

**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 SIXTH 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: Six

Pursuant to 41 C.F.R. § 60-30.10 and, as applicable, Rule 34 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 ("OFCCP")'s Sixth 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. 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

DEF. ORACLE AMERICA, INC.'S RESP. & OBJS. TO SIXTH REQUEST FOR PRODUCTION OF DOCUMENTS

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4142-3114-7547

Exhibit P-284

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.

This set of 23 Requests arrived after OFCCP previously served—and Oracle responded to—183 prior Requests for Production. Following its written responses and objections, Oracle has produced over 400,000 documents, as well as over 85 million discrete fields of data in its database production. Indeed, in October 2017, Oracle produced tens of thousands of additional documents in response to OFCCP’s prior requests. Additional documents have been produced in March and April 2017, and that production is continuing as rapidly as documents can be retrieved, reviewed and prepared for production. Moreover, a large number of OFCCP’s recent Requests, as explained in Oracle’s responses to them, are entirely duplicative of, or subsumed within, prior Requests made by OFCCP, to which Oracle has already responded. It is difficult to see how such frivolous and unnecessary Requests have any purpose other than improper harassment.

For the reasons set forth in Oracle’s initial Answer, its Answer to the Second Amended Complaint, and its prior Responses and Objections to OFCCP’s first five sets of Requests, and because OFCCP has stated it is not pursuing claims related to recruiting and hiring of experienced employees at this time, Oracle’s responses to the document requests related to OFCCP’s recruiting and hiring claims are limited to College Recruiting for the PT1 job group at Oracle’s Redwood Shores, CA, location, assuming OFCCP will provide specification of the universe of the “college recruit” population now that OFCCP has receded from its recruiting claims concerning “experienced hires.” Likewise, responses to the document requests related to OFCCP’s compensation claims are limited to positions in the Product Development, Support, and Information Technology job functions at Oracle’s Redwood Shores, California, location.

While Oracle maintains its objection that any production should be limited to responsive documents from the period of January 1, 2013, through June 30, 2014, for Requests related to OFCCP’s hiring claims, and January 1, 2013, through December 31, 2014, for Requests related to OFCCP’s compensation claims, in the interest of cooperation, and without waiving, and

subject to, its objections or the right to restrict its production, Oracle has agreed with OFCCP to a January 18, 2019 cutoff date to govern Oracle's production.

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.

GENERAL OBJECTIONS

Oracle objects to these Requests on the ground that they are propounded and founded upon various rulings made by Judge Larsen that affect the scope of the litigation and matters relevant and at issue for purposes of discovery. Judge Larsen, on October 15, 2018, indicated he should have granted Oracle's motion to disqualify him. Furthermore, the operative pleading in this case remained in a state of uncertainty until March 13, 2019, when Judge Clark issued his Order Filing OFCCP's Revised Second Amended Complaint. Hence, Oracle objects that the burden of responding to these requests, and their proportionality to the needs of this case, must be evaluated in light of the protracted state of flux affecting the issues actually in dispute, the late date of the propounding of these requests, and the limited time left for determining the appropriate responses to them and retrieving and producing responsive documents.

Oracle further objects generally to these Requests on the grounds that they are unduly burdensome and not proportionate to the needs of this case by noting that prior data discovery in this litigation has been obtained in substantial part by the use of scripts, and that those scrip are

now out-of-date owing both to interim changes in the underlying data sources effected in the ordinary course of Oracle's business and by OFCCP's withdrawal of its claims focused on experienced hires. Updating Oracle's prior discovery responses, therefore, would require the significant development of new scripts and the retrieval and review of information through their use, rendering the process of further discovery production time-consuming and impracticable within the time period allowed for it unless constrained within reasonable bounds and confined to information that is actually necessary at this late date for OFCCP to prosecute its claims.

Oracle further objects generally to these Requests to the extent they presume and assume that all information and documents produced by Oracle to OFCCP in the underlying compliance audit and investigation are reasonably discoverable in or proportionate to the needs of this litigation, in that the compliance audit and investigation were significantly broader than the claims in this litigation, and that much of the information produced for review during the compliance investigation is irrelevant or only tangentially relevant to matters actually in issue in this litigation.

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:

Because of OFCCP's lack of clarification or limitation of these terms, Oracle objects to these definitions of "YOU" and "YOUR" as vague, ambiguous, overbroad, unduly burdensome and oppressive, and in application 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, consultants, successors, subsidiaries or divisions. 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 documents that are not

relevant to the discriminatory conduct allegedly engaged in at Oracle's Redwood Shores, California, location. Accordingly, and in light of OFCCP's Instruction No. 1, which provides "Unless otherwise stated, these requests RELATE TO Oracle's headquarters located at Redwood Shores, California," Oracle's responses, objections and productions are limited to documents 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, objections and productions should be limited to the relevant periods of January 1, 2013, through June 30, 2014, for Requests related to OFCCP's hiring claims and January 1, 2013, through December 31, 2014 for Requests related to OFCCP's compensation claims. Nevertheless, while preserving and maintaining its objections, and subject thereto, Oracle will act in compliance with outstanding rulings on the relevant period and with agreement with OFCCP on the outer ongoing boundary of that period.

DEFINITION NO. 3. "ANALYSES" means any AND all draft AND final narratives, summaries, chronologies, determination memorandums, statistical summaries, charts, matrices, spreadsheets, audits, evaluations, studies, methodologies, models, actual computations, AND regression AND other statistical analyses.

OBJECTION TO DEFINITION NO. 3:

Oracle objects to this definition as vague, ambiguous, and overbroad because it includes documents that would rarely if ever be considered analyses. For example, narratives, summaries, chronologies, memoranda, and spreadsheets may or may not include any actual analysis, and as a

result cannot categorically be deemed to be analyses within the commonly understood definition of the word. Furthermore, to the extent a document is an analysis within the commonly understood meaning, such a broad definition includes and encompasses analyses that are not relevant to any party's claim or defense nor proportional to the needs of the 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 any and all documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine.

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. "APPLICANT" means any person who YOU received expressions of interest, solicited, recruited, communicated with, screened, interviewed, evaluated, determined starting salary AND other COMPENSATION for, OR extended offers to, persons who expressed interest in a job at Oracle.

OBJECTION TO DEFINITION NO. 5:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, incoherent and incomprehensible. Even speculating on what this Definition is intended to include, Oracle objects to this definition on the grounds that it does not set forth with reasonable particularity the nature of the "expressions of interest" referenced.

DEFINITION NO. 6. "ASSIGNED" means responsible, designated, appointed, worked on, performed work.

OBJECTION TO DEFINITION NO. 6:

Oracle objects to this definition on the grounds that it is vague, ambiguous, inherently incomplete, internally contradictory, and incoherent. Oracle further objects to this definition on the ground that it is argumentative. Oracle further objects to this definition on the grounds that it is irrelevant to the hiring and compensation processes at issue in this case, inasmuch as individuals apply for employment in positions against specific requisitions or, as college recruits, choose the positions in which they wish to serve.

DEFINITION NO. 7. “BSN” means Bates stamp number.

DEFINITION NO. 8. “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 positions in the Professional Technical I, Individual Contributor Job Group, including product development positions.

OBJECTIONS TO DEFINITION NO. 8:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, overbroad, conclusory and, in its unlimited breadth, would include information not available to Oracle and information not relevant to any party’s claims or defenses in this proceeding. Oracle further objects to this definition in its inclusion of the terms “person,” “expresses interest,” and “college recruiting program,” which further render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing information not relevant to any party’s claims or defenses nor proportional to the needs of this case. Oracle further objects to this definition on the grounds that it is uncertain and calls for speculation now that OFCCP has receded from its claims related to experienced hires, with respect to which Oracle requests that OFCCP further and more specifically define the universe of population it purports to include within the term “college recruit.”

DEFINITION NO. 9. “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. 9:

Oracle objects to this definition as including the phrase “all transactions or transfers” and the term “orally,” which render the definition vague, ambiguous, uncertain, and overbroad, and encompassing information not relevant to any party’s claim or defense nor proportional to the needs of the 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 any and all documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine.

Oracle further objects to this definition to the extent it would include documents or information beyond existing written or electronically stored information in the custody, control and possession of Oracle America, Inc., and related to employment at its Redwood Shores, California headquarters.

DEFINITION NO. 10. “COMPA-RATIO” means what Oracle identified at BSN ORACLE_HQCA_42098 slide 20 as “An employee’s compa-ratio is the ratio of their full time equivalent base salary to the midpoint of their salary range. To calculate a compa-ratio simply divide the employee’s salary by the midpoint.”

OBJECTION TO DEFINITION NO. 10:

Oracle objects to the interpolation of this definition in these Requests on the grounds that, given OFCCP’s recession from its pay equity and hiring discrimination claims based on experienced hires, this definition refers to employees whose salaries are irrelevant to any party’s claims or defenses actually in issue in this litigation.

DEFINITION NO. 11. “COMPENSATION” means any payments made to, OR on behalf of, YOUR employee as remuneration for employment, including but not limited to, salary, wages, money for relocation, 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. 11:

Oracle objects to this definition on the grounds that it is vague, ambiguous, overbroad and argumentative in its use of the term “remuneration for employment”, inasmuch as “money for relocation” is not generally considered compensation, and overtime pay, shift differentials, vacation and holiday pay, and retirement and other benefits are governed by generally applicable Oracle policies and procedures that are not specific to Oracle’s Redwood Shores, California headquarters and not in dispute with respect to any party’s claim or defense actually in issue in this litigation, and that detailed, individualized discovery into such matters is unduly burdensome, oppressive and not proportional to the needs of this case.

DEFINITION NO. 12. “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.

OBJECTION TO DEFINITION NO. 12:

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 as including the phrase “OR known by YOU to exist,” 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. Oracle further objects to this definition on the grounds that, by its terms, together with the definition of YOU and YOUR, it would include any all documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine.

DEFINITION NO. 13. “GLOBAL CAREER LEVEL” means what Oracle identified at BSN ORACLE_HQCA_42101 slide 57 as “The Global Career level indicates broad steps in job families with levels increasing based on the skill, knowledge, responsibility, and performance expectations and is useful when comparing roles across organizations and countries. The Global Career Level structure has 2 paths to include Management and Non-Management which as referred to as Individual Contributors (or IC). There is no direct mapping between the management and non-management career level structures.”

DEFINITION NO. 14. “HIRING” OR “HIRE,”“ means to establish an employer to employee relationship, to employ someone.

DEFINITION NO. 15. “JOB TITLE” means what Oracle identified at BSN ORACLE_HQCA_42101 slide 57 as “The Job Title or system title that describes the job.” Emphasis in original. Examples of JOB TITLES can be found at column G in the spreadsheet that Oracle produced at BSN ORACLE_HQCA_3616. JOB TITLE does not include the discretionary JOB TITLES that are assigned to YOUR employees.

DEFINITION NO. 16. “OFCCP” means the Office of Federal Contract Compliance Programs, United States Department of Labor.

DEFINITION NO. 17. “PAY DECISION” means any choice Oracle made about a person’s COMPENSATION, including whether to give OR not to give a particular type of COMPENSATION (e.g. starting pay, bonus, stock options), the amount of COMPENSATION to give, OR to change OR not to change the amount of COMPENSATION of a person.

OBJECTION TO DEFINITION NO. 17:

Oracle objects to this definition on the grounds that it is vague, ambiguous, uncertain, overbroad and argumentative, particularly inasmuch as it is devoid of any specification of the conditions or circumstances under which a “pay decision” is to be deemed to be made or to have been made, and on the grounds that the term “COMPENSATION” itself is ambiguous and overbroad as objected to above.

DEFINITION NO. 18. “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, 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 and include their implementing criteria.

OBJECTION TO DEFINITION NO. 18:

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. 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.

DEFINITION NO. 19. “PT1 JOB GROUP” means Professional Technical I, Individual Contributor Job Group.

DEFINITION NO. 20. “RELATED 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.

DEFINITION NO. 21. “SALARY GRADE” means the alpha numeric designation (including, but not limited to: E 14, E 13, E 12 . . . E 04, N14, N 13, N12) that Oracle assigns to a JOB CODE as Oracle identified at BSN ORACLE_HQCA_56234 slide 16 that stated: “Each job code in the global table is assigned to a salary grade that refers to a salary range.”

OBJECTION TO DEFINITION NO. 21:

Oracle objects to this definition on the grounds that it is an incomplete quotation taken out of context.

DEFINITION NO. 22. “SALARY RANGE” means a range of pay that Oracle assigns to a SALARY GRADE.”

OBJECTION TO DEFINITION NO. 22:

Oracle objects to this definition on the grounds that it erroneously purports to impute a definition to Oracle that is without foundation, inasmuch as no source is cited for the purported quotation, and that, if the intention is a reference to BSN ORACLE_HQCA_56234 slide 16, the language is incomplete, argumentative, misleading and taken out of context.

DEFINITION NO. 23. “SPECIALTY AREA” means what Oracle identified at BSN ORACLE_HQCA_42101 slide 57 as “a subset of the function and is intended to further identify the work performed.”

[OFCCP’S] INSTRUCTIONS

1. Unless otherwise stated, these requests RELATE TO Oracle’s headquarters located at Redwood Shores, California.
2. In responding to these requests, furnish all information that is available to YOU. If, after exercising due diligence to secure the DOCUMENTS, YOU cannot produce the requested DOCUMENTS in full, respond to the extent possible, specifying YOUR inability to produce the remainder. If YOU object to any request, state with specificity the basis for the objection, decline to respond to only that portion of the request deemed objectionable, AND respond to the balance of the request.
3. If any requested DOCUMENT was, but is no longer in YOUR possession, custody, OR control, OR is no longer in existence, state whether such DOCUMENT is:
 - a. missing OR lost;
 - b. destroyed;
 - c. transferred to others; OR
 - d. otherwise disposed of.

For any DOCUMENT so disposed of, summarize the contents of the DOCUMENT in as much detail as possible. If the DOCUMENT is missing, lost, OR destroyed, set forth the circumstances surrounding such disposition. If the DOCUMENT was transferred to others OR otherwise disposed of, describe in detail the authorization for such disposition, state the date OR closest approximate date known to YOU of such disposition, state the date OR closest

approximate date known to YOU of such disposition, state the current location of the DOCUMENT, AND IDENTIFY the custodian of all copies of such DOCUMENT.

4. These requests are intended to cover all DOCUMENTS in existence OR in effect at any time during the RELEVANT TIME PERIOD. If any responsive DOCUMENT has changed over the RELEVANT TIME PERIOD, produce all responsive DOCUMENTS, regardless of whether they reflect YOUR POLICIES, PRACTICES OR PROCEDURES that are no longer in effect.

5. With respect to the application of privileges: If YOU decline to produce any DOCUMENT OR to otherwise provide information on the basis of a claim of privilege, so state in response to the DOCUMENT production request. Any part of a DOCUMENT for which YOU do not claim a privilege must be produced. Furnish a complete log of any DOCUMENTS OR portions of DOCUMENTS withheld on the basis of privilege, describing each such DOCUMENT OR portion thereof in a manner that will enable OFCCP to assess the applicability of the privilege being asserted. This includes, without limitation, setting forth for each such DOCUMENT the dates the DOCUMENT was prepared AND transmitted, to whom AND from whom the DOCUMENT was transmitted, including copies thereof, the length of the DOCUMENT, the privilege(s) claimed, AND the factual basis for the claim of each privilege.

6. UNDER 41 C.F.R. § 60-30.1 AND Rule 26(e) of the Federal Rules of Civil Procedure, these requests for production are continuing in nature AND, to the extent that the responses may be enlarged, diminished, OR otherwise modified by information acquired by YOU OR YOUR attorneys after filing this response, YOU AND YOUR attorneys are required to promptly serve AND file supplemental DOCUMENTS reflecting the changes.

7. The parties responding to these requests are charged with knowledge of what they know, what their agents, employees, servants, representatives, AND attorneys know, what is in records available to them, AND what others have told them on which they intend to rely in their defense.

8. All DOCUMENT productions made in response to these requests must comply with OFCCP's technical specifications previously provided.

9. If DOCUMENTS have been produced in response to a previous request(s), they do not have to be reproduced in response to a request(s) below. However, please provide the BSN of the DOCUMENTS and the number(s) of the request(s) they were responsive to.

OBJECTIONS TO OFCCP'S INSTRUCTIONS:

Oracle objects to the foregoing Instructions to the extent they conflict with, exceed, or are inconsistent with the requirements of 41 C.F.R. § 60-30.10 or the Federal Rules of Civil Procedure, particularly Rules 26 and 34.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 184:

Produce all of YOUR POLICIES, PRACTICES, OR PROCEDURES RELATING TO YOU making a decision to pay OR not pay visa fees AND immigration costs, to include legal costs, for YOUR employees in the Information Technology, Product Development AND Support Job Functions OR COLLEGE RECRUITS that YOU HIRED for the PT1 JOB GROUP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 184:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 the information requested, were it to exist, would not be relevant to the claims or defenses in issue in this litigation.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it has determined, after reasonable search and diligent inquiry, that it has no responsive documents relating to “making a decision, etc.,” as is referenced in this Request.

REQUEST FOR PRODUCTION NO. 185:

Produce all DOCUMENTS in which YOU requested and received information RELATED TO race, gender OR the eligibility to work in the United States from YOUR employees in the Information Technology, Product Development AND Support Job Functions OR COLLEGE RECRUITS that YOU HIRED for the PT1 JOB GROUP, including, but not limited to, YOUR “On Campus Evaluation Form” at BSN ORACLE_HQCA_22721, YOUR “Employee Eligibility Questionnaire” at BSN ORACLE_HQCA_22042 that is part of the “New Employee Offer Packet,” guidelines, scripts.

RESPONSE TO REQUEST FOR PRODUCTION NO. 185:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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, to the extent it seeks information on eligibility to work in the United States, the information requested is not relevant to the claims or defenses in issue in this litigation. Oracle further objects to this Request on the grounds that it is overbroad, unduly burdensome, and not proportionate to the needs of this litigation, inasmuch as, to the extent it is arguably relevant, its request for “all documents” would require, *inter alia*, a massive search and review of emails and other documents for any reference to race or gender

that is impracticable of realization in the time available and that would only produce information about race and gender that is almost entirely duplicative of information contained in the database(s) that have been produced by Oracle to OFCCP and that have been and are in the process of being updated.

REQUEST FOR PRODUCTION NO. 186:

For COLLEGE RECRUITS during the RELEVANT TIME PERIOD, produce all DOCUMENTS (drafts, final versions, completed documents) that were included in YOUR “Candidate Folder” referenced at BSN ORACLE_HQCA_56909-10 for each COLLEGE RECRUIT HIRED into the PT1 JOB GROUP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 186:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, subject to its understanding, and to the extent documents have not already been produced in response to similar Requests, after conducting a reasonably diligent search and utilizing reasonable search parameters, Oracle will produce such responsive, non-privileged documents as may exist and can be located from the relevant period for college recruits hired into the PT1 job group at its Redwood Shores, California headquarters.

REQUEST FOR PRODUCTION NO. 187:

Produce all of YOUR POLICIES, PRACTICES, OR PROCEDURES in effect during the RELEVANT TIME PERIOD RELATED TO how YOU inform employees in the Information

Technology, Product Development AND Support Job Functions about any PAY DECISIONS that YOU made for them.

RESPONSE TO REQUEST FOR PRODUCTION NO. 187:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating it has determined, after reasonable search and diligent inquiry, that it has no responsive policies, practices or procedures “related to how [it] informs employees * * * about any pay decisions,” as is referenced in this Request.

REQUEST FOR PRODUCTION NO. 188:

Produce all DOCUMENTS showing YOUR POLICIES, PRACTICES, OR PROCEDURES in effect during the RELEVANT TIME PERIOD RELATED TO when YOU decide whether to make a PAY DECISION OR a promotion decision for any employee working in the Information Technology, Product Development AND Support Job Functions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 188:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 calls for information that is irrelevant insofar as it seeks information about “promotions,” inasmuch as there is no promotion claim in this litigation.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it has determined, after reasonable search and diligent inquiry, that it has no responsive policies, practices or procedures “related to when [it] decide[s] to make a pay decision,” as is referenced in this Request.

REQUEST FOR PRODUCTION NO. 189:

Produce all DOCUMENTS showing YOUR POLICIES, PRACTICES, OR PROCEDURES in effect during the RELEVANT TIME PERIOD RELATED TO YOUR employees working in the Information Technology, Product Development AND Support Job Functions being able to discuss OR not discuss information with their co-workers about PAY DECISIONS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 189:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by referring OFCCP to Oracle’s Pay Transparency Nondiscrimination Policy, which is contained in Oracle’s US Employee Handbook and which has been produced to OFCCP in this litigation on numerous occasions.

REQUEST FOR PRODUCTION NO. 190:

Produce all DOCUMENTS that identify that YOU reviewed a person’s prior salary when making a PAY DECISION during the RELEVANT TIME PERIOD for a person YOU extended a job offer to work in the Information Technology, Product Development AND Support Job Functions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 190:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 is vague, ambiguous, uncertain and argumentative, inasmuch as the term “reviewed” has no specific meaning in this context, and the Request can arguably be read to reference any pay decision occurring at any time during the defined, six-year “relevant time period.” Oracle further objects to this Request on the grounds that it is overly burdensome, impracticable of realization in the time available and not proportionate to the needs of this case, inasmuch as, read literally it would require a massive search and review of emails and other documents for any reference to an offeree’s prior pay and a correlative conclusion that each such reference constituted a “review.” Oracle further objects to this Request on the grounds that it is unduly burdensome and not proportional to the needs of this case in that the information requested would be, in substantial part, duplicative of information in the workflow data and other spreadsheet data on the compensation population produced to OFCCP in the database(s), which have been produced and are in the process of being updated.

REQUEST FOR PRODUCTION NO. 191:

Produce all DOCUMENTS showing YOUR POLICIES, PRACTICES, OR PROCEDURES in effect during the RELEVANT TIME PERIOD RELATED TO taking into account a person’s prior salary when making a PAY DECISION during the RELEVANT TIME PERIOD for a person YOU extended a job offer to work in the Information Technology, Product Development AND Support Job Functions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 191:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that it has never had a policy, practice or procedure requiring hiring managers to “tak[e] into account a person’s prior salary when making a pay decision.” Oracle further responds to this Request by stating that ORACLE_HQCA_000005400 and other documents produced in response to previous, similar requests may contain information responsive to this Request, and Oracle, on March 29, 2019, produced to OFCCP its October 2017 policy prohibiting managers from requesting prior pay information from applicants for employment.

REQUEST FOR PRODUCTION NO. 192:

Produce all DOCUMENTS identifying whether a person’s base pay changed when the person transferred to an organization within the Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD. This request includes transfers within, between AND from outside these three Job Functions.

RESPONSE TO REQUEST FOR PRODUCTION NO. 192:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 is overly burdensome, impracticable of realization in the time available and not proportionate to the needs of this case, inasmuch as, read literally, it would require a massive search and review of emails and other documents from

a six-year period for any reference to any job and compensation change for employees, a one-by-one determination of whether the job change was a “transfer,” and a correlative assessment as to whether, with respect to each such job change, base pay “changed.” Oracle further objects to this Request on the grounds that it is unduly burdensome and not proportionate to the needs of this case in that the information requested would be, in substantial part, duplicative of information in the workflow data and other spreadsheet data on the compensation population produced to OFCCP in the database(s), which have been and are being updated.

REQUEST FOR PRODUCTION NO. 193:

Produce all DOCUMENTS RELATED TO all factors YOU considered in making PAY DECISIONS for HIRES to the Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 193:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 calls for information that is not relevant to claims or defenses in issue in this litigation, inasmuch as, by its terms, it calls for information about the making of pay decisions for experienced hires, as to whom OFCCP has withdrawn its claims. Oracle further objects to this Request on the grounds that it is vague, ambiguous, overly burdensome, impracticable of realization in the time available and not proportionate to the needs of this case, inasmuch as, read literally, it would require an onerous search and review of emails, resumes, applications and other documents from a six-year period that may reference pay decisions or illustrate factors relied upon in making pay decisions at time

of hire, and a correlative, one-by-one determination as to whether any such reference or factor was “considered.” Oracle further objects to this Request on the grounds that it is unduly burdensome and not proportionate to the needs of this case, in that the information requested would be, in substantial part, duplicative of readily accessible information in the comment fields in the workflow data and other spreadsheet data on the compensation population produced to OFCCP in the database(s), which have been and are being updated.

REQUEST FOR PRODUCTION NO. 194:

Produce all DOCUMENTS RELATED TO all factors YOU considered in making PAY DECISIONS for each COLLEGE RECRUIT HIRED to the PT1 JOB GROUP during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 194:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 is vague, ambiguous, overly burdensome, impracticable of realization in the time available and not proportionate to the needs of this case, inasmuch as, read literally, it would require an onerous search and review of emails and other documents from a six-year period for any reference to pay decisions at time of hire, and a correlative, one-by-one determination as to whether such reference was a “consideration” of a “factor.” Oracle further objects to this Request on the grounds that it is unduly burdensome and not proportionate to the needs of this case in that the information requested would be, in substantial part, duplicative of readily accessible information in the comment fields in the

workflow data and other spreadsheet data on the compensation population produced to OFCCP in the database(s), which have been and are being updated.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, subject to its understanding of this Request, and to the extent documents have not already been produced in response to similar Requests, such as those reflecting assigned pay ranges for various types of schools, after conducting a reasonably diligent search and utilizing reasonable search parameters, Oracle will produce any additional responsive, non-privileged policies, practices or procedures as may exist and can be located from the relevant period.

REQUEST FOR PRODUCTION NO. 195:

Produce all DOCUMENTS RELATED TO all factors YOU considered in making PAY DECISIONS for YOUR employees in the Information Technology, Product Development AND Support Job Functions during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 195:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 is vague and ambiguous, overly burdensome, impracticable of realization in the time available and not proportionate to the needs of this case, inasmuch as, read literally, it would require an onerous search and review of emails, resumes, applications, performance reviews and other documents from a six-year period that may reference pay decisions or illustrate factors relied upon in making pay decisions at any time during the six-year period, and a correlative, one-by-one determination as to whether any such

reference or factor was “considered.” Oracle further objects to this Request on the grounds that it is unduly burdensome and not proportional to the needs of this case in that the information requested would be, in substantial part, duplicative of readily accessible information in the comment fields in the workflow data and other spreadsheet data on the compensation population produced to OFCCP in the database(s), which have been and are being updated.

REQUEST FOR PRODUCTION NO. 196:

For all of YOUR employees who worked in the Product Development, Information Technology, AND Support Job Functions during the RELEVANT TIME PERIOD, produce all of YOUR POLICIES, PRACTICES, OR PROCEDURES RELATED TO COMPA-RATIO for employees who either transferred into these three Job Functions from an Oracle affiliated company (e.g., Oracle India Pvt. Ltd.) OR who YOU acquired to work in these three Job Functions when Oracle acquired another company.

RESPONSE TO REQUEST FOR PRODUCTION NO. 196:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 calls for information that is not relevant to claims or defenses in issue in this litigation, inasmuch as, by its terms, it calls for information about the making of pay decisions for experienced hires, as to whom OFCCP has withdrawn its claims.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, subject to its understanding, and to the extent documents have not already been produced in response to similar Requests, such as documents produced on March

29, 2019, after conducting a reasonably diligent search and utilizing reasonable search parameters, Oracle will produce any additional responsive, non-privileged policies, practices, or procedures as may exist and can be located from the relevant period.

REQUEST FOR PRODUCTION NO. 197:

Produce all DOCUMENTS regarding YOUR POLICIES, PRACTICES, OR PROCEDURES RELATED TO bonus OR stock determinations (e.g., whether to award, how much, when to provide, who to provide them) to YOUR employees in the Product Development, Information Technology, AND Support Job Functions during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 197:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, subject to its understanding, and to the extent documents have not already been produced in response to similar Requests, such as those produced on March 29, 2019, after conducting a reasonably diligent search and utilizing reasonable search parameters, Oracle will produce any additional responsive, non-privileged policies, practices, or procedures as may exist and can be located from the relevant period.

REQUEST FOR PRODUCTION NO. 198:

Produce all DOCUMENTS regarding YOUR POLICIES, PRACTICES, OR PROCEDURES RELATED to YOUR employee transferring to, within OR between the Product Development, Information Technology, AND Support Job Functions, during the RELEVANT TIME PERIOD. This request includes YOUR POLICIES, PRACTICES, OR PROCEDURES

RELATED TO process for requesting transfers; evaluation of transfer requests; criteria used to evaluate transfer requests; approval of transfer requests; AND effects of transfer requests on budgets, headcount, performance evaluations, PAY DECISIONS. This request includes transfers because of a change in organization, products, supervisors, Job Specialty, JOB TITLE, AND Job Function.

RESPONSE TO REQUEST FOR PRODUCTION NO. 198:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 “documents regarding your policies, practices, or procedures” and “documents related to process for requesting transfers” are vague, ambiguous, uncertain and argumentative.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, as it understands this Request, and to the extent documents arguably responsive to it have not already been produced in response to similar Requests, after conducting a reasonably diligent search and utilizing reasonable search parameters, Oracle has no further responsive “documents regarding [its] policies, practices or procedures related to [its] employees transferring, etc.,” and no further responsive policies, practices, or procedures “related to process for requesting transfers, etc.”

REQUEST FOR PRODUCTION NO. 199:

Produce all of YOUR POLICIES, PRACTICES, OR PROCEDURES for YOUR “Talent Development Program,” “Talent Review,” AND “Talent Review Audit” RELATED TO YOUR employees in the Product Development, Information Technology, AND Support Job Functions,

during the RELEVANT TIME PERIOD. For a reference to “Talent Review Audit” see the file titled “Talent_Review_Audit” in the folder titled “T” in YOUR Data production.

RESPONSE TO REQUEST FOR PRODUCTION NO. 199:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that, subject to its understanding, and to the extent documents have not already been produced, most recently on March 29, 2019, in response to similar Requests that may arguably be responsive to this Request, after conducting a reasonably diligent search and inquiry, Oracle has no further responsive policies, practices, or procedures it understands to be called for by this Request.

REQUEST FOR PRODUCTION NO. 200:

Produce All YOUR POLICIES, PRACTICES, OR PROCEDURES for communicating to YOUR employees in the Product Development, Information Technology, Support Job Functions during the RELEVANT TIME PERIOD the following information: their JOB TITLE in the GLOBAL JOB TABLE, their SALARY GRADE, the SALARY RANGE of their SALARY GRADE, their GLOBAL CAREER LEVEL, their COMPA-RATIO.

RESPONSE TO REQUEST FOR PRODUCTION NO. 200:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 is vague, ambiguous and uncertain in

requesting policies, practices and procedures “for communicating to [its] employees” the referenced information.

Without waiver of the foregoing requests, and subject thereto, Oracle responds to this Request by stating that, as it understands this Request, it has determined, after reasonable search and diligent inquiry, that it has no responsive documents as are described in this Request “for communicating to [its] employees” the referenced information.

REQUEST FOR PRODUCTION NO. 201:

Produce all DOCUMENTS RELATED TO YOUR employees in the Product Development, Information Technology, AND Support Job Functions during the RELEVANT TIME PERIOD requesting information about PAY DECISIONS (e.g., raises, bonuses, base pay); their GLOBAL CAREER LEVEL, SALARY GRADE, SALARY RANGE, AND COMPARATIO. This request includes documents RELATED TO the requests these employees made AND the responses that YOU gave them in response to their requests.

RESPONSE TO REQUEST FOR PRODUCTION NO. 201:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 the cumulative phraseology “documents related to your employees, etc.” to include “documents related to the requests these employees made” is vague, ambiguous, and incoherent. Oracle further objects to this Request on the grounds that it is overbroad, unduly burdensome, and not proportionate to the needs of this litigation, inasmuch as Oracle has no centralized, consolidated repository of the requested information, and its request for “all documents,” however this Request is understood, would

require a massive search and review of emails and other documents of all employees and managers and compensation files of all employees during a six-year period to identify documents which might be responsive for review, an exercise which would be impracticable of completion within the time available.

Without waiver of the foregoing objections, and subject thereto, and subject to its understanding of this Request, Oracle will, to the extent such documents have not already been produced, produce any additional policies, practices or procedures it understands address responding to inquiries from employees about pay decisions.

REQUEST FOR PRODUCTION NO. 202:

Produce all versions of YOUR Affirmative Action Plan's "Job Descriptions" that were in effect during the RELEVANT TIME PERIOD.

RESPONSE TO REQUEST FOR PRODUCTION NO. 202:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 documents that are irrelevant to the claims and defenses in issue in this litigation, inasmuch as there is no claim in this proceeding that Oracle's Affirmative Action Plans are defective or deficient, neither is the creation of job groups or descriptions for AAP purposes in issue in this litigation, and that any such claim would impermissibly expand the scope of this proceeding beyond that allowed by Judge Clark in approving the filing of the Second Amended Complaint.

REQUEST FOR PRODUCTION NO. 203:

Produce all DOCUMENTS RELATED TO YOU sponsoring a person for a visa that was in effect during the RELEVANT TIME PERIOD for YOUR employee in the Product Development, Information Technology, AND Support Job Functions OR the PT1 JOB GROUP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 203:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 the information sought by it is not relevant to the claims or defenses in issue in this litigation, and that OFCCP's attempt to obtain such records is beyond its authority. *See OFCCP v. Google, Inc.*, Case No. 2017-OFC-00004 (July 14, 2017). Oracle further objects to this Request on the grounds that, even if the information sought were marginally relevant to any issue arguably in legitimate dispute in this litigation, the Request would be unduly burdensome and impracticable of fulfillment in the time available, in that the sweeping and unlimited request for "all documents" would require a one-by-one search and review of records of hundreds or more of individuals over a six-year period for visa proceeding documents, most of which are not in Oracle's possession or custody and not, or not readily subject to its control. Oracle further objects to this Request on the grounds that it seeks information unjustifiably invasive of the personal privacy rights of individuals and invasive of the protected attorney-client communications of such individuals.

REQUEST FOR PRODUCTION NO. 204:

For the fields in the following file names that YOU produced data for during the RELEVANT TIME PERIOD, produce this data in the same configuration as organized in these

file names for the January 1, 2002, to December 31, 2012, time period for YOUR employees in the Product Development, Information Technology, AND Support Job Functions during this 2002 to 2012 time period: Emp_Personal_Experience_Qualification_Assign_Details.xlsx, Merged Assignment History, Medicare and Sal Admin.xlsx, gsi_cwb_detail.xlsx, gsi_comp_history.xlsx, AllEarnings.xlsx, AllEarnings2.xlsx, Appraisal_Audit_All_Data.xlsx, and hcm_wfc_detail.xlsx., HQCA_IREC_DATA.xlsx.

RESPONSE TO REQUEST FOR PRODUCTION NO. 204:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 information from outside the relevant time period and therefore is overbroad, unduly burdensome, seeks information not relevant to the claims or defenses of any party to this litigation and not proportional to the needs of this case. Oracle further objects to this Request on the grounds that, inasmuch as there is no claim that the alleged unlawful practices of the Second Amended Complaint were in existence continuously, if at all, prior to January 1, 2013, OFCCP implicitly admits that any claims based on acts or omissions occurring prior to that date are barred by the statute of limitations, and for that reason also, discovery into that period is irrelevant. *See OFCCP v. Bank of America*, ARB No. 13-099, 2016 WL 22941106 (ARB Apr. 21, 2016). Oracle further objects to this Request on the grounds of undue burden in that, in its attempt to force Oracle to produce data for employees employed by Oracle only during the ten-year period prior to the six-year relevant time period for which data has been or is being produced “in the same configuration as organized for [the relevant time period data production],” it calls for Oracle to create documents not created in the

ordinary course of business and assumes without any foundation or basis in fact that the mechanics, formuli and scripts for the retrieval of such data would be the same as those for the production of relevant time period data and could be expeditiously applied to generate such documents solely for the purposes of this litigation in the time available.

REQUEST FOR PRODUCTION NO. 205:

For the fields in the files that YOU produced at ORACLE_HQCA_364082-182 during the RELEVANT TIME PERIOD, produce this data in the same configuration as organized in these files for the January 1, 2002, to December 31, 2012, time period for YOUR employees in the Product Development, Information Technology, AND Support Job Functions during this 2002 to 2012 time period

RESPONSE TO REQUEST FOR PRODUCTION NO. 205:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 information from outside of the relevant time period and therefore is overbroad, unduly burdensome, seeks information not relevant to the claims or defenses of any party to this litigation and far beyond what is proportionate to the needs of this case. Oracle further objects to this Request on the grounds that, inasmuch as there is no claim that the alleged unlawful practices of the Second Amended Complaint were in existence continuously, if at all, prior to January 1, 2013, OFCCP implicitly admits that any claims based on acts or omissions occurring prior to that date are barred by the statute of limitations, and for that reason also, discovery into that period is irrelevant. *See OFCCP v. Bank of America*, ARB No. 13-099, 2016 WL 22941106 (ARB Apr. 21, 2016).

Oracle further objects to this Request on the grounds of undue burden in that, in its attempt to force OFCCP to produce data for employees employed by Oracle only during the ten-year period prior to the six-year relevant time period for which data has been or is being produced “in the same configuration as organized for [the relevant time period data production],” it calls for Oracle to create documents not created in the ordinary course of business and assumes without any foundation or basis in fact that the mechanics, formuli and scripts for the retrieval of such data would be the same as those for the production or relevant time period data and could be expeditiously applied to generate such documents solely for the purposes of this litigation in the time available.

REQUEST FOR PRODUCTION NO. 206:

Produce all DOCUMENTS, including, but not limited to e-mails AND their attachments that YOUR employees sent to oracle-offers_us@oracle.com during the RELEVANT TIME PERIOD RELATED TO COLLEGE RECRUITS in the PT1 JOB GROUP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 206:

Oracle incorporates by reference its General Objections and its Objections to Specific Definitions set forth above. Oracle further objects to this Request to the extent that 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 information that is irrelevant to the claims or defenses at issue in this litigation, inasmuch as, as determined after reasonable search and diligent inquiry, the referenced e-mail address was not regularly used at any relevant time in relation to college recruits, and that, to the extent it was, the information would be duplicative of the onboarding paperwork contained in the “candidate folders” (see Request No.

186, *supra*) Oracle has agreed to produce, and thus this Request is unnecessary and unduly burdensome.

April 23, 2019

GARY R. SINISCALCO
ERIN M. CONNELL
WARRINGTON 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

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 cflores@orrick.com.

On April 23, 2019, I served the interested parties in this action with the following document(s):

DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO
SIXTH 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)
Jeremiah Miller (miller.jeremiah@dol.gov)
Norman E. Garcia (Garcia.Norman@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 April 23, 2019, at San Francisco, California.

CHRISTINE J. FLORES