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VIDEOTAPED DEPOSITION OF SHIRONG "ANDY"
LEU, VOLUME NO. I, taken on behalf of DEFENDANT, at
405 Howard Street, 10th Floor, San Francisco,
California, beginning at 9:37 a.m. and ending at
5:10 p.m., on Monday, July 1st, 2019, before Monica
Lepe-Georg, Certified Shorthand Reporter No. 11976.

1 Q. Okay. So I have a few questions here and I 12:20:08
2 am going to ask about your understanding of these 12:20:10
3 terms with respect to Oracle in particular, and if 12:20:13
4 you don't have an understanding with respect to 12:20:16
5 Oracle in particular that's fine; you can say so. 12:20:17
6 Before I do that, you mentioned earlier 12:20:21
7 that in connection with the Oracle headquarters' 12:20:23
8 compliance review you received a data file, correct? 12:20:27
9 A. Uh-hm. 12:20:29
10 Q. To your recollection, did you receive just 12:20:30
11 a single data file or did you receive more than one? 12:20:32
12 A. Okay. When you see -- just clarify your 12:20:35
13 questions. 12:20:41
14 When you see multi-profile what do you 12:20:41
15 mean? Like a different period -- different period 12:20:44
16 of time? 12:20:47
17 Q. I mean did you get a -- 12:20:47
18 A. Time period different, you know. 12:20:48
19 Q. Did the data that you recall receiving come 12:20:50
20 in an Excel file? 12:20:54
21 A. It's Excel file, that's right. 12:20:55
22 Q. Okay. So did you get one or more than one 12:20:56
23 Excel files in connection with your work on Oracle's 12:20:59
24 headquarters' compliance review? 12:21:02
25 A. I cannot recall, but I know there is at 12:21:04

1 least one. 12:21:10

2 Q. Right. And you don't remember if you got 12:21:11

3 any others; is that correct? 12:21:13

4 A. Yeah. 12:21:14

5 Q. Okay. What, if any -- 12:21:14

6 A. Maybe I have. I don't know. 12:21:16

7 Q. What, if any, other documents or data did 12:21:17

8 you receive to review in connection with Oracle's 12:21:24

9 headquarters' compliance review? 12:21:27

10 A. I think the data already in Excels. I 12:21:29

11 heard probably they pull from -- 12:21:37

12 THE REPORTER: I'm sorry. I heard... 12:21:37

13 THE WITNESS: I heard the data -- I heard 12:21:45

14 data may be from different legacy system put into 12:21:46

15 the Excels, but I don't know that part. I don't 12:21:51

16 know. 12:21:53

17 BY MS. MANTOAN: 12:21:53

18 Q. Okay. So you got one or more Excel files, 12:21:53

19 correct -- at least one, maybe more? 12:21:56

20 A. Yeah, maybe one, or two, or three -- I 12:21:58

21 don't know, at least one. 12:22:01

22 Q. Did you get any documents that weren't 12:22:01

23 Excel files to review in connection with the Oracle 12:22:03

24 headquarters' compliance review? 12:22:07

25 A. What kind of -- 12:22:09

1 Q. Why? 12:26:19

2 A. I don't know. You can start -- you can 12:26:20

3 start total, too, but like I say, we don't know -- 12:26:22

4 we cannot find factor to evaluate the total comp, 12:26:28

5 basically. 12:26:35

6 Q. Did you do a total compensation analysis of 12:26:36

7 Oracle's headquarters' location? 12:26:40

8 MR. ELIASOPH: Objection. Deliberative 12:26:41

9 process. 12:26:42

10 THE WITNESS: I cannot -- I cannot 12:26:42

11 remember. 12:26:43

12 MS. MANTOAN: Are you instructing him not 12:26:44

13 to answer? 12:26:46

14 MR. ELIASOPH: I am. 12:26:47

15 THE WITNESS: I cannot recall. 12:26:47

16 BY MS. MANTOAN: 12:26:49

17 Q. I'm going to continue reading this 12:26:57

18 sentence, and I have a few questions about -- 12:26:59

19 A. Yes, please. 12:27:00

20 Q. -- this. 12:27:00

21 The sentence after "dependent variable" 12:27:01

22 continues. 12:27:01

23 -- "and accounted for differences in 12:27:05

24 employees' gender, work experience at 12:27:06

25 Oracle, work experience prior to Oracle, 12:27:09

1 full-time/part-time status, exempt status, 12:27:12
2 global career level, job specialty, and job 12:27:17
3 title." 12:27:21
4 Did I read that correctly? 12:27:21
5 A. Yes. 12:27:23
6 Q. Okay. So how did your model control for 12:27:23
7 work experience at Oracle? 12:27:29
8 What was used to represent or capture work 12:27:31
9 experience at Oracle? 12:27:36
10 A. You mean the work experience prior to 12:27:37
11 Oracle? 12:27:40
12 Q. No, work experience at Oracle. 12:27:40
13 A. Okay. From the date they hire -- they were 12:27:43
14 hired to the snapshot you -- I mean contractor sent 12:27:48
15 to us, the snapshot. So this one will be time in 12:27:56
16 the company. 12:28:00
17 Q. Did you account for leaves of absence in 12:28:01
18 your measure of work experience at Oracle? 12:28:04
19 A. No. 12:28:06
20 Q. Okay. When you say "date of hire," do you 12:28:07
21 mean date of hire at Oracle America, Inc., or do you 12:28:12
22 mean date of hire at, let's say, a predecessor 12:28:16
23 company that Oracle might have acquired with the 12:28:19
24 employee then continuously working at Oracle? 12:28:22
25 A. I cannot recall. 12:28:26

1 MR. ELIASOPH: Objection to the extent it 12:28:28
2 calls for speculation. 12:28:30
3 BY MS. MANTOAN: 12:28:32
4 Q. You don't recall how you selected that hire 12:28:33
5 date to measure from hire to snapshot, correct? 12:28:36
6 A. Yeah, I just -- they provide us a hire date 12:28:39
7 there, right, but they don't explain a little bit 12:28:42
8 more explanation, so they say, "Andy, can you do the 12:28:47
9 regression for us" like that. 12:28:49
10 Q. Do you have a view, as a statistician, as 12:28:51
11 to whether you would ideally use the hire date only 12:28:53
12 at Oracle America or whether you would use the hire 12:28:55
13 date at a predecessor company or a sister company? 12:28:58
14 MR. ELIASOPH: Objection. Calls for 12:29:01
15 speculation. Calls for legal conclusion. 12:29:02
16 THE WITNESS: I cannot recall that specific 12:29:05
17 situation, no. 12:29:07
18 BY MS. MANTOAN: 12:29:07
19 Q. So I'm just asking if you have a view as to 12:29:08
20 which is statistically more proper. 12:29:11
21 A. Yeah, yeah, well, I will review, yes, so 12:29:13
22 sometimes I review, so... 12:29:16
23 Q. But did you -- it's not "did you review"; 12:29:18
24 it's "do you have a view." 12:29:21
25 Do you have an opinion as to whether the 12:29:22

1 her questions. 01:44:54

2 THE WITNESS: Oh, sorry. 01:44:55

3 BY MS. MANTOAN: 01:44:56

4 Q. And did you ever see or hear any 01:44:56

5 information that indicated that Oracle had said that 01:44:58

6 the factors that you included in your model were the 01:45:00

7 factors that should be used to evaluate pay amongst 01:45:04

8 its employees? 01:45:07

9 MR. ELIASOPH: Objection. Compound. Calls 01:45:09

10 for speculation. 01:45:12

11 THE WITNESS: No. 01:45:13

12 BY MS. MANTOAN: 01:45:13

13 Q. What, if anything, did you do to determine 01:45:38

14 whether the factors that are controlled for in your 01:45:41

15 statistical model were in fact factors considered by 01:45:46

16 Oracle when it was determining pay? 01:45:52

17 MR. ELIASOPH: Objection. Confusing. 01:45:59

18 Asked and answered. 01:46:07

19 THE WITNESS: "Did you do to determine"... 01:46:08

20 No. 01:46:25

21 BY MS. MANTOAN: 01:46:28

22 Q. "No" meaning you did not do anything? 01:46:28

23 A. Na-huh. I didn't hear, yeah, from 01:46:31

24 anywhere. 01:46:34

25 Q. No, the question is whether you did 01:46:34

1 anything to determine whether the factors that you 01:46:36
2 controlled for in your statistical model -- 01:46:40
3 A. Uh-hm. 01:46:40
4 Q. -- are factors that Oracle managers in fact 01:46:42
5 consider when determining pay. 01:46:45
6 MR. ELIASOPH: Objection. This has been 01:46:48
7 asked and answered. 01:46:49
8 MS. MANTOAN: Well, the answer was about 01:46:53
9 whether he'd heard anything, -- 01:46:55
10 BY MS. MANTOAN: 01:46:57
11 Q. -- and the question is whether you, 01:46:57
12 yourself, did anything to determine whether the 01:46:58
13 factors in this model in Attachment A of 01:47:00
14 Exhibit 2 -- 01:47:03
15 A. No, just -- I just followed, you know, 01:47:03
16 Janette's e-mail colonies, yeah. 01:47:10
17 Q. And earlier today -- 01:47:16
18 Oh, I'm sorry, were you finished? 01:47:18
19 A. No, I'm finished. 01:47:19
20 Q. Oh. Okay. 01:47:19
21 Earlier today you used the phrase 01:47:20
22 "legitimate factors," -- 01:47:22
23 A. Yeah. 01:47:22
24 Q. -- what, if anything, did you do to 01:47:23
25 determine whether the factors controlled for in your 01:47:26

1 statistical model, set forth in Attachment A, 01:47:29

2 Exhibit 2 -- 01:47:31

3 A. Uh-hm. 01:47:31

4 Q. -- were legitimate factors at Oracle? 01:47:34

5 MR. ELIASOPH: Objection. Calls for legal 01:47:37

6 conclusion. Vague. 01:47:39

7 THE WITNESS: No, I just followed Janette 01:47:40

8 orders at the time. I don't think a little bit 01:47:53

9 further about, you know -- 'cause I was -- I heard 01:47:56

10 the data is pretty clean at that time. I don't 01:48:02

11 know... 01:48:06

12 BY MS. MANTOAN: 01:48:06

13 Q. So the model set forth -- 01:48:14

14 A. Uh-hm. 01:48:14

15 Q. -- in Attachment A to Exhibit 2 includes a 01:48:16

16 control for job title, correct? 01:48:19

17 A. Which page? 01:48:21

18 Q. Well, you said the model on 1404 and 1405 01:48:23

19 are the same. 01:48:28

20 A. Oh, 1404, yeah. 01:48:29

21 Q. The question is whether the model set forth 01:48:32

22 in Attachment A to Exhibit 2, specifically pages 01:48:37

23 1404 and 1405 -- 01:48:37

24 A. Uh-hm. 01:48:37

25 Q. -- includes a control for job title. 01:48:41

1 Q. This is also going to ask you to estimate 02:00:41
2 'cause I'm sure you don't remember to -- to the 02:00:45
3 number. 02:00:47
4 A. Yeah. 02:00:48
5 Q. Can you give me a sense of roughly the 02:00:48
6 amount of time you spent, in total, doing work on 02:00:51
7 evaluation of Oracle's headquarters' location? 02:00:58
8 Is it less than 20 hours? Less than 02:01:02
9 50 hours? More than 50 hours? More than a hundred 02:01:06
10 hours? 02:01:08
11 I'm trying to get the ballpark. 02:01:09
12 A. I think it's more than probably -- I know 02:01:11
13 at least -- at least five hours. 02:01:24
14 Q. At least five? 02:01:28
15 A. Five hours at least. 02:01:30
16 Q. Okay. Do you think it was probably less 02:01:32
17 than 10 hours? 02:01:34
18 A. Okay, yeah. 02:01:35
19 Q. Less than 10? 02:01:36
20 A. Less than 10 hours. 02:01:37
21 Q. Sorry. I want to make sure the record is 02:01:40
22 clear. 02:01:42
23 A. Uh-hm. 02:01:42
24 Q. Is it your best estimate, as you sit here 02:01:43
25 today, that in total you spent less than 10 hours in 02:01:46

1 total working on analyses related to Oracle's 02:01:49
2 headquarters' location? 02:01:53
3 A. That was estimate or -- 02:01:54
4 Q. Your best estimate. 02:02:00
5 MR. ELIASOPH: If you have a clear enough 02:02:04
6 recollection. 02:02:06
7 THE WITNESS: Uh-hm. 02:02:09
8 To be honest with you, I don't have very 02:02:13
9 clear -- very clear, you know, the numbers in my 02:02:15
10 brain, you know. 02:02:16
11 BY MS. MANTOAN: 02:02:19
12 Q. But you did say you thought it was at least 02:02:32
13 five hours, right? 02:02:34
14 A. Yeah. I think it's five hours, yeah, but 02:02:35
15 ten, 20, I don't know, I really don't. Five -- five 02:02:38
16 should be reasonable -- you know, at least to five. 02:02:41
17 Q. Okay. Are you pretty confident that it was 02:02:44
18 fewer than 20 hours? 02:02:50
19 MR. ELIASOPH: Objection. Asked and 02:02:53
20 answered. 02:02:54
21 THE WITNESS: I -- I don't know, you know. 02:02:58
22 MR. ELIASOPH: The witness doesn't 02:02:59
23 remember. 02:03:00
24 THE WITNESS: Usually as a statistician, 02:03:00
25 right, if I don't have any impression or kind of 02:03:02

1 concrete data I don't want to say anything, you 02:03:06
2 know. You know, so I don't want to estimate like 02:03:08
3 that, you know. 02:03:10
4 You have information, you estimate. Right 02:03:14
5 now I don't have any -- 02:03:16
6 MR. ELIASOPH: She's entitled to your best 02:03:17
7 estimate -- 02:03:19
8 THE WITNESS: Yeah. 02:03:19
9 MR. ELIASOPH: -- if you can give it, but 02:03:19
10 if you don't -- if you're just kind of guessing -- 02:03:20
11 THE WITNESS: Yeah -- 02:03:23
12 MR. ELIASOPH: Then -- 02:03:25
13 THE WITNESS: Yeah, I don't want to guess, 02:03:26
14 you know. 02:03:27
15 BY MS. MANTOAN: 02:03:28
16 Q. What's your best estimate of how long you 02:03:29
17 generally spend in connection with any given 02:03:32
18 compliance review doing statistical work? 02:03:36
19 A. Any -- any kind of -- 02:03:37
20 It depends. Some are like -- one time some 02:03:45
21 time they give me up to one month, then they come 02:03:53
22 back again do the -- you know, come back or 02:03:56
23 communications. So I cannot -- I cannot accurately, 02:03:58
24 you know, sum up, you know, that time. 02:04:01
25 Q. And I appreciate you can't be precise here, 02:04:04

1 THE WITNESS: So because you -- 03:28:07
2 specifically for Oracle, but for Oracle 03:28:09
3 specifically. Usually I just -- you know, receive 03:28:12
4 the orders from the management, and I have to 03:28:14
5 complete, and that's it. 03:28:17
6 BY MS. MANTOAN: 03:28:18
7 Q. Okay. So since you use those orders from 03:28:18
8 management -- 03:28:21
9 A. Uh-hm. 03:28:21
10 Q. -- to structure the statistical 03:28:22
11 analysis, -- 03:28:25
12 A. Uh-hm. 03:28:25
13 Q. -- am I correct that you didn't do 03:28:25
14 anything, independent of that, to determine which 03:28:27
15 employees at Oracle were similarly situated; -- 03:28:30
16 A. Uh-hm. 03:28:30
17 Q. -- is that correct? 03:28:34
18 A. Pretty much, yes, uh-hm, at that time. 03:28:35
19 Q. So you just said "at that time." Have you 03:28:39
20 done anything since that time to determine which 03:28:41
21 employees at Oracle are similarly situated? 03:28:44
22 A. No -- not -- not for Oracle. For another 03:28:47
23 cases probably. You know, from a -- some of the 03:28:53
24 district CO, right, they probably knew. They don't 03:28:59
25 know about this kind of directive. They probably 03:29:02

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were placed under oath; that a
8 verbatim record of the proceedings was made by me
9 using machine shorthand which was thereafter
10 transcribed under my direction; further, that the
11 foregoing is an accurate transcription thereof.

12 I further certify that I am neither
13 financially interested in the action nor a relative
14 or employee of any attorney of any of the parties.

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

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21

22 Dated: July 5th, 2019

23

24

25



MONICA LEPE-GEORG, No. 11976