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2/15/19
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**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.

Case No. 2017-OFC-00006

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DEC 02 2019

**Office of Administrative Law Judges
San Francisco, Ca**

THE PARTIES' EXHIBIT STATUS REPORT

Pursuant to the Court's Order Following Pre-Hearing Conference dated November 29, 2019, Plaintiff, the Office of Federal Contract Compliance Programs, and Defendant, Oracle

America, Inc. hereby submit their Exhibit Status Update to the Court. The parties have agreed to the following four points:

1. All exhibits are deemed authentic and deemed admissible and do not need a sponsoring witness save for P60 and P132 and those to which the parties specifically objected as reflected in the attached objections by Oracle¹ and OFCCP's objections to exhibits D88-91, D93, D95-97, D99-106, D117-118. The admissibility of the documents to which an objection has been made will be determined by the Court. The Parties will submit their formal objections today by 4:30 p.m.

2. The parties agree to submit their responses to the objections by noon on December 4, 2019.

3. Whether the Court wishes the submission of the entirety of a deposition and its accompanying errata or just those portions that have been designated will be left to the Court's decision. Whatever the Court's decision in this regard, the parties agree that the Court should only read those portions that are designated or counter-designated. And if there are objections, of course, the Court will need to review those portions of the deposition to which there is an objection.

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¹ Oracle's objections to the depositions and the errata will be subject to the Court's ruling for item #2 herein.

4. The parties will continue to meet and confer regarding what is or is not considered confidential. It would be helpful to the parties for the Court to provide guidance on what would be deemed confidential.

DATED: November 27, 2019

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November 27, 2019

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OBJECTIONS TO OFCCP'S AMENDED HEARING EXHIBIT LIST

Exh #	Bates #	Date	Document Title/Description	Objections
P-3	N/A	10/10/19	Deposition Transcript for Dr. Janice Madden	Oracle objects to the admission of an entire deposition.
P-4	N/A	10/11/19	Declaration of Dr. Janice Madden introduced as Ex. 9 of Dr. Ali Saad's Deposition	Hearsay Untimely disclosed opinions. <i>See</i> Oracle MIL No. 1
P-5	N/A	10/31/19	Declaration of Dr. Janice Madden	Hearsay Untimely disclosed opinions. <i>See</i> Oracle MIL No. 1.
P-6	N/A	11/07/19	Declaration of Janice F. Madden	Hearsay Untimely disclosed opinions. Fed. R. Civ. P. 26 and 37; Oracle MIL No. 1
P-7	N/A	10/11/19	Deposition Transcript for Dr. Ali Saad	Oracle objects to the admission of an entire deposition as an exhibit.
P-10	N/A	07/03/19	Condensed PMK Deposition Transcript for Tamerlane Baxter	Oracle objects to the admission of an entire deposition.
P-11	N/A	05/24/19	Condensed Deposition Transcript for Lynne Carrelli	Oracle objects to the admission of an entire deposition.
P-12	N/A	06/11/19	Condensed Deposition Transcript for Madhavi Cheruvu	Oracle objects to the admission of an entire deposition.

OBJECTIONS TO OFCCP'S AMENDED HEARING EXHIBIT LIST

Exh #	Bates #	Date	Document Title/Description	Objections
P-13	N/A	07/18/19	Deposition Errata Sheet for Madhavi Cheruvu's 6/11/19 Deposition	Oracle objects to the admission of an entire deposition.
P-14	398926 - 399189	07/26/18	Anje Dodson's Jewett PMK Deposition Transcript	Oracle objects to the admission of an entire deposition.
P-15	399314 - 399378	10/16/18	Kristina Edwards' Jewett PMK Deposition Transcript	Oracle objects to the admission of an entire deposition.
P-16	N/A	05/08/19	Condensed Deposition Transcript for Shauna Holman-Harries	Oracle objects to the admission of an entire deposition.
P-17	N/A	06/10/19	Deposition Errata Sheet for Shauna Holman-Harries' 5/8/19 Deposition	Oracle objects to the admission of an entire deposition.
P-18	N/A	08/1/19	Condensed PMK Deposition Transcript for Shauna Holman-Harries	Oracle objects to the admission of an entire deposition.
P-19	N/A	09/03/19	Deposition Errata, Sheet for Shauna Holman-Harries' 8/1/19 PMK Deposition	Oracle objects to the admission of an entire deposition.
P-20	399391 - 399454	10/23/18	Chad Kidder's Jewett PMK Deposition Transcript	Oracle objects to the admission of an entire deposition.
P-21	N/A	06/14/19	Condensed Deposition Transcript for Juan Loaiza	Oracle objects to the admission of an entire deposition.
P-22	400584 - 401021	07/26/18	Kate Waggoner's Jewett PMK Deposition Transcript	Oracle objects to the admission of an entire deposition.

OBJECTIONS TO OFCCP'S AMENDED HEARING EXHIBIT LIST

Exh #	Bates #	Date	Document Title/Description	Objections
P-23	N/A	06/05/19	Deposition Errata Sheet for Kate Waggoner's 5/1/19 Deposition	Oracle objects to the admission of an entire deposition.
P-24	N/A	07/19/19	Condensed PMK Deposition Transcript for Kate Waggoner	Oracle objects to the admission of an entire deposition.
P-25	N/A	08/26/19	Deposition Errata Sheet for Kate Waggoner's 7/19/19 PMK Deposition	Oracle objects to the admission of an entire deposition.
P-26	N/A	05/30/19	Condensed Deposition Transcript for Joyce Westerdahl	Oracle objects to the admission of an entire deposition.
P-27	N/A	07/1/19	Deposition Errata Sheet for Joyce Westerdahl's 5/30/19 Deposition	Oracle objects to the admission of an entire deposition.
P-57	N/A	01/09/15 - 01/13/15	Depo. Ex. 33 – Lisa Gordon's Revisions to OFCCP's Draft Interview Statement.	Hearsay
P-60	189	N/A	Dep. Ex. 37 – Excerpts from Oracle Created Spreadsheet minus 4th page because of privilege claim	Lacks foundation As Oracle has explained to OFCCP, this is an inadvertently produced document that is not the document provided to OFCCP during the audit. The correct document is identified on Oracle's exhibit list as D-444.
P-88	DOL 534 - 539	03/24/15 03/26/15	Dep. Ex. 72 – OFCCP's Interview Notes of Madhawi Cheruvu	Hearsay Lacks foundation

OBJECTIONS TO OFCCP'S AMENDED HEARING EXHIBIT LIST

Exh #	Bates #	Date	Document Title/Description	Objections
P-93	DOL 521 - 524	03/25/15	Dep. Ex. 78 – OFCCP’s Interview Notes of Juan Loaiza	Hearsay Lacks foundation
P-99	417060	Copyright 2017	Dep. Ex. 84 – Screenshots from Oracle Created Document: “Workforce Compensation Hints and Tips” Video	Lacks foundation Incomplete document that constitutes “snippets” and “screenshots” from a video
P-106	41732	Copyright 2017	Dep. Ex. 92 – Oracle - Created Document: Manage Base Pay Using Cloud Self- Service	Lacks foundation Incomplete document as it is a “snippet” from “another video”
P-171	N/A	2015	2014 Snapshot (ORACLE_ HQCA_ 000000 3616) Sorted by Three Job Functions (Inftech, Prodev, Supp) by Specialty Area by Systems Job Title by Salary Grade	Lacks foundation. Best evidence. This is not the 2014 Snapshot as produced. OFCCP has removed certain information and made other changes.
P-192	DOL 44390 - 44393	2010	Email Exchange between an Oracle Job Applicant and an Oracle Recruiter	The document is highly redacted DOL email Hearsay Lacks foundation
P-255	DOL 39983 - 40002	02/10/15	Email from Shauna Holman- Harries to Min-Chih Yeh	Hearsay as to email attachment
P-263	N/A	05/24/19	“The Highest-Paid CEOs of 2018: A Year So Lucrative, We Had to Redraw Our Chart,” The New York Times	Objections contained in MIL No. 9

OBJECTIONS TO OFCCP'S AMENDED HEARING EXHIBIT LIST

Exh #	Bates #	Date	Document Title/Description	Objections
P-264	N/A	2017	Oracle Schedule 14A Filing Under the Securities Exchange Act of 1934	Objections contained in MIL No. 9
P-271	N/A	N/A	Deposition Errata Sheet for Dr. Janice Madden	Oracle objects to the admission of an entire deposition.
P-329	N/A	11/12/19	Deposition Errata Sheet for Dr. Ali Saad	Oracle objects to the admission of an entire deposition.
P-436	N/A	10/11/19	Backup Data For Dr. Janice Madden's October 11, 2019, Declaration	Untimely disclosed opinions. <i>See</i> Oracle MIL No. 1
P-450	N/A	2018	Oracle Schedule 14A Filing Under the Securities Exchange Act of 1934	Objections contained in MIL No. 9
P-451	N/A	2019	Oracle Schedule 14A Filing Under the Securities Exchange Act of 1934	Objections contained in MIL No. 9
P-499	DOL 44530	12/28/11	An Email between Oracle Employees	Lacks foundation Document produced by OFCCP after discovery cutoff
P-500	DOL 44531	06/01/19	Employee's Compensation	Lacks foundation Incomplete document Document produced by OFCCP after discovery cutoff
P-501	DOL 44 532	2017	An Email between Oracle Employees	Lacks foundation

OBJECTIONS TO OFCCP'S AMENDED HEARING EXHIBIT LIST

Exh #	Bates #	Date	Document Title/Description	Objections
				Incomplete document Document produced by OFCCP after discovery cutoff
P-502	DOL 44533	08/25/11	Emails between Oracle Employees	Lacks foundation Incomplete document Document produced by OFCCP after discovery cutoff
P-503	DOL 44534	N/A	Emails between Oracle Employees	Lacks foundation Incomplete document Document produced by OFCCP after discovery cutoff
P-504	DOL 44535	06/01/19	Compensation History	Lacks foundation Incomplete document Document produced by OFCCP after discovery cutoff
P-505	DOL 44536	N/A	Emails between Oracle Employees	Lacks foundation Incomplete document Document produced by OFCCP after discovery cutoff

CERTIFICATE OF SERVICE

I, Norman E. Garcia, am a citizen of the United States of American and am over 18 years of age. I am not a party to the within action. My business address is 90 7th Street, Suite 3-700, San Francisco, California, 94103.

On December 2, 2019, I served **THE PARTIES' EXHIBIT STATUS REPORT with Certificate of Service**

in this action by **e-mail** to:

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I certified under penalty of perjury that the above is true and correct.

Executed: December 2, 2019

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

Office of the Solicitor
United States Department of Labor