

**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
AND OBJECTIONS TO FIRST
SET OF REQUESTS FOR THE
PRODUCTION OF DOCUMENTS**

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

RESPONDING PARTY: Defendant ORACLE AMERICA, INC.

SET NO.: One

Pursuant to 41 C.F.R. § 60-30.10 and, as applicable, Federal Civil Procedure Rule 34, 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 Production of Documents ("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 bring to light 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. 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 herein or of any subsequently discovered information or documents or of information or documents omitted from

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OHSUSA:766456395.11

Exhibit P-279

these responses as a result of good faith oversight, error, or mistake.

For the reasons set forth in Oracle's Answer, Oracle's responses and productions responsive to the document requests related to OFCCP's recruiting and hiring claims are limited to the period January 1, 2013 through June 30, 2014 and to positions in the Professional Technical 1, Individual Contributor ("PT1") job group at Oracle's Redwood Shores, CA, location, and responses and productions responsive to the document requests related to OFCCP's compensation claims are limited to the period January 1, 2014 through December 31, 2014 and to positions in the Product Development, Support, and Information Technology job functions at Oracle's Redwood Shores, CA, location.

Oracle's production of documents is contingent upon and subject to the entry of a protective order. Oracle will provide OFCCP a proposed protective order.

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 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.

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OBJECTIONS TO SPECIFIC DEFINITIONS

DEFINITION NO. 1. “YOU” and “YOUR” mean Oracle America, Inc. and all of its agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions.

OBJECTION TO DEFINITION NO. 1:

Oracle objects to the OFCCP’s definitions of “YOU” and “YOUR” as vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case, to the extent that these terms include Oracle’s agents, representatives, attorneys, consultants, successors, subsidiaries, or divisions. Oracle further objects to this definition to the extent it includes information protected by 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 documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle’s Redwood Shores, CA, location. Accordingly, and in light of OFCCP’s Instruction No. 1, which provides “Unless otherwise stated, these requests relate to Oracle’s POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California”, Oracle’s responses, objections, and productions are limited to documents “relate[d] to Oracle’s POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters 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 documents not relevant to any party’s claim or defense nor proportional to the needs of the case. As to Requests related to OFCCP’s recruiting and hiring claim, Oracle’s responses, objections and productions are limited to the relevant time period of January 1, 2013 through June 30, 2014. As to Requests related to OFCCP’s compensation claims, Oracle’s responses, objections and

production are limited to the relevant time period of January 1, 2014 through December 31, 2014.

DEFINITION NO. 3. “AFFINITY GROUP” means any group of people linked by a common interest or purpose and includes, but is not limited to, gender or race.

OBJECTION TO DEFINITION NO. 3:

Oracle objects to this definition as including the phrases “any group,” “linked,” and “common interest or purpose,” which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the OFCCP’s allegations pertaining to Oracle’s Redwood Shores, CA, location.

DEFINITION NO. 4. “And” and “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

DEFINITION NO. 5. “ANSWER” means the Answer to the Amended Complaint filed by YOU in this action on February 8, 2017.

DEFINITION NO. 6. “COLLEGE RECRUIT” means any PERSON who expresses interest or applies to YOU through YOUR college recruiting program (including undergraduate students, graduate students, and recent graduates) for technical positions (as opposed to sales positions), including positions in the Professional Technical I, Individual Contributor job group or Product Development, Support, or Information Technology lines of business.

OBJECTION TO DEFINITION NO. 6:

Oracle objects to this definition as including the term “PERSON” and the phrases “expresses interest,” “college recruiting program,” and “technical positions,” which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle’s Redwood Shores, CA. Oracle’s

responses, objections and production are limited to responsive documents related to the Professional Technical 1, Individual Contributor (“PT1”) job group at its Redwood Shores, CA, location between January 1, 2013 and June 30, 2014.

DEFINITION NO. 7. “COMMUNICATIONS” means all transactions or transfers of information of any kind, whether orally, in writing, or in any other manner, at any time or place, under any circumstances whatsoever.

OBJECTION TO DEFINITION NO. 7:

Oracle objects to this definition as including the phrase “all transactions or transfers” and the term “orally,” which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle’s Redwood Shores, CA, location. Oracle’s responses, objections and production are limited to existing written or electronically stored information in the custody, control, and possession of Oracle America, Inc. and related to its Redwood Shores, CA, location.

DEFINITION NO. 8. “COMPENSATION” means any payments made to, or on behalf of, an employee as remuneration for employment, including but not limited to salary, wages, overtime pay, shift differentials, commissions, bonuses, vacation and holiday pay, retirement and other benefits, stock options and awards, and profit sharing.

OBJECTION TO DEFINITION NO. 8:

Oracle objects to this definition as including the phrase “remuneration for employment,” which renders the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle’s Redwood Shores, CA, location. Oracle’s responses, objections and production are limited to documents in the custody, control, and possession of Oracle America, Inc. and related to its Redwood Shores, CA,

location.

DEFINITION NO. 9. “COMPLIANCE REVIEW” means OFCCP’s compliance evaluation of YOUR headquarters located at Redwood Shores, California in connection with the scheduling letter OFCCP sent to YOU on or about September 24, 2014 pursuant to 41 C.F.R. Chapter 60: Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, unless otherwise stated.

OBJECTION TO DEFINITION NO. 9:

Oracle objects to this definition as including the phrase “compliance evaluation,” which renders the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle’s Redwood Shores, CA, location. Oracle’s responses, objections and production are limited to documents in the custody, control, and possession of Oracle America, Inc. and related to its Redwood Shores, CA.

DEFINITION NO. 10. “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 and/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.

OBJECTION TO DEFINITION NO. 10:

Oracle objects to this definition as including the phrase “or known by YOU to exist,”

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which, to the extent such documents are not in Oracle's possession, custody, or control, encompasses documents beyond those that Oracle has any obligation to produce.

DEFINITION NO. 11. "HIRING" or "HIRE" mean receiving expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary and other COMPENSATION for, and/or extending offers to, PERSONS who express interest in a position with YOU or requisition posted by YOU.

OBJECTION TO DEFINITION NO. 11:

Oracle objects to this definition as unintelligible in its entirety. Oracle further objects to this definition as including the term "PERSON" and the phrases "expressions of interest," "communicating with," and "express interest," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA. Oracle interprets this definition using the commonly understood use of the word "hiring" or "hire" and its responses, objections and production are limited to responsive documents related to the PT1 job group at its Redwood Shores, CA, location between January 1, 2013 and June 30, 2014.

DEFINITION NO. 12. "OFCCP" means the Office of Federal Contract Compliance Programs, United States Department of Labor.

DEFINITION NO. 13. "OFCCP'S REQUESTS FOR DATA" means all DOCUMENTS and COMMUNICATIONS requested from YOU by OFCCP during the COMPLIANCE REVIEW, whether orally, in writing, or in any other manner.

OBJECTION TO DEFINITION NO. 13:

Oracle objects to this definition as including the term COMMUNICATIONS, which includes the term "orally," and the phrase "any other manner," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct

allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to existing written or electronically stored information in the custody, control, and possession of Oracle America, Inc. and relating to its Redwood Shores, CA, location.

DEFINITION NO. 14. "ORGANIZATIONAL CHART" means a graphic or written representation of the structure of YOUR business or any portion of YOUR business, which shows the relationships of the positions or jobs (including but not limited to reporting relationships) within each line of business, job function, or any other division or group as YOU have defined them in the normal course of YOUR business operations.

OBJECTION TO DEFINITION NO. 14:

Oracle objects to this definition as including the terms "structure," "relationship," and "each," which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to responsive documents related to the Product Development, Support, and Information Technology job functions at its Redwood Shores, CA, location between January 1, 2013 and June 30, 2014.

DEFINITION NO. 15. "PERSON" means without limitation individuals, firms, associations, partnerships, corporations, governmental agencies or offices and employees, and any other entity.

OBJECTION TO DEFINITION NO. 15:

Oracle objects to this definition as vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case, to the extent this definition includes firms, associations, partnerships, corporations, governmental agencies or offices and employees, and any other entity. Oracle further objects to this definition to the extent it includes information protected by attorney-client privilege or the attorney work product doctrine. Oracle further objects to this

definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to information in the custody, control, and possession of Oracle America, Inc. and related to its Redwood Shores, CA, location.

DEFINITION NO. 16. "PERSONNEL" means information relating to YOUR current, former, or prospective employees.

OBJECTION TO DEFINITION NO. 16:

Oracle objects to this definition as vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case, to the extent this definition includes employees not employed by Oracle during the relevant time period. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, CA, location. Oracle's responses, objections and production are limited to responsive documents related to the Product Development, Support, and Information Technology job functions at its Redwood Shores, CA, location between January 1, 2013 and June 30, 2014.

DEFINITION NO. 17. "PERSONNEL FILE" means any data, file (including electronic files), collection of DOCUMENTS and COMMUNICATIONS, or other form in which information is stored or maintained by YOU or any of YOUR officers, executives, all levels of management, human resources department(s) or division(s), and/or any other employee or PERSON acting or purporting to act on YOUR behalf or at YOUR direction, concerning the employment of a particular employee, whether current, former, or prospective.

OBJECTION TO DEFINITION NO. 17:

Because the term "PERSONNEL FILE" does not appear in any of the document requests below, Oracle does not respond regarding this definition at this time.

DEFINITION NO. 18. "POLICIES," "PRACTICES," or "PROCEDURES" means 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, 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. 18:

Oracle objects to this definition as including the phrases “common understanding” and “course of conduct,” which render the definition vague, ambiguous. Oracle further objects to this definition as overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it seeks documents that are not relevant to the discriminatory conduct allegedly engaged in at Oracle’s Redwood Shores, CA, location within the Product Development, Support and Information Technology job functions. Accordingly, and in light of OFCCP’s Instruction No. 1, which provides “Unless otherwise stated, these requests relate to Oracle’s POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California” Oracle’s responses, objections, and production are limited to documents “relate[d] to Oracle’s POLICIES, PRACTICES, or PROCEDURES that apply at its headquarters located at Redwood Shores, California” and which pertain to the Product Development, Support and Information Technology job functions.

DEFINITION NO. 19. “RELATING TO” means constituting, memorializing, evidencing, containing, showing, supporting, contradicting, summarizing, pertaining to, or referring to, whether directly or indirectly, the subject of the particular request.

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RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify YOUR organizational structure for the Support, Product Development, and Information Technology lines of business or job functions during the RELEVANT TIME PERIOD, including identifying by name and job title, any and all PERSON(S) that are officers, executives, and all levels of management within each job function or line of business, including reporting relationships between PERSONS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “organizational structure,” “all levels of management,” and “reporting relationships.” Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control with sufficient information to identify management within the Support, Product Development and Information Technology job functions at its Redwood Shores, CA location for the period January 1, 2013 through December 31, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 2:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), by name and job title, with authority to affect a

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COLLEGE RECRUIT's disposition or HIRING, including PERSONS participating in job fairs, evaluating or screening expressions of interest, resumes and other application DOCUMENTS, interviewing applicants, making recommendations whether to hire applicants, and approving hires for positions in the Professional Technical I, Individual Contributor ("PT1") job group or Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases "authority to affect" and "expressions of interest." Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control with sufficient information to identify individuals within the Human Resources Department responsible for college recruiting for PT1 positions at its Redwood Shores, CA location for the period January 1, 2013 through June 30, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 3:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S) by name and job title, involved in determining YOUR budget for PERSONNEL costs (i.e., budget for determining number of hires, starting salaries, promotions, any other changes in COMPENSATION, transfers, demotions, layoffs, and all other costs associated with PERSONNEL) during the RELEVANT TIME PERIOD, including

but not limited to identifying any and all PERSON(S), by name and job title, with knowledge of how YOU define and determine the “Headcount” term YOU used in YOUR responses to OFCCP during the COMPLIANCE REVIEW.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “sufficient to identify” and “involved in determining,” as well as the terms “budget” and “headcount.” Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

After conducting a reasonably diligent search, Oracle does not have responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 4:

DOCUMENTS, including but not limited to ORGANIZATIONAL CHARTS or lists, sufficient to identify any and all PERSON(S), by name and job title, involved in determining how, once established, funds allocated in YOUR PERSONNEL budget are distributed within the Product Development, Information Technology, and Support lines of business or job functions, including the distributions to executives, managers or anyone else for further distribution, and distribution of the budget to any team, division, or group within these lines of business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “funds allocated,” as well as the terms “budget” and “distribution[s].” Oracle further objects to this request as overbroad in scope, uncertain as to

time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

After conducting a reasonably diligent search, Oracle does not have responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 5:

All COMMUNICATIONS relating to OFCCP'S REQUESTS FOR DATA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 6:

All COMMUNICATIONS relating to the preparation of YOUR responses (regardless of whether YOU furnished information or objected) to OFCCP'S REQUESTS FOR DATA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly

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burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 7:

All COMMUNICATIONS relating to feasibility (i.e., YOUR ability and efforts to collect information, including but not limited to data or fields of data) in response to OFCCP'S REQUESTS FOR DATA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the term "feasibility." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS and COMMUNICATIONS relating to POLICIES, PRACTICES, or PROCEDURES, for YOUR preparation of Affirmative Action Programs (“AAP”), as described in 41 C.F.R. § 60-2.10, for the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the ground that it seeks confidential information. Oracle further objects to this request on the ground that it calls for a legal conclusion. Oracle further objects to this request on the ground that it requires Oracle to refer to materials outside the request itself.

REQUEST FOR PRODUCTION NO. 9:

All DOCUMENTS and COMMUNICATIONS relating to YOUR POLICIES, PRACTICES, or PROCEDURES, for responding to OFCCP’S REQUESTS FOR DATA during compliance reviews, including but not limited to the particular COMPLIANCE REVIEW period cited herein.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “responses,” “compliance reviews,” and “including but not limited to the particular COMPLIANCE REVIEW period cited herein.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information

protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for its Redwood Shores, CA, location for the COMPLIANCE REVIEW.

REQUEST FOR PRODUCTION NO. 10:

All DOCUMENTS and COMMUNICATIONS relating to YOUR POLICIES, PRACTICES, or PROCEDURES, for determining how YOU define an “applicant” as that term is used in YOUR responses to OFCCP’S REQUESTS FOR DATA during compliance reviews, including but not limited to the particular COMPLIANCE REVIEW period cited herein. This includes, but is not limited to, all DOCUMENTS and COMMUNICATIONS relating to how YOU determine which PERSONS to include and exclude as an “applicant,” what factors go into this determination, and identifying any and all PERSON(S) involved in making this determination.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase “compliance reviews” and “including but not limited to the particular COMPLIANCE REVIEW period cited herein.” Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unintelligible, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and

invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS and COMMUNICATIONS that define or describe YOUR DOCUMENT and data retention POLICIES, PRACTICES, or PROCEDURES, relating to any and all PERSONS expressing an interest in an Oracle job (whether or not such PERSONS eventually applied for said job) during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “data retention” and “expressing an interest.” Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the ground that it seeks confidential information. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control relating to the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

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REQUEST FOR PRODUCTION NO. 12:

All user manuals and training materials for YOUR Compensation Workbench system.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “user manuals” and “training materials.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the ground that it seeks confidential information.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged manuals and training materials in its possession, custody or control for its Compensation Workbench system to the extent that such documents relate to the Product Development, Support, and Information Technology job functions at its Redwood Shores, CA, location for the period of January 1, 2013 through December 31, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 13:

All user manuals and training materials for YOUR I-Recruitment system.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “user manuals” and “training materials.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the ground that it seeks confidential information.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged manuals and training materials in its possession, custody or control for its I-Recruit system to the extent it relates to the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 14:

All user manuals and training materials for YOUR system for tracking HIRING for COLLEGE RECRUITS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “user manuals” and “training materials,” as well as the term “system.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the ground that it seeks confidential information.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search, produce responsive, non-privileged manuals and training materials in its possession, custody or control to the extent they relate to the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 15:

All user manuals and training materials for YOUR Taleo system.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “user manuals” and “training materials.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the ground that it seeks confidential information.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged manuals and training materials in its possession, custody or control for its Taleo system to the extent it relates to the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014, to the extent any such documents exist.

REQUEST FOR PRODUCTION NO. 16:

All DOCUMENTS and COMMUNICATIONS relating to YOUR POLICIES, PRACTICES, or PROCEDURES for HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD, including but not limited to all DOCUMENTS and COMMUNICATIONS relating to any criteria that YOU used to evaluate applicants at any stage (i.e., screening, interview, post-interview) of the application process.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the terms “criteria” and “evaluate.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, compound, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

DEF. ORACLE AMERICA, INC.’S RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS
CASE NO. 2017-OFC-00006

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS and COMMUNICATIONS exchanged between YOU and all domestic colleges and universities relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD. This includes all DOCUMENTS and COMMUNICATIONS exchanged between YOU and college and university career services, AFFINITY GROUPS, and any other organizations whose members include college and university students and alumni.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “all domestic colleges and universities,” “career services,” and “any other organizations.” Oracle further objects to this request as overbroad in scope, uncertain as to time, compound, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 18:

All DOCUMENTS and COMMUNICATIONS exchanged between YOU and any internal or external recruiter for YOU relating to HIRING COLLEGE RECRUITS during the

RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase “internal or external recruiter.” Oracle further objects to this request as overbroad in scope, compound, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 19:

All DOCUMENTS and COMMUNICATIONS exchanged between YOU and all international colleges and universities relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD. This includes all DOCUMENTS and COMMUNICATIONS exchanged between YOU and college and university career services, AFFINITY GROUPS, and any other organizations whose members include college and university students and alumni.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “all international colleges and universities,” “career services,” and “any other organizations.” Oracle further objects to this request as overbroad in scope, compound, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle

further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 20:

All DOCUMENTS and COMMUNICATIONS relating to “Good Faith Efforts (GFEs) in the U.S. to reach out to interested women and minorities” for any PT1 job group positions and all positions within the Product Development line of business during the RELEVANT TIME PERIOD, as stated in YOUR letter to OFCCP dated October 31, 2016.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this as a mischaracterization of the October 31, 2016 letter, for which the quoted language is taken out of context and which referred only to PT1 job group positions and not Product Development. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrases “Good Faith Efforts (GFEs) in the U.S. to reach out to interested women and minorities.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent

search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 21:

All DOCUMENTS and COMMUNICATIONS relating to efforts to recruit PERSONS internationally for any PT1 job group positions and all positions within the Product Development line of business during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the terms “recruit” and “internationally.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 22:

All notes or records of interviews, whether by phone or in-person (including but not limited to memos, emails, and text messages), of COLLEGE RECRUITS who were interviewed during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including

but not limited to the terms “notes,” “records,” and “interviews.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 23:

All DOCUMENTS and COMMUNICATIONS (including but not limited to memos, emails, text messages) stating, summarizing, supporting, or explaining YOUR decision on a disposition of an expression of interest or application at any point of the HIRING process from a COLLEGE RECRUIT during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the terms “disposition” and “application” as well as the phrase “expression of interest.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent

search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 24:

All COMMUNICATIONS (including but not limited to memos, emails and text messages) to and from Larry Lynn, Vice President, College Recruiting, relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. 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. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 25:

All COMMUNICATIONS (including but not limited to memos, emails and text messages) to and from Chantal Dumont, Senior Director, College Recruiting, relating to HIRING COLLEGE RECRUITS during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly

burdensome, compound, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores, CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 26:

All DOCUMENTS and COMMUNICATIONS relating to POLICIES, PRACTICES, or PROCEDURES for YOUR Employee Referral Program.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase "Employee Referral Program." Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

Subject to and without waiving these objections, Oracle responds:

Following entry of a protective order, Oracle will, after conducting a reasonably diligent search and utilizing reasonable search parameters, produce responsive, non-privileged documents in its possession, custody or control for the PT1 job group at its Redwood Shores,

CA, location for the period of January 1, 2013 through June 30, 2014.

REQUEST FOR PRODUCTION NO. 27:

All DOCUMENTS and COMMUNICATIONS relating to PERSONS who were referred under YOUR Employee Referral Program.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase “Employee Referral Program.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and seeks information that is not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

REQUEST FOR PRODUCTION NO. 28:

All DOCUMENTS and COMMUNICATIONS relating to PERSONS receiving a bonus or other form of COMPENSATION through YOUR Employee Referral Program.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase “Employee Referral Program.” Oracle further objects to this request as overbroad in scope, uncertain as to time, unduly burdensome, oppressive, and seeks information that is not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

REQUEST FOR PRODUCTION NO. 29:

All DOCUMENTS YOU rely upon or reviewed in making each and every affirmative defense set forth in YOUR ANSWER.

RESPONSE TO REQUEST NO. FOR PRODUCTION 29:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the grounds that it is vague and ambiguous, including but not limited to the phrase “rely upon or reviewed.” 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 e. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this request on the grounds that it seeks confidential information, and invades the privacy rights of individuals who are not a party to this action.

March 7, 2017

GARY R. SINISCALCO
ERIN M. CONNELL



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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 March 7, 2017, I served the interested parties in this action with the following document(s):

**ORACLE'S RESPONSES AND OBJECTIONS TO FIRST SET OF
REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

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:

Marc A. Pilotin (pilotin.marc.a@dol.gov)
Laura Bremer (Bremer.Laura@dol.gov)
Ian Eliasoph (eliasoph.ian@dol.gov)
Jeremiah Miller (miller.jeremiah@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 March 7, 2017, at San Francisco, California.

Jacqueline D. Kaddah