

OFCCP vs. Oracle America, Inc.

**Videotaped Deposition of
SEAN RATLIFF - 30(B)(6)**

June 26, 2019



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Page 1

1 UNITED STATES DEPARTMENT OF LABOR
 2 OFFICE OF ADMINISTRATIVE LAW JUDGES
 3 ---oOo---

4 OFFICE OF FEDERAL CONTRACT
 COMPLIANCE PROGRAMS, UNITED
 STATES DEPARTMENT OF LABOR,
 6 Plaintiff,
 7 vs. OALJ No. 2017-OFC-00006
 OFCCP No. R00192699

8 ORACLE AMERICA, INC.,
 9 Defendant.

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 13

14 VIDEOTAPED DEPOSITION OF
 15 SEAN RATLIFF
 16 (30(b)(6) DESIGNEE, OFCCP)

18 SAN FRANCISCO, CALIFORNIA
 19 WEDNESDAY, JUNE 26, 2019

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 21

22 REPORTED BY:
 23 HOLLY THUMAN, CSR No. 6834, RMR, CRR
 24 Job No.: 10056900
 25

Page 2

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 2 OFFICE OF ADMINISTRATIVE LAW JUDGES
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 7 vs. OALJ No. 2017-OFC-00006
 OFCCP No. R00192699

8 ORACLE AMERICA, INC.,
 9 Defendant.

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 12 ---oOo--

13 Videotaped Deposition of SEAN RATLIFF, taken on
 14 behalf of the Defendant, at ORRICK, HERRINGTON &
 15 SUTCLIFFE LLP, The Orrick Building, 405 Howard Street,
 16 San Francisco, California 94105-2669, commencing at
 17 9:28 A.M. and ending at 12:03 P.M. on WEDNESDAY, JUNE
 18 26, 2019, before me, HOLLY THUMAN, Certified
 19 Shorthand Reporter 6834, RMR, CRR.
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 23
 24
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12 ALSO PRESENT:
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 14
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<p style="text-align: right;">Page 6</p> <p>1 (Exhibits, cont'd) 2 Exhibit 17 June 3, 2015, email chain, Shauna Holman-Harries to Hoan Luong (DOL000001142) 3 4 Exhibit 18 Collection of 10/29/2015 emails, Shauna Holman-Harries to Hoan Luong (Bates numbers various) 5 6 Exhibit 19 November 3, 2015 email chain, Shauna Holman-Harries to Hoan Luong (DOL000001042 through -1044) 7 8 Exhibit 20 Email, Shauna Holman-Harries to Roberts Doles (ORACLE_HQCA_0000000262) 9 10 --o0o-- 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 8</p> <p>1 on behalf of Defendant Oracle. 2 MS. GRUNDY: Kayla Grundy from Orrick, 3 Herrington & Sutcliffe, on behalf of Oracle. 4 MS. DAQUIZ: Abigail Daquiz for the US 5 Department of Labor, OFCCP. 6 --o0o-- 7 SEAN RATLIFF, 8 9 _____ 10 called as a witness, having been first duly 11 sworn, was examined and testified as follows: 12 ---oOo--- 13 EXAMINATION BY MR. PARKER 14 BY MR. PARKER: 15 Q. Could you please state your name? 16 A. Sean Ratliff. 17 Q. Have you had your deposition taken before, Mr. Ratliff? 18 A. Yes, once. 19 Q. Okay. How long ago? 20 A. Late '90s. 21 Q. Okay. What do you currently do? 22 A. I'm the district director for the San Diego district office of the OFCCP. 23 Q. What are your duties as -- what do you do as a district director? 24 25</p>

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1 A. I basically oversee all the operations of
 2 the San Diego district. I supervise six employees,
 3 oversee the compliance reviews. We do the outreach
 4 events that we might put on.
 5 **Q. How long have you had that position?**
 6 A. January 2016.
 7 **Q. Before that what did you do?**
 8 A. I was a supervisory trial attorney at the
 9 EEOC.
 10 **Q. How long?**
 11 A. Supervised for a little over a year, I
 12 think. I joined the EEOC in August 2009, I
 13 believe.
 14 **Q. And how long were you -- did you have the**
 15 **position as an EEOC supervisory trial attorney?**
 16 A. So I think I was supervising for a little
 17 over a year. I was a trial attorney before that.
 18 **Q. Great. So you were a trial attorney when**
 19 **you began in August of 2009?**
 20 A. I think technically there was a couple
 21 months where I was a law clerk before I was given
 22 the title of trial attorney.
 23 **Q. So sometime after 2009 -- I'm sorry, let**
 24 **me do this.**
 25 **When did you leave EEOC?**

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1 A. January 2016.
 2 **Q. Okay. So at least from January 2015**
 3 **approximately to January 2016, you were a**
 4 **supervisory trial attorney. Correct?**
 5 A. Yeah, I think it was a little longer than
 6 that, but approximately, yes.
 7 **Q. Not much longer than that?**
 8 A. I don't think so.
 9 **Q. Okay. So at the EEOC, you began as a law**
 10 **clerk, which you had for a couple of months.**
 11 **Were you then a trial attorney for some**
 12 **period of time, and then for approximately a year**
 13 **or more you were a supervisory trial attorney.**
 14 **Correct?**
 15 A. That is correct.
 16 **Q. Prior to the EEOC, what did you do?**
 17 A. Well, I was in law school.
 18 **Q. Okay. And that's as far as I need to go**
 19 **then.**
 20 A. Okay.
 21 **Q. Just some preliminaries.**
 22 **You understand you've been placed under**
 23 **oath?**
 24 A. I do.
 25 **Q. And you're going to testify here, then, as**

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1 if you were testifying in court.
 2 **Do you understand that?**
 3 A. Yes, I do.
 4 **Q. I will ask you questions today. If you**
 5 **don't understand a question, please feel free to**
 6 **ask me what the question is or for clarification.**
 7 A. I understand.
 8 **Q. I believe you'll be given a chance to**
 9 **review the transcript after the -- this deposition.**
 10 **Do you understand that?**
 11 A. Okay.
 12 **Q. And you can make changes to that**
 13 **transcript. Do you understand that?**
 14 A. Okay.
 15 **Q. I may be able to comment on the changes**
 16 **you make should you do that. All right?**
 17 A. I understand.
 18 **Q. Great. And is there any reason that you**
 19 **can't have your deposition taken today? Medical or**
 20 **any other reason?**
 21 A. Not that I can think of.
 22 **Q. Let me show you what we'll mark as**
 23 **Exhibit 1, which is the Amended Notice of**
 24 **Deposition of OFCCP Pursuant to 41 C.F.R., and so**
 25 **on.**

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1 (Deposition Exhibit 1 was marked for
 2 identification.)
 3 BY MR. PARKER:
 4 **Q. Have you seen this document before?**
 5 A. This doesn't look like the whole
 6 deposition -- the whole thing to me.
 7 **Q. Great. Then we'll get the whole thing to**
 8 **you. I will represent to you that this was amended**
 9 **in order to reflect today's date. But if you look**
 10 **on the last page --**
 11 A. Okay.
 12 **Q. -- do you see the three topics?**
 13 A. I do.
 14 **Q. Are those -- are the first two familiar to**
 15 **you?**
 16 A. Yes.
 17 **Q. Okay. And do you recall seeing that in**
 18 **another document in longer form?**
 19 A. I do.
 20 **Q. Okay. I will get you that other document,**
 21 **but you understand that you are here to testify as**
 22 **a 30(b)(6) on Topics 30 and 31?**
 23 A. Yes.
 24 **Q. Okay. Very good.**
 25 **Let me direct your attention now to**

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1 Exhibit 2, which is the second amended complaint.
2 (Deposition Exhibit 2 was marked for
3 identification.)
4 BY MR. PARKER:
5 Q. Have you seen this document before?
6 A. Yes.
7 Q. Great. Now, if you go back to
8 Exhibit 1 -- and the reason I'm showing you the
9 second amended complaint, which is Exhibit 2, is
10 that Topics 30 and 31 reference specific paragraphs
11 in the second amended complaint.
12 Do you see that?
13 A. I do.
14 Q. Okay. And are you prepared today to speak
15 on Topic 1 -- Topic 30, I'm sorry, which is the
16 facts that support the allegations of paragraph 44,
17 45, and 47?
18 A. Yes.
19 Q. Okay. And are you prepared today to talk
20 on Topic 31, which are the facts that support the
21 allegations of paragraph 45, and then it says 45
22 again, 46, and 48?
23 A. Yes.
24 MR. PARKER: Okay. Now, Counsel, I
25 believe that as a result -- and I would like to see

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1 if you agree with me -- paragraph 44 contains
2 within it subparagraphs (a) through (e).
3 MS. DAQUIZ: Yes.
4 MR. PARKER: And it's my understanding as
5 a result of the consent findings and order that
6 paragraphs 44(b) and (e) are no longer at issue.
7 Is that your agreement?
8 MS. DAQUIZ: Yes.
9 MR. PARKER: Okay. And then I understand
10 as a result as well, paragraph 46 and 48 are no
11 longer at issue. Is that your understanding?
12 MS. DAQUIZ: To the extent -- 48,
13 certainly. And to the extent that 46 is specific
14 to continuing requests for information about
15 college recruiting databases, et cetera, yes.
16 I don't believe that the consent findings
17 were explicit about which paragraphs were struck,
18 but we can always just refer to that document.
19 MR. PARKER: Well, I can. Let me mark,
20 just for your purposes -- and I won't show the
21 witness -- what I have as Exhibit 3, which is the
22 consent findings, so that we can nail this down.
23 (Deposition Exhibit 3 was marked for
24 identification.)
25 //

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1 MR. PARKER: And again, Mr. Ratliff, you
2 don't need to look at this. This is just so that
3 we can see if we can limit the scope of your
4 testimony today.
5 THE WITNESS: Sounds good to me.
6 MR. PARKER: I figured you wouldn't mind
7 that.
8 I'm providing Exhibit 3, which is the
9 consent findings, so that we can decide what we
10 need to do with paragraph 46.
11 My reading is that it takes out the
12 entirety of 46 and does not otherwise specify
13 subparts. Is that --
14 MS. DAQUIZ: Yes.
15 BY MR. PARKER:
16 Q. -- your understanding? And therefore --
17 MS. DAQUIZ: That's the order, certainly.
18 MR. PARKER: And therefore, paragraph 46
19 will not be a subject to this deposition. Is that
20 your understanding?
21 MS. DAQUIZ: Yes.
22 MR. PARKER: Okay. Very good.
23 Q. So that was good. We've limited it. I
24 don't know how long it will take off time, but --
25 how much time it will take off, but we're on a

Page 16

1 good --
2 A. Sounds good. Less topics, the easier it
3 is.
4 MR. PARKER: All right. Let's mark as
5 Exhibit 3 -- I'm sorry. Thank you. Exhibit 4, the
6 September 24th letter.
7 (Deposition Exhibit 4 was marked for
8 identification.)
9 BY MR. PARKER:
10 Q. And Mr. Ratliff, if you could look at this
11 document. And what I will typically do is hand you
12 a document and ask if you've seen it before.
13 Have you seen this document before?
14 A. I have. I don't know if it was the exact
15 Bates numbers, but yes, I've seen the scheduling
16 letter.
17 Q. Very good. And just for the record, so
18 you know, we do have a copy of a -- of the same
19 document with a different Bates stamp number, which
20 is from DOL. But it was less clear than our copy
21 of it, so --
22 A. Okay.
23 Q. Do you -- what is this letter?
24 A. This is a scheduling letter.
25 Q. Okay. And in this letter did OFCCP

<p style="text-align: right;">Page 17</p> <p>1 request that Oracle provide documents? 2 A. It does. 3 Q. Okay. And this is a scheduling letter for 4 a -- to conduct a desk audit. Correct? 5 A. I believe it's a -- the standard 6 compliance review. The desk audit is part of the 7 standard compliance review. 8 Q. Very good. And among the items that were 9 requested was a affirmative action program, an AAP. 10 Correct? 11 A. Yes. 12 Q. And then there were other documents as 13 well that were requested. Correct? 14 A. Yes. 15 Q. Let me direct your attention to what we'll 16 have marked as Exhibit 5. 17 (Deposition Exhibit 5 was marked for 18 identification.) 19 BY MR. PARKER: 20 Q. And my question -- take your time. 21 My question is, have you seen this 22 document before? 23 MS. DAQUIZ: Beg your pardon. For 24 clarification, is the Bates numbering inclusive of 25 all numbers between 4998 and 5196 in this set?</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. Okay. And who is Ms. Atkins? 2 A. Hea Jung Atkins works in our regional 3 office. She's held different titles, though. 4 Q. Do you know whether -- if she had any 5 connection with the -- any activity relating to 6 Oracle in connection with this case? 7 A. She did. 8 Q. Okay. And what was her role, if any? 9 A. I believe it was different at different 10 times. She, I believe, is the signatory on the 11 scheduling letter. I know she was part of the 12 onsite team for that review, and I have seen some 13 other correspondence during the course of the 14 review which she is on. 15 Q. Okay. And is it your understanding, based 16 on your review of Exhibit 5, that included in the 17 materials sent to Ms. Atkins from Ms. Harries is 18 the affirmative action plan, the AAP? 19 A. It looks like an AAP, yes. That's -- I 20 mean, it appears to be the AAP for that 21 establishment. 22 Q. And as you sit here today, you don't 23 believe -- you don't have any reason to believe 24 that it's not the AAP. Correct? 25 A. No.</p>
<p style="text-align: right;">Page 18</p> <p>1 MR. PARKER: Yes. 2 MS. DAQUIZ: Thank you. 3 BY MR. PARKER: 4 Q. Just so -- and that's a good question. 5 Just -- there are -- will be instances -- 6 there are a few exhibits that are just gigantic. 7 If you insist and if you want, we will mark the 8 entirety of it as an exhibit. That's up to you. 9 I'm not trying to hide the ball, in other words. 10 MS. DAQUIZ: Certainly. I just wanted to 11 make sure. Thank you. 12 THE WITNESS: I don't know that I have 13 seen this document. 14 BY MR. PARKER: 15 Q. Okay. Do you have any reason to -- let me 16 just do this. 17 This document is an email from Shauna 18 Holman-Harries to Hea Jung Atkins at OFCCP. It's 19 dated October 28th, 2014. 20 And you said you have not seen this 21 document before? You don't recall -- 22 A. I don't believe so, no. 23 Q. Do you have any reason to dispute that it 24 is an email from Ms. Harries to Ms. Atkins? 25 A. No.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. And before I forget, what did you do to 2 get ready for your deposition today? 3 A. I spoke with counsel. I spoke with Hea 4 Jung. I spoke with Jane Suhr. I reviewed a pile 5 of documents that was primarily correspondence that 6 occurred during the course of the review, requests 7 for information, responses. 8 Q. Okay. And did you review documents? 9 A. In the sense of the various communications 10 back and forth, yes. 11 Q. Okay. And as you sit here, this was not a 12 communication you recall reviewing. Correct? 13 A. I don't think so. I mean, the email might 14 have been there, but I don't remember seeing the 15 AAP. 16 Q. Well, let's take care of something now. 17 Let me mark this as Exhibit 1A. 18 (Deposition Exhibit 1A was marked for 19 identification.) 20 BY MR. PARKER: 21 Q. And Exhibit 1A is the Notice of Deposition 22 of OFCCP. 23 A. That's what it looks like. 24 Q. And you've seen -- this is the document 25 you've seen before. Correct?</p>

<p style="text-align: right;">Page 21</p> <p>1 A. This is the one I remember seeing, yes.</p> <p>2 Q. All right. You just don't remember seeing</p> <p>3 the amended which just changed the dates.</p> <p>4 A. Correct.</p> <p>5 Q. Thank you. Do you know whether or not --</p> <p>6 following Exhibit 5, whether or not OFCCP made any</p> <p>7 other requests for a provision of the AAP, the</p> <p>8 affirmative action plan?</p> <p>9 A. This year's?</p> <p>10 Q. Correct.</p> <p>11 A. I don't know that we asked for another</p> <p>12 version of the original year that's in the</p> <p>13 scheduling letter.</p> <p>14 Q. Do you know whether or not at any point in</p> <p>15 time OFCCP asked -- relating to the -- to the</p> <p>16 scheduling order and desk audit that's referenced</p> <p>17 in Exhibit 4, asked for any other AAPs from Oracle?</p> <p>18 A. Can you say that again?</p> <p>19 Q. Sure. Relating to the scheduling letter</p> <p>20 and the -- and the desk audit that's referenced in</p> <p>21 Exhibit 4 -- Exhibit 4 is the September 24th, 2014,</p> <p>22 letter.</p> <p>23 A. Okay.</p> <p>24 Q. Do you know, at any other point in time</p> <p>25 did OFCCP make a request for Oracle's affirmative</p>	<p style="text-align: right;">Page 23</p> <p>1 time at various points. Robert Doles was on this</p> <p>2 case as some point in time. Brian Mikel was on</p> <p>3 this case at some point in time. Jane Suhr went</p> <p>4 out to the onsite.</p> <p>5 I believe there were a couple other</p> <p>6 compliance officers that were on the onsite as</p> <p>7 well, but I don't -- I'm spacing out their names</p> <p>8 right now.</p> <p>9 Q. During your preparation for the</p> <p>10 deposition, did the people -- I know you spoke to</p> <p>11 Hea Jung. Correct?</p> <p>12 A. Yes.</p> <p>13 Q. Did you speak to Robert Doles?</p> <p>14 A. I did not.</p> <p>15 Q. Did you speak to Brian Mikel?</p> <p>16 A. I did not.</p> <p>17 Q. Did you speak to Jane Suhr?</p> <p>18 A. Yes.</p> <p>19 Q. And did you speak to Hoan?</p> <p>20 A. I did not.</p> <p>21 Q. And I assume you didn't speak to the</p> <p>22 couple other compliance persons.</p> <p>23 A. No.</p> <p>24 Q. Did Hea Jung or Jane Suhr tell you that</p> <p>25 they had made an oral request for an AAP?</p>
<p style="text-align: right;">Page 22</p> <p>1 action plan?</p> <p>2 A. I believe they did for other years.</p> <p>3 Q. And do you recall -- let me ask this: Did</p> <p>4 that relate to the audit at HQCA, or did it relate</p> <p>5 to other audits outside of HQCA?</p> <p>6 A. Well, certainly we would have asked in</p> <p>7 other audits for their affirmative action programs,</p> <p>8 but I believe we also asked for additional AAPs.</p> <p>9 Q. Do you know when that request was made?</p> <p>10 A. Not exactly, no.</p> <p>11 Q. Would that request have been in writing?</p> <p>12 A. I don't recall seeing it in writing.</p> <p>13 Q. How would that request have been made?</p> <p>14 A. It may have been orally requested as part</p> <p>15 of the onsite or communication before or after the</p> <p>16 onsite.</p> <p>17 Q. By whom would the request have been made?</p> <p>18 A. I don't know. One of the people on the</p> <p>19 team.</p> <p>20 Q. Okay. And who would that have</p> <p>21 encompassed, then, the -- possibly people who could</p> <p>22 have made the request?</p> <p>23 A. From my review, Hoan, whose last name I</p> <p>24 don't know how to say. Hoan was part of the team.</p> <p>25 Hea Jung was part of that team at some point in</p>	<p style="text-align: right;">Page 24</p> <p>1 A. No. I don't think so.</p> <p>2 Q. Okay. And let's go back. Exhibit-- to</p> <p>3 Exhibit 4.</p> <p>4 Is the AAP that was provided as part of</p> <p>5 Exhibit 5 the AAP that is requested in Exhibit 4?</p> <p>6 A. It would appear to be, yes.</p> <p>7 Q. And did Oracle provide the AAPs that were</p> <p>8 requested orally at some other point in time?</p> <p>9 A. I believe that the agency has received</p> <p>10 AAPs as part of discovery in the litigation.</p> <p>11 Q. My understanding, though, is there was a</p> <p>12 AAP -- at least one AAP, if not more, were</p> <p>13 requested during the time of the audit. Correct?</p> <p>14 A. I believe so, yes.</p> <p>15 Q. Okay. And your understanding is that</p> <p>16 would have been made -- a request that would have</p> <p>17 been made orally -- may have been made orally by</p> <p>18 some persons on the compliance team, and you've</p> <p>19 identified those who you know were on the team. Is</p> <p>20 that correct?</p> <p>21 A. Yes.</p> <p>22 Q. In response to that oral request by</p> <p>23 someone on the team, did Oracle provide the AAPs</p> <p>24 requested?</p> <p>25 A. Not to my knowledge.</p>

<p style="text-align: right;">Page 25</p> <p>1 Q. And do you know whether or -- what AAPs 2 were actually requested by one of the members on 3 the team orally? 4 A. Not definitively, no. 5 Q. What does that mean, not definitively? 6 A. I mean, I can make assumptions based on 7 knowledge of how we do compliance reviews, but I 8 don't -- because there is nothing in writing, I 9 don't really know that for sure. 10 Q. And when we were talking about writing -- 11 and I think you know this, but let's just be clear. 12 When I say "writing," letter, email, or any written 13 correspondence. 14 A. Yes, I understand. 15 Q. Okay. All right. Let me direct your 16 attention to what we'll have marked as Exhibit 6. 17 (Deposition Exhibit 6 was marked for 18 identification.) 19 BY MR. PARKER: 20 Q. And if you can just let me know when you 21 have finished reviewing this document. 22 A. Okay. 23 Q. Have you seen Exhibit 6 before? 24 A. I don't think so. 25 Q. Okay. Do you know whether or not</p>	<p style="text-align: right;">Page 27</p> <p>1 Let's go to Exhibit 7. 2 MS. GRUNDY: And these attachments are 3 excerpted. 4 MR. PARKER: Exhibit 7, just for the 5 record, is an October 28, 2014, email, and it has 6 HQCA 3 of 4. 7 And just so the record is clear, Exhibit 6 8 is a similarly dated email and it just has HQCA 2 9 of 4. 10 And then -- this is all for the record. 11 You get to read this, but I just want -- this is 12 for your purposes really. 13 The Bates stamp on this document is 4987. 14 It begins with the prefix "ORACLE_HQCA." 15 There are documents that are in native 16 format in this document. The native format begins 17 at 4988 and it goes through 4991. We have not 18 attached all of the pages of the native documents, 19 which is an Excel spreadsheet of various types. 20 Do you have an objection? 21 MS. DAQUIZ: Are you offering as an 22 exhibit to the deposition the need of -- the native 23 file? 24 MR. PARKER: I'm going to ask him if he 25 understands this email is providing documents</p>
<p style="text-align: right;">Page 26</p> <p>1 Exhibit 6 is responsive to the request made in 2 Exhibit 4? 3 A. It appears to be, yes. 4 MR. PARKER: Okay. I'm going to -- just 5 excuse me for a minute. 6 So what Kayla will do for me and for you 7 is if I show an exhibit where I know that we don't 8 have the attachments, she's going to signal to us. 9 Okay? 10 MS. DAQUIZ: Okay. 11 MR. PARKER: What then we'll do is -- you 12 have a choice. Some of them are gigantic. We're 13 going to get to one that is just enormous. We can 14 agree that we don't have to attach it because I 15 don't think there's a dispute, but we can agree 16 that we have to attach it. It's your call. 17 MS. DAQUIZ: Oh, as long as we can 18 identify the document specifically by Bates number, 19 I see no reason to have a dispute about a stack of 20 documents you're not going to ask questions about 21 specifically. 22 MR. PARKER: We'll see what we do. Okay? 23 But I just want to give you that offer and let you 24 know so you don't have to worry that I'm eliding 25 things from documents. Okay?</p>	<p style="text-align: right;">Page 28</p> <p>1 responsive to the Exhibit 4. 2 MS. DAQUIZ: Oh, and that -- and that that 3 would include the data files and other documents 4 that -- 5 MR. PARKER: Correct. 6 MS. DAQUIZ: -- aren't part of the exhibit 7 here? 8 MR. PARKER: Correct. 9 MS. DAQUIZ: That's fine. Thank you. 10 MR. PARKER: And again, it's just so that 11 we don't have a dispute. I don't think there's 12 going -- 13 MS. DAQUIZ: Certainly. 14 MR. PARKER: -- to be a dispute about this 15 kind of stuff. All right. I'm done talking. 16 (Deposition Exhibit 7 was marked for 17 identification.) 18 THE WITNESS: Okay. 19 BY MR. PARKER: 20 Q. Have you seen this document before? 21 A. Personally, no. I wouldn't dispute as the 22 agency that we received it, though. 23 Q. All right, very good. 24 And do you understand that this document 25 is responsive -- providing information responsive</p>

<p style="text-align: right;">Page 29</p> <p>1 to exhibit -- the request made in Exhibit 4? 2 A. It appears to be, yes. 3 Q. Let me show you what we'll mark as 4 Exhibit 8, which is an email from Ms. Harries dated 5 10/28/14, and the subject is "HQCA 4 of 4." 6 MS. GRUNDY: This is an excerpt. 7 MR. PARKER: The Bates stamp number is 8 ORACLE_HQCA_4992. It, too, would have documents 9 that are attached in native format. We have 10 provided at least the cover, but it would be fairly 11 voluminous. 12 And my question will simply be: Do you 13 understand that these are documents that were 14 provided by Ms. Harries in response to the request 15 made in Exhibit 4? 16 (Deposition Exhibit 8 was marked for 17 identification.) 18 THE WITNESS: Yes. I think all of these 19 emails that came on October 28th appear to be 20 responsive to the scheduling letter. 21 BY MR. PARKER: 22 Q. And then I'm going to direct your 23 attention to what we'll have marked as Exhibit 9. 24 (Deposition Exhibit 9 was marked for 25 identification.)</p>	<p style="text-align: right;">Page 31</p> <p>1 in -- in the audit of Oracle HQCA? 2 A. He was the lead compliance officer on the 3 case, I believe. 4 Q. Now, this document, as I read it, appears 5 to request certain data from Oracle. Is that 6 correct? 7 A. Yes. 8 Q. Okay. Do you know whether or not the 9 information requested is -- is what is called a 10 compensation -- a compensation data for 2013? Or I 11 should ask it more openly. 12 What is the information that is requested? 13 A. So -- I mean, the document has what was 14 requested. I would characterize most of this as a 15 database of compensation information, information 16 related to the employees who worked at that 17 establishment and their pay. There are a couple of 18 requests that, you know, you might say are not 19 exactly that. There's the request for human 20 resources manuals and whatnot in 33. There's also 21 a request for self-audits and pay equity studies in 22 34. 23 Q. If you could just give me a second, I've 24 already misplaced -- ah. I have it. 25 If you go back to Exhibit 2.</p>
<p style="text-align: right;">Page 30</p> <p>1 BY MR. PARKER: 2 Q. And Exhibit 9 is a letter dated 3 November 19, 2014, addressed to Shauna 4 Holman-Harries, and it's from -- it appears to be 5 signed by Hoan Luong, which I have mispronounced 6 terribly. 7 But my question you to will be, have you 8 seen this document? 9 A. I have. 10 Q. And can you please pronounce the person 11 whose name -- the name of the person who signed it 12 so I don't have to embarrass myself again? 13 A. I believe his first name is pronounced 14 Hoan. I do not know how to say the last one. My 15 guess is Luong. 16 Q. And when you were referencing the person 17 named Hoan who might have made a request for the 18 AAP orally, you were referring to this gentleman. 19 A. I was. 20 Q. And the first name is spelled H-O-A-N. 21 A. Correct. 22 Q. Very good. Great. I had W -- I had 23 J-U-A-N, and I was wondering why I had never heard 24 that name before. 25 Do you know what Mr. Luong's role was</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Okay. 2 Q. Is the information requested in Exhibit 9 3 fairly called compensation data for 2013? 4 A. No. I believe this was the request for 5 compensation data for 2014. 6 Q. Okay. And it's not -- is it -- would it 7 be -- is it fair or not to characterize it as data 8 showing personnel actions providing job and salary 9 information, such as starting job title, starting 10 salary, and wage increases for employees? 11 A. I don't believe so, no. 12 Q. Okay. And we -- you wouldn't call it 13 analysis of Oracle's total employment process, 14 would you? 15 MS. DAQUIZ: So you're making reference to 16 page 13 of Exhibit 2, the complaint? 17 MR. PARKER: I am. I'm just trying to -- 18 because I want to just get all these -- 19 MS. DAQUIZ: Certainly. I just wanted to 20 direct the witness to the right place. You -- 21 BY MR. PARKER: 22 Q. I'm at Exhibit 2. 23 A. Right. 24 Q. And paragraph 44. 25 A. Right.</p>

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1 Q. So I asked you about Item (a), which is --
 2 I literally read from Item (a), and it said,
 3 "compensation data for 2013." You answered that.
 4 Correct?
 5 A. What's in Exhibit 9 looks like a request
 6 for 2014 data.
 7 Q. Right. I'm not asking you to repeat your
 8 answers at all.
 9 A. Yeah.
 10 Q. I'm just trying to tell you where I was so
 11 that if you do want to change your answer, you are
 12 certainly free to do so.
 13 So then I asked you -- I read to you
 14 paragraph (c), and you answered that question.
 15 Just tell me when you're done reading paragraph
 16 (c), and we can go from there.
 17 A. It does not appear that Exhibit 9 has a
 18 request for starting job titles, starting salary,
 19 or wage increases.
 20 Q. Okay. And now I'm going to move to
 21 paragraph 45, just so you can understand where I'm
 22 going -- what I am referencing.
 23 Is -- does Exhibit 9 request a detailed
 24 analysis of compensation structure?
 25 A. It could be interpreted that way to the

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1 extent that it asks for self-audit and pay equity
 2 studies and salary surveys.
 3 Q. Okay. Let's turn to what we'll mark as
 4 Exhibit 10.
 5 And while we're doing that, I did not tell
 6 you this, but I should tell you this out of
 7 courtesy. Any time you need to take a break, feel
 8 free to say so.
 9 A. Sounds good.
 10 Q. The only time I might get fussy is if I'm
 11 in the middle -- there's a question pending.
 12 A. I understand.
 13 Q. I won't get fussy -- and I know you won't
 14 abuse this -- if you say you need to talk about an
 15 attorney-client privilege issue in order to respond
 16 to a question.
 17 A. Okay.
 18 Q. Does that make sense to you?
 19 A. It does.
 20 Q. Okay.
 21 (Deposition Exhibit 10 was marked for
 22 identification.)
 23 BY MR. PARKER:
 24 Q. Exhibit 10 is a email from
 25 Ms. Holman-Harries to Mr. Luong as well as others,

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1 dated December 11, 2014. It is Bates stamped
 2 ORACLE_HQCA_296. There are attachments in native
 3 where we have not provided the full attachment with
 4 this exhibit, and we can if you need to in order to
 5 answer the question.
 6 MS. DAQUIZ: And to be clear for the
 7 record, when we're referring to the native files,
 8 we're not entering those in the exhibits. We're
 9 just entering the physical document that you've
 10 presented --
 11 MR. PARKER: Correct.
 12 MS. DAQUIZ: -- and marked today.
 13 MR. PARKER: Unless and until there's an
 14 objection.
 15 MS. DAQUIZ: Certainly.
 16 THE WITNESS: Okay. I've had a chance to
 17 take a look.
 18 BY MR. PARKER:
 19 Q. Very good. Have you seen this document
 20 before?
 21 A. I don't know for sure.
 22 Q. Okay. Let me go to the second-to-last
 23 page. It's Bates stamped 297.
 24 A. Okay.
 25 Q. And it appears to be the first email of

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1 the string. Do you see that?
 2 And it says it's from Mr. Luong to
 3 Ms. Holman-Harries. Do you see that?
 4 A. Yes.
 5 Q. And it says:
 6 "Dear Ms. Holman-Harries,
 7 "The Office of Federal Contract
 8 Compliance Programs (OFCCP) is currently
 9 reviewing affirmative action plan that you
 10 submitted to the OFCCP on October 28th,
 11 2014."
 12 Do you see that?
 13 A. I do.
 14 Q. Do you know whether or not there was an
 15 evaluation that was completed and then the results
 16 of that evaluation were communicated to Oracle?
 17 A. Can you break that down for me?
 18 Q. I'm sorry. Do you know whether or not --
 19 let's do it in two steps.
 20 Do you know whether or not that review
 21 referenced in the November 19, 2014, email was
 22 completed by OFCCP?
 23 A. I believe the review was still ongoing at
 24 that time.
 25 Q. Okay. Do you recall whether it was ever

<p style="text-align: right;">Page 37</p> <p>1 completed?</p> <p>2 A. At some point the compliance review was</p> <p>3 completed, yes.</p> <p>4 Q. Okay. I'm just -- I understand that. Let</p> <p>5 me just break it -- let me just focus on the</p> <p>6 affirmative action plan that's referenced in this</p> <p>7 email.</p> <p>8 Do you know whether a review of that</p> <p>9 affirmative action plan was completed?</p> <p>10 A. I do not know if they had completed the</p> <p>11 desk audit on the affirmative action components as</p> <p>12 of that date.</p> <p>13 Q. How about on any date?</p> <p>14 A. I believe they did, yeah.</p> <p>15 Q. Okay. Do you know whether the results of</p> <p>16 that review were communicated to Oracle?</p> <p>17 MS. DAQUIZ: Objection. Outside of the</p> <p>18 scope of the 30(b)(6). But ...</p> <p>19 THE WITNESS: I don't know. I know that</p> <p>20 there was a Notice of Violations issued.</p> <p>21 BY MR. PARKER:</p> <p>22 Q. Prior to the Notice of Violation, do you</p> <p>23 know whether there was any communication regarding</p> <p>24 the results of that -- the review of the</p> <p>25 affirmative action plan that's referenced in</p>	<p style="text-align: right;">Page 39</p> <p>1 Exhibit 9, which is the November 19, 2014, letter</p> <p>2 from Mr. Luong?</p> <p>3 MS. DAQUIZ: Objection to the extent that</p> <p>4 it calls for speculation that the communication</p> <p>5 came from Oracle's employee, Shauna Holman-Harries,</p> <p>6 to OFCCP.</p> <p>7 THE WITNESS: I don't think it's entirely</p> <p>8 clear what this is responsive to from the email</p> <p>9 itself, so I can't say for sure.</p> <p>10 BY MR. PARKER:</p> <p>11 Q. Okay. And as -- as -- OFCCP, who has</p> <p>12 requested the information, do you know whether or</p> <p>13 not the information is responsive to the</p> <p>14 information requested in Exhibit 9, or is it</p> <p>15 responsive to the information requested in</p> <p>16 Exhibit 4? Or it could be both. I don't know.</p> <p>17 A. So I think if we were to dig down and look</p> <p>18 at what was attached, we could probably figuring</p> <p>19 out what it was responsive to. I don't think that</p> <p>20 the agency would dispute that we received the</p> <p>21 documents that are attached to any of this.</p> <p>22 Q. Okay. And then Exhibit-- let's look at</p> <p>23 what we'll mark as Exhibit 11.</p> <p>24 (Deposition Exhibit 11 was marked for</p> <p>25 identification.)</p>
<p style="text-align: right;">Page 38</p> <p>1 Exhibit 10?</p> <p>2 MS. DAQUIZ: Objection. Outside of the</p> <p>3 scope of the 30(b)(6) topics.</p> <p>4 THE WITNESS: And the -- the reason I</p> <p>5 hesitate with this is I'm not really sure what you</p> <p>6 mean by the review of the affirmative action</p> <p>7 program, or plan.</p> <p>8 BY MR. PARKER:</p> <p>9 Q. All right.</p> <p>10 A. Nor do I know exactly what Hoan was</p> <p>11 referring to in that email.</p> <p>12 Q. So you just don't know the answer to the</p> <p>13 question one way or the other.</p> <p>14 A. I don't.</p> <p>15 Q. Is that fair? Okay.</p> <p>16 All right. Do you understand that as part</p> <p>17 of Exhibit 10 -- and I'm referencing now the very</p> <p>18 first email -- that Ms. Holman-Harries was</p> <p>19 providing compensation information to Mr. Luong?</p> <p>20 A. That's what it looks like, yes.</p> <p>21 Q. And do you know -- and maybe you don't; I</p> <p>22 don't know -- do you know if this is a response --</p> <p>23 the information provided is a response to</p> <p>24 Exhibit 4, which is a September 24th, 2014, letter</p> <p>25 that we talked about, or if it's a response to</p>	<p style="text-align: right;">Page 40</p> <p>1 BY MR. PARKER:</p> <p>2 Q. And Exhibit 11 is a email that is</p> <p>3 addressed from -- or from Shauna Holman-Harries to</p> <p>4 Mr. Luong, dated -- the top one is dated</p> <p>5 December 15th, 2014. It has Oracle Bates stamp --</p> <p>6 it has the Bates stamp number ORACLE_HQCA_300.</p> <p>7 A. Okay.</p> <p>8 Q. And have you seen this document before?</p> <p>9 A. Not for sure, no.</p> <p>10 Q. This is -- you have no reason to dispute</p> <p>11 that this is additional information provided by</p> <p>12 Ms. Harries to Mr. Luong in response to requests</p> <p>13 for information from OFCCP. Correct?</p> <p>14 A. I don't have any reason to think</p> <p>15 otherwise. I think that anything that you put in</p> <p>16 front of me that says that it came from Shauna</p> <p>17 Holman-Harries and is addressed to somebody at the</p> <p>18 OFCCP with attachments and it's got a Bates number</p> <p>19 on it, there's not going to be a dispute from the</p> <p>20 agency that we received those.</p> <p>21 Q. Okay. I appreciate it. I think for</p> <p>22 form's sake we're going to just keep going, and you</p> <p>23 can say that all you want --</p> <p>24 A. Making it easier on everybody here is all</p> <p>25 I'm trying to do.</p>

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1 **Q. Could I go back to Exhibit 4 for a moment,**
 2 **please?**
 3 MS. DAQUIZ: The second amended complaint?
 4 MR. PARKER: No. That would be the
 5 September 2014 letter.
 6 MS. DAQUIZ: Thank you.
 7 BY MR. PARKER:
 8 **Q. And I didn't do this the first time, but**
 9 **let me -- and -- I have two different sets of**
 10 **questions, but let's just start with this set.**
 11 **Is any of the information that is**
 12 **requested in Exhibit 4 would you call, as a factual**
 13 **matter, a -- compensation data for 2013?**
 14 A. No.
 15 **Q. Okay. Would OFCCP call it data showing**
 16 **personnel actions providing job and salary**
 17 **information?**
 18 **And I'm referencing now -- just so it's**
 19 **very clear, I am referencing the allegations in the**
 20 **second amended complaint.**
 21 A. So when you're looking at 44(c) in the
 22 amended complaint, and you're talking about
 23 starting job title, starting salary, and wage
 24 increases, those are not included in our scheduling
 25 letters.

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1 **Q. Would you call it an analysis of Oracle's**
 2 **total employment process?**
 3 A. To the extent, yes, that the AAP is
 4 supposed to include those analyses and include
 5 Oracle's problem identification areas and their
 6 actions taken as a consequence of the self-analyses
 7 and the internal auditing that's in 2.17 of the
 8 regulations, then yes, it does request that when it
 9 asks for the AAP.
 10 **Q. Okay. I am curious about something -- I'm**
 11 **sorry.**
 12 **And then is -- does it -- is it a request**
 13 **for detailed analysis of compensation structure?**
 14 A. Under 45, the paragraph of the amended
 15 complaint?
 16 **Q. I'm reading from that, yes.**
 17 A. Yeah. I mean, I think to the extent, like
 18 I just said, that Oracle has an obligation under
 19 2.17(b) through (d) to do those kinds of analyses,
 20 and that's part of the affirmative action plans,
 21 then yes, it is requested as part of the scheduling
 22 letter.
 23 **Q. Now, I'm going to ask you a question. I'm**
 24 **not calling for a legal conclusion at all. I don't**
 25 **want some legal thought from you in any way, shape,**

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1 or form.
 2 I'm wondering what the differences -- what
 3 is the difference, if any, between -- and I'll just
 4 read the words so it's -- an "analysis of Oracle's
 5 total employment process" -- and I'm reading from
 6 paragraph 44(d) -- and an "analysis of compensation
 7 structure."
 8 Are those -- when OFCCP uses those words,
 9 are they referring to the same thing or something
 10 different?
 11 A. In the -- are you -- let me make sure I
 12 understand.
 13 **Q. Sure.**
 14 A. Are you asking what was intended in the
 15 complaint when those --
 16 **Q. Absolutely not.**
 17 A. -- were alleged differently?
 18 **Q. I'm not. I don't want you to answer me**
 19 **with what was intended in the complaint.**
 20 A. Okay.
 21 **Q. The words "analysis of compensation**
 22 **structure," does that have specific factual meaning**
 23 **from OFCCP?**
 24 A. I don't know that I totally understand
 25 where you're going.

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1 **Q. Sure. If --**
 2 A. Or what you're trying to ask me.
 3 **Q. If OFCCP asks for an analysis of**
 4 **compensation structure --**
 5 A. Uh-huh.
 6 **Q. -- what is it looking for as a factual**
 7 **matter?**
 8 I'm using the words out of the
 9 complaint --
 10 A. Right.
 11 **Q. -- but I'm not asking you to interpret the**
 12 **words of the complaint for me.**
 13 A. So I think that, you know, you have to
 14 look at the analysis of compensation structure
 15 conducted pursuant to 41 C.F.R. 2.17(b) through
 16 "d." Right?
 17 **Q. Correct.**
 18 A. And so to the extent that that
 19 references -- is also referenced in 44(d),
 20 employment processes as required by 41 C.F.R. 2.17,
 21 those two things could be overlapped and the same,
 22 yes.
 23 **Q. That was my question.**
 24 **Is there -- they could be overlapped.**
 25 **Could -- as a factual matter, would there be any**

<p style="text-align: right;">Page 45</p> <p>1 difference?</p> <p>2 A. I don't know that there would be.</p> <p>3 Q. Okay. When -- now, a cleanup question.</p> <p>4 Again, I want to go back to the AAP, and I'm going</p> <p>5 to state some things. If I'm wrong, you tell me</p> <p>6 I'm wrong. I am not intending to misstate your</p> <p>7 testimony at all. Okay?</p> <p>8 A. Okay.</p> <p>9 Q. But we talked about during the audit</p> <p>10 period someone on the compliance team -- and you</p> <p>11 identified a list of names -- made an oral request</p> <p>12 for at least one but more than one AAP. Correct?</p> <p>13 A. I believe that there was an oral request</p> <p>14 made for additional AAPs than what was originally</p> <p>15 produced.</p> <p>16 Q. What was Oracle's -- who -- and I don't</p> <p>17 know -- I didn't ask you, who was the request made</p> <p>18 of, do you know?</p> <p>19 A. I don't.</p> <p>20 Q. Okay. Do you know what the response was</p> <p>21 from -- from whomever at Oracle -- strike that.</p> <p>22 Do you know the response -- the request</p> <p>23 was made to someone at Oracle, I assume. Correct?</p> <p>24 A. That's a fair assumption, yes.</p> <p>25 Q. Do you know who?</p>	<p style="text-align: right;">Page 47</p> <p>1 additional AAP information.</p> <p>2 Q. And when you say this -- after the NOV,</p> <p>3 after at least the first amended complaint was</p> <p>4 filed. Correct?</p> <p>5 I'm trying to frame out what you mean by</p> <p>6 "this litigation."</p> <p>7 A. Yeah. So when I'm talking about the</p> <p>8 litigation, I'm thinking of, you know, post NOV</p> <p>9 filing the actual complaint by the solicitor's</p> <p>10 office.</p> <p>11 Q. Okay. Let me direct your attention to</p> <p>12 what we'll have marked as Exhibit 12.</p> <p>13 (Deposition Exhibit 12 was marked for</p> <p>14 identification.)</p> <p>15 BY MR. PARKER:</p> <p>16 Q. And Exhibit 12 is a email from Minh-Chi</p> <p>17 Yeh to Shauna Holman-Harries, and it has a cc to</p> <p>18 Brian Mikel.</p> <p>19 It's dated January 22, 2015, and it's</p> <p>20 Bates stamped DOL1350.</p> <p>21 Have you seen this document before?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And who is Minh-Chi Yeh?</p> <p>24 A. She was a compliance officer, I believe,</p> <p>25 in Hawaii.</p>
<p style="text-align: right;">Page 46</p> <p>1 A. I don't.</p> <p>2 Q. Do you know what that person said in</p> <p>3 response?</p> <p>4 A. I don't.</p> <p>5 Q. Okay. Do you know if that person said,</p> <p>6 "I'm not going to provide this information"?</p> <p>7 A. I do not know what the response was.</p> <p>8 Q. Do you know if there was any follow-up?</p> <p>9 In other words, request made, no AAP received, and</p> <p>10 then request made again?</p> <p>11 A. In the documents I reviewed, there's</p> <p>12 nothing that would allow me to know for sure how</p> <p>13 many times we might have asked for an additional</p> <p>14 AAP.</p> <p>15 Q. And you don't know -- you can't answer</p> <p>16 that question based on the preparation you did for</p> <p>17 today's deposition. Correct?</p> <p>18 A. That's correct. I would say that my</p> <p>19 understanding is that additional AAPs were</p> <p>20 requested as part of the litigation. So in terms</p> <p>21 of time frame, I don't know when things were</p> <p>22 requested during the compliance review process,</p> <p>23 because there's nothing in writing that I could</p> <p>24 find on that. But I believe that during the actual</p> <p>25 litigation, that there was a request made for</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. And I assume she was involved in some way</p> <p>2 with the audit that led to this email.</p> <p>3 A. That is a safe assumption, yes.</p> <p>4 Q. Okay. And Brian Mikel, who was he?</p> <p>5 A. He was the area director for our Hawaii</p> <p>6 office, I believe, at the time.</p> <p>7 Q. And was he involved in the audit as well?</p> <p>8 A. Yes.</p> <p>9 Q. And who is Robert Doles?</p> <p>10 A. Robert Doles worked for OFCCP in a couple</p> <p>11 different capacities.</p> <p>12 Q. And was he involved in the audit?</p> <p>13 A. Yes.</p> <p>14 Q. What was -- you -- I think you referenced</p> <p>15 that Mr. Luong was -- well, let's do it this way.</p> <p>16 In the audit, what was the role that</p> <p>17 Mr. Luong played?</p> <p>18 MS. DAQUIZ: Objection. Outside the scope</p> <p>19 of the 30(b)(6).</p> <p>20 THE WITNESS: I believe that Hoan was the</p> <p>21 lead compliance officer for the headquarters</p> <p>22 review.</p> <p>23 BY MR. PARKER:</p> <p>24 Q. And what about Ms. Atkins?</p> <p>25 A. Again, she, I believe, played different</p>

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1 roles at different times. She, obviously, signed
 2 the scheduling letter. There is some
 3 correspondence later.
 4 Her role changed at different times in the
 5 period, so I'm not sure exactly what she did where.
 6 **Q. And what about Mr. Doles? What was his**
 7 **role?**
 8 A. He I know sent some correspondence later
 9 in the review period. I don't know how involved he
 10 was at the beginning.
 11 **Q. And it's fair to say you don't know**
 12 **precisely what his role was. Is that accurate?**
 13 A. I mean, the agency -- I could figure out
 14 what role those people played if I needed to. It
 15 didn't seem like it was something that -- in terms
 16 of the two topics that were noticed, in terms of
 17 what was and wasn't produced, that that was
 18 something I was going to have to know, so I can't
 19 tell you for sure, you know, what role they played
 20 at what time.
 21 **Q. So let me be fair to you. If I think it's**
 22 **something that's squarely in the topic, I'll get**
 23 **fussy if you say "I don't know." Or I'll accept**
 24 **it, because that's just as good an answer as any to**
 25 **me.**

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1 A. Right.
 2 **Q. The reason I'm asking you is so I don't --**
 3 **we're going to run across these different names,**
 4 **and so it is useful framework, perhaps. But if you**
 5 **don't know, it's fine. You just don't know.**
 6 A. Right. So the specific roles, no, I don't
 7 know.
 8 **Q. Okay. And what about Brian Mikel? Do you**
 9 **know what specific role he played?**
 10 A. Well, he was the area director in Hawaii.
 11 So as an area director, he oversees compliance
 12 reviews for that region or area. And he's also
 13 apparently on a lot of these correspondence.
 14 **Q. And what about Jane Suhr? What was her**
 15 **role?**
 16 A. Jane at that time was the deputy director.
 17 The regional director, deputy regional director.
 18 **Q. Did she have an active role -- did she**
 19 **have a role in the audit as you understand?**
 20 A. My understanding of what Jane's role was
 21 is sort of at a higher level. She was part of the
 22 onsite team.
 23 **Q. All right. Let's go back to Exhibit 12.**
 24 **And do you understand this to be a request for**
 25 **additional documents or information from Oracle**

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1 **that was connected to the audit of HQCA? Connected**
 2 **to, related to.**
 3 A. So this is where -- it's a request for
 4 information. It doesn't say which audit it is for,
 5 but because it's in this file, I would assume that
 6 it was for the HQ review.
 7 **Q. Do you know whether or not -- and again,**
 8 **I'm going back to Exhibit 2 -- whether or not this**
 9 **information -- the information requested would**
 10 **fairly be called compensation data for 2013?**
 11 A. It -- I mean, the document says what it
 12 says, but it doesn't look like it's any request for
 13 2013.
 14 **Q. Okay. And is it a request for data**
 15 **showing personnel actions providing job and salary**
 16 **information?**
 17 MS. DAQUIZ: And again, objection to the
 18 extent that the document speaks for itself.
 19 THE WITNESS: I am not seeing anything
 20 that asks for personnel actions. There is some
 21 requests in here that relate to sort of
 22 compensation, which could be salary information.
 23 BY MR. PARKER:
 24 **Q. And as you understand this request from**
 25 **OFCCP, is it a request for an analysis of Oracle's**

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1 **total employment process?**
 2 A. I'm not seeing that in the document.
 3 **Q. Okay. Let's go to what we'll mark as**
 4 **Exhibit 13. Oh, I'm sorry. Exhibit -- Tab 11.**
 5 **I'm sorry, we're not -- we won't -- let's not --**
 6 **strike that.**
 7 **I'm going to look at Tab 12 for a moment.**
 8 **All right. We'll mark as Exhibit 13 this document.**
 9 (Deposition Exhibit 13 was marked for
 10 identification.)
 11 BY MR. PARKER:
 12 **Q. And while you're looking, I'll just take**
 13 **care of one -- Exhibit 13 begins with an email from**
 14 **Brian Mikel to Shauna Holman-Harries. It's dated**
 15 **February 9, 2015. It begins with Bates stamp**
 16 **ORACLE_HQCA_414.**
 17 A. Okay.
 18 **Q. Have you seen this document before?**
 19 A. I've seen this correspondence, yes.
 20 **Q. Okay, very good. And then it begins -- it**
 21 **appears on the bottom of the very first page, 414,**
 22 **an email from Brian Mikel to Shauna Holman-Harries**
 23 **of -- dated February 6, 2015, and it's cc'd to a**
 24 **number of people, and its subject is "Oracle**
 25 **Compensation Dataset Request."**

<p>1 Do you see that? Page 53</p> <p>2 A. Yes.</p> <p>3 Q. And do you understand from OFCCP's</p> <p>4 perspective that this is a request for data and</p> <p>5 information from Oracle relating to the HQCA audit?</p> <p>6 A. Yes.</p> <p>7 Q. Is the information requested compensation</p> <p>8 data for 2013?</p> <p>9 A. I believe this is still talking about the</p> <p>10 2014 compensation database.</p> <p>11 Q. Okay. And does it -- is this request for</p> <p>12 data showing personnel actions, providing job and</p> <p>13 salary information?</p> <p>14 A. To the extent that these things are asking</p> <p>15 for salary, yes. If there's -- I mean, if</p> <p>16 there's -- I can go through this one by one, and</p> <p>17 it's going to take a long time if we do it that</p> <p>18 way.</p> <p>19 But, I mean, if it says that -- anything</p> <p>20 about, you know, personnel actions, then yes, it</p> <p>21 would. It appears to be more compensation related.</p> <p>22 Q. The reason I'm asking -- and I might have</p> <p>23 to have you do that; I don't know -- is I need to</p> <p>24 understand whether or not this email would have</p> <p>25 requested information that Oracle failed or refused</p>	<p>1 A. Yeah, I mean, I think that -- I think if I Page 55</p> <p>2 start going down this -- this list of items that</p> <p>3 are part of the spreadsheet, I'm pretty sure that</p> <p>4 we got name and employee ID number, gender, race,</p> <p>5 those -- a lot of this stuff we received.</p> <p>6 And, I mean, I don't believe we ever got</p> <p>7 education. I don't believe we ever got -- and I</p> <p>8 don't know if this shifted anywhere along the way.</p> <p>9 I mean, the -- I would say that probably</p> <p>10 the best summary of what the agency believed it did</p> <p>11 not receive is in that letter from Robert Doles in</p> <p>12 November of 2015, I believe.</p> <p>13 Q. And my question to you -- you -- for</p> <p>14 example, you said you didn't get education.</p> <p>15 Do you know if Oracle -- do you know why</p> <p>16 Oracle -- did Oracle ever explain to OFCCP, for</p> <p>17 example, why it didn't provide information relating</p> <p>18 to education?</p> <p>19 A. I believe there is some correspondence</p> <p>20 where Oracle talks about why it wasn't providing</p> <p>21 education.</p> <p>22 Q. Why don't we take a break. I'm going to</p> <p>23 see if we can do it this way. I wondered if it was</p> <p>24 going to be more efficient. I will bring out that</p> <p>25 Doles letter --</p>
<p>1 to produce. Page 54</p> <p>2 And as I understand it, there are three</p> <p>3 items at issue under paragraph 44. And so I can</p> <p>4 ask the question that way if you would like, which</p> <p>5 is, is this document requesting information that</p> <p>6 Oracle -- I'll break it up -- failed to produce?</p> <p>7 And my next question will be, is it</p> <p>8 requesting information that Oracle refused to</p> <p>9 produce, but right now before you is just "failed."</p> <p>10 A. I believe -- so my understanding of what</p> <p>11 the agency believes was not produced ultimately --</p> <p>12 because there were a lot of requests that went back</p> <p>13 and forth over time -- is encapsulated in a later</p> <p>14 correspondence, I believe, from Mr. Doles. Fall of</p> <p>15 2015, I believe he sent a letter that said, these</p> <p>16 items are still outstanding.</p> <p>17 And so those are the items that I</p> <p>18 understand the agency felt were not produced as</p> <p>19 part of the compliance review process. Some of</p> <p>20 those things may be certain elements of what's</p> <p>21 encompassed here.</p> <p>22 Q. Okay. Let's try it this way, then.</p> <p>23 So right now as you read this, you don't</p> <p>24 know one way or the other whether it is? And I'm</p> <p>25 not -- you're just --</p>	<p>1 A. Okay. Page 56</p> <p>2 Q. -- we'll walk through that, and we'll see</p> <p>3 where we go. But it may be that we end up doing it</p> <p>4 the way --</p> <p>5 A. Yeah, I'm just trying to help out here and</p> <p>6 make it sort of easier, because it's going to be</p> <p>7 hard if we go through each one of these, because, I</p> <p>8 mean, I looked at them, and the agency -- those</p> <p>9 records certainly speak for themselves, and I think</p> <p>10 that, you know, from the agency's perspective, I</p> <p>11 can review those documents, and I can say, yes,</p> <p>12 this is what they asked for, or yes, this is what</p> <p>13 was produced.</p> <p>14 But in terms of what was missing, I do</p> <p>15 think that that Doles letter is probably the best.</p> <p>16 MR. PARKER: Let's see what we can do.</p> <p>17 THE WITNESS: Okay. Sounds good.</p> <p>18 MR. PARKER: Let's take a 10-minute break?</p> <p>19 THE VIDEO OPERATOR: The time is 10:36.</p> <p>20 We're going off the record.</p> <p>21 (Recess from 10:36 A.M. to 10:45 A.M.)</p> <p>22 THE VIDEO OPERATOR: The time is 10:45.</p> <p>23 We're back on the record.</p> <p>24 BY MR. PARKER:</p> <p>25 Q. We'll have this marked as Exhibit 14. And</p>

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1 I'm going to take you up on your suggestion that we
 2 start with Mr. Doles' letter. Depending on your
 3 answer, this could go much quicker than I
 4 anticipated.
 5 A. Okay.
 6 Q. But I won't tip you which answer is the
 7 way to go, because --
 8 A. Fair enough.
 9 Q. -- that would be unfair.
 10 (Deposition Exhibit 14 was marked for
 11 identification.)
 12 BY MR. PARKER:
 13 Q. Let me -- in front of you now is
 14 Exhibit 14, which is a November 2, 2015, letter
 15 from Mr. Doles to Shauna Holman-Harries. And I
 16 believe this is the letter you referenced before we
 17 took the break.
 18 A. Yes.
 19 Q. Okay. And you've seen this letter before.
 20 A. I have.
 21 Q. All right. Now, here's the question. Now
 22 I'll tip my hand. Here's the question that may
 23 shorten things up or may not.
 24 A. Okay.
 25 Q. Does this letter reflect the items that

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1 OFCCP believes, as a factual matter, that Oracle
 2 either failed or refused to produce?
 3 MS. DAQUIZ: Objection. Vague as to time.
 4 Are we talking about November 2, 2015, as of the
 5 date of the letter?
 6 THE WITNESS: Say it for me one more time.
 7 BY MR. PARKER:
 8 Q. Absolutely. So that we're quite clear,
 9 then --
 10 A. Yeah.
 11 Q. -- I want to reference Exhibit 2. There
 12 are items identified in Exhibit 2, paragraphs 44 --
 13 A. Yes --
 14 Q. -- 45, and 47.
 15 Does this -- does Exhibit 14 identify
 16 those same items?
 17 A. There may be more items in this than even
 18 are referenced in the complaint, but certainly the
 19 things in the complaint are contained in this
 20 letter.
 21 Q. Very good. Is there anything else that
 22 OFCCP believes as a factual matter were requested
 23 that Oracle failed to produce?
 24 A. Not that is -- oh, sorry.
 25 THE VIDEO OPERATOR: You can try putting

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1 it on the jacket. Sometimes ties are very slick.
 2 THE WITNESS: Okay. Now I lost --
 3 MR. PARKER: I'll repeat the question.
 4 Q. Is there anything else outside of
 5 Exhibit 14 that OFCCP believes, as a factual
 6 matter, were requested that Oracle failed to
 7 produce?
 8 A. There may be other items that we requested
 9 that were not produced. However, the things that I
 10 think are at issue in the litigation that the
 11 agency felt were important are contained in this
 12 letter.
 13 Q. Is there anything outside -- anything else
 14 outside of Exhibit 14 that OFCCP -- OFCCP believes,
 15 as a factual matter, were requested that Oracle
 16 refused to produce?
 17 A. I feel like that's the same question, but
 18 I don't -- could you say it again for me, please?
 19 Q. That's fine. I'll just note the only
 20 difference is I used the word "refused" in that
 21 question I just asked, and the prior asked question
 22 was "failed."
 23 A. Okay.
 24 Q. I can repeat the question, but the
 25 difference is this. You just answered about

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1 failed, and now I'm asking, are there any documents
 2 or any information that is not reflected in
 3 Exhibit 14 that Oracle was -- that OFCCP requested
 4 that Oracle refused to produce?
 5 A. Not that I'm aware of that there were
 6 things outside of this.
 7 Q. All right. So let's go through -- I just
 8 lost the --
 9 So the first item referenced in the -- in
 10 this document, Exhibit 14, is an internal pay
 11 equity analysis.
 12 Do you see that?
 13 A. I do.
 14 Q. Great. Is the -- is that another way in
 15 which Oracle -- I mean OFCCP would describe what is
 16 referenced in Item (d) under paragraph 44, which is
 17 analysis of Oracle's total employment process?
 18 A. So it's a subset of what's required by
 19 (d).
 20 Q. Very good. Are there any other aspects of
 21 (d) that were not provided other than the pay
 22 equity analysis?
 23 A. So the short answer is, I'm not sure. And
 24 the reason is that (d) talks about personnel
 25 activities and recruitment procedures, and, because

<p style="text-align: right;">Page 61</p> <p>1 I knew that those aspects of this case had been 2 dismissed like you all discussed earlier, I didn't 3 really prep the hiring part and recruitment part. 4 Q. Okay. Let me do this. If Exhibit 14 5 represents the items that OFCCP believes were not 6 provided, refused or failed to be provided by 7 Oracle, could you go through all of the items on 8 Exhibit 14 and tell me which of them fall within 9 what OFCCP would call the analysis of Oracle's 10 total employment process? 11 A. Okay. So the internal pay equity 12 analyses, Number 1 in the letter, would fall under 13 total employment processes under 2.17. 14 The compensation database itself is simply 15 data. Right? Same thing with -- 16 Q. So it would not. 17 A. It would not fall under the total -- the 18 2.17 requirements. 19 Q. Right. 20 A. Number 3 is that 2013 data which is part 21 (a) of paragraph 44 in the amended claimant. 22 Number 4, personnel actions, that would be 23 44(c) in the amended complaint. 24 Applicant flow database, I think that's 25 going to be the stuff that's covered by the hiring</p>	<p style="text-align: right;">Page 63</p> <p>1 directly compensation data. It -- I don't see the 2 employee contact information falling directly under 3 the paragraphs of 44. 4 Internal and external complaints. I mean, 5 to the extent that the total -- like reviewing your 6 total processes, not just including compensation, 7 but just providing equal employment opportunity for 8 people, those internal and external complaints 9 could be relevant to an analysis of their total 10 employment processes, I think. 11 Q. Okay. 12 A. The non-redacted personnel files, my 13 understanding is we received personnel files. They 14 were just redacted to take out any sort of contact 15 information which would allow the agency to sort of 16 reach out and follow up in the investigation with 17 those folks. 18 And I believe that's all there is in the 19 letter. 20 Q. So let's start -- and I'm going to walk 21 through it just so that we're clear. And again, my 22 hope is that we can streamline things down. I'm 23 not saying that -- 24 A. Yeah. 25 Q. -- as a carrot or a stick. I just want to</p>
<p style="text-align: right;">Page 62</p> <p>1 claims that my understanding are -- have been 2 dismissed, or settled. 3 Same thing with Number 6. You're talking 4 applicant flow information. 5 The LCAs in Number 7 would not constitute 6 analyses of total employment processes under 2.17. 7 They may fall under something else, but they 8 wouldn't be under (d). 9 Q. Do you know if they do fall under anything 10 else? 11 A. I believe -- I mean, the LCAs include some 12 information, I think, about compensation. So maybe 13 that's related to the compensation piece. 14 Number 8 in the letter, documents for 15 hiring, again, that's part of the hiring case. 16 Résumé files, that's just asking for 17 unredacted. I believe we received -- or wait, 18 sorry. I'm in the wrong spot. I'm thinking of 19 something else. I'm thinking of the personnel 20 records. 21 Number 9, résumé files. That, again, is 22 going to be related to hiring, I believe, unless 23 there's something in those original résumés that 24 talk about prior pay or something like that. 25 Employee contact information wouldn't be</p>	<p style="text-align: right;">Page 64</p> <p>1 tell you my intent. 2 A. I understand. 3 Q. Okay. So Item 1 -- Item 1, internal pay 4 equity, falls within 4(d). Correct? 44(d). 5 A. Yes. 6 Q. It would also fall within the description 7 "analysis of compensation structure" under 45. 8 Correct? 9 A. Correct. 10 Q. Question on the Item 1. There is a 11 statement at the end of paragraph 45. It says -- 12 on page 13, "Moreover, Oracle failed to provide any 13 evidence that it complied with the other 14 requirements of 41 C.F.R. Section 62.17" -- I'm not 15 going to ask you the question about that. But it 16 also says, "or conducted an adverse impact 17 analysis." 18 Do you see that? 19 A. I do. 20 Q. Is the adverse impact analysis, as a 21 factual matter from the perspective of OFCCP, the 22 internal pay equity analysis or something 23 different? 24 A. The adverse impact analysis is typically 25 related to hiring claims.</p>

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1 Q. Okay. All right. Item 2 is a
 2 compensation database snapshot, 1/01/2014.
 3 Do you see that?
 4 A. Sorry. Say that one more time?
 5 Q. Yes. I'm 2 on Exhibit 14 says
 6 "Compensation Database (Snapshot 01/01/2014)."
 7 Do you see that?
 8 A. I do.
 9 Q. Is that a reference to paragraph 44(a) on
 10 Exhibit 2, the compensation data for 2013?
 11 A. No, 'cause this is asking for 2014.
 12 Q. Okay. And does this -- the item reflected
 13 in -- does the request that's reflected in Item 2
 14 on Exhibit 14, does that fall within 44(c) of
 15 Exhibit 2?
 16 A. It could be in the sense that 44(c) is
 17 talking about personnel actions and salary
 18 summaries, right, starting job titles, starting
 19 salary, wage increases. It is asking here about
 20 prior salaries, years of experience, and this is
 21 in -- you know, adding separate columns, so to the
 22 extent that the originally produced columns might
 23 fall under there, I just -- I'm not trying to be
 24 difficult, but I think that theoretically it might
 25 fall under that.

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1 Q. Okay. Item -- next page on Exhibit 14,
 2 Item 3 is a compensation database snapshot,
 3 1/01/2013. Is that Item 44(a) in Exhibit 2?
 4 A. Yes.
 5 Q. And then Item 4 -- employee personnel
 6 actions, you believe that falls under Exhibit --
 7 under paragraph 44(c). Correct?
 8 A. That's the one that's most directly
 9 pertinent to CES.
 10 Q. And then Item 5 you believe relates to
 11 hiring. Correct?
 12 A. Yes.
 13 Q. And Item 6 of Exhibit 14 relates to
 14 applicant -- which is entitled "Applicant Flow
 15 Database," that relates to hiring?
 16 A. Yes.
 17 Q. And then Item 7, labor condition
 18 applications, does that fall within one of the
 19 paragraphs of 44? I mean, either (a), (c), or (d)?
 20 A. I don't think so. Not directly, anyway.
 21 Q. Then Item 8, documents for hiring, relates
 22 to hiring. Correct? I think that's what you
 23 said --
 24 A. Yes. I mean -- yeah. I mean --
 25 Q. I'm just confirming. But if you want to

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1 change it, that's fine.
 2 A. It's documents about hiring and would
 3 appear to be about hiring.
 4 Q. And then Item 9, résumé files, that in
 5 your mind relates to hiring?
 6 A. Primarily, yes. I mean, it could be, you
 7 know, somewhat related to personnel actions, salary
 8 information, to the extent that, you know, those
 9 résumés included information that would dictate
 10 someone's compensation.
 11 Q. And then on Item 10, I believe, which is
 12 employee contact information, I believe you said
 13 it -- I want -- I don't know what exactly you said.
 14 I wrote down here you might have said that it
 15 relates to paragraph 44(a). Is that accurate?
 16 A. I mean, I think that employee contact
 17 information is something that is a first step to
 18 obtain other information. So to the extent -- it's
 19 not directly relevant to somebody's pay; right?
 20 Where they live doesn't necessarily -- well, I
 21 guess theoretically where they live might dictate
 22 some market rates or something like that, but it's
 23 not directly related to pay. But by having that
 24 access to people's contact information, it allows
 25 the agency to look into things that then might be

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1 relevant to the compensation.
 2 Q. So it's related in your mind, then, to the
 3 compensation data for 2013. Is that accurate?
 4 A. It could lead to information that's
 5 relevant to the compensation data for 2013.
 6 Q. Okay. And then Item 11, internal and
 7 external complaints, that in your mind is related
 8 to paragraph 44(d). Correct?
 9 A. Could be, yes.
 10 Q. Now, in -- with regard to Exhibit 14,
 11 Item 1, internal pay equity analysis -- in Tab 25,
 12 I think -- I'm going to mark this as Exhibit 15.
 13 (Deposition Exhibit 15 was marked for
 14 identification.)
 15 BY MR. PARKER:
 16 Q. Is Exhibit 15 --
 17 A. Is this -- oh, I think I got two copies of
 18 it.
 19 Q. Okay. There you go. You can --
 20 A. We're just talking about two pages.
 21 Right?
 22 Q. Twice as much, yes. Exhibit 15 is a
 23 June 2nd email from Shauna Holman-Harries to Hea
 24 Jung Atkins --
 25 A. Yes.

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1 Q. -- with a cc. And I just want to direct
 2 your attention to the last paragraph.
 3 A. Yes.
 4 Q. I'm sorry. Let me do this.
 5 It starts -- first paragraph starts,
 6 "Hello Hea Jung. I'm sending this email in
 7 response to your Request Number 3 in your April 27
 8 letter regarding internal pay equity analysis."
 9 Do you see that?
 10 A. I do.
 11 Q. Do you know whether the reference in
 12 Exhibit 14 relates to the internal pay equity
 13 analysis that's requested on April 27, 2015?
 14 And I'll tell you a hint. It should,
 15 because it actually references that letter.
 16 A. Yeah, it would seem to, yes.
 17 Q. Okay. And then at the very end, it says
 18 in the last paragraph, "With regard to pay audits
 19 to assess legal compliance with Oracle's
 20 nondiscrimination obligations," do you see that?
 21 A. Yes.
 22 Q. Did OFCCP understand the reference to "pay
 23 audits" to mean internal pay equity analyses?
 24 A. Say that again.
 25 Q. Let me ask it this way.

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1 A. Yeah.
 2 Q. Did OFCCP have an understanding -- OFCCP
 3 have an understanding during the period of time it
 4 was requesting documents that -- and information
 5 that Oracle's view was that its internal pay equity
 6 analysis was protected by the attorney-client
 7 privilege?
 8 A. That is what Oracle told us, yes.
 9 Q. And is it your understanding that that is
 10 still Oracle's position?
 11 A. As far as I know, that is still Oracle's
 12 position.
 13 Q. Is there any belief on OFCC -- OFCCP's
 14 part that Oracle's explanation that it believed its
 15 internal pay equity analysis was protected by the
 16 attorney-client privilege was late, tardy, in its
 17 assertion?
 18 A. My understanding is that with respect to
 19 the litigation, it was. I think it's discussed in
 20 our recent motion to compel.
 21 Q. Yeah, I'm not asking -- let me just be
 22 clear. I know there's a motion pending. I'm not
 23 seeking discovery on that.
 24 In the -- during the audit period, is
 25 it -- was the invocation of the attorney-client

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1 privilege late in OFCCP's estimation?
 2 A. Well, to the extent that typically in --
 3 there was no privilege log provided. There was no
 4 indication of when the analyses -- these -- the
 5 assertion that there were privileged analyses done
 6 was made, but it was never clear to the agency when
 7 those were done, who did them. You know, all the
 8 things that would normally go into a privilege log,
 9 we didn't have any of that information.
 10 Q. Okay. But -- and now I just -- I
 11 understand that, and now I just want to focus --
 12 when in the audit process Oracle informed OFCCP
 13 that its internal pay equity analyses were
 14 protected by privilege, was that a tardy assertion
 15 in OFCCP's mind?
 16 A. I mean, I don't know --
 17 MS. DAQUIZ: Objection. It's outside the
 18 scope of the 30(b)(6).
 19 But you can answer.
 20 THE WITNESS: The assertion was made
 21 relatively early in the process. I think the
 22 agency's view would be that -- one, that
 23 assertion -- we can't assess that without the kind
 24 of privilege log. Right?
 25 And two, that the agency's position as

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1 spelled out a lot more in these recent motions to
 2 compel would be that, in fact, self-audit,
 3 self-analyses that are done in compliance to comply
 4 with our regulations, are not protected by
 5 attorney-client privilege.
 6 BY MR. PARKER:
 7 Q. During the audit period, do you know
 8 whether or not OFCCP requested a privilege log?
 9 A. I don't know that.
 10 Q. And let me direct your attention to
 11 Exhibit -- what we'll have marked as Exhibit 16,
 12 which -- got it.
 13 MR. PARKER: Now, this is the mother of
 14 all attachment documents. So we can do it if you
 15 want, but let's just play it by ear.
 16 (Deposition Exhibit 16 was marked for
 17 identification.)
 18 BY MR. PARKER:
 19 Q. And Exhibit 16 is an email from Shauna
 20 Harries to Mr. Luong and then cc'd to others dated
 21 October 29th, 2015, and its subject is "HQCA 1 of
 22 29," and it has attachments.
 23 Have you seen this document before?
 24 A. The cover email, yes.
 25 Q. Okay. And then Item 1 on this email

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1 refers to internal pay equity analysis conducted
 2 during the past three years.
 3 Do you see that?
 4 A. Yes.
 5 Q. And then there's a response, which is, "We
 6 have responded previously," and then it ends with,
 7 "We again addressed our pay equity analysis in an
 8 email sent to Hea Jung Atkins on June 2nd, 2015."
 9 Do you see that?
 10 A. I do.
 11 Q. Okay. From OFCCP's perspective, is there
 12 anything that would be false about this -- the
 13 paragraph regarding internal pay equity analysis?
 14 MS. DAQUIZ: To the extent that --
 15 objection to the extent that the documents all
 16 referenced, including Lisa Gordon's interviews, are
 17 in the record here or available. They speak for
 18 themselves.
 19 THE WITNESS: I mean, I have no reason to
 20 believe that the -- the -- that Oracle did not tell
 21 us that they believed that their pay equity
 22 analyses were privileged very early, and that
 23 that's contained in various documents along the
 24 way. And I believe it's included in that interview
 25 that's referenced as well.

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1 BY MR. PARKER:
 2 Q. Okay. Going next to the compensation
 3 database, this is -- I'm sorry. Going next. You
 4 don't know where I am.
 5 Exhibit 14.
 6 A. 14. Okay.
 7 Q. The compensation database snapshot of
 8 1/1/2014. Do you see that?
 9 A. I do.
 10 Q. Do you know whether that information was
 11 ever provided to OFCCP?
 12 A. We got what we got. If she attached it to
 13 an email to us, then we received whatever she sent.
 14 Q. Okay. Well, why don't we look at
 15 Exhibit 16. And then there's Item 2. It says:
 16 "Resubmit database provided on 6/16/15
 17 with 1/1/14 snapshot date, with the following
 18 additional information, and any other
 19 relevant compensation information and factors
 20 affecting pay, added in separate columns."
 21 Do you see that?
 22 A. I do.
 23 Q. And then there appears to be a response
 24 from Ms. Holman.
 25 Do you see that?

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1 A. I do.
 2 Q. And then if you turn the page-- turn the
 3 page-- it says:
 4 "These requests appear to be duplicate
 5 and/or overlapping. We submitted
 6 compensation for the varying requests the
 7 OFCCP has made on 12/11/14 spreadsheet,
 8 12/15/14 spreadsheet, 2/20/15 spreadsheet,
 9 2/16/15 Training, 3/17/15 spreadsheet,
 10 5/14/15 compensation workbench information,
 11 and 6/16/15 spreadsheet."
 12 Do you see that?
 13 A. I do.
 14 Q. Okay. So the very first question I
 15 have -- so that we're clear, I'm trying to match
 16 things.
 17 A. Yeah.
 18 Q. So if I go to Exhibit 14, Item 2 --
 19 A. Okay.
 20 Q. -- where it says "Compensation database
 21 snapshot 1/1/14," is that the same thing as Item 2
 22 on Exhibit 15?
 23 A. It would appear to be that.
 24 Q. Okay.
 25 A. Yes.

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1 Q. And then you will notice that -- do you
 2 agree that -- sorry.
 3 Does OFCCP understand that on page 2,
 4 which begins 2236 of Exhibit 16, where it begins,
 5 "These requests appear to be duplicative and/or
 6 overlapping," that Ms. Harries was explaining that
 7 this information had been provided?
 8 A. That is what she is saying.
 9 Q. Okay. Do you know whether or not at any
 10 point either in the November 2015 letter, which is
 11 Exhibit 14, or at any point after the date of
 12 Exhibit 16, there was any correspondence from OFCCP
 13 explaining what was deficient?
 14 A. Deficient with respect to the 1/1/2014
 15 compensation snapshot?
 16 Q. Yes, sir.
 17 A. Prior to litigation, I don't think that
 18 there was.
 19 Q. Then if we go to Item 3, which is
 20 compensation database -- I'm sorry. Let me ask
 21 this question:
 22 Do you know whether or not as part of the
 23 litigation Oracle -- or OFCCP has received a
 24 compensation database with a snapshot of 1/1/2014?
 25 A. I believe that we did.

<p style="text-align: right;">Page 77</p> <p>1 Q. Going to Item 3, compensation database 2 snapshot -- sorry. I keep doing this to you and -- 3 A. That's all right. We're on 14? 4 Q. Let me just do the question right. 5 A. Okay. 6 Q. Turning back to Exhibit 14, I'm on Item 3 7 now, compensation database snapshot, 1/1/13. 8 Do you see that? 9 A. I do. 10 Q. Do you know whether or not any of that 11 information was ever provided in any way, shape, or 12 form, even if not complete, to OFCCP? 13 A. I don't believe that the agency ever got 14 the 2013 data until after it brought the 15 litigation. 16 Q. And was there an explanation from Oracle 17 why that information was not provided? 18 A. There could have been. I -- if it's in a 19 document somewhere. 20 Q. Do you know whether Oracle ever said that 21 it just would not provide that information? 22 A. I don't know whether they said they would 23 not. The thing -- I think in terms of parsing 24 language, refusing to produce something explicitly, 25 and then just not producing it after it's been</p>	<p style="text-align: right;">Page 79</p> <p>1 we'll go now to Item 7, labor condition 2 applications. 3 A. Could we step back just for a second to 4 the last one? 5 Q. Yeah. 6 A. I just want to say that some of the things 7 that we requested during the compliance review were 8 ultimately received as part of the litigation. So 9 I do believe that there was some personnel 10 information provided during the litigation. 11 Q. Okay, very good. 12 Labor condition applications. Were those 13 ever received? And I'll ask, during the audit 14 period. 15 A. I don't remember seeing that in the 16 documents I reviewed. 17 Q. Okay. And then employee -- Item 10, 18 employee contact information. You understood that 19 when that was requested Oracle was asking why that 20 information was necessary? 21 A. I have seen correspondence where they 22 asked why that was necessary. 23 Q. Let me show you what we'll have marked as 24 Exhibit 17. Oh, I'm supposed to pass this along. 25 I wrote on it.</p>
<p style="text-align: right;">Page 78</p> <p>1 requested multiple times are essentially the same 2 thing. 3 Q. So I'll use a fancy word. They're 4 synonymous in your view? 5 A. Yeah. From the OFCCP's perspective, if 6 we've asked for something multiple times and we 7 don't get it, the contractor doesn't have to say 8 "We're not going to give it to you" for it to be a 9 denial of access. At some point, you can assume 10 that they're not going to give it to you. 11 Q. And in your view, this was a denial of 12 access when Oracle did not provide the compensation 13 database snapshot of 1/1/2013? 14 A. Yes. 15 Q. Okay. And then on the employee personnel 16 actions, was that information ever provided by 17 Oracle? I'm referencing Item 4 on Exhibit 14. 18 A. I don't think so based on my review, but 19 if you have something showing that you all did 20 provide it, I would be happy to look at it. 21 Q. You just don't know one way or the other. 22 Is that accurate? 23 A. I don't believe that it was. 24 Q. Okay. And then Exhibit 14 -- I'm skipping 25 the things that were -- are marked "hiring." So</p>	<p style="text-align: right;">Page 80</p> <p>1 (Deposition Exhibit 17 was marked for 2 identification.) 3 BY MR. PARKER: 4 Q. And Exhibit 17, while you're looking at 5 it, is an email from -- at the top of June 3rd, 6 2015, from Ms. Harries to Mr. Luong, Bates stamped 7 DOL1142. 8 A. I see it. 9 Q. Great. And it states, "This email replies 10 to your email sent to me last" -- "late last Friday 11 afternoon." 12 And do you understand this to be a 13 response to the request for contact information? 14 A. It doesn't produce the contact 15 information. I mean, it's responding to that 16 request. 17 Q. That's all I'm asking. I'm not asking if 18 it produced anything. It is a response to the 19 request for contact information. 20 A. Yes. 21 Q. And it says, "Before we undertake to 22 address them, please provide me with OFCCP's basis 23 and your reasons for the request." 24 Do you see that? 25 A. I do see that.</p>

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1 Q. Do you know if Ms. Harries received any
 2 response to that?
 3 A. I don't.
 4 Q. Okay. And then if you turn to Exhibit 16,
 5 and you turn to the last page of Exhibit 16.
 6 MS. DAQUIZ: Not of the attachments, but
 7 of the email?
 8 MR. PARKER: Yeah, just the --
 9 MS. DAQUIZ: So the fourth page of the
 10 exhibit?
 11 MR. PARKER: I don't know what page it is,
 12 but it's the last page of the email.
 13 MS. DAQUIZ: Okay, thank you.
 14 Q. And you see it says item -- there's 10,
 15 "Contact information for all current and former
 16 employees"?
 17 A. Yes.
 18 Q. And then do you see a response where it
 19 says, "We have addressed this request on 6/3/15 in
 20 an email to Hoan Luong in response to his very
 21 broad request" and so on?
 22 A. I see that.
 23 Q. Okay. And it says, "To date we have not
 24 received a response."
 25 Do you see that?

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1 A. I do.
 2 Q. Do you have any reason to doubt that
 3 OFCCP, at least up to the point of Exhibit 16, had
 4 not responded to Ms. Harries' statement in
 5 Exhibit 17?
 6 A. And I don't mean to parse words, but a
 7 response is -- I'm not entirely sure what they mean
 8 by that in Document 16. I mean, the parties
 9 exchanged emails. They exchanged communications
 10 throughout this process.
 11 So to say we didn't respond to them, I'm
 12 not sure. Much like earlier when the question
 13 dealt with, did Oracle respond to the OFCCP? Yeah,
 14 they responded. They didn't give an answer that
 15 was sufficient to us. So it may be that we very
 16 well talked to them, but the response was not what
 17 Oracle wanted.
 18 Q. Okay. Let me be more specific. I'm
 19 referencing Exhibit 17.
 20 Do you know whether or not anyone from
 21 OFCCP provided a basis for OFCCP's request and the
 22 reasons for it regarding contact information?
 23 A. I have not seen any documentation of that.
 24 Q. And then let me -- one step -- one step
 25 further.

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1 What I understand you to be saying is it
 2 could have happened orally. You just don't know
 3 one way or the other?
 4 A. That is not something that I prepped for.
 5 Q. Okay.
 6 A. So --
 7 Q. So you just don't know.
 8 A. I don't know.
 9 Q. All right. And then we talked a moment
 10 ago in Exhibit 17 about the internal and external
 11 complaints. Do you see that?
 12 I'm sorry. If you go to Exhibit 14 --
 13 A. Okay.
 14 Q. My apologies. If you go to Item 11,
 15 "Internal and External Complaints."
 16 A. Yes.
 17 Q. And we talked about that. You remember
 18 saying you didn't believe that the OFCCP received
 19 that information during the audit period. Correct?
 20 A. That's correct. I don't believe we ever
 21 got the internal complaints, at least.
 22 Q. Okay. And fair to say as part of this
 23 litigation Oracle has now gotten or received the
 24 internal and external complaints?
 25 A. Oracle has received --

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1 Q. OFCCP has received internal and external
 2 complaints, to your knowledge?
 3 A. I don't know that personally -- like I --
 4 that's not something I saw on my review.
 5 Q. Do you know whether or not OFCCP has
 6 received employee contact information as part of
 7 the litigation?
 8 A. I believe in the litigation we got contact
 9 information.
 10 Q. Now, going back to internal and external
 11 complaints, if you go to Exhibit 16, last page,
 12 Item 11 is -- references a list of current and
 13 former employees who have made internal and
 14 external discrimination complaints and so on.
 15 A. Yes.
 16 Q. And then it -- the response is, "We
 17 addressed this request in two different letters
 18 written by our outside counsel, Gary Siniscalco,"
 19 and then it references the two letters.
 20 Do you have an understanding that Oracle
 21 did address, at least in its view, this request?
 22 A. The document here that we're looking at,
 23 Exhibit 16 --
 24 Q. Yes.
 25 A. -- would indicate that they believed that

<p style="text-align: right;">Page 85</p> <p>1 they had addressed it. I've seen the letters, and</p> <p>2 the letters would indicate that the company didn't</p> <p>3 think that it was somehow relevant, if I remember</p> <p>4 right.</p> <p>5 Q. Do you --</p> <p>6 A. I mean, the letters say what they say.</p> <p>7 Q. The letters do say what they say, don't</p> <p>8 they?</p> <p>9 A. Yeah.</p> <p>10 Q. And I take it that OFCCP had a different</p> <p>11 view on that issue. Correct?</p> <p>12 A. Yes.</p> <p>13 MR. PARKER: Why don't we take a 10-minute</p> <p>14 break.</p> <p>15 THE VIDEO OPERATOR: The time is 11:30.</p> <p>16 We are going off the record.</p> <p>17 (Recess from 11:30 A.M. to 1:45 A.M.)</p> <p>18 THE VIDEO OPERATOR: The time is 11:45.</p> <p>19 We are back on the record.</p> <p>20 BY MR. PARKER:</p> <p>21 Q. Just to confirm, I wanted -- I believe you</p> <p>22 answered the question, and I'm signaling that. But</p> <p>23 now we've been talking about Exhibit 14 for a</p> <p>24 period of time.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 87</p> <p>1 "HQCA 2 of 29" all the way to "29 of 29."</p> <p>2 We have the attachments for these, but</p> <p>3 they are quite voluminous.</p> <p>4 (Telephonic interruption.)</p> <p>5 MS. DAQUIZ: But the grammar on that</p> <p>6 device, that's spot on. That's great.</p> <p>7 THE WITNESS: Okay.</p> <p>8 BY MR. PARKER:</p> <p>9 Q. And you have no reason to doubt that</p> <p>10 Ms. Holman-Harries sent out on October 29th 29</p> <p>11 separate emails, 29, the first being Exhibit 17,</p> <p>12 and then the rest being Exhibit 18.</p> <p>13 A. No. It looks like she sent out a bunch of</p> <p>14 personnel files to us in 29 separate emails.</p> <p>15 Q. Now, let me direct your attention to what</p> <p>16 we'll have marked as Exhibit 19, which is Tab 41.</p> <p>17 (Deposition Exhibit 19 was marked for</p> <p>18 identification.)</p> <p>19 BY MR. PARKER:</p> <p>20 Q. Exhibit 19 is an email from Shauna</p> <p>21 Holman-Harries to Mr. Luong dated November 3, 2015.</p> <p>22 A. Okay.</p> <p>23 Q. Have you seen these emails before?</p> <p>24 A. I have.</p> <p>25 Q. Okay. And the very first email in chron</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. And is it still your belief that</p> <p>2 Exhibit 14 accurately reflects those items that</p> <p>3 OFCCP contends -- or those items -- strike that.</p> <p>4 Is it still your belief that Exhibit 14</p> <p>5 accurately reflects those items OFCCP believed that</p> <p>6 Oracle failed or refused to produce?</p> <p>7 A. As of the time of the letter, certainly.</p> <p>8 Q. Okay. Do you know whether there was a</p> <p>9 subsequent letter that identified different items</p> <p>10 that OFCCP believes that Oracle failed or refused</p> <p>11 to produce?</p> <p>12 A. I don't believe there is a subsequent</p> <p>13 letter to this one.</p> <p>14 Q. Okay. Let me show you what we'll have</p> <p>15 marked as Exhibit 18.</p> <p>16 (Deposition Exhibit 18 was marked for</p> <p>17 identification.)</p> <p>18 BY MR. PARKER:</p> <p>19 Q. And if you don't mind just listening to me</p> <p>20 before you start diving in, it'll make things</p> <p>21 easier.</p> <p>22 Let me first do -- Exhibit 18 is an email</p> <p>23 from Shauna Holman-Harries to Mr. Luong. It is</p> <p>24 dated 10/29/2015. And you'll notice that it is a</p> <p>25 series of cover emails, which is -- subject line is</p>	<p style="text-align: right;">Page 88</p> <p>1 order is Bates stamped DOL1044. Do you see it?</p> <p>2 A. I do.</p> <p>3 Q. And it says, "Ms. Holman-Harries, please</p> <p>4 see attached letter."</p> <p>5 Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. And that would be the letter of -- from</p> <p>8 Mr. Doles that is Exhibit 16. Correct? I'm sorry.</p> <p>9 That is Exhibit 14.</p> <p>10 A. That appears to be the case, yes.</p> <p>11 Q. Okay, great. And then Ms. Harries</p> <p>12 responds in an email of November 2nd, 2015, and it</p> <p>13 says, "Dear Hoan, thank you for forwarding</p> <p>14 Mr. Doles' letter." It says, "I assume that he was</p> <p>15 unaware that we responded to these requests last</p> <p>16 week in the series of 29 emails to you dated</p> <p>17 October 29, 2015."</p> <p>18 Do you see that?</p> <p>19 A. I see it.</p> <p>20 Q. And is it your understanding that those</p> <p>21 emails referenced here would be Exhibits 17 and 18?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And if we flip the page, you'll see</p> <p>24 Mr. Luong in an email of -- I'm sorry, flip the</p> <p>25 page. Go to DOL1042. It states -- Mr. Luong</p>

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1 states:
 2 "Dear Shauna,
 3 The 29 emails that you sent me on
 4 October 29, 2015, were neither complete nor
 5 accurate responses to our data request
 6 referenced in our letter issued this morning.
 7 I am available to discuss any clarifications
 8 as needed."
 9 Do you see that?
 10 A. I do.
 11 Q. And then there's a response from
 12 Ms. Harries.
 13 Do you see that?
 14 A. Uh-huh. Yes.
 15 Q. Okay, good. You know how to take
 16 depositions. You corrected yourself. Someone
 17 taught you right.
 18 And then Ms. Holman-Harries says, "Hi
 19 Hoan. I must confess I am confused by your
 20 5:03 P.M. PSD (6:03 P.M. MST) email last night."
 21 Do you see that?
 22 A. I see it.
 23 Q. And then it says -- second paragraph,
 24 there's a -- the first sentence -- second sentence
 25 says, "Following receipt of your email, I replied

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1 to you at 1:30 P.M., suggesting that Mr. Doles'
 2 letter likely was due to him being misinformed
 3 about our October 29 submission to you."
 4 Do you see that?
 5 A. I do.
 6 Q. Okay. And you understand this email chain
 7 to be in response to the November 2nd letter from
 8 Mr. Doles. Correct? Exhibit 19.
 9 A. Yeah, the whole chain seems to start with
 10 that email which included the letter, yes.
 11 Q. And then let me show you what's been
 12 marked -- we'll mark as Exhibit 20.
 13 (Deposition Exhibit 20 was marked for
 14 identification.)
 15 BY MR. PARKER:
 16 Q. And Exhibit 20 is an email from Shauna
 17 Holman-Harries to Robert Doles, dated November 6,
 18 2015. Subject: HQCA Response.
 19 A. Okay.
 20 Q. Have you seen this email before?
 21 A. I think so.
 22 Q. Okay. And it -- this email, as you
 23 understand, relates to the November 2 letter from
 24 Mr. Doles which is Exhibit 14?
 25 A. It appears to relate to that letter, yes.

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1 Q. Okay. And then did OFCCP understand that
 2 Ms. Shauna Holman-Harries was referencing her
 3 November 2nd email, which is Exhibit 19, to
 4 Mr. Luong?
 5 A. I mean, to the extent, yeah, there's a
 6 November 2nd email in this chain --
 7 Q. Very good.
 8 A. -- I believe that's what it's referencing.
 9 Q. Very good. And it says then -- at the end
 10 it says, "After coordinating with him, if you still
 11 have concerns, please let me know."
 12 Do you see that?
 13 A. I do.
 14 Q. Do you know whether or not anyone from
 15 OFCCP responded to this email?
 16 A. Not definitively, no.
 17 Q. And you understand that there's a
 18 reference to -- it says "Oct 29 response."
 19 Do you see that?
 20 A. I do.
 21 Q. And do you understand that to be a
 22 reference to Exhibits 18 and 19 -- I'm sorry, 17
 23 and 18?
 24 A. Yes.
 25 Q. Then going back to Exhibit 14 one last

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1 time -- and at the risk of asking a question again,
 2 but you just have to tell me if you've already
 3 answered it. That would be fine.
 4 A. Okay.
 5 Q. If you haven't answered it, then you
 6 should.
 7 Exhibit 14, Item 3, the compensation
 8 database snapshot of 1/1/2013 --
 9 A. Yes.
 10 Q. -- do you know whether that's been
 11 provided in connection with litigation?
 12 A. I believe it has in connection with
 13 litigation.
 14 Q. Item 4, employee personnel actions, do you
 15 know if that's been provided in connection with
 16 litigation?
 17 A. Not for certain. I mean, if it has, it
 18 has.
 19 Q. Okay. And Item 7, which is on page 1056
 20 Bates stamp, the labor condition applications, do
 21 you know if that's been provided as part of
 22 litigation?
 23 A. I do not know that for certain.
 24 Q. Okay. Why don't we take a break, and the
 25 purpose is to see if I have anything else. If I'm

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1 bruised, it means I have, because Kayla's beat me.
 2 THE VIDEO OPERATOR: The time is 11:56,
 3 and we're going off the record.
 4 (Recess from 11:56 A.M. to 12:01 P.M.)
 5 THE VIDEO OPERATOR: The time is 12:01.
 6 We're back on the record.
 7 MS. DAQUIZ: Just a quick question to
 8 clarify.
 9 Mr. Ratliff, you were asked whether or not
 10 there were any further communications from OFCCP
 11 about these records after November 2nd, 2015, and
 12 you responded that there were none.
 13 Could you clarify your answer?
 14 THE WITNESS: I mean, just to the extent
 15 that there was a Notice of Violations that went
 16 out, I'm aware of that. So I hadn't thought of
 17 that earlier. But, I mean, to the extent that the
 18 Notice of Violations talks about not producing
 19 documents, that would be a record that we have.
 20 BY MR. PARKER:
 21 Q. Very good. The question was, was there a
 22 response to the email?
 23 A. Right.
 24 Q. And as I understand it, the response --
 25 you recall that there being an NOV, but otherwise

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1 no other response?
 2 A. Not in writing, at least that I'm aware
 3 of.
 4 Q. And good distinction. Are you aware of
 5 any oral communications in response to the email?
 6 A. I am not. I mean, again, I think when
 7 preparing for this I was more preparing for what
 8 wasn't produced as opposed to what we may have done
 9 to respond to things that Oracle put to us. So
 10 there could have been, but I don't know.
 11 MR. PARKER: No further questions.
 12 MS. DAQUIZ: None here. Thank you.
 13 THE VIDEO OPERATOR: All right. That
 14 concludes the deposition for today. The time is
 15 12:03. We are going off the record.
 16 (Time noted, 12:03 P.M.)
 17 --o0o--
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CERTIFICATE OF STENOGRAPHIC REPORTER
 I, the undersigned, a Certified Shorthand Reporter
 of the State of California, do hereby certify:
 That the foregoing proceedings were taken before
 me at the time and place herein set forth; that any
 witnesses in the foregoing proceedings, prior to
 testifying, were duly sworn; that a record of the
 proceedings was made by me using machine shorthand,
 which was thereafter transcribed under my direction;
 that the foregoing transcript is a true record of the
 testimony given.
 Further, that if the foregoing pertains to the
 original transcript of a deposition in a federal case,
 before completion of the proceedings, review of the
 transcript [X] was [] was not requested.
 I further certify I am neither financially
 interested in the action nor a relative or employee of
 any attorney or party to this action.
 IN WITNESS WHEREOF, I have this date subscribed my
 name.
 Dated: June 28, 2019

 Holly Thuman
 RMR, CRR, CSR No. 6834

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DECLARATION UNDER PENALTY OF PERJURY
 Case Name: OFCCP vs. Oracle America, Inc.
 Date of Deposition: 06/26/2019
 Job No.: 10056900
 I, SEAN RATLIFF - 30(B)(6), hereby certify
 under penalty of perjury under the laws of the State of
 _____ that the foregoing is true and correct.
 Executed this ____ day of
 _____, 2019, at _____.

 SEAN RATLIFF - 30(B)(6)
 NOTARIZATION (If Required)
 State of _____
 County of _____
 Subscribed and sworn to (or affirmed) before me on
 this ____ day of _____, 20____,
 by _____, proved to me on the
 basis of satisfactory evidence to be the person
 who appeared before me.
 Signature: _____ (Seal)

1 DEPOSITION ERRATA SHEET

2 Case Name: OFCCP vs. Oracle America, Inc.
 Name of Witness: Sean Ratliff - 30(b)(6)

3 Date of Deposition: 06/26/2019
 Job No.: 10056900

4 Reason Codes: 1. To clarify the record.
 2. To conform to the facts.
 3. To correct transcription errors.

5

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21 From _____ to _____

22 _____ Subject to the above changes, I certify that the transcript is true and correct

23 _____ No changes have been made. I certify that the transcript is true and correct.

24

25 _____
 SEAN RATLIFF - 30(B)(6)

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