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Cc: [Pilotin, Marc A - SOL](#); [Eliasoph, Ian - SOL](#)
Subject: Oracle
Date: Wednesday, October 11, 2017 4:02:00 PM
Attachments: [Joint letter to Judge Larsen re mediation.docx](#)

Erin,

This email follows our telephone conversation earlier today. First, we propose the following addition to the mediation agreement:

Should either party believe that it has not received responses, documents, or data that it previously requested through discovery (with the exception of information the Court determined need not be produced in his Orders dated September 11, 2017) that it believes will materially impact the mediation effort, it can request that the other side produce the documents, data and/or information. For example, this procedure could apply to requests for emails and other documents for which Oracle provided a sample time frame, and to requests for data, documents, or information needed to clarify prior discovery responses or productions. In the event that the Parties fail to resolve any such requests on their own through a meet and confer process, the Mediator shall be empowered to consider and recommend any further response that in his view would further the mediation efforts and better allow the Parties to reach an amicable resolution of this litigation. The Parties agree to consider and act in good faith upon any such recommendations.

Neither party waives any right to pursue and compel further discovery before ALJ Larsen in the event that mediation eventually is unsuccessful and this matter is not resolved and neither party waives any defenses it may have to such motion.

Second, attached is a draft letter to Judge Larsen redlined to show our suggested revisions. Once the letter is finalized, we can deliver it to the OALJ.

Third, we agree to stay Oracle's responses to OFCCP's first set of interrogatories and OFCCP's third set of document requests effective October 10, 2017, until such time that either party provides written notice that it is discontinuing the mediation process.

Fourth, we are concerned about Gary's comment today that the information from the immigration attorney would be limited to H1-B status. Our understanding is that, as a starting point, Oracle would be providing the same information that it provided in the 2014 compensation snapshot during the compliance review. During the compliance review, Oracle provided data not only on H1-B status, but other visa types held, and the dates of the change in status for visa types. We expected the same information to be provided in the data Oracle is collecting. We understand that you will be providing us with more information about the data that you will be producing from the other attorney. Please clarify this issue.

Fifth, the dates currently being proposed for the mediation are January 30 and 31 and February 13 and 14.

Regards,

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