

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Plaintiff,

v.

ORACLE AMERICA, INC.,

Defendant.

OALJ Case No. 2017-OFC-00006

OFCCP No. R00192699

**DEFENDANT ORACLE
AMERICA, INC.'S RESPONSES
& OBJECTIONS TO SECOND
SET OF REQUESTS FOR
ADMISSION**

PROPOUNDING PARTY: Plaintiff OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS, UNITED STATES
DEPARTMENT OF LABOR

RESPONDING PARTY: Defendant ORACLE AMERICA, INC.

SET NO: Two

Pursuant to 41 C.F.R. § 60-30.9 and, as applicable, Rule 36 of the Federal Rules of Civil Procedure, Defendant Oracle America, Inc. (“Oracle”) responds to Plaintiff Office of Federal Contract Compliance Programs, United States Department of Labor’s (“OFCCP”) First Set of Requests for Admission (“Requests”) as follows:

PRELIMINARY STATEMENT

Oracle has not completed its investigation of the facts related to this case and therefore its responses are of a preliminary nature. Further discovery, investigation, and research may produce additional relevant facts that may lead to changes in the responses set forth below. Although these responses are complete to the best of Oracle’s knowledge at this time, these responses are given without prejudice to Oracle’s right to amend its objections and responses or to produce additional relevant evidence that may come to light regarding the issues raised in this lawsuit. To the extent applicable, nothing contained in these responses shall in any way limit Oracle’s ability to make all uses at trial or otherwise of the information or documents referenced

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herein or of any subsequently discovered information or documents or of information or documents omitted from these responses as a result of good faith oversight, error, or mistake.

These responses are made solely for purposes of this action, and are subject to all objections as to competence, authenticity, relevance, materiality, propriety, admissibility, and any and all other objections and grounds that would or could require or permit the exclusion of any document, or statement therein, from evidence, all of which objections and grounds are reserved and may be interposed at the time of trial.

No incidental or implied admissions are intended by these responses. The fact that Oracle has responded or objected to any Request or part thereof shall not be deemed an admission that Oracle accepts or admits to the existence of any facts set forth or assumed by such Request. Nor shall Oracle's responses or objections be deemed an admission that any statement or characterization in any Request is accurate or complete, or that any particular document exists, is relevant, or is admissible in evidence. The fact that Oracle has answered part or all of any Request is not intended to be, and shall not be construed as, a waiver by Oracle of any part of any objection to any Request.

GENERAL OBJECTIONS

The following general objections apply to each of the Requests for Admissions:

1. Oracle objects to each Request to the extent that it seeks information protected from disclosure by the attorney-client privilege, the work-product doctrine, the common interest doctrine and/or any other applicable privileges, doctrines and immunities. To the extent Oracle inadvertently reveals any information falling within any applicable privilege, Oracle does not waive the applicable privilege/objection. To the extent Oracle provides any information falling within any privilege and it is later held that Oracle waived the applicable privilege/objection, Oracle waives the applicable privilege/objection only to the extent of the information provided.

2. Oracle objects to each Request to the extent that Plaintiffs seek information that is protected from disclosure by the right to privacy guaranteed by the United States Constitution and laws.

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3. Oracle objects to each Request to the extent Plaintiffs seek proprietary information, trade secrets or other confidential information. To the extent that a Request seeks such proprietary, trade secret or other confidential information, Oracle will provide only that information that is essential to Plaintiffs' case and will provide such information only pursuant to the May 26, 2017, Protective Order, as modified by Judge Clark's March 22, 2019, Order Addressing Protective Order and Order Modifying Pre-Hearing Order.

4. Oracle objects to each Request to the extent it is vague, ambiguous, overbroad in scope, uncertain as to time, unduly burdensome, oppressive or seeks information that is not relevant to the subject matter of this litigation or not reasonably calculated to lead to the discovery of admissible evidence.

5. Oracle generally objects to these Requests to the extent that they purport to require it to do anything by way of response beyond what is required by the Code of Federal Regulations, Federal Rules of Civil Procedure, or applicable Court Rules.

6. Oracle expressly reserves the right to object to further discovery into the matters inquired into by the Requests and to the scope of the Requests. Oracle also retains the right to object to the introduction into evidence of information developed in response to the Requests on the grounds that the information is not relevant, or any other legitimate basis.

7. Oracle objects to these Requests to the extent that they are premature and involve issues of authentication and admissibility more appropriately addressed closer to the date of trial in this matter when the parties are actively engaged in preparing their respective exhibit lists.

8. These General Objections shall be deemed to be incorporated in full into the responses set forth below.

OBJECTIONS TO SPECIFIC DEFINITIONS

DEFINITION NO. 1: "YOU" and "YOUR" mean Oracle America, Inc. AND all of its agents, representatives, attorneys, accountants, consultants, successors, subsidiaries, OR divisions.

OBJECTION TO DEFINITION NO. 1:

Oracle objects to these definitions of "YOU" and "YOUR" as vague, ambiguous,

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overbroad, unduly burdensome and oppressive, and encompassing information not relevant to any party's claim or defense nor proportional to the needs of the case, particularly to the extent that these terms expansively include Oracle's agents, representatives, attorneys, accountants, consultants, successors, subsidiaries or divisions. Oracle further objects to this definition on the grounds that it is compound and thereby renders any Request referencing the defined term compound and incapable of a direct, singular response. *See Rovai v. Select Portfolio Servicing, Inc.*, No. 14CV1738-BAS (MSB), 2019 WL 1330922, at *2 (S.D. Cal. Mar. 22, 2019) ("Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements."); *see also Henry v. Champlain Enterprises, Inc.*, 212 F.R.D. 73, 77 (N.D.N.Y. 2003) ("[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation..."). Oracle further objects to this definition to the extent it includes information protected by the attorney-client privilege, the attorney work product doctrine, or calls for a legal conclusion as to the relationship between Oracle and other entities, including agents. Oracle further objects to this definition to the extent it seeks information that is not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA location. Oracle's responses and objections are limited to information related to and focused only upon Oracle America, Inc., and limited to its headquarters and to employment located at Redwood Shores, California.

DEFINITION NO. 2: "RELEVANT TIME PERIOD" means **January 1, 2013, to the present** unless otherwise stated.

OBJECTION TO DEFINITION NO. 2:

Oracle objects to this definition as including the term "present", which renders the phrase vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing information not relevant to any party's claim or defense nor proportional to the needs of this case. As noted above, Oracle maintains its objections that its responses and objections should be limited to the relevant period of January 1, 2013, through December 31, 2014 for Requests

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related to OFCCP's compensation claims. Nevertheless, while preserving and maintaining its objections, Oracle will act in compliance with outstanding rulings on the relevant period and with agreements with OFCCP on the outer ongoing boundary of that period.

DEFINITION NO. 3: "AND" and "OR" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

OBJECTION TO DEFINITION NO. 3:

Oracle objects to this definition on the grounds that, in the context of requests for admission, the terms "and" and "or" should not be "construed" differently in separate requests so as to make each request "inclusive", as doing so renders the Requests ambiguous and creates the possibility of inadvertent admissions, denials, or waivers. Oracle further objects to this definition on the grounds that it is compound and thereby renders any Request referencing the defined term compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 ("Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements."); *see also Henry*, 212 F.R.D. at 77 ("[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...").

DEFINITION NO. 4: "DOCUMENT" means all writings of any kind, including any written, printed, typed, electronically stored, OR other graphic matter of any kind OR nature AND all mechanical OR electronic sound recordings OR transcripts thereof, in YOUR possession OR control OR known by YOU to exist, AND also means all copies of DOCUMENTS by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books OR records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, AND any drafts, revisions, OR amendments of the above, AND all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

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OBJECTION TO DEFINITION NO. 4:

Oracle objects to this definition on the grounds that it is internally redundant and cumulative and as such would include duplicative information and documents regardless of relevance and, as such, its application would be unduly burdensome and not reasonably proportional to the needs of this case. Oracle further objects to this definition on the grounds that, by its terms, together with the definition of YOU and YOUR, it would include all documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine. Oracle further objects to this definition on the grounds that it is compound and thereby renders any Request referencing the defined term compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”).

DEFINITION NO. 6: “AUTHENTIC” means that the information included in the document(s) is what it claims to be as defined by Federal Rule of Evidence 901.

OBJECTION TO DEFINITION NO. 6:

Oracle objects to this definition as vague, ambiguous, uncertain, speculative and argumentative. In particular, Oracle objects to the flawed premises inherent in the definition that some unspecified document necessarily contains information about “what it claims to be” or that Federal Rule of Evidence 901 provides a definition of “authentic” that can be applied to a document absent the additional evidence described in the Rule itself. Rule 901 addresses only the obligations of a proponent of evidence and requires that said proponent “must produce evidence sufficient to support a finding that the item is what the *proponent* claims it is.” Fed. Rule of Evid. 901 (emphasis added).

DEFINITION NO. 7: “POLICIES,” “PRACTICES,” or “PROCEDURES” mean each rule, action, OR directive, whether formal OR informal, AND each common understanding OR course of conduct that was recognized as such by YOUR present OR former officers, agents,

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employees, OR other PERSONS acting OR purporting to act on YOUR behalf OR at YOUR direction, that was in effect at any time during the RELEVANT TIME PERIOD. These terms include any changes that occurred during the RELEVANT TIME PERIOD.

OBJECTION TO DEFINITION NO. 7:

Oracle objects to this definition as including the phrases “informal,” “common understanding,” “course of conduct,” “implementing criteria,” and “rule, action, or directive, whether formal or informal,” which render the definition vague, ambiguous, uncertain, speculative and argumentative. Moreover, Oracle cannot know with certainty what common understandings or course of conduct were possessed by each of its present or former employees or persons purporting to act on Oracle’s behalf. Oracle further objects to this definition as overbroad, unduly burdensome and oppressive, and encompassing policies or procedures not relevant to any party’s claim or defense nor proportional to the needs of the case, including to the extent that these terms expansively include Oracle’s agents. Oracle further objects to this definition based on its use of the term “RELEVANT TIME PERIOD”, in accordance with Oracle’s stated objections to that term. Oracle further objects to this definition on the grounds that it is compound and thereby renders any Request referencing the defined term compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”).

RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 21:

Admit that in 2017 YOU had contracts with the federal government totaling more than \$100,000,000.00.

RESPONSE TO REQUEST FOR ADMISSION NO. 21:

Oracle objects to this Request on the grounds that it is vague, ambiguous, and uncertain

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due to its use of the phrase “had contracts with the federal government totaling more than \$100,000,000.00” as it is unclear regarding whether the Request concerns revenues generated through contracts Oracle executed with federal government departments and agencies, the timeframe covered by those contracts, and who was a party or a beneficiary to such contracts. Oracle likewise objects to the term “totaling” as being unclear and undefined. Oracle further objects to this Request to the extent the information sought is already available to OFCCP. Oracle further objects to this Request as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. “The purpose of Rule 36(a) [Requests for Admission] is to expedite trial by establishing certain material facts as true and thus narrowing the range of issues for trial.” *Asea, Inc. v. Southern Pacific Transportation Co.*, 669 F.2d 1242, 1245 (9th Cir. 1982). This Request does not serve to establish any material facts as being true such that it would serve to narrow the range of issues for trial. Although this Request appears calculated to establish that Oracle qualifies as a government contractor under 41 C.F.R. Chapter 60: Executive Order 11246, in response to OFCCP’s RFA No. 7, Oracle has already admitted that it has had at least one contract with the federal government of \$50,000 or more since at least January 1, 2013.

REQUEST FOR ADMISSION NO. 22:

Admit that in 2018 YOU had contracts with the federal government totaling more than \$100,000,000.00.

RESPONSE TO REQUEST FOR ADMISSION NO. 22:

Oracle objects to this Request on the grounds that it is vague, ambiguous, and uncertain due to its use of the phrase “had contracts with the federal government totaling more than \$100,000,000.00” as it is unclear regarding whether the Request concerns revenues generated through contracts Oracle executed with federal government departments and agencies, the timeframe covered by those contracts, and who was a party or a beneficiary to such contracts. Oracle likewise objects to the term “totaling” as being unclear and undefined. Oracle further objects to this Request to the extent the information sought is already available to OFCCP. Oracle further objects to this Request as irrelevant and not reasonably calculated to lead to the

discovery of admissible evidence. “The purpose of Rule 36(a) [Requests for Admission] is to expedite trial by establishing certain material facts as true and thus narrowing the range of issues for trial.” *Asea, Inc. v. Southern Pacific Transportation Co.*, 669 F.2d 1242, 1245 (9th Cir. 1982). This Request does not serve to establish any material facts as being true such that it would serve to narrow the range of issues for trial. Although this Request appears calculated to establish that Oracle qualifies as a government contractor under 41 C.F.R. Chapter 60: Executive Order 11246, in response to OFCCP’s RFA No. 7, Oracle has already admitted that it has had at least one contract with the federal government of \$50,000 or more since at least January 1, 2013.

REQUEST FOR ADMISSION NO. 23:

Admit that it was your POLICY during the RELEVANT TIME PERIOD that an employee of the Product Development job function’s base pay did not change when that employee laterally transferred between products at Redwood Shores and maintains the same job function, job specialty, job title, global career level and job code as YOU defined these five terms at ORACLE_HQCA_42101, slide 62.

RESPONSE TO REQUEST FOR ADMISSION NO. 23:

Oracle objects to this Request on the ground that its use of the phrase “laterally transferred between products” renders the request vague, ambiguous, and uncertain as the terms therein are not defined. Without waiving these objections, Oracle denies this Request.

REQUEST FOR ADMISSION NO. 24:

Admit that YOU assign YOUR employees a unique job code based only on the intersection of the following four factors: job function, job specialty, job title, and global career level as YOU defined these five terms (to include job code) at ORACLE_HQCA_42101, slide 62.

RESPONSE TO REQUEST FOR ADMISSION NO. 24:

Oracle objects to this Request on the ground that the Request’s use of the term “assign” renders the request vague, ambiguous, and uncertain as that term is not defined. Without waiving these objections, Oracle denies this Request.

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REQUEST FOR ADMISSION NO. 25:

Admit that from January 1, 2013, to December 31, 2016, YOUR iRecruitment program in the “Candidate Details” portion of this program contained a field titled “Candidate’s Current Salary/ATV.”

RESPONSE TO REQUEST FOR ADMISSION NO. 25:

Oracle objects to this Request on the ground that its use of the term ““Candidate Details’ portion of this program” renders the request vague, ambiguous, and uncertain as that term is not defined. Without waiving its objections, Oracle admits that iRecruitment contained a field titled “Candidate’s Current Salary/ATV” from January 1, 2013, to December 31, 2016. Except as otherwise expressly admitted herein, Oracle denies this Request.

REQUEST FOR ADMISSION NO. 26:

Admit that from January 1, 2013, to December 31, 2016, YOUR iRecruitment program in the “Candidate Profile Summary” portion of this program contained a field titled: “Current Compensation.”

RESPONSE TO REQUEST FOR ADMISSION NO. 26:

Oracle objects to this Request on the ground that its use of the term ““Candidate Profile Summary” portion of this program” renders the request vague, ambiguous, and uncertain as that term is not defined, particularly as there is no page specifically titled “Candidate Profile Summary” within Oracle’s iRecruitment program. Accordingly, and without waiving these objections, Oracle denies this Request.

REQUEST FOR ADMISSION NO. 27:

Admit that during the RELEVANT TIME PERIOD YOUR requisitions from YOUR iRecruitment program contained the following statement: “As part of Oracle’s employment process candidates will be required to complete a pre-employment screening process, prior to an offer being made. This will involve identity and employment verification, salary verification, professional references, education verification, and verification of professional qualifications and memberships (if applicable).”

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RESPONSE TO REQUEST FOR ADMISSION NO. 27:

Oracle objects to this Request on the ground that its use of the phrase “requisitions from YOUR iRecruitment program” renders the request vague, ambiguous, uncertain, and unintelligible. Oracle further objects to this Request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case, particularly as it is not limited to job positions that are relevant to his case. Based on these ambiguities, Oracle lacks an understanding of this Request sufficient to allow it to either admit or deny the Request as stated.

REQUEST FOR ADMISSION NO. 28:

Admit that during the RELEVANT TIME PERIOD YOUR DOCUMENTS that notifying [sic] people of job positions that were available at Redwood Shores (such as those at ORACLE_HQCA_31652) stated: “As part of Oracle’s employment process candidates will be required to complete a pre-employment screening process, prior to an offer being made. This will involve identity and employment verification, salary verification, professional references, education verification, and verification of professional qualifications and memberships (if applicable).”

RESPONSE TO REQUEST FOR ADMISSION NO. 28:

Oracle objects to this Request on the ground that its use of the phrase “DOCUMENTS that notifying people of job positions that were available at Redwood Shores” renders the request vague, ambiguous, uncertain, and unintelligible. Further compounding the problem with this Request, where OFCCP points to an example document and includes the term “such as”, it further emphasizes the lack of clarity regarding the documents at issue, and thereby renders the Request imprecise and insusceptible to a definitive response. Oracle further objects to this Request as overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case, particularly as it is not limited to job positions that are relevant to his case. Without waiving its objections, Oracle admits that the document specifically identified—ORACLE_HQCA_0000031652—

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contains the quoted language in the Request, but based on the ambiguities in this Request, Oracle lacks an understanding of this Request sufficient to allow it to either admit or deny the Request as stated.

REQUEST FOR ADMISSION NO. 29:

Admit that during the RELEVANT TIME PERIOD YOU did not include the equal opportunity clause contained in section 202 of Executive Order 11246 in each of YOUR government contracts as required by 41 C.F.R. § 60-1.4(a).

RESPONSE TO REQUEST FOR ADMISSION NO. 29:

Oracle objects to the false premise inherent in this Request that 41 C.F.R. § 60-1.4(a) required Oracle to take certain actions. Section 60-1.4(a) plainly states that “each *contracting agency* shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts. . . .” 41 C.F.R. § 60-1.4(a) (emphasis added). Under 41 CFR § 60-1.3, “[c]ontracting agency means any department, agency, establishment, or instrumentality in the executive branch of the Government, including any wholly owned Government corporation, which enters into contracts.” Oracle falls within none of these categories. Oracle further objects to this Request as overbroad in scope, unduly burdensome, oppressive, and not proportional to the needs of the case. Oracle further objects to this Request as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. This Request is also objectionable because it does not serve to establish any material facts as being true such that it would serve to narrow the range of issues for trial. *See Asea, Inc*, 669 F.2d at 1245. Oracle further objects to this Request to the extent the information sought is already available to OFCCP.

REQUEST FOR ADMISSION NO. 30:

Admit that during the RELEVANT TIME PERIOD all DOCUMENTS produced by YOU to OFCCP pursuant to its requests are true and correct copies of what they purport to be.

RESPONSE TO REQUEST FOR ADMISSION NO. 30:

Oracle objects to this Request—which covers the over-141,000 documents and 590,000

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pages of material produced by Oracle to date—as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo v. Tuolumne Fire Dist.*, No. 1:11-cv-01271, 2013 WL 1758798, at *7 (E.D. Cal. Apr. 24, 2013) (RFAs requiring Defendant “to admit that all documents that were produced in response to the requests for production . . . “are genuine and authentic copies of records maintained by [Defendant] in the course of its regularly conducted business activity”” were overbroad and “inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action”); *White v. Home Depot U.S.A., Inc.*, No. 05-cv-00683, 2006 WL 1517724, at *2 (D. Col. May 26, 2006) (finding RFAs asking Defendant to “admit to the authenticity of every document produced in this case” and that Defendant “admit that certain documents are authentic and business records” to be “over-broad” given the thousands of pages of documents produced). Oracle further objects to this Request on the grounds that by seeking a response regarding “all documents,” the Request is impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. Because this Request necessarily encompasses data and documents that were produced specifically in response to OFCCP’s requests for hiring and recruiting-related data and documents, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence. Furthermore it is unclear what OFCCP contends each DOCUMENT purports to be, and so this Request is not susceptible to an admission or denial on that basis.

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REQUEST FOR ADMISSION NO. 31:

Admit that during the RELEVANT TIME PERIOD all DOCUMENTS produced by YOU to OFCCP pursuant to its requests are authentic within the meaning of Federal Rule of Evidence Article IX and does not need to be authenticated for use in this litigation.

RESPONSE TO REQUEST FOR ADMISSION NO. 31:

Oracle objects to this Request on the ground that the request is vague, ambiguous, uncertain, and unintelligible and reiterates here its objection to the definition provided by OFCCP for “AUTHENTIC.” Oracle further objects to this Request—which covers the over-141,000 documents and 590,000 pages of material produced by Oracle to date—as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (RFAs requiring Defendant “to admit that all documents that were produced in response to the requests for production . . . “are genuine and authentic copies of records maintained by [Defendant] in the course of its regularly conducted business activity” were overbroad and “inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action”); *White*, 2006 WL 1517724, at *2 (finding RFAs asking Defendant to “admit to the authenticity of every document produced in this case” and that Defendant “admit that certain documents are authentic and business records” to be “over-broad” given the thousands of pages of documents produced). Oracle further objects to this Request on the grounds that by seeking a response regarding “all documents,” the Request is impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation. . .”). Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at

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issue in this case. Because this Request necessarily encompasses data and documents that were produced specifically in response to OFCCP's requests for hiring and recruiting-related data and documents, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 32:

Admit that during the RELEVANT TIME PERIOD all DOCUMENTS created by YOUR employee or employees and produced by YOU to OFCCP pursuant to its requests are kept in the regular and ordinary course of YOUR business.

RESPONSE TO REQUEST FOR ADMISSION NO. 32:

Oracle objects to this Request as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (RFAs requiring Defendant "to admit that all documents that were produced in response to the requests for production . . . "are genuine and authentic copies of records maintained by [Defendant] in the course of its regularly conducted business activity" were overbroad and "inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action"); *White*, 2006 WL 1517724, at *2 (finding RFAs asking Defendant to "admit to the authenticity of every document produced in this case" and that Defendant "admit that certain documents are authentic and business records" to be "over-broad" given the thousands of pages of documents produced). Oracle further objects to this Request on the grounds that by seeking a response regarding "all documents," the Request is impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 ("Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements."); *see also Henry*, 212 F.R.D. at 77 ("[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation..."). Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to

college recruiting and/or hiring at issue in this case. Because this Request necessarily encompasses data and documents that were produced specifically in response to OFCCP's requests for hiring and recruiting-related data and documents, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 33:

Admit that during the RELEVANT TIME PERIOD all DOCUMENTS produced by YOU to OFCCP pursuant to its requests are DOCUMENTS created by YOUR employee or employees working within the scope of his, her, or their employment when creating the DOCUMENTS.

RESPONSE TO REQUEST FOR ADMISSION NO. 33:

Oracle objects to this Request—which covers the over-141,000 documents and 590,000 pages of material produced by Oracle to date—as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (RFAs requiring Defendant “to admit that all documents that were produced in response to the requests for production . . . “are genuine and authentic copies of records maintained by [Defendant] in the course of its regularly conducted business activity”” were overbroad and “inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action”); *White*, 2006 WL 1517724, at *2 (finding RFAs asking Defendant to “admit to the authenticity of every document produced in this case” and that Defendant “admit that certain documents are authentic and business records” to be “over-broad” given the thousands of pages of documents produced). Oracle further objects to this Request on the grounds that by seeking a response regarding “all documents,” the Request is impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not

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vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. Because this Request necessarily encompasses data and documents that were produced specifically in response to OFCCP’s requests for hiring and recruiting-related data and documents, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 34:

Admit that all DOCUMENTS in the folders identified in Exhibit A and produced by YOU to OFCCP are true and AUTHENTIC copies of the genuine original DOCUMENTS.

RESPONSE TO REQUEST FOR ADMISSION NO. 34:

Oracle objects to this Request on the ground that the terms “true,” “genuine,” and “original,” render the Request vague, ambiguous, uncertain, and unintelligible, particularly in the context of data extracts such as the documents identified in Exhibit A. Oracle also reiterates here its objection to the definition provided by OFCCP for “AUTHENTIC.” Oracle further objects to this Request on the ground that by seeking a response regarding “all documents in the folders identified in Exhibit A,” the Request is impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on

DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking authentication of thousands of pages of documents to be “over-broad”). Exhibit A to OFCCP’s Requests for Admission consists of 21 folders, which collectively contain *over 70,000 individual documents*, many of which, in turn, consist of multiple pages. Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. Because 13 of the 21 folders identified in Exhibit A contain documents and data that was collected and produced specifically in response to OFCCP’s requests for hiring-related data, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Oracle admits that the documents in the folders identified in Exhibit A accurately reflect data that existed in Oracle’s GSI, Fusion, iRecruitment, and Taleo systems as of the date of their extraction. Except as otherwise expressly admitted herein, Oracle denies this Request and reserves all rights to challenge admissibility and to make evidentiary objections.

REQUEST FOR ADMISSION NO. 35:

Admit that all DOCUMENTS in the folders identified in Exhibit A and produced by YOU to OFCCP were made at or near the time of the regularly conducted activity to which the DOCUMENTS pertain.

RESPONSE TO REQUEST FOR ADMISSION NO. 35:

Oracle objects to this Request on the grounds that by seeking a response regarding “all documents in the folders identified in Exhibit A,” the Request is impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request as

overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking admission that thousands of pages of documents were business records to be “over-broad”). Exhibit A to OFCCP’s Requests for Admission consists of 21 folders, which collectively, contain *over 70,000 individual documents*, many of which, in turn, consist of multiple pages. Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. Because 13 of the 21 folders identified in Exhibit A contain documents and data that was collected and produced specifically in response to OFCCP’s requests for hiring-related data, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

Thousands of the documents in the folders identified in Exhibit A were not created by Oracle but instead consist of resumes, CVs, cover letters, and other job application materials that were created and submitted to Oracle by job applicants. Accordingly, and without waiving its objections, Oracle is unable to either admit or deny the Request as stated.

REQUEST FOR ADMISSION NO. 36:

Admit that all DOCUMENTS in the folders identified in Exhibit A and produced by YOU to OFCCP were made by a person with knowledge of the activity to which the DOCUMENTS pertain or were made from information transmitted by a person with knowledge of the activity to which the DOCUMENTS pertain.

RESPONSE TO REQUEST FOR ADMISSION NO. 36:

Oracle objects to this Request on the grounds that by seeking a response regarding “all documents in the folders identified in Exhibit A,” the Request is impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for

admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking admission that thousands of pages of documents were business records to be “over-broad”). Exhibit A to OFCCP’s Requests for Admission consists of 21 folders, which collectively, contain *over 70,000 individual documents*, many of which, in turn, consist of multiple pages. Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. Because 13 of the 21 folders identified in Exhibit A contain documents and data that was collected and produced specifically in response to OFCCP’s requests for hiring-related data, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

Thousands of the documents in the folders identified in Exhibit A were not created by Oracle but instead consist of resumes, CVs, cover letters, and other job application materials that were created and submitted to Oracle by job applicants. Accordingly, and without waiving its objections, Oracle is unable to either admit or deny the Request as stated.

REQUEST FOR ADMISSION NO. 37:

Admit that all DOCUMENTS in the folders identified in Exhibit A and produced by YOU to OFCCP were prepared and kept by YOU in the course of regularly conducted activity of a business, organization, occupation, or calling.

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DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

RESPONSE TO REQUEST FOR ADMISSION NO. 37:

Oracle objects to this Request on the grounds that by seeking a response regarding “all documents in the folders identified in Exhibit A,” the Request is impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking admission that thousands of pages of documents were business records to be “over-broad”). Exhibit A to OFCCP’s Requests for Admission consists of 21 folders, which collectively, contain *over 70,000 individual documents*, many of which, in turn, consist of multiple pages. Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. Because 13 of the 21 folders identified in Exhibit A contain documents and data that was collected and produced specifically in response to OFCCP’s requests for hiring-related data, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, Oracle denies this Request.

REQUEST FOR ADMISSION NO. 38:

Admit that all DOCUMENTS in the folders identified in Exhibit A and produced by YOU to OFCCP were made in the regular practice of the activity to which the DOCUMENTS pertain.

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RESPONSE TO REQUEST FOR ADMISSION NO. 38:

Oracle objects to this Request on the grounds that by seeking a response regarding “all documents in the folders identified in Exhibit A,” the Request is impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking admission that thousands of pages of documents were business records to be “over-broad”). Exhibit A to OFCCP’s Requests for Admission consists of 21 folders, which collectively, contain *over 70,000 individual documents*, many of which, in turn, consist of multiple pages. Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. Because 13 of the 21 folders identified in Exhibit A contain documents and data that was collected and produced specifically in response to OFCCP’s requests for hiring-related data, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

Thousands of the documents in the folders identified in Exhibit A were not created by Oracle but instead consist of resumes, CVs, cover letters, and other job application materials that were created and submitted to Oracle by job applicants. Accordingly, and without waiving its objections, Oracle is unable to either admit or deny the Request as stated.

REQUEST FOR ADMISSION NO. 39:

Admit that all foundational requirements for the admission of all DOCUMENTS in the folders identified in Exhibit A and produced by YOU to OFCCP have been satisfied.

RESPONSE TO REQUEST FOR ADMISSION NO. 39:

Oracle objects to this Request on the grounds that by seeking a response regarding “all documents in the folders identified in Exhibit A,” the Request is impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking admission that thousands of pages of documents were business records to be “over-broad”); *Romero v. Securus Techs., Inc.*, No. 16-cv-1283, 2017 U.S. Dist. LEXIS 170976, at *9 (S.D. Cal. Oct. 16, 2017) (holding that an RFA calling for Defendant to admit "all foundational requirements" for admission of documents was “vague and need not be further answered”). Exhibit A to OFCCP’s Requests for Admission consists of 21 folders, which collectively, contain *over 70,000 individual documents*, many of which, in turn, consist of multiple pages. Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. Because 13 of the 21 folders identified in Exhibit A contain documents and data that was collected and produced specifically in response to OFCCP’s requests for hiring-related data, this Request relates to matters that are now irrelevant

DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

and is thus not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving its objections, Oracle denies this Request.

REQUEST FOR ADMISSION NO. 40:

Admit that the following DOCUMENTS are true and AUTHENTIC copies of the genuine original DOCUMENTS:

- 1.1 DOL000032150 - 000032152
- 1.2 DOL000034179 - 000034181
- 1.3 DOL000038077 - 000038266
- 1.4 ORACLE_HQCA_0000000464 - 0000000569
- 1.5 ORACLE_HQCA_0000003616
- 1.6 ORACLE_HQCA_0000020125 - 0000020179
- 1.7 ORACLE_HQCA_0000021849 - 0000021898
- 1.8 ORACLE_HQCA_0000021930 - 0000021967
- 1.9 ORACLE_HQCA_0000021971 - 0000021991
- 2 ORACLE_HQCA_0000022032 - 0000022034
- 2.1 ORACLE_HQCA_0000022035 - 0000022093
- 2.2 ORACLE_HQCA_0000022305 - 0000022352
- 2.3 ORACLE_HQCA_0000022585 - 0000022586
- 2.4 ORACLE_HQCA_0000022719 - 0000022721
- 2.5 ORACLE_HQCA_0000022833 - 0000022843
- 2.6 ORACLE_HQCA_0000022905
- 2.7 ORACLE_HQCA_0000022906
- 2.8 ORACLE_HQCA_0000022922 - 0000022936
- 2.9 ORACLE_HQCA_0000041703 - 0000041758
- 3 ORACLE_HQCA_0000042091
- 3.1 ORACLE_HQCA_0000042095
- 3.2 ORACLE_HQCA_0000042097 and attachment

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- 3.3 ORACLE_HQCA_0000042100 - 0000042181
- 3.4 ORACLE_HQCA_0000056233 - 0000056275
- 3.5 ORACLE_HQCA_0000056247
- 3.6 ORACLE_HQCA_0000056322
- 3.7 ORACLE_HQCA_0000056413 - 0000056426
- 3.8 ORACLE_HQCA_0000056414 - 0000056423
- 3.9 ORACLE_HQCA_0000056893 - 0000056905
- 4 ORACLE_HQCA_0000056907 - 0000056932
- 4.1 ORACLE_HQCA_0000062710
- 4.2 ORACLE_HQCA_0000062711
- 4.3 ORACLE_HQCA_0000062712
- 4.4 ORACLE_HQCA_0000062713
- 4.5 ORACLE_HQCA_0000062714
- 4.6 ORACLE_HQCA_0000062715
- 4.7 ORACLE_HQCA_0000062716
- 4.8 ORACLE_HQCA_0000062717
- 4.9 ORACLE_HQCA_0000062718
- 5 ORACLE_HQCA_0000062719
- 5.1 ORACLE_HQCA_0000062720
- 5.2 ORACLE_HQCA_0000062721
- 5.3 ORACLE_HQCA_0000062722
- 5.4 ORACLE_HQCA_0000062723
- 5.5 ORACLE_HQCA_0000062724
- 5.6 ORACLE_HQCA_0000062725
- 5.7 ORACLE_HQCA_0000062726
- 5.8 ORACLE_HQCA_0000062727
- 5.9 ORACLE_HQCA_0000062729

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REQUESTS FOR ADMISSION**

- 6 ORACLE_HQCA_0000062730
- 6.1 ORACLE_HQCA_0000062731
- 6.2 ORACLE_HQCA_0000062858.xlsx
- 6.3 ORACLE_HQCA_0000062859.xlsx
- 6.4 ORACLE_HQCA_000006936
- 6.5 ORACLE_HQCA_0000070721
- 6.6 ORACLE_HQCA_0000070722
- 6.7 ORACLE_HQCA_0000070723
- 6.8 ORACLE_HQCA_0000070724
- 6.9 ORACLE_HQCA_0000070725
- 7 ORACLE_HQCA_0000070726
- 7.1 ORACLE_HQCA_0000070727
- 7.2 ORACLE_HQCA_0000070728
- 7.3 ORACLE_HQCA_0000070729
- 7.4 ORACLE_HQCA_0000070730
- 7.5 ORACLE_HQCA_0000070731
- 7.6 ORACLE_HQCA_0000070732
- 7.7 ORACLE_HQCA_0000070733
- 7.8 ORACLE_HQCA_0000070734
- 7.9 ORACLE_HQCA_0000070735
- 8 ORACLE_HQCA_0000070736
- 8.1 ORACLE_HQCA_0000070737
- 8.2 ORACLE_HQCA_0000070738
- 8.3 ORACLE_HQCA_0000070739
- 8.4 ORACLE_HQCA_0000070740
- 8.5 ORACLE_HQCA_0000070741
- 8.6 ORACLE_HQCA_0000070742

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 8.7 ORACLE_HQCA_0000070743
- 8.8 ORACLE_HQCA_0000070744
- 8.9 ORACLE_HQCA_0000070745
- 9 ORACLE_HQCA_0000070746
- 9.1 ORACLE_HQCA_0000070747
- 9.2 ORACLE_HQCA_0000070748
- 9.3 ORACLE_HQCA_0000070749
- 9.4 ORACLE_HQCA_0000070750
- 9.5 ORACLE_HQCA_0000070751
- 9.6 ORACLE_HQCA_0000070752
- 9.7 ORACLE_HQCA_0000070753
- 9.8 ORACLE_HQCA_0000070754
- 9.9 ORACLE_HQCA_0000070755
- 10 ORACLE_HQCA_0000070756
- 10.1 ORACLE_HQCA_0000070757
- 10.2 ORACLE_HQCA_0000070758
- 10.3 ORACLE_HQCA_0000070759
- 10.4 ORACLE_HQCA_0000089010
- 10.5 ORACLE_HQCA_0000089011
- 10.6 ORACLE_HQCA_0000089012
- 10.7 ORACLE_HQCA_0000089013
- 10.8 ORACLE_HQCA_0000089014
- 10.9 ORACLE_HQCA_0000089015
- 11 ORACLE_HQCA_0000089016
- 11.1 ORACLE_HQCA_0000089017
- 11.2 ORACLE_HQCA_0000089018
- 11.3 ORACLE_HQCA_0000089019

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 11.4 ORACLE_HQCA_0000089020
- 11.5 ORACLE_HQCA_0000089021
- 11.6 ORACLE_HQCA_0000089022
- 11.7 ORACLE_HQCA_0000089023
- 11.8 ORACLE_HQCA_0000089024
- 11.9 ORACLE_HQCA_0000089026 - 0000091760
- 12 ORACLE_HQCA_0000089026 - 0000091760
- 12.1 ORACLE_HQCA_0000091761
- 12.2 ORACLE_HQCA_0000091762 - 0000094394
- 12.3 ORACLE_HQCA_0000091762 - 0000094394
- 12.4 ORACLE_HQCA_0000094395
- 12.5 ORACLE_HQCA_0000094396 - 0000097972
- 12.6 ORACLE_HQCA_0000097973
- 12.7 ORACLE_HQCA_0000097974 - 0000101655
- 12.8 ORACLE_HQCA_0000101656
- 12.9 ORACLE_HQCA_0000101657 - 0000104170
- 13 ORACLE_HQCA_0000104171
- 13.1 ORACLE_HQCA_0000104172 - 0000107076
- 13.2 ORACLE_HQCA_0000107077
- 13.3 ORACLE_HQCA_0000107078 - 0000110009
- 13.4 ORACLE_HQCA_0000110010
- 13.5 ORACLE_HQCA_0000110011 - 0000112876
- 13.6 ORACLE_HQCA_0000112877
- 13.7 ORACLE_HQCA_0000112878 - 0000115835
- 13.8 ORACLE_HQCA_0000115836
- 13.9 ORACLE_HQCA_0000115837 - 0000118771
- 14 ORACLE_HQCA_0000118772

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- 14.1 ORACLE_HQCA_0000118773 - 0000121269
- 14.2 ORACLE_HQCA_0000121270
- 14.3 ORACLE_HQCA_0000121271 - 0000123813
- 14.4 ORACLE_HQCA_0000123814
- 14.5 ORACLE_HQCA_0000123815 - 0000126153
- 14.6 ORACLE_HQCA_0000126154
- 14.7 ORACLE_HQCA_0000126155 - 0000128173
- 14.8 ORACLE_HQCA_0000128174
- 14.9 ORACLE_HQCA_0000128175
- 15 ORACLE_HQCA_0000128176
- 15.1 ORACLE_HQCA_0000128177
- 15.2 ORACLE_HQCA_0000128178
- 15.3 ORACLE_HQCA_0000128179
- 15.4 ORACLE_HQCA_0000128180
- 15.5 ORACLE_HQCA_0000360321
- 15.6 ORACLE_HQCA_0000360321.xlsx
- 15.7 ORACLE_HQCA_0000364082 - 0000364182
- 15.8 ORACLE_HQCA_0000364183
- 15.9 ORACLE_HQCA_0000364272
- 16 ORACLE_HQCA_0000364273
- 16.1 ORACLE_HQCA_0000364274
- 16.2 ORACLE_HQCA_0000364275
- 16.3 ORACLE_HQCA_0000364276
- 16.4 ORACLE_HQCA_0000364299
- 16.5 ORACLE_HQCA_0000364301
- 16.6 ORACLE_HQCA_0000380148
- 16.7 ORACLE_HQCA_0000380549

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
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- 16.8 ORACLE_HQCA_0000380936
- 16.9 ORACLE_HQCA_0000381038
- 17 ORACLE_HQCA_0000381046
- 17.1 ORACLE_HQCA_0000381047
- 17.2 ORACLE_HQCA_0000381074 - 0000381076
- 17.3 ORACLE_HQCA_0000381080
- 17.4 ORACLE_HQCA_0000381309
- 17.5 ORACLE_HQCA_0000382178
- 17.6 ORACLE_HQCA_0000382179
- 17.7 ORACLE_HQCA_0000382402
- 17.8 ORACLE_HQCA_0000382403
- 17.9 ORACLE_HQCA_0000400489 - 0000400518
- 18 ORACLE_HQCA_0000400577 - 0000400578
- 18.1 ORACLE_HQCA_0000400868 - 0000401021

RESPONSE TO REQUEST FOR ADMISSION NO. 40:

Oracle objects to this Request on the ground that the terms “true,” “genuine,” and “original,” render the request vague, ambiguous, uncertain, and unintelligible, particularly as many of the documents identified above were created via data extracts in direct response to OFCCP’s requests in this litigation for various data from Oracle’s systems of record. Oracle also reiterates here its objection to the definition provided by OFCCP for “AUTHENTIC.” In addition, some of the Bates ranges listed in the Request encompass multiple documents as opposed to a single document, thus making the Request impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request—which

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collectively covers over 40,000 pages of documents—as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking authentication of thousands of pages of documents to be “over-broad”). Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. By identifying documents above that are not related to OFCCP’s claims beyond the hiring and recruiting claims resolved by the Consent Findings, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, Oracle admits that the documents within the Bates ranges listed above at 1.1, 1.4, 1.6 to 2.5 (inclusive), 2.7 to 6.1 (inclusive), 15.8 to 17.3 (inclusive), and 17.7 to 18.1 (inclusive) are true copies of genuine original documents and that the data within the Bates ranges listed above at 1.5, 2.6, 6.2 to 6.3 (inclusive), and 6.5 to 15.7 (inclusive) accurately reflect data that existed in Oracle’s various database systems as of the date of their extraction. Oracle is unable to admit or deny this Request with regard to the Bates number listed at 6.4 at this time, as OFCCP has not provided—and Oracle is not able to identify—the document or documents purportedly associated with the Bates number listed by OFCCP. Oracle is also unable to admit or deny this Request with regard to the Bates ranges listed at 1.2 and 1.3, above, which appear to be Radford Survey Report information produced by OFCCP in this litigation. Except as otherwise expressly admitted herein, Oracle denies this Request and reserves all rights to challenge admissibility and to make evidentiary objections.

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DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 41:

Admit that the following DOCUMENTS were made at or near the time of the regularly conducted activity to which the DOCUMENTS pertain:

- 1.1 DOL000032150 - 000032152
- 1.2 DOL000034179 - 000034181
- 1.3 DOL000038077 - 000038266
- 1.4 ORACLE_HQCA_0000000464 - 0000000569
- 1.5 ORACLE_HQCA_0000003616
- 1.6 ORACLE_HQCA_0000020125 - 0000020179
- 1.7 ORACLE_HQCA_0000021849 - 0000021898
- 1.8 ORACLE_HQCA_0000021930 - 0000021967
- 1.9 ORACLE_HQCA_0000021971 - 0000021991
- 2 ORACLE_HQCA_0000022032 - 0000022034
- 2.1 ORACLE_HQCA_0000022035 - 0000022093
- 2.2 ORACLE_HQCA_0000022305 - 0000022352
- 2.3 ORACLE_HQCA_0000022585 - 0000022586
- 2.4 ORACLE_HQCA_0000022719 - 0000022721
- 2.5 ORACLE_HQCA_0000022833 - 0000022843
- 2.6 ORACLE_HQCA_0000022905
- 2.7 ORACLE_HQCA_0000022906
- 2.8 ORACLE_HQCA_0000022922 - 0000022936
- 2.9 ORACLE_HQCA_0000041703 - 0000041758
- 3 ORACLE_HQCA_0000042091
- 3.1 ORACLE_HQCA_0000042095
- 3.2 ORACLE_HQCA_0000042097 and attachment
- 3.3 ORACLE_HQCA_0000042100 - 0000042181
- 3.4 ORACLE_HQCA_0000056233 - 0000056275

DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

- 3.5 ORACLE_HQCA_0000056247
- 3.6 ORACLE_HQCA_0000056322
- 3.7 ORACLE_HQCA_0000056413 - 0000056426
- 3.8 ORACLE_HQCA_0000056414 - 0000056423
- 3.9 ORACLE_HQCA_0000056893 - 0000056905
- 4 ORACLE_HQCA_0000056907 - 0000056932
- 4.1 ORACLE_HQCA_0000062710
- 4.2 ORACLE_HQCA_0000062711
- 4.3 ORACLE_HQCA_0000062712
- 4.4 ORACLE_HQCA_0000062713
- 4.5 ORACLE_HQCA_0000062714
- 4.6 ORACLE_HQCA_0000062715
- 4.7 ORACLE_HQCA_0000062716
- 4.8 ORACLE_HQCA_0000062717
- 4.9 ORACLE_HQCA_0000062718
- 5 ORACLE_HQCA_0000062719
- 5.1 ORACLE_HQCA_0000062720
- 5.2 ORACLE_HQCA_0000062721
- 5.3 ORACLE_HQCA_0000062722
- 5.4 ORACLE_HQCA_0000062723
- 5.5 ORACLE_HQCA_0000062724
- 5.6 ORACLE_HQCA_0000062725
- 5.7 ORACLE_HQCA_0000062726
- 5.8 ORACLE_HQCA_0000062727
- 5.9 ORACLE_HQCA_0000062729
- 6 ORACLE_HQCA_0000062730
- 6.1 ORACLE_HQCA_0000062731

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 6.2 ORACLE_HQCA_0000062858.xlsx
- 6.3 ORACLE_HQCA_0000062859.xlsx
- 6.4 ORACLE_HQCA_000006936
- 6.5 ORACLE_HQCA_0000070721
- 6.6 ORACLE_HQCA_0000070722
- 6.7 ORACLE_HQCA_0000070723
- 6.8 ORACLE_HQCA_0000070724
- 6.9 ORACLE_HQCA_0000070725
- 7 ORACLE_HQCA_0000070726
- 7.1 ORACLE_HQCA_0000070727
- 7.2 ORACLE_HQCA_0000070728
- 7.3 ORACLE_HQCA_0000070729
- 7.4 ORACLE_HQCA_0000070730
- 7.5 ORACLE_HQCA_0000070731
- 7.6 ORACLE_HQCA_0000070732
- 7.7 ORACLE_HQCA_0000070733
- 7.8 ORACLE_HQCA_0000070734
- 7.9 ORACLE_HQCA_0000070735
- 8 ORACLE_HQCA_0000070736
- 8.1 ORACLE_HQCA_0000070737
- 8.2 ORACLE_HQCA_0000070738
- 8.3 ORACLE_HQCA_0000070739
- 8.4 ORACLE_HQCA_0000070740
- 8.5 ORACLE_HQCA_0000070741
- 8.6 ORACLE_HQCA_0000070742
- 8.7 ORACLE_HQCA_0000070743
- 8.8 ORACLE_HQCA_0000070744

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 8.9 ORACLE_HQCA_0000070745
- 9 ORACLE_HQCA_0000070746
- 9.1 ORACLE_HQCA_0000070747
- 9.2 ORACLE_HQCA_0000070748
- 9.3 ORACLE_HQCA_0000070749
- 9.4 ORACLE_HQCA_0000070750
- 9.5 ORACLE_HQCA_0000070751
- 9.6 ORACLE_HQCA_0000070752
- 9.7 ORACLE_HQCA_0000070753
- 9.8 ORACLE_HQCA_0000070754
- 9.9 ORACLE_HQCA_0000070755
- 10 ORACLE_HQCA_0000070756
- 10.1 ORACLE_HQCA_0000070757
- 10.2 ORACLE_HQCA_0000070758
- 10.3 ORACLE_HQCA_0000070759
- 10.4 ORACLE_HQCA_0000089010
- 10.5 ORACLE_HQCA_0000089011
- 10.6 ORACLE_HQCA_0000089012
- 10.7 ORACLE_HQCA_0000089013
- 10.8 ORACLE_HQCA_0000089014
- 10.9 ORACLE_HQCA_0000089015
- 11 ORACLE_HQCA_0000089016
- 11.1 ORACLE_HQCA_0000089017
- 11.2 ORACLE_HQCA_0000089018
- 11.3 ORACLE_HQCA_0000089019
- 11.4 ORACLE_HQCA_0000089020
- 11.5 ORACLE_HQCA_0000089021

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 11.6 ORACLE_HQCA_0000089022
- 11.7 ORACLE_HQCA_0000089023
- 11.8 ORACLE_HQCA_0000089024
- 11.9 ORACLE_HQCA_0000089026 - 0000091760
- 12 ORACLE_HQCA_0000089026 - 0000091760
- 12.1 ORACLE_HQCA_0000091761
- 12.2 ORACLE_HQCA_0000091762 - 0000094394
- 12.3 ORACLE_HQCA_0000091762 - 0000094394
- 12.4 ORACLE_HQCA_0000094395
- 12.5 ORACLE_HQCA_0000094396 - 0000097972
- 12.6 ORACLE_HQCA_0000097973
- 12.7 ORACLE_HQCA_0000097974 - 0000101655
- 12.8 ORACLE_HQCA_0000101656
- 12.9 ORACLE_HQCA_0000101657 - 0000104170
- 13 ORACLE_HQCA_0000104171
- 13.1 ORACLE_HQCA_0000104172 - 0000107076
- 13.2 ORACLE_HQCA_0000107077
- 13.3 ORACLE_HQCA_0000107078 - 0000110009
- 13.4 ORACLE_HQCA_0000110010
- 13.5 ORACLE_HQCA_0000110011 - 0000112876
- 13.6 ORACLE_HQCA_0000112877
- 13.7 ORACLE_HQCA_0000112878 - 0000115835
- 13.8 ORACLE_HQCA_0000115836
- 13.9 ORACLE_HQCA_0000115837 - 0000118771
- 14 ORACLE_HQCA_0000118772
- 14.1 ORACLE_HQCA_0000118773 - 0000121269
- 14.2 ORACLE_HQCA_0000121270

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 14.3 ORACLE_HQCA_0000121271 - 0000123813
- 14.4 ORACLE_HQCA_0000123814
- 14.5 ORACLE_HQCA_0000123815 - 0000126153
- 14.6 ORACLE_HQCA_0000126154
- 14.7 ORACLE_HQCA_0000126155 - 0000128173
- 14.8 ORACLE_HQCA_0000128174
- 14.9 ORACLE_HQCA_0000128175
- 15 ORACLE_HQCA_0000128176
- 15.1 ORACLE_HQCA_0000128177
- 15.2 ORACLE_HQCA_0000128178
- 15.3 ORACLE_HQCA_0000128179
- 15.4 ORACLE_HQCA_0000128180
- 15.5 ORACLE_HQCA_0000360321
- 15.6 ORACLE_HQCA_0000360321.xlsx
- 15.7 ORACLE_HQCA_0000364082 - 0000364182
- 15.8 ORACLE_HQCA_0000364183
- 15.9 ORACLE_HQCA_0000364272
- 16 ORACLE_HQCA_0000364273
- 16.1 ORACLE_HQCA_0000364274
- 16.2 ORACLE_HQCA_0000364275
- 16.3 ORACLE_HQCA_0000364276
- 16.4 ORACLE_HQCA_0000364299
- 16.5 ORACLE_HQCA_0000364301
- 16.6 ORACLE_HQCA_0000380148
- 16.7 ORACLE_HQCA_0000380549
- 16.8 ORACLE_HQCA_0000380936
- 16.9 ORACLE_HQCA_0000381038

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 17 ORACLE_HQCA_0000381046
- 17.1 ORACLE_HQCA_0000381047
- 17.2 ORACLE_HQCA_0000381074 - 0000381076
- 17.3 ORACLE_HQCA_0000381080
- 17.4 ORACLE_HQCA_0000381309
- 17.5 ORACLE_HQCA_0000382178
- 17.6 ORACLE_HQCA_0000382179
- 17.7 ORACLE_HQCA_0000382402
- 17.8 ORACLE_HQCA_0000382403
- 17.9 ORACLE_HQCA_0000400489 - 0000400518
- 18 ORACLE_HQCA_0000400577 - 0000400578
- 18.1 ORACLE_HQCA_0000400868 - 0000401021

RESPONSE TO REQUEST FOR ADMISSION NO. 41:

Oracle objects to this Request on the ground that the phrase “made at or near the time of the regularly conducted activity to which the DOCUMENTS pertain” is vague, ambiguous, uncertain, and unintelligible, particularly insofar as it assumes that each of the documents above pertains to some “regularly conducted activity.” The list above includes documents that were created via data extraction in direct response to OFCCP’s requests in this litigation for various data from Oracle’s systems of record as well as documents related to a deposition taken in another litigation. In addition, some of the Bates ranges listed in the Request encompass multiple documents as opposed to a single document, thus making the Request impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request—which collectively covers over 40,000 pages of documents—as overbroad in scope, unduly

DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking admission that thousands of pages of documents were business records to be “over-broad”). Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. By identifying documents above that are not related to OFCCP’s claims beyond the hiring and recruiting claims resolved by the Consent Findings, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 42:

Admit that the following DOCUMENTS were made by a person with knowledge of the activity to which the DOCUMENTS pertain or were made from information transmitted by a person with knowledge of the activity to which the DOCUMENTS pertain:

- 1.1 DOL000032150 - 000032152
- 1.2 DOL000034179 - 000034181
- 1.3 DOL000038077 - 000038266
- 1.4 ORACLE_HQCA_0000000464 - 0000000569
- 1.5 ORACLE_HQCA_0000003616
- 1.6 ORACLE_HQCA_0000020125 - 0000020179
- 1.7 ORACLE_HQCA_0000021849 - 0000021898
- 1.8 ORACLE_HQCA_0000021930 - 0000021967
- 1.9 ORACLE_HQCA_0000021971 - 0000021991
- 2 ORACLE_HQCA_0000022032 - 0000022034
- 2.1 ORACLE_HQCA_0000022035 - 0000022093

DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

- 2.2 ORACLE_HQCA_0000022305 - 0000022352
- 2.3 ORACLE_HQCA_0000022585 - 0000022586
- 2.4 ORACLE_HQCA_0000022719 - 0000022721
- 2.5 ORACLE_HQCA_0000022833 - 0000022843
- 2.6 ORACLE_HQCA_0000022905
- 2.7 ORACLE_HQCA_0000022906
- 2.8 ORACLE_HQCA_0000022922 - 0000022936
- 2.9 ORACLE_HQCA_0000041703 - 0000041758
- 3 ORACLE_HQCA_0000042091
- 3.1 ORACLE_HQCA_0000042095
- 3.2 ORACLE_HQCA_0000042097 and attachment
- 3.3 ORACLE_HQCA_0000042100 - 0000042181
- 3.4 ORACLE_HQCA_0000056233 - 0000056275
- 3.5 ORACLE_HQCA_0000056247
- 3.6 ORACLE_HQCA_0000056322
- 3.7 ORACLE_HQCA_0000056413 - 0000056426
- 3.8 ORACLE_HQCA_0000056414 - 0000056423
- 3.9 ORACLE_HQCA_0000056893 - 0000056905
- 4 ORACLE_HQCA_0000056907 - 0000056932
- 4.1 ORACLE_HQCA_0000062710
- 4.2 ORACLE_HQCA_0000062711
- 4.3 ORACLE_HQCA_0000062712
- 4.4 ORACLE_HQCA_0000062713
- 4.5 ORACLE_HQCA_0000062714
- 4.6 ORACLE_HQCA_0000062715
- 4.7 ORACLE_HQCA_0000062716
- 4.8 ORACLE_HQCA_0000062717

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

4.9 ORACLE_HQCA_0000062718
5 ORACLE_HQCA_0000062719
5.1 ORACLE_HQCA_0000062720
5.2 ORACLE_HQCA_0000062721
5.3 ORACLE_HQCA_0000062722
5.4 ORACLE_HQCA_0000062723
5.5 ORACLE_HQCA_0000062724
5.6 ORACLE_HQCA_0000062725
5.7 ORACLE_HQCA_0000062726
5.8 ORACLE_HQCA_0000062727
5.9 ORACLE_HQCA_0000062729
6 ORACLE_HQCA_0000062730
6.1 ORACLE_HQCA_0000062731
6.2 ORACLE_HQCA_0000062858.xlsx
6.3 ORACLE_HQCA_0000062859.xlsx
6.4 ORACLE_HQCA_000006936
6.5 ORACLE_HQCA_0000070721
6.6 ORACLE_HQCA_0000070722
6.7 ORACLE_HQCA_0000070723
6.8 ORACLE_HQCA_0000070724
6.9 ORACLE_HQCA_0000070725
7 ORACLE_HQCA_0000070726
7.1 ORACLE_HQCA_0000070727
7.2 ORACLE_HQCA_0000070728
7.3 ORACLE_HQCA_0000070729
7.4 ORACLE_HQCA_0000070730
7.5 ORACLE_HQCA_0000070731

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

7.6 ORACLE_HQCA_0000070732
7.7 ORACLE_HQCA_0000070733
7.8 ORACLE_HQCA_0000070734
7.9 ORACLE_HQCA_0000070735
8 ORACLE_HQCA_0000070736
8.1 ORACLE_HQCA_0000070737
8.2 ORACLE_HQCA_0000070738
8.3 ORACLE_HQCA_0000070739
8.4 ORACLE_HQCA_0000070740
8.5 ORACLE_HQCA_0000070741
8.6 ORACLE_HQCA_0000070742
8.7 ORACLE_HQCA_0000070743
8.8 ORACLE_HQCA_0000070744
8.9 ORACLE_HQCA_0000070745
9 ORACLE_HQCA_0000070746
9.1 ORACLE_HQCA_0000070747
9.2 ORACLE_HQCA_0000070748
9.3 ORACLE_HQCA_0000070749
9.4 ORACLE_HQCA_0000070750
9.5 ORACLE_HQCA_0000070751
9.6 ORACLE_HQCA_0000070752
9.7 ORACLE_HQCA_0000070753
9.8 ORACLE_HQCA_0000070754
9.9 ORACLE_HQCA_0000070755
10 ORACLE_HQCA_0000070756
10.1 ORACLE_HQCA_0000070757
10.2 ORACLE_HQCA_0000070758

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 10.3 ORACLE_HQCA_0000070759
- 10.4 ORACLE_HQCA_0000089010
- 10.5 ORACLE_HQCA_0000089011
- 10.6 ORACLE_HQCA_0000089012
- 10.7 ORACLE_HQCA_0000089013
- 10.8 ORACLE_HQCA_0000089014
- 10.9 ORACLE_HQCA_0000089015
- 11 ORACLE_HQCA_0000089016
- 11.1 ORACLE_HQCA_0000089017
- 11.2 ORACLE_HQCA_0000089018
- 11.3 ORACLE_HQCA_0000089019
- 11.4 ORACLE_HQCA_0000089020
- 11.5 ORACLE_HQCA_0000089021
- 11.6 ORACLE_HQCA_0000089022
- 11.7 ORACLE_HQCA_0000089023
- 11.8 ORACLE_HQCA_0000089024
- 11.9 ORACLE_HQCA_0000089026 - 0000091760
- 12 ORACLE_HQCA_0000089026 - 0000091760
- 12.1 ORACLE_HQCA_0000091761
- 12.2 ORACLE_HQCA_0000091762 - 0000094394
- 12.3 ORACLE_HQCA_0000091762 - 0000094394
- 12.4 ORACLE_HQCA_0000094395
- 12.5 ORACLE_HQCA_0000094396 - 0000097972
- 12.6 ORACLE_HQCA_0000097973
- 12.7 ORACLE_HQCA_0000097974 - 0000101655
- 12.8 ORACLE_HQCA_0000101656
- 12.9 ORACLE_HQCA_0000101657 - 0000104170

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 13 ORACLE_HQCA_0000104171
- 13.1 ORACLE_HQCA_0000104172 - 0000107076
- 13.2 ORACLE_HQCA_0000107077
- 13.3 ORACLE_HQCA_0000107078 - 0000110009
- 13.4 ORACLE_HQCA_0000110010
- 13.5 ORACLE_HQCA_0000110011 - 0000112876
- 13.6 ORACLE_HQCA_0000112877
- 13.7 ORACLE_HQCA_0000112878 - 0000115835
- 13.8 ORACLE_HQCA_0000115836
- 13.9 ORACLE_HQCA_0000115837 - 0000118771
- 14 ORACLE_HQCA_0000118772
- 14.1 ORACLE_HQCA_0000118773 - 0000121269
- 14.2 ORACLE_HQCA_0000121270
- 14.3 ORACLE_HQCA_0000121271 - 0000123813
- 14.4 ORACLE_HQCA_0000123814
- 14.5 ORACLE_HQCA_0000123815 - 0000126153
- 14.6 ORACLE_HQCA_0000126154
- 14.7 ORACLE_HQCA_0000126155 - 0000128173
- 14.8 ORACLE_HQCA_0000128174
- 14.9 ORACLE_HQCA_0000128175
- 15 ORACLE_HQCA_0000128176
- 15.1 ORACLE_HQCA_0000128177
- 15.2 ORACLE_HQCA_0000128178
- 15.3 ORACLE_HQCA_0000128179
- 15.4 ORACLE_HQCA_0000128180
- 15.5 ORACLE_HQCA_0000360321
- 15.6 ORACLE_HQCA_0000360321.xlsx

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 15.7 ORACLE_HQCA_0000364082 - 0000364182
- 15.8 ORACLE_HQCA_0000364183
- 15.9 ORACLE_HQCA_0000364272
- 16 ORACLE_HQCA_0000364273
- 16.1 ORACLE_HQCA_0000364274
- 16.2 ORACLE_HQCA_0000364275
- 16.3 ORACLE_HQCA_0000364276
- 16.4 ORACLE_HQCA_0000364299
- 16.5 ORACLE_HQCA_0000364301
- 16.6 ORACLE_HQCA_0000380148
- 16.7 ORACLE_HQCA_0000380549
- 16.8 ORACLE_HQCA_0000380936
- 16.9 ORACLE_HQCA_0000381038
- 17 ORACLE_HQCA_0000381046
- 17.1 ORACLE_HQCA_0000381047
- 17.2 ORACLE_HQCA_0000381074 - 0000381076
- 17.3 ORACLE_HQCA_0000381080
- 17.4 ORACLE_HQCA_0000381309
- 17.5 ORACLE_HQCA_0000382178
- 17.6 ORACLE_HQCA_0000382179
- 17.7 ORACLE_HQCA_0000382402
- 17.8 ORACLE_HQCA_0000382403
- 17.9 ORACLE_HQCA_0000400489 - 0000400518
- 18 ORACLE_HQCA_0000400577 - 0000400578
- 18.1 ORACLE_HQCA_0000400868 – 0000401021

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**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

RESPONSE TO REQUEST FOR ADMISSION NO. 42:

Oracle objects to this Request on the ground that the phrase “activity to which the documents pertain” is vague, ambiguous, uncertain, and unintelligible. The list above includes documents that were created via data extraction in direct response to OFCCP’s requests in this litigation for various data from Oracle’s systems of record as well as documents related to a deposition taken in another litigation. In addition, some of the Bates ranges listed in the Request encompass multiple documents as opposed to a single document, thus making the Request impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request—which collectively covers over 40,000 pages of documents—as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking admission that thousands of pages of documents were business records to be “over-broad”). Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. By identifying documents above that are not related to OFCCP’s claims beyond the hiring and recruiting claims resolved by the Consent Findings, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

///

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DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 43:

Admit that the following DOCUMENTS were prepared and kept by YOU in the course of regularly conducted activity of a business, organization, occupation, or calling:

- 1.1 DOL000032150 - 000032152
- 1.2 DOL000034179 - 000034181
- 1.3 DOL000038077 - 000038266
- 1.4 ORACLE_HQCA_0000000464 - 0000000569
- 1.5 ORACLE_HQCA_0000003616
- 1.6 ORACLE_HQCA_0000020125 - 0000020179
- 1.7 ORACLE_HQCA_0000021849 - 0000021898
- 1.8 ORACLE_HQCA_0000021930 - 0000021967
- 1.9 ORACLE_HQCA_0000021971 - 0000021991
- 2 ORACLE_HQCA_0000022032 - 0000022034
- 2.1 ORACLE_HQCA_0000022035 - 0000022093
- 2.2 ORACLE_HQCA_0000022305 - 0000022352
- 2.3 ORACLE_HQCA_0000022585 - 0000022586
- 2.4 ORACLE_HQCA_0000022719 - 0000022721
- 2.5 ORACLE_HQCA_0000022833 - 0000022843
- 2.6 ORACLE_HQCA_0000022905
- 2.7 ORACLE_HQCA_0000022906
- 2.8 ORACLE_HQCA_0000022922 - 0000022936
- 2.9 ORACLE_HQCA_0000041703 - 0000041758
- 3 ORACLE_HQCA_0000042091
- 3.1 ORACLE_HQCA_0000042095
- 3.2 ORACLE_HQCA_0000042097 and attachment
- 3.3 ORACLE_HQCA_0000042100 - 0000042181
- 3.4 ORACLE_HQCA_0000056233 - 0000056275

DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

- 3.5 ORACLE_HQCA_0000056247
- 3.6 ORACLE_HQCA_0000056322
- 3.7 ORACLE_HQCA_0000056413 - 0000056426
- 3.8 ORACLE_HQCA_0000056414 - 0000056423
- 3.9 ORACLE_HQCA_0000056893 - 0000056905
- 4 ORACLE_HQCA_0000056907 - 0000056932
- 4.1 ORACLE_HQCA_0000062710
- 4.2 ORACLE_HQCA_0000062711
- 4.3 ORACLE_HQCA_0000062712
- 4.4 ORACLE_HQCA_0000062713
- 4.5 ORACLE_HQCA_0000062714
- 4.6 ORACLE_HQCA_0000062715
- 4.7 ORACLE_HQCA_0000062716
- 4.8 ORACLE_HQCA_0000062717
- 4.9 ORACLE_HQCA_0000062718
- 5 ORACLE_HQCA_0000062719
- 5.1 ORACLE_HQCA_0000062720
- 5.2 ORACLE_HQCA_0000062721
- 5.3 ORACLE_HQCA_0000062722
- 5.4 ORACLE_HQCA_0000062723
- 5.5 ORACLE_HQCA_0000062724
- 5.6 ORACLE_HQCA_0000062725
- 5.7 ORACLE_HQCA_0000062726
- 5.8 ORACLE_HQCA_0000062727
- 5.9 ORACLE_HQCA_0000062729
- 6 ORACLE_HQCA_0000062730
- 6.1 ORACLE_HQCA_0000062731

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 6.2 ORACLE_HQCA_0000062858.xlsx
- 6.3 ORACLE_HQCA_0000062859.xlsx
- 6.4 ORACLE_HQCA_000006936
- 6.5 ORACLE_HQCA_0000070721
- 6.6 ORACLE_HQCA_0000070722
- 6.7 ORACLE_HQCA_0000070723
- 6.8 ORACLE_HQCA_0000070724
- 6.9 ORACLE_HQCA_0000070725
- 7 ORACLE_HQCA_0000070726
- 7.1 ORACLE_HQCA_0000070727
- 7.2 ORACLE_HQCA_0000070728
- 7.3 ORACLE_HQCA_0000070729
- 7.4 ORACLE_HQCA_0000070730
- 7.5 ORACLE_HQCA_0000070731
- 7.6 ORACLE_HQCA_0000070732
- 7.7 ORACLE_HQCA_0000070733
- 7.8 ORACLE_HQCA_0000070734
- 7.9 ORACLE_HQCA_0000070735
- 8 ORACLE_HQCA_0000070736
- 8.1 ORACLE_HQCA_0000070737
- 8.2 ORACLE_HQCA_0000070738
- 8.3 ORACLE_HQCA_0000070739
- 8.4 ORACLE_HQCA_0000070740
- 8.5 ORACLE_HQCA_0000070741
- 8.6 ORACLE_HQCA_0000070742
- 8.7 ORACLE_HQCA_0000070743
- 8.8 ORACLE_HQCA_0000070744

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 8.9 ORACLE_HQCA_0000070745
- 9 ORACLE_HQCA_0000070746
- 9.1 ORACLE_HQCA_0000070747
- 9.2 ORACLE_HQCA_0000070748
- 9.3 ORACLE_HQCA_0000070749
- 9.4 ORACLE_HQCA_0000070750
- 9.5 ORACLE_HQCA_0000070751
- 9.6 ORACLE_HQCA_0000070752
- 9.7 ORACLE_HQCA_0000070753
- 9.8 ORACLE_HQCA_0000070754
- 9.9 ORACLE_HQCA_0000070755
- 10 ORACLE_HQCA_0000070756
- 10.1 ORACLE_HQCA_0000070757
- 10.2 ORACLE_HQCA_0000070758
- 10.3 ORACLE_HQCA_0000070759
- 10.4 ORACLE_HQCA_0000089010
- 10.5 ORACLE_HQCA_0000089011
- 10.6 ORACLE_HQCA_0000089012
- 10.7 ORACLE_HQCA_0000089013
- 10.8 ORACLE_HQCA_0000089014
- 10.9 ORACLE_HQCA_0000089015
- 11 ORACLE_HQCA_0000089016
- 11.1 ORACLE_HQCA_0000089017
- 11.2 ORACLE_HQCA_0000089018
- 11.3 ORACLE_HQCA_0000089019
- 11.4 ORACLE_HQCA_0000089020
- 11.5 ORACLE_HQCA_0000089021

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 11.6 ORACLE_HQCA_0000089022
- 11.7 ORACLE_HQCA_0000089023
- 11.8 ORACLE_HQCA_0000089024
- 11.9 ORACLE_HQCA_0000089026 - 0000091760
- 12 ORACLE_HQCA_0000089026 - 0000091760
- 12.1 ORACLE_HQCA_0000091761
- 12.2 ORACLE_HQCA_0000091762 - 0000094394
- 12.3 ORACLE_HQCA_0000091762 - 0000094394
- 12.4 ORACLE_HQCA_0000094395
- 12.5 ORACLE_HQCA_0000094396 - 0000097972
- 12.6 ORACLE_HQCA_0000097973
- 12.7 ORACLE_HQCA_0000097974 - 0000101655
- 12.8 ORACLE_HQCA_0000101656
- 12.9 ORACLE_HQCA_0000101657 - 0000104170
- 13 ORACLE_HQCA_0000104171
- 13.1 ORACLE_HQCA_0000104172 - 0000107076
- 13.2 ORACLE_HQCA_0000107077
- 13.3 ORACLE_HQCA_0000107078 - 0000110009
- 13.4 ORACLE_HQCA_0000110010
- 13.5 ORACLE_HQCA_0000110011 - 0000112876
- 13.6 ORACLE_HQCA_0000112877
- 13.7 ORACLE_HQCA_0000112878 - 0000115835
- 13.8 ORACLE_HQCA_0000115836
- 13.9 ORACLE_HQCA_0000115837 - 0000118771
- 14 ORACLE_HQCA_0000118772
- 14.1 ORACLE_HQCA_0000118773 - 0000121269
- 14.2 ORACLE_HQCA_0000121270

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 14.3 ORACLE_HQCA_0000121271 - 0000123813
- 14.4 ORACLE_HQCA_0000123814
- 14.5 ORACLE_HQCA_0000123815 - 0000126153
- 14.6 ORACLE_HQCA_0000126154
- 14.7 ORACLE_HQCA_0000126155 - 0000128173
- 14.8 ORACLE_HQCA_0000128174
- 14.9 ORACLE_HQCA_0000128175
- 15 ORACLE_HQCA_0000128176
- 15.1 ORACLE_HQCA_0000128177
- 15.2 ORACLE_HQCA_0000128178
- 15.3 ORACLE_HQCA_0000128179
- 15.4 ORACLE_HQCA_0000128180
- 15.5 ORACLE_HQCA_0000360321
- 15.6 ORACLE_HQCA_0000360321.xlsx
- 15.7 ORACLE_HQCA_0000364082 - 0000364182
- 15.8 ORACLE_HQCA_0000364183
- 15.9 ORACLE_HQCA_0000364272
- 16 ORACLE_HQCA_0000364273
- 16.1 ORACLE_HQCA_0000364274
- 16.2 ORACLE_HQCA_0000364275
- 16.3 ORACLE_HQCA_0000364276
- 16.4 ORACLE_HQCA_0000364299
- 16.5 ORACLE_HQCA_0000364301
- 16.6 ORACLE_HQCA_0000380148
- 16.7 ORACLE_HQCA_0000380549
- 16.8 ORACLE_HQCA_0000380936
- 16.9 ORACLE_HQCA_0000381038

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 17 ORACLE_HQCA_0000381046
- 17.1 ORACLE_HQCA_0000381047
- 17.2 ORACLE_HQCA_0000381074 - 0000381076
- 17.3 ORACLE_HQCA_0000381080
- 17.4 ORACLE_HQCA_0000381309
- 17.5 ORACLE_HQCA_0000382178
- 17.6 ORACLE_HQCA_0000382179
- 17.7 ORACLE_HQCA_0000382402
- 17.8 ORACLE_HQCA_0000382403
- 17.9 ORACLE_HQCA_0000400489 - 0000400518
- 18 ORACLE_HQCA_0000400577 - 0000400578
- 18.1 ORACLE_HQCA_0000400868 - 0000401021

RESPONSE TO REQUEST FOR ADMISSION NO. 43:

Oracle objects to this Request on the ground that the phrase “were prepared and kept” is vague, ambiguous, uncertain, and unintelligible. The list above includes documents that were created via data extraction in direct response to OFCCP’s requests in this litigation for various data from Oracle’s systems of record as well as documents related to a deposition taken in another litigation. In addition, some of the Bates ranges listed in the Request encompass multiple documents as opposed to a single document, thus making the Request impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request—which collectively covers over 40,000 pages of documents—as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013

DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking admission that thousands of pages of documents were business records to be “over-broad”). Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. By identifying documents above that are not related to OFCCP’s claims beyond the hiring and recruiting claims resolved by the Consent Findings, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 44:

Admit that the following DOCUMENTS were made in the regular practice of the activity to which the DOCUMENTS pertain:

- 1.1 DOL000032150 - 000032152
- 1.2 DOL000034179 - 000034181
- 1.3 DOL000038077 - 000038266
- 1.4 ORACLE_HQCA_0000000464 - 0000000569
- 1.5 ORACLE_HQCA_0000003616
- 1.6 ORACLE_HQCA_0000020125 - 0000020179
- 1.7 ORACLE_HQCA_0000021849 - 0000021898
- 1.8 ORACLE_HQCA_0000021930 - 0000021967
- 1.9 ORACLE_HQCA_0000021971 - 0000021991
- 2 ORACLE_HQCA_0000022032 - 0000022034
- 2.1 ORACLE_HQCA_0000022035 - 0000022093
- 2.2 ORACLE_HQCA_0000022305 - 0000022352
- 2.3 ORACLE_HQCA_0000022585 - 0000022586
- 2.4 ORACLE_HQCA_0000022719 - 0000022721

DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

- 2.5 ORACLE_HQCA_0000022833 - 0000022843
- 2.6 ORACLE_HQCA_0000022905
- 2.7 ORACLE_HQCA_0000022906
- 2.8 ORACLE_HQCA_0000022922 - 0000022936
- 2.9 ORACLE_HQCA_0000041703 - 0000041758
- 3 ORACLE_HQCA_0000042091
- 3.1 ORACLE_HQCA_0000042095
- 3.2 ORACLE_HQCA_0000042097 and attachment
- 3.3 ORACLE_HQCA_0000042100 - 0000042181
- 3.4 ORACLE_HQCA_0000056233 - 0000056275
- 3.5 ORACLE_HQCA_0000056247
- 3.6 ORACLE_HQCA_0000056322
- 3.7 ORACLE_HQCA_0000056413 - 0000056426
- 3.8 ORACLE_HQCA_0000056414 - 0000056423
- 3.9 ORACLE_HQCA_0000056893 - 0000056905
- 4 ORACLE_HQCA_0000056907 - 0000056932
- 4.1 ORACLE_HQCA_0000062710
- 4.2 ORACLE_HQCA_0000062711
- 4.3 ORACLE_HQCA_0000062712
- 4.4 ORACLE_HQCA_0000062713
- 4.5 ORACLE_HQCA_0000062714
- 4.6 ORACLE_HQCA_0000062715
- 4.7 ORACLE_HQCA_0000062716
- 4.8 ORACLE_HQCA_0000062717
- 4.9 ORACLE_HQCA_0000062718
- 5 ORACLE_HQCA_0000062719
- 5.1 ORACLE_HQCA_0000062720

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 5.2 ORACLE_HQCA_0000062721
- 5.3 ORACLE_HQCA_0000062722
- 5.4 ORACLE_HQCA_0000062723
- 5.5 ORACLE_HQCA_0000062724
- 5.6 ORACLE_HQCA_0000062725
- 5.7 ORACLE_HQCA_0000062726
- 5.8 ORACLE_HQCA_0000062727
- 5.9 ORACLE_HQCA_0000062729
- 6 ORACLE_HQCA_0000062730
- 6.1 ORACLE_HQCA_0000062731
- 6.2 ORACLE_HQCA_0000062858.xlsx
- 6.3 ORACLE_HQCA_0000062859.xlsx
- 6.4 ORACLE_HQCA_000006936
- 6.5 ORACLE_HQCA_0000070721
- 6.6 ORACLE_HQCA_0000070722
- 6.7 ORACLE_HQCA_0000070723
- 6.8 ORACLE_HQCA_0000070724
- 6.9 ORACLE_HQCA_0000070725
- 7 ORACLE_HQCA_0000070726
- 7.1 ORACLE_HQCA_0000070727
- 7.2 ORACLE_HQCA_0000070728
- 7.3 ORACLE_HQCA_0000070729
- 7.4 ORACLE_HQCA_0000070730
- 7.5 ORACLE_HQCA_0000070731
- 7.6 ORACLE_HQCA_0000070732
- 7.7 ORACLE_HQCA_0000070733
- 7.8 ORACLE_HQCA_0000070734

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

7.9 ORACLE_HQCA_0000070735
8 ORACLE_HQCA_0000070736
8.1 ORACLE_HQCA_0000070737
8.2 ORACLE_HQCA_0000070738
8.3 ORACLE_HQCA_0000070739
8.4 ORACLE_HQCA_0000070740
8.5 ORACLE_HQCA_0000070741
8.6 ORACLE_HQCA_0000070742
8.7 ORACLE_HQCA_0000070743
8.8 ORACLE_HQCA_0000070744
8.9 ORACLE_HQCA_0000070745
9 ORACLE_HQCA_0000070746
9.1 ORACLE_HQCA_0000070747
9.2 ORACLE_HQCA_0000070748
9.3 ORACLE_HQCA_0000070749
9.4 ORACLE_HQCA_0000070750
9.5 ORACLE_HQCA_0000070751
9.6 ORACLE_HQCA_0000070752
9.7 ORACLE_HQCA_0000070753
9.8 ORACLE_HQCA_0000070754
9.9 ORACLE_HQCA_0000070755
10 ORACLE_HQCA_0000070756
10.1 ORACLE_HQCA_0000070757
10.2 ORACLE_HQCA_0000070758
10.3 ORACLE_HQCA_0000070759
10.4 ORACLE_HQCA_0000089010
10.5 ORACLE_HQCA_0000089011

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 10.6 ORACLE_HQCA_0000089012
- 10.7 ORACLE_HQCA_0000089013
- 10.8 ORACLE_HQCA_0000089014
- 10.9 ORACLE_HQCA_0000089015
- 11 ORACLE_HQCA_0000089016
- 11.1 ORACLE_HQCA_0000089017
- 11.2 ORACLE_HQCA_0000089018
- 11.3 ORACLE_HQCA_0000089019
- 11.4 ORACLE_HQCA_0000089020
- 11.5 ORACLE_HQCA_0000089021
- 11.6 ORACLE_HQCA_0000089022
- 11.7 ORACLE_HQCA_0000089023
- 11.8 ORACLE_HQCA_0000089024
- 11.9 ORACLE_HQCA_0000089026 - 0000091760
- 12 ORACLE_HQCA_0000089026 - 0000091760
- 12.1 ORACLE_HQCA_0000091761
- 12.2 ORACLE_HQCA_0000091762 - 0000094394
- 12.3 ORACLE_HQCA_0000091762 - 0000094394
- 12.4 ORACLE_HQCA_0000094395
- 12.5 ORACLE_HQCA_0000094396 - 0000097972
- 12.6 ORACLE_HQCA_0000097973
- 12.7 ORACLE_HQCA_0000097974 - 0000101655
- 12.8 ORACLE_HQCA_0000101656
- 12.9 ORACLE_HQCA_0000101657 - 0000104170
- 13 ORACLE_HQCA_0000104171
- 13.1 ORACLE_HQCA_0000104172 - 0000107076
- 13.2 ORACLE_HQCA_0000107077

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 13.3 ORACLE_HQCA_0000107078 - 0000110009
- 13.4 ORACLE_HQCA_0000110010
- 13.5 ORACLE_HQCA_0000110011 - 0000112876
- 13.6 ORACLE_HQCA_0000112877
- 13.7 ORACLE_HQCA_0000112878 - 0000115835
- 13.8 ORACLE_HQCA_0000115836
- 13.9 ORACLE_HQCA_0000115837 - 0000118771
- 14 ORACLE_HQCA_0000118772
- 14.1 ORACLE_HQCA_0000118773 - 0000121269
- 14.2 ORACLE_HQCA_0000121270
- 14.3 ORACLE_HQCA_0000121271 - 0000123813
- 14.4 ORACLE_HQCA_0000123814
- 14.5 ORACLE_HQCA_0000123815 - 0000126153
- 14.6 ORACLE_HQCA_0000126154
- 14.7 ORACLE_HQCA_0000126155 - 0000128173
- 14.8 ORACLE_HQCA_0000128174
- 14.9 ORACLE_HQCA_0000128175
- 15 ORACLE_HQCA_0000128176
- 15.1 ORACLE_HQCA_0000128177
- 15.2 ORACLE_HQCA_0000128178
- 15.3 ORACLE_HQCA_0000128179
- 15.4 ORACLE_HQCA_0000128180
- 15.5 ORACLE_HQCA_0000360321
- 15.6 ORACLE_HQCA_0000360321.xlsx
- 15.7 ORACLE_HQCA_0000364082 - 0000364182
- 15.8 ORACLE_HQCA_0000364183
- 15.9 ORACLE_HQCA_0000364272

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 16 ORACLE_HQCA_0000364273
- 16.1 ORACLE_HQCA_0000364274
- 16.2 ORACLE_HQCA_0000364275
- 16.3 ORACLE_HQCA_0000364276
- 16.4 ORACLE_HQCA_0000364299
- 16.5 ORACLE_HQCA_0000364301
- 16.6 ORACLE_HQCA_0000380148
- 16.7 ORACLE_HQCA_0000380549
- 16.8 ORACLE_HQCA_0000380936
- 16.9 ORACLE_HQCA_0000381038
- 17 ORACLE_HQCA_0000381046
- 17.1 ORACLE_HQCA_0000381047
- 17.2 ORACLE_HQCA_0000381074 - 0000381076
- 17.3 ORACLE_HQCA_0000381080
- 17.4 ORACLE_HQCA_0000381309
- 17.5 ORACLE_HQCA_0000382178
- 17.6 ORACLE_HQCA_0000382179
- 17.7 ORACLE_HQCA_0000382402
- 17.8 ORACLE_HQCA_0000382403
- 17.9 ORACLE_HQCA_0000400489 - 0000400518
- 18 ORACLE_HQCA_0000400577 - 0000400578
- 18.1 ORACLE_HQCA_0000400868 - 0000401021

RESPONSE TO REQUEST FOR ADMISSION NO. 44:

Oracle objects to this Request on the ground that the phrase “regular practice of the activity to which the documents pertain” is vague, ambiguous, uncertain, and unintelligible. The list above includes documents that were created via data extraction in direct response to OFCCP’s requests in this litigation for various data from Oracle’s systems of record as well as

DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

documents related to depositions taken in other litigation, including a deposition transcript. In addition, some of the Bates ranges listed in the Request encompass multiple documents as opposed to a single document, thus making the Request impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”). Oracle further objects to this Request—which collectively covers over 40,000 pages of documents—as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking admission that thousands of pages of documents were business records to be “over-broad”). Oracle further objects to this Request on the grounds that, in light of the April 30, 2019 Order Adopting Consent Findings, there are no longer any claims relating to college recruiting and/or hiring at issue in this case. By identifying documents above that are not related to OFCCP’s claims beyond the hiring and recruiting claims resolved by the Consent Findings, this Request relates to matters that are now irrelevant and is thus not reasonably calculated to lead to the discovery of admissible evidence.

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DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 45:

Admit that all foundational requirements for the admission of the following DOCUMENTS have been satisfied:

- 1.1 DOL000032150 - 000032152
- 1.2 DOL000034179 - 000034181
- 1.3 DOL000038077 - 000038266
- 1.4 ORACLE_HQCA_0000000464 - 0000000569
- 1.5 ORACLE_HQCA_0000003616
- 1.6 ORACLE_HQCA_0000020125 - 0000020179
- 1.7 ORACLE_HQCA_0000021849 - 0000021898
- 1.8 ORACLE_HQCA_0000021930 - 0000021967
- 1.9 ORACLE_HQCA_0000021971 - 0000021991
- 2 ORACLE_HQCA_0000022032 - 0000022034
- 2.1 ORACLE_HQCA_0000022035 - 0000022093
- 2.2 ORACLE_HQCA_0000022305 - 0000022352
- 2.3 ORACLE_HQCA_0000022585 - 0000022586
- 2.4 ORACLE_HQCA_0000022719 - 0000022721
- 2.5 ORACLE_HQCA_0000022833 - 0000022843
- 2.6 ORACLE_HQCA_0000022905
- 2.7 ORACLE_HQCA_0000022906
- 2.8 ORACLE_HQCA_0000022922 - 0000022936
- 2.9 ORACLE_HQCA_0000041703 - 0000041758
- 3 ORACLE_HQCA_0000042091
- 3.1 ORACLE_HQCA_0000042095
- 3.2 ORACLE_HQCA_0000042097 and attachment
- 3.3 ORACLE_HQCA_0000042100 - 0000042181
- 3.4 ORACLE_HQCA_0000056233 - 0000056275

DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

- 3.5 ORACLE_HQCA_0000056247
- 3.6 ORACLE_HQCA_0000056322
- 3.7 ORACLE_HQCA_0000056413 - 0000056426
- 3.8 ORACLE_HQCA_0000056414 - 0000056423
- 3.9 ORACLE_HQCA_0000056893 - 0000056905
- 4 ORACLE_HQCA_0000056907 - 0000056932
- 4.1 ORACLE_HQCA_0000062710
- 4.2 ORACLE_HQCA_0000062711
- 4.3 ORACLE_HQCA_0000062712
- 4.4 ORACLE_HQCA_0000062713
- 4.5 ORACLE_HQCA_0000062714
- 4.6 ORACLE_HQCA_0000062715
- 4.7 ORACLE_HQCA_0000062716
- 4.8 ORACLE_HQCA_0000062717
- 4.9 ORACLE_HQCA_0000062718
- 5 ORACLE_HQCA_0000062719
- 5.1 ORACLE_HQCA_0000062720
- 5.2 ORACLE_HQCA_0000062721
- 5.3 ORACLE_HQCA_0000062722
- 5.4 ORACLE_HQCA_0000062723
- 5.5 ORACLE_HQCA_0000062724
- 5.6 ORACLE_HQCA_0000062725
- 5.7 ORACLE_HQCA_0000062726
- 5.8 ORACLE_HQCA_0000062727
- 5.9 ORACLE_HQCA_0000062729
- 6 ORACLE_HQCA_0000062730
- 6.1 ORACLE_HQCA_0000062731

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 6.2 ORACLE_HQCA_0000062858.xlsx
- 6.3 ORACLE_HQCA_0000062859.xlsx
- 6.4 ORACLE_HQCA_000006936
- 6.5 ORACLE_HQCA_0000070721
- 6.6 ORACLE_HQCA_0000070722
- 6.7 ORACLE_HQCA_0000070723
- 6.8 ORACLE_HQCA_0000070724
- 6.9 ORACLE_HQCA_0000070725
- 7 ORACLE_HQCA_0000070726
- 7.1 ORACLE_HQCA_0000070727
- 7.2 ORACLE_HQCA_0000070728
- 7.3 ORACLE_HQCA_0000070729
- 7.4 ORACLE_HQCA_0000070730
- 7.5 ORACLE_HQCA_0000070731
- 7.6 ORACLE_HQCA_0000070732
- 7.7 ORACLE_HQCA_0000070733
- 7.8 ORACLE_HQCA_0000070734
- 7.9 ORACLE_HQCA_0000070735
- 8 ORACLE_HQCA_0000070736
- 8.1 ORACLE_HQCA_0000070737
- 8.2 ORACLE_HQCA_0000070738
- 8.3 ORACLE_HQCA_0000070739
- 8.4 ORACLE_HQCA_0000070740
- 8.5 ORACLE_HQCA_0000070741
- 8.6 ORACLE_HQCA_0000070742
- 8.7 ORACLE_HQCA_0000070743
- 8.8 ORACLE_HQCA_0000070744

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 8.9 ORACLE_HQCA_0000070745
- 9 ORACLE_HQCA_0000070746
- 9.1 ORACLE_HQCA_0000070747
- 9.2 ORACLE_HQCA_0000070748
- 9.3 ORACLE_HQCA_0000070749
- 9.4 ORACLE_HQCA_0000070750
- 9.5 ORACLE_HQCA_0000070751
- 9.6 ORACLE_HQCA_0000070752
- 9.7 ORACLE_HQCA_0000070753
- 9.8 ORACLE_HQCA_0000070754
- 9.9 ORACLE_HQCA_0000070755
- 10 ORACLE_HQCA_0000070756
- 10.1 ORACLE_HQCA_0000070757
- 10.2 ORACLE_HQCA_0000070758
- 10.3 ORACLE_HQCA_0000070759
- 10.4 ORACLE_HQCA_0000089010
- 10.5 ORACLE_HQCA_0000089011
- 10.6 ORACLE_HQCA_0000089012
- 10.7 ORACLE_HQCA_0000089013
- 10.8 ORACLE_HQCA_0000089014
- 10.9 ORACLE_HQCA_0000089015
- 11 ORACLE_HQCA_0000089016
- 11.1 ORACLE_HQCA_0000089017
- 11.2 ORACLE_HQCA_0000089018
- 11.3 ORACLE_HQCA_0000089019
- 11.4 ORACLE_HQCA_0000089020
- 11.5 ORACLE_HQCA_0000089021

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 11.6 ORACLE_HQCA_0000089022
- 11.7 ORACLE_HQCA_0000089023
- 11.8 ORACLE_HQCA_0000089024
- 11.9 ORACLE_HQCA_0000089026 - 0000091760
- 12 ORACLE_HQCA_0000089026 - 0000091760
- 12.1 ORACLE_HQCA_0000091761
- 12.2 ORACLE_HQCA_0000091762 - 0000094394
- 12.3 ORACLE_HQCA_0000091762 - 0000094394
- 12.4 ORACLE_HQCA_0000094395
- 12.5 ORACLE_HQCA_0000094396 - 0000097972
- 12.6 ORACLE_HQCA_0000097973
- 12.7 ORACLE_HQCA_0000097974 - 0000101655
- 12.8 ORACLE_HQCA_0000101656
- 12.9 ORACLE_HQCA_0000101657 - 0000104170
- 13 ORACLE_HQCA_0000104171
- 13.1 ORACLE_HQCA_0000104172 - 0000107076
- 13.2 ORACLE_HQCA_0000107077
- 13.3 ORACLE_HQCA_0000107078 - 0000110009
- 13.4 ORACLE_HQCA_0000110010
- 13.5 ORACLE_HQCA_0000110011 - 0000112876
- 13.6 ORACLE_HQCA_0000112877
- 13.7 ORACLE_HQCA_0000112878 - 0000115835
- 13.8 ORACLE_HQCA_0000115836
- 13.9 ORACLE_HQCA_0000115837 - 0000118771
- 14 ORACLE_HQCA_0000118772
- 14.1 ORACLE_HQCA_0000118773 - 0000121269
- 14.2 ORACLE_HQCA_0000121270

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 14.3 ORACLE_HQCA_0000121271 - 0000123813
- 14.4 ORACLE_HQCA_0000123814
- 14.5 ORACLE_HQCA_0000123815 - 0000126153
- 14.6 ORACLE_HQCA_0000126154
- 14.7 ORACLE_HQCA_0000126155 - 0000128173
- 14.8 ORACLE_HQCA_0000128174
- 14.9 ORACLE_HQCA_0000128175
- 15 ORACLE_HQCA_0000128176
- 15.1 ORACLE_HQCA_0000128177
- 15.2 ORACLE_HQCA_0000128178
- 15.3 ORACLE_HQCA_0000128179
- 15.4 ORACLE_HQCA_0000128180
- 15.5 ORACLE_HQCA_0000360321
- 15.6 ORACLE_HQCA_0000360321.xlsx
- 15.7 ORACLE_HQCA_0000364082 - 0000364182
- 15.8 ORACLE_HQCA_0000364183
- 15.9 ORACLE_HQCA_0000364272
- 16 ORACLE_HQCA_0000364273
- 16.1 ORACLE_HQCA_0000364274
- 16.2 ORACLE_HQCA_0000364275
- 16.3 ORACLE_HQCA_0000364276
- 16.4 ORACLE_HQCA_0000364299
- 16.5 ORACLE_HQCA_0000364301
- 16.6 ORACLE_HQCA_0000380148
- 16.7 ORACLE_HQCA_0000380549
- 16.8 ORACLE_HQCA_0000380936
- 16.9 ORACLE_HQCA_0000381038

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF
REQUESTS FOR ADMISSION**

- 17 ORACLE_HQCA_0000381046
- 17.1 ORACLE_HQCA_0000381047
- 17.2 ORACLE_HQCA_0000381074 - 0000381076
- 17.3 ORACLE_HQCA_0000381080
- 17.4 ORACLE_HQCA_0000381309
- 17.5 ORACLE_HQCA_0000382178
- 17.6 ORACLE_HQCA_0000382179
- 17.7 ORACLE_HQCA_0000382402
- 17.8 ORACLE_HQCA_0000382403
- 17.9 ORACLE_HQCA_0000400489 - 0000400518
- 18 ORACLE_HQCA_0000400577 - 0000400578
- 18.1 ORACLE_HQCA_0000400868 - 0000401021

RESPONSE TO REQUEST FOR ADMISSION NO. 45:

Oracle objects to this Request—which collectively covers over 40,000 pages of documents—as overbroad in scope, unduly burdensome, oppressive, vague and ambiguous, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. *See, e.g., Oyarzo*, 2013 WL 1758798, at *7 (“[B]y requesting that Defendants make admissions regarding the 5,400 pages of discovery produced, Plaintiffs’ have inappropriately placed the burden on Defendants to sift through the voluminous discovery in this action.”); *White*, 2006 WL 1517724, at *2 (finding RFAs seeking admission that thousands of pages of documents were business records to be “over-broad”); *Romero v. Securus Techs., Inc.*, No. 16-cv-1283, 2017 U.S. Dist. LEXIS 170976, at *9 (S.D. Cal. Oct. 16, 2017) (holding that an RFA calling for Defendant to admit “all foundational requirements” for admission of documents was “vague and need not be further answered”). In addition, some of the Bates ranges listed in the Request encompass multiple documents as opposed to a single document, thus making the Request impermissibly compound and incapable of a direct, singular response. *See Rovai*, 2019 WL 1330922, at *2 (“Requests for admissions may not contain compound, conjunctive, or

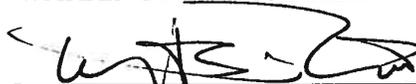
DEFENDANT ORACLE AMERICA, INC.’S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

disjunctive [] statements.”); *see also Henry*, 212 F.R.D. at 77 (“[T]he requesting party bears the burden of setting forth its requests simply, directly, not vaguely or ambiguously, and in such a manner that they can be answered with a simple admit or deny without an explanation...”).

Without waiving these objections, Oracle denies this Request.

May 31, 2019

GARY R. SINISCALCO
ERIN M. CONNELL
WARRINGTON S. PARKER



ORRICK, HERRINGTON & SUTCLIFFE LLP

The Orrick Building

405 Howard Street

San Francisco, CA 94105-2669

Telephone: (415) 773-5700

Facsimile: (415) 773-5759

Email: grsiniscalco@orrick.com
econnell@orrick.com
wparker@orrick.com

Attorneys for Defendant
ORACLE AMERICA, INC.

PROOF OF SERVICE BY ELECTRONIC MAIL

I am more than eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, The Orrick Building, 405 Howard Street, San Francisco, California 94105-2669. My electronic service address is jkaddah@orrick.com.

On May 31, 2019, I served the interested parties in this action with the following document(s):

DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SECOND SET OF REQUESTS FOR ADMISSION

by serving true copies of these documents via electronic mail in Adobe PDF format the documents listed above to the electronic addresses set forth below:

Laura Bremer (Bremer.Laura@dol.gov)
Jeremiah Miller (miller.jeremiah@dol.gov)
Norman E. Garcia (Garcia.Norman@DOL.GOV)
Charles C. Song (Song.Charles.C@dol.gov)
Abigail Daquiz (Daquiz.Abigail@dol.gov)
Marc A. Pilotin (pilotin.marc.a@dol.gov)

U.S. Department of Labor, Office of the Solicitor, Region IX – San Francisco
90 Seventh Street, Suite 3-700
San Francisco, CA 94103
Telephone: (415) 625-7769 / Fax: (415) 625-7772

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 31, 2019, at San Francisco, California.

Jacqueline D. Kaddah