

**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

**DEFENDANT ORACLE
AMERICA, INC.'S OBJECTIONS
TO EVIDENCE IN SUPPORT OF
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

REDACTED PURSUANT TO COURT ORDER

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I. INTRODUCTION

Pursuant to 29 C.F.R. §§ 18.101 et seq., and 41 C.F.R §§ 60-30.18, 60-30.19, Defendant Oracle America, Inc. (“Oracle”) submits the following objections to evidence submitted in support of the Office of Federal Contract Compliance Programs’ (“OFCCP’s”) Motion for Summary Judgment (“Motion”), as described more fully below.

OFCCP’s Motion suffers from numerous, significant evidentiary problems. The declarations, testimony, and documents relied upon by OFCCP include, among other things, assertions that lack foundation, inadmissible hearsay, vague and ambiguous representations, and statements relating to topics that have no relevance to this litigation. In addition, OFCCP makes assertions in its Motion not actually supported by the evidence on which they purport to rely.¹ The Court should disregard these baseless assertions.

For these reasons, as set forth in detail below, Oracle objects to and moves to strike all inadmissible evidence supporting OFCCP’s Motion.

II. GENERAL OBJECTIONS TO EVIDENCE

A. Oracle Objects and Moves to Strike the Declarations, Deposition Testimony, and Other Documents Cited by OFCCP.

1. Objection #1 – Lack of Foundation, Personal Knowledge, and/or Speculation (29 CFR § 18.602)

All testimony, other than expert testimony, must be based upon personal knowledge. 29 C.F.R. § 18.602. The proponent of the proffered evidence has the burden to produce sufficient foundational facts to demonstrate personal knowledge of the subject matter of his or her testimony. *Nat’l Steel Corp. v. Golden Eagles Ins. Corp.*, 121 F.3d 496, 502 (9th Cir. 1997)

¹ OFCCP’s evidence submitted in support of its Motion suffers from numerous other deficiencies. OFCCP offers identical exhibits multiple times. Compare Declaration of Norman E. Garcia (“Garcia Decl.”), Ex. 42 with Ex. 72. OFCCP offers the entire deposition transcripts of Dr. Madden and Dr. Saad as exhibits, despite citing to only small portions of these transcripts. Exs. 89, 90. OFCCP then also offers separate exhibits containing excerpts from those depositions, but OFCCP cites to portions of the transcripts not contained in those exhibits. Exs. 95, 96. Likewise, OFCCP submitted several different exhibits containing excerpts from the May 8, 2019 deposition of Shauna Holman-Harries. Exs. 43, 106. OFCCP also submitted evidence under the wrong exhibit covers. Compare Garcia Decl. ¶ 106 (stating Exhibit 105 is a “letter from Erin Connell to Janette Wipper”) with Ex. 105 (excerpts from the May 1, 2019, deposition of Shauna Holman-Harries). *Zoslaw v. Columbia Broad. Sys., Inc.*, 533 F. Supp. 540, 548 (N.D. Cal. 1980), *aff’d in part, rev’d in part sub nom. Zoslaw v. MCA Distrib. Corp.*, 693 F.2d 870 (9th Cir. 1982) (observing that a “party should not prevail simply by clogging the court and smothering the opposition with a heap of ersatz evidence.”).

(conclusory allegations without factual support are insufficient to defeat summary judgment); *Woods v. Lecureux*, 110 F.3d 1215, 1220 (6th Cir. 1997) (“a district court abuses its discretion when it allows a witness to define legal terms, especially terms that carry a considerable amount of legal baggage”); *Torres v. Cty. Of Oakland*, 758 F.2d 147, 150 (6th Cir. 1985) (“testimony offering nothing more than a legal conclusion – i.e., testimony that does little more than tell the jury what result to reach – is properly excludable”).

First, there is no foundation for virtually every single exhibit attached to Norman E. Garcia’s declaration, either as to the document itself or OFCCP’s interpretation of the document.² In other instances, OFCCP provides deposition excerpts that purport to authenticate the exhibits, but do not. Consequently, these exhibits should be excluded from the record.

An example of how this plays out in OFCCP’s Motion follows. OFCCP portrays Oracle as having strict compensation “policies,” and contends that Oracle’s purported deviation from these “policies” is evidence of bias. Mot. at 9, 25. OFCCP relies solely on a single use of the word “policies” in a quote from a four-year-old email cited in Oracle’s October 3, 2019 Position Statement, which OFCCP seizes upon to declare that “use of the word ‘policies’ is now uncontested.” Mot. at 5 n.3. There is no foundation for this assertion. It is simply an assertion by OFCCP. *See* Waggoner 5/1 Dep. (Ex. 7) at 25:14-26:22 (“Q: . . . [A]re there any policies at Oracle about compensation? A: To my knowledge, no.”), 35:5-21, 140:14-19; Waggoner 7/19 PMK Dep. (Ex. 27) at 40:6-20 (“We don’t really have compensation policies. Our one policy is the prior pay policy.”), 66:10-23 (OFCCP attorney acknowledging testimony that “you guys don’t have any other compensation policies”). And none of the federal regulations to which OFCCP’s MSJ alludes mandate the creation of anything like the formulaic, one-size-fits-all compensation directives OFCCP wrongly claims Oracle was required to create. *See* OFCCP’s Mot. at 2-4 (discussing requirements to “monitor” and “evaluate” “compensation system(s)”; 41 C.F.R. § 60-2.17 (only reference to “policy” to “ensur[ing] the nondiscriminatory policy is

² All citations to “Ex.” or “Exhibit” are to the Declaration of Norman E. Garcia unless otherwise noted.
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carried out”); Ex. 11 at ORACLE_HQCA_0000000473 (Equal Employment Opportunity policy).

Unsupported factual assertions and conclusions such as these and the ones identified below lack foundation and should be stricken.

2. Objection #2 – Inadmissible Hearsay (29 C.F.R. §§ 18.801, 18.802)

The hearsay rule bars evidence of out-of-court statements offered to prove the truth of the matter asserted. 29 C.F.R. §§ 18.801, 18.802. Except as otherwise provided by law, through an exception, hearsay evidence is inadmissible. *Id.* OFCCP’s proffered evidence includes numerous instances of hearsay.

For example, OFCCP’s reliance on statements attributed to Lisa Gordon in an interview summary drafted by an employee of the Office of Federal Contract Compliance Programs (“OFCCP”) is wholly improper given it involves *multiple* hearsay. *See* Ex. 41 at Ex. A. It is an out-of-court statement by an OFCCP compliance officer of something that purports to be what Lisa Gordon said. Moreover, this summary is not a verbatim recitation.

OFCCP offers this double hearsay to support propositions such as “This looks like a complete list of Oracle’s compensation guidelines and policies,” Ex. 41, Ex. A at 3; “Final approver would be up through the management chain, and finally, the approver at the CEO office for a new hire,” *id.* at 6; “Prior Salary . . . is a factor,” *id.* at 8; and “we try to match what they made at the previous company,” *id.* Not only do these statements within the OFCCP summary lack foundation, they are clearly inadmissible hearsay that was supposedly summarized by an adverse party, and OFCCP relies upon them for their truth. The entire exhibit should be stricken.³

³ Oracle anticipates OFCCP will argue that the Gordon interview summary is an official record of a public employee (akin to a business record) and/or a party admission and thus falls within an exception to the hearsay rule. As an initial matter, the former exception applies only when, among other things, the document is “shown to have been made or adopted by the witness when the matter was fresh in the witness’ memory and to reflect that knowledge correctly.” 29 C.F.R. § 18.803(a)(5). Here, the interview summary was not provided to the interviewee until a month after the interview occurred. *See* Ex. 41, ¶ 4. Moreover, the identity of the interview summary’s author is unclear, the context in which the interview occurred was adversarial, OFCCP and Oracle remain adverse, and the document has not been signed by a public employee; accordingly, this hearsay exception cannot be met. *See* 29 C.F.R. § 18:803(a)(24); *see, e.g., Saks Int’l v. M/V “Export Champion”*, 817 F.2d 1011, 1013 (2d Cir. 1987) (The “principal precondition” to admissibility “is that the record [] [has] sufficient indicia of trustworthiness to be considered reliable.”). Furthermore, the document, as used by OFCCP, cannot be a party admission because the

Because none of these out-of-court statements falls under any of the exceptions to the hearsay rule, 29 C.F.R. §§ 18.803-18.804, all of the hearsay statements identified as such below should be excluded from OFCCP's evidence.

3. Objection #3 – Evidence Does Not Stand for the Proposition It is Cited to Support

OFCCP repeatedly mischaracterizes deposition and declaration testimony and other cited evidence and claim that they support propositions they in no way support.

For example, OFCCP asserts that “Oracle admits that it took no corrective actions in response to any pay analysis conducted.” SUF 212. OFCCP relies on two pieces of evidence: (1) the testimony of Oracle's senior vice president of mission-critical databases, who merely testified that he was not personally aware of any pay analyses that were conducted, nor was he aware of what actions were taken in response to those analyses (Ex. 31, Loaiza Dep. 321:20-325:4); and (2) notes from an interview with Oracle's Director of Compensation Lisa Gordon. Gordon was asked, “Has the company ever adjusted any employee's compensation based on its compensation analysis for its AAP?” Ex 41 at Ex. A, p. 17 q. 29. In response, OFCCP's interview summary reflects that Ms. Gordon stated she was “not aware of any specific action” taken. *Id.* The evidence does not support the assertions made.

Further, OFCCP cites to Exhibits 8, 79, and 80 of Mr. Garcia's declaration to assert that Oracle caps the number of employees who may be granted stock in the United States to 35%. *See* SUF 259. However, these exhibits do not support this assertion.

OFCCP makes a variety of other errors by citing to exhibits and deposition testimony that have nothing to do with the proposition it is being cited for. For example, OFCCP cites to Exhibit 7 to assert that LJE stands for Larry J. Ellison. *See* SUF 122 (citing Waggoner 5/1 Dep. (Ex. 7) at 106:25-107:4). However, Mr. Ellison is not discussed at all in the cited testimony.

portions cited by OFCCP are actually OFCCP statements allegedly paraphrasing Ms. Gordon, and not even her own words. And they are even less reliable because OFCCP was an adverse party. Ms. Holman-Harries, a fellow Oracle employee present at the interview through whose declaration OFCCP offers the OFCCP's memo, explains she “cannot verify [its] accuracy . . . or whether [it] correctly and fairly reflect the information that Ms. Gordon relayed or the statements she made.” Ex. 41, ¶ 5.

Further, OFCCP cites to Exhibit 34 of Mr. Garcia's declaration to assert that Oracle did not conduct a focal review in 2013. *See* SUF 138. However, nowhere in the document does it support this assertion. Likewise, OFCCP cites to Exhibit 46 to assert that Oracle considered prior pay in setting initial pay, which resulted in salary compression. Although the document refers to prior pay, nowhere in the document does it state that the use of prior pay led to salary compression at Oracle.

4. Objection #4 – Vague, Ambiguous, Conclusory, and/or Speculative

OFCCP offers vague and ambiguous assertions that lack evidentiary value. Instead of reciting evidentiary facts in clear language, the testimony on which they seek to rely is rife with unclear assertions, overbroad statements, and undefined terms. Such testimony is inadmissible *See Anheuser-Busch, Inc. v. Nat. Beverage Distribs.*, 69 F.3d 337, 345 (9th Cir. 1995) (“[C]onclusory or speculative testimony is insufficient to raise a genuine issue of fact to defeat summary judgment”); *Sanchez v. City of Los Angeles*, No. CV 07–5132 GHK (JC), 2011 WL 6951822, at *5 (C.D. Cal. Oct. 31, 2011) (“Conclusory and speculative affidavits that fail to set forth specific facts are insufficient to raise a genuine dispute of material fact.”).

For example, OFCCP cites to the Declaration of Lynn Snyder, which is laden with these sorts of objectionable statements. Ms. Snyder states that “[a]round 2008, a woman named Tricia McCarthy was moved into my team. She was initially assigned to report to Debbie. . . . Once Tricia began reporting to me I was able to see her salary. When I saw Tricia's salary, I knew there was a problem with my salary because her salary was very close to my own salary. Eventually I received a salary increase, but it was only after I complained about my salary.” Snyder Decl. (Ex. 101), ¶ 9. This paragraph raises numerous questions due to its lack of specificity. When did Ms. Snyder receive a salary increase? To whom did she “complain” about her salary? What does she mean by “complain”? These vague and ambiguous statements make it impossible to know what, precisely, occurred, and make Ms. Snyder's statements inadmissible.

The same is true of the bulk of OFCCP's evidence, and it is insufficient to carry OFCCP's burden on summary judgment.

5. Objection #5 – Relevance (29 C.F.R. §§ 18.401 - 18.411)

Only relevant evidence is admissible. 29 C.F.R. § 18.402. Relevant evidence is evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. 29 C.F.R. § 18.401.

In its submitted evidence, OFCCP includes testimony and documents on topics that are not relevant to the present litigation. For example, OFCCP cites to Exhibit 55, an undated document titled "Job Announcement for 'Solution Architect,'" in support of its statement that "Prior to 2017, Oracle notified potential candidates through its iRecruitment requisitions that they would be required to complete a pre-employment screening process that included a salary verification prior to an offer being made." SUF 167. But whether Oracle made this request is not relevant to OFCCP's claims. Indeed, while OFCCP asserts that seeking information about prior salary resulted in wage compression, SUF 157-70, there is no evidence to support this assertion. And Dr. Madden, OFCCP's expert, did no analysis to support any such assertion.

OFCCP also cites to numerous letters, emails, and communications exchanged between the parties prior to the commencement of this litigation. *See, e.g.*, Exs. 69, 70, 71. These documents are not relevant to the issues raised by OFCCP's Motion, as the Motion does not address OFCCP's conciliation efforts. Indeed, OFCCP already brought a motion for summary judgment on this issue and lost.

OFCCP also submitted declarations from seven ex-Oracle employees. *See* Exs. 97-103. None are cited in OFCCP's Separate Statement. Many provide evidence of events occurring at either unknown times or at dates prior to the audit period. *See, e.g.*, Snyder Decl., ¶ 9. One declarant, Kristen Hanson Garcia, worked in Human Resources and is not even a member of the three job functions against whom Oracle allegedly discriminated. *See* Hanson Garcia Decl. (Ex.

102), ¶¶ 2, 4. Yet Ms. Hanson Garcia is the only declarant who says anything about alleged bias at Oracle. *Id.*, ¶ 7. And her one statement says nothing about a systemic pattern or practice of pay discrimination at Oracle – it is an undated, one-line, anonymous anecdote. The remaining declarations are mostly complaints from employees who were not paid or promoted to their satisfaction, including one ex-employee whose experience with discrimination was not being able to take a business-class flight seven years ago. *See Powers Decl. (Ex. 98)*, ¶ 9. In fact, four of the six declarants who worked in the job functions at issue in this case had a first-level manager to whom OFCCP sent their April 2019 solicitation letter, which means OFCCP admits these managers did not discriminate. Decl. of Erin Connell ISO Oracle’s Opp. to OFCCP’s Mot. for Summ. J. and Resp. to Statement of Uncontested Facts (“Connell Decl.”), ¶ 3; OFCCP’s Aug. 22, 2019 Position Statement at 9.

6. Objection #6 – Incomplete Exhibits (29 C.F.R. §§ 18.72(c)(i)-(ii))

Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of *materials in the record*. In numerous cases, OFCCP has cited to deposition excerpts that were omitted from the record. For example, OFCCP cites to Ms. Waggoner’s deposition testimony in Exhibit 27 at 312:10-20 and 310:2-24 to support SUF 177. However, this deposition excerpt is not included within Exhibit 27, and appears nowhere within the record. Similarly, OFCCP cites to Ms. Westerdahl’s deposition testimony at 319:21-320:7 and 321:7-22 to support SUF 219. Further, OFCCP cites to her deposition testimony at 321:12-22 to support SUF 220. Again, OFCCP failed to include any of these deposition excerpts within Exhibit 37, and OFCCP fails to include that testimony anywhere in the record. Consequently, any deposition testimony or documents that which are cited to but have been omitted from the record must be stricken.

7. Objection #7 – Authentication (29 C.F.R. §§ 18.901)

Pursuant to 29 C.F.R. § 18.901, a party must properly authenticate all evidence introduced into the record as a condition precedent to admissibility. “Authentication is a

condition precedent to admissibility” *Orr v. Bank of Am.*, 285 F.3d 764, 773 (9th Cir. 2002) (citations and internal quotations omitted). The requirement of authentication is related to relevance, as evidence has no probative value if it is not what the proponent claims it to be. *Id.* at 773 n.7. The party offering the evidence has the burden of presenting sufficient evidence of authenticity to sustain a finding that the evidence is what it is purported to be. *United States v. Estrada-Eliverio*, 583 F.3d 669, 673 (9th Cir. 2009). “Unauthenticated documents cannot be considered in a motion for summary judgment.” *Orr*, 285 F.3d at 773 (citations omitted).

Here, OFCCP has failed to authenticate the majority of the evidence it submitted to support its Motion. Mr. Garcia attached over 100 exhibits to his declaration. Many of these documents appear to be Oracle compensation-related documents, training materials, guidelines, and Employee handbooks. *See, e.g.*, Exs. 8-16. However, in almost every instance, Mr. Garcia failed to authenticate each of these documents. *See, e.g.*, Garcia Decl., ¶¶ 9-17. Although a few documents were properly authenticated by the introduction of deposition testimony from Oracle employees, OFCCP did nothing to authenticate most of the evidence upon which it relies. *Compare* Garcia Decl., ¶ 5 & Ex. 4 (deposition transcript of Hea Jung Atkins, authenticated with court reporter’s certification) *and* Garcia Decl., ¶ 6 & Ex. 5 (deposition transcript of Shauna Holman-Harries pursuant to Rule 30(b)(6), authenticated with court reporter’s certification) *with* Garcia Decl., ¶ 10 & Ex. 9 (unauthenticated). Because OFCCP failed to authenticate these exhibits, they cannot be introduced into the record and thus must be stricken.

8. Objection #8 – Best Evidence Rule (29 C.F.R. 18. §§ 1002, 1004)

The “best evidence rule” operates to exclude secondary evidence offered to prove the contents of a writing, recording or photograph. 29 C.F.R. §18.1002; *United States v. Valdovinos-Mendez*, 641 F.3d 1031, 1035 (9th Cir. 2011) (custodian’s testimony admissible only as to “absence of records, not to the contents of records sought to be proved”). Here, OFCCP impermissibly offers several documents in an effort to prove that the Notice of Violation “described the data fields (from the compensation data Oracle provided to OFCCP during the

compliance review) that OFCCP included in its compensation analysis.” SUF 23. OFCCP likewise tries to offer the deposition testimony of Shauna Holman-Harries, attempting to prove that the 2014 Affirmative Action Plan designated Shauna Holman-Harries as the “Individual Responsible for Plan Implementation.” In both instances, the original document—either the NOV or the 2014 Affirmative Action Plan—is the best evidence of what that document says.

In addition, OFFCP impermissibly cites to Oracle’s Position Statements, as well as to the Court’s Order Denying OFCCP’s Motion for Summary Judgment Order (the “Order”), issued on May 23, 2019, to assert “facts” located in a variety of different documents. *See, e.g.*, SUF 14-16, 18-23, 50. For example, in SUF 15, OFCCP cites the Order to assert that on March 29, 2016, OFCCP emailed Oracle proposing a meeting during April 2016. The email itself is the best evidence of what that particular document says and should be cited, not the Order. Likewise, SUF 16 asserts that on April 21, 2016, OFCCP responded to 40 of Oracle’s questions, but refused to answer others. Again, the correspondence itself is the best evidence and should be cited, not the Order. Consequently, all citations to the Order to support OFCCP’s “uncontested material facts” in its Separate Statement are inappropriate and must be stricken.⁴

9. Objection #9 – Privilege

Courts commonly recognize that “communications in preparation for and during the course of a mediation with a neutral must be protected.” *Folb v. Motion Picture Indus. Pension & Health Plans*, 16 F. Supp. 2d 1164, 1180 (C.D. Cal. 1998), *aff’d*, 216 F.3d 1082 (9th Cir. 2000). The privilege covering communications exchanged in preparation for mediation applies in this case. 29 C.F.R. § 18.501 (“the privilege of a witness, person, government, State, or political subdivision thereof shall be governed by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience”). The text of the letter submitted as Exhibit 82 makes clear that it was sent in connection with an anticipated

⁴ To the extent Oracle objected to this evidence in connection with OFCCP’s prior Motion for Summary Judgment, Oracle incorporates those objections here by reference.

mediation between the parties with a third-party neutral, and addresses information provided to OFCCP under the mediation privilege. It is therefore not admissible evidence.

OFCCP contends that Oracle “chose to do nothing” in response to its privileged compensation analyses. Mot. at 28. OFCCP has no idea what privileged actions Oracle has taken to address pay disparities in response to its privileged pay analyses. And OFCCP cannot use the assertion of a privilege as proof of anything. *Parker v. Prudential Ins. Co. of Am.*, 900 F.2d 772, 775 (4th Cir. 1990) (a party “asserting the privilege should not face a negative inference about the substance of the information sought.”); *Broyles v. Cantor Fitzgerald & Co.*, Nos. 10-854-JBB-CBW, 10-857-JJB-CBW, 2016 WL 7656028, at *2 (M.D. La. Sept. 8, 2016) (precluding party from offering evidence or argument concerning a party’s invocation of the attorney-client privilege and from asking questions of the party’s witnesses where the questions would elicit invocation of the attorney-client privilege); *King Drug Co. of Florence, Inc. v. Cephalon, Inc.*, Nos. 2:06-cv-1797, 2:06-cv-2768, 2016 WL 278054, at *2-3 (E.D. Pa. Jan. 22, 2016) (precluding plaintiffs from offering evidence or argument concerning defendant’s invocation of the attorney-client privilege and from asking questions that would elicit invocation of the attorney-client privilege); *Crosby v. U.S. Dep’t of Labor*, 53 F.3d 338 at *2 (9th Cir. 1995) (“[I]t is not appropriate to draw adverse inferences from the failure to produce documents protected by the attorney-client and work product privileges.”).

10. Objection #10: Inadmissible Character Evidence

“Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith.” 29 C.F.R. § 18.404(b). Thus, while OFCCP might attempt to argue that certain anecdotal evidence is relevant to establishing that “unlawful discrimination has been a regular procedure or policy followed by an employer,” *Int’l Bhd. of Teamsters v. United States*, 431 U.S. 324, 360 (1977), “only discrimination or retaliation of the same character and type as that is alleged” could be probative, *White v. U.S. Catholic Conference*, No. CIV.A.97-1253TAF/JMF, 1998 WL 429842, at *5 (D.D.C. May 22, 1998).

Indeed, Rule 404 “would cease to be meaningful if any act of discrimination was admissible without a nexus to the type of discrimination charged.” *Id.* at *6 (discussing Rule 404(a)). Ignoring this rule, OFCCP offers evidence that Oracle refused to let an employee work from home while she was nursing her child, despite letting other employees work from home. Rosberg Decl., ¶ 9 (Ex. 99). Not only is this evidence not relevant (as evidence by the fact that OFCCP does not even cite it in its SUFs), but it is improper character evidence. Oracle categorically rejects the notion that this evidence is harmful to Oracle or demonstrates that Oracle engaged in misconduct of any sort. Nonetheless, the fact remains that the sole purpose of Ms. Rosberg’s statement is to improperly suggest that Oracle discriminated against women in compensation because a former female employee believes Oracle treated her unfairly in other, unrelated ways. Such evidence is improper and inadmissible.

B. Oracle Objects to Evidence Presented by OFCCP’s Expert, Dr. Madden

Expert testimony is inadmissible without “a valid ... connection to the pertinent inquiry.” *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 592 (1993); *see also* Fed. R. Evid. 702; 29 C.F.R. § 18.702. OFCCP, as the proponent of Dr. Madden’s testimony, has the burden of establishing its admissibility. *See Lust By & Through Lust v. Merrell Dow Pharms., Inc.*, 89 F.3d 594, 598 (9th Cir. 1996); *Obesity Research Inst., LLC v. Fiber Research Int’l, LLC*, No. 15-cv-595-BAS(MDD), 2017 WL 1174756, at *2-3 (S.D. Cal. Mar. 29, 2017). The court’s task “is to analyze not what the experts say, but what basis they have for saying it,” and whether it “logically advances a material aspect of the proposing party’s case.” *Daubert v. Merrell Dow Pharms., Inc.*, 43 F.3d 1311, 1315-16 (9th Cir. 1995) (internal citations omitted). Here, Dr. Madden’s initial and rebuttal expert reports are irrelevant, unreliable, and thus inadmissible. Dr. Madden’s untimely new sur-rebuttal analyses are inadmissible on the same grounds, and also because they were untimely submitted in violation of the Court’s order.

1. Objection #11 – Dr. Madden’s Reports Are Irrelevant.

As set forth more fully in Oracle’s Motion to Exclude the Expert Reports and Testimony

of Janice Fanning Madden, Ph.D. (“Oracle’s *Daubert* Mot.”), Dr. Madden was retained to analyze whether there are “gender differences in compensation in the Product Development, Information Technology, and Support job functions” and “racial differences in compensation in the Product Development job function” at Oracle’s headquarters location. Ex. 91 (“Madden Rpt.”) at 1. This necessitates a “case-specific” comparison of “similarly situated employees.” 41 C.F.R. § 60-20.4(a). “Relevant factors in determining similarity may include tasks performed, skills, effort, levels of responsibility, working conditions, job difficulty, minimum qualifications, and other objective factors.” *Id.* Thus, under both OFCCP regulations and Title VII, “individuals are similarly situated when they have similar jobs and display similar conduct.” *Vasquez v. Cty. of Los Angeles*, 349 F.3d 634, 641 (9th Cir. 2003). “Making a comparison to similarly situated employees is essential to proving a discrimination case because it is only illegal to treat employees of a protected class differently from similarly situated employees.” *E.E.O.C. v. Bloomberg, L.P.*, 778 F. Supp. 2d 458, 483 (S.D.N.Y. 2011). Because Dr. Madden made no attempt to compare similarly situated employees, did not have adequate factual bases for the studies she conducted, and did not account for legitimate reasons for pay differences among the thousands of employees covered by OFCCP’s claims, her analyses are irrelevant, and her conclusions based on them unreliable. *See* Fed. R. Evid. 702; 29 C.F.R. § 18.702; Oracle’s *Daubert* Mot. at 6-14.

Dr. Madden’s analyses are also inadmissible because they are inconsistent with her own prior practice, including her work when not serving as OFCCP’s paid trial expert (*see* Oracle’s *Daubert* Mot. at 14-16); her aggregated, bottom-line results do not show a pattern or practice of discrimination (*id.* at 16-17); she has not studied whether any specific practice caused the pay disparities she claims to have found (*id.* at 17-18); and her “assignments” analysis is legally irrelevant and is an unreliable basis for the sweeping conclusions she claims to draw from it (*id.* at 18-20).

In short, for all the reasons set forth in Oracle’s *Daubert* Motion, Oracle objects to

Dr. Madden's Report (Ex. 91), her Rebuttal Report (Ex. 92 ("Madden Rebuttal")), and her deposition testimony based on those reports (Ex. 90 [entire transcript] ("Madden Dep.") and Ex. 95 [hand-marked excerpts of Dr. Madden's transcript]).

2. Objection #12 – Dr. Madden's New Analyses Are Untimely, Irrelevant, and Inadmissible.

OFCCP also attempts to rely on untimely new analyses attached to Dr. Madden's October 11, 2019 declaration that were generated weeks after the deadline for expert reports in support of OFCCP's MSJ. *See* OFCCP's Mot. at 23; SUF No. 244-251 (describing Dr. Madden's new analyses reflected in Tables D1 through D5); Corrected Decl. of Norman E. Garcia (Oct. 30, 2019), Ex. 89 at Ex. 9 ("Madden Decl.").

These new analyses are inadmissible for a host of reasons.

a. Dr. Madden's New Analyses Are Untimely.

It is well-established that a party may not use in support of a motion for summary judgment, testimony or evidence it did not produce in accordance with the Federal Rules of Civil Procedure and the court's scheduling order. *See* Fed. R. Civ. P. 37(c)(1) ("[a] party that without substantial justification fails to disclose information required by Rule 26(a) . . . is not, unless such failure is harmless, permitted to use as evidence at a trial, at a hearing, or on a motion any witness or information not so disclosed."); *Pickern v. Pier 1 Imports, Inc.*, 457 F.3d 963, 969 (9th Cir. 2006) (district court's exclusion, at the summary judgment stage, of testimony from plaintiff's expert was not an abuse of discretion where plaintiff failed to serve the expert report by deadline set in scheduling order).

Under Rule 26(a)(2)(B)(i), an expert must produce a written report that contains "a complete statement of all opinions the witness will express and the basis and reasons for them." The report must be "detailed and complete" and state "the testimony the witness is expected to present during direct examination together with the reasons therefor." Fed. R. Civ. P. 26, 1993 Advisory Committee's Note. Expert disclosures may be supplemented as ordered or "if the party

learns that in some material respect the disclosure or response is incomplete or incorrect.” Fed. R. Civ. P. 26(e)(1). Supplements, however, may not be used to extend the deadline for the disclosure of expert reports or serve as a “a loophole through which a party who submit[s] partial witness disclosures, or who wishes to revise [its] disclosures in light of [its] opponent’s challenges to the analysis and conclusions therein, can add them to [its] advantage after the court’s deadline for doing so has passed.” *Luke v. Family Care & Urgent Med. Clinics*, 323 F. App’x 496, 500 (9th Cir. 2009); see *In re C.F. Bean L.L.C.*, 841 F.3d 365, 371 (5th Cir. 2016).

Dr. Madden’s new analyses are an untimely expert report. As the Court is aware, more than six weeks after the final deadline for expert rebuttal reports in this case, OFCCP disclosed a series of unauthorized new statistical analyses from Dr. Madden introducing new variables, new employee groupings, and additional bases and reasons to support her conclusions. See Oracle’s Mot. For Protective Order (Oct. 11, 2019) at 3-5. This culminated with OFCCP presenting as Exhibit 9 to the deposition of Dr. Saad several “new” statistical analyses, a never-before-seen declaration signed by Dr. Madden earlier that same day, and simultaneously serving counsel for Oracle with 2,000-plus pages of backup files. *Id.* at 5.

Oracle moved for a protective order to preclude OFCCP from relying on these untimely analyses in connection with OFCCP’s MSJ. In denying Oracle’s motion without prejudice, the Court explained that the untimely material would be a “new report” to the extent it “adds new bases and reasons for the conclusions” in Dr. Madden’s initial and rebuttal reports. See Order Denying Oracle’s Mot. For a Protective Order (Oct. 18, 2019) (“PO Order”) at 5. The Court declined, however, to decide on exclusion because “OFCCP has not yet offered any evidence If OFCCP attaches material to its dispositive motion that Oracle believes should be excluded as an untimely expert report, it can make appropriate objections at that time.” *Id.* at 7.

Despite OFCCP’s attempt to downplay the fact that Exhibit 9 contains new analyses, Dr. Madden’s own deposition testimony and declaration clearly describe this as a “new” report. See Madden Dep. 241:14-20; see also Madden Decl., ¶¶ 4-5 (in Exhibit A, Dr. Madden

“analyze[s] how the addition of [new variables] affect[s]” the conclusions of her “original analyses”); *id.* ¶ 6 (in Exhibit B, Dr. Madden offers an entirely new methodology to study initial job placement); *id.* ¶ 7 (in Exhibit C, Dr. Madden “prepared a [new] table” in response to Dr. Saad’s criticism); *id.* ¶ 8 (in Exhibit D, Dr. Madden “re-analyze[d] Dr. Saad’s Tables 1-5 . . . making two changes”).⁵

OFCCP’s proffered rationale for disregarding the Court-imposed deadlines is that it needed to respond to Dr. Saad’s rebuttal critique of Dr. Madden’s analyses. *See* PO Order at 5. The Court has already rejected this argument. *Id.* (explaining that the fact that no sur-rebuttals were contemplated for either party “should have been apparent to OFCCP when it negotiated the schedule”). Nor can OFCCP justify its six-week delay in presenting the new analyses to Oracle, as Dr. Madden testified—and her backup files confirm—she performed the new analyses after reviewing Dr. Saad’s August 16, 2019 rebuttal report and prior to September 5, 2019, over a month before she signed and OFCCP shared her belated declaration. Madden Dep. 241:2-20.

Finally, OFCCP fails to demonstrate that its delay in presenting Dr. Madden’s new analyses is harmless to Oracle. *Yeti by Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1107 (9th Cir. 2001) (“Implicit in Rule 37(c)(1) is that the burden is on the party facing sanctions to prove harmlessness.”). Because OFCCP failed to produce the 2,000-plus page backup to Dr. Madden’s untimely analyses until after Dr. Madden’s deposition and mid-way through Dr. Saad’s deposition, Oracle had no meaningful opportunity to review the analyses, prepare its expert, or question Dr. Madden in anticipation of if or how OFCCP would rely on this evidence on summary judgment. Nor is it fair or appropriate for OFCCP to unilaterally avail itself of an unauthorized sur-rebuttal to address Dr. Saad’s criticism of the Agency’s expert, where Oracle has not had the opportunity to have its expert respond to Dr. Madden’s rebuttal report. OFCCP negotiated for simultaneous initial and rebuttal disclosures and should be held to the bargain it struck rather than seeking to gain unfair tactical advantage over Oracle by muscling in a later

⁵ As explained further below, Oracle only discusses the content of Dr. Madden’s October 11, 2019 declaration and new analyses to the extent the Court is inclined to consider this evidence, even though it was not timely tendered.

report as the last word.

For the foregoing reasons, Dr. Madden's new analyses (*i.e.*, the entirety of her October 11, 2019 declaration and Exhibits A to D thereto) should be excluded under Rule 37(c)(1) as untimely, unjustified, and harmful.

b. Dr. Madden's New Analyses Are Irrelevant and Unreliable.

Even if Dr. Madden's new analyses had not been untimely disclosed to the prejudice of Oracle (which they were), these new analyses would *still* be inadmissible as irrelevant and unreliable. *See* Fed. R. Evid. 702; 29 C.F.R. § 18.702; *Daubert*, 509 U.S. at 589. The Court need only consider Oracle's remaining objections to the substance of Dr. Madden's new analyses, however, to the extent it otherwise concludes the evidence is timely and properly before the Court.

None of Dr. Madden's new analyses correct the fundamental failures of her approach described *supra*—including, foundationally, her failure to compare similarly-situated employees or to construct models that appropriately account for the legitimate bases why different employees in different roles, levels, teams, and product lines are paid differently at Oracle.

c. Exhibit D—the Lone Portion of Dr. Madden's New Analyses to Which OFCCP's MSJ Cites—Is Irrelevant and Unreliable.

In describing Exhibit D—the only new analyses OFCCP relies on in its MSJ—Dr. Madden declares that she “re-analyze[d] Dr. Saad's Tables 1-5 [from his August 16 rebuttal report] . . . making two changes”—namely, studying base pay instead of total compensation, and removing the control for “Organization.”⁶ Madden Decl., ¶ 8.

⁶ It is also important to note that these are not “Dr. Saad's Tables,” as Dr. Saad has not presented an independent, from the ground up model reflecting similarly situated employees at Oracle because he was retained to critique OFCCP's statistical evidence, which is entirely consistent with OFCCP's burden in this case. *See* Oracle's MSJ § IV.B.1. Rather, Tables 1-5 of Dr. Saad's rebuttal are simply modifications of Dr. Madden's models in which “total compensation is measured correctly, Dr. Madden's models are disaggregated by job function to track the allegations of the SAC, and additional variables better account for differences in employee skills and the type of work they perform at Oracle are introduced (Ex. 94 (“Saad Rebuttal”) at ¶ 87), while otherwise retaining the features of her aggregated models that Dr. Saad elsewhere criticizes (*id.* ¶ 92). That Dr. Madden was unable to respond to Dr. Saad's criticism of her tables in rebuttal is not an excuse for including new material after the deadline for expert disclosures has passed, as the simultaneous rebuttal date was clearly contemplated by the parties and understood by the Court. *See* PO Order at 5.

By removing the control for “Organization,” Dr. Madden continues to recoil from any measure of employees’ actual skill. Oracle’s business is organized by lines of business (“LOBs” or “organizations”), which are focused on distinct parts of Oracle’s business, operations, and products. Incorporation of an “Organization” variable is correlated with product, and work on different products often requires different skills. Oracle’s MSJ § II.D. In deposition, Dr. Madden concedes, as she must, that differences in skills are a “competing explanation[]” for pay differences among Oracle employees, but she claims that accounting for these differences would have been “too hard.” Madden Dep. 116:20-117:19, 111:9-17. In her sur-rebuttal declaration, however, the only reason Dr. Madden offers for removing “Organization” is because “the disparities increase and show a greater level of statistical significance.” Madden Decl., ¶ 9. These are not valid bases for excluding a legitimate factor influencing pay at Oracle, and in doing so, Dr. Madden only highlights her own failure to compare similarly situated employees.

Second, Dr. Madden’s shift to base pay is inconsistent with the OFCCP’s claims and prior statistical models presented in this litigation. Dr. Saad’s initial report responds to the SAC’s arguments that women and Asians earn less in total compensation, which is also the measure OFCCP uses for its damages calculations. SAC ¶¶ 13-14. OFCCP inexplicably departs from this measure of pay and Dr. Madden’s insistence on analyzing only base salary is not founded in the facts of this case. *See* Oracle’s Opp. to OFCCP’s Mot. § IV.B. Indeed, while base salary may equal total compensation for Oracle employees that receive no stocks or bonus, this measure of pay is entirely inadequate for other employees who may receive a greater share of their total compensation in bonuses and stock awards than they receive in base pay. Ex. 93 (“Saad Rpt.”) at ¶ 126; Saad Rebuttal ¶ 73 n.87. Dr. Saad has further explained how properly-measured total compensation (rather than base pay or Medicare wages) is the more relevant variable based on the facts of this case. Saad Rpt. ¶¶ 105-107. Dr. Madden simply chooses to ignore these critiques without justification or support.

In sum, nothing in Exhibit D corrects fundamental failures of Dr. Madden’s model to

appropriately compare similarly situated employees, nor is Exhibit D the product of any additional research or investigation of Oracle that would provide sufficient bases for Dr. Madden's untimely opinions.

d. Exhibits A through C of Dr. Madden's New Analyses Are Likewise Irrelevant and Unreliable.

OFCCP does not reference or rely on any of the new analyses in Exhibits A through C of Dr. Madden's October 11, 2019 declaration in support of its Motion. But Oracle anticipates that the Agency may nonetheless attempt to cite to them in reply to rehabilitate its deficient motion and claims. As a result, Oracle separately objects to these untimely analyses for the procedural reasons set forth above, and also objects to these new analyses as inadmissible because they do not offer relevant, reliable information for the following reasons.

Exhibit A of Dr. Madden's new analyses introduces a different control for "education" within Tables 1a, 1b, 2a, 2b and 3a of her initial report, which she claims controls for "college major and field of study" consistent with "the classification of majors designed by Dr. Saad."⁷ Madden Decl., ¶ 4. This untimely addition of a modified control in support of Dr. Madden's misguided comparisons—*i.e.*, of "employees who come to Oracle with equivalent credentials" (Madden Rebuttal at 1)—is not helpful to evaluating the claims at issue. To begin, this refined measure still relies on amalgamating data that is missing for almost 60% of the employees. Saad Rebuttal ¶ 19. Moreover, Dr. Saad never endorsed using broad buckets of educational majors as part of a regression analysis or claimed these buckets would similarly situate employees with respect to their relevant educational background. He simply pointed out that Dr. Madden had neglected to use the educational major information she had scraped from resumes, and that women and men (and Asian and white employees) in the population differed to a statistically significant degree in the types of degrees they had pursued (which he summarized by "categories

⁷ Rather than comport with Title VII's requirement to compare similarly situated employees, Dr. Madden has invented her own comparator standard, described as "employees who come to Oracle with equivalent credentials," which she measures by "experience" and highest degree of "education." Madden Rebuttal at 1-2; *see also* Madden Dep. 14:25-15:6.

for easier viewing”). *Id.* ¶¶ 49-52 n. 55. Further, for the reasons explained in Objection No. 11 above, Dr. Madden’s attempt to shore up flaws in her initial “education” variable still fails to compare employees with similar relevant skills and experience, which renders the revised model here just as meaningless as her prior iterations. *See also* Oracle’s *Daubert* Mot. at 6-12 (underscoring how Dr. Madden’s overly simplified model does not comport with applicable Title VII law). Thus, Dr. Madden’s incorporation of what she deems a “college major and field of study” variable into the new analysis in Exhibit A does not otherwise save her irrelevant, mis-specified pay models.

In **Exhibit B** of her new analyses, Dr. Madden uses an *entirely new methodology* to study the global career levels into which employees are hired compared to the levels to which they applied. *See* Decl. of Ali Saad in Supp. of Oracle’s Objs. to Evid. Submitted ISO OFCCP’s Mot. (“Saad Objs. Decl.”), ¶ 5.⁸ As Dr. Saad explained in his initial report that OFCCP’s job “assignment” theory fails to account for the evidence that “men and women [and white and Asian applicants] tend to apply for different positions at different career levels at Oracle” to a statistically significant degree, which contradicts OFCCP’s position that Oracle systemically steers women (or minorities) into lower career levels. Saad Rpt. ¶¶ 147-56. Oracle has explained, in detail, why Dr. Madden’s rebuttal efforts to address these facts fail. *See* Oracle’s *Daubert* Mot. at 18-19 (explaining that Dr. Madden’s cherry-picked rejoinder of specific IC-level results directly contradicts OFCCP’s across-the-board “assignment” claims).

In response to this criticism, Dr. Madden completely changes her approach, contradicting her own prior opinions about how these analyses should be constructed in a transparent attempt to find some method of analysis that will support her pre-determined conclusions. While she

⁸ Oracle includes a declaration from Dr. Ali Saad in connection with its objections to the admissibility of Exhibit B (one of the four exhibits) to Dr. Madden’s declaration for the limited purpose of providing the Court with additional information to assist in understanding what Dr. Madden has (and has not) done in her Exhibit B analysis, and to bring to the Court’s attention additional detail from Dr. Madden’s back-up materials that she did not include in the exhibit or her declaration, which are needed to understand Exhibit B in particular. If the Court is inclined to admit some or all of Dr. Madden’s untimely analyses in ruling on summary judgment, *Daubert* motions, or at trial, Dr. Saad is prepared to present a complete opinion regarding and response to the entirety of her declaration and Exhibits A through D, which principles of fairness would require so OFCCP does not violate the simultaneous expert disclosure exchange procedure in this case free of consequences.

previously emphasized the importance of using age as a proxy for experience to “identify similarly situated employees”—*see* Madden Rebuttal at 13—she omits age as a control and thus lacks even a crude proxy for “experience.” *See* Saad Objs. Decl., ¶ 6. And while she previously criticized Dr. Saad for presenting aggregated results (instead of breaking them out by global career level)—*see* Madden Rebuttal at 35, Charts R1 and R2—her new Exhibit B analysis adopts an aggregated model across levels and reports only bottom-line results across level. *Id.* ¶ 7. Dr. Madden’s own back-up, however, shows that even her jerry-rigged new analysis generates a variety of positive and negative outcomes, belying any suggestion that the bottom-line results in Exhibit B indicate any pattern or practice of results adverse to women or minorities. *Id.* ¶ 8. Exhibit B thus fails to support any allegations of systemic bias in “assignments,” or to justify Dr. Madden’s refusal to consider the level of work different employees perform and responsibilities they have in her pay models.

Finally, in **Exhibit C** of her new analyses, Dr. Madden presents tables that purport to show “gender and racial disparities” within different job functions at Oracle. Madden Decl., ¶ 7. But these are just drill-downs on Column 1 of her pay models—*i.e.*, raw, unadjusted measures of pay outcomes by race or gender, with *no controls whatsoever* (though she does separate out results here by job function, contrary to her prior approach). These numbers are meaningless. Nowhere in Dr. Madden’s reports or testimony does she assert that an unadjusted comparison of raw averages reflects a meaningful analysis of pay disparities between similarly-situated employees; on the contrary, she has repeatedly claimed the exact opposite. *See, e.g.*, Madden Rebuttal at 13 (explaining why she elsewhere uses age, time at Oracle, and education level to “define similarly situated, or ‘otherwise the same,’ employees of different races and genders at Oracle”); Madden Rpt. at 5 (attesting that “[e]conomists expect that individual compensation will vary with the productivity of individual employees” and the attendant need to account for productivity differences in a pay model). This analysis is meaningless and does not reflect any relevant “differences” in pay among similarly-situated employees.

For all the reasons set forth above, Oracle objects to Dr. Madden’s new analyses (Exhibit 9 to Exhibit 89 to the Corrected Garcia Declaration) as inadmissible.

III. SPECIFIC OBJECTIONS TO EVIDENCE

Oracle hereby objects to and moves to strike the following evidence submitted by OFCCP in support of its motion for summary judgment.⁹

A. Exhibit 1: Letter from Erin Connell to Marc Pilotin

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 1, ¶ 2, Ex. 1, Letter from Erin Connell to Marc Pilotin, dated August 7, 2017.</p>	<p>Objection #5: Relevance</p> <p>SUF 2, 3: Neither assertion is relevant to this motion.</p>

B. Exhibit 2: Oracle America, Inc’s Responses and Objections To OFCCP’s Second Set Of Requests for Admissions

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 1, ¶ 3, Ex. 2, Oracle America, Inc’s Responses and Objections to OFCCP’s Second Set of Requests for Admissions, dated May 31, 2019.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 4: OFCCP cites to Exhibit 2, Request for Admission No. 3, to support the assertion that Oracle HQCA has had over 50 or more employees from at least 2013 to the present. However, Exhibit 2 does not contain a Request for Admission No. 3. In fact, nowhere in Exhibit 2 does it support that Oracle has had 50 or more employees from at least 2013 to the present.</p>

⁹ Oracle’s specific objections use the following convention: In the left column, Oracle identifies the specific evidence objected to, by page and line number where possible. In the right column, Oracle identifies the evidentiary objection, and the SUF (or page of OFCCP’s Motion) for which the objection is relevant.

C. Exhibit 3: Federal Contractor Selection System (FCSS) Scheduling Report

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 1, ¶ 4, Ex. 3, Federal Contractor Selection System (FCSS) Scheduling report, DOL000038371-76</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 9: OFCCP cites to Exhibit 3 in support of the fact that Oracle Redwood Shores Compliance Review was scheduled in accordance with OFCCP’s neutral selection plan. Nowhere in the document, however, is it stated that the compliance review was scheduled in accordance with OFCCP’s neutral selection plan. Similarly, Exhibit 3 does not state that the Compliance review was scheduled in accordance with OFCCP’s neutral selection plan.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 9: It is unclear what the charts in Exhibit 3 at DOL000038371-76 represent, or how it is relevant in any way to this litigation.</p>

D. Exhibit 4: Deposition of Hea Jung Atkins

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Atkins Dep. 40:3-12</p> <p>Q. When it says “nationally,” and you’re told to review, is it – you’re told, look at the headquarters, look at their other offices? What kind of guidance are you then given?</p> <p>A. Oh. We are actually given the address of the facility to review.</p> <p>Q. So it’s your best recollection that National</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 9: The deposition excerpt is cited by OFCCP to support the assertion that the Oracle Redwood Shores location was selected as part of OFCCP’s neutral selection plan. OFCCP, however, fails to lay Ms. Atkins’ personal knowledge regarding the matter.</p> <p>Objection #3: Evidence Does Not Stand for</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>told you to review the Redwood Shores facility for Oracle?</p> <p>A. Yes.</p>	<p>the Proposition It Is Cited to Support.</p> <p>SUF 9: OFCCP cites to this deposition excerpt to assert that the Oracle Redwood Shores Compliance Review was scheduled in accordance with OFCCP’s neutral selection plan. Nowhere in the cited deposition excerpt does Ms. Atkins ever say, however, that Oracle’s Redwood Shores location was selected for a compliance review in accordance with OFCCP’s neutral selection plan.</p>

E. Exhibit 5: PMK Deposition of Shauna Holman-Harries

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Holman-Harries PMK Dep. 200:12-14</p> <p>Q. Did Oracle receive a copy of a Show Cause Notice from OFCCP on or about June 8th, 2016?</p> <p>A. Yes</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 11: OFCCP cites to this deposition excerpt to assert that it issued a Notice of Violation (NOV) pertaining to the Redwood Shores Compliance Review. A Notice of Violation, however, is not referenced.</p> <p>SUF 19: OFCCP cites to this deposition excerpt to assert that “in response,” OFCCP issued a Show Cause Notice. There is no evidence to support the notion, however, that the Show Cause Notice was “in response” to something.</p> <p>Objection #5: Relevance.</p> <p>SUF 11: This document is cited by OFCCP to assert that OFCCP issued a Notice of Violation to Oracle on or about March 11, 2016. Because this deposition excerpt discusses the issuance of a show cause order dated on or about June 8, 2016, it does not make it more or less probably</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>that Oracle received a Notice of Violation on or about March 11, 2016. Thus, this deposition excerpt is not relevant. Additionally, whether Oracle received a Show Cause Notice is irrelevant to OFCCP’s Motion.</p> <p>Objection #8: Best Evidence</p> <p>SUF 11, 19: The Show Cause Notice is the best evidence to portray that OFCCP issued a Show Cause Notice.</p>
<p>Holman-Harries PMK Dep. 184:14-24</p> <p>Q. And Oracle did not offer any factors that OFCCP should consider that would explain the disparities described in the NOV, right?</p> <p>A. Well, Oracle – no, I don’t – Oracle asked – told the OFCCP that they – they thought a cohort analysis should be done because each job is so different at Oracle that they did not feel the groupings that OFCCP chose to use were comparing – was comparing apples to apples. They did not con – consider that these jobs were performing the same – the same work.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 35: OFCCP cites to this deposition excerpt to assert that between March 11, 2016 and January 2017, Oracle never offered any variable that OFCCP should consider in its statistical model that would explain the compensation disparities. The deposition testimony cited does not support the asserted date range of March 11, 2016 to January 2017. OFCCP did not limit its questions to a certain date range, nor did Ms. Holman-Harries offer a date range. Additionally, the testimony from Ms. Holman-Harries at 195:1-6 does not support this “fact.” Ms. Holman-Harries testified that Oracle did not suggest a factor to address “the specific types of work performed by individual employees.” Ex. 5, Holman-Harries Dep. Tr. 195:3-4. The question was not about disparities described in the NOV, nor did Ms. Holman-Harries offer testimony about disparities described in the NOV.</p> <p>Objection #5: Relevance.</p> <p>SUF 35: The parties’ prelitigation correspondence is irrelevant to OFCCP’s Motion.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Holman-Harries PMK Dep. 195:1-6</p> <p>Q. Did Oracle suggest a factor or a variable that OFCCP should consider that would address the specific types of work performed by individual employees? A. No, not any – not anything – one factor.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 35: OFCCP cites to this deposition excerpt to assert that between March 11, 2016 and January 2017, Oracle never offered any variable that OFCCP should consider in its statistical model that would explain the compensation disparities. The deposition testimony cited does not support the asserted date range of March 11, 2016 to January 2017. OFCCP did not limit its questions to a certain date range, nor did Ms. Holman-Harries offer a date range. Additionally, the testimony from Ms. Holman-Harries at 195:1-6 does not support this “fact.” Ms. Holman-Harries testified that Oracle did not suggest a factor to address “the specific types of work performed by individual employees.” Ex. 5, Holman-Harries Dep. Tr. 195:3-4. The question was not about disparities described in the NOV, nor did Ms. Holman-Harries offer testimony about disparities described in the NOV.</p> <p>Objection #5: Relevance.</p> <p>SUF 35: The parties’ prelitigation correspondence is irrelevant to OFCCP’s Motion.</p>
<p>Holman-Harries PMK Dep. 193:12-199:2</p> <p>Q. Okay. Let's just look at -- back at this letter that's Exhibit -- Exhibit 9, and this -- A. Is that Erin's letter? Q. No, this is Gary's letter still that -- A. Okay. Q. -- that we were looking at before, and it says in Roman numeral IV. A. Okay. I'm -- of course I already shuffled this.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 23: OFCCP cites this document for the proposition that “The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis.” Nowhere in the excerpt, however, does it state that OFCCP relied on Oracle compensation data that</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q. I think that's the one. A. Is it? Nine. Okay. Q It is. So back to Page 3 -- A Okay. Q -- of the letter -- A Sure, sure. Q -- from Gary to Hea Jung Atkins. A Okay. Q Okay. So at the bottom of -- of this Roman numeral IV, it says: "In many cases, no two employees at HQCA have the same or similar job unless they have no or possibly just one or two comparators." So Oracle was taking the position that OFCCP would need to consider groupings of – of employees, some of which would be just two or three employees, right? A It could be. Q Okay. Looking at Page 16. A Sixteen of 18? Q Yes, 16 of 18. Okay. At the very top of the page, it says: "None of variables the OFCCP considered addresses this specific type of work performed by individual employees." A Is that in the very first par- -- oh, I see. Okay, it starts with "However," okay. Q Did Oracle suggest a factor or a variable that OFCCP should consider that would address the specific types of work performed by individual employees? A No, not any -- not anything – one factor. Q Okay. Looking at Page 15 of 18, there's Footnote 17 which says: "We presume, quote, work experience at Oracle means simply length of time at Oracle since hire or acquisition." And that was referring to -- was Oracle presuming that the work experience that OFCCP considered in its model meant length of time at Oracle since hire or acquisition? A I'm not certain. I -- I believe that they</p>	<p>OFCCP included in its compensation analysis. In addition, this excerpt does not support the proposition that the NOV described the data fields OFCCP included in its compensation analysis.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 23: The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 23: OFCCP cites this deposition testimony to assert that a Notice of Violation from OFCCP to Oracle described data fields from Oracle’s compensation data. However, the vast majority of this deposition excerpt has nothing to do with the Notice of Violation. More importantly, the excerpt does not support the fact OFCCP used Oracle’s compensation data in its compensation data. Consequently, this excerpt is not relevant. In addition, this excerpt does not support the proposition that the NOV described the data fields OFCCP included in its compensation analysis. Additionally, whatever the NOV contained or described is not relevant to OFCCP’s Motion.</p> <p>Objection #8: Best Evidence Rule.</p> <p>SUF 23: OFCCP cites this document for the proposition that “The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis.” The NOV is the best evidence of what the NOV described.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>were just basically talking about at time -- time -- time at Oracle rather than relevant work experience. And I just know that from some of the different discussions with regard to this item.</p> <p>Q Okay. Actually, let's -- let's just look up at the text where these footnotes appear --</p> <p>A Okay.</p> <p>Q -- the text of the letter. It says: "Each of the regression models" -- those are compensation regression models -- "simply -- state simply that the model involved the natural log of annual salary as its dependent variable and accounted for differences in employee's gender, race, et cetera, work experience at Oracle, work experience prior to Oracle, full-time, part-time status, exempt status, global career level, job specialty and job title." So the footnote to -- to work experience at Oracle is referring to that factor that OFCCP used in the model described in the NOV, right?</p> <p>A Yes.</p> <p>Q Okay. And so Oracle states that it presumes that work experience at Oracle means the length of hire -- or the length of time at Oracle since hire or acquisition?</p> <p>A Yes.</p> <p>Q Okay. And then Oracle also makes an assumption regarding the -- what work experience prior to Oracle meant in OFCCP's model that it described in the NOV, right?</p> <p>MR. PARKER: The document speaks for itself.</p> <p>THE WITNESS: Yes.</p> <p>BY MS. BREMER:</p> <p>Q And there aren't any other footnotes -- the other -- the other factors -- Oracle knew what data OFCCP was considering for these other factors, right?</p> <p>MR. PARKER: Misstates the testimony. Asked and answered.</p> <p>THE WITNESS: The question was, did Oracle</p>	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>know what data the OFCCP was considering for these other factors? Is that the question that you asked.</p> <p>BY MS. BREMER:</p> <p>Q Okay. Let me -- these other factors -- okay. So, for example, gender, that was included -- gender was a field of data that was included in the compensation snapshot that Oracle provided to OFCCP, right?</p> <p>A Yes.</p> <p>Q Okay. And full-time, part-time status, that was also a field of data that was in the snapshot?</p> <p>A Yes.</p> <p>Q Exempt status was a field of data in the compensation snapshot?</p> <p>A Yes. But not all of these were, so I don't know -- I think they -- the answer to your question is for some of them but not -- not all of them.</p> <p>Q Okay.</p> <p>A Not all of these factors.</p> <p>Q Right. I'm just going through them --</p> <p>A Yeah.</p> <p>Q -- one by one.</p> <p>A Okay.</p> <p>Q Global -- global career level was also a -- that was also a column of data that was included in the compensation snapshot?</p> <p>A Yes.</p> <p>Q Job specialty was as well?</p> <p>A Yes.</p> <p>Q And job title was another data field?</p> <p>A Yes.</p> <p>Q Okay. Okay. And so on Pages 17 and 18 of 18, Oracle provides OFCCP with some comparisons of individual employees, correct?</p> <p>A Yes.</p> <p>Q And this was after OFCCP had already advised Oracle that it would not consider a cohort analysis in response to the NOV, right?</p> <p>A Yes.</p>	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Holman-Harries PMK Dep. 76:20-24</p> <p>Q. Okay. And looking at Exhibit 126 which was produced in native format, Oracle provided compensation data to OFCCP in Excel spreadsheets, correct?</p> <p>A. Yes.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 23: OFCCP cites this document for the proposition that “The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis.” Nowhere in the excerpt, however, does it state that OFCCP relied on Oracle compensation data that OFCCP included in its compensation analysis. In addition, this excerpt does not support the proposition that the NOV described the data fields OFCCP included in its compensation analysis.</p> <p>Objection #5: Relevance.</p> <p>SUF 23: OFCCP cites this deposition testimony to assert that a Notice of Violation from OFCCP to Oracle described data fields from Oracle’s compensation data. However, the vast majority of this deposition excerpt has nothing to do with the Notice of Violation. More importantly, the excerpt does not support the fact OFCCP used Oracle’s compensation data in its compensation data. In addition, this excerpt does not support the proposition that the NOV described the data fields OFCCP included in its compensation analysis. Consequently, this excerpt is not relevant. Additionally, whatever the NOV contained or described is not relevant to OFCCP’s Motion</p> <p>Objection #8: Best Evidence Rule.</p> <p>SUF 23: OFCCP cites this document for the proposition that “The NOV described the data fields (from the compensation data Oracle</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis.” The NOV is the best evidence of what the NOV described.</p>
<p>Holman-Harries PMK Dep. 80:17-97:11</p> <p>Q Okay. Looking at Exhibit 126. A Okay. Q Again, this was a voluminous Excel spreadsheet, and what I did was what I described with the other compensation snapshot. I selected the first rows of data in the Excel spreadsheet and printed them. And because of the large number of columns in this spreadsheet, this first rows of data that I selected printed on approximately 20 pages. So the approximately 20 pages in Exhibit 126 show the data for the first 23 people listed in the database. Does that make sense? A Yes. Q Okay. Why don't -- just look at the -- the data fields that Oracle provided to OFCCP as part of the 2014 compensation snapshot which is -- A Yeah, if you give me a minute just to look through this, I appreciate it. Q Sure. A Okay, thank you. Q Sure. So the first -- the first data field is the -- is the last name. Is that the last name of the employee? A Yes. Q And then the third column of information is ID number. Is that a unique employee identifier? A Yes. Q And then the next column in the compensation snapshot shows the employee's gender, correct? A Yes.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 23: OFCCP cites this document for the proposition that “The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis.” Nowhere in the excerpt, however, does it state that OFCCP relied on Oracle compensation data that OFCCP included in its compensation analysis. In addition, this excerpt does not support the proposition that the NOV described the data fields OFCCP included in its compensation analysis.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 23: This deposition excerpt is vague and ambiguous to the extent it seeks information regarding “different types of compensation information” that Oracle provided to OFCCP during the compliance audit. Further, it is vague as to what is meant by a “compensation snapshot for 2014.”</p> <p>Objection #5: Relevance.</p> <p>SUF 23: OFCCP cites this deposition testimony to assert that a Notice of Violation from OFCCP to Oracle described data fields from Oracle’s compensation data. However, the vast majority of this deposition excerpt has nothing to do with the Notice of Violation. More importantly, the excerpt does not support</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q And then Oracle has also provided the race for the employee?</p> <p>A Yes.</p> <p>Q And then the next column is for national origin. Did Oracle provide data regarding the national origin of its employees?</p> <p>A No, we don't track that data.</p> <p>Q Oracle provided data in the compensation snapshot for each employee's job title, correct?</p> <p>A Yes.</p> <p>Q And then tuning to the next page, Or- -- the compensation snapshot provided by Oracle provided each employee's job function, right?</p> <p>A Yes.</p> <p>Q It also provided each employee's job specialty?</p> <p>A Yes.</p> <p>Q Looking at -- at the job function column for data, there's data that says "PRODEV." Does that stand for the product development job function?</p> <p>A Yes.</p> <p>Q And then "INFTECH" stands for information technology job function?</p> <p>A Yes.</p> <p>Q And does "SUPP" stand for the support job function?</p> <p>A Where is -- where is that one?</p> <p>Q It's -- the first few people on this snapshot were not in the support job function.</p> <p>A Oh, oh. Yes, I believe there is. Without looking at the sheet, I couldn't tell you for certain, but that sounds like a type of coding that would have been used.</p> <p>Q And the 2014 compensation snapshot that Oracle provided to OFCCP during the compliance review did have -- include the job function of every employee at Oracle's headquarters, correct?</p> <p>A Yes, I believe so.</p>	<p>the fact OFCCP used Oracle's compensation data in its compensation data. In addition, this excerpt does not support the proposition that the NOV described the data fields OFCCP included in its compensation analysis. Additionally, whatever the NOV contained or described is not relevant to OFCCP's Motion.</p> <p>Objection #8: Best Evidence Rule.</p> <p>SUF 23: OFCCP cites this document for the proposition that "The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis." The NOV is the best evidence of what the NOV described.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q Okay. And then it provided – the snapshot provided job specialty information for Oracle's employees too?</p> <p>A Yes.</p> <p>Q The next column of data is H1B status. And at least all the data fields on this page indicate number sign N/A. What does that mean.</p> <p>A That means that that particular person didn't have a Visa according to the categories listed in the next three columns. So I know that that was -- Visa information was provided, but -- and the particular cut that you would have here, it's not applicable to the people that were listed --</p> <p>Q Okay. Let's --</p> <p>A -- in those -- in the categories. You've got like the three -- three categories.</p> <p>Q The three categories you're referring to are: Visa types held from 1-1-13 to 6-30-14, All Visas Held, and Status Change History or -- and H1B Status, not a Status Change History?</p> <p>A Yes. Yes, all these -- yes, the three columns that you just mentioned.</p> <p>Q And what about Status Change History?</p> <p>A Status Change History, I would have to -- that would have been, I believe, related to that also because of the -- and -- and simply because -- and I -- and I'm reminded as far as, you know, what that is but I'm assuming because of the color coding at the top. Whenever we added a new -- frequently, not whenever -- but often when we added a new section, we would color code it for OFCCP to find it more easily.</p> <p>Q And when you say I believe it related to that, you mean to Visa data as well?</p> <p>A It could have, yeah. I want to – to double-check everything and see the entire spreadsheet to be able to say for certain.</p> <p>Q Okay. Turning to the next page, the second column is entitled "Job Group."</p>	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A Yes.</p> <p>Q So in the 2014 compensation spreadsheet Oracle provided job group information to OFCCP for all -- all employees at HQCA, right?</p> <p>A Yes.</p> <p>Q And it also provided their grade, right?</p> <p>A Yes.</p> <p>Q And what does -- what does "grade" refer to?</p> <p>A Pay grade would refer to -- if you look at it, you'll see an "either" on some, and you'll see "and" on others. That refers to whether the person was exempt or non-exempt. And then you'll see a number, and that that categorizes people according to whatever pay range their job has been classified in.</p> <p>Q When you say "their job," are you referring to job code?</p> <p>A Well, job code is representational of job title. It's not exact. But I'm referring to -- yes, I think that that would be -- that would be fair, whatever their -- their job had been classified in as represented by the job code.</p> <p>Q Okay. And Oracle provided data in the next four columns for each employee's supervisor in the compensation snapshot as well, correct?</p> <p>A Yes.</p> <p>Q So turning to the next page, Oracle provided data for employee's data of birth in the 2014 compensation snapshot as well, correct?</p> <p>A Yes.</p> <p>Q And there's a column that's Global Career Level. What is that?</p> <p>A That is the way that Oracle uses -- it's a coding system, and it -- it organizes people according to, generally, the job that their doing, you know, how -- some of the different responsibilities they have. So, for instance, a person that would come in with absolutely no</p>	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>experience, work experience at all, might come in as a IC0, a con- -- an individual contributor zero. And as they – the job requires more experience, the person would -- the numbering would increase.</p> <p>So an IC1 would be, again, a person of low experience, at least for the job that they are performing. And then IC2 would be a little bit more and IC3 a little bit more and so on and so forth. And then you've also got the manager levels, and they follow the same type of rationale with -- starting with M for your management levels, and like a -- a manager -- like an M6 is, I believe -- I would have to look, but I think – I think that one is like a senior director, but I'd have to -- to look at -- back at the job title. But -- but you -- you kind of get what I mean. Or maybe an M5 is a senior director, or a -- an M6 might be a VP. But like -- but that type of thing going up. But I could be off one without looking at the titles next to it.</p> <p>Q So the managers also -- and someone with an M1 global career level would have less experience than somebody with an M5 global career level?</p> <p>A Yeah, for the job that they're performing would be less responsibilities.</p> <p>Q Okay. And so Oracle provided --</p> <p>A I want to qualify –</p> <p>Q -- data --</p> <p>A I want to qualify something. It doesn't necessarily mean less experience. It would be less experience as required by the job. So I might have a person that has 20 years experience, but, you know, they're an individual contributor at a specific level. And, you know, that's -- that's kind of like the job that they are performing. So it's related to both of them.</p>	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q It's related to both the job that they're performing and -- and their experience in that job?</p> <p>A Correct.</p> <p>Q And Oracle provided -- provided data in the 2014 compensation snapshot for each employee's global career level?</p> <p>A Yes.</p> <p>Q And the next column of data that Oracle provided in the snapshot is entitled "Department," correct?</p> <p>A Yes.</p> <p>Q The next column on the next page is Work Unit Flow. Is this the same information that was provided in the original Item 11 response?</p> <p>A I believe so.</p> <p>Q And then Exhibit 126 has a column "Original Hire Date."</p> <p>A Uh-huh.</p> <p>Q Was -- was that the date that the employee was originally hired by Oracle?</p> <p>A Not necessarily. It could be.</p> <p>Q Okay. What -- what is "Original Hire Date"?</p> <p>A It could be the original date that the employee was hired by Oracle, but it could also be a hire date that we were given by a company, or Oracle was given by a company, it acquired for the hire date with that particular company.</p> <p>Q Okay. And -- and so Oracle included that data as well in the compensation snapshot --</p> <p>A Yes.</p> <p>Q -- to OFCCP?</p> <p>A Yeah.</p> <p>Q Okay. What does the column "Date and Time" refer to?</p> <p>A We were trying to do some calculations for some of the requests that OFCCP had, and so we used -- or Neil, when he put this together, he put the -- he put everything effective as of that date, as of 1/1/14, for the compensation</p>	

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<p>snapshot. And then he took hire date and ran some kind of a mathematical formula to get the -- the timing at Oracle in years.</p> <p>Q Okay. And so date -- "Date and Time" also reflects that this is a compensation snapshot as of January 1st, 2014?</p> <p>A Yes.</p> <p>Q Okay. So the data also included -- the data that Oracle provided to OFCCP as part of the 2014 compensation snapshot also included a time with company years and also time with company months?</p> <p>A Yes.</p> <p>Q And -- and what does that information reflect?</p> <p>A As far as the months, that -- that's all based off of this 1/1/14 date, so it would be the years and months. It's just broken up. So they -- they're supposed to go together.</p> <p>Q Okay. So it's the total amount of time that -- that each employee had been with Oracle, employed by Oracle?</p> <p>A Yes.</p> <p>MR. PARKER: Misstates the testimony.</p> <p>THE WITNESS: It -- yes, it -- yes, it could be, or it could also include -- and I'd have to look to be absolutely certain. It also could include maybe the time with the company that Oracle acquired.</p> <p>BY MS. BREMER:</p> <p>Q So either the -- the time that the employee had been employed by Oracle or one of its predec- --</p> <p>A Right.</p> <p>Q -- acquisitions?</p> <p>A Yeah.</p> <p>Q Okay. Let's turn to the next page on Exhibit 126. There's a column of "Data PT/FT." What is that?</p> <p>A Okay, wait a minute. I think I'm -- maybe I flipped too much. Let's see, we've got that.</p> <p>MR. GARCIA: I think she skipped a page.</p>	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>BY MS. BREMER: Q Yeah, this is the page after -- A Oh. Q -- the page with time with company months and -- A This was either part time or full time. Q Okay. And -- and does "P" indicate part time? A Yes. Q And -- and "F" in that column indicates full time? A Yes. Q Okay. So as part of the 2014 compensation snapshot that Oracle provided to OFCCP, it included data showing whether each employee was full time or part time? A Yes. Q Okay. And it also implied – provided data showing exempt status, correct? A Yes. Q And -- and what is that? A What is exempt status? Q What -- what is that column indicating? A The one that says "Exempt Status"? Q Yes. A Whether -- whether they are exempt or nonexempt under the Fair Labor Standards Act, or -- or if they're exempt from the Fair Labor Standards Act or not. Q And -- and what does an "E" in that column mean? A That they're exempt. Q And what about an "N"? A Nonexempt. Q Okay. The next column of data in the 2014 compensation snapshot is "Salary," correct? A Yes. Q Is that annual salary? A That particular column was the annual salary that was reported on the initial Item 11 submission for their base salary in the system.</p>	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q Okay. And then turning to the next page, there is also a data field for "Regular Wages" and then "Total Compensation." What are those?</p> <p>MR. PARKER: Compound.</p> <p>THE WITNESS: Well, you've got regular salary, and then you've got regular wages, and that has to do with whether a person is exempt or nonexempt as far as their -- their wages. And then the total compensation, that was -- that was pulled -- some of that data that I told you about that was pulled from OAL, that would be the total compensation that the employee earned.</p> <p>BY MS. BREMER:</p> <p>Q And that -- would that include bonuses?</p> <p>A It should. I'd have to -- to look to verify that. It -- let me -- let me look across a second real quick. Because we've organized it a little differently on the most recent audits. I would have to double-check and make absolutely certain. But I'm thinking so because I'm looking at the one where it has the -- the regular wages, yeah. So I'm not sure.</p> <p>MR. PARKER: Shauna, you don't have to talk out loud.</p> <p>THE WITNESS: Okay. Or think out loud, you mean?</p> <p>MR. PARKER: Yeah.</p> <p>THE WITNESS: Okay.</p> <p>MR. PARKER: You can just -- you told her you would --</p> <p>THE WITNESS: Yeah, I'd have to check.</p> <p>MR. PARKER: You don't know. You think -- you thought it -- it should include bonuses.</p> <p>THE WITNESS: Okay.</p> <p>MR. PARKER: You said you would have to check.</p> <p>THE WITNESS: I -- yeah, to be absolutely certain.</p> <p>BY MS. BREMER:</p>	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q But in any event, there were different types of compensation information that Oracle provided to OFCCP during the compliance audit, different types of compensation that each employee received?</p> <p>MR. PARKER: Vague and ambiguous.</p> <p>THE WITNESS: There were different categories of compensation.</p> <p>BY MS. BREMER:</p> <p>Q Okay. Now we're going to flip a few pages. This is the problem with them not being numbered.</p> <p>A I know. I know, right?</p> <p>Q So flip to the page where at the top in the left-hand column it says "Perf Rating 2013"?</p> <p>A Okay. I've to find that page. Just a minute.</p> <p>MR. PARKER: Why don't you show her what it looks like.</p> <p>THE WITNESS: Oh, I know what it looks like. I'm just -- I just have to flip through and find which one. But thank you, though. Okay.</p> <p>BY MS. BREMER:</p> <p>Q Okay. So the column on the far right says "Education."</p> <p>Was education data provided for anyone in the 2014 compensation snapshot?</p> <p>A No.</p> <p>Q Looking at the next page of Exhibit 126, the column is "School Attended."</p> <p>Was any information regarding school attended provided in the 2014 compensation snapshot to OFCCP?</p> <p>A No.</p> <p>Q And what about the next column, "Prior Salary/Acquired"?</p> <p>A I would have to look and see if -- if there was an amount, it -- if it -- they came -- I would have to -- I would have to double-check and see a full spreadsheet to be able to answer that.</p> <p>Q And what is "Prior Salary/Acquired"?</p> <p>What -- what does that reference?</p>	

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A That would have been the salary at the company, what they were making at the company that we acquired -- that Oracle acquired.</p> <p>Q Was -- was Exhibit 126 the last Excel spreadsheet containing compensation data for 2014 that Oracle provided to OFCCP during the compliance review period?</p> <p>A If it's the spreadsheet -- if it is in fact the spreadsheet that was attached to the 10/29 e-mail, the answer is yes.</p> <p>Q And so that would be the most complete compensation snapshot for 2014 that was provided to OFCCP?</p> <p>MR. PARKER: Vague and ambiguous.</p> <p>THE WITNESS: You mean the spreadsheet on 10/29?</p> <p>BY MS. BREMER:</p> <p>Q Yes.</p> <p>A Yes.</p>	
<p>Holman-Harries PMK Dep. 182:13-183:22.</p> <p>MS. BREMER: Show you what's been marked as Exhibit 7 to the Jane Suhr PMK deposition. (Exhibit 7 previously marked for identification.)</p> <p>Q Was Exhibit 7 OFCCP's response to Oracle's letter which was marked as Exhibit 6 to the Jane Suhr PMK deposition?</p> <p>A Yes.</p> <p>Q So in this response, OFCCP responded to some of Oracle's questions, right?</p> <p>A A few of them.</p> <p>Q And it also -- the letter also stated why other questions were inappropriate, right?</p> <p>A From the OFCCP's perspective.</p> <p>MS. BREMER: I'm going to show you what has been marked as Exhibit 9 to Jane Suhr's PMK deposition. (Exhibit 9 previously marked for identification.)</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 23: OFCCP cites this document for the proposition that “The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis.” Nowhere in the excerpt, however, does it state that OFCCP relied on Oracle compensation data that OFCCP included in its compensation analysis. In addition, this excerpt does not support the proposition that the NOV described the data fields OFCCP included in its compensation analysis.</p> <p>Objection #5: Relevance.</p> <p>SUF 23: OFCCP cites this deposition testimony to assert that a Notice of Violation from OFCCP to Oracle described data fields</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q Exhibit 9 is Oracle's position statement, correct? MR. PARKER: Misstates the document. BY MS. BREMER: Q Okay. Just looking at the -- the first page is an e-mail cover letter from Gary Siniscalco to Hea Jung Atkins dated May 25th, 2016, correct? You nodded -- A You mean on -- on this? Yes. Q Yes. So the cover -- the cover letter that's attaching the May 25th, 2016 letter says: "Attached please find our position statement in response to Mr. Dole's letter of March 11, 2016 as requested by you." So this was Oracle's position statement to OFCCP's NOV, right? A Yes.</p>	<p>from Oracle's compensation data. However, the vast majority of this deposition excerpt has nothing to do with the Notice of Violation. More importantly, the excerpt does not support the fact OFCCP used Oracle's compensation data in its compensation data. In addition, this excerpt does not support the proposition that the NOV described the data fields OFCCP included in its compensation analysis. Additionally, whatever the NOV contained or described is not relevant to OFCCP's Motion.</p> <p>Objection #8: Best Evidence Rule.</p> <p>SUF 23: OFCCP cites this document for the proposition that "The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis." The NOV is the best evidence of what the NOV described.</p>
<p>Holman-Harries PMK Dep. 173:11-23</p> <p>Q. In the letter at the bottom of this third paragraph that we were talking about before the break, OFCCP says: 'Argument of counsel, affirmations of good faith in making individual decisions and cohort comparisons are insufficient to rebut statistical evidence of systematic discrimination.' Do you see that?</p> <p>A. Which – which paragraph is it in? Is it in the – his letter, right? This first –</p> <p>Q. Yes, yes, the – the first page of Exhibit 5 to the Suhr PMK.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It is Cited to Support</p> <p>SUF 24: OFCCP cites to this deposition excerpt to assert that between March 11, 2016 to January 17, 2017, OFCCP took the position that it was conducting a statistical analysis, comparing groups of employees, not comparing individuals. None of the evidence OFCCP cites supports the date range of March 11, 2016 through January 17, 2017 that OFCCP asserts. Nor does the excerpt support OFCCP's assertion, regardless of the date range. Ms. Holman-Harries' deposition testimony at 173:11-23 is simply OFCCP reading that statement into a question, with no positive answer from Ms. Holman-Harries about the significance of that statement. Neither on its face nor pursuant to the deposition testimony cited does the statement say anything about</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>OFCCP’s position on what kind of analysis it was conducting. It is a statement about what OFCCP believed could be competent rebuttal evidence.</p> <p>Objection #5: Relevance.</p> <p>SUF 24: Prelitigation correspondence is not relevant to OFCCP’s Motion.</p>
<p>Holman-Harries PMK Dep. 176:18-23</p> <p>Q. OFCCP’s position that – was that it was conducting a statistical analysis of the evidence not looking at individuals, right?</p> <p>A. They said they were looking at – at groups of people. They were not looking at doing a cohort analysis.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It is Cited to Support</p> <p>SUF 24: OFCCP cites to this deposition excerpt to assert that between March 11, 2016 to January 17, 2017, OFCCP took the position that it was conducting a statistical analysis, comparing groups of employees, not comparing individuals. None of the evidence OFCCP cites supports the date range of March 11, 2016 through January 17, 2017 that OFCCP asserts.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 24: The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 24: Prelitigation correspondence is not relevant to OFCCP’s Motion.</p>
<p>Holman-Harries PMK Dep. 175:3-176:10</p> <p>Q. What was your understanding of OFCCP’s statement that cohort comparisons are insufficient to rebut statistical evidence of systematic discrimination?</p> <p>A. My understanding was that OFCCP said there was a systemic issue and it was not going</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It is Cited to Support</p> <p>SUF 25: OFCCP cites to this deposition excerpt to assert that between March 11, 2016, and January 17, 2017, Oracle advocated conducting a ‘cohort analysis.’ None of the evidence OFCCP cites supports the date range of March 11, 2016 through January 17, 2017</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>to look at people that were doing essentially the same work and comparing those people against each; rather, they were going – they were looking at an overall comparison regardless of if they were doing the same work.</p> <p>Q. What’s your understanding of the term ‘cohort’?</p> <p>A. A cohort would be somebody doing the same type of work that somebody else would be doing. So, for instance, on my team, I have a couple of people that are doing – doing compliance or diversity from a compliance perspective, and they would be cohorts. However, I have a counterpart that has people on her team that – that do diversity, but they do it from an inclusions perspective. My team, they were – they’re required to do a lot of data manipulation and – and research and that type of thing. And her team, they – you know – they – they meet and greet with people and they – they build branding. So we – they would not be cohorts with us; however, two people on my team that are doing the same work would be cohorts.</p> <p>Q. So cohorts under your definition would be people who are doing the – the same – the same work, individuals who are doing the same work?</p> <p>MR. PARKER: Asked and answered.</p> <p>THE WITNESS: Yes.</p>	<p>that OFCCP asserts.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 25: The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 25: Prelitigation correspondence is not relevant to OFCCP’s Motion.</p>
<p>Holman-Harries PMK Dep. 200:8-25</p> <p>Q. Did Oracle receive a copy of a Show Cause Notice from OFCCP on or about June 8, 2016?</p> <p>A. Yes.</p> <p>Q. And is this a true and correct copy of the Show Cause Notice that was sent to Oracle?</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support. .</p> <p>SUF 24: OFCCP cites to this deposition transcript excerpt for the proposition that between March 11, 2016 and January 17, 2017, OFCCP took the position that it was conducting</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A. It looks like it.</p> <p>Q. And after – after OFCCP issued this Show Cause Notice, Oracle requested an in-person meeting – a conciliation meeting with OFCCP, correct?</p> <p>A. To the best of my memory, yes.</p> <p>Q. And Oracle and OFCCP agreed to meet on October 6th, 2016?</p> <p>A. Yes.</p>	<p>a statistical analysis, comparing groups of employees, not comparing individuals. This excerpt, however, does not support the date range of March 11, 2016 through January 17, 2017 that OFCCP asserts, nor does it support the position in which OFCCP took regarding any statistical analysis. Further, Ms. Holman-Harries’ deposition at 200:8-25 is about the Show Cause Notice and therefore has no bearing on its assertion.</p> <p>SUF 26: OFCCP cites to this deposition excerpt to assert that the parties met in person on October 6, 2016. The deposition testimony does not support this fact. Ms. Holman-Harries agreed that “Oracle and OFCCP agreed to meet on October 6th, 2016.” Holman-Harries Dep. Tr. 200:23-25. The cited evidence says nothing about whether the parties did, in fact, meet on October 6, 2016.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 24: The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 24, 26: OFCCP cites to this deposition transcript excerpt for the proposition that between March 11, 2016 and January 17, 2017, OFCCP took the position that it was conducting a statistical analysis, comparing groups of employees, not comparing individuals. This excerpt, however, has nothing to do with OFCCP’s position regarding a statistical analysis. Additionally, prelitigation correspondence is not relevant to OFCCP’s Motion.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Holman-Harries PMK Dep. 208:9-211:3</p> <p>Q Okay. Speaking on behalf of Oracle, do you -- does Oracle have Charles Nyakundi's original notes of the October 6th, 2016 conciliation meeting?</p> <p>A They would be -- if -- they would be retained on Charles Nyakundi's computer.</p> <p>Q Okay.</p> <p>MS. BREMER: So, Counsel --</p> <p>THE WITNESS: Work computer.</p> <p>MS. BREMER: Okay. So, Counsel, I request the original notes be produced.</p> <p>MR. PARKER: I hear your request.</p> <p>BY MS. BREMER:</p> <p>Q Looking at Page 1 of the notes, there is a header after the first paragraph that says "Hiring and recruiting portion of the NOV," with a colon. Who -- is it your understanding that that reflects someone's statement, or was that included by either you or Charles to describe?</p> <p>A I'm not sure if it reflects a statement or not. It prob- -- it could have been an organizer that either Charles or I used. Because these notes were taken al- -- well, almost three years ago. So not sure -- absolutely certain. But if -- if -- if -- that. But I think that if you look at some of the data, that it may explain it.</p> <p>Q Okay. So let's do that. Af- -- in the first paragraph after that header there's Janette with a colon.</p> <p>A Uh-huh.</p> <p>Q In these notes, if there is a person's name with a colon, does that indicate that they were the one speaking?</p> <p>A Yes.</p> <p>Q And then it says -- in the second sentence of -- after the Janette with a colon, it says: "With respect to compensation with regard to</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 23: OFCCP cites this document for the proposition that “The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis.” Nowhere in the excerpt, however, does it state that OFCCP relied on Oracle compensation data that OFCCP included in its compensation analysis. In addition, this excerpt does not support the proposition that the NOV described the data fields OFCCP included in its compensation analysis.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 23: The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 23: OFCCP cites this deposition testimony to assert that a Notice of Violation from OFCCP to Oracle described data fields from Oracle’s compensation data. However, this deposition excerpt has nothing to do with the Notice of Violation. More importantly, the excerpt does not support the fact OFCCP used Oracle’s compensation data in its compensation data. In addition, this excerpt does not support the proposition that the NOV described the data fields OFCCP included in its compensation analysis. Whatever the NOV contained or described is not relevant to OFCCP’s Motion.</p> <p>Objection #8: Best Evidence Rule.</p> <p>SUF 23: The NOV is the best evidence and</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>gender and race, shows ranges from three standard deviations." Do you see that?</p> <p>A Yes.</p> <p>Q So there was in fact some information after the hiring and recruiting header that related to compensation violations, right?</p> <p>MR. PARKER: Vague and ambiguous.</p> <p>THE WITNESS: Yes.</p> <p>BY MS. BREMER:</p> <p>Q So Janette indicated that with respect to the compensation, everything is out of your data. Did you understand -- did Oracle understand that OFCCP's analysis of the compensation was based on the -- on the compensation data that Oracle had provided to OFCCP during the compliance review?</p> <p>MR. PARKER: Asked and answered.</p> <p>THE WITNESS: Yes.</p> <p>BY MS. BREMER:</p> <p>Q She says: "It -- it is easy to replicate and pick our analysis apart." Did Oracle attempt to replicate the analysis -- the compensation analysis done by OFCCP?</p> <p>MR. PARKER: Again, the instructions are going to be if it was done at the direction of counsel or by counsel, you cannot answer, that question. Otherwise if that's not true or counsel was not otherwise involved, you can answer.</p> <p>THE WITNESS: Okay. Any attempt at replication was done by counsel.</p>	<p>speaks for itself.</p>
<p>Holman-Harries PMK Dep. 205:22-208:01</p> <p>Q. Okay. We were talking about who was taking notes –</p> <p>A, Yes. Yes, we were.</p> <p>Q. – during October 6th, 2016 conciliation meeting. What notes have you – or have your reviewed notes of the October 6, 2016 meeting</p>	<p>Objection #1: Foundation, Knowledge and/or Speculation.</p> <p>SUF 32: Ms. Holman-Harries knew no more than what was written in the notes and commented that “all I can say is, you know, what – what’s written there” in Exhibit 71. Ex. 5, Holman-Harries Dep. 236:10-13. Similarly,</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>in preparation for this deposition? A. Yes. Q. And what notes have you reviewed? A. I reviewed the notes that I took and that I sent to Charles Nyakundi, and then he added his notes to the set of notes that I took, so the final product of that. Q. Okay. And when did Charles Nyakundi add his notes to your notes? A. I don't know the exact date, but it was shortly after the – the October 6th meeting. Q. Have you seen any other notes other than your notes and Charles Nyakundi's notes that just – that reflect what happened at the October 6th, 2016 meeting? A. No. MS. BREMER: Okay. I'm going to mark Exhibit 131 a document that is Bates-numbered ORACLE_HQCA_607319 through 607325. (Exhibit 131 marked for identification.) MS. BREMER: And just for the record, I'd like to state that this – that these notes – or this document was produced last night at approximately 4:55. I did not become aware that Oracle had produced this document until our lunch break during this deposition. For that reason alone, I'm going to keep this deposition open for further questions because of the lateness of – of this. MR. PARKER: Do whatever you want to do, but I'll disagree with it. MS. BREMER: Okay. MR. PARKER: I'm not going to agree to continue the deposition, so have at it. Q. Do you recognize Exhibit 131? A. Yes. Q. And what is it? A. These are Charles Nyakundi's and my notes. Q. So these are the notes that you were talking about that Charles combined both – his notes with your notes?</p>	<p>when asked if she knew how OFCCP had come up with the 66 million number, Ms. Holman-Harries said she only knew “[j]ust from looking at this”, i.e., Exhibit 71, and that “it looks like they multiplied 22 million times three.” <i>Id.</i> 232:8-13. Ms. Holman-Harries also testified that she did not remember if Ms. Wipper explained the basis for the 66 million number. <i>Id.</i> 232:14-16.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 32: OFCCP cites to this deposition excerpt to assert that on October 6, 2016, Ms. Wipper described the remedies for the compensation violations. However, the excerpt does not support this assertion.</p> <p>Objection #5: Relevance.</p> <p>SUF 32: Prelitigation interactions are not relevant to OFCCP's Motion.</p> <p>Objection #8: Best Evidence Rule.</p> <p>SUF 32: The document itself is the best evidence regarding whatever Ms. Wipper may have stated at the Consolidated Notes found at Exhibit 71.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A. Yes. Q. And was that done – that was done in 2016? MR. PARKER: Asked and answered. THE WITNESS: Yes.</p>	
<p>Holman-Harries PMK Dep. 209:18-25</p> <p>Q. And then it says – in the second sentence of – after the Janette with a colon, it says: ‘With respect to compensation with regard to gender and race, shows ranges from three standard deviations.’ Do you see that? A. Yes.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support:</p> <p>SUF 28, 29, 30, 31, 32: OFCCP cites to this deposition excerpt to assert that at the October 6, 2016 meeting, Oracle took the position that OFCCP should be looking at individuals or cohorts. This deposition excerpt does not support this assertion. This testimony is about the unrelated statement “With respect to compensation with regard to gender and race, shows ranges from three standard deviations, as ascribed by Ms. Wipper.</p> <p>Objection #5: Relevance. Prelitigation correspondence is not relevant to OFCCP’s Motion.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 28, 29, 30, 31, 32: This excerpt is being quoted to indicate what is stated in a document. The document speaks for itself and is the best evidence.</p>
<p>Holman-Harries PMK Dep. 218:17-19</p> <p>Q. And was it Oracle’s position that some employees would not have any comparators? A. Yes</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support:</p> <p>SUF 28: OFCCP cites this deposition excerpt to assert that at an October 6, 2016 meeting, Oracle took the position that OFCCP should be looking at individuals or cohorts. The cited testimony, however, does not refer to who Oracle believed the OFCCP should be looking at regarding its compensation analysis.</p> <p>Objection #4: Vague, Ambiguous,</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>Conclusory, and Speculative.</p> <p>SUF 28: The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 28: Prelitigation correspondence is not relevant to OFCCP’s Motion.</p>
<p>Holman-Harries PMK Dep. 222:17-223:19</p> <p>Q. Okay. And then – so looking – then it looks like – let me just ask about the notes that were prepared. These notes that we’re looking at, they were taken – your original notes were taken during the meeting, right?</p> <p>A. Yes.</p> <p>Q. Okay. And – and Charles also took notes during the meeting?</p> <p>A. Yes.</p> <p>Q. Did you take your notes on a computer?</p> <p>A. Yes.</p> <p>Q. And what about Charles?</p> <p>A. I don’t know if he took his by hand or by computer. I know he – he – I – I’m not sure, because sometimes he actually takes handwritten notes.</p> <p>Q. Okay. And when you were taking your notes, were you trying to capturing everything that was said during the meeting?</p> <p>A. Yes.</p> <p>Q. And you were trying to create an accurate description of what had occurred during the conciliation meeting?</p> <p>A. Yes. Yes.</p> <p>Q. Okay. And is it your understanding that Charles was doing the same?</p> <p>A. Yes.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support:</p> <p>SUF 28: OFCCP cites this deposition excerpt to assert that at an October 6, 2016 meeting, Oracle took the position that OFCCP should be looking at individuals or cohorts. The cited testimony, however, does not refer to who Oracle believed the OFCCP should be looking at regarding its compensation analysis.</p> <p>SUF 27, 29: In addition, this deposition excerpt is cited by OFCCP to support its assertion that on October 6, 2016, Janette Wipper described variables used in OFCCP’s compensation analysis. <i>See</i> SUF 27. Further, OFCCP cites to this excerpt to assert that Ms. Wipper told Oracle that it was not going to engage in a cohort analysis. <i>See</i> SUF 29. However, this citation fails to even mention Ms. Wipper, let alone the analysis she described at the October 6, 2016 meeting.</p> <p>SUF 30, 31, 32: OFCCP cites to this excerpt to assert that Oracle did not have data showing the products its employees worked on, and that Ms. Wipper indicated that Oracle had been steering women into lower paying jobs that could taint its compensation system. However, this deposition excerpt does not mention Janette Wipper, let alone OFCCP’s compensation analysis, or what data Oracle had</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>for a compensation system.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 27, 28, 29, 30, 31, 32: The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 27, 28, 29, 30, 31, 32: Prelitigation correspondence is not relevant to OFCCP’s Motion.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 27, 28, 29, 30, 31, 32: This excerpt is being quoted to indicate what is stated in a document. The document speaks for itself and is the best evidence.</p>
<p>Holman-Harries PMK Dep. 213:3-10</p> <p>Q. And in response, in the next paragraph, Janette says: ‘We’re not interested in specific comparators. We are looking at systemic issues. We are not going to engage in a cohort analysis.’ Is – is that accurate? A. Yes.</p>	<p>Objection #2: Hearsay</p> <p>SUF 29: In this deposition excerpt, Ms. Holman-Harries is reading a document which contains out-of-court statements for the truth of the matter asserted. Consequently, this is inadmissible hearsay.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 29: The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance. SUF 29: Prelitigation correspondence is not relevant to OFCCP’s Motion.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 29: This excerpt is being cited to indicate</p>

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	<p>what is stated in a document. The document speaks for itself and is the best evidence.</p>
<p>Holman-Harries PMK Dep. 228:20-229:10</p> <p>Q. And Janette says – or the document reflects her saying: ‘I don’t understand why what product a person is working on isn’t documented.’ Did Oracle have any data documenting the products that its employees were working on?</p> <p>A. At that time there was not a comprehensive documentation of products that people were working. There – there – it’s – it’s more in depth now. But at that time it was not an in-depth model. There was some documentation, but it wasn’t, you know, for all jobs. And – and different areas had – you know, relied on different information, so it wasn’t comprehensive to where we could just go in and pull it up really quickly at that point in time.</p>	<p>Objection #2: Hearsay.</p> <p>SUF 30: In this deposition excerpt, Ms. Holman-Harries is being read a statement by Ms. Wipper to support the truth of the matter asserted. This is an out-of-court statement that constitutes inadmissible hearsay.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 30: OFCCP cites to this deposition excerpt to establish that Oracle did not have data showing the products its employees worked on. This is not supported by this deposition excerpt. In fact, Holman-Harries states that there was “some documentation, but it wasn’t...for all jobs.”</p> <p>Objection #8: Best Evidence.</p> <p>SUF 30: This excerpt is being cited to indicate what is stated in a document. The document speaks for itself and is the best evidence.</p>
<p>Holman-Harries PMK Dep. 231:6-233:16</p> <p>Q. Okay. Let’s look at Page 6. And then at the bottom there’s a header ‘Janette provided settlement information.’ And then there’s a header for ‘Compensation.’ Do you see that?</p> <p>A. Yes.</p> <p>Q. Then it says one year, colon, 22 million for all violations. What are these – can you describe what – what Janette said about the remedy for the compensation violations?</p> <p>A. Well, just – just what it says here. She’s saying for one year, there were 22 million for</p>	<p>Objection #2: Hearsay</p> <p>SUF 29: In this deposition excerpt, Ms. Holman-Harries is reading a document which contains out-of-court statements for the truth of the matter asserted. Consequently, this is inadmissible hearsay.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 32: OFCCP cites to this deposition excerpt to assert that Ms. Wipper described remedies for the compensation violations at the</p>

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<p>all violations, women and Asians are not counted twice, 7.7 million for women and product, African-Americans 250,000, Asians 13 to 14 million, information technology 670,000 for females and 487,000 for females and support. And she said it impacted 3,561 employees. But that’s the best notes, I mean, that we can get. We were – or I was typing really fast. So – yeah.</p> <p>Q. Do you – when she said ‘for one year,’ did – did OFCCP explain that the one year was because that’s all the data that OFCCP had at that point from the compliance review?</p> <p>A. I don’t remember.</p> <p>Q. Is this three years, colon, 66 million? How do you understand that OFCCP arrived at that number?</p> <p>A. Just from looking at this. And I could be wrong, but it looks like they multiplied 22 million times three.</p> <p>Q. And did – did Janette explain that during the meeting?</p> <p>A. I don’t remember.</p> <p>Q. And do you recall her explaining at the beginning that she was – that OFCCP was only considering base pay in its calculations?</p> <p>A. I don’t remember that.</p> <p>Q. And then Juana, does that refer to Juana Sherman?</p> <p>A. Yes.</p> <p>Q. She asked at the meeting, ‘Are there any nonmonetary aspects?’</p> <p>A. Yes.</p> <p>Q. And then Janette responded: ‘Yes, we would want to propose some changes, for example, training in pay equity analysis, clearly documenting what the justification is for discrepancies, pay transparency, and explaining to the employees. There are a variety of ideas we would have for policy changes as part of the settlement.’”</p>	<p>October 6, 2016 meeting. The excerpt does not support this fact.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 32: The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance. SUF 30, 32: Prelitigation correspondence is not relevant to OFCCP’s Motion.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 32: This excerpt is being cited to indicate what is stated in a document. The document speaks for itself and is the best evidence.</p>

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<p>Do you recall her discussing any other nonmana – nonmonetary aspects of the settlement?</p> <p>A. I don't recall anything other than – than on these notes, in all honesty. I wish I did, but...</p>	
<p>Holman-Harries PMK Dep. 235:9-236:19</p> <p>Q. Okay. And then the next page, Page 7, the notes reflect Ian saying: 'With – with compensation, the numbers are more firm.'</p> <p>MR. PARKER: Sorry, where are you reading from?</p> <p>MS. BREMER: Ian. It says – first, he says: 'These are not hard numbers.'</p> <p>MR. PARKER: Okay.</p> <p>BY MS. BREMER:</p> <p>Q. And then he says: 'But with compensation, numbers are more firm.' Did you understand OFCCP to be saying that – that there was more flexibility with the – the hiring remedies than the compensation remedies?</p> <p>A. Yes.</p> <p>Q. And then the notes reflect Ian saying: 'We will ask you for more information. Formula for – for this calculation is described in the agency directive under remedies on the agency's website.' And what did – what did you understand this to mean?</p> <p>A. Just all I can say is, you know, what – what's written there, that there's a formula for – for the calculation and it's described in the agency's directive under remedies on agency's website. I don't understand it to mean anything other than that.</p> <p>Q. Okay. So OFCCP was – was just explaining to Oracle where it could find the how to calculate – how to calculate the – the remedies?</p> <p>A. That's what it says.</p>	<p>Objection #2: Hearsay</p> <p>SUF 29: In this deposition excerpt, Ms. Holman-Harries is reading a document which contains out-of-court statements for the truth of the matter asserted. Consequently, this is inadmissible hearsay.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 32: OFCCP cites to this deposition excerpt to assert that Ms. Wipper described remedies for the compensation violations at the October 6, 2016 meeting. The excerpt does not support this fact.</p> <p>Objection #5: Relevance. SUF 32: Prelitigation correspondence is not relevant to OFCCP's Motion.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 32: This excerpt is being quoted to indicate what is stated in a document. The document speaks for itself and is the best evidence.</p>

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<p>Holman-Harries PMK Dep. 239:19-242:10</p> <p>MS. BREMER: Okay. Let's – let's look at Exhibit 17 to the Jane Suhr PMK deposition. (Exhibit 17 previously marked for identification.)</p> <p>A. Do I have it?</p> <p>MR. GARCIA: No. She's trying to hand it to you.</p> <p>THE WITNESS: Oh. I'm looking for Exhibit 17. Do we already have that?</p> <p>BY MS. BREMER:</p> <p>Q. During the deposition today, you've a couple times mentioned a letter from Erin Connell. Is this the letter that you've been referring to?</p> <p>A. Let me take a look. Yes.</p> <p>Q. Okay. And the compensation discrimination violations are discussed starting on Page 6 of the letter. Do you see that?</p> <p>A. Yes.</p> <p>Q. Okay. So then on – on Page 7 of the letter, it says, at the very top: 'Oracle is a highly diverse company in terms of people, skills, products and customers. As a result, generalized statistics that might be probative in assessing employers with large number of teamsters, teachers, bank tellers, retail store clerks or cashiers, car assemblers or other similar positions are not meaningful here.'</p> <p>A. Is that on Page 7 of her – of October 31st – her October 31st letter?</p> <p>Q. Yes.</p> <p>A. Okay. I don't see that. It says: 'Oracle does not – does not have hundreds, or even dozens, of employees who are' --</p> <p>MR. PARKER: You don't have to read it out loud.</p> <p>THE WITNESS: Okay.</p> <p>MR. PARKER: You can just read it to yourself.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support:</p> <p>SUF 34: OFCCP cites this deposition excerpt to assert that Oracle did not make any monetary offer to resolve violations OFCCP asserted in the NOV. However, this deposition excerpt does not discuss that.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 34: The use of the word "analysis" is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance. SUF 34: Prelitigation correspondence is not relevant to OFCCP's Motion.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 32: This excerpt is being quoted to indicate what is stated in a document. The document speaks for itself and is the best evidence.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>BY MS. BREMER: Q. It's at the top -- A. Oh, I see, to the contrary. Okay, I see where it starts. All right. Q. Was – was Oracle taking the position that, A, that generalized – a generalized statistical analysis of Oracle's compensation could not be done? MR. PARKER: Document speaks for itself. THE WITNESS: I don't – I don't see that it says – it says that – where she's saying that – it says: 'As a result of generalized statistics that might be probative in assessing employers with large numbers of teamsters' – and it goes on to talk about – 'are not meaningful here.' So it says that it would be very difficult to do one. Q. And in the October 31st, 2016 letter, Oracle did not suggest an alternative statistical analyst of – of Oracle's compensation? A. It suggested a cohort analysis, I believe, and she provides some examples in here.</p>	
<p>Holman-Harries PMK Dep. 76:20-77:9</p> <p>Q. Okay. And looking at Exhibit 126 which was produced in native format, Oracle provided compensation data to OFCCP in Excel spreadsheets, correct? A. Yes. Q. And why did Oracle provide the compensation data? MR. PARKER: Beyond the scope. Calls for speculation. THE WITNESS: OFCCP requested that we started in some of our earlier audits that we provide it in Excel format. We used to provide it in a PDF format, and that was at the request of – as all the audits that we've gone through preceded, that was at the request of OFCCP.</p>	<p>Objection #3: Evidence Doesn't Support the Proposition for Which It Is Cited.</p> <p>SUF 37: OFCCP cites this deposition excerpt to assert that Larry Ellison was the CEO during part of the litigation period and Executive Chairman and CTO. This excerpt, however, does not reference Larry Ellison in any way, let alone support this assertion.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 32: This excerpt is being quoted to indicate what is stated in a document. The document speaks for itself and is the best evidence.</p>
<p>Holman-Harries PMK Dep. 191:3-8</p> <p>After OFCCP issued the NOV in March of</p>	<p>Objection #5: Relevance.</p> <p>SUF 36: Prelitigation correspondence is not</p>

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<p>2016 up until January of 2017, did Oracle present any competing statistical model for OFCCP to consider? MR. PARKER: Asked and answered. THE WITNESS: No.</p>	<p>relevant to OFCCP’s Motion. Furthermore, Oracle was not and is not under an obligation to offer a competing statistical model. <i>See, e.g., OFCCP v. Bank of Am.</i>, ARB Case No. 13-099, ALJ Case No. 1997-OFC-16 (Apr. 21, 2016) at 13 (rejecting OFCCP’s claim that Bank of America “had the specific burden of showing that the OFCCP’s statistical proof was unsound or to prove that the disparity occurred as a result of legitimate, non-discriminatory reasons” because “the burden of proof always remains with the OFCCP”).</p>
<p>Holman-Harries PMK Dep. 80:17-82:11</p> <p>Q. Okay. Looking at Exhibit 126. A. Okay. Q. Again, this was a voluminous Excel spreadsheet, and what I did was what I described with the other compensation snapshot. I selected the first rows of data in the Excel spreadsheet and printed them. And because of the large number of columns in this spreadsheet, this first rows of data that I selected printed on approximately 20 pages. So the approximately 20 pages in Exhibit 126 show the data for the first 23 people listed in the database. Does that make sense? A. Yes. Q. Okay. Why don’t – just look at the – the data fields that Oracle provided to OFCCP as part of the 2014 compensation snapshot which is – A. Yeah, if you give me a minute just to look through this, I appreciate it. Q. Sure. A. Okay, thank you. Q. Sure. So the first – the first data field is the – is the last name. Is that the last name of the employee? A. Yes.</p>	<p>Objection #3: Evidence Doesn’t Support the Proposition for Which It Is Cited.</p> <p>SUF 37: OFCCP cites this deposition excerpt to assert that Larry Ellison was the CEO during part of the litigation period and Executive Chairman and CTO. This excerpt, however, does not reference Larry Ellison in any way, let alone support this assertion.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 32: This excerpt is being quoted to indicate what is stated in a document. The document speaks for itself and is the best evidence.</p>

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<p>Q. And then the third column of information is ID number. Is that a unique employee identifier?</p> <p>A. Yes.</p> <p>Q. And then the next column in the compensation snapshot shows the employee's gender, correct?</p> <p>A. Yes.</p> <p>Q. And then Oracle has also provided the race for the employee?</p> <p>A. Yes.</p> <p>Q. And then the next column is for the national origin. Did Oracle provide data regarding the national origin of its employees?</p> <p>A. No, we don't track the data.</p> <p>Q. Oracle provided data in the compensation snapshot for each employee's job title, correct?</p> <p>A. Yes.</p>	

F. Exhibit 6: Deposition of Lynne Carrelli

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Carrelli Dep. 30:23-32:7</p> <p>Q. What do you do regarding focal reviews, if anything?</p> <p>A. Are you referencing the process of focal reviews?</p> <p>Q. I'm just as wide as possible. What, if anything, do you do regarding focal reviews?</p> <p>A. Okay. Answer questions that may come up.</p> <p>Q. Anything else?</p> <p>A. Test the – what we refer to as the module, having to do with I.T. testing of the module before we roll it out.</p> <p>Q. Anything else?</p> <p>A. That's just a broad question. H.R. business partner, any testing, answering questions, providing guidelines.</p>	<p>Objection #3: Evidence Doesn't Support the Proposition for Which It Is Cited.</p> <p>SUF 57: OFCCP cites to this excerpt to assert that the US compensation team uses the instructions and training that the global compensation team provided and trains its human resource business partner teams and responds to their questions about them. The evidence cited does not support the assertion that the U.S. Compensation Team “trains its human resources business partner teams and responds to their questions about them.” Ms. Carrelli testified that the U.S. Compensation Team will “answer questions that may come up.” Carrelli Dep. 31:2-4. Ms. Carrelli did not specify that these questions are from human</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q. How do you provide guidelines? A. Some of the presentations that you have referenced in general terms, not the same presentations, may be provided to H.R. as guidelines. Q. Do you draft any part of those presentations? A. No. MS. MANTOAN: Objection; asked and answered. Q. So these guideline presentations, who do you receive them from? A. Global compensation. Q. Who particularly – so the organization, global compensation? Is that what you’re referring to? A. No. Q. So when you say “global compensation,” who are you referring to? A. I’m referring to Kate Waggoner and her team. Q. So you’re referring to the global compensation team? A. Team, correct.</p>	<p>resources business partner teams or that they relate to anything in particular. The evidence therefore does not support the fact.</p> <p>SUF 58: OFCCP cites to this excerpt from 31:10-32:7 to assert that Oracle’s Global Compensation Team establishes uniform written compensation practices and trainings that Oracle implements globally, conducts market salary surveys for all job codes, sets salary ranges for all job codes, and administers and maintains Oracle’s global job table. Nowhere in the testimony does Ms. Carrelli attest that the Global Compensation Team “establishes uniform written compensation practices and trainings that Oracle implements globally.” The cited evidence also does not support the assertion that the Global Compensation Team “conducts market salary surveys for all jobs.” Ms. Carrelli’s cited testimony is silent on this topic. The cited evidence also does not support the assertion that the Global Compensation Team sets salary ranges “for all job codes.” The cited evidence also does not support the assertion that the Global Compensation Team “administers and maintains Oracle’s global job table.”</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 57, 58: Ms. Carrelli did not specify that these questions are from human resource business partner teams or that they relate to anything in particular.</p>
<p>Carrelli Dep. 88:15-22</p> <p>Q. Okay. Do you know when the global compensation team was formed?</p>	<p>Objection #3: Evidence Doesn’t Support the Proposition for Which It Is Cited.</p> <p>SUF 55: OFCCP cites to this excerpt to assert that in 2016, Oracle reorganized its Corporate Compensation Team into a Global</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A. It was formed around the time that Kris Edwards joined. Maybe a year after she joined.</p> <p>Q. So that would be, like, two or three years ago?</p> <p>A. Yeah, because I think I stated she – I worked for her for about three years.</p>	<p>Compensation team headed by Ms. Waggoner and various regional compensation teams, such as the US Compensation team. This deposition excerpt, however, does not support OFCCP’s assertion. Further, the time frame of “in and around 2016” is also not supported. Rather, Ms. Carrelli agreed simply that the “global compensation team” was formed “like, two or three years ago.” Carrelli Dep. at 88:19-22.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 55: This testimony is taken out of context. The testimony supports only that “Corporate compensation” is an “old term” and that it was replaced with the term “U.S. Compensation, global compensation,” which makes it vague as to time and as to what is meant by “old term.” Carrelli Dep. 225:3-9.</p>
<p>Carrelli Dep. 70:17-77:17</p> <p>Q. Do you remember her providing you any other information regarding this focal review, other than the timeline and it’s happening?</p> <p>A. She would communicate what Kate’s team would roll out so we would be made aware of eligibility, that there’s a timeline, which functions are involved, any training that’s going to occur.</p> <p>Q. Anything else?</p> <p>A. I think in general terms, that’s...training?</p> <p>MS. MANTOAN: I’m going to object on the record to this line of questioning, given that the parties have agreed to the discovery cutoff for documents in this case and questioning of.</p> <p>MR. GARCIA: I think the parties agreed for document cutoff, but parties are not agreeing on questions after that.</p> <p>Q. Go ahead.</p> <p>A. I’m sorry. Can you restate the question?</p>	<p>Objection #3: Evidence Doesn’t Support the Proposition for Which It Is Cited.</p> <p>SUF 57, 58: OFCCP cites to this deposition excerpt to assert that the global compensation team established uniform written compensation practices and trainings that Oracle implemented globally, conducted market salary surveys, and set salary ranges for job codes. However, this deposition excerpt makes no mention of “uniform written compensation practices and trainings.” It also does not support the proposition that the U.S. Compensation Team uses the instructions and training that the Global Compensation Team provided.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 57, 58: The excerpt is vague as to the</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q. So you said there was training. I want to know what form from the training took. Was it person-to-person training? Was it a webinar training? Was it training that was on the PowerPoint? Did someone with access via the internet. What form did this training take?</p> <p>MS. MANTOAN: Objection; calls for speculation.</p> <p>THE WITNESS: So we would have held conference calls.</p> <p>BY MR. GARCIA:</p> <p>Q. And so by – you’re saying, ‘we have held.’ Do you mean the compensation consultants?</p> <p>A. The compensation team and HR business partners.</p> <p>Q. So it would be between the compensation team and the HR business partners? Would it include anyone else?</p> <p>MS. MANTOAN: Objection; calls for speculation.</p> <p>THE WITNESS: I’m just trying to think if, at any point, Kate’s team was involved. We, for the most part – we implement. So I’m going to say, in general terms, US comp and HR business partners.</p> <p>Q. Would – and so it is – when you implement, you inform HR business partners, and then the HR business partners have the responsibility to inform their managers? Is that how it generally works?</p> <p>MS. MANTOAN: Objection, calls for speculation, vague as to ‘responsibility,’ assumes facts.</p> <p>Q. I’m just trying to understand. When you’re doing the training, you trained the HR business partners is what – the compensation consultants train the HR business partners? Is that what I’m understanding you to say?</p> <p>MS. MANTOAN: Objection; misstates testimony, vague.</p> <p>THE WITNESS: What do you mean by ‘train’?</p> <p>BY MR. GARCIA:</p>	<p>terms ‘train’ and ‘responsibility.’</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q. You said there was training, and I asked you what form the training took, and you said, ‘conference calls.’</p> <p>A. Right.</p> <p>Q. And I asked you who attended, and you said US compensation team, consultants, and the HR business partners. So are you training the HR business partners on that conference call?</p> <p>A. We are providing guidelines and timelines for the process.</p> <p>Q. And how do you provide the guidelines?</p> <p>A. We had the conference call, and then we would have a webinar.</p> <p>Q. With whom?</p> <p>A. US compensation.</p> <p>Q. Who else would attend the webinar?</p> <p>A. And the HR business partners.</p> <p>Q. Those two entities would lead the webinar, give the webinar?</p> <p>A. US compensation would facilitate the webinar.</p> <p>Q. By ‘facilitating’ you mean you would go over –</p> <p>A. Communicate.</p> <p>Q. – what the guidelines were?</p> <p>A. The process. The process, the guidelines, the eligibility.</p> <p>Q. Got you. Now, would the HR business partners do any facilitating during that webinar?</p> <p>A. Facilitating, no.</p> <p>Q. And who’s the audience of the webinar? Is it the HR business partners?</p> <p>A. HR business partners.</p> <p>Q. And their staffs, correct?</p> <p>A. Yes.</p> <p>Q. Are there any other people that usually attend those webinars?</p> <p>A. Just open to HR.</p> <p>MS. MANTONA: Counsel, we’ve been going about another hour. Can we take a break when you’re at a stopping point?</p>	

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<p>MR. GARCIA: I think we're at a stopping point now. We can take a break.</p> <p>MS. MANTOAN: Thank you.</p> <p>THE VIDEOGRAPHER: This marks the end of media file labeled number two. Of the record at 10:44am. (recess from 10:44am to 10:55am).</p> <p>THE VIDEOGRAPHER: This marks the beginning of media file labeled number three. Back on the record at 10:55am.</p> <p>BY MR. GARCIA</p> <p>Q. So these webinar trainings that we talked about before the break that you attended, who else was on – from the US compensation was at that webinar?</p> <p>MS. MANTOAN: Objection; compound, at least in part of the question.</p> <p>BY MR. GARCIA:</p> <p>Q. So I'm talking about the webinar trainings that you attended and when rolling out the focal review, the last focal review. Who else besides yourself from the US compensation team was in attendance?</p> <p>A. Generally, it would be my peers, the other members of the US compensation team.</p> <p>Q. So these webinars, did it include all the members of the US compensation team and all the HR business partners?</p> <p>A. It would include whoever could make it that specific day and time.</p> <p>Q. So the training that the US compensation team provided in the webinars was the same training given across the company to the different lines of business and HR business partners, correct?</p> <p>A. Our audience was the HR business partners.</p> <p>Q. Right. So the training that the US compensation team gave to the HR business partners didn't depend on the LOBs of the HR business partners, right? It was the same training?</p> <p>A. I'm not sure I'm understanding you when</p>	

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<p>you say, ‘the same training.’ We gave training – I’ll just arbitrarily say we provided three sessions. The audience was the HR business partners.</p> <p>Q. So what I’m understanding you to say is, the US compensation team would provide three webinars?</p> <p>A. (Nods head.)</p> <p>Q. And the HR business partners could decide which of the webinars they wanted to attend?</p> <p>A. Correct.</p> <p>Q. And the training given was the same at each webinar, correct?</p> <p>A. Correct.</p>	
<p>Carrelli Dep. 212:9-213:1</p> <p>Q. So does Larry Ellison ever have to approve salary increases for the lines of business that you support?</p> <p>A. Technically, no. It’s Safra.</p> <p>Q. Has he in the past, from January 1st, 2013 to January 18, 2019, ever approved any of the base salary increases?</p> <p>A. You’re asking me to comment on a group that I don’t know, because I don’t handle –</p> <p>Q. I’m talking about the groups that you handle. Do you understand that?</p> <p>A. I understand groups – okay, the groups that I handle.</p> <p>Q. Has he ever made an approval to the recommendations for pay increases from January 1st, 2013 to January 18, 2019?</p> <p>A. You’re asking me to speculate. Safra’s the top-level approval for the groups that I handle.</p>	<p>Objection #3: Evidence Doesn’t Support the Proposition for Which It Is Cited.</p> <p>SUF 123: OFCCP cites to this deposition excerpt to assert that subsequent to “these 2011 and 2014 trainings, Oracle expanded this approval beyond Larry Ellison to include Safra Catz. This excerpt does not say this. In fact, the deponent states the he would be required to speculate about Larry Ellison’s role.</p>
<p>Carrelli Dep. 117:22-120:6</p> <p>Q. Are you familiar with the global job table, Oracle’s global job table?</p> <p>A. Yes.</p> <p>Q. Okay. And does Oracle’s global job table</p>	<p>Objection #3: Evidence Doesn’t Support the Proposition for Which It Is Cited.</p> <p>SUF 65: OFCCP cites to this excerpt to assert that the “global job table” is “administered by Oracle’s compensation teams.” This is not</p>

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<p>consist of five parts: a job function, a job specialty, a job title, a job code, and a global career level?</p> <p>A. Yes.</p> <p>Q. And the combination of a job function, a job specialty, a job title, and a global career level results in a unique job code; is that correct?</p> <p>A. Correct.</p> <p>Q. And that unique job code doesn't have – only has one combination of a job function, job specialty, job title, and global career level, correct?</p> <p>A. Correct.</p> <p>Q. And that job code ha a salary and grade assigned to it, correct?</p> <p>A. Correct.</p> <p>Q. But that salary grade can be assigned to multiple job codes, correct?</p> <p>A. Correct.</p> <p>Q. And that salary grade has a salary range assigned to it, correct?</p> <p>A. Correct.</p> <p>Q. And each salary grade only has –</p> <p>A. In most cases.</p> <p>Q. And what are the exceptions?</p> <p>A. Executive.</p> <p>Q. And by 'executive,' you mean what management level and above? M7 and above?</p> <p>A. It would generally be – no. It's above M7. It would generally be M8 and above.</p> <p>Q. Okay. Thank you. Now, each salary grade would only have one salary range assigned to it, correct, that would change over years?</p> <p>MS. MANTOAN: Is your question limited to HQ, a single location?</p> <p>THE WITNESS: Yeah.</p> <p>MR. GARCIA: Okay. Thank you.</p> <p>Q. My questions for the global job table are related to Redwood Shores. Do you understand that?</p> <p>A. Okay.</p> <p>Q. Would your answers change?</p>	<p>supported by this exhibit.</p> <p>SUF 67: OFCCP cites to this excerpt to assert that Oracle's global job table "organizes" salary ranges. Nothing in this excerpt supports this assertion.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A. Can you restate what you just – the question?</p> <p>Q. Would your answers have changed about what you just said for the job function, job specialty, because I didn't mention Redwood Shores, or do –</p> <p>A. No.</p> <p>Q. Okay. Thank you. So would each salary grade only have at any one point in time one salary range associated with it?</p> <p>MS. MANTOAN: Again, is this limited to at HQ?</p> <p>MR. GARCIA: Right –</p> <p>THE WITNESS: At HQ?</p> <p>BY MR. GARCIA:</p> <p>Q. All these questions, until I say otherwise, are for the Redwood Shores headquarters.</p> <p>A. Okay. Yes.</p>	
<p>Carrelli Dep. 214:12-14</p> <p>Q. Up to and include the final approval being Safra Catz for your organization, correct?</p> <p>A. Technically, yes.</p>	<p>Objection #3: Evidence Doesn't Support the Proposition for Which It Is Cited.</p> <p>SUF 123: OFCCP cites to this deposition excerpt to assert that Oracle expanded its approval beyond Larry Ellison to include Safra Catz. Although Carrelli states that Catz was the top-level approver for the groups she handled, she never made any statement whatsoever regarding Larry Ellison's role. In fact, she admitted that she would be speculating about any role Larry Ellison had in approving salary increases.</p>
<p>Carrelli Dep. 224:22-225:9</p> <p>THE WITNESS: So this is in 2018. This is old language that was used. Corporate compensation at this timeframe no longer existed.</p> <p>BY MR. GARCIA:</p> <p>Q. I'm sorry. I didn't understand that. Are you saying –</p>	<p>Objection #3: Evidence Doesn't Support the Proposition for Which It Is Cited.</p> <p>SUF 55: OFCCP cites to this excerpt to assert that in 2016, Oracle reorganized its Corporate Compensation Team into a Global Compensation team headed by Ms. Waggoner and various regional compensation teams, such as the US Compensation team. This deposition</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A. “Corporate compensation” is an old term. Q. So are you saying in 2018, when this was created, corporate compensation no longer existed? A. It’s an old term. What I’m saying is, to replace corporate compensation, you would replace it with U.S. compensation, global compensation. And in this case, because it’s approval, it’s global compensation.</p>	<p>excerpt, however, does not support OFCCP’s assertion. Rather, the testimony from Lynne Carrelli supports only that “Corporate compensation” is an “old term” and that it was replaced with the term “U.S. Compensation, global compensation.” Carrelli Dep. 225:3-9. This says nothing about a reorganization. OFCCP offers no evidence whatsoever about “various regional compensation teams.” Further, the time frame of “in and around 2016” is also not supported.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 55: This testimony is taken out of context. Rather, the testimony supports only that “Corporate compensation” is an “old term” and that it was replaced with the term “U.S. Compensation, global compensation,” which makes it vague as to time and as to what is meant by “old term.” Carrelli Dep. 225:3-9.</p>

G. Exhibit 7: Deposition of Kate Waggoner

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Waggoner Dep. 11:18-12:19</p> <p>Q. And as senior manager of compensation, what were your job duties? A. So when I was a senior manager, the – the team was not split the way it was, and so I had some client groups that were – where I was – I was part of a team and managed a team that did some of the consulting work as well and worked directly with the business. And then there was another person who did consulting work, and both of us split when it came to the</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited</p> <p>SUF 59: OFCCP cites this excerpt to support its assertion that the activities that Kate Waggoner performs with the Global Compensation Team are similar to those that she performed with the Corporate Compensation Team when she was a senior manager, except that she and her then co-worker, Lisa Gordon, split the administration of those programs and consulting for them and she was more personally involved in creating the</p>

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>compensation programs, like focal bonus, equity, we would split those, so we each had a little bit of the program administration and then a little bit of the consultative responsibility.</p> <p>A. And when you say ‘split,’ you would have both had responsibilities for the focal review, for instance?</p> <p>A. Well, so we each – we split as far as client groups. So somebody took – we split it by leaders, so –</p> <p>Q. Okay.</p> <p>A. – so one of – one of us in our teams would support certain leaders as their consultant, and then the other would support the other leaders as their consultant, but then we each held responsibility for the administration of a program.</p> <p>Q. Okay. Who was the other senior manager?</p> <p>A. Her name was Lisa Gordon.</p>	<p>training as a senior manager. The evidence cited, however, does not support this assertion. OFCCP’s characterization of Ms. Waggoner’s activities as part of the Global Compensation Team as “similar” to those she performed while a senior manager with the Corporate Compensation Team is unsupported by the evidence. Ms. Waggoner does not use that term, nor does the testimony present any comparison of her responsibilities in the two roles. The testimony does not even establish that Ms. Waggoner was ever a “senior manager” with the “Corporate Compensation Team.” Ms. Waggoner testifies that she was a “senior manager” but she never testifies as to the name of the team she was on when she served in that role. Waggoner Dep. 11:18-20. The testimony also does not establish for which programs Ms. Waggoner and Ms. Gordon split administration and consulting. Finally, the evidence does not support the fact that Ms. Waggoner “was more personally involved in creating the training as a senior manager.”</p>
<p>Waggoner Dep. 25:14-22</p> <p>Q. (By Mr. Miller) The next thing I think you told me you did as part of your job duties is both senior director and director of global compensation was to develop training for managers and HR business partners. What’s that entail?</p> <p>A. That is just about taking screenshots and providing step-by-step instruction on how to use our system when we’re open for focal or equity or corporate bonus plan.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited</p> <p>SUF 59: OFCCP cites this excerpt to support its assertion that the activities that Kate Waggoner performs with the Global Compensation Team are similar to those that she performed with the Corporate Compensation Team when she was a senior manager, except that she and her then co-worker, Lisa Gordon, split the administration of those programs and consulting for them and she was more personally involved in creating the training as a senior manager. The evidence cited, however, does not support this assertion. OFCCP’s characterization of Ms. Waggoner’s activities as part of the Global Compensation Team as “similar” to those she performed while</p>

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	<p>a senior manager with the Corporate Compensation Team is unsupported by the evidence. Ms. Waggoner does not use that term, nor does the testimony present any comparison of her responsibilities in the two roles. The testimony does not even establish that Ms. Waggoner was ever a “senior manager” with the “Corporate Compensation Team.” Ms. Waggoner testifies that she was a “senior manager” but she never testifies as to the name of the team she was on when she served in that role. Waggoner Dep. 11:18-20. The testimony also does not establish for which programs Ms. Waggoner and Ms. Gordon split administration and consulting. Finally, the evidence does not support the fact that Ms. Waggoner “was more personally involved in creating the training as a senior manager.”</p>
<p>Waggoner Dep. 27:12-28:12</p> <p>Q. (By Mr. Miller) How often do you develop training regarding the guidelines for compensation?</p> <p>A. In my entire time at Oracle, we’ve – I mean, I’ve been part of training around guidelines and helping with decision making probably twice.</p> <p>Q. Do you present training on these guidelines?</p> <p>A. Not really.</p> <p>Q. When was the last time you presented training on guidelines?</p> <p>A. 2013 maybe, 2014 for an in person.</p> <p>Q. When you were involved in developing training on these guidelines, were you just part of a team, or did you have leadership over that development?</p> <p>A. I had leadership over the development.</p> <p>Q. What did you do to develop training on the guidelines?</p> <p>A. I worked with global peers to – to come up with the topics that we would need to cover, ho</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited</p> <p>SUF 59: OFCCP cites this excerpt to support its assertion that the activities that Kate Waggoner performs with the Global Compensation Team are similar to those that she performed with the Corporate Compensation Team when she was a senior manager, except that she and her then co-worker, Lisa Gordon, split the administration of those programs and consulting for them and she was more personally involved in creating the training as a senior manager. The evidence cited, however, does not support this assertion. OFCCP’s characterization of Ms. Waggoner’s activities as part of the Global Compensation Team as “similar” to those she performed while a senior manager with the Corporate Compensation Team is unsupported by the evidence. Ms. Waggoner does not use that term, nor does the testimony present any comparison of her responsibilities in the two</p>

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>we would break them up and then the materials that would be part of each of those segments of training.</p> <p>Q. And were you drawing on materials from previous iterations of the training?</p> <p>A. I don't remember. I think we had – we did have other – it was – around the world different groups had perhaps things that they had used before that</p>	<p>roles. The testimony does not even establish that Ms. Waggoner was ever a “senior manager” with the “Corporate Compensation Team.” Ms. Waggoner testifies that she was a “senior manager” but she never testifies as to the name of the team she was on when she served in that role. Waggoner Dep. 11:18-20. The testimony also does not establish for which programs Ms. Waggoner and Ms. Gordon split administration and consulting. Finally, the evidence does not support the fact that Ms. Waggoner “was more personally involved in creating the training as a senior manager.”</p>
<p>Waggoner Dep. 30:8-15</p> <p>Q. Are these titles, senior manager of compensation, director of global compensation, senior director of global compensation, are those job titles that are within the system, or are they discretionary titles?</p> <p>A. They are discretionary titles.</p> <p>Q. Do you know what your system title is?</p> <p>A. Senior Director, HR.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited</p> <p>SUF 70: OFCCP cites to this deposition excerpt to assert that the “system job title” is effectively an internal HR code that is distinct from other titles Oracle’s employees can use. However, this document does not support the assertion that job title is “effectively an internal HR code.”</p>
<p>Waggoner Dep. 74:11-15</p> <p>Q. Does this global job table ever include the discretionary title senior director of global compensation?</p> <p>A. No, discretionary titles are not included in the table.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited</p> <p>SUF 70: OFCCP cites to this deposition excerpt to assert that the “system job title” is effectively an internal HR code that is distinct from other titles Oracle’s employees can use. However, this document does not support the assertion that job title is “effectively an internal HR code.”</p>
<p>Waggoner Dep. 80:23-81:5</p>	<p>Objection #3: Evidence does not support the</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A. We have – discretionary title are – discretionary titles are just what they say, they’re at the discretion of – we’ve had people with Queen of Sheba for their discretionary title. Like we don’t control discretionary titles.</p> <p>Q. (By Mr. Miller) Did they really have Queen of Sheba?</p> <p>A. They did. This was back a long time ago...</p>	<p>proposition for which it is cited</p> <p>SUF 70: OFCCP cites to this deposition excerpt to assert that the “system job title” is effectively an internal HR code that is distinct from other titles Oracle’s employees can use. However, this document does not support the assertion that job title is “effectively an internal HR code.”</p>
<p>Waggoner Dep. 86:17-87:21</p> <p>Q. When you are setting a salary range, when Oracle sets a salary range, you’ve told me you rely on Radford surveys; is that correct?</p> <p>A. Radford – we have two main surveys, Radford and Mercer.</p> <p>Q. And how do those help you set the salary range?</p> <p>MS. CONNELL: Objection, vague.</p> <p>A. Our very general jobs can be mapped to very general, we call them, benchmark jobs. And if they are in a survey, they are considered a benchmark job. And we use data that comes out of those surveys to tell us what the market rate is for that general job and level.</p> <p>Q. (By Mr. Miller) And what do you do with the market rate information in setting the salary range at Oracle?</p> <p>MS. CONNELL: Objection, vague.</p> <p>A. Our general philosophy is that the market 50th percentile would represent Oracle’s midpoint of the range for a specific location.</p> <p>Q. (By Mr. Miller) So maybe it would help, too, just to look quickly as page 29. This is slide 17.</p> <p>A. All right.</p> <p>Q. And so this slide has what looks to be an example salary range. Is that what that is?</p> <p>A. It appears, yeah.</p> <p>Q. So what you’re saying is the Redford or the</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited</p> <p>SUF 89: OFCCP cites to this deposition excerpt to assert that Oracle uses market surveys to establish the midpoint of the salary ranges. This assertion is not supported by this excerpt.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 89: This deposition excerpt is vague regarding the phrase ‘market rate information’ and ‘setting the salary range at Oracle.’</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Mercer survey should be used to set midpoint that's identified on this pay-range description. A. Correct.</p>	
<p>Waggoner Dep. 87:5-89:11</p> <p>Q. (By Mr. Miller) And what do you do with the market rate information in setting the salary range at Oracle? MS. CONNELL: Objection, vague. A. Our general philosophy is that the market 50th percentile would represent Oracle's midpoint of the range for a specific location. Q. (By Mr. Miller) So maybe it would help, too, just to look quickly as page 29. This is slide 17. A. All right. Q. And so this slide has what looks to be an example salary range. Is that what that is? A. It appears, yeah. Q. So what you're saying is the Radford or the Mercer survey should be used to set the midpoint that's identified on this pay-range description? A. Correct. Q. How does Oracle determine the minimum or the maximum for that range? A. That is something that can vary from – from country to country, from level to level generally, and this is all kind of compensation theoretical. The lower level jobs, you don't have to have quite as broad of a range because there isn't as much variation in what people bring to the table. But as you get higher in your career levels, it gets broader because people bring a wide variety of different knowledge, skills, abilities, education, all those kinds of things, and we have to be able to account for the wide variety that could be in there. Q. And who ultimately sets the minimum or the maximum for a salary range?</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited</p> <p>SUF 90: OFCCP cites to this deposition excerpt to assert that from this marketplace-driven midpoint, Oracle establishes a salary range width, depending on Global Career Level, that is equal distance from the midpoint, to establish the minimum and maximum points of the salary ranges. This assertion is not supported by this document. OFCCP cites no evidence to support that assertion that the midpoint of a salary range is “marketplace-driven.” In this testimony, Ms. Waggoner agrees that the Radford and Mercer surveys are “used to set the midpoint,” but she does not state that the surveys determine or in any other way <i>drive</i> the midpoint. Nor does Ms. Waggoner testify that the “salary range width” depends on Global Career Level. She recognizes instead that the maximum and minimum of a salary range “can vary from country to country, from level to level generally, and this is all kind of compensation theoretical.” Ex. 7, Waggoner Dep. 87: 24-88:1. Ms. Waggoner goes on to explain that the width of a salary range does not “depend on Global Career Level” as OFCCP puts it, but on the variety of “different knowledge, skills, abilities, education, all those kinds of things” within a level. <i>Id.</i>, 88:1-9. She recognizes that the variety increases “as you get higher in your career levels,” but is clear that the range of skills determines the width, not the number of the career level. <i>Id.</i>, 88:1-9. Finally, OFCCP offers no support for the proposition that the salary range width reflects maximum and minimums that are “equal distance from the</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>MS. CONNELL: Objection, assumes facts, vague.</p> <p>A. There isn't really a who. We have had the same range widths for a really long time, and it was just kind of a best practices. They might be as narrow as ■ percent at the bottom up to ■ percent at the top.</p> <p>Q. (By Mr. Miller) And then they are just adjusted as the market salary surveys change?</p> <p>A. Correct, we adjust the mid points, and then our minimums and maximums adjust with that.</p> <p>Q. So at the time you worked at Oracle, the spread in the salary range has been set as a percentage, and you are not aware –</p> <p>MS. CONNELL: Objection, misstates her testimony and assumes facts.</p> <p>A. From the time I've been around, the range widths, like I said, it has to do with kind of best practices, and when you've been in the field for a while, you know what other companies are doing, you read into what the survey would recommend you do, and we've had a fairly consistent range width for as long as I've been on – who originally set them, I don't know. But it's been fairly consistent, and our ranges have adjusted according to the way the market has adjusted in those years or based on the midpoint.</p>	<p>midpoint.”</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 90: This deposition excerpt is vague regarding the phrase ‘market rate information’ and ‘setting the salary range at Oracle.’ It is also vague regarding the ‘minimum’ and ‘maximum’ for ‘a salary range.’</p>
<p>Waggoner Dep. 118:8-20</p> <p>A. You wouldn't know performance for a new hire.</p> <p>Q. (By Mr. Miller) Okay, so excluding new hires, somebody who had been there for sometime, can you place them in a salary range without knowing their performance?</p> <p>MS. CONNELL: Objection, lacks foundation, calls for speculation.</p> <p>A. Could you? Maybe.</p> <p>Q. (By Mr. Miller) So my understanding is that Oracle has a focal review that you mentioned</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 85: OFCCP cites to this deposition excerpt to assert that each job code in the global table is assigned to a salary grade that refers to a salary range. It is not supported by this citation.</p> <p>SUF 87: OFCCP also cites to this deposition excerpt to assert that multiple job codes can be assigned to the same salary grade, and therefore have the same salary range. Again, this is not</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
before and that there's also a separate performance review system; is that correct?	supported by this deposition excerpt.
<p>Waggoner Dep. 106:2-4</p> <p>“Final, that’s the top level that it needs to go to, so an increase, it would work its way up all these other levels and the last, quote-unquote, approver is at that...”</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 114: This deposition excerpt is cited to support OFCCP’s assertion that all increases in pay need to be approved all the way to the top of an employee’s management chain of command. This small excerpt is taken out of context. Rather, Ms. Waggoner was being asked whether she does a job analysis to determine whether jobs “match up with those general [job] descriptions.” Ms. Waggoner responded that “Every year, our regional comp teams look at Radford’s general descriptions to our general system descriptions and make sure we’re still benchmarking across, because ours are intentionally very broad, also, and so they match – they match up to – but yeah, we believe what this is – it indicates that that’s the final, that’s the top level that it needs to go to, so an increase, it would work its way up all these other levels and the last, quote-unquote, approver is at that level, but at that level, they’re not really digging into the details. It’s more about a sanity check of what’s going on.” Waggoner Dep. 106:1-7</p>
<p>Waggoner Dep. 106:25-107:4</p> <p>Q. And then if you just look at the first page, it says global approval matrix, automated? A. Yeah. Q. What’s the difference between those two processes?</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 122: OFCCP cites to this deposition to assert that LJE stands for Larry J. Ellison. This is not supported by this excerpt.</p>
<p>Waggoner Dep. 108:23-109:24</p>	<p>Objection #3: Evidence Does Not Stand for</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q. Drawing your attention to slide four, which in this one I think is actually marked dash 4. So this slide is an exhibit titled Summary of All Processes, and it's got a bullet point that says, Do not communicate anything until final LJE approval is obtained. Who is LJE?</p> <p>A. Larry Ellison.</p> <p>Q. So if you look at the first page of this training, it says it's new manager training for compensation processes. So does this mean then that you are not allowed to communicate the outcome of the compensation process until Larry Ellison approves of it?</p> <p>MS. CONNELL: Objection, misstates the document.</p> <p>A. This is essentially training on how to use our tool. That's why it says slash compensation work bench. There are screenshots from our system that we use – used to use to administer our compensation processes. It speaks to the plan that I talked about before that are run out of my team, and the final LJE approval obtained, as I mentioned before, these do roll up to the top level, but it is simply to confirm that everything was within budget and that there has been no spend outside of budget. It isn't a review or deep dive into what's been recommended, it is just we have stayed within budget, it is now okay to communicate what you've recommended."</p>	<p>the Proposition It Is Cited to Support.</p> <p>SUF 125: OFCCP cites to this deposition excerpt to assert that Oracle's senior management review of compensation recommendations during the salary review process is "to confirm that everything was within budget." However, this citation does not support the statement to the extent it asserts that Oracle senior management is conducting any "review" of compensation recommendations. Ms. Waggoner makes clear in the testimony that OFCCP cites that "It isn't a review or deep dive into what's been recommended, it is just we have stayed within budget..." Waggoner Dep. 109:21-23. Therefore, to the extent OFCCP asserts that the senior management is conducting a "review", this assertion is unsupported by the evidence.</p> <p>Moreover, because the top-level approver is not doing a meaningful, substantive review of the compensation decisions, their sign off on decisions or modification to ensure a decision remains within budget is not material to OFCCP's burden of establishing that Oracle engaged in a pattern or practice of intentional compensation discrimination against women, Asians, or African-Americans in its Product Development job function, and against women in its IT and Support job functions, at HQCA.</p>
<p>Waggoner Dep. 118:17-24</p> <p>Q. (By Mr. Miller) So my understanding is that Oracle has a focal review that you mentioned before and that there's also a separate performance review system; is that correct?</p> <p>MS. CONNELL: Objection, assumes facts, lacks foundation.</p> <p>A. The performance review system is separate from compensation programs, yes.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 148: OFCCP cites to this deposition excerpt to assert that Oracle's reviews are not tied to salary increases. <i>See also</i> Mot. at 10. Although Ms. Waggoner states that the performance review system is a separate system from the compensation programs, she does not say that reviews generally are not tied</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	to salary increases. Rather, Ms. Waggoner simply stated that the system for submitting a performance review is not the same as the compensation programs, not that an employee's performance has no bearing on salary increases.
<p>Waggoner Dep. 120:2-22</p> <p>Q. (By Mr. Miller) Okay. So is performance an element of the focal review? MS. CONNELL: Objection, calls for speculation. A. For some lines of business, yes. For others, no. Q. (By Mr. Miller) Is there a principled way to determine which lines of business uses performance and which don't? MS. CONNELL: Objection, vague. A. No. Q. (By Mr. Miller) Is that a decision that's left up to the line of business? MS. CONNELL: Objection. A. What decision? Q. (By Mr. Miller) Whether or not to include performance in the focal review. MS. CONNELL: Objection, vague. A. Within a line of business -- it could even be different within a line of business, but a performance piece is not required for the compensation.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 149: OFCCP cites to this deposition excerpt to assert that Oracle managers are not required to take an employee's performance into account during focal reviews. This is not supported by this excerpt. In the cited evidence, Ms. Waggoner testified that it is an element of the focal review for some lines of business, but not for others, and that it could even be different within a line of business. Accordingly, whether a manager is required to perform formal performance evaluations is subject to the discretion of that manager's reporting chain.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 149: This deposition excerpt is vague and ambiguous regarding the deponent being asked whether or not to include 'performance' in focal reviews.</p> <p>Objection #5: Relevance.</p> <p>SUF 149: This fact is immaterial as it does not make OFCCP's claims more or less likely.</p>
<p>Waggoner Dep. 81:24-82:3</p> <p>Q. (By Mr. Miller) So they do that in the job code, and then at hiring, are they locked into the job code? If the job code is in the</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 156: OFCCP cites to this deposition excerpt to assert that Oracle permits placing</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
requisition or the posting, is that the only job code the employee could have?	<p>employees in one level above or below the job for which the candidate is being considered. However, this is not mentioned in the deposition excerpt cited.</p> <p>Objection #5: Relevance. Even if true, Saad has determined that there is no discrimination in assignments and therefore this does not make any claim in this case more or less true.</p>

H. **Exhibit 8: Oracle’s “Q4FY15 Oracle HR Webinar Re: Compensation,” dated May 2015**

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 2, ¶ 9, Ex. 8, Oracle’s “Q4FY15 Oracle HR Webinar re: Compensation,” dated May 2015, ORACLE_HQCA_0000056391-1 to -96</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 60, 83, 84, 86, 102, 104, 108, 180, 181, 191, 194, 258, 259: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 60: OFCCP cites to ORACLE_HQCA_0000056391-13 to support its assertion that Oracle had “three well-defined components.” The page cited identifies three “total compensation components.” It does not state that there are “well-defined components to Oracle’s compensation . . .”</p> <p>SUF 83: OFCCP cites to</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>ORACLE_HQCA_0000056391-28 to -29 to assert that Oracle advises its managers that an employee should be placed in a job code that most closely reflects the role they will have in the organization. However, the cite does not say anything about placing “employees” in job codes. It refers to the exercise of determining the correct job code for a job before it is posted. Accordingly, OFCCP is misrepresenting the document.</p> <p>SUF 84: OFCCP cites to ORACLE_HQCA_0000056391-23, -28, -29, to assert that if an employee is assigned an incorrect job code, it could impact the employee’s compensation, including their salary range, bonus eligibility, overtime eligibility and compensation plan eligibility. The document, however, does not say anything about assigning employees to job codes.</p> <p>SUF 86: OFCCP cites to this document at ORACLE_HQCA_000056391-39 to assert that Oracle’s human resources staff provides training that states that salary ranges define the “value” of a position to Oracle: “All jobs that are considered equal in value to Oracle are grouped into the same local grade level, and have the same salary range.” First, OFCCP offers no evidence whatsoever to support its assertion that “Oracle’s human resources staff provides training” on the alleged fact. This completely unsupported assertion therefore fails. Second, the evidence cited does not support the assertion that “salary ranges define the ‘value’ of a position to Oracle.”</p> <p>SUF 102, SUF 108: OFCCP cites to ORACLE_HQCA_0000056391-76-79 to make the argument that LOB Heads and Executive Management have complete discretion when allocating budgets and awarding bonuses. However, the exact quote found in these pages</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>state, “Each LOB may determine their own strategy or method for allocation.” The document does not state that LOB Heads and Executive Management have “complete discretion.” The document does not state that awarding bonuses are matters handled by LOB Heads or Executive Management.</p> <p>SUF 180: OFCCP cites to ORACLE_HQCA_0000056391-52 to allege that promotions at Oracle may be made without a salary increase. Although the document states that promotions are not always accompanied by a salary increase, the document also states that “it is strongly recommended that promotions without salary increases do not take place unless the individual’s pay is appropriately positioned in the new range and peer group.”</p> <p>SUF 258: Oracle cites to ORACLE_HQCA_0000056391-73 to allege that stock grants are not awarded to all employees. The document actually states, “There are several compensation programs that you may be asked to make recommendations for your employees. Each program has a different eligibility criteria so not all employees are eligible for all programs.” <i>Id.</i></p> <p>SUF 259: OFCCP cites to ORACLE_HQCA_0000056391-73 to allege that Oracle caps the number of employees who can be granted stock in the United States to 35%. This is not stated anywhere within this page of Exhibit 8.</p> <p>Mot. at 12: OFCCP cites to this exhibit to assert that Oracle does not allocate budgets or resources to ensure pay equity or to correct pay disparities based on race or gender. However, this exhibit does not mention anything regarding how budgets are utilized to ensure</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>pay equity or correct pay disparities. Consequently, it does not make it more or less likely that it is true, and thus it is not relevant to that allegation.</p> <p>Objection #5: Relevance.</p> <p>SUF 60, 83, 84, 86, 102, 104, 108, 180, 181, 191, 194, 258, 259: OFCCP cites to this exhibit to assert that Oracle does not allocate budgets or resources to ensure pay equity or to correct pay disparities based on race or gender. However, this exhibit does not mention anything regarding how budgets are utilized to ensure pay equity or correct pay disparities. Consequently, it does not make it more or less likely that it is true, and thus it is not relevant to that allegation.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s Motion, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. <i>See</i> Oracle’s Opp. to Mot. at 13-14.</p> <p>Objection #7: Authentication.</p> <p>SUF 60, 83, 84, 86, 102, 104, 108, 180, 181, 191, 194, 258, 259: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p> <p>Objection #8: Best Evidence</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>SUF 60, 83, 84, 86, 102, 104, 108, 180, 181, 191, 194, 258, 259: The documents are the best evidence of their contents.</p>

I. Exhibit 9: Oracle Compensation Guidelines

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 2, ¶ 9, Ex. 9, “Oracle Compensation Guidelines,” not dated, ORACLE_HQCA_0000380594-97</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 60, 191, 194: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 60: OFCCP cites to Oracle Compensation Guidelines,” not dated, ORACLE_HQCA_0000380594 to support its assertion that Oracle had “three well-defined components.” The page cited identifies three “total compensation components.” It does not state that there are “well-defined components to Oracle’s compensation . . .”</p> <p>Objection #5: Relevance.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s Motion for Summary Judgment, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. <i>See</i> Oracle’s Opp. to Mot. at 13-14.</p>

J. Exhibit 10: Oracle’s “Global Compensation: Total Compensation”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 2, ¶ 11, Ex. 10, Oracle’s “Global Compensation: Total Compensation,” dated December 18, 2017, ORACLE_HQCA_0000364301-03.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 60: OFCCP cites to Oracle’s “Global Compensation: Total Compensation,” dated December 18, 2017, ORACLE_HQCA_0000364301 to support its assertion that Oracle had “three well-defined components.” The page cited identifies three “total compensation components.” It does not state that there are “well-defined components to</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>Oracle's compensation . . ."</p> <p>Objection #5: Relevance. SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle's Opposition to OFCCP's Motion for Summary Judgment, Oracle's compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. <i>See</i> Oracle's Opp. to Mot. at 13-14.</p>

K. Exhibit 11: Oracle's US Employee Handbook

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 2, ¶ 12, Ex. 11, Oracle's US Employee Handbook, last revision dated February 2014, ORACLE_HQCA_000000464-569</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 51, 60, 178, 190, 225, 226: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia's declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 51: OFCCP cites to this document to</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>assert that in 2015, Oracle provided OFCCP with Oracle’s employee handbook and three sets of compensation documents. OFCCP has provided no evidence that this document was produced in 2015.</p> <p>SUF 60: OFCCP cites to Oracle’s “U.S. Employee Handbook”, ORACLE_HQCA_0000000502 to support its assertion that Oracle had “three well-defined components.” The page cited identifies three “total compensation components.” It does not state that there are “well-defined components to Oracle’s compensation . . .”</p> <p>SUF 178: OFCCP cites to ORACLE_HQCA_0000000508 to argue that a transfer within Oracle can occur with no increase in salary or other compensation. This, however, is out of context. The actual quote from the cited page reads as follows: “Because a transfer is sometimes defined as a change in jobs within a career level, a transfer can occur with no increase in salary or other compensation unless your current salary places you below the minimum range for the new job. However, on occasion a transfer may occur which will require a change in career level and salary. In such cases, compensation and career level will be reviewed and considered by the new management team.”</p> <p>SUF 190: OFCCP cites to this document at ORACLE_HQCA_0000000506 to state that at no place in the Employee Handbook does it indicate that compensation is adjusted by product, organization, or cost center. This is taken out of context. The compensation section of the Employee Handbook spans from -502 through -508. The Employee Handbook states that “Central to Oracle’s compensation philosophy are: recognition and reward for contributions that enhance Oracle’s growth,</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>success, and profitability.” (-502). Further, “You are compensated and rewarded based on your contributions to Oracle and in accordance with Oracle’s business performance and success in the marketplace.” <i>Id.</i> Finally, “Salary increases are based on your productivity and contributions, company performance, market comparisons with competitor companies, and other factors Oracle may wish to consider at its sole discretion.” (-505).</p> <p>SUF 225: OFCCP provides no support for its assertion that this particular version of Exhibit 11 was produced to OFCCP during the investigation.</p> <p>SUF 226: OFCCP cites to -474 to assert that the affirmative action section of the Handbook does not address compensation. This completely ignores the fact that the Handbook states that “Oracle maintains Affirmative Action Plans (AAP) for US sites with 50 or more employees, and provides the necessary support to implement them effectively. As required, we provide information about our AAP upon request to employees, customers, and government agencies.” (-474)</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 51: OFCCP’s characterization of Oracle’s employee handbook as giving an “overview of Oracle’s compensation policies” is not supported by the evidence. As explained above, because OFCCP does not provide any evidence to support its contention that any of the exhibits it cites were produced by Oracle “in the course of OFCCP’s audit,” it is impossible for Oracle to determine whether the exhibit OFCCP cites as a “U.S. Employee Handbook” is the handbook OFCCP refers to in this “fact.”</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	Regardless, Exhibit 11 nowhere refers to “compensation policies” and OFCCP’s characterization is therefore wholly unsupported by the evidence.

L. Exhibit 12: Oracle Compensation Presentation

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 2, ¶ 13, Ex. 12, Oracle Compensation Presentation, copyrighted 2012, 0000042098-1 to -85.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 62, 65, 68, 69, 73, 74, 76, 83, 84, 86, 89, 95, 96, 104, 109, 181, 186, 191, 194: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 65: OFCCP cites to this exhibit at ORACLE_HQCA_0000042098-20 to -21 to assert that the “global job table” is “administered by Oracle’s compensation teams.” This is not supported by this exhibit.</p> <p>SUF 76: OFCCP cites to this exhibit at ORACLE_HQCA_0000042098-23 to assert that Career Level for a job in one organization with the same level of responsibilities and complexity as a job in another organization will be the same Career Level. This means that if a job in Finance has the same level of</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>responsibilities and complexity as a job in Sales, the Career Level of these two jobs will be the same. This is not supported by this excerpt.</p> <p>SUF 83: OFCCP cites to ORACLE_HQCA_0000042098-24 to -25 to assert that Oracle advises its managers that an employee should be placed in a job code that most closely reflects the role they will have in the organization. However, the cite does not say anything about placing “employees” in job codes. It refers to the exercise of determining the correct job code for a job before it is posted. Accordingly, OFCCP is misrepresenting the document.</p> <p>SUF 84: OFCCP cites to ORACLE_HQCA_0000042098-24 to -25, to assert that if an employee is assigned an incorrect job code, it could impact the employee’s compensation, including their salary range, bonus eligibility, overtime eligibility and compensation plan eligibility. The document, however, does not say anything about assigning employees to job codes.</p> <p>SUF 86: OFCCP cites to this document at ORACLE_HQCA_000042098-35 to assert that Oracle’s human resources staff provides training that states that salary ranges define the “value” of a position to Oracle: “All jobs that are considered equal in value to Oracle are grouped into the same local grade level, and have the same salary range.” First, OFCCP offers no evidence whatsoever to support its assertion that “Oracle’s human resources staff provides training” on the alleged fact. This completely unsupported assertion therefore fails. Additionally, the evidence cited does not support the assertion that “salary ranges define the ‘value’ of a position to Oracle.”</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>SUF 89: OFCCP cites to ORACLE_HQCA_0000042098-30 to -34 to argue that Oracle uses market surveys to establish the midpoint of the salary ranges. This exhibit, however, does not state specifically that the market surveys themselves establish the midpoint of the salary ranges. Rather, the exhibit simply states that Oracle “uses the data from these surveys to develop our salary ranges.” <i>Id.</i></p> <p>SUF 104: OFCCP cites to this exhibit at ORACLE_HQCA_0000042098-35 to assert that Oracle repeatedly advised managers that they might not be afforded the budget to place all of their employees where they should be in the salary range. Consequently, OFCCP cites to this exhibit to assert that Oracle does not consistently increase salaries as employees improve their skills or perform well. This is not supported by this citation. The actual text from the document reads: “As a manager you may not always have the budget to perfectly place all your employees, <i>but we wanted to give you an understanding of the intended usage of the salary range.</i>” <i>Id.</i> (emphasis added). The words “where they should be” does not appear in the Exhibit, and nowhere in the cited exhibit does it state that Oracle fails to increase salaries as employees improve their skills.</p> <p>Objection #5: Relevance.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>Motion for Summary Judgment, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. <i>See</i> Oracle’s Opp. to Mot. at 13-14.</p> <p>SUF 62, 65, 68, 69, 73, 74, 76, 83, 84, 86, 89, 95, 96, 104, 109, 181, 186, 191, 194: Oracle cites to this exhibit to assert that Oracle does not allocate budgets or resources to ensure pay equity or to correct pay disparities based on race or gender. <i>See</i> Mot. at 12. However, this exhibit does not mention anything regarding how budgets are utilized to ensure pay equity or correct pay disparities. Consequently, it does not make it more or less likely that it is true, and thus it is not relevant to that allegation.</p>

M. Exhibit 13: Oracle’s “Managing Compensation”

<p>Garcia Decl., Page 2, ¶ 14, Ex. 13, Oracle’s “Managing Compensation,” dated July 2016, ORACLE_HQCA_0000056234-1 to -77.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 65, 67, 76, 81, 83, 89, 96, 99, 104, 116, 140, 173, 191, 194: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 65: OFCCP cites to this exhibit at ORACLE_HQCA_0000042098-20 to -21 to</p>
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assert that the “global job table” is “administered by Oracle’s compensation teams.” This is not supported by this exhibit.

SUF 67: OFCCP cites to this exhibit at ORACLE_0000056234-27 to -28 to assert that Oracle’s global job table “organizes” salary ranges. Nothing in this excerpt supports this assertion.

SUF 76: OFCCP cites to this exhibit at ORACLE_HQCA_0000056234-8 to assert that Career Level for a job in one organization with the same level of responsibilities and complexity as a job in another organization will be the same Career Level. This means that if a job in Finance has the same level of responsibilities and complexity as a job in Sales, the Career Level of these two jobs will be the same. This is not supported by this excerpt.

SUF 78: OFCCP cites to this document at ORACLE_HQCA_0000056234-9 to assert that certain job titles are associated with certain discretionary titles and job responsibilities. To the extent this “fact” implies a rigid or firm set of criteria, or suggests this document is controlling with respect to the individual job duties and responsibilities of individual Oracle employees, it is misleading and not supported by the evidence.

SUF 79: OFCCP cites to this document at ORACLE_HQCA_0000056234-9 to assert that certain job titles are associated with certain discretionary titles and job responsibilities. To the extent this “fact” implies a rigid or firm set of criteria, or suggests this document is controlling with respect to the individual job duties and responsibilities of individual Oracle employees, it is misleading and not supported by the evidence.

SUF 81: OFCCP cites to ORACLE_HQCA_0000056234-28 to assert

that if one moves from one IC level to another IC level, or from one M level to another M level, then it changes the job code that in turn changes the salary grade and thus changes the salary range. This is not discussed at all at in the cited page.

SUF 83: OFCCP cites to ORACLE_HQCA_0000056234-13 to assert that Oracle advises its managers that an employee should be placed in a job code that most closely reflects the role they will have in the organization. However, the cite does not say anything about placing “employees” in job codes. It refers to the exercise of determining the correct job code for a job before it is posted. Accordingly, OFCCP is misrepresenting the document.

SUF 84: OFCCP cites to ORACLE_HQCA_0000056234-13, to assert that if an employee is assigned an incorrect job code, it could impact the employee’s compensation, including their salary range, bonus eligibility, overtime eligibility and compensation plan eligibility. The document, however, does not say anything about assigning employees to job codes.

SUF 86: OFCCP cites to this document at ORACLE_HQCA_0000364272-15 to assert that Oracle’s human resources staff provides training that states that salary ranges define the “value” of a position to Oracle: “All jobs that are considered equal in value to Oracle are grouped into the same local grade level, and have the same salary range.” First, OFCCP offers no evidence whatsoever to support its assertion that “Oracle’s human resources staff provides training” on the alleged fact. This completely unsupported assertion therefore fails. Additionally, the evidence cited does not support the assertion that “salary ranges define the ‘value’ of a position to Oracle.”

SUF 89: OFCCP cites to this document at

ORACLE_HQCA_0000056234-27 to -28 to assert that Oracle uses market surveys to establish the midpoint of the salary ranges. This assertion is not supported by this document.

SUF 96: OFCCP cites to ORACLE_HQCA_0000056234-29,-30 to assert that employees in the 3rd and 4th quartiles of the salary range should include only “top performance. However, the pages cited within Exhibit 13 state only that these quartiles “should *generally* include employees who are our top performers, who are ready for promotion or for those who possess a ‘hot skill.’” (emphasis added).

SUF 99: OFCCP cites to ORACLE_HQCA_0000056234-65-66 to assert that “dive and save” salary adjustments are the “main pathway” for Oracle managers to increase salary for an employee within a job function outside the focal review process. *See* also Mot. at 12. Exhibit 13 does not support this statement

SUF 104: OFCCP cites to ORACLE_HQCA_0000056234-30 to assert that Oracle managers might not have the budget “to perfectly place all [of their] employees” where they should be in their salary range. From this citation, OFCCP infers that Oracle may be improperly placing its employees outside of the given salary ranges. This is not the case. The cited document simply provides an explanation regarding why salary ranges may be so broad for given job codes, and then states that “As a manager, you may not always have the budget to perfectly place all your employees, *but we wanted to give you an overview and understanding of the intended usage of the salary range.*” *Id.*

SUF 116: OFCCP cites to ORACLE_HQCA_0000056234-65-66 to assert that Oracle’s compensation instructions for hiring and for salary increases require

managers to make pay recommendations that require approvals up to the Executive Level of their office. This is not supported by this exhibit. Rather, the cited pages of Exhibit 13 state that “for any proposed pay action, please proactively work with your respective HR manager. They can assist you in determining if an increase is appropriate and if so what the appropriate amount is and timing should be depending on the country and situation.”

SUF 140: OFCCP cites to ORACLE_HQCA_0000056234-66 to assert that Oracle does not make any cost of living adjustments that are separate from focal raises and off-cycle, non-focal raises that it makes for some promotions. The citation to this document makes no reference to cost of living adjustments. Rather, the language states that “when there is a decrease in variable, typically when an employee is moving from a Sales or Pre-sales position to a Non-sales position or from Sales or Pre-sales role with more leverage, the new base pay should be determined based on the employee’s experience and pay of the peers in the new workgroup and a base increase may be appropriate.”

SUF 173: OFCCP cites to this document at ORACLE_HQCA_0000056234-57 to assert that Oracle’s compensation training states that the starting point for transfers should be laterals, targeting the same base salary compa-ratio in the employee’s old and new roles. However, the document says nothing about targeting the same base salary compa-ratio in the employee’s old and new roles. Rather, the document simply states that “internal transfers should not be used as a means to increase salary.” Further, OFCCP asserts that a person’s salary should almost always remain unchanged as part of a transfer. This is not true. Rather, the cited page simply states that internal transfers “should not be used as a means to increase salaries.” *Id.*

	<p>Objection #5: Relevance.</p> <p>SUF 104: Oracle cites to this exhibit to assert that Oracle does not allocate budgets or resources to ensure pay equity or to correct pay disparities based on race or gender. <i>See also</i> Mot. at 12. However, this exhibit does not mention anything regarding how budgets are utilized to ensure pay equity or correct pay disparities. Consequently, it does not make it more or less likely that it is true, and thus it is not relevant to that allegation.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s Motion for Summary Judgment, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. Oracle’s Opp. to Mot. at 13-14.</p>
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N. Exhibit 14: “Managing Compensation at Oracle”

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 2, ¶ 15, Ex. 14, Oracle’s “Managing Compensation at Oracle,” not dated, ORACLE_HQCA_0000382580-1 to -106</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack</p>

foundation.

Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.

SUF 74: OFCCP cites to ORACLE_HQCA_0000382580-27 to -28 to assert that responsibilities, contribution and job complexity should increase from one job level to the next. The document, however, says nothing about one's skill, knowledge, responsibilities or performance expectation. Further, it does not indicate that a higher career level corresponds to a higher complexity of job duties.

SUF 80: OFCCP cites to ORACLE_HQCA_0000382580-28 to assert that if an employee's Global Career Level changes, then the employee's job code necessarily changes because each unique job code is tied to a specific Global Career Level. However, this excerpt does not support this assertion. The evidence on which OFCCP relies says nothing about the effects of changing an employee's global career levels.

SUF 81: OFCCP cites to ORACLE_HQCA_0000056234-28 to assert that if an employee's Global Career Level changes from one IC level to another IC level or from one M level to another M level within the same specialty area within the three job functions at issue in this litigation, then it changes the job code that in turn changes the salary grade that thus changes the salary range. However, this excerpt does not support this assertion.

SUF 84: OFCCP cites to ORACLE_HQCA_00000382580-26, -30 to assert that if an employee is assigned an incorrect job code, it could impact the employee's compensation, including their salary range, bonus eligibility, overtime eligibility and compensation plan eligibility.

The document, however, does not say anything about assigning employees to job codes.

SUF 86: OFCCP cites to this document at ORACLE_HQCA_0000382580-42 to assert that Oracle’s human resources staff provides training that states that salary ranges define the “value” of a position to Oracle: “All jobs that are considered equal in value to Oracle are grouped into the same local grade level, and have the same salary range.” First, OFCCP offers no evidence whatsoever to support its assertion that “Oracle’s human resources staff provides training” on the alleged fact. This completely unsupported assertion therefore fails. Additionally, the evidence cited does not support the assertion that “salary ranges define the ‘value’ of a position to Oracle.”

SUF 105, 106: OFCCP cites to ORACLE_HQCA_0000382580-46 and -84 to assert that budgetary constraints may prevent employees from receiving increases anticipated by Oracle’s compensation policies. The cited pages say nothing about Oracle employees anticipating salary increases based on its compensation policies. Rather, the cited material warns managers to “pay special attention to your top performers with low compa-ratios,” ORACLE_HQCA_0000382580-84, and that budgets “play the biggest role in how managers are able to position employees within their range. ORACLE_HQCA_0000382580-46. It, however, does not state that Oracle does not consistently increase salaries as employees improve their skills. *See Mot.* at 10.

Objection #5: Relevance.

SUF 105, 106: Oracle cites to this exhibit to assert that Oracle does not allocate budgets or resources to ensure pay equity or to correct pay disparities based on race or gender. *See Mot.* at 12. However, this exhibit does not mention anything regarding how budgets are utilized to

	<p>ensure pay equity or correct pay disparities. Consequently, it does not make it more or less likely that it is true, and thus it is not relevant to that allegation.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s Motion for Summary Judgment, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. Oracle’s Opp. to Mot. at 13-14.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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O. Exhibit 15: Oracle’s Global Job Table for Product Development, Information Technology, and Support Job Functions

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 2, ¶ 16, Ex. 15, Oracle’s Global Job Table for Product Development, Information Technology, and Support Job Functions, not dated, ORACLE_HQCA_0000022905-1 to -40.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 80: OFCCP cites to ORACLE_HQCA_0000382580-28 to assert that if an employee’s Global Career Level changes, then the employee’s job code necessarily changes because each unique job code is tied to a specific Global Career Level. However, this excerpt does not support this assertion. The evidence on which OFCCP relies says nothing about the effects of changing an employee’s global career levels.</p> <p>SUF 81: OFCCP cites to ORACLE_HQCA_0000022905 to assert that if an employee’s Global Career Level changes from one IC level to another IC level or from one M level to another M level within the same specialty area within the three job functions at issue in this litigation, then it changes the job code that in turn changes the salary grade that thus changes the salary range. However, this excerpt does not support this assertion.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

P. Exhibit 16: Oracle’s “Global Compensation Training: Salary Ranges at Oracle”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 3, ¶ 17, Ex. 16, Oracle’s “Global Compensation Training: Salary Ranges at Oracle,” copyright 2011,</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
ORACLE_HQCA_0000364272-1 to -34.	<p>establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 86: OFCCP cites to ORACLE_HQCA_0000364272-15 to assert that Oracle provides training that states that salary ranges define the value of a position to Oracle. Nowhere in this document does it state that salary ranges define the value of a position to Oracle.</p> <p>SUF 89: OFCCP cites to this document at ORACLE_HQCA_0000364272-10 to -16 to assert that Oracle uses market surveys to establish the midpoint of the salary. This exhibit does not state that the market surveys establish the midpoint of the salary ranges. Rather, the exhibit simply states that Oracle “use data salary surveys” to develop salary ranges. (-10).</p> <p>SUF 96: OFCCP cites to ORACLE_HQCA_0000364272-20 to assert that employees at the 3rd and 4th quartiles of a salary range should include only top performers. This is incorrect. Rather, the language states that these quartiles “generally include employees whose contribution is high, or those who are ready for promotion.”</p> <p>Objection #5: Relevance.</p> <p>SUF 54, 86, 87, 91, 93, 95, 96, 105, 191, 194: Oracle cites to this exhibit to assert that Oracle does not allocate budgets or resources to ensure</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>pay equity or to correct pay disparities based on race or gender. <i>See</i> Mot. at 12. However, this exhibit does not mention anything regarding how budgets are utilized to ensure pay equity or correct pay disparities. Consequently, it does not make it more or less likely that it is true, and thus it is not relevant to that allegation.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s Motion for Summary Judgment, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. Oracle’s Opp. to Mot. at 13-14.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

Q. Exhibit 17: Declaration of Hea Jung Atkins

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Atkins Decl., ¶¶ 2-21, Exs. A, B.</p> <p>On October 16, 2019, I created two tables in an excel spreadsheet bates stamped ORACLE_HQCA_0000003616. This</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 81, 82: Atkins’ statements regarding her use of “job codes” lacks foundation for purpose</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>spreadsheet is a “2014 snapshot” that Oracle created during OFCCP’s investigation.</p>	<p>of establishing any fact that is relevant in this case.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 81, 82: The best evidence of the data contained in Oracle’s 2014 snapshot is the data that Oracle produced in the spreadsheet produced by Oracle.</p> <p>Objection #5: Relevance.</p> <p>There is no evidence that Madden relied on the declaration or the exhibit attached thereto. In fact, Madden used something called “job descriptors,” which is nowhere referenced in this declaration or the exhibits attached thereto. Rather, Atkins repeatedly made reference to “job code” in her declaration, not “job descriptor.”</p>

R. Exhibit 18: Oracle’s “Global Compensation Training: Managing Pay Module

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 3, ¶ 19, Ex. 18, Oracle’s “Global Compensation Training: Managing Pay Module,” copyright 2011, ORACLE_HQCA_000000407-1 to -46.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>SUF 51: OFCCP cites to this document to assert that in 2015, Oracle provided OFCCP with Oracle’s employee handbook and three sets of compensation documents. OFCCP has provided no evidence that this document was produced in 2015.</p> <p>SUF 101: OFCCP cites to this document at ORACLE_HQCA_00000040-33 to assert that Oracle instructs managers that on-cycle salary review should be used to close potentially discriminatory salary differences. This is assertion is not supported by this document.</p> <p>SUF 130: OFCCP cites to ORACLE_HQCA_000000407-16,-17 to assert that in or around 2011, Oracle identified that there may have been some potential for equal pay claims due to paying higher salaries to attract external recruits. This is incorrect. Rather, the language states that a “high offer may cause pay pressure within the team, and longer tenured employees may be disgruntled because the new hire has a higher salary.” “There may be some potential for equal pay claims, employee relations issues and attrition among the peers.” (-17)</p> <p>SUF 140: OFCCP cites ORACLE_HQCA_000000406-35 to assert that Oracle does not make any cost of living adjustments that are separate from focal raises and off-cycle, non-focal raises that it makes for some promotions, ‘dive and saves,’ and variable pay changes when a person moves to and from a sales organization. . However, nowhere in this document does it state anything about cost of living adjustments.</p> <p>SUF 182: OFCCP cites to this exhibit at ORACLE_HQCA_0000000407-25 to assert that in or around 2011, Oracle recognized that because a promotion without a salary increase</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>can cause internal equity issues, it strongly recommended that promotions without salary increases do not take place unless the individual's pay is appropriately positioned in the new range and peer group. There is no support that this took place "in or around 2011."</p> <p>Objection #5: Relevance.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle's Opposition to OFCCP's Motion for Summary Judgment, Oracle's compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. Oracle's Opp. to Mot. at 13-14.</p>

S. Exhibit 19: Deposition of Madhavi Cheruvu

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Cheruvu Dep. 11:8-17</p> <p>Q. Vice President of human resources? A. That's correct. Q. When did you become vice president of human resources? A. I don't remember the exact date. Q. Around what year? A. I would – I would say five, six years ago.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 48: OFCCP cites to this deposition excerpt to assert that Ms. Cheruvu is a vice president of human resources and works as a human resources business partner who supports seven lines of business at Oracle. The deposition testimony does not support the assertion that Ms. Cheruvu works as a "Human</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	Resources business partner.” To the contrary, she testifies only that she is a Vice President of HR and that she “provide[s] HR support to a - seven lines of business.” Cheruvu Dep. 23:4-6.
<p>Cheruvu Dep. 23:2-6</p> <p>Q. And currently you – you are the vice president of HR. What are your duties? A. I manage a team of individuals, and we provide HR support to a – seven lines of businesses.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 48: OFCCP cites to this deposition excerpt to assert that Ms. Cheruvu is a vice president of human resources and works as a human resources business partner who supports seven lines of business at Oracle. The deposition testimony does not support the assertion that Ms. Cheruvu works as a “Human Resources business partner.” To the contrary, she testifies only that she is a Vice President of HR and that she “provide[s] HR support to a - seven lines of business.” Cheruvu Dep. 23:4-6.</p>
<p>Cheruvu Dep. 60:12-19</p> <p>Q. And what are the lines of business that you were supporting in March 2015? A. I know I was supporting the – what – what is called ‘the development organization’ that was run by out executive vice president at that time. A. Who was the executive vice president at that time? A. Thomas Kurian.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 49: OFCCP cites this deposition testimony to assert that Ms. Cheruvu was Oracle’s human resource business partner for Thomas Kurian’s Product Development LOB. The deposition testimony does not support the assertion that Ms. Cheruvu was a “Human Resources Business Partner for President Thomas Kurian’s Product Development LOB.” To the contrary, she testifies that, in March 2015, she “was supporting the – what – what is called ‘the development organization’” Cheruvu Dep. 60:14-16. Nowhere in this testimony does she does refer to herself as a “Human Resources Partner.”</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>SUF 49: This deposition excerpt is vague to the extent it asks for lines of business in which Ms. Cheruvu was ‘supporting’ in March 2015.</p>
<p>Cheruvu Dep. 276:3-14</p> <p>Q. Okay. And I know we already discussed the certain factors for salary range. Who – who are your – who are the executives in HR?</p> <p>MR. PARKER: Vague as to time.</p> <p>BY MS. FLORES:</p> <p>Q. In March 2015.</p> <p>A. I don’t know what your question means.</p> <p>Q. Okay. Is there anyone at the executive level in – in HR?</p> <p>A. No.</p> <p>Q. What about in product development?</p> <p>A. Thomas Kurian is the executive.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 49: OFCCP cites this deposition testimony to assert that Ms. Cheruvu was Oracle’s human resource business partner for Thomas Kurian’s Product Development LOB. The deposition testimony does not support the assertion that Ms. Cheruvu was a “Human Resources Business Partner for President Thomas Kurian’s Product Development LOB.” To the contrary, she testifies that, in March 2015, she “was supporting the – what – what is called ‘the development organization’” Cheruvu Dep. 60:14-16. Nowhere in this testimony does she does refer to herself as a “Human Resources Partner.”</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 49: This deposition excerpt is vague and ambiguous to the extent it asks for ‘certain factors’ for a ‘salary range’ and who are ‘executives in HR.’</p>
<p>Cheruvu Dep. 267:16-268:8</p> <p>Q. Okay. So, Ms. Cheruvu, looking down at this e-mail, can you tell me what in out – what an out-of-cycle raise is? – or what an I – out-of-cycle request for a raise is?</p> <p>A. A salary increase that’s done outside of the annual focal process.</p> <p>Q. Okay. What – what are the circumstances that this would be done – that someone would request an out-of-cycle request for a raise?</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 100: The deposition excerpt makes clear that the only group about which the deponent is speaking is product development. This excerpt does not support the statement that Oracle will make salary adjustments when it believes it is as risk of losing an employee.</p> <p>Objection #3: Evidence does not support the</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>MR. PARKER: Lacks foundation. THE WITNESS: In what group? BY MS. FLORES: Q. For product development, for Thomas Kurian's group? A. If they felt they were at risk of losing somebody? Are there any other reasons? A. I don't know.</p>	<p>proposition for which it is cited.</p> <p>SUF 100: The deposition excerpt makes clear that the only group about which the deponent is speaking is product development. This excerpt does not support the statement that Oracle will make salary adjustments when it believes it is as risk of losing an employee.</p>
<p>Cheruvu Dep. 250:6-23</p> <p>Q. Do you do anything to comply with affirmative action regulations? MR. PARKER: Calls for a legal conclusion; vague and ambiguous. THE WITNESS: I personally, no. BY MS. FLORES: Q. Oh, what actions, if any, do you know that Thomas Kurian took during his -- his focal reviews to comply with affirmative action law? MR. PARKER: Same objections and lacks foundation. THE WITNESS: I -- I don't know. BY MS. FLORES: Q. Are you aware whether or not -- are you aware whether Thomas Kurian tried to comply with affirmative action regulations? MR. PARKER: Same objections. THE WITNESS: I -- I don't know.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 213: There is no indication that the deponent knows what the affirmative action regulations are. Therefore, the answer to the question establishes nothing. And there is no basis for concluding that the deponent knows the regulations and has not in fact done actions in compliance with them.</p> <p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 214: OFCCP cites to this excerpt to assert that Ms. Cheruvu does not know anything that Thomas Kurian did or attempted to do during focal reviews to comply with the affirmative action regulations. This fact is not supported by this excerpt.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 213: There is no indication that the deponent knows what the affirmative action regulations are. Therefore, the answer to the question establishes nothing. And there is no basis for concluding that the deponent knows the regulations and has not in fact done actions in compliance with them.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Cheruvu Dep. 240:23-241:11</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 231: The articulation of the fact also reflects that the deponent lacks personal knowledge.</p> <p>Calls for Legal Conclusion.</p> <p>SUF 231: There is no indication that the deponent knows what the affirmative action regulations are. Therefore, the answer to the question proves nothing. And there is no basis for concluding that the deponent knows the regulations and has not in fact done actions in compliance with them.</p> <p>Objection #6 Incomplete Exhibits.</p> <p>SUF 231: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 231.</p>
<p>Cheruvu Dep. 243:2-6</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 232: The articulation of the fact also reflects that the deponent lacks personal knowledge.</p> <p>Calls for Legal Conclusion.</p> <p>SUF 232: There is no indication that the deponent knows what the affirmative action regulations are. Therefore, the answer to the question proves nothing. And there is no basis for concluding that the deponent knows the regulations and has not in fact done actions in</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>compliance with them.</p> <p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 232: OFCCP cites to this deposition excerpt to assert that Ms. Cheruvu was a human resource business partner for Thomas Kurian. This is incorrect. Ms. Cheruvu was not a human resource business partner.</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 232: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 232.</p>
<p>Cheruvu Dep. 243:8-13</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 233: The articulation of the fact also reflects that the deponent lacks personal knowledge.</p> <p>Calls for Legal Conclusion.</p> <p>SUF 233: There is no indication that the deponent knows what the affirmative action regulations are. Therefore, the answer to the question proves nothing. And there is no basis for concluding that the deponent knows the regulations and has not in fact done actions in compliance with them.</p> <p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>OFCCP cites to this deposition excerpt to assert that Ms. Cheruvu was a human resource</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>business partner for Thomas Kurian. This is incorrect. Ms. Cheruvu was not a human resource business partner.</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 233: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 233.</p>
<p>Cheruvu Dep. 243:15-21</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 231: The articulation of the fact also reflects that the deponent lacks personal knowledge</p> <p>Calls for Legal Conclusion.</p> <p>SUF 234: There is no indication that the deponent knows what the affirmative action regulations are. Therefore, the answer to the question proves nothing. And there is no basis for concluding that the deponent knows the regulations and has not in fact done actions in compliance with them.</p> <p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 234: OFCCP cites to this deposition excerpt to assert that Ms. Cheruvu was a human resource business partner for Thomas Kurian. This is incorrect. Ms. Cheruvu was not a human resource business partner.</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 234: Pursuant to 29 C.F.R. § 18.72(c)(i), a</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 234.</p>

T. Exhibit 20: Oracle’s Global Approval Matrices from 2012-2017

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 3, ¶ 21, Ex. 20, Oracle’s Global Approval Matrices from 2012-2017, ORACLE_HQCA_0000062710-1 to -3, 0000062711-1 to -3, 0000062712-1 to -3, 0000062720-1 to -5, 0000062725-1 to -3, 0000062732-1 to -5.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 112, 113: Oracle cites to this exhibit to assert that Oracle does not allocate budgets or resources to ensure pay equity or to correct pay disparities based on race or gender. <i>See Mot.</i> at 12. However, this exhibit does not mention anything regarding how budgets are utilized to ensure pay equity or correct pay disparities.</p> <p>Objection #5: Relevance.</p> <p>SUF 112, 113: Oracle cites to this exhibit to assert that Oracle does not allocate budgets or resources to ensure pay equity or to correct pay disparities based on race or gender. <i>See Mot.</i> at</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>12. However, this exhibit does not mention anything regarding how budgets are utilized to ensure pay equity or correct pay disparities. Consequently, it does not make it more or less likely that it is true, and thus it is not relevant to that allegation.</p>

U. Exhibit 21: Oracle’s “Managing Compensation”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 3, ¶ 22, Ex. 21, Oracle’s “Managing Compensation,” dated April 2016, ORACLE_HQCA_0000380437-1 to -52.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 104: OFCCP cites to ORACLE_HQCA_0000380437-18 to assert that Oracle managers might not have the budget “to perfectly place all [of their] employees” where they should be in their salary range. From this citation, OFCCP infers that Oracle may be improperly placing its employees outside of the given salary ranges. This is not the case. The cited document simply provides an explanation regarding why salary ranges may be so broad for given job codes, and then states that “As a manager, you may not always have the budget to perfectly place all your</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>employees, <i>but we wanted to give you an overview and understanding of the intended usage of the salary range.</i>” <i>Id.</i> (emphasis added).</p> <p>Objection #5: Relevance</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s Motion for Summary Judgment, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. Oracle’s Opp. to Mot. at 13-14.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

V. **Exhibit 22: Oracle’s “Global Compensation Training: Compensation Processes”**

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 3, ¶ 23, Ex. 22, Oracle’s “Global Compensation Training: Compensation Processes,” copyright 2011, ORACLE_HQCA_0000364274-1 to -28.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 115: OFCCP cites to this document at ORACLE_HQCA_0000381306-52 to -75 to assert that Oracle’s instructions for conducting salary reviews and allocating bonuses and stock grants instruct managers how to make recommendations, and that they are reviewed by each successive level of management until they are finally approved at the top of the management chain of command or the office of that top executive. The evidence OFCCP relies on says nothing about decisions being reviewed by “each successive level of management until they are finally approved at the top of the management chain of command or the office of that top executive.” The training decks on which OFCCP relies are silent with respect to the chain of approval.</p> <p>Objection #5: Relevance.</p> <p>SUF 106: Oracle cites to this exhibit to assert that Oracle does not allocate budgets or resources to ensure pay equity or to correct pay disparities based on race or gender. <i>See also</i> Mot. at 12. However, this exhibit does not mention anything regarding how budgets are utilized to ensure pay equity or correct pay disparities. Consequently, it does not make it more or less likely that it is true, and thus it is not relevant to that allegation.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s Motion for Summary Judgment, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. Oracle’s Opp. to Mot. at 13-14.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

W. Exhibit 23: Oracle’s “Dimensions of Diversity Newsletter”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 3, ¶ 24, Ex. 23, Oracle’s “Dimensions of Diversity Newsletter,” dated December 13, 2016, ORACLE_HQCA_0000053641-65.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	of the record, it cannot be self-authenticating.

X. **Exhibit 24: Oracle’s “Annual Bonus Program and Workforce Compensation Manager Training”**

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 3, ¶ 25, Ex. 24, Oracle’s “Annual Bonus Program and Workforce Compensation Manager Training,” copyright 2018, ORACLE_HQCA_0000381306-1 to -96.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 107: OFCCP cites to ORACLE_HQCA_0000381306 in its entirety to assert that Kate Waggoner’s Global Compensation Team provides instructions and training for how to administer bonuses on a discretionary basis. However, this presentation is simply Ms. Waggoner’s team explaining how to input their recommendations into Oracle’s system, and how to utilize Oracle’s software. How a manager is trained to use Oracle’s software does not make it more or less likely that Ms. Waggoner’s team provided instructions on how to award discretionary bonuses.</p> <p>SUF 115: OFCCP cites to ORACLE_HQCA_0000381306-52 to -75 to assert that Oracle managers are instructed to</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>make compensation recommendations that are reviewed by each successive level of management until they are approved at the top of the management chain of command or office of that top executive. However, this section simply discusses how managers input their recommendations into Oracle’s system, and how to utilize Oracle’s software. It has nothing to do regarding managers getting appropriate approval from the top of the management chain.</p> <p>SUF 124: OFCCP cites to this document at ORACLE_HQCA_0000381306-76 to assert that Oracle’s managers cannot communicate any pay changes until high level approval because changes can happen during the approval process. This is not supported by this citation. Rather, the document simply says “Please remember: do not communicate any recommendations until you receive notification from Corporate Compensation through your manager or HR manager.” (-76)</p> <p>Objection #5: Relevance.</p> <p>SUF 107: OFCCP cites to ORACLE_HQCA_0000381306 in its entirety to assert that Kate Waggoner’s Global Compensation Team provides instructions and training for how to administer bonuses on a discretionary basis. However, this presentation is simply Ms. Waggoner’s team explaining how to input their recommendations into Oracle’s system, and how to utilize Oracle’s software. How a manager is trained to use Oracle’s software does not make it more or less likely that Ms. Waggoner’s team provided instructions on how to award discretionary bonuses. Consequently, the citation to this exhibit is not relevant.</p> <p>SUF 115: OFCCP cites to</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>ORACLE_HQCA_0000381306-52 to -75 to assert that Oracle managers are instructed to make compensation recommendations that are reviewed by each successive level of management until they are approved at the top of the management chain of command or office of that top executive. However, this section simply discusses how managers input their recommendations into Oracle’s system, and how to utilize Oracle’s software. It has nothing to do regarding managers getting appropriate approval from the top of the management chain.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s Motion for Summary Judgment, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. Oracle’s Opp. to Mot. at 13-14.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

Y. **Exhibit 25: Oracle’s “Manager Training: Compensation Process for Global Corporate Bonus & Fusion Workforce Compensation”**

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 5, ¶ 26, Ex. 25, Oracle’s “Manager Training: Compensation Process for Global Corporate Bonus & Fusion Workforce Compensation,” dated June 2014, ORACLE_HQCA_00000562420-1 to -56.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 107: OFCCP cites to ORACLE_HQCA_0000381306 in its entirety to assert that Kate Waggoner’s Global Compensation Team provides instructions and training for how to administer bonuses on a discretionary basis. However, this presentation is simply Ms. Waggoner’s team explaining how to input their recommendations into Oracle’s system, and how to utilize Oracle’s software. How a manager is trained to use Oracle’s software does not make it more or less likely that Ms. Waggoner’s team provided instructions on how to award discretionary bonuses.</p> <p>SUF 115: OFCCP cites to this document at ORACLE_HQCA_0000056242-42 to -48 to assert that Oracle’s instructions for conducting salary reviews and allocating bonuses and stock grants instruct managers how to make recommendations, and that they are reviewed by each successive level of management until they are finally approved at the top of the management chain of command or the office of</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>that top executive. The evidence OFCCP relies on says nothing about decisions being reviewed by “each successive level of management until they are finally approved at the top of the management chain of command or the office of that top executive.” The training decks on which OFCCP relies are silent with respect to the chain of approval.</p> <p>Objection #5: Relevance.</p> <p>SUF 107: OFCCP cites to ORACLE_HQCA_0000381306 in its entirety to assert that Kate Waggoner’s Global Compensation Team provides instructions and training for how to administer bonuses on a discretionary basis. However, this presentation is simply Ms. Waggoner’s team explaining how to input their recommendations into Oracle’s system, and how to utilize Oracle’s software. How a manager is trained to use Oracle’s software does not make it more or less likely that Ms. Waggoner’s team provided instructions on how to award discretionary bonuses. Consequently, the citation to this exhibit is not relevant.</p> <p>SUF 115: OFCCP cites to 0000056242-42 to -48 to assert that Oracle managers are instructed to make compensation recommendations that are reviewed by each successive level of management until they are approved at the top of the management chain of command or office of that top executive. However, this section simply discusses how managers input their recommendations into Oracle’s system, and how to utilize Oracle’s software. It has nothing to do regarding managers getting appropriate approval from the top of the management chain.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle's Opposition to OFCCP's Motion for Summary Judgment, Oracle's compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. Oracle's Opp. to Mot. at 13-14.</p>

Z. Exhibit 26: Oracle's New Manager Training: Compensation Processes/Compensation Workbench

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 4, ¶ 27, Ex. 26, Oracle's New Manager Training: Compensation Processes/Compensation Workbench," dated May 2011, ORACLE_HQCA_0000056957-1 to -58.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia's declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 115: OFCCP cites to this document at ORACLE_HQCA_0000056957-3, -4, -16, -38 to -45 to assert that Oracle's instructions for conducting salary reviews and allocating bonuses and stock grants instruct managers how to make recommendations, and that they</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>are reviewed by each successive level of management until they are finally approved at the top of the management chain of command or the office of that top executive. The evidence OFCCP relies on says nothing about decisions being reviewed by “each successive level of management until they are finally approved at the top of the management chain of command or the office of that top executive.” The training decks on which OFCCP relies are silent with respect to the chain of approval.</p> <p>Objection #5: Relevance.</p> <p>SUF 115: OFCCP cites to O0000056957-3, -4, -16, -38 to -45 to assert that Oracle managers are instructed to make compensation recommendations that are reviewed by each successive level of management until they are approved at the top of the management chain of command or office of that top executive. However, this section simply discusses how managers input their recommendations into Oracle’s system, and how to utilize Oracle’s software. It has nothing to do regarding managers getting appropriate approval from the top of the management chain.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s Motion for Summary Judgment, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. Oracle’s Opp. to Mot. at</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>13-14.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

AA. Exhibit 27: PMK Deposition of Kate Waggoner

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Waggoner PMK Dep. 226:16-21</p> <p>Q...I'm trying to learn more about performance reviews and how they're conducted at Oracle.</p> <p>MS. CONNELL: Same objections.</p> <p>A. Performance – so performance reviews, first of all, aren't centrally mandatory. Some organizations do them and some don't.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 142: OFCCP cites to this deposition excerpt to assert that Oracle managers are not required to perform formal performance evaluations. This assertion is not supported by this excerpt.</p> <p>SUF 143: OFCCP cites to this deposition excerpt to assert that Oracle managers are not required to perform formal performance evaluations. The excerpt does not support this assertion. Rather, Ms. Waggoner testified that leaders of lines of business, or even sub-organizations within a line of business, determine whether performance evaluations are required. <i>See</i> Waggoner 30b6 Dep. 228:10-19. Accordingly, whether a manager is required to complete formal performance evaluations is subject to the discretion of that manager's reporting chain.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 142: This deposition excerpt is vague and ambiguous regarding the phrase 'learn more'</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	about performance reviews and ‘how they’re conducted’ at Oracle.
<p>Waggoner PMK Dep. 228:6-9</p> <p>Q. (By Mr. Song) Okay. So performance reviews are not required – A. They are not. Q. – At Oracle?</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 142: OFCCP cites to this deposition excerpt to assert that Oracle managers are not required to perform formal performance evaluations. This assertion is not supported by this excerpt.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 142: This deposition excerpt is vague and ambiguous in that it provides no context to the phrase ‘performance reviews are not required.’</p>
<p>Waggoner PMK Dep. 275:16-276:11</p> <p>Q. (By Mr. Song) Ms. Waggoner, before the break, did you say that Oracle had lean years from ’13 to ’19? Were those the years? A. I – off the top of my head, I don’t remember the exact years, but we’ve had some lean ones of late, yes. Q. Okay. A. Yes. Q. And do you – A. When it comes to bonus, when it comes to bonus. Q. Oh, okay. What about in terms – A. And – Q. – of just general – generally – so what about just generally? MS. CONNEL: Objection. Vague and beyond the scope of the topics for which she’s been designated to testify. A. So if we’re talking about focal and equity – or focal and bonus budgets, focal budgets have</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 111: This line of questioning was beyond the scope of her designation as a 30(b)(6)</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 111: This deposition excerpt is vague and ambiguous when using the terms ‘lean years’ and asking about bonuses ‘generally.’</p> <p>Objection #5: Relevance.</p> <p>SUF 111: Whether or not there were lean year does not prove or disprove the issues in this case.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>been fairly lean, too. We've had a good last few years of at least having something.</p>	
<p>Waggoner PMK Dep. 118:18-23</p> <p>A. And so it goes up, but again, to the – to the CEO office. But again, it's really that sanity check of making sure – we've had – we've had situations, for example, where the CEO office realizes they missed a comma, and then the salary they offered was, like, \$2,0000 instead of 200,000 – like, just thinks that –</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 115: OFCCP misrepresents the testimony as it makes clear that any review is for a “sanity check.</p>
<p>Waggoner PMK Dep. 155:7-25 (SUF 117)</p> <p>Q. Okay. And are approvals required for compensation decisions?</p> <p>A. Well, yes.</p> <p>MS. CONNELL: Objection. Compound, but...</p> <p>A. It – so on here, the – when it comes to, like, the assignment, one of – about halfway down the page, the assignment when it comes to some – like job change, I think in – in my capacity here, the job codes and the job changes would be part of compensation-ish, and, you can see, it's one level up and then an HR is required. But when it comes to any change in pay, there's the – when it – dollars at the bottom of the page.</p> <p>Q. (By Mr. Song) Uh-huh.</p> <p>A. All of this – you'll see some of them – so base salary increase goes all the way up through the CEO office. But again, that's a cursory, a sanity...</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 117: OFCCP misrepresents the testimony as it makes clear that any review is for a “sanity check. In fact, the excerpt provided does not provide the full portion of the answer.</p>
<p>Waggoner PMK Dep. 247:4-13</p> <p>Q. (By Mr. Song) Okay. And then just going back to focal reviews for a minute. You said some – some employees get raises during focal</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 127: OFCCP cites to <u>this</u> deposition excerpt to assert that “only █% of the</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>reviews and some don't. Do you have any idea what the percentages are?</p> <p>A. I really – I really don't. Some years – depending on the size of the budget, some years, it might be ■ percent of our population; other years, it might get up to ■ percent of the population. It can vary quite drastically.</p>	<p>employees may get a raise in a given year.” <i>See also Mot. at 9. However, Ms. Waggoner admitted that she had no idea what the percentages are regarding how many employees receive raises during focal reviews.</i></p> <p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 127: OFCCP cites to this deposition excerpt to assert that “only ■% of the employees may get a raise in a given year.” <i>See also Mot. at 9. However, Ms. Waggoner admitted that she had no idea what the percentages are regarding how many employees receive raises during focal reviews.</i></p>
<p>Waggoner PMK Dep. 308:8-24</p> <p>Q. Okay. So if some – if the ■ – or the budget was ■ percent, would most employees be getting ■ percent?</p> <p>MS. CONNELL: Objection. Misstates her testimony. Assumes facts. And I want to designate this as confidential.</p> <p>A. No, because I stated that not everybody gets a focal.</p> <p>Q. (By Mr. Song) Okay.</p> <p>A. I believe I said it was in the –</p> <p>Q. Yes.</p> <p>A. – ■ or –</p> <p>Q. That's correct.</p> <p>A. – I forgot what my range was. ■ over the course of how many years. So if somebody gets ■, obviously that means a couple people got nothing.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 127: OFCCP cites to this deposition excerpt to assert that “only ■% of the employees may get a raise in a given year.” <i>See also Mot. at 9. However, as noted immediately above, Ms. Waggoner admitted that she had no idea what the percentages are regarding how many employees receive raises during focal reviews.</i></p> <p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 127: OFCCP cites to this deposition excerpt to assert that “only ■ of the employees may get a raise in a given year.” <i>See also Mot. at 9. However, as noted immediately above, Ms. Waggoner admitted that she had no idea what the percentages are regarding how many employees receive raises during focal reviews.</i></p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Waggoner PMK Dep. 328:5-16</p> <p>Q. (By Mr. Song) So because Oracle was experiencing some lean years, were they able to continue, you know, paying its employees at market rates? Or did they have to go below market rates because of the lean years?</p> <p>MS. CONNELL: Same objections.</p> <p>A. Well, what I mean by ‘lean years’ is little to no focal budget.</p> <p>Q. (By Mr. Song) Uh-huh.</p> <p>A. So if you give – if we give little to no focal budget, naturally we’re not keeping up with the way the market has grown.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 128: OFCCP cites to this deposition excerpt to assert that “the budget available for salary increases is insufficient to keep up with market rates.” <i>See also</i> Mot. at 10. However, the excerpt only discusses the fact that Oracle has had “lean years” in the past. It also does not state that Oracle has not kept up with the market.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 128: OFCCP cites to this deposition excerpt to assert that “the budget available for salary increases is insufficient to keep up with market rates.” <i>See</i> Mot. at 10. However, the excerpt only discusses the fact that Oracle has had “lean years” in the past. It is vague and ambiguous as to what “lean years” means, when those “lean years” occurred, and whether those “lean years” actually cause Oracle to provide insufficient salary increases to keep up with market rates. Further, it is vague and ambiguous as to whether this deposition excerpt actually supports the notion that Oracle does not consistently increase salaries as employees improve their skills. <i>See</i> Mot. at 10</p> <p>Objection #5: Relevance.</p> <p>SUF 128: Here, it is unclear which “lean years” Ms. Waggoner is referring to, and whether those “lean years” actually took place during the audit period at issue. Consequently, it is not more or less likely to make it true that Oracle’s salary increases were insufficient to keep up with market rates. Consequently, this deposition excerpt is not relevant.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Waggoner PMK Dep. 246:6-14</p> <p>Q. All right. If there were lean budgets those years, would everybody get the same or similar raise, like 2 percent or something like that?</p> <p>MS. CONNELL: Objection. Incomplete hypothetical.</p> <p>A. No. We don't ever peanut butter any of our budgets. It's still, you have to prioritize; when budgets are lean, you have to prioritize, and we speak to that in our training.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 141: OFCCP cites to this deposition excerpt to assert that during focal reviews, Oracle does not spread salary increases to all employees. The evidence does not support this assertion. Rather, Ms. Waggoner testified that not everyone gets the "same or similar raise" and that managers "have to prioritize." Waggoner PMK Dep. 246:6-14. She says nothing about Oracle not spreading salary increases to all employees.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 141: This deposition excerpt is vague and ambiguous as to the term 'lean budgets' for 'those years' and the phrase 'like 2 percent or something like that.'</p>
<p>Waggoner PMK Dep. 307:13-308:7</p> <p>A. I can tell you, [REDACTED] percent for a focal is huge –</p> <p>Q. Okay.</p> <p>A. – at Oracle.</p> <p>Q. Okay.</p> <p>A. So it appears to me that they did try – you know, I don't know the date. They didn't give the date of this, but it appears to me that he had to have been getting large increases.</p> <p>Q. All right. So if that's huge for a focal, what's the average percentage increase for a focal?</p> <p>MS. CONNELL: Objection. Assumes facts.</p> <p>A. I don't – I don't know the average. I just know, you know, of the – when we have had focals in the US in the last decade –</p> <p>Q. (By Mr. Song) Uh-huh.</p> <p>A. – a [REDACTED] percent – or [REDACTED] percent</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 132: The deponent stated that [REDACTED] is "major." The deponent did not say "huge."</p> <p>Objection #5: Relevance.</p> <p>SUF 132: Whether a focal review of [REDACTED] is major or huge does not prove or disprove the issues in this case.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>budget is really all we've been getting. Q. Okay. A. So █ percent is major.</p>	
<p>Waggoner PMK Dep. 279:24-280:22</p> <p>Q. All right. And are there situations where a new hire could – could be assigned or placed in a different job code or job title than they initially applied for? MS. CONNELL: Objection. Incomplete Hypothetical. Calls for speculation. A. So in the posting process, in the requisition posting process, the manager selects the job code that most closely represents the role that they have to fill and the level at which they would like to fill it. Depending on the candidate they choose, they are free to go one level up or one level down, depending on what that candidate brings to the table. If they bring someone in a little bit more senior than what they originally posted for and they're going to give them a little bit more complexity in their responsibility, they could go one career level up in that, but that's the only time that the job code would change when they come on board. Q. (By Mr. Song) Okay. When you say 'one level up or one level down,' you're talking – A. Yes. Q. – about the career level? A. The career level.</p>	<p>Objection #5: Relevance. SUF 156: Saad has established that persons are not assigned to jobs in a discriminatory manner. This fact does not prove or disprove the issues in this case.</p>
<p>Waggoner PMK Dep. 310:2-24</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 177: The articulation of the fact also reflects that the deponent lacks personal knowledge.</p> <p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 177: OFCCP cites to this deposition</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>excerpt to assert that Oracle purposely discourages granting pay increases when its employees laterally transfer from one position to another. This is not true. Rather, Ms. Waggoner testified that by definition, when someone “laterals,” that means that they stay at the same level receiving the same pay. Ex. 27 at 310:21-25. There is no evidence to support the notion that Oracle “purposely discourages granting pay increases.”</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 177: This deposition excerpt is vague and ambiguous regarding the term ‘lateral’ and ‘transfer.’</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 177: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 177.</p> <p>Objection #5: Relevance. SUF 177: This fact, even if true, does not prove or disprove any issue in this case.</p>
<p>Waggoner PMK Dep. 312:10-20</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 177: OFCCP cites to this deposition excerpt to assert that Oracle purposely discourages granting pay increases when its employees transfer from one position to another because it would lead to infighting and managers poaching staff from other organizations. This citation is taken out of context. Rather, OFCCP omitted the fact that</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>in the quoted citation, Ms. Waggoner clarifies that the transfers she was referring to were for positions with similar job level, duties, and responsibilities. It is in those situations where Oracle discourages pay increases with for internal transfers.</p> <p>Objection #5: Relevance. SUF 177: This fact, even if true, does not prove or disprove any issue in this case.</p> <p>Objection #6: Incomplete Exhibits. SUF 177: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 177.</p>
<p>Waggoner PMK Dep. 294:9-11</p> <p>Q. Is there a specific budget for dive and save? A. No</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited. SUF 222: OFCCP cites to this deposition excerpt to assert that Oracle does not allocate budgets or resources to ensure pay equity or to correct pay disparities based on race or gender. OFCCP further asserts that Oracle restricted budgets of its “dive and saves” so that managers did not have resources to correct pay discrepancies. <i>See also</i> Mot. at 27. This deposition excerpt does not make any reference to pay equity corrections or to ensuring pay equity. Further, although Ms. Waggoner states that there is no “specific budget” for “dive and saves,” that does not mean that managers do not have the resources to correct any alleged pay discrepancies.</p> <p>Objection #5: Relevance.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>SUF 222: Oracle cites to this exhibit to assert that Oracle does not allocate budgets or resources to ensure pay equity or to correct pay disparities based on race or gender. <i>See also</i> Mot. at 12. However, this excerpt does not mention anything regarding how budgets are utilized to ensure pay equity or correct pay disparities. Consequently, it does not make it more or less likely that it is true, and thus it is not relevant to that allegation.</p>
<p>Waggoner PMK Dep. 297:13-23</p> <p>Q. (By Mr. Song) Okay. If you turn to the next page, at the very top, in bold, it says, "If approved, [REDACTED] will have [REDACTED] left in his dive and save budget." So --</p> <p>A. Yes, I see that.</p> <p>Q. -- do you know what that means?</p> <p>A. I don't know exactly what that means, but given it's the number [REDACTED], I would say they were given, by Thomas, X number of opportunities in a fiscal year to dive and save and –</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 223: OFCCP cites to this deposition excerpt to assert that Oracle restricted budgets of its “dive and saves” so that managers did not have resources to correct pay discrepancies. <i>See also</i> Mot. at 12, 27. This deposition excerpt does not make any reference to pay equity corrections or to ensuring pay equity. <i>Id.</i> Further, the excerpt makes no mention that managers do not have the resources to correct any alleged pay discrepancies.</p> <p>Objection #5: Relevance.</p> <p>SUF 223: Oracle cites to this exhibit to assert that Oracle does not allocate budgets or resources to ensure pay equity or to correct pay disparities based on race or gender. <i>See also</i> Mot. at 12, 27. However, this exhibit does not mention anything regarding how budgets are utilized to ensure pay equity or correct pay disparities. Consequently, it does not make it more or less likely that it is true, and thus it is not relevant to that allegation.</p>
<p>Waggoner PMK Dep. 270:13-271:14</p>	<p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 260, 262: This deposition excerpt is</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>vague and ambiguous regarding the terms ‘stock options’, ‘granted’ and ‘vest.’ Further, it is vague as to ‘retention capability.’</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 260, 262: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 260 and 262.</p>
<p>Waggoner PMK Dep. 271:7-14</p>	<p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 261: The deposition excerpt is vague and ambiguous regarding the term ‘retention capability.’</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 261: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 261.</p>

BB. Exhibit 28: Oracle’s “Recruit & Hire at Oracle: Module 6: How to Create an Offer in iRecruitment”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 4, ¶ 29, Ex. 28, Oracle’s “Recruit & Hire at Oracle: Module 6: How to Create an Offer in iRecruitment,” copyright 2017, ORACLE_HQCA_0000057179.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 116: OFCCP cites to this document at ORACLE_HQCA_0000057179-22 to assert that Oracle’s compensation instructions for hiring and for off-cycle salary increases require managers to make pay recommendations that require the approvals all the way up to the Executive Level or their offices. The evidence OFCCP cites is silent with respect to any approval process for “off-cycle salary increases.” Exhibit 28 is a training document dedicated to making recruitment offers. It is silent with respect to off-cycle salary increases. OFCCP’s assertion therefore is not supported by evidence to the extent it discusses off-cycle salary increases. Also, the suggestion that “dive and saves” are the only or primary form of off-cycle salary increases is not supported by the evidence.</p> <p>Objection #5: Relevance.</p> <p>SUF 191, SUF 194: OFCCP cites to this exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether or not compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s Motion for Summary Judgment, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>skill, relevant experience, and expertise when making pay decisions. Oracle’s Opp. to Mot. at 13-14.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

CC. Exhibit 29: “iRecruitment Candidate Details for Applicant Number 452780”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 4, ¶ 30, Ex. 29, “iRecruitment Candidate Details for Applicant Number 452780,” dated February 17, 2014, ORACLE_HQCA_0000001729-32</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 118: OFCCP cites to this document at ORACLE_HQCA_0000001729 to assert that high-ranking executives like Larry Ellison and Thomas Kurian give their required approvals in a chain of approvals when Oracle hires new employees. The evidence OFCCP cites does not support this “fact.” First, Exhibit 29 is a recruitment summary for one candidate. This one candidate’s hiring process says nothing about other candidates or Oracle’s general practices. Second, the substance of this</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>document does not support this assertion. Within this summary is an “Approval History,” which includes both Larry Ellison and Thomas Kurian. However, nowhere in this summary is there any indication that Thomas Kurian, Larry Ellison or any other approver is “required.” Therefore, the evidence does not support this assertion.</p> <p>Objections #4 and #5: Vague and Ambiguous and Relevance.</p> <p>SUF 165: OFCCP cites to ORACLE_HQCA_0000001729-32 to assert that Oracle placed an employee’s current compensation information in a “comments column” within iRecruitment that required Thomas Kurian’s and Larry Ellison’s review prior to being approved. It is vague and ambiguous as to what kind of “review” was needed based on this statement. Without knowing what kind of review was performed by Kurian and Ellison it is unclear how this information is relevant to Oracle’s salary approval process generally. Further, the relevance of this document is more at issue considering it is simply one candidate entry amongst thousands at Oracle, and thus cannot be utilized to impute actions globally.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

DD. Exhibit 30: Emails between Oracle Managers in July 2014 regarding “Dive-and-Save”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 4, ¶ 31, Ex. 30, emails between Oracle Managers in July 2014 regarding “Dive-and-Save,” ORACLE_HQCA_0000432004-06.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 119: OFCCP cites to this document at ORACLE_HQCA_0000432004 to assert that Thomas Kurian gave his required approval to off-cycle dive and save requests. Exhibit 30 is an email chain about one employee’s competing offer. The emails about this one candidate’s compensation say nothing about other candidates or Oracle’s general practices. Further, this document does not indicate that Thomas Kurian’s approval is “required.” Therefore, this exhibit cannot support OFCCP’s assertion.</p> <p>Objection #5: Relevance.</p> <p>SUF 119, 136: This exhibit is cited to by OFCCP to assert that Thomas Kurian gave his approval to off-cycle dive and save requests. However, the relevance of this document is at issue considering it is simply one candidate entry amongst thousands at Oracle, and thus cannot be utilized to impute actions globally.</p> <p>Objection #7: Authentication. OFCCP offers</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.

EE. Exhibit 31: Deposition of Juan Loaiza

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Loaiza Dep. 114:19-115:3</p> <p>Q. So what I'm trying to take into account is for those times that you do, are the ratings in the compensation workbench the same as the performance evaluations or are they done independently of that?</p> <p>A. We don't do performance evaluations.</p> <p>Q. Okay. I got the message. You don't do performance evaluations.</p> <p>A. Since it was something we don't do, you know, it's not – you know.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 144: OFCCP cites to this deposition excerpt to assert that the Product Development organization did not do formal performance evaluations. The evidence cited by OFCCP provides no factual support for “entire organizations” within Product Development not conducting performance evaluations.</p>
<p>Loaiza Dep. 17:17-20</p> <p>Q. Are you in a formal organization like product development as a line of business?</p> <p>A. Yes, it's – our engineering or product development organization. That's correct.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 144: OFCCP cites to this deposition excerpt to assert that the Product Development organization did not do formal performance evaluations. The evidence cited by OFCCP provides no factual support for “entire organizations” within Product Development not conducting performance evaluations.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 144: This deposition is vague and ambiguous regarding the phrase “formal organization.”</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Loaiza Dep. 105:10-23</p> <p>Q. When a person moves from one organization to another organization, does the salary move too?</p> <p>A. Generally, yes. Salary is unchanged on a transfer in general.</p> <p>Q. So when you say un – ‘unchanged’ you mean there’s no salary increase in general, correct?</p> <p>A. No salary increase or decrease.</p> <p>Q. Understand.</p> <p>A. In general. Because there’s different organizations. So let me say it – let me be a little more precise. Within development, if it’s a development organization to development organization, there is very rarely any change in salary.</p>	<p>Objection #1: Lack of Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 176: Loaiza was not produced as a 30b6 witness and lacks personal knowledge for any transfers outside of his group. Consequently, he does not have the personal knowledge to address this issue.</p> <p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 176: OFCCP cites to this deposition excerpt to assert that when a person moves from one organization to another within Product Development, there is “very rarely” any change in salary. This assertion is not supported by this excerpt.</p>
<p>Loaiza Dep. 119:3-120:16</p> <p>Q. So is Larry Ellison in your chain of command?</p> <p>A. Yes, he is.</p> <p>Q. Okay. Have you ever received any message on the computer screen – and Larry Ellison’s – strike that. Let me start over. Larry Ellison’s initials are LJE, correct?</p> <p>A. Yes, that’s correct.</p> <p>Q. Have you ever seen a message on the computer screen saying that LJE has approved?</p> <p>A. I’m not sure whether it precisely says LJE but...</p> <p>Q. Or approved by LJE?</p> <p>A. LJE? Generally it will say Larry Ellison, let me put it that way.</p> <p>Q. Okay. So the computer screen will inform you that Larry Ellison has approved it, correct?</p> <p>A. If he’s – if – yeah, if it’s an approval process.</p> <p>Q. Okay.</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 41: OFCCP cites to this deposition excerpt to assert that Larry Ellison is in Juan Loaiza’s chain of command and was a final approver in his focal reviews. However, the deposition testimony on which OFCCP relies discusses an “approval process” generally. The testimony discusses Larry Ellison approving something, but at no point does the testimony specify what approval process it refers to. Nor is there any statement to support the assertion that Larry Ellison was “a final approver” of anything.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 41: This deposition excerpt is vague and ambiguous regarding one “receiv[ing] any message on the computer screen” and the</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A. Whether it says LJE or Larry Ellison generally it will say Larry Ellison not LJE. Q. Okay. I was trying to find out if his name, whether it's initials or – A. Yeah. Q. – his actual name was communicated. A. Yeah. Q. And what I understand you to say is, the approval process will indicate that Larry Ellison has approved it, you're just unsure of the exact format of that, correct? MR. SHWARTS: Where he's in the approval process, is what he testified to. You may answer. THE WITNESS: Yeah. Where he's in the approval process, it will say he approved. Generally at the – from my recollection, it doesn't normally say LJE. It normally says Larry Ellison.</p>	<p>deponent being asked if he has “ever seen a message on the computer screen saying that LJE has approved.”</p>
<p>Loaiza Dep. 283:6-284:22</p> <p>Q. Now, I'm interested in the – in the term 'salary compression.' Is that a term used at Oracle? MR. SHWARTS: Objection. Overbroad. You may answer. THE WITNESS: I've heard that term used. Q. What was your understanding of that term to mean? A. Salary compression generally means that we feel that the person is underpaid relative to market. Q. Do you feel that's the situation with anyone in your organization? A. At any given time we will have some individuals we feel are underpaid and some we don't. Q. Understood. And is there a limiting factor for people who you believe who are underpaid to get properly compensated? A. The budget.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 135: OFCCP cites to this deposition excerpt to assert that salary compression at Oracle means that an employee is underpaid relative to the market. Mr. Loaiza was not authorized to speak on behalf of Oracle nor was he deposed in any representative capacity, and he merely had an “understanding” about the term salary compression. His response is not attributable to all of Oracle.</p> <p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 129: OFCCP cites to this deposition excerpt to assert that approximately 40-50% of employees in Mr. Loaiza's database organization are paid below the market rate because not enough money is provided for them in the budget. This is incorrect. Mr. Loaiza testified that, if “we had all the budget in the world, we would pay everyone at least</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q. And by ‘budget’ – (Simultaneous cross talking) A. – budget. Q. – you mean the budget that’s allocated to you for salary increases? A. That’s correct. Q. Is there any other reason that you would know of that would prevent you from paying people what you think they should be paid according to the market rate? A. Well, the unlimited budget, I’m sure we would pay everyone to whatever we believe the market rate is. So... Q. I – I understand that. What I’m trying to find out, is there any other reason other than the budget that limits you to pay someone according to what you believe that market rate is? A. Like I said, if we had all the budget in the world, we would pay everyone at least what we consider the market rate is, so that would...</p>	<p>what we consider the market rate is” and that budget is a “limiting factor” in paying market rate. Ex. 31, Loaiza Dep. 283:23-284:22. However, Mr. Loaiza’s approximate “ball park figure” of how many people in his organization he was “waiting to make a correction to move them to the market rate” was only an approximation “<i>at this point in time as you just did the focal review.</i>” <i>Id.</i> 305:7-306:3. OFCCP’s assertion with no limitation on date or time is therefore unsupported by the evidence.</p> <p>SUF 135: OFCCP cites to this deposition excerpt to assert that salary compression at Oracle means that an employee is underpaid relative to the market. This assertion is not supported by this excerpt.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 129: This deposition excerpt is vague and ambiguous as to the terms “properly compensation,” “limiting factor,” and “salary compression.”</p> <p>Objection #5: Relevance. SUF 129, 135: There are no facts regarding salary compression and OFCCP’s expert provides no analyses that salary compression is the reason for any alleged discrimination.</p>
<p>Loaiza Dep. 305:7-306:3</p> <p>Do you have people in your organization that you’re waiting to make a correction to move them to the market rate? MR. SHWARTS: Put the document aside. It has nothing to do with the document. Answer the question he asked, which is the only thing – THE WITNESS: We have people that we</p>	<p>Objection #3: Evidence does not support the proposition for which it is cited.</p> <p>SUF 129: OFCCP cites to this deposition excerpt to support that Oracle does not consistently increase salaries as employees improve their skills. <i>See</i> Mot. at 10. Although Mr. Loaiza discusses the fact that he believes some employees are paid below market compensation, there is no mention regarding</p>

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<p>consider below market compensation, yes. Q. Can you estimate how many those people are? Again, ballpark figure. Is it five? Is it a thousand? Is it 200? I'm just trying to get a feel, rough feel. MR. SHWARTS: Objection. Overbroad. Vague. Ambiguous. THE WITNESS: At this point maybe – BY MR. GARCIA: Q. At this point in time as you just did the focal review. A. Maybe 40 to 50 percent, somewhere in that range.</p>	<p>his employees' skills advancing with respect to their compensation in relation to the market.</p>
<p>Loaiza Dep. 321:20-325:4</p> <p>To your knowledge, has Oracle ever analyzed the pay of any groups of its employees based on gender? MR. SHWARTS: Objection. Overbroad. You may answer. BY MR. GARCIA: Q I'm talking about the last six years. A I -- I haven't seen any such analysis. Q Okay. And again, I'm talking about the last six years. I will first ask you about Oracle. If you indicate yes, then I will ask you also about your -- your knowledge for your organization. Same question except I'm changing it for race. To your knowledge, within the last six years, has Oracle ever analyzed the pay of any of its group of employees based on race? MR. SHWARTS: Objection. Overbroad. You may answer. BY MR. GARCIA: Q To your knowledge. A I've never seen anything. Q Have you ever heard of anything? A No. Q Has anyone ever come to you and said, we've analyzed the pay for -- based on gender</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation. SUF 212. OFCCP cites to this excerpt to assert that Oracle admitted that it took no corrective actions in response to any pay analysis conducted. The excerpt does not support the assertion as the deponent says that the deponent does not know</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 212. OFCCP cites to this excerpt to assert that Oracle admitted that it took no corrective actions in response to any pay analysis conducted. The excerpt does not support the assertion as the deponent says that the deponent does not know.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 212: The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #9 – Privilege SUF 212: OFCCP has no idea what privileged actions Oracle has taken to address pay disparities in response to its privileged pay</p>

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<p>for our organization, and these are the changes that your organization should make, anytime in the last six years?</p> <p>A I don't recall that.</p> <p>Q Has anyone -- same question, flip it for race. Has anybody in the last six years come to you. and said we analyzed the pay of your organization based on race and we want you to make changes?</p> <p>A I don't recall that either.</p> <p>Q Okay. Now I can ask a series of questions using different terms like "audit" and "reviewed," but I'll -- if I -- if I would ask the same question with the word audit versus analyzed, would it change your answer?</p> <p>A No.</p> <p>Q Both for race and gender, right?</p> <p>A Correct.</p> <p>Q And if I use the same question and I change the word from analyze to review, both for race and gender, would it change your answer?</p> <p>A No.</p> <p>Q Okay. You saved a lot of questions that way. Same set of questions. So to your knowledge, has Oracle ever reviewed the pay or audited the pay or analyzed the pay of anyone based on that person being of the Asian race --</p> <p>MR. SHWARTS: Objection.</p> <p>BY MR. GARCIA:</p> <p>Q -- in your organization in the last six years?</p> <p>MR. SHWARTS: Objection. Overbroad. You may answer.</p> <p>THE WITNESS: No.</p> <p>BY MR. GARCIA:</p> <p>Q Same --</p> <p>MR. SHWARTS: I'm sorry. You said -- you cured my objection in the middle of your question. Why don't you ask it again 'cause I didn't mean to interrupt you, but you said</p>	<p>analyses. And one cannot use the assertion of a privilege as proof of anything. <i>Parker v. Prudential Ins. Co. of Am.</i>, 900 F.2d 772, 775 (4th Cir. 1990) (a party “asserting the privilege should not face a negative inference about the substance of the information sought.”).</p>

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<p>"organization," and then I didn't need to object. So go ahead. MR. GARCIA: Okay. BY MR. GARCIA: Q To your knowledge, has Oracle ever reviewed, audited or analyzed the pay for Asians of your organization in the last six years? A Not to my knowledge. Q Same question, I'm just going to change to race. To your knowledge, has Oracle ever reviewed, audited or analyzed the pay of your organization in the last six years for blacks? A Not to my knowledge. Q One last question. Same question, change to gender now. In the last six years, has Oracle every audited, reviewed or analyzed the pay of anyone in your organization in the last six years based on gender? A Not to my knowledge.</p>	
<p>Loaiza Dep. 160:23-162:11</p> <p>Now, a manager at Oracle can see all the pay information of everyone below that manager, right? A Correct. Q And that would include -- or strike that. But a manager at Oracle would not be able to see the pay information of any of their peers, correct? A Correct. Q Or any of the direct report of their peers, correct? A Okay. You're talking about Oracle? Q Talking -- okay. So I'm talking about Manager A -- A Yes. Q -- has -- has direct reports of B and C. A Right. Q And Manager D has direct reports --</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 219: OFCCP cites to this for the assertion that during a focal review, managers have no information to compare the compensation of the people within their organizations to compare to the compensation of other Oracle employees outside of their organization. The witness lacks foundation to speak to what other managers have in their possession regarding their focal reviews. He has no personal knowledge of other managers' review process. Further, Mr. Loaiza was not testifying on behalf of Oracle, so his testimony does not constitute an admission on behalf of Oracle.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A Yeah. Q -- of E and F. A Right. Q Manager A cannot see the pay of E and F, right? A Okay. So what I would say, to be precise, is within our development organization, that's true. It may be possible that a human resource person might be able to see salaries that are not for a person that directly reports to them in human resources. Q Thank -- thank you for that clarification. A Yeah. Q So a manager cannot see any pay of anyone who is not -- in a product development organization -- A Yes. Q -- cannot see the pay of anyone who is not in their direct reports or lower? A That's correct.</p>	
<p>Loaiza Dep 209:22-25</p> <p>Q. Okay. And again, race and gender were not in any of the fields in the focal reviews that you've ever seen, correct? A. Correct</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 221: OFCCP cites to this deposition excerpt to assert that Oracle's compensation programs that managers use during focal reviews do not have any race or gender field. This witness, however, does not speak for Oracle generally and can only speak to the focal reviews he has seen, not to the focal reviews that other managers have seen.</p>
<p>Loaiza Dep. 217:19-219:9</p> <p>Q. Okay. So when promotions occur, is it automatic that a person gets a pay increase at the time a promotion occurs? A. No. Q. Is it more often than not they do or don't? MR. SHWARTS: Objection. Vague. BY MR. GARCIA:</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation. Mr. Loaiza was not produced as a 30b6 witness and thus lacks personal knowledge to discuss salary increases that occur outside of his specific group. Further, Mr. Loaiza has not established that he has personal knowledge regarding increases in pay in connection with promotions.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q. Do you know? MR. SHWARTS: You may answer. THE WITNESS: That has changed in the last year. BY MR. GARCIA: Q. Okay. So 2018 and prior, was it more often than not that they do or more often than not that they don't get an increase at the time – A. Very rare to get an increase. MR. SHWARTS: Hold – hold on. THE REPORTER: Get an increase in? I did not get it. BY MR. GARCIA: Q. Okay. So let me finish the question. A. All right. Q. So 2018 and before, was it more often than not that they did get a pay increase or more often than not that they did not get a pay increase? MR. SHWARTS: Objection. Vague and ambiguous. You may answer. THE WITNESS: It's very rare to get a salary change as part of a promotion prior to 2018.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 183: OFCCP cites to this deposition excerpt to assert that within Product Development, it is “very rare” to get a salary increase as part of a promotion prior to 2018. Before 2018, it was a “policy” not to give a salary increase with promotions. This is not supported by this deposition excerpt.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 183: OFCCP cites to this deposition excerpt to assert that it was very rare to get a salary increase as part of a promotion prior to 2018. However, the question asked to Mr. Loaiza does not make clear which specific organizations he is referring to. Further, the question specified pay increases “at the time a promotion occurs.” Consequently, it is vague and ambiguous regarding whether a pay increase accompanies the promotion at some later time.</p>

FF. Exhibit 32: “Memorandum: Investigation Results,” dated December 7, 2017

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 4, ¶ 33, Ex. 32, “Memorandum: Investigation Results,” dated December 7, 2017, ORACLE_HQCA_0000416837.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 131, 170: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #5: Relevance.</p> <p>SUF 131, 170. This exhibit is cited to by OFCCP to assert that Oracle told an employee that there were several business factors contributing to his salary, including budgetary constraints that impacted the ability to give annual adjustments. However, the relevance of this document is at issue considering it is simply one candidate entry amongst thousands at Oracle, and thus cannot be utilized to impute actions globally.</p>

GG. Exhibit 33: May 7, 2014 Request For A “Dive-And-Save” Salary Adjustment

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 4, ¶ 34, Ex. 33, May 7, 2014 request for a “dive-and-save” salary adjustment, ORACLE_HQCA_0000437696-701.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 133: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #5: Relevance.</p> <p>SUF 133. This exhibit is cited to by OFCCP to assert that Oracle justified a [REDACTED] off-cycle “dive and save” increase of \$ [REDACTED] to prevent someone from going to a competitor However,</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	the relevance of this document is at issue considering it is simply one candidate entry amongst thousands at Oracle, and thus cannot be utilized to impute actions globally.

HH. Exhibit 34: June 15, 2015 Out-Of-Cycle Salary Adjustment Proposal

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 4, ¶ 35, Ex. 34, June 15, 2015 out-of-cycle salary adjustment proposal, ORACLE_HQCA_0000434971-72.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 138: OFCCP cites ORACLE_HQCA_0000434971 to assert that Oracle did not conduct a focal review in 2013. Further, OFCCP cites to this Exhibit to assert that focal reviews are “only undertaken periodically. <i>See</i> Mot. at 11. However, nowhere in the document does it state that Oracle did not conduct a focal review in 2013.</p> <p>SUF 205: OFCCP cites to this document at DOL000040003-22 to assert that on February 12, 2015, Holman-Harries sent OFCCP Lisa Gordon’s interview that Lisa Gordon signed. This assertion is not supported by this document.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>Objection #5: Relevance.</p> <p>SUF 134: OFCCP cites to this exhibit to assert that Oracle justified a █% off-cycle bonus for a certain employee. However, the relevance of this document is at issue considering it is simply one employee’s salary information amongst thousands at Oracle, and thus cannot be utilized to impute actions globally.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

II. Exhibit 35: Oracle’s “Dimensions of Diversity Newsletter”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 4, ¶ 36, Ex. 35, Oracle’s “Dimensions of Diversity Newsletter,” dated December 9, 2015, ORACLE_HQCA_0000049995.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

JJ. Exhibit 36: Oracle’s “Speaker Biographies”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 4, ¶ 37, Ex. 36, Oracle’s “Speaker Biographies,” dated September 19, 2016, ORACLE_HQCA_0000042275-77</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 38: OFCCP cites to this document at ORACLE_HQCA_0000042275 to assert that Safra Catz and Mark Hurd were co-CEOs of Oracle during the litigation period. This document does not, however, support that they were both co-CEOs “during the litigation period,” nor does OFCCP define “during the litigation period.”</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

KK. Exhibit 37: Deposition of Joyce Westerdahl

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Westerdahl Dep. 13:14-19</p> <p>Q. Okay. And who do you report to? A. Safra Catz. Q. Okay. And Safra reports to?</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 38: OFCCP cites to this deposition</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A. The board. She's the CEO. Q. The board? A. She's a co-CEO at Oracle. Q. Okay. And what about Mr. Ellison? A. Mr. Ellison is – I would – he's our chief technology officer at this point.</p>	<p>excerpt to assert that Safra Catz and Mark Hurd were co-CEOs of Oracle during the litigation period. This excerpt does not, however, support that they were both co-CEOs “during the litigation period,” nor does OFCCP define “during the litigation period.”</p>
<p>Westerdahl Dep. 105:12-17</p> <p>Q. Is there a goal for how many performance evaluations an employee should be given? A. No. Q. Okay. And there's no goal about whether it should be written or verbal? A. No. And the top talent system is not really...</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 146: OFCCP cites to this deposition excerpt to assert that Oracle has no goals about the number of performance evaluations that have to be given and no goals about whether the performance evaluations have to be written. The evidence cited by OFCCP provides no factual support for the assertion that Oracle has no goals related to performance evaluations. The cited Westerdahl testimony only confirms that any such goals depend on the Line of Business.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 146: This deposition excerpt is vague and ambiguous as to the phrase “top talent system” and “goal for how many performance evaluations an employee should be given.”</p>
<p>Westerdahl Dep. 155:14-18</p> <p>A. Every line of business has a certain cadence about what they want to do or if they don't want to do it. Q. Okay, so it's not required? A. No.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 142: OFCCP cites to this deposition excerpt to assert that Oracle managers are not required to perform formal performance evaluations. The excerpt does not support this assertion. Rather, Ms. Westerdahl testified that leaders of lines of business, or even sub-organizations within a line of business, determine whether performance evaluations are required. <i>See</i> Westerdahl Dep. 155:12-18,</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	158:9–15. Accordingly, whether a manager is required to complete formal performance evaluations is subject to the discretion of that manager’s reporting chain.
<p>Westerdahl Dep. 158:9-15</p> <p>Q. Okay. So regarding performance reviews, those are just handled by the line of business? A. With their HR partner. Q. With their HR partner. And so they can determine whether they want to do them and when to do them and how often – A. Correct, yeah.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 142: OFCCP cites to this deposition excerpt to assert that Oracle managers are not required to perform formal performance evaluations. The excerpt does not support this assertion. Rather, Ms. Westerdahl testified that leaders of lines of business, or even sub-organizations within a line of business, determine whether performance evaluations are required. <i>See</i> Westerdahl Dep. 155:12-18, 158:9–15. Accordingly, whether a manager is required to complete formal performance evaluations is subject to the discretion of that manager’s reporting chain.</p>
<p>Westerdahl Dep. 321:23-322:16</p> <p>Q. Okay. And does Oracle have any compensation affirmative action goals? MR. SHWARTS: Again, to your knowledge. She’s not here to testify on behalf of Oracle. If you know. THE WITNESS: I’m trying to even translate what that means, and I think I know what it means. And I’m not sure if they have compensation – direct affirmative action compensation goals stated in any of their materials. BY MR. SONG: Q. Okay. Do you know what the affirmative action goals for oracle are? A. In general, we’re deficient, and where we have done a higher end and – Q. Yeah, the specific goals that they have.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 215: OFCCP cites this deposition excerpt to assert that Oracle had no compensation-related affirmative action goals. This is not accurate. Rather, Ms. Westerdahl stated that she did not know. Further, she lacks foundation and personal knowledge to answer for Oracle.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 215: OFCCP cites this deposition excerpt to assert that Oracle had no compensation-related affirmative action goals. This is not accurate. Rather, Ms. Westerdahl stated that she did not know. Further, she lacks foundation and personal knowledge to answer</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>MR. SHWARTS: Today? MR. SONGS: Yes, today. THE WITNESS: No.</p>	<p>for Oracle.</p>
<p>Westerdahl Dep. 330:5-11</p> <p>Q. Okay. Does she provide any reports regarding compensation? A. I don't recall any reports on compensation kind of ever. Q. Okay. And did you ever ask her about compensation? A. No, I did not.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 216: OFCCP cites to this deposition excerpt to assert that Shauna Holman-Harries provided no compensation-related reports to Oracle's senior management pursuant to AAP regulations. The question asked to Ms. Westerdahl, however, asked whether "she" provides any reports regarding compensation, to which Ms. Westerdahl responded she does not recall. The question asked to Ms. Westerdahl never specified regarding AAP regulations.</p>
<p>Westerdahl Dep. 319:21-320:7</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 219: Ms. Westerdahl has no personal knowledge regarding these issues. Further, she was not testifying on behalf of Oracle, so her testimony does not constitute an admission on behalf of Oracle.</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 219: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 219.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	Further, the deponent did not testify as a 30(b)(6) witness and OFCCP has offered no proof that the deponent did. Therefore, contrary to the fact asserted. Oracle has admitted nothing of the kind.
Westerdahl Dep. 321:7-22	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 219, 220: Ms. Westerdahl has no personal knowledge regarding these issues. Further, she was not testifying on behalf of Oracle, so her testimony does not constitute an admission on behalf of Oracle.</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 219, 220: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 219.</p> <p>Further, the deponent did not testify as a 30(b)(6) witness and OFCCP has offered no proof that the deponent did. Therefore, contrary to the fact asserted. Oracle has admitted nothing of the kind.</p>

LL. Exhibit 38: Oracle’s “Performance Appraisals FY15”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
Garcia Decl., Page 5, ¶ 39, Ex. 38, Oracle’s “Performance Appraisals FY15,” dated September 2015,	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 147: This exhibit is attached to the</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
ORACLE_HQCA_0000380158.	<p>Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia's declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 147: OFCCP cites to this exhibit at ORACLE_HQCA_000038015 to assert that for fiscal year 2015, Larry Ellison's organization only completed performance reviews for 35% of its employees. OFCCP mischaracterizes Exhibit 38, which shows metrics as of the date of the presentation, not total metrics for the year. Exhibit 38 further shows that 64% of Ellison's Line of Business had started reviews as of the date of the presentation.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

MM. Exhibit 39: "Oracle Recruiting Program Manager (RPM) Training Manual"

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
Garcia Decl., Page 5, ¶ 40, Ex. 39, "Oracle Recruiting Program Manager (RPM) Training Manual," ORACLE_HQCA_0000056907-32.	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 151, 152: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #5: Relevance.</p> <p>SUF 151, 152: This document is cited by OFCCP to assert that Oracle utilizes recruiters to identify and make contact with potential employees. However, the use of recruiters by Oracle does not make it more or less likely that any of the allegations asserted by OFCCP in this case against Oracle are true. Consequently, this document is not relevant.</p> <p>Objection #7: Authentication.</p> <p>SUF 151, 152: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

NN. Exhibit 40: “Oracle College Recruiting”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 5, ¶ 41, Ex. 40, “Oracle College Recruiting,” dated July 14, 2014, ORACLE_HQCA_0000020125-79</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 151, 153: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>document to establish also lack foundation.</p> <p>Objection #5: Relevance.</p> <p>SUF 151, 153: This document is cited by OFCCP to assert that Oracle utilizes recruiters to identify and make contact with potential employees. However, the use of recruiters by Oracle does not make it more or less likely that any of the allegations asserted by OFCCP in this case against Oracle are true. Consequently, this document is not relevant.</p> <p>Objection #7: Authentication.</p> <p>SUF 151, 153: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

OO. Exhibit 41: Declaration of Shauna Holman-Harries

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Holman-Harries Decl., ¶ 4.</p> <p>On December 30, 2014, Jennifer Yeh, a Compliance Officer from OFCCP, contacted me regarding interviewing an Oracle employee in charge of compensation and personnel activities. Ms. Yeh’s request was in connection with a compliance review OFCCP was conducting of Oracle’s work location in Pleasanton, California. In response, I informed Ms. Yeh that Lisa Gordon, who at that time was Oracle’s Director of Compensation, was available to be interviewed. Subsequently, on January 9 and January 13, 2015, representatives of the OFCCP interviewed Ms. Gordon via teleconference. I recall attending</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 195, 196, 197, 198, 199: Ms. Holman-Harries lacks personal knowledge regarding what revisions Ms. Gordon made regarding the document, or whether she agreed to the contents found within the “interview summary.”</p> <p>Objection #2: Hearsay.</p> <p>SUF 195, 196, 197, 198, 199: OFCCP cites to paragraph 4 of Exhibit 41 to assert that OFCCP sent Lisa Gordon an “interview summary” for Lisa Gordon’s review and signature. Ms.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>this meeting via teleconference. I did not take any notes during this meeting. After the meeting, the OFCCP representatives sent an interview summary for Ms. Gordon’s review and signature. I did not personally review this summary for accuracy, but understand that it was sent to Ms. Gordon and she signed the interview summary on or around February 11, 2015. Attached hereto as Exhibit A is a true and correct copy of the OFCCP’s interview summary.</p>	<p>Holman-Harries’ statement in paragraph 4, which indicates that OFCCP sent Lisa Gordon an interview summary is an out-of-court statement used for the truth of the matter asserted, and thus constitutes hearsay. Further, to the extent OFCCP asserts that the contents within the “interview summary” are actual summaries of the statements that took place between Lisa Gordon and OFCCP, those statements are hearsay within hearsay and thus must be excluded.</p>
<p>Holman-Harries Decl., Ex. A</p> <p>Out-of-court summary of Lisa Gordon interview authored by OFCCP, offered through Ms. Holman-Harries’ declaration for truth of matters asserted.</p>	<p>Objection #2: Hearsay.</p> <p>SUF 198, 200, 201, 202: OFCCP cites to this document to assert that Lisa Gordon reviewed and signed an “interview summary” on or around February 11, 2015. The statements found within Exhibit A to the Exhibit 41 are being used to assert the truth of the matter asserted, even though they are out-of-court statements that were not made under oath under the penalty of perjury.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 198, 200, 201, 202: OFCCP cites to this document to assert prior to October 2017, Oracle considered prior pay in setting initial pay, which resulted in salary compression. <i>See</i> Mot. at 10. However, nowhere in the document does it state that prior pay led to salary compression at Oracle. <i>See</i> Ex. 41, Ex. A, Page 8.</p> <p>SUF 212. OFCCP cites to this document at Page 17 of Exhibit A to assert that Oracle admitted that it took no corrective actions in response to any pay analysis conducted. The statement cited does not support the assertion. The statement cited says “I’m not aware of any</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>specific action.”</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 198, 200, 201, 202: The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 198, 200, 201, 202: There are no facts and no analyses done by OFCCP’s expert that supports any assertion that inquiries about prior pay resulted in the alleged pay discrepancies at issue.</p> <p>Objection #9 – Privilege</p> <p>SUF 212. OFCCP has no idea what privileged actions Oracle has taken to address pay disparities in response to its privileged pay analyses. And one cannot use the assertion of a privilege as proof of anything. <i>Parker v. Prudential Ins. Co. of Am.</i>, 900 F.2d 772, 775 (4th Cir. 1990) (a party “asserting the privilege should not face a negative inference about the substance of the information sought.”).</p>

PP. Exhibit 42: Email Dated February 10, 2015 From Shauna Holman-Harries To OFCCP

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 5, ¶ 43, Ex. 42, email dated February 10, 2015, from Shauna Holman-Harries to OFCCP, regarding revisions to Lisa Gordon’s statement, DOL000039983-40002.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 203: Ms. Holman-Harries lacks personal knowledge regarding what revisions Ms. Gordon made regarding the document, or whether she agreed to the contents found within</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>the “interview summary <i>See</i> Objections to Ex. 43 (Holman-Harries Dep. 226:14-227:10; 233:13-234:12; 236:5-12) (indicating that she did not read the “interview summary,” nor did she read any edits that were allegedly made to it).</p> <p>Objection #2: Hearsay.</p> <p>SUF 203: OFCCP cites to this document to assert that Shaunna Holman-Harries sent OFCCP Lisa Gordon’s interview statements with revisions. To the extent that OFCCP asserts that Lisa Gordon made statements found within this email, or that Lisa Gordon made changes within the document attached to the email, and that the document contains the truth of Lisa Gordon’s statements and revisions, those statements are out-of-court statements not made under oath under the penalty of perjury and thus constitute hearsay.</p> <p>Objection #7: Authentication.</p> <p>SUF 203: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating. <i>See</i> Objections to Ex. 43. Holman-Harries Dep. 226:14-227:10; 233:13-234:12; 236:5-12.</p>

QQ. Exhibit 43: Deposition of Shauna Holman-Harries

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Holman-Harries Dep. Tr. 171:12-172:20</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 51: OFCCP cites to this deposition excerpt to assert that in 2015, Oracle provided</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>OFCCP with Oracle’s handbook, which gives an overview of Oracle’s compensation policies, and three sets of compensation documents. However, this excerpt provides no support that the cited documents were produced in 2015. Further, the excerpts cited, which are missing from Exhibit 43, provide no support for this assertion.</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 51: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 51.</p>
<p>Holman-Harries Dep. Tr. 183:16-184:7</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 51: OFCCP cites to this deposition excerpt to assert that in 2015, Oracle provided OFCCP with Oracle’s handbook, which gives an overview of Oracle’s compensation policies, and three sets of compensation documents. However, this excerpt provides no support that the cited documents were produced in 2015. Further, the excerpts cited, which are missing from Exhibit 43, provide no support for this assertion.</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 51: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	must be stricken as support for SUF 51.
<p>Holman-Harries Dep. Tr. 198:10-24</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 51: OFCCP cites to this deposition excerpt to assert that in 2015, Oracle provided OFCCP with Oracle’s handbook, which gives an overview of Oracle’s compensation policies, and three sets of compensation documents. However, this excerpt provides no support that the cited documents were produced in 2015. Further, the excerpts cited, which are missing from Exhibit 43, provide no support for this assertion.</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 51: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 51.</p>
<p>Holman-Harries Dep. Tr. 226:14-227:10</p> <p>That I was kind of like the messenger, the mailman, in that it was sent to me. I didn’t read it. I sent it directly over to Lisa, Lisa made changes, and I sent it back. MR. GARCIA: With the changes? THE WITNESS: With – well, whatever changes she made. She said she made changes. BY MS. BREMER: Q. And Exhibit 33 contains the changes that Lisa Gordon made to her interview statement? MS. CONNELL: Objection; calls for speculation. THE WITNESS: I don’t recall. I didn’t check what the changes were before she sent it back.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 204: The deponent states that she does not know whether the exhibit referenced in this excerpt reflects any changes made by Lisa Gordon. <i>See also</i> Ex. 43, Holman-Harries Dep. 226:14-227:10; 233:13-234:12.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 204: The deponent states that she does not know whether the exhibit referenced in this excerpt reflects any changes made by Lisa</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>BY MS. BREMER: Q. But she did tell you that she made changes to her interview statement? A. Yes. Q. And then you forwarded those changes to OFCCP? A. Yes, as a mailman. But I did not read them.</p>	<p>Gordon. <i>See also</i> Ex. 43, Holman-Harries Dep. 226:14-227:10; 233:13-234:12.</p>
<p>Holman-Harries Dep. Tr. 227:23-24</p> <p>Yea, these were all her – her edits. I don’t recall seeing this.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 204: The deponent states that she does not recall seeing the exhibit referenced. <i>See also</i> Ex. 43, Holman-Harries Dep. 226:14-227:10; 233:13-234:12.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 204: The deponent states that she does not recall seeing the exhibit. <i>See also</i> Ex. 43, Holman-Harries Dep. 226:14-227:10; 233:13-234:12.</p>
<p>Holman-Harries Dep. Tr. 228:2-5</p> <p>Litigation except as an attachment to the declaration of Shauna Holman-Harries, because it was a document in the Jewett litigation. This document, 32, document was produced by the Department of Labor.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 204: OFCCP cites to this deposition testimony to assert that Lisa Gordon made changes to the interview statements that OFCCP sent Oracle and Ms. Holman-Harries then sent these changes to OFCCP. However, this deposition excerpt not only makes no sense, it in no way supports this assertion.</p>
<p>Holman-Harries Dep. Tr. 232:16-233:12</p> <p>Q. During the – during the Pleasanton audit, you attended the Lisa Gordon interview. Correct?</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 204: The deponent states that she does not know whether the exhibit referenced in this</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>A. Yes. Q. And then after that interview, OFCCP provided you with a summary of Lisa Gordon’s interview. Correct? A. They sent me one, which I forwarded to her and did not read. Q. Okay. And then she made edits and sent it back to you. Correct? A. Yes. And then I forwarded it on. So even though there’s two different colors, these had to be all her edits. Q. Okay. A. Because I do not recall editing this at all. MS. CONNELL: Don’t speculate. THE WITNESS: -- but I’m not certain. BY MS. BREMER: Q. And when you say ‘this,’ you’re talking about Exhibit 33. Correct? A. Yes. I don’t recall.</p>	<p>excerpt reflects any changes made by Lisa Gordon. <i>See Ex. 43, Holman-Harries Dep. 226:14-227:10; 233:13-234:12.</i></p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 204: The deponent states that she does not know whether the exhibit referenced in this excerpt reflects any changes made by Lisa Gordon. <i>See Ex. 43, Holman-Harries Dep. 226:14-227:10; 233:13-234:12.</i></p>
<p>Holman-Harries Dep. Tr. 234:9-12</p> <p>Seen this. I just – I just recall what my original statement was, is that you sent a version to us, I forwarded it to Lisa Gordon, she made the edits, and I forwarded it back to you.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 204: The deponent states that she does not know whether the exhibit referenced in this excerpt reflects any changes made by Lisa Gordon. <i>See Ex. 43, Holman-Harries Dep. 226:14-227:10; 233:13-234:12.</i></p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 204: The deponent states that she does not know whether the exhibit referenced in this excerpt reflects any changes made by Lisa Gordon. <i>See Ex. 43, Holman-Harries Dep. 226:14-227:10; 233:13-234:12.</i></p>
<p>Holman-Harries Dep. 235:236-4</p> <p>Q. Okay. So you acted as the messenger again – A. Exactly.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 206: Mr. Garcia was not a recipient of the communication and lacks personal knowledge to attest to its authenticity. Ms. Holman-</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Q. – between - - You acted as the messenger, again, between OFCCP and Lisa Gordon? A. Yes.</p>	<p>Harries cited testimony confirms that she never reviewed the iterations of the Gordon interview summary exchanged with OFCCP. Accordingly, she lacks personal knowledge to authenticate the exhibits which purport to be Gordon’s revisions.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 206: OFCCP cites to this excerpt to assert that Shauna Holman-Harries sent OFCCP the interview statement that Lisa Gordon signed. This excerpt does not support this assertion.</p>
<p>Holman-Harries Dep. Tr. 159:22-160</p> <p>Q. Okay. But it doesn’t say anything – you don’t see anything about compensation or pay in the affirmative action section of the employee handbook? A. No. MS. CONNELL: Same objections. The document speaks for itself. BY MS. BREMER: Q. Did you or your group ever revise any portion of the employee handbook to talk about equity or affirmative action with respect to employee compensation? A. No.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 227: OFCCP cites to this deposition excerpt to assert that Oracle never revised its US Employee Handbook to address equity or affirmative action with respect to employee compensation. Holman-Harries, however, only stated that her group never revised the employee handbook to talk about equity or affirmative action with respect to employee compensation. She cannot speak for Oracle generally.</p>

RR. Exhibit 44: February 10, 2015 OFCCP Interview Statement

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 5, ¶ 45, Ex. 44, February 10, 2015 OFCCP Interview statement containing Lisa Gordon’s revisions that Shauna Holman-Harries sent to OFCCP that was marked as Ex. 33 to Shauna Holman-Harries</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 204: Ms. Holman-Harries lacks personal knowledge regarding what revisions Ms. Gordon made regarding the document, or</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
May 8, 2019 deposition	<p>whether she agreed to the contents found within the “interview summary.” <i>See</i> Objections to Ex. 43 (Holman-Harries Dep. 226:14-227:10; 233:13-234:12; 236:5-12) (indicating that she did not read the “interview summary,” nor did she read any edits that were allegedly made to it).</p> <p>Objection #2: Hearsay.</p> <p>SUF 204: OFCCP cites to this document to assert that Shaunna Holman-Harries sent OFCCP Lisa Gordon’s interview statements with revisions. To the extent that OFCCP asserts that Lisa Gordon made statements found within this email, or that Lisa Gordon made changes within the document attached to the email, and that the document contains the truth of Lisa Gordon’s statements and revisions, those statements are out-of-court statements not made under oath under the penalty of perjury and thus constitute hearsay.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 204: OFCCP cites to this document to assert that Lisa Gordon made changes to the interview statement that OFCCP initially sent to Shauna Holman-Harries. This document does not support this assertion.</p> <p>Objection #7: Authentication.</p> <p>SUF 204: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating. <i>See</i> Objections to Ex. 43 (Holman-Harries Dep. 226:14-227:10; 233:13-234:12; 236:5-12).</p>

SS. Exhibit 45: Email Dated February 12, 2015 from Shauna Holman-Harries to OFCCP

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 5, ¶ 46, Ex. 45, email dated February 12, 2015, from Shauna Holman-Harries to OFCCP with Lisa Gordon’s sworn statement, DOL000040003-22.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 205: Ms. Holman-Harries lacks personal knowledge regarding what revisions Ms. Gordon made regarding the document, or whether she agreed to the contents found within the “interview summary.” <i>See</i> Objections to Ex. 43 (Holman-Harries Dep. 226:14-227:10; 233:13-234:12; 236:5-12) (indicating that she did not read the “interview summary,” nor did she read any edits that were allegedly made to it).</p> <p>Objection #2: Hearsay.</p> <p>SUF 205: OFCCP cites to this document to assert that Shaunna Holman-Harries sent OFCCP Lisa Gordon’s interview statements with her revisions and her signature. To the extent that OFCCP asserts that Lisa Gordon made statements found within this email, or that Lisa Gordon made changes within the document attached to the email, and that the document contains the truth of Lisa Gordon’s statements and revisions, those statements are out-of-court statements not made under oath under the penalty of perjury and thus constitute hearsay.</p> <p>Objection #7: Authentication.</p> <p>SUF 205: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating. <i>See</i> Objections to Ex. 43 (Holman-Harries Dep. 226:14-227:10; 233:13-234:12; 236:5-12) (indicating that she did not</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	read the “interview summary,” nor did she read any edits that were allegedly made to it).

TT. Exhibit 46: Oracle’s “HR Learning Session US Pay Equity Laws and Salary History Bans”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 5, ¶ 47, Ex. 46, Oracle’s “HR Learning Session US Pay Equity Laws and Salary History Bans,” dated October 18-19, 2017, ORACLE_HQCA_0000381118-37.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 158, 159, 160: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 158, 159, 160: OFCCP cites to ORACLE_HQCA_0000381118-37 to assert that prior to October 2017, Oracle considered prior pay in setting initial pay, which ultimately resulted in salary compression. <i>See</i> also Mot. at 10. However, nowhere in the document does it state that prior pay led to salary compression at Oracle. <i>See</i> ORACLE_HQCA_0000381126-27. A plain read of the document confirms it does not constitute an admission by Oracle that Oracle used to ask about current salary (or annual earnings for sales employees, whose pay obviously isn’t at issue here). Rather, the training slide offers illustrative examples of the types of questions that are now permissible (including “What are your expectations</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>regarding salary?") in lieu of questions managers might previously have asked (before laws prohibiting salary history inquiries took effect). The document does not dictate that managers must ask the questions listed that are still permissible, nor does it confirm that "Oracle" previously asked the questions that the new laws prohibit. Even if some managers previously did ask for prior pay, this does not mean that Oracle had in place any policy or practice requiring managers to base starting pay on prior pay. Indeed, the evidence confirms that no such policy or practice ever existed at Oracle.</p> <p>Objection #5: Relevance.</p> <p>SUF 158, 159, 160: Whether or not Oracle did consider prior pay is not relevant as there are no facts that indicate that any compensation discrepancies are due to this factor. And OFCCP's expert has provided no analysis that so suggests.</p>

UU. Exhibit 47: Oracle's "US PAY EQUITY FAQ FOR MANAGERS AND HR"

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 6, ¶ 48, Ex. 47, Oracle's "US PAY EQUITY FAQ FOR MANAGERS AND HR," dated January 1, 2018, ORACLE_HQCA_0000381077-79.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 161: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia's declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 161: OFCCP cites to this document to assert prior to October 2017, Oracle considered prior pay in setting initial pay, which resulted in salary compression. <i>See also</i> Mot. at 10. However, nowhere in the document does it state that prior pay led to salary compression at Oracle.</p> <p>Objection #5: Relevance.</p> <p>SUF 161: Whether or not Oracle did consider prior pay is not relevant as there are no facts that indicate that any compensation discrepancies are due to this factor. And OFCCP’s expert has provided no analysis that so suggests.</p>

VV. Exhibit 48: Oracle’s “Candidate Offer Information” for [REDACTED]

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 6, ¶ 49, Ex. 48, Oracle’s “Candidate Offer Information” for [REDACTED] [REDACTED] dated December 22, 2008, ORACLE_HQCA_0000472274-80</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 162: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>the Proposition It Is Cited to Support.</p> <p>SUF 162: OFCCP cites to this document to assert prior to October 2017, Oracle considered prior pay in setting initial pay, which resulted in salary compression. <i>See also</i> Mot. at 10. However, nowhere in the document does it state that prior pay led to salary compression at Oracle.</p> <p>Objection #5: Relevance.</p> <p>SUF 162: Whether or not Oracle did consider prior pay is not relevant as there are no facts that indicate that any compensation discrepancies are due to this factor. And OFCCP’s expert has provided no analysis that so suggests.</p>

WW. Exhibit 49: Oracle’s “Candidate Offer Information” for [REDACTED]

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 6, ¶ 50, Ex. 49. Oracle’s “Candidate Offer Information” for [REDACTED], dated January 6, 2015.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 162: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 162: OFCCP cites to this document to assert prior to October 2017, Oracle considered</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>prior pay in setting initial pay, which resulted in salary compression. <i>See also</i> Mot. at 10. However, nowhere in the document does it state that prior pay led to salary compression at Oracle.</p> <p>Objection #5: Relevance.</p> <p>SUF 162: Whether or not Oracle did consider prior pay is not relevant as there are no facts that indicate that any compensation discrepancies are due to this factor. And OFCCP's expert has provided no analysis that so suggests.</p> <p>Objection #7: Authentication.</p> <p>SUF 162: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

XX. Exhibit 50: Emails Between A Job Applicant And An Oracle Recruiter Regarding Prior Salary

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 6, ¶ 51, Ex. 50, emails between a job applicant and an Oracle recruiter regarding prior salary, dated 2010, DOL000044390-93</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 163: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia's declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 163: OFCCP cites to this document to assert prior to October 2017, Oracle considered prior pay in setting initial pay, which resulted in salary compression. <i>See also</i> Mot. at 10. However, nowhere in the document does it state that prior pay led to salary compression at Oracle.</p> <p>Objection #5: Relevance.</p> <p>SUF 163: Whether or not Oracle did consider prior pay is not relevant as there are no facts that indicate that any compensation discrepancies are due to this factor. And OFCCP’s expert has provided no analysis that so suggests.</p> <p>Objection #7: Authentication.</p> <p>SUF 163: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

YY. Exhibit 51: Oracle Hiring Presentation

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 6, ¶ 52, Ex. 51, Oracle Hiring Presentation, copyright 2014, ORACLE_HQCA_0000056633.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 164: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 164: OFCCP cites to this document to assert prior to October 2017, Oracle considered prior pay in setting initial pay, which resulted in salary compression. <i>See also</i> Mot. at 10. However, nowhere in the document does it state that prior pay led to salary compression at Oracle.</p> <p>Objection #5: Relevance.</p> <p>SUF 164: Whether or not Oracle did consider prior pay is not relevant as there are no facts that indicate that any compensation discrepancies are due to this factor. And OFCCP’s expert has provided no analysis that so suggests.</p> <p>Objection #7: Authentication.</p> <p>SUF 164: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

ZZ. Exhibit 52: Oracle’s “Candidate Profile Summaries” from 2013

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 6, ¶ 53, Ex. 52, Oracle’s “Candidate Profile Summaries” from 2013, ORACLE_HQCA_0000029001, 0000033810</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 166: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 166: OFCCP cites to this document to assert that In or around March 2013, Oracle listed a candidate’s compensation (e.g., “70K base salary + stock options” and “\$138K plus bonus”) in the “Current Compensation” field in its “Candidate Profile Summary.” <i>See also</i> Mot. at 10. However, nowhere in the document does it state that prior pay led to salary compression at Oracle.</p> <p>Objection #5: Relevance.</p> <p>SUF 166: Whether or not Oracle did consider prior pay is not relevant as there are no facts that indicate that any compensation discrepancies are due to this factor. And OFCCP’s expert has provided no analysis that so suggests.</p> <p>Objection #7: Authentication.</p> <p>SUF 52, 166: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

AAA. Exhibit 53: Oracle’s iRecruitment requisition for “Senior Software Developer – Fusion Lifecycle Management”

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 6, ¶ 54, Ex. 53, Oracle’s iRecruitment requisition for “Senior Software Developer – Fusion Lifecycle Management,” dated March 28, 2012, ORACLE_HQCA_0000027412.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 167: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 167: OFCCP cites to this document to assert prior to October 2017, Oracle considered prior pay in setting initial pay, which resulted in salary compression. <i>See also</i> Mot. at 10. However, nowhere in the document does it state that prior pay led to salary compression at Oracle.</p> <p>Objection #5: Relevance.</p> <p>SUF 167: Whether or not Oracle did consider prior pay is not relevant as there are no facts that indicate that any compensation discrepancies are due to this factor. And OFCCP’s expert has provided no analysis that so suggests.</p> <p>Objection #7: Authentication.</p> <p>SUF 167: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	be self-authenticating.

BBB. Exhibit 54: Email Exchange Between Oracle’s Senior Recruiter Todd Gorman and [REDACTED]

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 6, ¶ 55, Ex. 54, email exchange between Oracle’s Senior Recruiter Todd Gorman and [REDACTED], dated May 2014, ORACLE_HQCA_0000034106-10.</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 167: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 167: OFCCP cites to this document to assert prior to October 2017, Oracle considered prior pay in setting initial pay, which resulted in salary compression. Mot. at 10. However, nowhere in the document does it state that prior pay led to salary compression at Oracle.</p> <p>Objection #5: Relevance.</p> <p>SUF 167: Whether or not Oracle did consider prior pay is not relevant as there are no facts that indicate that any compensation discrepancies are due to this factor. And OFCCP’s expert has provided no analysis that so suggests.</p> <p>Objection #7: Authentication.</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>SUF 167: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

CCC. Exhibit 55: “Oracle’s Job Announcement for “Solution Architect”

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 6, ¶ 56, Ex. 55, “Oracle’s Job Announcement for “Solution Architect,” no date, from Oracle Senior Recruiter Stephanie Nguyen, ORACLE_HQCA_0000034106-10.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 157: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 167: OFCCP cites this document in support of the statement that “Prior to 2017, Oracle notified potential candidates through its iRecruitment requisitions that they would be required to complete a pre-employment screening process that included a salary</p>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
	<p>verification prior to an offer being made.” But this document has no date, and OFCCP provides no evidence as to when, if ever, this document was used at Oracle, and provides no evidence of whether, or how often, the practices it describes were followed at Oracle.</p> <p>Objection #5: Relevance.</p> <p>SUF 167: Whether or not Oracle did consider prior pay is not relevant as there are no facts that indicate that any compensation discrepancies are due to this factor. And OFCCP’s expert has provided no analysis that so suggests.</p> <p>Objection #7: Authentication.</p> <p>SUF 167: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

DDD. Exhibit 56: Emails regarding Changes to US Hiring Process

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 6, ¶ 57, Ex. 56, “emails regarding ‘Changes to US Hiring Process Effective October 31, 2017,’ dated October 2017, ORACLE_HQCA_0000381115-17.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 169: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p>

	<p>Objection #7: Authentication.</p> <p>SUF 169: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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EEE. Exhibit 57: Oracle’s Recruit & Hire at Oracle; Module 1: Introduction to Recruiting & Hiring

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 7, ¶ 58, Ex. 57, “Oracle’s ‘Recruit & Hire at Oracle; Module 1: Introduction to Recruiting & Hiring,’ copyright 2017, ORACLE_HQCA_0000057181.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 152: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 152: OFCCP cites ORACLE_HQCA_0000057181-6 for the proposition that “Oracle’s recruitment training materials instruct the recruiters to initiate contact with potential candidates.” The page cited says no such thing.</p> <p>Objection #5: Relevance.</p> <p>SUF 152: Because OFCCP offers no evidence that this document was provided or shown to recruiters, or how it was otherwise used, when it was used, or if it was used at all, and because it does not say what OFCCP claims, this evidence is not relevant.</p>

	<p>Objection #7: Authentication.</p> <p>SUF 152: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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FFF. Exhibit 58: Oracle’s Manager Essentials Product Development

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 7, ¶ 59, Ex. 58, “Oracle’s ‘Manager Essentials Product Development,’ dated March 2014, ORACLE_HQCA_0000380814-934.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 172: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #5: Relevance.</p> <p>SUF 172: OFCCP cites this evidence in support of the proposition that “Oracle’s managerial training provides that there will generally be no change in base salary and job level of U.S. domestic transfers unless Larry Ellison gives his approval.” But Oracle’s guidelines on lateral transfers explicitly acknowledge that salary for lateral transfers should be fair, and appropriate for the new role, and if appropriate, pay obviously can be adjusted after the transfer. Moreover, Oracle’s processes and guidelines for transfers is not material to the legal issues the Court must decide in this motion.</p> <p>Objection #7: Authentication.</p> <p>SUF 172: OFCCP offers no deposition</p>

	testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.
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GGG. Exhibit 59: Oracle’s ‘Global Compensation Guidelines Training North America: US

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 7, ¶ 60, Ex. 59, “Oracle’s ‘Global Compensation Guidelines Training North America: US,’ dated May 2013, ORACLE_HQCA_0000382399.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 54, 173, 175, 191, 194: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 173: Oracle’s processes and guidelines for transfers is not material to the legal issues the Court must decide in this motion, including primarily whether OFCCP has met its burden of establishing that Oracle engaged in a pattern or practice of intentional compensation discrimination against women, Asians, or African-Americans in its Product Development job function, and against women in its IT and Support job functions, and HQCA.</p> <p>Objection #5: Relevance.</p> <p>SUF 175: Oracle’s processes and guidelines for transfers is not material to the legal issues the Court must decide in this motion.</p> <p>SUF 191, SUF 194: OFCCP cites to this</p>

	<p>exhibit to assert that the compensation trainings produced by Oracle in this litigation do not indicate that Product should be considered in setting compensation. First, whether compensation trainings identified that Product should be considered in setting compensation is irrelevant to the fact that it may be. Second, as noted in Oracle’s Opposition to OFCCP’s Motion for Summary Judgment, Oracle’s compensation training documents repeatedly instruct managers to consider factors such as skill, relevant experience, and expertise when making pay decisions. <i>See</i> Oracle’s Opp. at 13-14.</p> <p>Objection #7: Authentication.</p> <p>SUF 54, 173, 175, 191, 194: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p> <p>Objection #8: Best Evidence</p> <p>SUF 54, 173, 175, 191, 194: This document is the best evidence of its contents.</p>
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HHH. Exhibit 60: Oracle’s NA Talent Advisory

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 7, ¶ 61, Ex. 60, “Oracle’s ‘NA Talent Advisory,’ copyright 2016, ORACLE_HQCA_0000056772.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 151, 152, 153, 154, 155: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack</p>

	<p>foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 152, 153: OFCCP cites this document in support of the statement that “Oracle uses recruiters to identify and recruit potential employees.” SUF 151. But this document does not “instruct the recruiters to initiate initial contact with potential candidates,” or “instruct recruiters to search the internet, resume books, LinkedIn, Facebook, Twitter, Google, social networking sites, to contact alumni, etc., for leads to determine who they should initiate contact with for job opportunities at Oracle.”</p> <p>SUF 154: This document identifies 30% as the goal for placements year over year from the Employee Referral Program.</p> <p>Objection #5: Relevance.</p> <p>SUF 151, 152, 153, 154: How Oracle contacts potential employees is not relevant to the claims at issue.</p> <p>Objection #7: Authentication.</p> <p>SUF 151, 152, 153, 154, 155: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 152, 153: This document is the best evidence of its contents.</p>
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III. Exhibit 61: OFCCP’s Notice of Violation of EO 11246 to Oracle

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
Garcia Decl., Page 7, ¶ 62, Ex. 61, “OFCCP’s	Objection #1: Foundation, Personal

<p>Notice of Violation of EO 11246 to Oracle America, Inc., dated March 11, 2016, DOL000000943-54.”</p>	<p>Knowledge, Speculation.</p> <p>SUF 11, 23: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 23: Nowhere in does this document state that OFCCP relied on Oracle compensation data that OFCCP included in its compensation analysis.</p> <p>Objection #5: Relevance.</p> <p>SUF 11, 23: Prelitigation communications are not relevant to OFCCP’s Motion.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 23: This document is the best evidence of its contents.</p>
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JJJ. Exhibit 62: Oracle’s Responses and Objections to Jewett Plaintiff’s Third Set of Special Interrogatories

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 7, ¶ 63, Ex. 62, “Oracle’s Responses and Objections to Jewett Plaintiff’s Third Set of Special Interrogatories, dated September 18, 2018, ORACLE_HQCA_0000607048-50.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 192: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by</p>

	<p>Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 192: The interrogatory at issue asks Oracle to “Identify by name which ORACLE product or products are associated with a particular ORACLE line of business in which a COVERED EMPLOYEE performed work during the CLASS PERIOD.” The document cited states that “Oracle has not identified any systematic way to reasonably answer the interrogatory as phrased, or any centralized data repository or source form which responsive information can be extracted.” Oracle’s response to this interrogatory does not say that it does not maintain a centralized database identifying the products on which its employees performed work.</p> <p>Objection #7: Authentication.</p> <p>SUF 192: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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KKK. Exhibit 63: Oracle’s Affirmative Action Plan for Oracle America

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 7, ¶ 64, Ex. 63, “Oracle’s ‘Affirmative Action Plan for Oracle America,’ dated January 2014, ORACLE_HQCA_0000004999-5015.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 207, 208, 218, 263: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in</p>

	<p>discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 218: OFCCP further cites ORACLE_HQCA_0000005000, 5005, and 5010 for the proposition that “Oracle’s Senior Director of Diversity Compliance, Shauna Holman-Harries, does not supervise the actual analysis, oversee the individuals who are conducting the individual analysis, or ensure that the individual managers have conducted analyses to determine whether there are gender-, race, or ethnicity-based disparities.” The document provides that Ms. Holman-Harries is the “Director Diversity Compliance.” Nothing else in the document supports the remaining assertions.</p> <p>Objection #5: Relevance.</p> <p>SUF 207, 208, 218, 263: The claims at issue in this motion do not turn on whether Shauna Holman-Harries did or did not engage in the conduct referenced by OFCCP.</p> <p>Objection #8: Best Evidence.</p> <p>SUF 207, 208, 263: This document is the best evidence of its contents.</p>
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LLL. Exhibit 64: Oracle’s Welcome to New Recruiter On-boarding

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 7, ¶ 65, Ex. 64, “Oracle’s ‘Welcome to New Recruiter On-boarding,’ copyright 2014, ORACLE_HQCA_0000056566.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 151, 152, 153, 154: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this</p>

document or is competent to testify about it. Mr. Garcia's declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.

Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.

SUF 153: ORACLE_HQCA_00000056566-9 does not support the proposition that "Oracle's recruitment training materials also instruct the recruiters to search the internet, resume books, LinkedIn, Facebook, Twitter, Google, social networking sites, to contact alumni, etc., for leads to determine who they should initiate contact with for job opportunities at Oracle."

SUF 154: OFCCP cites ORACLE_HQCA_00000056566-21 for the proposition that "Oracle makes 30% of its placements through its Employee Referral Program." But this page says, "Last year, 30% of positions that were filled were made through the referral process." Thus, this evidence at best establishes that 30% of placements were made through the referral process in one year, and the document does not establish which year that was.

Objection #5: Relevance.

SUF 153, 154: How Oracle contacts potential employees or the numbers of persons recruited is not relevant to the claims at issue.

Objection #7: Authentication.

SUF 151, 152, 153, 154: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.

Objection #8: Best Evidence

	SUF 152, 153: This document is the best evidence of its contents.
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MMM. Exhibit 65: Deposition of Tamerlane Baxter

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Baxter Dep. 143:17-144:4</p> <p>Q. Have you ever conducted statistical analyses of compensation as part of your investigation of discrimination complaints? A. I can't answer what I may or may not have done in any given investigation because that would be - - Mr. Parker: You can answer that just yes or no. The Witness: Generally? Mr. Parker: Yeah, just yes or no. The Witness: Personally, me specifically? Mr. Parker: Yes. That's the question. The Witness: No.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 224: OFCCP cites this deposition testimony in support of the proposition that "In response to internal complaints or concerns about pay equity, Oracle made no attempt at statistical analysis to determine if an employee's pay level was appropriate." This is clearly not what the deposition testimony says. Ms. Baxter was questioned about whether she conducted statistical analyses as part of her investigations of "discrimination complaints." Ms. Baxter was not asked about Oracle's practices as a whole on this point. She was not asked about what she or Oracle did in response to "concerns," was not asked about "pay equity," and was not asked whether she or Oracle "attempted" such analyses.</p>

NNN. Exhibit 66: OFCCP's Show Cause Notice

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 7, ¶ 67, Ex. 66, "OFCCP's Show Cause Notice, dated June 8, 2018."</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 12, 19: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia's declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this</p>

	<p>document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 19: OFCCP cites to this document to assert that “in response,” OFCCP issued a Show Cause Notice. There is no evidence to support the notion, however, that the Show Cause Notice was “in response” to something.</p> <p>Objection #5: Relevance.</p> <p>SUF 12, 19: The Show Cause Notice is not relevant to OFCCP’s Motion.</p>
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OOO. Exhibit 67: OFCCP’s April 21, 2016 Response to Oracle America Inc.’s April 11, 2016 Letter

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 7, ¶ 68, Ex. 67, “OFCCP’s April 21, 2016 Response to Oracle America Inc.’s April 11, 2016 Letter, ORACLE_HQCA_0000002057-78.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 23: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 23: Nowhere does this document state that OFCCP relied on Oracle’s compensation data in conducting its compensation analyses.</p> <p>Objection #5: Relevance.</p> <p>SUF 23: Prelitigation communications are not relevant to OFCCP’s Motion.</p>

	<p>Objection #8: Best Evidence Rule.</p> <p>SUF 23: OFCCP cites this document for the proposition that “The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis.” The NOV is the best evidence of what the NOV described.</p>
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PPP. Exhibit 68: Attachment to Oracle America Inc.’s October 29, 2015 Email, HQCA Compensation Report No Vlookup with Extra Visa Data

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 8, ¶ 69, Ex. 68, “an attachment to Oracle America Inc.’s October 29, 2015, email, ‘HQCA Compensation Report no Vlookup with extra visa data 10-22-15,’ ORACLE_HQCA_0000000699 and attachment with no BSN.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 23, 27: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 23: OFCCP cites this document in support of the proposition that “The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis.” The document does not support this statement.</p> <p>Objection #5: Relevance.</p> <p>SUF 23, 37: Prelitigation communications are not relevant to OFCCP’s Motion.</p>

	<p>Objection #7: Authentication.</p> <p>SUF 23, 37: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p> <p>Objection #8: Best Evidence Rule.</p> <p>SUF 23: OFCCP cites this document for the proposition that “The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis.” The NOV is the best evidence of what the NOV described.</p>
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QQQ. Exhibit 69: OFCCP’s March 29, 2016, emailed Response to Oracle America, Inc.’s March 18, 2016 Email

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 8, ¶ 70, Ex. 69, “OFCCP’s March 29, 2016, emailed Response to Oracle America, Inc.’s March 18, 2016 email, ORACLE_HQCA_0000000275-78.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 24: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #2: Hearsay.</p> <p>SUF 24: To the extent Exhibit 69 contains the factual statements OFCCP says it does, the email from Mr. Doles to Ms. Holman Harries, dated March 29, 2016, is an out of court statement offered for the truth of the matter asserted.</p>

	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 24: Nothing in OFCCP’s March 29, 2016 email states that OFCCP was conducting or had conducted a statistical analysis comparing groups of employees rather than individuals.</p> <p>Objection #5: Relevance.</p> <p>SUF 24: Prelitigation communications are not relevant to OFCCP’s Motion.</p> <p>Objection #7: Authentication.</p> <p>SUF 24: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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RRR. Exhibit 70: Oracle’s March 25, 2016, email and attached Position Statement in response to OFCCP’s March 11, 2016

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 8, ¶ 71, Ex. 70, “Oracle’s March 25, 2016, email and attached Position Statement in response to OFCCP’s March 11, 2016, ORACLE_HQCA_0000002094-115.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 18, 23, 25: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 23: Nowhere does this document state that OFCCP relied on Oracle compensation data</p>

	<p>that OFCCP included in its compensation analysis.</p> <p>Objection #5: Relevance.</p> <p>SUF 18, 23, 25: Prelitigation communications are not relevant to OFCCP’s Motion.</p> <p>Objection #8: Best Evidence Rule.</p> <p>SUF 23: OFCCP cites this document for the proposition that “The NOV described the data fields (from the compensation data Oracle provided to OFCCP during the compliance review) that OFCCP included in its compensation analysis.” The NOV is the best evidence of what the NOV described.</p>
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SSS. Exhibit 71: Oracle’s Consolidated Notes of Oracle Employees Charles Nyakundi and Shauna Holman-Harries

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 8, ¶ 72, Ex. 71, “Oracle’s Consolidated Notes of Oracle employees Charles Nyakundi and Shauna Holman-Harries, produced by Oracle America Inc. on July 31, 2019, ORACLE_HQCA_0000607319-25.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 27, 28, 29, 30, 31, 32: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 27: Nothing in the notes reflect that Ms. Wipper “described the variables used in OFCCP’s compensation analysis” at the October 6, 2016, meeting.</p>

	<p>SUF 30: The notes do not reflect that “OFCCP and Oracle discussed the fact that Oracle did not have data showing the products its employees worked on.” While Ms. Wipper makes that assertion, the notes do not reflect that Oracle agreed or confirmed this assertion.</p> <p>SUF 31: The notes do not reflect that “Janette Wipper indicated to Oracle that steering women into lower paying jobs could be tainting Oracle’s compensation system.” The notes reflect that Ms. Wipper stated, “if you look at the product data and it shows that women are in the lower paid products we will argue that this is a steering issue. Then it will be up to the judge to decide.”</p> <p>SUF 32: The notes do not describe “remedies.” They describe a settlement demand made by OFCCP.</p> <p>Objection #5: Relevance.</p> <p>SUF 27, 28, 29, 30, 31, 32: Prelitigation communications are not relevant to OFCCP’s Motion.</p> <p>Objection #7: Authentication.</p> <p>SUF 27, 28, 29, 30, 31, 32: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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TTT. Exhibit 72: Declaration of Shauna Holman-Harries¹⁰

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Holman-Harries Decl., ¶ 4.</p> <p>On December 30, 2014, Jennifer Yeh, a</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p>

¹⁰ Exhibit 72 is identical to Exhibit 41. Thus, while OFCCP does not cite Exhibit 72 in its SUFs, Oracle makes the same objections to Exhibit 72 as it makes to Exhibit 41.

<p>Compliance Officer from OFCCP, contacted me regarding interviewing an Oracle employee in charge of compensation and personnel activities. Ms. Yeh’s request was in connection with a compliance review OFCCP was conducting of Oracle’s work location in Pleasanton, California. In response, I informed Ms. Yeh that Lisa Gordon, who at that time was Oracle’s Director of Compensation, was available to be interviewed. Subsequently, on January 9 and January 13, 2015, representatives of the OFCCP interviewed Ms. Gordon via teleconference. I recall attending this meeting via teleconference. I did not take any notes during this meeting. After the meeting, the OFCCP representatives sent an interview summary for Ms. Gordon’s review and signature. I did not personally review this summary for accuracy, but understand that it was sent to Ms. Gordon and she signed the interview summary on or around February 11, 2015. Attached hereto as Exhibit A is a true and correct copy of the OFCCP’s interview summary.</p>	<p>SUF 195, 196, 197, 198, 199: Ms. Holman-Harries lacks personal knowledge regarding what revisions Ms. Gordon made regarding the document, or whether she agreed to the contents found within the “interview summary.”</p> <p>Objection #2: Hearsay.</p> <p>SUF 195, 196, 197, 198, 199: OFCCP cites to this document to assert that Lisa Gordon reviewed and signed an “interview summary” on or around February 11, 2015. The statements found within Exhibit A to the Exhibit 41 are being used to assert the truth of the matter asserted, even though they are out-of-court statements that were not made under oath under the penalty of perjury.</p>
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UUU. Exhibit 73: Oracle’s Compensation Review & Oversight

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 8, ¶ 74, Ex. 73, “Oracle’s ‘Compensation Review & Oversight,’ no date, ORACLE_HQCA_0000382618.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 51: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p>

	<p>SUF 51: There is nothing in this document that supports OFCCP’s statement that Oracle created this document for OFCCP audits.</p>
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VVV. Exhibit 74: Email from Shauna Holman-Harries to OFCCP, dated 2/26/15, sending Oracle’s Handbook

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 8, ¶ 75, Ex. 74, “Email from Shauna Holman-Harries to OFCCP, dated 2/26/15, sending Oracle’s Handbook, dated February 9, 2015, ORACLE_HQCA_0000000443.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 51: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 51: OFCCP cites this document for the proposition that “In 2015, in the course of OFCCP’s audit, Oracle provided OFCCP with Oracle’s employee handbook, which gives an overview of Oracle’s compensation policies, and three sets of compensation documents: “Oracle’s Global Compensation Training, Managing Pay Module”; Oracle’s “Compensation Guidelines”; and a compensation document that Oracle created for OFCCP audits, entitled “Compensation Review and Oversight.” But those emails are not accompanied by any attachments and it is impossible from the face of the email to determine which documents were attached as originally sent.</p> <p>Objection #5: Relevance.</p>

	<p>SUF 51: Prelitigation communications are not relevant to OFCCP’s Motion.</p> <p>Objection #7: Authentication.</p> <p>SUF 51: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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WWW. **Exhibit 75: E-mail from Shauna Holman-Harries to OFCCP, Sending Oracle’s ‘Global Compensation Training,’**

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 8, ¶ 76, Ex. 75, “e-mail from Shauna Holman-Harries to OFCCP, sending Oracle’s ‘Global Compensation Training,’ dated February 26, 2015, ORACLE_HQCA_0000000405-06.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 51: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 51: OFCCP cites this document for the proposition that “In 2015, in the course of OFCCP’s audit, Oracle provided OFCCP with Oracle’s employee handbook, which gives an overview of Oracle’s compensation policies, and three sets of compensation documents: “Oracle’s Global Compensation Training, Managing Pay Module”; Oracle’s “Compensation Guidelines”; and a compensation document that Oracle created for OFCCP audits, entitled “Compensation Review and Oversight.” But those emails are not accompanied by any attachments and it is</p>

	<p>impossible from the face of the email to determine which documents were attached as originally sent.</p> <p>Objection #5: Relevance.</p> <p>SUF 51: Prelitigation communications are not relevant to OFCCP’s Motion.</p>
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XXX. Exhibit 76: Screenshots from Oracle’s Workforce Compensation Hints and Tips

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 8, ¶ 77, Ex. 76, “screenshots from Oracle’s ‘Workforce Compensation Hints and Tips’ video, circa 2017, ORACLE_HQCA_0000417060.”</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 221: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle.</p> <p>Moreover, this exhibit purports to be screenshots of Oracle’s compensation program taken from a video that was produced by Oracle during this litigation. However, OFCCP proffers no foundation to establish the veracity of this demonstrative exhibit.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 221: OFCCP cites this evidence in support of the proposition that “The compensation programs that these managers use to make the alleged compensation analysis and to recommend salary increase and bonus awards during the focal reviews do not have any race or gender fields.” But the evidence cited says nothing about “alleged compensation</p>

	<p>analyses”</p> <p>Objection #7: Authentication.</p> <p>SUF 221: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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YYY. Exhibit 77: Oracle’s Affirmative Action Training at Oracle

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 78, Ex. 77, “Oracle’s ‘Affirmative Action Training at Oracle,’ dated October 12, 2015, ORACLE_HQCA_0000416488.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 228, 229, 230: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 228: OFCCP cites to this document at ORACLE_HQCA_0000416488-2, -11, and -12 to assert that Oracle first made affirmative action training mandatory for all US managers and HR personnel in October 2015. This document do not support this assertion. The 2015 training plainly states that what “changed” and was new were the regulations under Section 503 and VEVRAA related to individuals with disabilities and protected veterans. Oracle was rolling out new training to comply with those new regulations. The document (which OFCCP did not bother to authenticate through any Oracle witness) does not state that prior to 2015, Oracle did not</p>

	<p>require its US managers and HR personnel to take affirmative action training pursuant to EO 11246 and its implementing regulations.</p> <p>SUF 229: OFCCP cites to this document at ORACLE_HQVA_0000416488-5 to assert that affirmative action training was “required” due to the Obama Administration’s focus on hiring, selection promotional opportunities and pay, and other terms and conditions of employment. This assertion is not supported by this document.</p> <p>Objection #5: Relevance.</p> <p>SUF 228, 229, 230: When Oracle first made affirmative action training mandatory, its reasons for doing so, and whether Oracle “required” anyone to complete this training has no bearing on any material issue in this action.</p> <p>Objection #7: Authentication.</p> <p>SUF 228, 229, 230: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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ZZZ. Exhibit 78: Oracle Compensation Guidelines

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 79, Ex. 78, “Oracle’s ‘Oracle Compensation Guidelines,’ no date, ORACLE_HQCA_0000382600-603.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 255, 256, 257, 258: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack</p>

	<p>foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 256, 258: OFCCP cites this document to support the proposition that “bonuses are not awarded to all employees at Oracle,” and that “stock grants are not awarded to all employees.” The document does not say this. It provides guidelines for employees’ eligibility to receive bonuses and stock.</p> <p>Objection #7: Authentication.</p> <p>SUF 255, 256, 257, 258: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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AAAA. Exhibit 79: Oracle’s Eligibility: FY14 Focal Stock Grant

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 80, Ex. 79, “Oracle’s ‘Eligibility: FY14 Focal Stock Grant,’ no date, ORACLE_HQCA_0000022959.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 258, 259: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 259: OFCCP cites this document to support the proposition that “Oracle caps the number of employees who can be granted stock in the United States to 35%.” The document</p>

	<p>does not say this.</p> <p>SUF 258, 259: Even assuming the document may be understood to address eligibility for FY14 focal stock grants, it nonetheless provides no support for any statement about Oracle’s practices outside of that particular fiscal year, and does provide support for any statement about stock grants other than focal stock grants.</p> <p>Objection #7: Authentication.</p> <p>SUF 258, 259: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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BBBB. Exhibit 80: Oracle’s Eligibility: FY13 Focal Stock Grant

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 82, Ex. 80, “Oracle’s ‘Eligibility: FY13 Focal Stock Grant,’ ORACLE_HQCA_0000380593.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 258, 259: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 259: OFCCP cites this document to support the proposition that “Oracle caps the number of employees who can be granted stock in the United States to 35%.” The document does not say this.</p>

	<p>SUF 258, 259: Even assuming the document may be understood to address eligibility for FY13 focal stock grants, it nonetheless provides no support for any statement about Oracle’s practices outside of that particular fiscal year, and does provide support for any statement about stock grants other than focal stock grants.</p> <p>Objection #7: Authentication.</p> <p>SUF 258, 259: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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CCCC. Exhibit 81: Excerpts from Oracle’s PMK Deposition of Kate Waggoner in Jewett, et al v. Oracle America

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 82, Ex. 81, PMK Dep. of Kate Waggoner in <i>Jewett v. Oracle Corp. Inc.</i>, Case No. 17-cv-02669 (Sup. Ct. San Mateo), dated 7/26/18, (Waggoner PMK <i>Jewett</i> Decl.) ORACLE_HQCA_0000400695–66 (i.e., 102:0–103:9).</p> <p>[Q.] 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 identified 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</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>OFCCP cites to this document to assert that Oracle’s job codes are not product-associated. This assertion is not supported by Ms. Waggoner’s testimony, in which she states that “[t]he job codes in IT and development, in particular, have never been product-associated.” Waggoner PMK Dep. 102:25-103:1. Ms. Waggoner does not make any sweeping statements about Oracle job codes generally.</p>

<p>used to have certain job codes that were only used in association with people who worked on a certain product.</p> <p>Q. Okay. And when did you stop doing that?</p> <p>A. I don't know. The job codes in IT and development, in particular, have never been product-associated. I'm not familiar with support.</p> <p>Q. So IT and product development were never – people in IT and product development were never coded based on particular products?</p> <p>A. No.</p> <p>Q. “No” meaning that’s correct; they never were?</p> <p>A. That is correct; they never were.</p>	
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DDDD. Exhibit 82: Correspondence from J. Pitcher, counsel for Oracle, to L. Bremer

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 83, Ex. 82, “Correspondence from J. Pitcher, counsel for Oracle, to L. Bremer, dated June 28, 2018.”</p>	<p>Objection #5: Relevance. OFCCP does not cite this evidence in support of anything in its separate statement. This is therefore irrelevant to any material issue in OFCCP’s motion for summary judgment.</p> <p>Objection #9: Privilege. The first paragraph of this letter references communications between counsel in preparation for participation in mediation, and is therefore privileged.</p>

EEEE. Exhibit 83: Oracle’s Stock Options/Restricted Stock Units (RSUs) FAQ-June 2016

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 84, Ex. 83, “Oracle’s ‘Stock Options/Restricted Stock Units (RSUs) FAQ-June 2016,’ ORACLE_HQCA_0000416489.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 261, 262: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is</p>

	<p>competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 261, 262: OFCCP cites this evidence in support of its statements that “If an employee separates from Oracle before the end of the first year of the award,” or before the “annual vesting date for any part of the award,” then the employee forfeits that compensation entirely because RSUs and stock options both require continuous employment in order to earn the right to the shares based on a 25% annual vesting schedule.” But this document says nothing about forfeiture.</p> <p>Objection #7: Authentication.</p> <p>SUF 261, 262: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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FFFF. Exhibit 84: Email from Stefanie Wittner, dated May 30, 2013

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 85, Ex. 84, “email from Stefanie Wittner, dated May 30, 2013, ORACLE_HQCA_0000022960-61.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 258, 259: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this</p>

	<p>document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 259: OFCCP cites this document in support of its assertion that Oracle caps the number of employees who can be granted stock in the United States at 35%. This document simply notes that for the particular stock distribution happening in May 2013, no more than 35% of the “eligible employee” population would receive distributions given the overall budget and the fact that the minimum grant for that distribution was 1750 shares.</p> <p>Objection #7: Authentication.</p> <p>SUF 258, 259: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>
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GGGG. Exhibit 85: Email from J. Riddell, counsel for Oracle, to C. Song

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 86, Ex. 85, “email from J. Riddell, counsel for Oracle, to C. Song, dated July 12, 2019.”</p>	<p>Objection #5: Relevance.</p> <p><i>Daubert at 5 n.15:</i> An attorney’s stipulation that testimony is “binding on Oracle in this case to the extent allowed by law” does not dictate the extent to which a deponent’s testimony binds a party. That is determined by applicable law.</p>

HHHH. Exhibit 86: Correspondence from J. Wipper to S. Catz, dated June 8, 2016

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 87, Ex. 86,</p>	<p>Objection #1: Foundation, Personal</p>

<p>“Correspondence from J. Wipper to S. Catz, dated June 8, 2016, DOL000001392-94.”</p>	<p>Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #5: Relevance. OFCCP does not cite this evidence in support of anything in its separate statement or Motion. Moreover, prelitigation communications are not relevant to OFCCP’s Motion.</p>
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III. Exhibit 87: Correspondence from OFCCP to Oracle, dated March 11, 2016

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 88, Ex. 87, “Correspondence from OFCCP to Oracle, dated March 11, 2016, DOL000001395-1406.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #5: Relevance. OFCCP does not cite this evidence in support of anything in its separate statement or Motion. Moreover, prelitigation communications are not relevant to OFCCP’s Motion.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of</p>

	the record, it cannot be self-authenticating.
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JJJJ. Exhibit 88: Excerpt of Dr. Saad’s Backup Data

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 9, ¶ 89, Ex. 88, “excerpt of Dr. Saad’s backup data entitled ‘re_yearly_incumbent_2013_2018.’”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p><i>Daubert</i> at 19 n.94: The document—a limited excerpt of a much larger file—on its face does not provide information about “150 Cost Center designations.”</p> <p>Objection #5: Relevance.</p> <p><i>Daubert</i> at 19 n.94: The document—a limited excerpt of a much larger file—on its face does not provide information about “150 Cost Center designations.”</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p>

KKKK. Exhibit 89 and 96: Deposition of Dr. Ali Saad

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
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Saad Dep. 145:8-147:8

Q. What is statistical significance?

A. It's the confidence with which your estimated effect -- the level of confidence of an estimated measured effect of an independent variable on a dependent variable.

Q. Is there a certain standard deviation associated with statistical significance, in your view?

MS. MANTOAN: Objection. Vague. And depending on the vagueness, may be calling for a legal conclusion.

THE WITNESS: Well, I do have an understanding that in a legal context, there's a certain benchmark approach to statistical significance.

As I understand it, two to three standard deviations is the phrase that the Supreme Court put out at some point in the past. Those are two very different things. Two standard deviations and three are not that close together in some sense. Then as a social scientist, statistical significance takes on a range of different levels. The most popular, I think, is what's called the .05 level of statistical significance, which corresponds approximately to two standard deviations.

But there are other levels of statistical significance you see in journal articles on a regular basis.

BY MR. SONG:

Q. I haven't heard of the .05. What does .05 mean?

A. Five percent probability.

Q. Five percent probability of some event occurring out of pure chance?

A. I wouldn't phrase it quite that way. But a 5 percent chance that the estimated effect is, in fact, zero or no effect. And I should -- one can also do significance tests against benchmarks other than zero effect. But for purposes of your question, I think the zero effect benchmark is what you had in mind.

Q. And that's exactly at two standard

Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.

SUF 254: Dr. Saad testified that, depending on the context, different standard deviations might be associated with statistical significance.

<p>deviations? A. Not exactly. It depends on the size of the sample you are analyzing. It's 1.96 standard deviations – Q. I think that's what I was thinking. A. -- in large samples. Q. Oh, so it can -- the standard deviation for statistical significance can vary. Like 1.96, there's a range? A. It does vary a little bit as a function of the sample size you are studying. But it stabilizes at 1.96 above probably 100, 125 observations.</p>	
<p>Saad Dep. 248:7-13</p> <p>Q. You haven't seen any data fields that include which products employees work on; correct? MS. MANTOAN: Objection. Vague as to "data fields." And misstates testimony. THE WITNESS: I have not seen any fields in the HR data or personnel data that I've analyzed that relate to products worked on specifically.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 192: The excerpt does not support the assertion that Oracle does not maintain information in any of its centralized databases identifying or discussing the products on which its employees performed work.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 192: The question asked is vague, and thus it is unclear what Dr. Saad is testifying to.</p>
<p>Saad Dep. 249:15-21</p> <p>THE WITNESS: You mean like a column in a dataset? BY MR. SONG: Q. Yes, exactly. That's what I'm trying -- A. Yeah. I think I said that I have not – I have not seen a column in a dataset that's labeled product employee worked on.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 192: The excerpt does not support the assertion that Oracle does not maintain information in any of its centralized databases identifying or discussing the products on which its employees performed work.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 192: The question asked is vague, and thus it is unclear what Dr. Saad is testifying to.</p>
<p>Saad Dep. 249:22-250:2</p>	<p>Objection #3: Evidence Does Not Stand for</p>

<p>Q. What about a data field that records the skills of an employee? MS. MANTOAN: Objection. Vague. Vague as to time. Vague as to "data field." Vague as to "skills." THE WITNESS: I guess I could answer I haven't seen a column in the data labeled skills employee has.</p>	<p>the Proposition It Is Cited to Support.</p> <p>SUF 188: The excerpt does not support the assertion that Oracle does not maintain information in any of its centralized databases identifying, discussing, or recording specific skills or knowledge each employee possesses.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 188: The question asked is vague, and thus it is unclear what Dr. Saad is testifying to.</p>
<p>Saad Dep. 268:23-269:4</p> <p>A. No, I did not. Well, other than -- there are some analyses. I guess the -- looking at starting pay is looking at base pay, because that's all you have on day one. But for incumbent pay or annual pay analyses that were performed in response to Dr. Madden or the OFCCP, those analyses depended on total compensation as just described.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 240: The excerpt quoted states accurately what was done. OFCCP's articulation of this is confusing and not true to the statement.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 240: The question asked is not included, and thus it is unclear what Dr. Saad is testifying to.</p> <p>Objection #8: Best Evidence Rule</p> <p>SUF 240: Dr. Saad's report is the best evidence of the contents of that document.</p>
<p>Saad Dep. 305:22-306:8</p> <p>THE WITNESS: Well, as I said, the organization, as far as I know, doesn't do anything from a monolithic perspective. There are managers who have guidelines provided to them on a variety of things, some of which are pay guidelines. And they use those guidelines in whatever way they want. I mean, from what I can tell, there are no --they're suggestions for the kinds of things that you could do. And so there's no</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 242: This testimony is in response to a question about whether Oracle considers the number of leaves of absences in setting compensation. Accordingly, it does not support a statement about compensation policies as a whole.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p>

<p>sense in which Oracle as an entity is ever referred to in these sorts of materials. So the answer would be that there aren't any that I've seen with respect to leaves.</p>	<p>SUF 242: The question asked is not included, and thus it is unclear what Dr. Saad is testifying to.</p>
<p>Saad Dep., Ex. 9 (Declaration of Dr. Janice F. Madden, October 11, 2019, and tables D-1 through D-5)</p>	<p>Objection #12. Inadmissible as Untimely, Irrelevant, and Unreliable Expert Evidence.</p> <p>SUF 244, 245, 246, 247, 248, 249, 250, 251 & Mot. at 23: Dr. Madden's new analyses are untimely and are inadmissible for that reason. Even if Dr. Madden's new analyses had not been untimely disclosed to the prejudice of Oracle (which they were), these new analyses would still be inadmissible as irrelevant and unreliable.</p> <p><i>See also</i> General Objections Section B; Oracle's Daubert Motion and Objection #11 (describing objections to Dr. Madden's approaches and methodology that are also applicable here).</p>

LLLL. Exhibits 90 and 95: Deposition of Dr. Janice F. Madden

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Madden Dep. 47:8-48:9</p> <p>Q. Is job descriptor a variable that exists at Oracle or is it a variable that you created? A. It's a variable that I created from job titles. Q. Why create that variable as opposed to use job titles? A. When we get to the eighth column, I'm perfectly happy to use the job title, but I wanted to show -- I mean, I was making an illustration of how group differences change with different variables, and I wanted to separate the sort of categorization of description of the job from the classification or grade of the job. So that's why I did it in that fashion. Q. And as part of that process, you created a</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support</p> <p>SUF 236, 237: While OFFCP cites this testimony in support of "facts" about "job descriptors," Paragraph 108 of the Garcia Decl. proves that "job descriptor" is not an Oracle term. Instead, it is a fiction created by Dr. Madden and OFCCP.</p> <p>Dr. Madden created a "job descriptor" variable, not found in Oracle's records, that aggregates job titles within a particular type or category of job, regardless of career level. <i>See</i> Connell Decl., Ex. N (Madden Report, 15-16 & Appx.A), Ex. U (10/10/19 Madden Dep. 47:3-11, 174:1-15). In doing so, Dr. Madden</p>

<p>variable job descriptor by which you grouped together jobs in a way that Oracle does not necessarily group together those same jobs? MS. FLORES:· Objection.· Misstates testimony.· And vague. A.· I group them -- I aggregated them, yes. Q.· And -- ·A.· I didn't separate any groups, but I aggregated some jobs, because the job code has the grade level in them, and the management level in them, and then I took that out to do the job descriptor.</p>	<p>assumed Oracle's job codes classify employees doing similar work. Connell Decl., Ex. U (10/10/19 Madden Dep. 43:19-45:17).</p> <p>Objection #11: Dr. Madden's Report Is Irrelevant.</p> <p>SUF 236, 237: Oracle objects to Dr. Madden's initial and rebuttal reports and testimony for all the reasons set forth in Oracle's <i>Daubert</i> Motion.</p> <p><i>See also</i> General Objections Section B; Oracle's <i>Daubert</i> Motion.</p>
<p>Madden Dep. 63:22-64:10</p> <p>Q.·Okay.· Do either your initial or rebuttal report contain any opinions regarding the propriety of the statistical analyses that OFCCP included in the notice of violation in this case? MS. FLORES:· Objection.· Vague.· And lacks foundation. A.·No. Q.·Do either your initial or rebuttal report contain any opinions regarding the propriety of any of the statistical analyses that OFCCP included in the operative complaint in this case? MS. FLORES:· Objection.· Vague.· And lacks foundation. A.·No.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 235: OFCCP cites this evidence to support the proposition that “Neither of Dr. Janice Madden’s reports relied on OFCCP’s statistical analyses that supported the NOV or the SAC.” That is not what Dr. Madden testified to. She instead testified that she did not opine about the propriety of those statistical analyses.</p> <p>Objection #8: Best Evidence Rule</p> <p>SUF 235: Dr. Madden’s report is the best evidence of what her report relied upon.</p> <p>Objection #11: Dr. Madden’s Report Is Irrelevant.</p> <p>SUF 235. Oracle objects to Dr. Madden’s initial and rebuttal reports and testimony for all the reasons set forth in Oracle’s <i>Daubert</i> Motion.</p> <p><i>See also</i> General Objections Section B; Oracle’s <i>Daubert</i> Motion.</p>
<p>Madden Dep. 175:5-179:4</p>	<p>Objection #3: Evidence Does Not Stand for</p>

Q. What, if anything, did you do to study how the job descriptor variable you created relates to work performed at Oracle?

MS. FLORES: Objection. Vague.

A. It's based on -- entirely on Oracle's job codes. So I presume that Oracle knew what it was doing, and I -- it was not inappropriate and it's using the same -- they're very -- it is combining across GCL codes and sometimes there's the same -- pretty much the same kind of thing that's spelled differently, but it's basically using the categorizations that were used by Oracle, but taking -- but adding across some of the modifiers of those categorizations.

Q. So you didn't yourself study how or if the job descriptor variable related to work performed at Oracle. It sounds like you assumed a relationship based on your reading of certain materials?

A. I assumed that Oracle was describing their jobs, putting jobs appropriately into these categories.

Q. When you say putting jobs appropriately into these categories, you assumed that Oracle's job families operated to compare people who performed similar work?

MS. FLORES: Objection. Vague as to job families, similar work, and overall. And also compound.

A. I presume that when Oracle described these people as substantively with words that were the same, that they were substantively in the same area. I don't know what you mean by "similar work" and I never used that in that exact way, I don't think.

Remember, I'm primarily using this by itself to look at people who are likely have similar majors and similar types of experiences. So that's what the categorization is for.

Q. Okay. So what, if anything, did you do to study how job descriptor relates to educational background?

A. I did this analysis of the effects of major versus job descriptor on pay. And actually found that they're pretty close.

MS. MANTOAN: So I'll just put on the record

the Proposition It Is Cited to Support.

SUF 243: Dr. Madden *assumed* that job descriptors grouped people that in some common fashion. But she acknowledged that she made no effort to test that assumption. Madden Dep. 43:4-18 (Madden "did not look at" which employees at Oracle are performing similar work, and therefore has not "formed an independent view"); 81:1-82:4 ("job descriptors" do not differentiate employees based on what product they are working on); 170:11-171:22 (admitting employees in the same "job descriptor" may have significantly different prior experience but that she did not study that); 174:1-179:11.

Objection #8: Best Evidence Rule

SUF 243: Dr. Madden's report is the best evidence of what her report relied upon.

Objection #11: Dr. Madden's Report Is Irrelevant.

SUF 243: Oracle objects to Dr. Madden's initial and rebuttal reports and testimony for all the reasons set forth in Oracle's Daubert Motion.

See also General Objections Section B; Oracle's Daubert Motion.

to the extent that's referring to anything that was untimely produced, we will be moving to strike any testimony about it.

BY MS. MANTOAN:

Q. In the initial report and the rebuttal report, can you point me to any -- let's say this: Before you issued your initial report, which included the job descriptor variable, what, if anything, did you do to study how the job descriptor variable relates to the educational background of employees?

A. I didn't care how -- well, it's a specific education matter I was using this for, and that was to try and look at what the relevance of the area studied in college and the prior work experience was to Oracle's jobs. And I assumed that Oracle was generally assigning people to those jobs in which they had prior work experience, and their education was in the appropriate areas.

I didn't -- I didn't think that Oracle was randomly assigning people outside of their education and prior experience to jobs. If they did that, then this isn't such a good variable, but it seems to be working in that way when I compared it to what happened when we looked at college major.

Q. Let me talk through maybe a specific example to try to make sure I understand. So one of the job descriptors that you created was software development, correct, according to Appendix A of your initial report?

A. It should be one. Let me see, yes.

Q. And another job descriptor that you created was Apps developer, correct?

A. Yes. Yes.

Q. Okay. What, if anything, did you do to study whether people who were entering what you call the App developer job descriptor had any differences in educational background to those entering the software development job descriptor?

MS. FLORES: Objection. Vague.

A. I assumed that the people who were placing people into these job titles at Oracle were putting people in Apps developers that had the

<p>programming skills that were more relevant to Apps development, and the programming skills that were more relevant to software development into software development. That's actually much narrower than a major would be, but it was getting -- drilling down beyond major to look at --</p> <p>Q. What --</p> <p>A. -- to look at what the particular areas of specialization, either coming from prior experience or from college training might be.</p>	
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MMMM. **Exhibit 91: July 19, 2019 Expert Report of Dr. Janice F. Madden**

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>As set forth above in section I.B, Oracle objects to the entirety of Dr. Madden's Report.</p>	<p>Objection #11: Inadmissible as Irrelevant and Unreliable Expert Evidence.</p> <p>Mot. passim & SUF 254: Oracle objects to Dr. Madden's initial and rebuttal reports and testimony for all the reasons set forth in Oracle's <i>Daubert</i> Motion.</p> <p><i>See also</i> General Objections Section B; Oracle's <i>Daubert</i> Motion.</p>

NNNN. **Exhibit 92: August 16, 2019 Expert Rebuttal Report of Dr. Janice F. Madden**

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>As set forth above in section I.B, Oracle objects to the entirety of Dr. Madden's Rebuttal.</p>	<p>Objection #11: Inadmissible as Irrelevant and Unreliable Expert Evidence.</p> <p>Mot. passim: Oracle objects to Dr. Madden's initial and rebuttal reports and testimony for all the reasons set forth in Oracle's <i>Daubert</i> Motion.</p> <p><i>See also</i> General Objections Section B; Oracle's <i>Daubert</i> Motion.</p>

OOOO. Exhibit 93: July 19, 2019 Expert Report of Dr. Ali Saad

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Saad Rpt. at p. 112, ¶ 148</p> <p>The OFCCP "initial assignment" analysis does not take into account the skills and experiences of the applicants. Most new hires by Oracle from 2013 to 2018 were experienced hires. Not only do experienced hires choose what to apply for (as opposed to being "steered" as the OFCCP suggests), but the data shows that they largely are hired into the Career Level they apply for. Hiring managers have the power to hire one career level above the posted opening if a candidate is especially qualified, or to hire one level below the posted level if a candidate warrants it.</p> <p>My analysis of the starting career level of experienced hires relative to the position they applied for shows no statistically significant differences between men and women in terms of career level adjustments at hire.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 156. OFCCP cites this paragraph in support of its proposition that “Oracle’s instructions permit placing an employee in a Global Career Level that is one level above or one level; below the job for which the job candidate is being considered, placing the employee in a different salary range.” This paragraph does not support this statement.</p>
<p>Saad Rpt. at p. 190, ¶ 141</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 192: OFCCP cites this paragraph in support of the assertion that Oracle does not maintain information in any of its centralized databases identifying or discussing the products on which its employees performed work. Assuming OFCCP intended to cite to paragraph 141, which appears at page 108 of Saad’s Report, that paragraph does not support this statement.</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 192: A party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of</p>

	<i>materials in the record.</i> Dr. Saad’s report does not contain a page 190, and it therefore unclear what OFCCP intends to cite.
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PPPP. Exhibit 94: August 16, 2019 Expert Rebuttal Report of Dr. Ali Saad

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Saad Rebuttal, p. 61 n.87</p> <p>Dr. Madden's base pay models for women and Asians are irrelevant, first because the OFCCP claims are about total compensation for women and Asians, and second because non-base salary at Oracle can be a large part of annual compensation. This is discussed in any number of Oracle manager training manuals (see for example, US Manager's Orientation presentation dated December 6, 2016 (ORACLE_HQCA_0000042091_MASTER US Manager Orientation 1201 (Native).PPTX) and is confirmed in the data itself (as explained in my initial report in paragraph 38 and charts on pages 90-91). For African-Americans, the OFCCP switched to claims about base pay in the SAC, and Dr. Madden's results including career levels show that the pay differences between whites and African-Americans are not statistically significant in four of the six years (and not the years in the audit window for OFCCP, 2013 and 2014).</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 22: OFCCP cites this language to support its statement that “Dr. Saad asserts that he did not study salary discrimination because OFCCP’s ‘claims are not about total compensation for women and Asians, and because non-base salary at Oracle <i>can</i> be a large part of annual income.’”</p> <p>This mischaracterizes Dr. Saad’s rebuttal report, which explains that “Dr. Madden’s base pay models for women and Asians are irrelevant” to the compensation discrimination claims asserted. Saad Rebuttal, ¶ 73 n. 87 (emphases added). This is because some employees receive a greater share of their total compensation in bonuses and stock awards than other employees. Dr. Saad has further explained how properly-measured total compensation is the more relevant variable based on the facts of this case. <i>See</i> Saad Rpt. ¶¶ 38, 105-107, 126. Also, Dr. Saad presented extensive criticisms of Dr. Madden’s approach to studying pay at Oracle that apply with equal force whether the dependent variable is base pay or total compensation.</p>
<p>Saad Rebuttal at p. 69, ¶ 87</p> <p>The attached tables 1 through 5 show my</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p>

<p>results when total compensation is measured correctly, Dr. Madden's models are disaggregated by job function to track the allegations of the SAC, and additional variables better account for differences in employee skills and the type of work they perform at Oracle are introduced. I have presented the results in a similar fashion to Dr. Madden. The first column shows the gender coefficient for total compensation controlling only for gender. The second column controls for race and ethnicity (as Dr. Madden includes this control in all her models).</p>	<p>Mot at 22: OFCCP cites to this portion of Saad's Report to claim that Saad did not run regression analyses to support his own opinion, but only to illustrate errors in Madden's regression analysis.</p> <p>This is not supported by the evidence cited. Dr. Saad's focus in his reports was on evaluating OFCCP's and Dr. Madden's statistical analysis—which is entirely consistent with OFCCP's burden in this case—and thus the regression analyses that Dr. Saad presented (including those based on OFCCP's/Madden's models) do support his own opinions, which are critiques of OFCCP's statistical evidence.</p> <p>Accordingly, Tables 1-5 of Dr. Saad's rebuttal are simply modifications of Dr. Madden's models.</p> <p>Objection #8: Best Evidence.</p> <p>Mot. at 22: Dr. Saad's report is the best evidence of its contents.</p>
<p>Saad Rebuttal, p. 70, ¶ 88</p> <p>Prior experience is measured as age minus total years at Oracle minus 22, as shown in column 3. Like Dr. Madden's age measure, this does not have much effect on the gender coefficient, does not account for the type of relevant experience, and does not account for years out of the labor force.</p>	
<p>Saad Rebuttal, p. 70, ¶ 89</p> <p>Column 4 shows the results when education (using the variable adopted as constructed by Dr. Madden) is included in the model. Again, this variable is missing for many employees and in a non-random fashion, as described above.</p>	
<p>Saad Rebuttal, p. 70, ¶ 90</p> <p>Column 5 adds tenure variables: time in company (Oracle America, Inc.), part-time or full-time work, total Oracle tenure (including time at acquired companies and international affiliates), cumulative time spent on leave of absence and whether there was a leave of absence in current year¹⁰⁶, time in standard job title, and whether the employee arrived at Oracle as an experienced hire or through an</p>	

acquisition (to account for incomplete leave of absence information, as described in my initial report in paragraph 113).

Saad Rebuttal, p. 71, ¶ 91

Column 6 adds the job characteristic variables that are intended to better group employees with respect to their skills, duties, and responsibilities: standard job title, organization, and whether the employee has earned a patent bonus.

Saad Rebuttal, p. 71, ¶ 92

I have argued in this report as well as in my initial report that a number of the empirical outcomes, both statistical as well as descriptive, suggest that aggregation of all employees into one regression model may be inappropriate. I have also suggested that the use of standard job title does not capture the wide range of types of work that is covered by a single title. Putting these and other similar issues aside, and simply running an aggregated regression model that fixes flaws in Dr. Madden's model, and adds several variables she did not consider, I reach very different conclusions than she did. I find that gender and race pay differences shrink dramatically when compared to Dr. Madden's column 5 results, and even to Dr. Madden's column 8 results. Furthermore, the majority of the findings are not statistically significant. In fact, I find a number of positive relationships between total compensation and gender or race, respectively, undermining the claim that there is a consistent pattern of results adverse to women or minorities. These results do not support an inference of pay discrimination; instead, they are inconsistent with a hypothesis that Oracle systematically treats women, Asians, or African- Americans worse than white male employees with respect to pay in the PROD

EV, INFTECH and SUPPORT job functions at its headquarters location.	
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QQQQ. Exhibit 97: Declaration of Christina Kolotouros

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Kolotouros Decl., ¶ 5.</p> <p>In my capacity as a Senior Director of Customer Experience User Experience, I managed a team of approximately 7 to 9 employees. I had almost 40 employees reporting to me while I was the Business Intelligence Product Management Director. My responsibilities as a manager required that I be familiar with and use the cost centers designated for members of my team. In my final role at Oracle, even though I had only one team of employees reporting to me, some of those employees worked on deliverables for more than one product. For example, designers in CX UX sometimes worked on multiple products at a time, and sometimes worked on different products from each other. When I assigned work to my employees it was generally based on an employees availability and his or her experience.</p>	<p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>This paragraph is vague and ambiguous as to the time of year in which she is referring to. Further, it is vague as to having “almost 40 employees reporting” to her. Finally, it is vague as to what capacity she was responsible for being familiar with the use of cost centers.</p> <p>Objection #5: Relevance. The facts asserted have no bearing on the issues in this case. Moreover, this portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Kolotouros Decl., ¶ 6.</p> <p>When I took over the CX UX team they had different cost centers. I do not recall the date, but at some point, I was instructed to bring my team under the same cost center. I believe that cost center was CW17. I did not choose this cost center, I believe Finance choose the cost center number I was supposed to use. It was my understanding that the team of employees that I inherited had different cost centers because of "legacy data," that is to say their cost centers were not updated after a reorganization or a transfer. This was not the</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation. Ms. Kolotouros “believes” that the cost center that CX UX team members had was CW17, but she does not say definitively whether she knows or not, or how she learned of such information. Similarly, she “believes” that Finance chooses the cost center, but fails to say so definitively.</p> <p>Objection #5: Relevance.</p> <p>The facts asserted have no bearing on the issues in this case. Moreover, this portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the</p>

<p>first time I had a team of employees who had different cost centers. It had happened in the past as well.</p>	<p>material facts at issue in this case.</p>
<p>Kolotouros Decl., ¶ 7.</p> <p>In my experience, the cost center associated with an employee did not relate to an employee's skills, abilities, or experience. An employee's skills, abilities, or experience was supposed to be represented by job code. In my experience, the cost center in which an employee was located was not a factor in determining an employee's compensation, such as the employee's salary range, bonus grants, or stock options and RSU awards. In my experience, cost centers were used for tracking expenses such as travel and entertainment, and expenses do not determine how much an employee is paid. It was my understanding that the salary band for employees was based on job code and geography.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>Mot. at 25 n.30: The facts asserted do not provide a foundation as to whether the experience referenced was true or not. Moreover, whether a job code “was supposed” to represent skill, abilities, or experience, does not mean it did. Perhaps most critically, the declaration cannot establish that people working in the same job code possess the same skills, abilities or experience such that it is appropriate to consider them similarly situated. Given the statement in Paragraph 8 of the Declaration, the declarant cannot attest to whether the items experienced or supposed translate beyond the claimed experience.</p> <p>Objection #5: Relevance</p> <p>Mot. at 25 n.30: The facts asserted have no bearing on the issues in this case.</p>
<p>Kolotouros Decl., ¶ 8.</p> <p>In my capacity as a Director and Senior Director, I was required to be familiar with the Workbench Compensation tool. This tool allowed me to view the pay of my employees. However, this tool did not allow me to see the pay of my counterparts' employees in similarly leveled positions. I did not know if my employees received the same salary amounts as other similarly leveled employees on other teams. This tool did not disclose the race of an employee. I did not have access to another tool that would provide me with the race of an employees who reported to me. This tool only gave me access to the salary band information of the employees already on my team, which made determining the proposed salary of new</p>	<p>Objection #5: Relevance. Whether or not the declarant could view the salary or race of others is irrelevant except to the extent it underscores that the declarant is unable to opine as to the issues raised in this case. Moreover, this portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>

<p>hires and promotions difficult. I would only know this information if I had someone on my team with the same job code and in the same geographic area,</p>	
<p>Kolotouros Decl., ¶ 9</p> <p>At no point was I ever informed by Oracle that the product an employee worked on determines an employee's compensation. An employee can work on multiple products throughout their career, but that would not determine their compensation. Employees can work on different products due to market changes, internal transfers, or reorganizations. If an employee transferred teams to work on a different product his or her salary would not be changed.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation. The facts asserted do not provide a foundation as to whether the experience referenced was true or not. Moreover, whether a job code “was supposed” to represent skill, abilities, or experience, does not mean it did. Moreover, a perhaps most critically, the declaration cannot establish that people working in the same job code possess the same skills, abilities or experience such that it is appropriate to consider them similarly situated. Moreover, given the statement in Paragraph 8 of the Declaration, the declarant cannot attest to whether the items experienced or supposed translate beyond the claimed experience.</p> <p>Objection #5: Relevance. Whether or not the declarant could view the salary or race of others is irrelevant except to the extent it underscores that the declarant is unable to opine as to the issues raised in this case. Moreover, this portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>

RRRR. Exhibit 98: Declaration of Rachel Powers

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Powers Decl., ¶ 6.</p> <p>I was recruited to work at Oracle in around June of 2012 by Heather Parrot, one of Oracle's recruiters. Heather contacted me via LinkedIn. In her message, she wrote she was looking to recruit me to the seasoned design leader to lead and grow the User Experience Innovation for Oracle's healthcare and life sciences products.</p>	<p>Objection #5: Relevance. OFCCP asserts a compensation discrimination claim. It is not alleging a title discrimination claim. This declarant received the money negotiated. The declarant does not complain that the compensation was lower due to some discriminatory reason. In fact, the declarant does not complain that the different title</p>

<p>During the recruitment process, in a telephone conversation, Heather asked me to tell her what I earned at my most recent job; she told me that she wanted this information to make sure that Oracle's offer was in the budget of what they could afford. She wanted me to provide my salary and overall compensation package, which included restricted stock units and bonuses. Oracle's initial compensation offer was slightly more than what had earned in terms of salary, but significantly less in terms of stock, and bonus.</p>	<p>received was the result of discrimination. Moreover, this portion of the declaration is not cited in OFCCP's Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Powers Decl., ¶ 7.</p> <p>During the recruitment process, I was told that the position I was recruited for was the Director of User Experience. I negotiated for a Senior Director position. It was important for me to have a Senior Director position at Oracle because I held a Senior Director position at the company I worked at before coming to Oracle. I should point out that in my experience working in the tech industry, the HR stock title is important because it communicates to those you are working with the status level of your position. HR stock titles, such as Director and Senior Director, tend to be uniform throughout the industry. I believed that Oracle had agreed to my request, as my offer letter stated that I was offered the position of Senior Director and business card stated that I held the position of Senior Director of User Experience.</p>	<p>Objection #5: Relevance.</p> <p>OFCCP asserts a compensation discrimination claim. It is not alleging a title discrimination claim. This declarant received the money negotiated. The declarant does not complain that the compensation was lower due to some discriminatory reason. In fact, the declarant does not complain that the different title received was the result of discrimination. Moreover, this portion of the declaration is not cited in OFCCP's Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Powers Decl., ¶ 9.</p> <p>It was my understanding that one of the benefits Senior Directors received at Oracle was business class travel for long-haul international trips. A few months into working for Oracle, I had to go to India for work. I assumed that I would travel business class. However, when I tried to book my business class ticket, the system would not allow me to do so. I assumed it was a mistake and contacted</p>	<p>Objection #5: Relevance. OFCCP asserts a compensation discrimination claim. It is not alleging a title discrimination claim. This declarant received the money negotiated. The declarant does not complain that the compensation was lower due to some discriminatory reason. In fact, the declarant does not complain that the different title received was the result of discrimination. Moreover, this portion of the declaration is not cited in OFCCP's Motion or its SUFs.</p>

<p>Oracle's travel agent on the phone. I was told that I could not fly business class because I only held a director position. I then called Heather Parrot to get what I thought was a mistake fixed. It was in this call that Heather informed me that I was not a Senior Director, but in fact only a Director. Heather also told me that there was nothing she could do to change my title. I brought the issue to my manager, Alex Choi, but he did not resolve it. Alex Choi held the position of Global Vice President of Product Development at the time.</p>	<p>Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Powers Decl., ¶ 10.</p> <p>I did not determine what cost center number was used for employees on my team. The cost center number for employees was something that automatically populated on expense reports. Expense reports were used for things such as travel. I did not use cost centers to determine an employee's skills, abilities, or work experience. I usually looked at an applicant's title to get a ballpark idea of what roles an employee had worked in, his or her resume, and to review portfolio and/or work samples, and see how well the applicant did on a design challenge I gave him or her. In my experience, the cost center in which an employee was located was not a factor in determining an employee's compensation, such as the employee's salary range, bonus grants, or stock options and restricted stock unit awards. Cost center number is not something I would have looked at to determine what product or products an employee works on at Oracle.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation. The facts asserted do not provide a foundation as to whether the experience referenced was true or not. Whether a job code “was supposed” to represent skill, abilities, or experience, does not mean it did. Moreover, and perhaps most critically, the declaration cannot establish that people working in the same job code possess the same skills, abilities or experience such that it is appropriate to consider them similarly situated.</p> <p>Objection #5: Relevance</p> <p>The facts asserted have no bearing on the issues in this case. Moreover, this portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Powers Decl., ¶ 11</p> <p>When I was hiring, I would sometimes talk to the recruiter about the salary range for a position. The recruiter had the information about salary range. I did not determine the range. I did not know how Oracle determined the salary ranges. If the applicant I wanted to</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.31: OFCCP cites to this declaration paragraph to assert that Oracle does “not afford managers the financial resources to place employees where they ought to be.” <i>See</i> MOT. at 25. However, nothing in this</p>

<p>hire was going to be paid in the range determined by the recruiter, I would still have to write a business justification as to why the applicant should be hired, and send it up for approval. I did not know if the suggested amount of pay in the business justification was approved or rejected. I would typically just hear back from the recruiter whether or not the applicant accepted the position. I recall only finding out the pay of my employees once I got the budget. I did not receive copies of hire offer letters while at Oracle.</p>	<p>paragraph supports this assertion. In fact, this paragraph proves that Ms. Powers did not know how much her candidates were being offered or what her employees' salary ranges should have been. Consequently, she cannot support OFCCP's argument that Oracle did not provide managers with financial resources "to place employees where they ought to be."</p> <p>Objection #5: Relevance</p> <p>Mot. at 25 n.31: The facts asserted have no bearing on the issues in this case.</p>
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SSSS. **Exhibit 99: Declaration of Donna Rosberg**

MATERIAL OBJECTED TO	GROUND FOR OBJECTION
<p>Rosberg Decl. ¶ 5</p> <p>At the time of my separation from employment with Oracle, I held the position of Product Launch Manager for Financial Cloud Business. I came to Oracle because I was recruited away from the job I was working at. In early 2016, I was recruited by Holly Roland who was a VP of Product Management at Oracle. Holly and I worked together previously. During the recruitment process, Holly informed me that I would be hired as a Senior Manager, Product Management. I received an offer letter from Oracle around May 2016 that reflected this job title.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP's Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Rosberg Decl. ¶ 6</p> <p>During the recruitment process, before I received an offer, Oracle requested that I provide prior pay information. In order to comply with this request, I provided Oracle with my most recent pay stub from my current employer. During the recruitment process, I had a series of conversations with Holly about the job. In one of those conversations, Holly</p>	<p>Objection #2: Hearsay.</p> <p>Mot. at 25 n.31: The statements of Ms. Rosberg's manager are out of court statements offered for the truth of the matter asserted.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.31: Oracle cites this paragraph for</p>

<p>informed me that Oracle's compensation offer would be for the same amount of compensation I was already earning in my current job. I informed Holly that I would not leave my current employment to work for Oracle unless I received a higher salary. I requested a salary that was \$20,000 higher than my current salary. I also informed Holly that in order to leave my current job, I would need to have the title of Senior Manager at Oracle.</p> <p>In response, Holly requested that I highlight in my resume my prior work experience of having people report to me. I complied with Holly's request. Holly later informed me that my request for \$20,000 higher than my current salary had been approved because I would be managing a team of four people at Oracle, and that I would be given a title of Senior Manager. In another telephone conversation, Holly again "informed me that as part of my job I would be managing a team of four people. However, only after taking the position did I discover that I did not get to manage a team of four people, and in fact, I was the only person on my team. I was individually doing the work that I understood from Holly would be done by myself and four other people.</p>	<p>the proposition that "While Oracle's detailed compensation trainings are clear that Oracle defines similarly-situated employees as employees assigned to the same job title with similar skills, knowledge, experience, education, and responsibilities, these same trainings admit that Oracle may not afford managers the financial resources to place employees where they out to be in accordance with these criteria." Paragraph 6 of Ms. Rosberg's Declaration does not support this statement at all, and in fact contradicts the idea that managers did not have financial resources to place employees "where they ought to be.</p> <p>Objection #5: Relevance. There is no statement that would support a claim of pay discrimination. Moreover, as this is a case of compensation discrimination and the declarant negotiated the salary obtained, this is irrelevant.</p>
<p>Rosberg Decl. ¶ 7</p> <p>As the Product Launch Manager, I worked in Product Development in Oracle Financials Cloud Business. In this role, I was responsible for management of internal and external communications for the Financials Cloud Business, including, customer content curation, training development and execution, and presentation development for Oracle. My direct supervisor was Holly Roland.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP's Mot. or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Rosberg Decl. ¶ 8</p> <p>Around five months after starting my job at Oracle I logged into the Oracle company portal</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP's Mot. or its SUFs. Accordingly, it is irrelevant to the</p>

<p>and I noticed that my title was Manager rather than Senior Manager.</p>	<p>material facts at issue in this case. Moreover, as this is a case of compensation discrimination and the declarant negotiated the salary obtained, this is irrelevant.</p>
<p>Rosberg Decl. ¶ 9</p> <p>Before starting my job at Oracle I gave birth to a child. While I was an employee at Oracle, I was still nursing my child. It was my understanding that I had a flexible work schedule while an employee at Oracle. Other Oracle employees on my floor worked from home. During several communications with Holly, Holly informed me that I was not authorized to have a flexible work schedule and I was not allowed to work remotely. I informed Holly that I needed a flexible schedule because I was still nursing my child. Holly did not agree to give me a flexible work schedule even though I would continue to work from home once I finished nursing and I completed all of my work hours.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Mot. or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case. Moreover, it does not bear on compensation.</p> <p>Objection #10: Inadmissible Character Evidence. Ms. Rosberg’s statements regarding her manager’s refusal to permit her to work remotely to nurse her child is character evidence intended to prove the character of Oracle in order to show action in conformity therewith.</p>

TTTT. Exhibit 100: Declaration of Donna Kit Yee Ng

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Ng Decl. ¶ 6</p> <p>All of my roles at Oracle involved quality assurance, which is part of Product Development. I started out as a QA Analyst in the EBS-XML group. After about a year, the EBS-XML group merged into Application Tool Group (ATG) Core Product, where I continued to work as a QA Analyst on the EBS-XML Workflow. Then around 2004, I transferred to Financials Application, a different Oracle product. When I changed Oracle products, my pay did not change.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>

<p>Ng Decl. ¶ 7</p> <p>In 2005, I was promoted to the position of Senior QA. When I was promoted, my job responsibilities did not change.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Ng Decl. ¶ 8</p> <p>In 2006, I was diagnosed with breast cancer and took an unpaid leave of absence. When I returned from leave in 2007, I was placed into a team working on a different product, the Fusion Financial App. In Fusion Financial App, I continued to work as a Senior QA. Later that same year, I was promoted to Project Lead, Quality Assurance.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Ng Decl. ¶ 9</p> <p>Before I was promoted, my individual contributor level was IC 3. Around the time of my promotion, I also asked for an increase in IC level to IC 4. My manager Mark Shintani told me that he had recommended me for an increase in level. However, Mark later told me that his manager Ritu Bhargava rejected the recommendation and that I did not get the increase in level. Mark had one other direct report besides me, who was a man. This male colleague did the same level of QA work that I did, but on a different product. I learned from Oracle’s ARIA system that, around this time, my male colleague received an increase in IC level from IC 3 to IC 4.</p>	<p>Objection #2: Hearsay.</p> <p>Mot. at 25 n.31: The statements of Ms. Ng’s manager are out of court statements offered for the truth of the matter asserted.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.31. This evidence is cited in support of the proposition that “While Oracle’s detailed compensation trainings are clear that Oracle defines similarly-situated employees as employees assigned to the same job title with similar skills, knowledge, experience, education, and responsibilities, these same trainings admit that Oracle may not afford managers the financial resources to place employees where they out to be in accordance with these criteria.” Paragraph 9 of Ms. Ng’s Declaration does not support this statement at all. Ms. Ng states that she and her colleague did the same “level” of work. There is no statement that they did the same work. And there are no facts demonstrating that she and her male colleague were similarly situated, or that Ms. Ng did not receive her requested</p>

	<p>increase in level due to budget constraints or lack of financial resources.</p> <p>Objection #5: Relevance.</p> <p>Mot. at 25 n.31. Ms. Ng states that she and her colleague did the same “level” of work, but does not offer any facts demonstrating that she and her male colleague were similarly situated, or that Ms. Ng did not receive her requested increase in level due to budget constraints or lack of financial resources. Accordingly, this paragraph has no bearing on OFCCP’s motion.</p>
<p>Ng. Decl. ¶ 10</p> <p>I held the title of Project Lead from 2007 until I was laid off in May of 2019. I was the only QA tested for the Payment module from 2007 until approximately 2016. From 2016 until 2017, several Product QAs from India joined my group, and I trained them on how to do QA for the Fusion Payment Product. I also trained them on how to do QA for the Fusion Payment Product. I also trained Developers, Managers, Support Staff, and other Products QAs and anyone that needed the knowledge of Payment modules worldwide. In total, I trained approximately 5 to 10 employees during this time.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case. Moreover, to the extent this statement relates to events or facts outside the audit period, it is not relevant.</p>
<p>Ng Decl. ¶ 11</p> <p>In December 2017, I was transferred into the Capture team and continued to work as the Project Lead. I was the only QA tester for the Capture team until I left Oracle.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Ng Decl. ¶ 12</p> <p>In December 2018, I was asked to perform work outside of my role of Project Lead and took on additional duties to cover Samantha Kung, who was a Director, during her leave of</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>

<p>absence. My additional responsibilities included tasks such as assisting with the Executives Daily meetings and creating meeting summaries for the Group VP Enda Hu. The purpose of the Executives Daily meetings was to discuss Hot Customer Issues. I also represented the Financial App group in the Development Planning Committee meetings. These tasks were all outside of my Project Lead role and I completed them while still performing my regular job responsibilities. Even though I filled the Director’s role, while covering my own role, I did not receive an increase in my salary for these duties.</p>	
<p>Ng Decl. ¶ 13</p> <p>Between 2012 and when I left Oracle, I only received one annual bonus of \$1,000.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Ng Decl. ¶ 14</p> <p>In January 2019, my manager Rob Abbe, notified me by email and phone that because of a California audit, my salary was being increased to \$94,603. I was not sure what Rob meant by California audit that was how he described it. Before this raise, I had not received a salary raise since I returned from sick leave over a decade earlier. During that time period I had not received a raise even though I had taken on significant additional responsibilities, including training employees and learning new products, technology, and security implementation. Although I received this salary increase, my IC level remained at IC 3.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support. Mot. at 25 n.31. This evidence is cited in support of the proposition that “While Oracle’s detailed compensation trainings are clear that Oracle defines similarly-situated employees as employees assigned to the same job title with similar skills, knowledge, experience, education, and responsibilities, these same trainings admit that Oracle may not afford managers the financial resources to place employees where they out to be in accordance with these criteria.” Paragraph 14 of Ms. Ng’s Declaration does not support this statement at all. Ms. Ng states that she had not received a salary raise for “over a decade,” but does not offer any facts demonstrating that she did not receive a salary raise due to budget constraints or lack of financial resources.</p> <p>Objection #5: Relevance</p>

<p>Ng Decl. ¶ 15</p> <p>Two months later, in March 2019, I received notice that I was being laid off, effective May 21, 2019. At this time, the last two performance reviews I had been given were 4-exceeds expectations. Two days before I received notice of the layoff, I had a one-on-one meeting with my manager Rob Abbe, who told me I was a model employee and that he wished all of his employees were like me. I received a WARN Act Notice that my position would be permanently eliminated as part of the Reduction in Force at Oracle Headquarters.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
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UUUU. **Exhibit 101: Declaration of Lynn Snyder**

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
<p>Snyder Decl. ¶ 6</p> <p>When I started at Oracle, I worked as a Program Manager where I beta tested software products. As a Beta Program Manager, I was generally responsible for working with customers and partners to test software products for their technical stability and to see if customer expectations were being met. I did not have any employees reporting to me at that time. I reported to Deborah Migliore, also known as Debbie, and our team reported to John Pilot, who was the VP of a database technology group.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case. Moreover, this statement relates to events or facts outside the audit period, and therefore is not relevant.</p>
<p>Snyder Decl. ¶ 7</p> <p>On or around 2002, our team was reorganized and we began reporting to a manager in Database Server Technology. Several years later, our team was reorganized again, however the entire time I worked at Oracle I was in Product Development.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case. Moreover, this statement relates to events or facts outside the audit period, and therefore is not relevant.</p>

<p>Snyder Decl. ¶ 8</p> <p>When I started at Oracle; I worked on three products: Oracle Database, middleware, and Enterprise Manager. Around 2005 or 2006, upper management started asking our team to beta test more products, and my personal job responsibilities increased.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case. Moreover, this statement relates to events or facts outside the audit period, and therefore is not relevant.</p>
<p>Snyder Decl. ¶ 9</p> <p>Around 2008, a woman named Tricia McCarthy was moved into my team. She was initially assigned to report to Debbie. Several months after Tricia started in my group, Debbie and I had a telephone conversation and Debbie asked if I would supervise Tricia. After that conversation, Tricia began reporting to me. When Tricia joined our team I saw her resume and she had minimal beta testing experience, and at that time I had more than 8 years of beta testing experience. Once Tricia began reporting to me I was able to see her salary. When I saw Tricia's salary, I knew there was a problem with my salary because her salary was very close to my own salary. Eventually I received a salary increase, but it was only after I complained about my salary.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case. To the extent relevant, it reflects that there is a means to seek more compensation. Moreover, this statement relates to events or facts outside the audit period, and therefore is not relevant.</p>
<p>Snyder Decl. ¶ 10</p> <p>Around 2008 I was promoted to Director of Beta Programs. I retained my beta testing duties and supervised staff who ran their own testing programs.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Snyder Decl. ¶ 11</p> <p>Throughout my time at Oracle, as a staff employee and manager, I consistently received a rating of “5-Outstanding” on my performance</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case. Moreover, this statement relates to events or facts outside</p>

<p>appraisals.</p>	<p>the audit period, and therefore is not relevant.</p>
<p>Snyder Decl. ¶ 13</p> <p>By the time I left Oracle in 2016, I had 4 staff members on my team reporting to me. My new hires were recent college graduates, who were all women. When it came to setting their pay, I received mixed messages. Initially, when I started hiring, I was encouraged by Debbie to make an offer at the lowest salary range as possible to save Oracle money. Later, a woman in Human Resources (HR) told me to bring my hires in at a higher salary because it would be unlikely that we would be able to give that person a raise anytime soon.</p>	<p>Objection #2: Hearsay.</p> <p>Mot. at 25 n.31: Communications from a “woman in HR” are out of court statements offered for the truth of the matter asserted.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.31: This evidence is cited in support of the proposition that “While Oracle’s detailed compensation trainings are clear that Oracle defines similarly-situated employees as employees assigned to the same job title with similar skills, knowledge, experience, education, and responsibilities, these same trainings admit that Oracle may not afford managers the financial resources to place employees where they out to be in accordance with these criteria.” Paragraph 13 of Ms. Snyder’s Declaration does not support this statement at all.</p> <p>Objection #5: Relevance.</p> <p>Mot. at 25 n.31: Ms. Snyder does not indicate when she set the employees’ salaries or hired them, and thus this statement is not relevant.</p>
<p>Snyder Decl. ¶ 14</p> <p>It was very difficult to give any of my reports a raise. Oracle's. senior management encouraged me to use stock options for performance based rewards, instead of a raise. The amounts allotted were always so small that I do not recall being able to give anyone a raise on my team, except for Tricia, who I was eventually able to give a small raise.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support. This evidence is cited in support of the proposition that “While Oracle’s detailed compensation trainings are clear that Oracle defines similarly-situated employees as employees assigned to the same job title with similar skills, knowledge, experience, education, and responsibilities, these same trainings admit that Oracle may not afford managers the financial resources to place employees where they out to be in accordance with these criteria.” Paragraph 13 of Ms. Snyder’s Declaration does</p>

	<p>not support this statement at all.</p> <p>Objection #5: Relevance. This statement does not make any material fact at issue in this case more or less likely.</p>
<p>Snyder Decl. ¶ 15</p> <p>As a manager, I also was required to rank the members on my team as part of their performance appraisals. This meant that I could not have everyone ranked at the same level, even if they performed at the same level as their team members. Oracle instructed me that I had to rank someone on my team in last place, even if that person was performing at a high level on our team.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case. Moreover, this statement relates to events or facts outside the audit period, and therefore is not relevant.</p>
<p>Snyder Decl. ¶ 16</p> <p>Around 2013 I hired a new person for my team, Stephanie Hernandez. Around 2015 Stephanie asked to be promoted and receive a raise. I knew that a promotion did not necessarily mean that she would receive a raise because a promotion and pay raises were separate processes at Oracle. I knew Stephanie deserved a promotion because she was well organized, took on a lot of responsibility, she executed her duties at a high level, and she had a Master's in Business Administration. I asked HR to provide me the eligibility requirements for a promotion and the definitions of the IC levels, which they provided to me. I ended up giving Stephanie new goals to work towards for the next year so that she could be eligible for a promotion. While I was at Oracle, Stephanie never received a promotion despite my request, even though Stephanie met the promotion requirements.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation. Ms. Snyder does not provide a foundation for her statement that Ms. Hernandez met the promotion requirements.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative. It is vague and ambiguous what Ms. Snyder means by “giving Stephanie new goals to work towards so that she could be eligible for a promotion,” and “promotion requirements.”</p> <p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. It is irrelevant to the material facts at issue in this case.</p>

VVVV. Exhibit 102: Declaration of Kristen Hanson Garcia

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Hanson Garcia Decl. ¶ 4</p> <p>Around the summer of 2014, I left my employment with Oracle to pursue other opportunities. At that time, I held the position of Senior Director of Global Organization and Talent Development. This function was often referred to as OTD. I held this position from approximately the mid-2000s to 2014. At the time I left Oracle, I reported to Anje Dodson, who was a Human Resources Vice President. Anje Dodson reported to Joyce Westerdahl, who around that time held the position of Senior Vice President, in charge of Oracle's Human Resources globally.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case. Moreover, Ms. Hanson Garcia did not work one of the job categories at issue in this case, and thus her declaration is irrelevant.</p>
<p>Hanson Garcia Decl. ¶ 5</p> <p>Generally speaking in my capacity as Senior Director of Organization and Talent Development, I was responsible for creating leadership training and professional development training, advising executive leaders and managers when they wanted to develop their teams, overseeing and facilitating talent review processes, leading Oracle Women's Leadership initiative, and special projects. My responsibilities covered all Oracle offices, including the Redwood Shores facility.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case. Moreover, Ms. Hanson Garcia did not work one of the job categories at issue in this case, and thus her declaration is irrelevant.</p>
<p>Hanson Garcia Decl. ¶ 6</p> <p>In my capacity as Senior Director of Organization and Talent Development, I managed a team of approximately 70 employees. My responsibilities as a manager required that I use the Compensation Workbench tool. The Compensation Workbench tool only gave me a narrow</p>	<p>Objection #5: Relevance. To the extent this statement relates to facts or events occurring outside the audit period, it is not relevant. Moreover, Ms. Hanson Garcia did not work one of the job categories at issue in this case, and thus her declaration is irrelevant. Finally, this portion of the declaration is not cited in OFCCP’s Motion or its SUFs. It is irrelevant to</p>

<p>window into Oracle's salary budget and the current salaries of my employees. For example, during a focal review, I could only view the narrow portion of the salary budget to be allocated to my reports and anyone underneath them. So, for example, I could not see the overall budget for salary increases at Oracle's headquarters, the budget for salary increases for all the managers and employees in the HR job function, the budgeted amounts for my peers under Anje Dodson, or the amounts budgeted for salary increases to the reports of managers outside the HR job functions. This tool did not allow me to see the pay of my counterparts' employees in similar positions. I did not know if my employees received the same salary amounts as other employees in similar functions on other teams and other geographies. The Compensation Workbench tool did not disclose the race of an employee. I am not aware of having access to another tool that would provide me with the race of an employee who reported to me.</p>	<p>the material facts at issue in this case.</p>
<p>Hanson Garcia Decl. ¶ 7</p> <p>I recall attending a Human Resources meeting in an office at Redwood Shores. At the meeting, Joyce Westerdahl, who was Oracle's head of Human Resources globally, advised a high-level executive that he should hire a woman because she will work harder for less money. I remember this comment because I was shocked to hear Oracle's head of Human Resources give such advice at a high-level meeting.</p>	<p>Objection #2: Hearsay.</p> <p>Mot. at 26: Ms. Westerdahl's alleged statement is an out-of-court statement offered for the truth of the matter asserted.</p> <p>Objection #5: Relevance.</p> <p>Mot. at 26: Ms. Hanson Garcia did not work one of the job categories at issue in this case, and thus her declaration is irrelevant. Moreover, even were it somehow applicable to those employees at issue, it does not establish a pattern and practice discrimination claim. First, there is no evidence that Ms. Westerdahl was involved in the hiring of the employees at issue. Second, isolated acts of discrimination do not constitute pattern and practice discrimination. <i>Cooper v. Fed. Reserve Bank of Richmond</i>, 467 U.S. 867, 876 (1984) ("isolated or sporadic discriminatory acts" are "insufficient" as a</p>

	matter of law) (citing <i>Teamsters</i> , 431 U.S. at 336).
<p>Hanson Garcia Decl. ¶ 8¹¹</p> <p>On more than one occasion, in the early 2000s, I heard members of Oracle's Human Resources Organization comment that you could hire four Indians for the price of one. I assumed that this referred to hiring Indian employees in India.</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation. The statement allegedly heard is provided without attribute as to who said these things, whether those persons were involved in hiring practices and whether people were in fact hired and their salaries set such as to fulfill this apocryphal statement.</p> <p>Objection #5: Relevance. Ms. Hanson Garcia did not work one of the job categories at issue in this case, and thus her declaration is irrelevant. There is also no indication of anyone hired with this in mind or compensation being set with this in mind. Finally, this portion of the declaration is not cited in OFCCP's Motion or its SUFs. It is irrelevant to the material facts at issue in this case.</p>
<p>Hanson Garcia Decl. ¶ 9</p> <p>While I worked at Oracle, I did not receive training or guidance as to how to ensure that men and women were paid equitably; or any training or guidance as to how to ensure that minorities and whites were paid equitably. I was not aware that Oracle had an Affirmative Action Plan. I was not aware of a budget or fund dedicated to ensuring pay equity or correcting pay disparities based on race or gender.</p>	<p>Objection #5: Relevance. To the extent this statement relates to facts or events occurring outside the audit period, it is not relevant. Moreover, Ms. Hanson Garcia did not work one of the job categories at issue in this case, and thus her declaration is irrelevant. Finally, this portion of the declaration is not cited in OFCCP's Motion or its SUFs. It is irrelevant to the material facts at issue in this case.</p>

WWW. **Exhibit 103: Declaration of Nicole Alexander**

MATERIAL OBJECTED TO	 GROUNDS FOR OBJECTION
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¹¹ Paragraph 8 of Ms. Hanson Garcia's declaration does not line up correctly, suggesting that there were alterations to the document after she signed it.

<p>Alexander Decl. ¶ 4</p> <p>During the fall of 1999 I met Peter Fisher, one of Oracle's product managers, at an Oracle booth at a conference. I was excited about Oracle's technology and asked if there were any opportunities to work for Oracle. Peter suggested that I apply. I sent my resume to Peter without knowing of any specific job that was available. While living in California, I interviewed and was offered the position as a Senior Member of Technical Staff on the Oracle Spatial Development Team. Until I interviewed with Oracle, I was unaware that the job opportunity I was being considered for was located in New Hampshire.</p>	<p>Objection #5: Relevance. This statement relates to events or facts outside the audit period, and therefore is not relevant. Moreover, this portion of the declaration is not cited in OFCCP's Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Alexander Decl. ¶ 5</p> <p>From approximately May 2000 to October 2005, I worked as a Senior Member of Technical Staff on the Oracle Spatial Development Team. As a Senior Member of Technical Staff, I was responsible for working with Oracle's partners to integrate their geospatial technology with Oracle's software. In 2003, I transitioned from working directly with Oracle's partners to working on software development, with Siva Ravada as my manager. In this role, I became the Lead Developer for the Resource Description Framework (RDF) storage object, a new data type in Oracle 10gR2.</p>	<p>Objection #5: Relevance. This statement relates to events or facts outside the audit period, and therefore is not relevant. Moreover, this portion of the declaration is not cited in OFCCP's Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Alexander Decl. ¶ 6</p> <p>While I was working on software development, I saw a job announcement in Oracle's breakroom for a new H-1 B visa hire of a software developer at the same New Hampshire location where I worked. The announcement listed a salary that was about \$5,000 more than my salary at that time.</p>	<p>Objection #5: Relevance. This statement relates to events or facts outside the audit period, and occurring at an Oracle site other than HQCA, and therefore is not relevant. Moreover, this portion of the declaration is not cited in OFCCP's Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>

<p>Alexander Decl. ¶ 7</p> <p>In approximately September 2005, I became a Principal Member of Technical Staff on the Oracle Spatial Development Team. In 2006, Oracle applied for a patent for my work on the RDF data type. My manager Siva Ravada was the only other person listed on the patent. While my manager reviewed my work, I was the sole developer of the project. I received a patent application bonus of about \$1,000 and another bonus of about \$1,000 after the patent was granted in November 2015. From approximately 2006 until 2018, I was Lead Developer on the Oracle Geocoder, a different product within the Oracle Spatial Development Team.</p>	<p>Objection #5: Relevance. This statement relates to events or facts outside the audit period, and therefore is not relevant. Moreover, this portion of the declaration is not cited in OFCCP’s Motion or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case.</p>
<p>Alexander Decl. ¶ 9</p> <p>When I relocated to Redwood Shores in 2016, I had initiated the process to obtain a promotion to Consulting Member of Technical Staff. In October 2016, I discussed the promotion with Siva and I expressed to him that part of my motivation for seeking a promotion was to get a salary increase. It was during my discussions with Siva about the promotion that he told me getting a promotion would not necessarily guarantee a salary increase.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.32. OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph does not support that statement.</p> <p>Objection #5: Relevance.</p> <p>Mot. at 25 n.32. OFCCP has already acknowledged that Oracle’s managers did not engage in wrongdoing. Accordingly, this statement is irrelevant. Moreover, isolated acts of alleged discrimination do not constitute a pattern and practice discrimination. <i>Cooper</i>, 467 U.S. at 876 (citing <i>Teamsters</i>, 431 U.S. at 336).</p>
<p>Alexander Decl. ¶ 10</p> <p>During this discussion, Siva told me that in order to get the promotion I would need to satisfy a list of requirements. Among these requirements was working on a project with</p>	<p>Objection #2: Hearsay.</p> <p>Mot. at 25 n.32: The statement depends on a recitation of what another colleague told the declarant.</p>

someone from a different team, which he said I still needed to satisfy. Around November of 2016, I was told by a colleague that Siva had allowed another Oracle employee, a white male, to receive the same promotion without working on a project with someone from a different team. This person also did not have a patent at the time.

Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.

Mot. at 25 n.32: OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph does not support that statement.

Objection #4: Vague, Ambiguous, Conclusory, and Speculative.

Mot. at 25 n.32: There is no basis to conclude whether the statement conveyed by a colleague is true. And any untoward connotation has no factual basis.

Objection #5: Relevance.

Mot. at 25 n.32: OFCCP has already acknowledged that Oracle’s managers did not engage in wrongdoing. Accordingly, this statement is irrelevant. Moreover, isolated acts of alleged discrimination do not constitute a pattern and practice discrimination. *Cooper*, 467 U.S. at 876 (citing *Teamsters*, 431 U.S. at 336).

Alexander Decl. ¶ 11

In December 2016, Oracle increased my salary to \$112,700, and I continued to work towards my promotion. By this time, I was in the final stages of satisfying Oracle's promotion requirements and was collecting recommendations from other colleagues and business partners that I had worked with since 2005.

Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.

Mot. at 25 n.32: OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph does not support that statement.

Objection #4: Vague, Ambiguous, Conclusory, and Speculative.

Mot. at 25 n.32: It is unclear what Ms. Alexander means when she says that she “continued to work towards her promotion” and was “in the final stages of satisfying Oracle’s promotion requirements.”

	<p>Objection #5: Relevance.</p> <p>Mot. at 25 n.32: OFCCP has already acknowledged that Oracle’s managers did not engage in wrongdoing. Accordingly, this statement is irrelevant. Moreover, isolated acts of alleged discrimination do not constitute a pattern and practice discrimination. <i>Cooper</i>, 467 U.S. at 876 (citing <i>Teamsters</i>, 431 U.S. at 336).</p>
<p>Alexander Decl. ¶ 12</p> <p>Around January or February 2017, I continued asking my manager if he had submitted my application for the promotion. He gave me the impression that he had submitted my application because he said that it was currently being reviewed.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.32: OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph does not support that statement.</p> <p>Objection #5: Relevance.</p> <p>Mot. at 25 n.32: OFCCP has already acknowledged that Oracle’s managers did not engage in wrongdoing. Accordingly, this statement is irrelevant. Moreover, isolated acts of alleged discrimination do not constitute a pattern and practice discrimination. <i>Cooper</i>, 467 U.S. at 876 (citing <i>Teamsters</i>, 431 U.S. at 336).</p>
<p>Alexander Decl. ¶ 13</p> <p>In April 2017, I read an article about the U.S. Department of Labor's lawsuit, which mentioned that Oracle routinely pays white male workers more than their female and non-white counterparts for comparable jobs. I started doing my own research and learned from the website Glassdoor that a Principal Member of Technical Staff at Oracle earned around \$135,000 to \$165,000. At that time my salary was significantly below the range for that position.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.32: OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph does not support that statement.</p> <p>Objection #4: Vague, Ambiguous, and Conclusory, and Speculative.</p> <p>Mot. at 25 n.32: It is unclear what Ms. Alexander means when she says that she did</p>

	<p>“her own research.” Likewise, her statement that he salary was “significantly below the range for that position” is vague and conclusory.</p> <p>Objection #5: Relevance.</p> <p>Mot. at 25 n.32: Whether an individual employee believes his or her salary is below a listing on Glassdoor does not establish a pattern and practice of intentional discrimination, which necessarily requires a statistical analysis. Further, OFCCP has already acknowledged that Oracle’s managers did not engage in wrongdoing. Accordingly, this statement is irrelevant. Finally, isolated acts of alleged discrimination do not constitute a pattern and practice discrimination. <i>Cooper</i>, 467 U.S. at 876 (citing <i>Teamsters</i>, 431 U.S. at 336).</p>
<p>Alexander Decl. ¶ 14</p> <p>On April 10, 2017, I was concerned about my salary and I wrote an email to Barbara Williams in Human Resources (HR) requesting a salary review. I believed that my request for promotion was already under review, and I did not want my inquiry to Ms. Williams to negatively affect my chance of receiving the promotion. I therefore asked that HR conduct a discreet salary review regarding the reasonableness of my pay.</p> <p>...</p> <p>After I requested the salary review from Ms. Williams, Nicole Lurie from HR emailed me about my request. Nicole and I exchanged several emails about my salary review. I forwarded this email exchange from my work email address to my personal email address.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.32: OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph does not support that statement.</p> <p>Objection #5: Relevance.</p> <p>Mot. at 25 n.32: Whether an individual employee believes his or her salary is below a listing on Glassdoor does not establish a pattern and practice of intentional discrimination, which necessarily requires a statistical analysis. Further, OFCCP has already acknowledged that Oracle’s managers did not engage in wrongdoing. Accordingly, this statement is irrelevant. Finally, isolated acts of alleged discrimination do not constitute a pattern and practice discrimination. <i>Cooper</i>, 467 U.S. at 876 (citing <i>Teamsters</i>, 431 U.S. at 336).</p>

<p>Alexander Decl. ¶ 14, Ex. A</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.32: OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph and exhibit do not support that statement.</p> <p>Objection #5: Relevance.</p> <p>Mot. at 25 n.32: Whether an individual employee believes his or her salary is below a listing on Glassdoor does not establish a pattern and practice of intentional discrimination, which necessarily requires a statistical analysis. Further, OFCCP has already acknowledged that Oracle’s managers did not engage in wrongdoing. Accordingly, this statement is irrelevant. Finally, isolated acts of alleged discrimination do not constitute a pattern and practice discrimination. <i>Cooper</i>, 467 U.S. at 876 (citing <i>Teamsters</i>, 431 U.S. at 336).</p>
<p>Alexander Decl. ¶ 14, Ex. B</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.32: OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph and exhibit do not support that statement.</p>
<p>Alexander Decl. ¶ 15</p> <p>During the salary review process, in a telephone conversation with Siva about my promotion he was very upset. He verbally reprimanded me for being too persistent in inquiring about the status of my promotion.</p>	<p>Objection #2: Hearsay.</p> <p>Mot. at 25 n.32: The statements of Ms. Alexander’s manager are out of court statements offered for the truth of the matter asserted.</p>

	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.32: OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph does not support that statement.</p> <p>Objection #5: Relevance.</p> <p>Mot. at 25 n.32. OFCCP has already acknowledged that Oracle’s managers did not engage in wrongdoing. Accordingly, this statement is irrelevant.</p>
<p>Alexander Decl. ¶ 16</p> <p>Until I submitted my salary review request to HR, I had never received negative feedback about my performance at Oracle. After my salary review request to HR about the reasonableness of my pay, my manager sent me an email listing a number of things that he claimed I was not doing well at work. Around the same time, he told me that I was not going to receive the promotion and that I needed to do an additional project in order to get it.</p>	<p>Objection #2: Hearsay.</p> <p>Mot. at 25 n.32: Statements by Ms. Alexander’s manager, including an email, are out-of-court statements offered for the truth of the matter asserted.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.32: OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph does not support that statement.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>Mot. at 25 n.32: There is no basis to assume the cause and effect suggested.</p> <p>Objection #5: Relevance.</p> <p>Mot. at 25 n.32: OFCCP has already acknowledged that Oracle’s managers did not engage in wrongdoing. Accordingly, this statement is irrelevant. Finally, isolated acts of alleged discrimination do not constitute a pattern and practice discrimination. <i>Cooper,</i></p>

	467 U.S. at 876 (citing <i>Teamsters</i> , 431 U.S. at 336).
<p>Alexander Decl. ¶ 17</p> <p>Three months after my salary review request, in July 2017, Nicole from HR sent me a letter stating that there was no evidence that I was being compensated inappropriately because of my race, gender, or any other factor. Nicole mentioned that they did find variations in pay, but claimed that it was due to legitimate business reasons such as performance levels, job scope and responsibilities, and overall contributions to the business.</p>	<p>Objection #2: Hearsay.</p> <p>Mot. at 25 n.32: The statements of Ms. Alexander’s manager are out of court statements offered for the truth of the matter asserted.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.32: OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph does not support that statement.</p>
<p>Alexander Decl. ¶ 14, Ex. C</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>Mot. at 25 n.32: OFCCP cites this paragraph in support of its proposition that “The constraints Oracle put on the budgets available to managers led to salary compression.” This paragraph and exhibit do not support that statement.</p>
<p>Alexander Decl. ¶ 18</p> <p>At the end of 2017, some of my team members in the Oracle Spatial and Graph Development Team (formerly named the Oracle Spatial Development Team) were moved out of our group into other teams at Oracle due to restructuring. I was not moved to another team and instead, Oracle laid me off on February 28, 2018. I was told that my position was no longer available.</p>	<p>Objection #5: Relevance. This portion of the declaration is not cited in OFCCP’s Mot or its SUFs. Accordingly, it is irrelevant to the material facts at issue in this case. Moreover, OFCCP has already acknowledged that Oracle’s managers did not engage in wrongdoing. Accordingly, this statement is irrelevant. Finally, isolated acts of alleged discrimination do not constitute a pattern and practice discrimination. <i>Cooper</i>, 467 U.S. at 876 (citing <i>Teamsters</i>, 431 U.S. at 336).</p>

XXXX. Exhibit 104: Excerpt From An Internal Revenue Services Circular From 2019

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 11, ¶ 105, Ex. 104, “excerpt from an Internal Revenue Services Circular from 2019.”</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation. This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #5: Relevance. OFCCP does not cite this evidence in support of anything in its separate statement or Motion.</p>

YYYY. Exhibit 105: Letter from Erin Connell to Janette Wipper with Attachment Dated October 31, 2015

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 11, ¶ 106, Ex. 105, “Letter from Erin Connell to Janette Wipper with attachment dated October 31, 2015.”¹²</p>	<p>Objection #1: Foundation, Personal Knowledge, Speculation.</p> <p>SUF 33, 34: This exhibit is attached to the Declaration of Norm Garcia, but Mr. Garcia does not offer any evidence to establish that he has personal knowledge of this document or is competent to testify about it. Mr. Garcia’s declaration purports to establish only that this document was produced in discovery by Oracle. Thus, the facts OFCCP uses this document to establish also lack foundation.</p> <p>Objection #5: Relevance.</p>

¹² Although Mr. Garcia’s declaration cites the letter from Erin Connell to Janette Wipper dated October 31, 2015, at Exhibit 105, it appears under the cover of Exhibit 106.

	<p>SUF 34: Oracle was under no obligation to make any monetary offer to resolve violation asserted in the NOV. Moreover, due to OFCCP’s failure to reasonably conciliate, no such offer could be formulated.</p> <p>SUF 33, 34: Prelitigation communications are not relevant to OFCCP’s Motion.</p> <p>Objection #7: Authentication. OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.</p> <p>Objection #8: Best Evidence Rule</p> <p>SUF 33, 34: The letter, and not OFCCP’s characterizations of the letter, as the best evidence of its contents.</p>
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ZZZZ. Exhibit 106: Supplemental Excerpts from the May 2019 Deposition of Shauna Holman-Harries

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Holman Harries Dep. 73:11-80:21</p> <p>MS. BREMER: Okay. I'd like to mark as Exhibit 21, a document called Affirmative Action Plan for Oracle America January 2014. It's Bates numbered ORACLE_HQCA 4999 through 5196. (Marked for identification Exhibit 21.)</p> <p>THE WITNESS: Thank you.</p> <p>BY MS. BREMER:</p> <p>Q. Is this a true and correct copy of the Affirmative Action Plan that you sent to OFCCP on or about October 28th, 2014?</p> <p>MS. CONNELL: Take your time to review it. For the record, I'll designate this exhibit as confidential, as it's got a confidential designation.</p> <p>THE WITNESS: Back to the question? Since that was five minutes ago.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 207: OFCCP cites this deposition testimony to support the proposition that Oracle’s 2014 AAP “designated Shauna Holman-Harries, Director Diversity Compliance, as the ‘Individual Responsible for Plan Implementation.’” The majority of this testimony is not relevant to this discrete point.</p> <p>SUF 211: This testimony is cited in support of the proposition that “Shauna Holman-Harris testified that she performed no compensation analyses apart from the privileged analyses she carried out at the direction of counsel.” This testimony does not support this statement.</p> <p>SUF 263: The testimony is cited to support the</p>

MS. BREMER: Can you state the question again?

(Record read.)

THE WITNESS: It looks like it.

BY MS. BREMER:

Q. And looking at page 5000, you are listed as the individual responsible for plan implementation. Correct?

A. I'm trying to -- you said 5000 -- oh, okay. Yeah.

Q. And Safra Catz is also listed. Correct?

A. Yes.

Q. What were Safra Catz's responsibilities regarding Oracle's Affirmative Action Plan?

MS. CONNELL: Objection; vague, calls for speculation.

THE WITNESS: Can you be a little bit more specific?

BY MS. BREMER:

Q. What is your knowledge of what Safra Catz's responsibilities are with respect to Oracle's Affirmative Action Plan?

A. She signs off on policies and over -- and that Oracle -- that ensure that Oracle is an equal employment opportunity employer, in compliance with Oracle's Affirmative Action Plan. Her communications are -- they go to all of the locations with regard to this.

Q. Are you aware of any other responsibilities that Safra Catz has with respect to Oracle's Affirmative Action Plan?

MS. CONNELL: Objection; calls for speculation.

THE WITNESS: I don't -- I can't say that I know of everything that she does. But this is -- this is what I'm aware of that she does.

BY MS. BREMER: Q. And when communications are sent from Safra Catz to Oracle's locations regarding equal employment opportunity, you receive copies of those. Correct?

A. Yes. She sent -- her office sends it to me and then I send it out, yes.

Q. Are you involved in preparing the communications that's sent under Safra Catz's signature?

statement that "Under Oracle's Affirmative Action Plan, Oracle's Director of Diversity Compliance has the responsibility to implement an effective auditing and reporting system that includes developing and analyzing internal audit for various areas including compensation." This is not what Ms. Holman-Harries testified.

Objection #4: Vague, Ambiguous, Conclusory, and Speculative.

SUF 207, 211, 263: The use of the word "analysis" is vague and ambiguous, as it is not defined.

Objection #5: Relevance.

SUF 207: OFCCP cites this deposition testimony to support the proposition that Oracle's 2014 AAP "designated Shauna Holman-Harries, Director Diversity Compliance, as the 'Individual Responsible for Plan Implementation.'" The majority of this testimony is not relevant to this discrete point.

SUF 207, 211, 263: This testimony is irrelevant because compliance with Section 2.17 is not at issue in this case.

Objection #8: Best Evidence Rule.

SUF 207: OFCCP cites deposition testimony for the proposition that the 2014 AAP designated Shauna Holman-Harries as the "Individual Responsible for Plan Implementation," but the 2014 AAP is the best evidence of what that document says.

A. The communication is not sent out under her signature, the -- the policy is.

Q. Okay. Are you involved in preparing the policies that -- for equal employment opportunity that are sent out by Safra Catz?

A. Parts of it.

Q. And what parts are you responsible for?

A. I oversee. I overlook -- I don't oversee, but I over -- I overlook -- I look over the policy to make sure that each year that it's been updated for any kind of legislative changes or regulation changes.

Q. And does the policy -- are you referring to one or more policies?

A. I'm just referring to this one, for -- for federal purposes, yes.

Q. And what is the name of that policy?

A. Well, it's in here. It's on page -- she signed it. Oracle's "Equal Employment Opportunity Policy Statement." And this is what goes to each one of the locations. It's on page 5 of the -- in my numbering system.

Q. Okay. The policy statement?

A. Yes.

Q. Okay. So that's Bates numbered 5004. And so your -- you're involved in ensuring that the policy statement included in Oracle's Affirmative Action Plan is updated for changes in the legislation regulations?

A. Yes, I'm involved in it.

Q. At the bottom of the policy statement, it says, "Oracle has appointed the director, diversity compliance to manage the equal employment opportunity function."

Is that -- is that you? Is that referring to you?

A. As -- from the perspective of affirmative action.

Q. So that's yes?

Ms. CONNELL: Objection; misstates her testimony.

THE WITNESS: From the -- from the perspective of affirmative action, it would be, yes.

BY MS. BREMER:

Q. But the director of diversity compliance referred to in Safra Catz's policy statement is

referring to you. Correct?

A. Yes.

Q. And it says, "These responsibilities should include monitoring all equal employment opportunity activities and reporting the effectiveness of this Affirmative Action Plan, as required by federal, state, and local agencies." Correct?

MS. CONNELL: Objection; the document speaks for itself.

THE WITNESS: According to the document, yes.

BY MS. BREMER:

Q. And so you're responsible for those functions. Correct?

A. With regard to affirmative action.

Q. And did you hold this responsibility from 2013 to the present?

A. Yes.

Q. Looking at the next page, "Responsibility for Implementation." At the top of the page it says, "The director of diversity compliance administers the Affirmative Action Plan."

Again, that's referring you. Correct?

A. Yes.

Q. Under the implementation guidelines, there's a list of tasks. Are you responsible for the tasks listed on page 6 of Oracle's Affirmative Action Plan?

MS. CONNELL: Objection; vague.

THE WITNESS: I'm going to have to review this.

BY MS. BREMER:

Q. Okay.

A. Okay.

MS. CONNELL: It also misstates the document in saying that she's solely responsible for these tasks.

THE WITNESS: Okay. I'm -- I'm responsible for coordinating -- we're getting into coordinating, because I'm not solely responsible for all these tasks.

BY MS. BREMER:

Q. But you're at least responsible for coordinating the tasks listed under the implementation guidelines?

<p>A. Coordinating. It says -- it's -- it's clear as to what the document says.</p> <p>Q. That you may coordinate --</p> <p>A. Yes.</p> <p>Q. -- with others at Oracle?</p> <p>A. Yes.</p> <p>Q. But you are -- you're in charge of ensuring that the Affirmative Action Plan is implemented?</p> <p>A. I'm in charge of administering the Affirmative Action Plan.</p> <p>Q. Okay. Looking at the -- the third task, "Implementing affirmative action program and ensuring appropriate internal and external dissemination of the plan and policies." Do you see that?</p> <p>A. Yes.</p> <p>Q. Who is the -- who is Oracle's Affirmative Action Plan disseminated to?</p> <p>A. Our plan is disseminated to all managers with employees in the U.S. and Puerto Rico. We -- the plan is posted internally for our managers to be able to access. In addition to that -- and also -- and any employee to be able to access.</p> <p>In addition to that we -- -- we send out goals to all of our managers at a minimum of one time annually, sometimes more. If we have a location -- a large amount of location additions. And we also disseminate this to our recruiters. The goals -- the goals and -- and -- and so they know what the goals are for compliance with our affirmative action obligations. And -- and provide them with a list of where those goals are. Does that -- is that -- I don't know. Is that -- so that's my answer.</p>	
<p>Holman-Harries Dep. 87:15-89:9</p> <p>Q. Okay. Okay. Turning back to the Affirmative Action Plan, Exhibit 21. Looking back at the policy statement by Safra Catz, on page 5, it indicates that the responsibilities of the director, diversity compliance includes monitoring all equal employment opportunity activities.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 211: This testimony is cited in support of the proposition that "Shauna Holman-Harris testified that she performed no compensation analyses apart from the privileged analyses she carried out at the direction of counsel." This</p>

<p>What did you do to monitor equal employment opportunity activities?</p> <p>A. Mine was in relationship to affirmative action, and we -- we talked about -- we sent out goals to managers. We talk about the shortage of utilization in different areas where there's a shortfall. And make them aware of -- of those shortfalls. We also work pretty closely with the recruiting folks, as far as making them aware of different goals. As far as working with managers, I think that what you just said as far as the affirmative action training, we have thousands and thousands of managers at Oracle, so I'm making them aware of the affirmative action training and making that a requirement for their jobs to take it would be another avenue there.</p> <p>Also, in trying to assist the OFCCP in the program to get people to self-identify as protected vets and individuals with disabilities. We also have put together programs to make employees know how a --aware -- to be aware of that, and when we initially started serving our workforce after -- after that, we -- we -- in the very first survey after the regulations went into place, I believe we had some manager training too, in case employees had questions on it, since it was something a little bit different. And basically those type of support functions.</p> <p>But I really want to stress that I'm only one person, and Oracle has around 50,000 U.S. employees, so I can -- I can communicate with other people, as I described with Tracy, who works a little bit hand-on-hand with the top leaders within the organization, but I -- I personally cannot make contact with each and every manager there. So that's -- that's my role. Those are the things that -- that -- that we did at the time.</p> <p>Q. And when you say "at the time," you're talking about in 2014?</p> <p>A. Yes.</p>	<p>testimony does not support this statement.</p> <p>SUF 218: Likewise, this testimony is cited in support of the proposition that "Oracle's Senior Director of Diversity Compliance, Shauna Holman-Harries, does not supervise the actual analysis, oversee the individuals who are conducting the individual analyses, or ensure that the individual managers have conducted analyses to determine whether there are from gender-, race, or ethnicity-based disparities." Again, this testimony does not support this sweeping statement.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 211, 218: The use of the word "analysis" is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 211, 218: This testimony is irrelevant because compliance with Section 2.17 is not at issue in this case</p>
<p>Holman-Harries Dep. 97:25-98:16</p>	<p>Objection #3: Evidence Does Not Stand for</p>

<p>Q. So it's your understanding that ensuring equity and fairness with respect to compensation is the responsibility of -- of the managers?</p> <p>A. Yes.</p> <p>Q. And it's not the responsibility of your compliance group?</p> <p>A. Everything rests with the managers. There's so many managers, as I said earlier, I can't ensure what every -- every person is doing. It's -- it's a very entrepreneurial environment to where managers and -- generally, they get a budget and they're responsible for how it's distributed and they're trained on -- and in the training it says that they're supposed to consider, you know, it being equitable and fair. I don't know if the word "fair" is in there, but I know "equity" is, and that's their responsibility, yes.</p>	<p>the Proposition It Is Cited to Support.</p> <p>SUF 211: This testimony is cited in support of the proposition that “Shauna Holman-Harris testified that she performed no compensation analyses apart from the privileged analyses she carried out at the direction of counsel.” This testimony does not support this statement.</p> <p>SUF 218: OFCCP cites this testimony in support of the statement that “Oracle's Senior Director of Diversity Compliance, Shauna Holman-Harries, does not supervise the actual analysis, oversee the individuals who are conducting the individual analyses, or ensure that the individual managers have conducted analyses to determine whether there are gender-, race, or ethnicity-based disparities.” This testimony does not support that statement.</p> <p>Objection #5: Relevance.</p> <p>SUF 211, 218: This testimony is irrelevant because compliance with Section 2.17 is not at issue in this case</p>
<p>Holman-Harries Dep. 112:25-113:23</p> <p>Q. Okay. Did you also -- did your group also conduct an analysis of the data regarding employee compensation?</p> <p>MS. CONNELL: Objection; vague, calls for a legal conclusion.</p> <p>THE WITNESS: Yeah, the only thing -- the only -- I -- the -- all analyses were done under attorney-client work product, as directed by our attorneys.</p> <p>BY MS. BREMER:</p> <p>Q. Okay. But who -- who did the analyses? That's what I'm asking.</p> <p>MS. CONNELL: Objection; vague, also calls for speculation.</p> <p>THE WITNESS: Yeah, I can't --</p> <p>MS. CONNELL: It's also getting very close to intruding on the attorney-client privilege.</p> <p>THE WITNESS: Yeah, I don't know who did</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 211: The testimony does not support the assertion made. The assertion made is that Ms. Holman-Harries does not oversee or supervise analyses. This testimony does not discuss analyses.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 211. The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 211: This testimony is irrelevant because compliance with Section 2.17 is not at issue in this case. Moreover, OFCCP provides no law</p>

<p>the analysis once they got the information, any additional analysis. Some of our -- some of the analysis was done under attorney-client work product, but they also had other data, you know, and I don't know who -- who else did the analysis.</p> <p>BY MS. BREMER:</p>	<p>or regulation that dictates that Ms. Holman-Harries must perform a compensation analysis.</p> <p>Objection #9: Privilege.</p> <p>SUF 211. OFCCP cannot use the assertion of a privilege as proof of anything. <i>Parker v. Prudential Ins. Co. of Am.</i>, 900 F.2d 772, 775 (4th Cir. 1990) (a party “asserting the privilege should not face a negative inference about the substance of the information sought.”).</p>
<p>Holman-Harries Dep. 115:22-117:11</p> <p>And so it would be impossible for my group to look at that small granular level of analysis, so we have to trust that our managers are doing their job.</p> <p>Okay. My -- yeah.</p> <p>Can you repeat my question, please. (Record read.)</p> <p>THE WITNESS: If our attorney directed us -- or did you --</p> <p>MS. CONNELL: I was just going to say, yeah, same objections.</p> <p>THE WITNESS: If our attorneys directed us to do some kind of analysis, we did it under their work product, but we did not do any kind of analysis separate from our -- our attorney requesting that we do it as part of their work product.</p> <p>BY MS. BREMER:</p> <p>Q. So your compliance group only conducted a compensation analysis if specifically directed by Oracle's attorneys?</p> <p>A. Yes.</p> <p>Q. And you said it would be impossible to look at the compensation of employees at a granular level?</p> <p>A. For my team.</p> <p>MS. CONNELL: Objection; mis --</p> <p>BY MS. BREMER:</p> <p>Q. Okay. It would be impossible for your team to look at employee compensation at a granular level?</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 211: The testimony does not support the assertion made. The assertion made is that Ms. Holman-Harries does not oversee or supervise analyses. This testimony does not discuss analyses.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 211. The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 211: This testimony is irrelevant because compliance with Section 2.17 is not at issue in this case. Moreover, OFCCP provides no law or regulation that dictates that Ms. Holman-Harries must perform a compensation analysis.</p> <p>Objection #9: Privilege.</p> <p>SUF 211. OFCCP cannot use the assertion of a privilege as proof of anything. <i>Parker v. Prudential Ins. Co. of Am.</i>, 900 F.2d 772, 775 (4th Cir. 1990) (a party “asserting the privilege should not face a negative inference about the substance of the information sought.”).</p>

<p>MS. CONNELL: Objection; misstates her testimony.</p> <p>THE WITNESS: To actually conduct the analysis at a granular level, not look at.</p> <p>BY MS. BREMER:</p> <p>Q. Okay. Did your group conduct an analysis of employee compensation at a more high level to ensure compliance with Oracle's affirmative action obligations?</p> <p>A. I've answered that. Any analysis my group did was as directed by our attorney, under attorney-client privilege and work product.</p>	
<p>Holman-Harries Dep. 117:5-118:20</p> <p>Q. Okay. Did your group conduct an analysis of employee compensation at a more high level to ensure compliance with Oracle's affirmative action obligations?</p> <p>A. I've answered that. Any analysis my group did was as directed by our attorney, under attorney-client privilege and work product.</p> <p>Q. And no other analysis was done?</p> <p>A. No, it was all directed by our attorneys, by my group. And, you know, aside from the focal review that I described that's done by managers, and the -- and in addition to the review that's done when they're hired, and then when any stock options are given out or any type of incentive there. All of that from new hire through the whole employment process, it's that analysis is done by managers of their own work group.</p> <p>Q. And that's just done on a work-group-by-work-group basis?</p> <p>A. I don't know what you mean by work group to work group.</p> <p>Q. Each -- each manager, as you've described, would -- could analyze their own team to ensure equity and fairness in compensation?</p> <p>MS. CONNELL: Objection; calls for speculation. You can answer.</p> <p>THE WITNESS: Yeah, I -- I don't know exactly what each manager does with regard to that. I know that it's in their training and they're trusted to do it.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 218: This testimony is cited in support of the proposition that “Oracle’s Senior Director of Diversity Compliance, Shauna Holman-Harries, does not supervise the actual analysis, oversee the individuals who are conducting the individual analyses, or ensure that the individual managers have conducted analyses to determine whether there are from gender-, race, or ethnicity-based disparities..” This testimony does not support this statement, and Ms. Holman-Harries does not testify about analyses.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 218. The use of the word “analysis” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 218: This testimony is irrelevant because compliance with Section 2.17 is not at issue in this case. Moreover, OFCCP provides no law or regulation that dictates that Ms. Holman-Harries must perform a compensation analysis.</p>

<p>BY MS. BREMER: Q. And you don't do anything other than the training to ensure that managers actually do conduct analyses of their own teams to ensure equity and fairness in compensation? MS. CONNELL: Objection; argumentative. THE WITNESS: I don't do the training. The training's supplied to them by compensation, I think. But I'm unclear who supplies the training. I just know that it's provided to them.</p>	
<p>Holman-Harries Dep. 120:18-121:1 Q. Did Oracle have any goals in any its affirmative action plans between 2013 and the present related to compensation? MS. CONNELL: Objection; the document speaks for themselves. You can answer. THE WITNESS: I'm not aware of any – any goals for compensation that would be in the Affirmative Action Plan.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support. SUF 215: This testimony is cited in support of the proposition that “Oracle had no compensation-related affirmative action goals.” This testimony does not support this statement. Objection #5: Relevance. SUF 215: This testimony is irrelevant because compliance with Section 2.17 is not at issue in this case.</p>
<p>Holman-Harries Dep. 125:7-126:17 Q. Are you aware of any instructions that have been given to Oracle managers regarding ensuring pay equity other than the slide that's contained in the PowerPoint that you've mentioned? MS. CONNELL: Objection; asked and answered and calls for speculation. THE WITNESS: Yeah, I don't know exactly what documents have been supplied to managers outside of that training. BY MS. BREMER: Q. Do you know if the training is required by managers? A. I would -- I would hope so. It's available to them. Q. But you don't -- A. I don't know, because I don't oversee the training program, so I can't tell you, you know, what's required and what's not with regard to that. I know I've seen -- seen it. I'm a manager.</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support. SUF 218: This testimony is cited in support of the proposition that “Oracle's Senior Director of Diversity Compliance, Shauna Holman-Harries, does not supervise the actual analysis, oversee the individuals who are conducting the individual analyses, or ensure that the individual managers have conducted analyses to determine whether there are from gender-, race, or ethnicity-based disparities.” This testimony does not support this statement, and Ms. Holman-Harries did not testify about analyses. Objection #4: Vague, Ambiguous, Conclusory, and Speculative. SUF 218. The use of the term “studying</p>

<p>But I can only speak for myself. But as far as reviewing the document, the PowerPoint slide that provides the information on that, I can't speak for other – other managers or work groups.</p> <p>Q. And your compliance group does nothing to ensure that managers take pay equity into account in studying compensation?</p> <p>MS. CONNELL: Objection; misstates her testimony.</p> <p>THE WITNESS: I think my group does not oversee. And I think we talked about this before --before lunch, but all of that is delegated out to the managers. They are responsible for the compensation in their own work group. There are -- they determine what equity is available in their work group, and -- my -- my group does not interact with them individually on compensation issues.</p>	<p>compensation” is vague and ambiguous.</p> <p>Objection #5: Relevance.</p> <p>SUF 218: This testimony is irrelevant because compliance with Section 2.17 is not at issue in this case. Moreover, OFCCP provides no law or regulation that dictates that Ms. Holman-Harries must perform a compensation analysis.</p>
<p>Holman-Harries Dep. 155:10-165:24</p> <p>MS. BREMER: Okay. And so marking as Exhibit Number 25, a document entitled "Oracle U.S. Employee Handbook"; it's Bates stamped ORACLE_HQCA 464 through 569. (Marked for identification Exhibit 25.)</p> <p>THE WITNESS: Thank you. Okay. Did you want me to turn to the page referenced to?</p> <p>BY MS. BREMER:</p> <p>Q. No, that's okay.</p> <p>Is this a true and correct copy of the employee handbook you sent to OFCCP in February of 2014?</p> <p>A. I mean, it looks like it.</p> <p>Q. You have no reason to believe it's not?</p> <p>A. No.</p> <p>Q. Where did you get it?</p> <p>A. I got it off of the -- there was an Oracle internal website, and I -- it was downloaded from there. You can download it from the -- the site, the employee site.</p> <p>Q. And do all U.S. Oracle employees have access to the employee handbook?</p> <p>A. They should, yes.</p> <p>Q. Do you know who drafted the Oracle</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 190: To the extent this testimony is used to authenticate facts concerning the Oracle U.S. Employee Handbook, the deponent makes clear that she does not have a basis for providing answers.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 190: This testimony is cited in support of the proposition that “At no place in the compensation section of the Employee Handbook does it indicate that compensation is based on or will be adjusted by product.” This testimony does not support this statement.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 190. The use of the term “market research” is vague and ambiguous.</p> <p>Objection #8: Best Evidence Rule.</p>

employee handbook?

A. I don't know who drafted it.

Q. Was your group involved in drafting any of the portions?

A. We provided input to the legal department.

Q. And for which -- which portions of the employee handbook?

A. On this particular version, I don't -- I don't believe on this version we did, because this was 2013, so I think that on this particular version, I don't -- I don't know if there was any portion of this that my department had a part in revising. It didn't under me. So -- this was -- this was -- all this was done by not me. Like I said, I have no idea.

Q. Okay. So you just -- you just pulled this --

A. Yes.

Q. -- to send to OFCCP?

A. Yes. Yes.

Q. And in the table of contents there are revision dates; is it your understanding that those reflect when each section has been revised?

MS. CONNELL: Objection; calls for speculation, the document speaks for itself.

THE WITNESS: Yeah, I didn't put this document together, so I can't speculate on what those numbers -- what that means.

BY MS. BREMER: Q. Okay. Looking at, for example, on the table of contents it says "Equal employment opportunity revised February 2014," did --

A. Where is that? Is that like at the top? Okay. Which -- which line are you working on?

Q. Under employment policies it says "Equal employment opportunity"?

A. Just a minute.

Q. It's page 10.

A. Page 10. Okay. Thank you. Okay.

Q. Did your group have any involvement in revising the equal employment opportunity section of the employee handbook?

2 A. I'm looking at your page numbers instead of mine. Yes. Because this was in 2014, so we did, yes.

Q. Okay. And you indicated that -- or you

SUF 190. To the extent OFCCP seeks to use this testimony to prove the contents of the Oracle U.S. Employee Handbook, the Oracle U.S. Employee handbook is the best evidence of what that document says.

suggested that you may have revised some of the portions of the employee handbook later; what sections would those have been?

A. Oh, later? It would have been in relationship to the regs that came down with veterans, making sure that -- that they were in there, and then making sure that I -- I'd have to really look at the sections to remember, and I don't want to give you false information. But just anything that has to do with any kind of policy, you know, that comes -- comes through generally the OFCCP as part of the regulation.

Q. Okay.

A. So --

Q. And there's a section on affirmative action. Did your group have any input into the affirmative action section?

A. This, I believe, was -- this was written before I started, so I don't know who -- who put that together.

Q. And did your group ever revise the 2 affirmative action section of the employee handbook?

3 A. I would have to look at the language and 4 then that would probably trigger my memory. And - and see what's in it today. And see if anything is related to one of the regulation changes in there and where it was. But I'd have to, like, visually see it to remember and see if any of the regulation changes were reflected in the section.

Q. Okay. Well, let's -- let's look at that section, which is on page 11.

A. Okay.

Q. In the description of Oracle's affirmative action that's contained in its employee handbook --

A. Uh-huh.

Q. -- it doesn't mention pay, does it?

MS. CONNELL: Objection; the document speaks for itself.

THE WITNESS: Yeah, whatever the document says.

BY MS. BREMER: Q. Okay. But it doesn't say anything -- you don't see anything about compensation or pay in the affirmative action

section of the employee handbook?
A. No.
MS. CONNELL: Same objections. The document speaks for itself.
BY MS. BREMER:
Q. Did you or your group ever revise any portion of the employee handbook to talk about equity or affirmative action with respect to employee compensation?
A. No.
Q. Okay. Let's turn to page 39 of the employee handbook.
A. Okay.
Q. And the employee handbook provides information to employees about their compensation. Correct?
A. Correct.
Q. And the employee handbook tells employees three factors that influence their compensation: market research, career level, and performance; is that correct?
MS. CONNELL: Objection; misstates the document. The document speaks for itself.
THE WITNESS: I think that everything that's covered in there you've got a record of it right now, so --
BY MS. BREMER: Q. Okay. Well, let's look at this sentence that I'm referring to right now. It says, "To determine your salary and total cash compensation package, we take into account market research, career level, and your individual performance." Correct?
MS. CONNELL: Objection; the document speaks for itself.
THE WITNESS: Whatever the document says.
BY MS. BREMER:
Q. Okay. And did I read that correctly?
MS. CONNELL: Objection; argumentative.
THE WITNESS: Yes, I'm not -- I'm trying to find the sentence to see if -- to be able to answer that question. Which sentence are you referring to in that first, that you --
BY MS. BREMER:
Q. It says "To determine your" --
A. Oh, determine, there, okay. Yes, that's what it says.

Q. Okay. When it says "we take into account market research," is that referring to what Oracle's competitors are paying employees in similar job titles?

MS. CONNELL: Objection; calls for speculation.

THE WITNESS: I have no way of knowing, because I didn't write this section, and I don't work in the compensation department.

BY MS. BREMER: Q. So you have no idea what -- what it means in the compensation section that -- that Oracle takes into account market research in setting compensation?

MS. CONNELL: Same objection; calls for speculation, argumentative.

THE WITNESS: I -- I don't -- I'm not part of setting pay. I have no part in that. That's a completely different department as far as ranges, and then again, you go back to the hiring manager and how they -- they work with compensation, but this is completely out of my scope.

BY MS. BREMER: Q. Okay. In dealing with, so you talk about salary ranges, do you have any understanding that Oracle looks at market research to set salary ranges?

MS. CONNELL: Objection; assumes facts, calls for speculation.

THE WITNESS: I just have hearsay information, but nothing -- nothing that would -- I don't have any firsthand knowledge.

BY MS. BREMER: Q. Right. That's not your group?

A. That's not my group.

Q. But you do have -- you have some understanding about how Oracle sets compensation for its employees. Right?

MS. CONNELL: Objection; assumes facts, calls for speculation.

THE WITNESS: I have a very -- very limited understanding, other than what I've described to you earlier, and on the whole complete process that they -- that managers go through in determining pay.

BY MS. BREMER: Q. And so you don't have any knowledge of the process that Oracle goes

through to consider or account for market research in setting employee compensation?

A. No.

Q. Okay. It also -- the employee manual also mentions your career level. Is that talking about global career level?

MS. CONNELL: Objection; calls for speculation.

THE WITNESS: I didn't write the document, so I can't say for certain, but it could be.

BY MS. BREMER:

Q. Do you have any knowledge that Oracle takes into account global career level in setting compensation for employees?

MS. CONNELL: Objection; assumes facts, calls for speculation.

THE WITNESS: Yeah, I can't speculate on that, because I'm not part of the compensation group on how they determine compensation. So I just wouldn't feel comfortable telling you how they -- how they determine what.

BY MS. BREMER:

Q. Okay. As -- as the director of diversity compliance, who's -- one of whose -- one of your duties is to oversee affirmative action and equal employment opportunity with regard to compensation. Correct? Correct?

MS. CONNELL: Objection; misstates her testimony.

THE WITNESS: It's -- I don't oversee compensation. I -- I -- I think I've explained everything before with regards to that, so --

BY MS. BREMER: Q. So do you not know one way or the other whether Oracle takes into account global career level in setting compensation for Oracle employees?

A. I'm not involved in that process. You're asking for a process question, in my mind, and since I'm not involved in the process, I -- I can't say with any certainty what exactly is considered in setting compensation, because you're talking overall the pay ranges, right, so I have no idea what process they go through in bringing that into the equation.

Q. I'm asking about the factors that Oracle considers in setting compensation for its

<p>employees. And this manual provided to employees says one of the factors is career level. I'm wondering if you have any knowledge about that.</p> <p>MS. CONNELL: Objection; misstates the document, assumes facts, lacks foundation, argumentative, and calls for speculation.</p> <p>THE WITNESS: I don't know what each manager considers when they -- when they do determine compensation for their employees. I can only speak to the -- the documents that we provided you with this and something else, as far as the overall that -- that -- the PowerPoint training package, so I can't really -- I can't really speak to what each manager considers when they determine who is paid what.</p>	
<p>Holman-Harries Dep. 174:12-176:14</p> <p>Q. Okay. So Oracle's -- so are you saying that individual managers -- that Oracle relied on individual managers to ensure that employees were paid in a fair and nondiscriminatory manner?</p> <p>A. I'm telling you -- I'm not saying that; I'm saying that it's the manager's responsibility to review all compensation within -- within their work groups with regard to pay equity.</p> <p>Q. So it's the manager's responsibility to review compensation within their work groups to ensure pay equity?</p> <p>A. I'm saying it kind of in a different way than you're saying it. I'm saying that managers determine -- look at pay equity within their work group, and they determine pay. Now, I -- I don't know what other responsibilities are other than that -- I don't know if "responsibility" is the right word -- but that's one of their -- one of the areas that managers do.</p> <p>Q. So you're saying that managers would do two things: They would look at equity within their work group and they would determine pay?</p> <p>A. Yes, that's my understanding.</p> <p>1Q. So they weren't necessarily responsible for</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 218: The testimony does not support the assertion made. The assertion made is that Ms. Holman-Harries does not oversee or supervise analyses. This testimony does not discuss analyses.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 218: The term analysis as used in the assertion is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 218. This testimony is irrelevant because compliance with Section 2.17 is not at issue in this case. Moreover, OFCCP provides no law or regulation that dictates that Ms. Holman-Harries must perform a compensation analysis.</p> <p>Objection #9: Privilege.</p> <p>SUF 218. OFCCP cannot use the assertion of a privilege as proof of anything. <i>Parker v. Prudential Ins. Co. of Am.</i>, 900 F.2d 772, 775 (4th Cir. 1990) (a party "asserting the privilege should not face a negative inference about the</p>

<p>ensuring equity when they determined pay? MS. CONNELL: Objection; calls for speculation. Calls for a legal conclusion. THE WITNESS: Yeah, you would have to look at that slide again on the pay training. I would refer you to that slide, and that will give you exactly the information and verbiage with regard to managers and their responsibility towards pay. BY MS. BREMER: Q. Okay. And what did your -- what did Oracle's compliance group do to ensure that employees were paid in a fair and nondiscriminatory manner? MS. CONNELL: Objection; assumes facts, lacks foundation. THE WITNESS: It's not our -- it's not part of my team's responsibility to -- to assess pay in all of these small groups. My team -- any kind of pay analysis by my team was done under attorney-client work product, and was submitted to our attorneys as part of their work product and as part of privileged information, you know, in the assessment of pay. BY MS. BREMER: Q. Was it a part of your team's responsibility to assess pay in large groups, large employee groups? MS. CONNELL: Objection; vague. THE WITNESS: Any -- any -- any -- any analysis that we did was done under attorney-client work product. I -- I can tell you that --</p>	<p>substance of the information sought.”).</p>
<p>Holman-Harries Dep. 185:20-186:19</p> <p>Q. And the com -- the compliance team doesn't have any involvement in setting the budget for salary increases? A. None. Q. Does the compliance team conduct any compensation analyses for the -- for either the executive vice presidents or senior vice presidents who are setting the budgets? A. No. Q. Does the compliance team conduct any compensation analyses for the managers who</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 222: This testimony is cited in support of the proposition that “Oracle dedicates no dollar budgets or funds (e.g. no dollar dive and save budgets) to ensure pay equity or to correct pay disparities based on race or gender.” This testimony does not support this statement. In fact, OFCCP is <i>grossly</i> misrepresenting the evidence it cites, as Ms. Holman-Harries testified that she was <i>not involved</i> in setting budgets for salary increases (and therefore has</p>

<p>are distributing pay? A. No. Q. Okay. Under -- on the next page there's a section on global corporate bonus. A. Okay. I've got to find it. Okay. Yes. Q. It says, "Bonuses are discretionary." Who determines if Oracle will award bonuses each year? MS. CONNELL: Objection; lacks foundation, assumes facts, and calls for speculation. THE WITNESS: Somebody higher than my pay grade determines if there is going to be a bonus -- a bonus for the year, but it's the manager that determines who gets the bonus.</p>	<p>no idea whether such budgets exist). Objection #4: Vague, Ambiguous, Conclusory, and Speculative. SUF 222. The use of the word "analysis" is vague and ambiguous, as it is not defined. Objection #5: Relevance. SUF 222: Dive and saves are not the same thing as pay equity adjustments. Accordingly, whether Oracle had a budget for dive-and-saves is irrelevant.</p>
<p>Holman-Harries Dep. 240:2-244:4 Q. As the senior director of Oracle's diversity compliance, are you familiar with 41 CFR 60-2.17? A. Let me -- let me review it, if you wouldn't mind. Yes. Q. Okay. So it says that in addition to the elements required by 60-210 through 60-216, an acceptable affirmative action program must include the following: And (b)(3) says, "The contractor must perform in-depth analyses of the total compensation process to determine whether and where impediments of equal employment opportunity exist. At a minimum, the contractor must evaluate compensation systems to determine whether there are gender, race, or ethnicity-based disparities." What does Oracle do to comply with this section? MS. CONNELL: Just object that you've skipped over some parts of the regulation and only read select portions, so in that sense it misrepresents the document and also calls for a legal conclusion. THE WITNESS: Oracle only for their -- for the part to comply with this, managers look at starting pay, increases, bonuses, or other</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support. SUF 218: The testimony does not support the assertion made. The assertion made is that Ms. Holman-Harries does not oversee or supervise analyses. This testimony does not discuss analyses. Objection #4: Vague, Ambiguous, Conclusory, and Speculative. SUF 218: The use of the word "analysis" is vague and ambiguous, as it is not defined. Objection #5: Relevance. SUF 218: Compliance with Section 2.17 is not at issue in this case.</p>

incentives with regard to preventing discrimination and making sure that pay -- that they look at equity with regard to pay.

BY MS. BREMER: Q. As the individual responsible for the implementation of Oracle's Affirmative Action Plan, what do you do to ensure compliance with this section?

MS. CONNELL: Objection; assumes facts and lacks foundation.

THE WITNESS: You're talking about Section 3?

BY MS. BREMER: Q. 41 CFR 60-2.17(a)(b)(3)?

A. (b)(3).

MS. CONNELL: It's compound.

BY MS. BREMER: Q. I'm sorry. I'm sorry, let me start over. The section I'm talking about is 41 CFR 60-2.17(a) --no, just (b)(3).

MS. CONNELL: Same objections, lacks foundation, assumes facts.

THE WITNESS: The analysis that's done is as my prior statements with regard to this item is done by managers within their work groups to satisfy this particular regulation. I don't do anything else in addition to what they're doing to satisfy this regulation and to meet this regulation.

BY MS. BREMER: Q. And do you or anyone in your group review the analyses done by managers in work groups to satisfy this section?

A. No.

Q. To your knowledge, does anyone at Oracle review the analyses that managers do within their work groups to satisfy 41 CFR 60-2.17 (b)(3)?

MS. CONNELL: Objection; calls for speculation.

THE WITNESS: I can't really say what's done in -- in all the work groups. All I can say is in my particular work group, I make the recommendations, and I pass them through my -- to my supervisor to review. But in all seven and a half years I've been at Oracle, she's never made any changes. Either she, either Liz or Vickie.

<p>MS. BREMER: Can you ask my question again, please. (Record read.) MS. CONNELL: Same objection; calls for speculation. THE WITNESS: I can't speak to who reviews the pay within each -- each group's work group or the pay decisions that are made. BY MS. BREMER: Q. Or the analyses that are done? A. Or -- or the analyses that are done. Q. During the time that you've been in charge or overseeing OFCCP compliance, are you aware of any in-depth analyses of Oracle's compensation systems that are conducted among employees with the same job title? MS. CONNELL: Objection; asked and answered, vague and ambiguous. THE WITNESS: Could you rephrase the question? BY MS. BREMER: Q. Are you -- has Oracle conducted any in-depth analyses of Oracle's compensation systems to determine whether there're gender-, race-, or ethnicity-based disparities among employees at Oracle with the same job title? MS. CONNELL: Objection; calls for speculation, asked and answered. THE WITNESS: Not in relation to this regulation. The only analyses that have been done outside of this regulation have been those done at the request of our attorneys.</p>	
<p>Holman-Harries Dep. 249:11-17</p> <p>Q. -- you said that -- my understanding of what you're saying is that the analyses that were conducted to comply with 60-2.17(b)(3) were done by individual managers? A. Yes. Q. And you did not receive the results of those analyses?</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 218: The testimony does not support the assertion made. The assertion made is that Ms. Holman-Harries does not oversee or supervise analyses. This testimony does not discuss analyses.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 218: The use of the word “analyses” is</p>

	<p>vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 218: Oracle’s compliance with Section 2.17 is not relevant to this case.</p>
<p>Holman-Harries Dep. 255:19-256:1</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 215: This testimony is cited to support the proposition that “Oracle had no compensation-related affirmative action goals.”</p> <p>SUF 216: It is further cited to support the proposition that “Oracle's Senior Director of Diversity Compliance, Shauna Holman-Harries, provided no compensation-related from reports to Oracle's senior management pursuant to AAP regulations.” This testimony supports neither of these statements.</p> <p>Objection #4: Vague, Ambiguous, Conclusory, and Speculative.</p> <p>SUF 215, 216. The use of the word “analyses” is vague and ambiguous, as it is not defined.</p> <p>Objection #5: Relevance.</p> <p>SUF 215, 216: Oracle’s compliance with Section 2.17 is not relevant to this case.</p> <p>Objection #6: Incomplete Exhibits.</p> <p>SUF 215, 216: Pursuant to 29 C.F.R. § 18.72(c)(i), a party asserting that a fact cannot be genuinely disputed must support the assertion by citing to particular parts of <i>materials in the record</i>. OFCCP failed to insert this deposition excerpt into the record. Consequently, this evidence must be stricken as support for SUF 215 and 216.</p>
<p>Holman-Harries Dep. 259:4-268:14</p>	<p>Objection #1: Foundation, Personal</p>

Q. So paragraph 2, again, says that "As senior director of diversity compliance, my responsibilities include overseeing Oracle's Office of Federal Contract Compliance Programs compliance efforts." Are you telling me that your responsibilities do not include overseeing Oracle's OFCCP compliance efforts with respect to compensation?

MS. CONNELL: Objection; misstates her testimony.

THE WITNESS: I said that there was another department within Oracle, that -- that does compensation. I don't do compensation. And that all this -- any kind of evaluation on the compensation system is done by the managers.

BY MS. BREMER: Q. Okay. I'm just trying to understand what you said your responsibilities, though, include overseeing OFCCP -- Oracle's OFCCP compliance efforts, is that -- that's right?

A. Well, but if you look a little further down, it says, "As the director of compliance, I am not, however, responsible for developing or implementing compensation practices at Oracle, nor am I involved in the compensation decisions for job positions and product development, information technology, or support."

Q. I see that. But you are responsible at Oracle, and have been since 2013, in overseeing Oracle's OFCCP compliance efforts?

A. With regard to areas outside of compensation.

Q. So --

A. If you look at that it says, "I am not, however, responsible for developing or implementing compensation practices at Oracle, nor am I involved in compensation decisions for job positions in product development, information technology, or support."

Q. So you're saying that you had no responsibility for overseeing Oracle's OFCCP compliance efforts with respect to their compensation systems?

Knowledge and/or Speculation.

SUF 218: Ms. Holman-Harries lacks personal knowledge and/or an adequate foundation is not laid to establish that she has personal knowledge regarding the subject of her testimony.

Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.

SUF 218: This testimony is cited in support of the proposition that "Oracle's Senior Director of Diversity Compliance, Shauna Holman-Harries, does not supervise the actual analysis, oversee the individuals who are conducting the individual analyses, or ensure that the individual managers have conducted analyses to determine whether there are from gender-, race, or ethnicity-based disparities." This testimony does not support that statement, and Ms. Holman-Harries did not testify about analyses.

Objection #4: Vague, Ambiguous, Conclusory, and Speculative.

SUF 218: The word "analysis" is vague and ambiguous.

Objection #5: Relevance.

SUF 218: Oracle's compliance with Section 2.17 is not at issue in this case.

Objection #8: Best Evidence Rule.

SUF 218: To the extent OFCCP offers this evidence to prove the contents of the Affirmative Action Plan, the Affirmative Action Plan is the best evidence of that document.

MS. CONNELL: Objection; misstates her testimony.

BY MS. BREMER: Q. I'm asking.

A. I have responsibility for knowing that the programs are done, but that's quite different than doing the programs myself or -- or anything like that. So those are two different issues. So if you look at page 11 of the Affirmative Action Plan, it says "Oracle develops and analyzes internal audit reports to assess performance in at least the following areas," so it talks about that. And it says that Oracle does.

Q. Right.

A. And then we'll look at the other one that I think you're going to, let's see.

Q. And you are the designated individual responsible for the plan implementation of Oracle's Affirmative Action Plan?

A. The plan implementation, but when we very first started this I talked to you a little bit about coordinating, and I'm not responsible for every facet of the Affirmative Action Plan; I'm just -- you know, I oversee it or administer it, I think is a better term, I administer it. But there's different areas in here that talk about the responsibilities included in that.

Q. Okay. So you don't see it as part of your responsibilities to oversee Oracle's OFCCP compliance efforts with respect to compensation?

MS. CONNELL: Objection; misstates her testimony. It's argumentative at this point.

THE WITNESS: What -- what I see as different responsibilities, I do my responsibilities as they've been assigned to me. The responsibilities for compensation analysis have been given to the managers within their group.

BY MS. BREMER: Q. And you don't oversee those?

A. No.

Q. And you -- but you are responsible for other areas of OFCCP compliance?

A. Yes.

MS. CONNELL: Objection; vague.

BY MS. BREMER: Q. Okay. As -- do you coordinate with anyone else regarding OFCCP's compliance in the compensation area?

A. Not that works for Oracle.

Q. Okay. Do you coordinate with someone regarding Oracle's compliance with compensation systems outside of Oracle?

A. Not really for compliance purposes, no. The only other analysis that's done is done under attorney-client work product and we just supply information to our attorneys that they go ahead and develop, but that is not in relation to compliance with this particular -- I think I buried it, but the -- the regulation that you've been referencing. They're two different things.

Q. On Exhibit 34?

A. Yes.

Q. Okay. So with respect to Oracle's compliance with OFCCP regulations relating to compensation, is there anyone at Oracle that you coordinate with?

A. No, because that's done by the -- the managers are responsible for ensuring nondiscrimination within -- and pay equity within each one of their groups, their staffs.

Q. And are you aware of anyone at Oracle who is in charge of compliance with the requirements of 41 CFR 60-2.17(c)?

MS. CONNELL: Objection; calls for a legal conclusion, assumes facts.

THE WITNESS: And you're talking about with regard to compensation in that, right, because there's other areas that go into that, but you're talking about compensation. Correct?

BY MS. BREMER: Q. Yes. Subsection 3 is compensation systems. MS. CONNELL: Same objections.

THE WITNESS: Yeah, I think I've already answered that question. I -- I don't believe -- I don't know of anybody other than the managers that are responsible for -- for this particular area and creating -- and correcting any problems within their work group.

BY MS. BREMER:

Q. Okay. And are you aware of anyone at

Oracle who is responsible for compliance with creating action-oriented programs designed to correct any problem areas identified in Oracle's compensation systems under -- pursuant to this regulation?

MS. CONNELL: Objection; calls for a legal conclusion, assumes facts, lacks foundation, asked and answered.

THE WITNESS: Yeah. Again, managers are responsible for any type of pay equity concerns within -- and that type of concern within their work groups.

BY MS. BREMER: Q. And you're not aware of anyone other than managers who is responsible for developing and executing action-oriented programs to correct compensation problems identified under this regulation?

A. I am not aware of anybody other than managers.

Q. Okay. At the end of this Section --

A. Uh-huh.

Q. -- 41 CFR Section 60-2.17 --

A. Which exhibit are you referring to?

Q. This is the same regulation, Exhibit 34.

A. Okay.

Q. 41 CFR Section 60-2.17(d)(4).

A. Okay, let me find it, let me find it. Okay, I see (b), (c), (d), yes.

Q. It requires the contractor to advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance. Are you aware of anything that Oracle has done to comply with this subsection regarding its compensation systems?

MS. CONNELL: Just object that it assumes facts and lacks foundation, and that -- yeah. Calls for a legal conclusion.

THE WITNESS: Let's see, let me read this again very carefully. I am not aware of anything that's been done outside of our work product, but -- or I am really, I am just going to answer I am not aware of anything, no.

Because I keep -- I don't want to mix up the two, I want to relate my response to the analysis that's done by managers.

BY MS. BREMER: Q. And has your compliance group done anything to periodically measure the effectiveness of Oracle's total affirmative action program concerning compensation?

MS. CONNELL: Objection; assumes facts, lacks foundation, calls for a legal conclusion.

THE WITNESS: Not with regard to this -- this regulation.

BY MS. BREMER: Q. And are you aware of anyone at Oracle who has periodically measured the effectiveness of Oracle's affirmative action program with respect to Oracle's compensation?

MS. CONNELL: Lacks foundation, assumes facts, calls for speculation, calls for a legal conclusion.

THE WITNESS: And you're -- you're referencing this with regard to this regulation. Right?

BY MS. BREMER: Q. Yes.

A. Not with regard to this regulation.

MS. BREMER: Why don't we take a quick break.

THE WITNESS: Sure, that would be great. I think that everybody's --

THE VIDEOGRAPHER: The time is --

THE WITNESS: I think you -- you and I are successfully boring everybody.

THE VIDEOGRAPHER: The time is 5:06 p.m. We are off the record. (Recessed from 5:06 p.m. until 5:18 p.m.)

THE VIDEOGRAPHER: The time is 5:18 p.m. We are on the record.

BY MS. BREMER:

Q. So I understand after talking to counsel you have some additional clarifications?

A. Yeah, things that -- that weren't clear. When we were going back and forth over the types of analyses that were done, you asked me if anybody had ever communicated any problem areas to me, and -- and what I was -- and I said yes, and what I was referring to are the problem areas that the OFCCP communicated to us with regard to HQ.

Q. Okay.

<p>A. And then the other one on compensation oversight, while all the analysis is done at the level of -- of the manager, and the pay equity analysis, yes, I -- you know, I do recognize that I do have oversight of that, but I don't supervise the actual analysis. And those were the two clarifications. But the one that I was really concerned with, because I was getting so confused, was the one, because you had asked me any problem areas, and all I could think of is the OFCCP, you know, communicating that during the audit.</p>	
<p>Holman-Harries Dep. 265:12-267:5</p> <p>Q. 41 CFR Section 60-2.17(d)(4). A. Okay, let me find it, let me find it. Okay, I see (b), (c), (d), yes. Q. It requires the contractor to advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance. Are you aware of anything that Oracle has done to comply with this subsection regarding its compensation systems? MS. CONNELL: Just object that it assumes facts and lacks foundation, and that -- yeah. Calls for a legal conclusion. THE WITNESS: Let's see, let me read this again very carefully. I am not aware of anything that's been done outside of our work product, but -- or I am really, I am just going to answer I am not aware of anything, no. Because I keep -- I don't want to mix up the two, I want to relate my response to the analysis that's done by managers. BY MS. BREMER: Q. And has your compliance group done anything to periodically measure the effectiveness of Oracle's total affirmative action program concerning compensation? MS. CONNELL: Objection; assumes facts, lacks foundation, calls for a legal conclusion. THE WITNESS: Not with regard to this -- this regulation. BY MS. BREMER: Q. And are you aware of</p>	<p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support.</p> <p>SUF 216: This testimony is cited to support the proposition that "Oracle's Senior Director of Diversity Compliance, Shauna Holman-Harries, provided no compensation-related from reports to Oracle's senior management pursuant to AAP regulations." This testimony does not support this statement.</p> <p>Objection #5: Relevance.</p> <p>SUF 216. Oracle's compliance with Section 2.17 is not at issue in this case.</p>

<p>anyone at Oracle who has periodically measured the effectiveness of Oracle's affirmative action program with respect to Oracle's compensation?</p> <p>MS. CONNELL: Lacks foundation, assumes facts, calls for speculation, calls for a legal conclusion.</p> <p>THE WITNESS: And you're -- you're referencing this with regard to this regulation. Right?</p> <p>BY MS. BREMER: Q. Yes.</p> <p>A. Not with regard to this regulation.</p>	
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AAAAA. **Exhibit 107: Excerpt from Oracle Data File Produced October 11, 2017**

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION
<p>Garcia Decl., Page 11, ¶ 108, & Ex. 107</p> <p>“Attached hereto as Exhibit 107 is a true and correct copy of an excerpt from the data file produced by Oracle on October 11, 2017 entitled Amp_Personal_Experience_Qualification_Assign_Details.xlsx with the bates number ORACLE_HQCA_0000070738. The excerpt is from the tab in the data labelled Emp Assignment Information, which contains voluminous data regarding employees' job assignments. The excerpt includes an example of employee data from the file in the following data fields: Employee_Job_Name, Job_Code, Job_Title, Job_Function, Specialist_Area, and Global_Career_Level. When the job levels are removed from the data in the 'job title" column in this data file (creating, for example, a "Software Developer" job descriptor, there are 35 unique job descriptors in the Product Development, Information Technology, and Support job functions.”</p>	<p>Objection #1: Foundation, Personal Knowledge and/or Speculation.</p> <p>SUF 236, 237, 238¹³: In an attempt to support Dr. Madden’s decision to use the term “job descriptor,” Mr. Garcia has identified individual database fields and then used the term “job descriptor” to group them all. The database contains no such entry. The term does not appear in the database. Rather, Madden collapses hundreds of Oracle job titles into thirty-five broad categories. <i>See</i> Madden Rpt. at Appx. A; Madden Dep. 47:22-48:9.</p> <p>Objection #3: Evidence Does Not Stand for the Proposition It Is Cited to Support, and Objection #5: Relevance:</p> <p>SUF 236, 237, 238: “Job descriptors” are irrelevant. Madden <i>admits</i> she did not analyze which employees at Oracle are performing similar work. Madden Dep. 43:4-18 (Madden “did not look at” which employees at Oracle are performing similar work, and therefore has not “formed an independent view”); 81:1-82:4 (“job descriptors” do not differentiae</p>

¹³ While SUF 236 cites to Exhibit 108, it clearly references the content of Exhibit 107.

employees based on what product they are working on); 170:11-171:22 (admitting employees in the same “job descriptor” may have significantly different prior experience but that she did not study that); 174:1-179:11; *see also* Oracle’s *Daubert* Motion.

Indeed, Paragraph 108 of the Garcia Decl. proves that “job descriptor” is not an Oracle term. Instead, it is a fiction created by Dr. Madden and OFCCP.

Dr. Madden created a “job descriptor” variable, not found in Oracle’s records, that aggregates job titles within a particular type or category of job, regardless of career level. See Connell Decl., Ex. N (Madden Report, 15-16 & Appx.A), Ex. U (10/10/19 Madden Dep. 47:3-11, 174:1-15). In doing so, Dr. Madden assumed Oracle’s job codes classify employees doing similar work. Connell Decl., Ex. U (10/10/19 Madden Dep. 43:19-45:17).

See also General Objections Section B; Oracle’s *Daubert* Motion.

Objection #4: Vague, Ambiguous, Conclusory, and Speculative.

SUF 236, 237, 238: For the reasons given above, the term arrived at by OFCCP and Madden is vague, ambiguous and conclusory.

Objection #7: Authentication.

SUF 236, 237, 238: OFCCP offers no deposition testimony or others means to establish that this document is what OFCCP claims it is. Because the document is not part of the record, it cannot be self-authenticating.

November 1, 2019

Respectfully submitted,

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