Does the hiring manager consider budget? 14:40:38

16 MR. PARKER: Lacks foundation. 14:40:43

17 THE WITNESS: You'd have to clarify. To -- 14:40:44

18 to look at budget for what. 14:40:47

19 BY MS. FLORES: 14:40:49

20 Q. Well, I guess we'll take a step back. Each 14:40:51

21 hiring manager, are they given a certain budget that 14:40:56

22 they have to work within when they hire people? 14:40:59

23 MR. PARKER: Lacks foundation. 14:41:00

24 THE WITNESS: They are given sometimes a 14:41:03

25 head count budget, but not a dollar budget. 14:41:05

1 THE WITNESS: I -- 15:58:30

2 MR. PARKER: Compound. 15:58:34

3 THE WITNESS: I don't know. 15:58:34

4 BY MS. FLORES: 15:58:34

5 Q. Do you know what a quartile is? 15:58:45

6 MR. PARKER: Asked and answered but -- 15:58:49

7 THE WITNESS: I -- I -- not an expert. I 15:58:50

8 don't know. I have not heard that that -- or I 15:58:52

9 wouldn't be able to explain it. 15:58:55

10 BY MS. FLORES: 15:58:56

11 Q. I'm sorry. I think we did discuss it. It 15:58:56

12 was in the -- when talking about salary ranges and 15:58:59

13 quartiles. 15:59:02

14 A. I'm not an expert. 15:59:03

15 Q. In the job ads that you've posted, do you 15:59:07

16 include the range of salary that an employee may be 15:59:24

17 paid? 15:59:27

18 MR. PARKER: Vague and ambiguous. 15:59:28

19 THE WITNESS: I personally don't post the 15:59:28

20 ad. The recruiter does, and I don't believe that's 15:59:37

21 included, but I'm not sure since I don't post it. 15:59:39

22 BY MS. FLORES: 15:59:41

23 Q. Have you received any training -- any 15:59:59

24 affirmative action training as Oracle being a 16:00:03

25 government contractor? 16:00:08

1 A. No, I have not. 16:00:10

2 Q. Are you aware of any of the affirmative 16:00:11

3 action requirements that Oracle has to meet because 16:00:18

4 they're a government contractor? 16:00:23

5 MR. PARKER: Assumes facts; calls for a 16:00:25

6 legal conclusion. 16:00:28

7 THE WITNESS: That's -- that's not in my 16:00:28

8 scope. I don't know. 16:00:31

9 BY MS. FLORES: 16:00:32

10 Q. You are not aware of any? 16:00:33

11 A. I'm not aware. 16:00:34

12 Q. Does HR have a role in implementing any 16:00:38

13 type of affirmative action program for Oracle? 16:00:40

14 MR. PARKER: Lacks foundation; vague and 16:00:44

15 ambiguous. 16:00:46

16 THE WITNESS: It would mean -- and, again, 16:00:46

17 I'd go back to what is HR. There's just so many 16:00:50

18 functions within HR. That's not my role. 16:00:53

19 BY MS. FLORES: 16:00:55

20 Q. Do you know of any functions within HR that 16:00:56

21 have a role in applying affirmative action 16:00:59

22 regulations for Oracle? 16:01:06

23 MR. PARKER: Vague and ambiguous. 16:01:08

24 THE WITNESS: I -- I just -- I don't know. 16:01:09

25

1 you used to ask employees? 16:23:34

2 MR. PARKER: She made -- 16:23:34

3 BY MS. FLORES: 16:23:34

4 Q. -- what they made. 16:23:36

5 MR. PARKER: She made it very specific to 16:23:37

6 her group and not to the entirety, and this 16:23:39

7 question's not so limited. 16:23:41

8 BY MS. FLORES: 16:23:48

9 Q. Did you not look for product development 16:23:48

10 for prior salaries? 16:23:52

11 A. I did not. 16:23:53

12 Q. Okay. The next sentence is, "I look at how 16:23:54

13 many employees" -- "how many years of experience 16:24:01

14 they have." In March 2015 is that still a -- was 16:24:05

15 that a factor that you considered in determining 16:24:08

16 someone's starting -- initial salary? 16:24:11

17 A. In my group or in product development? 16:24:14

18 Q. In your group? 16:24:16

19 A. Can you ask that question again now that I 16:24:17

20 have context. In my group did I look at what? 16:24:20

21 Q. How many years of experience they may have. 16:24:23

22 A. It's one of the factors. 16:24:27

23 Q. Okay. Did you look at how many years an 16:24:28

24 employee may have for employees that could enter 16:24:32

25 Thomas Kurian's group? 16:24:36

1 Q. For product development? 17:00:59

2 A. Yes. 17:01:01

3 Q. Okay. And I know we already discussed the 17:01:02

4 certain factors for salary range. Who -- who are 17:01:07

5 your -- who are the executives in HR? 17:01:13

6 MR. PARKER: Vague as to time. 17:01:18

7 BY MS. FLORES: 17:01:19

8 Q. In March 2015. 17:01:20

9 A. I don't know what your question means. 17:01:21

10 Q. Okay. Is there anyone at the executive 17:01:23

11 level in -- in HR? 17:01:26

12 A. No. 17:01:27

13 Q. What about in product development? 17:01:28

14 A. Thomas Kurian is the executive. 17:01:30

15 Q. That's right. I'm sorry. Okay. 17:01:33

16 And back in March 2015, would you make any 17:01:42

17 recommendations to distribute potential raises on a 17:01:44

18 percentage basis? 17:01:51

19 MR. PARKER: Asked and answered; vague and 17:01:53

20 ambiguous. 17:01:57

21 THE WITNESS: I would give the information 17:01:57

22 for Thomas to make the recommendations. 17:02:01

23 BY MS. FLORES: 17:02:03

24 Q. Well, when you give him the information, 17:02:04

25 did you say, "Here's the percentage you can consider 17:02:06

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CERTIFICATE OF REPORTER

I, JOHNNNA PIPER, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [X] was [] was not requested.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition nor in any way interested in the event of this cause and that I am not related to any of the parties thereto.

DATED: June 18, 2019



JOHNNNA PIPER, CSR 11268