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11 Attorneys for Defendant  
ORACLE AMERICA, INC.

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF SAN MATEO

16 RONG JEWETT, SOPHY WANG, XIAN  
MURRAY, ELIZABETH SUE PETERSEN  
17 MARILYN CLARK, AND MANJARI KANT,  
18 individually and on behalf of all others  
similarly situated,  
19 Plaintiffs,  
20 v.  
21 ORACLE AMERICA, INC.,  
22 Defendant.

Case No. 17CIV02669  
**DEFENDANT ORACLE AMERICA,  
INC.'S RESPONSES AND  
OBJECTIONS TO PLAINTIFFS'  
SECOND SET OF REQUESTS FOR  
ADMISSIONS**  
  
Assigned for all purposes to the Honorable  
V. Raymond Swope  
Department 23  
  
Trial Date: Not Set  
Date Action Filed: June 16, 2017

24 PROPOUNDING PARTY: Plaintiffs RONG JEWETT, SOPHY WANG, XIAN MURRAY,  
25 ELIZABETH SUE PETERSEN, MARILYN CLARK, AND  
MANJARI KANT  
26  
27 RESPONDING PARTY: Defendant ORACLE AMERICA, INC.  
28 SET NUMBER: Two (Nos. 3-8)

ORACLE'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' SECOND SET OF REQUESTS FOR ADMISSIONS

4129-3596-3159

**Exhibit P-307**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Pursuant to Code of Civil Procedure sections 2033.210, *et seq.*, Defendant Oracle  
3 America, Inc. (“Defendant” or “Oracle”) hereby submits the following responses and objections  
4 to Plaintiffs’ Second Set of Requests for Admissions (the “Requests”), served on counsel for  
5 Oracle on September 6, 2018.

6 **PRELIMINARY STATEMENT**

7 Oracle has not completed its investigation of the facts related to this case and its responses  
8 are, therefore, of a preliminary nature. Further discovery, investigation and research may produce  
9 additional relevant facts that may lead to changes in the responses set forth below. Although  
10 these responses are complete to the best of Oracle’s knowledge, these responses are given without  
11 prejudice to Oracle’s right to amend its objections and responses or produce additional relevant  
12 evidence that may come to light regarding the issues raised in this lawsuit. Nothing contained in  
13 these responses shall in any way limit Oracle’s ability to make all uses at trial or otherwise of the  
14 information or documents referenced herein or of any subsequently discovered information or  
15 documents or of information or documents omitted from these responses as a result of good faith  
16 oversight, error, or mistake.

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

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

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ORACLE’S RESPONSES AND OBJECTIONS TO PLAINTIFFS’ SECOND SET OF REQUESTS FOR ADMISSIONS

4129-3596-3159

1 objection to any Request.

2 **GENERAL OBJECTIONS**

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

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

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

14 3. Oracle objects to each Request to the extent Plaintiffs seek proprietary  
15 information, trade secrets or other confidential information. To the extent that a Request seeks  
16 such proprietary, trade secret or other confidential information, Oracle will provide only that  
17 information that is essential to Plaintiffs' case and will provide such information only pursuant to  
18 the Stipulation & Protective Order Regarding Confidential Information, filed November 21, 2017.

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

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

26 6. Oracle expressly reserves the right to object to further discovery into the matters  
27 inquired by the Requests and to the scope of the Requests. Oracle also retains the right to object  
28 to the introduction into evidence of information developed in response to the Requests on the

1 grounds that the information is not relevant, or any other legitimate basis.

2 7. Oracle objects to these Requests to the extent they seek information beyond that  
3 related to the issue of whether Plaintiffs can meet their burden to establish that this matter should  
4 be certified as a class action. Thus, Oracle will not provide information pursuant to these  
5 Requests to the extent that they exceed the scope of permissible discovery at this stage in the  
6 action. Although Oracle has agreed to provide information in response to those Requests which  
7 could in any conceivable way lead to the discovery of admissible evidence concerning  
8 certification issues, such disclosure should not be construed in any way as a waiver of Oracle's  
9 position that merits-based discovery is improper at this stage.

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

12 **OBJECTIONS TO SPECIFIC DEFINITIONS**

13 **DEFINITION NO. 3:**

14 "CLASS PERIOD" means "the time period beginning June 16, 2013 through the present."

15 **OBJECTION TO DEFINITION NO. 3:**

16 Oracle objects to this definition as unduly burdensome to the extent the phrase "through  
17 the present" is intended to include any date after the date on which Oracle serves its responses  
18 and objections. Oracle interprets "CLASS PERIOD" to mean the beginning of the applicable  
19 limitations period through the date of its responses and objections.

20 **REQUESTS FOR ADMISSIONS AND RESPONSES**

21 Subject to and without waiving any of the foregoing General Objections, and  
22 incorporating each of them by this reference into each response below, Oracle responds more  
23 specifically to Plaintiffs' individual Requests as follows:

24 **REQUEST FOR ADMISSION NO. 3:**

25 Admit that ORACLE was a FEDERAL CONTRACTOR during the CLASS PERIOD.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

27 Oracle objects to this Request as not reasonably calculated to lead to the discovery of  
28 relevant, admissible evidence given that Oracle's status as a FEDERAL CONTRACTOR is not

1 relevant to the subject matter of this action.

2 Subject to and without waiving the foregoing objections, Oracle admits that it was a  
3 FEDERAL CONTRACTOR during the CLASS PERIOD.

4 **REQUEST FOR ADMISSION NO. 4:**

5 Admit that as a FEDERAL CONTRACTOR with 50 or more employees and a contract of  
6 \$50,000 or more, ORACLE was required by 41 C.F.R. § 60-1.20 and 41 C.F.R. § 60-2.1(b) to  
7 develop a written affirmative action program.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

9 Oracle objects to this Request as being compound with multiple subparts. Oracle further  
10 objects to this Request as not reasonably calculated to lead to the discovery of relevant,  
11 admissible evidence given that Oracle's status as a FEDERAL CONTRACTOR and Oracle's  
12 affirmative action program are not relevant to the subject matter of this action.

13 Subject to and without waiving the foregoing objections, Oracle admits that 41 C.F.R.  
14 § 60-1.20 states that "[e]ach prime contractor or subcontractor with 50 or more employees and a  
15 contract of \$50,000 or more is required to develop a written affirmative action program for each  
16 of its establishments." Oracle further admits that 41 C.F.R. § 60-2.1(b) states that "[e]ach  
17 nonconstruction contractor must develop and maintain a written affirmative action program for  
18 each of its establishments if it has 50 or more employees and: (i) Has a contract of \$50,000 or  
19 more."

20 **REQUEST FOR ADMISSION NO. 5:**

21 Admit that, pursuant to 41 C.F.R. § 60-2.17(b)(3), as a FEDERAL CONTRACTOR,  
22 ORACLE must evaluate its compensation systems to determine whether there are gender-based  
23 disparities.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

25 Oracle objects to this Request as not reasonably calculated to lead to the discovery of  
26 relevant, admissible evidence given that Oracle's status as a FEDERAL CONTRACTOR is not  
27 relevant to the subject matter of this action.

28 Subject to and without waiving the foregoing objections, Oracle admits that 41 C.F.R.

1 § 60-217(b)(3) states that “[t]he contractor must perform in-depth analyses of its total  
2 employment process to determine whether and where impediments to equal employment  
3 opportunity exist. At a minimum the contractor must evaluate . . . (3) Compensation system(s) to  
4 determine whether there are gender-, race-, or ethnicity-based disparities . . . .”

5 **REQUEST FOR ADMISSION NO. 6:**

6 Admit that ORACLE has not evaluated its compensation systems to determine whether  
7 there are gender-based disparities.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

9 Oracle objects to this Request as being vague as to time and not reasonably calculated to  
10 lead to the discovery of relevant, admissible evidence.

11 Subject to and without waiving the foregoing objections, Oracle denies that it has not  
12 evaluated its compensation systems to determine whether there are gender-based disparities.

13 **REQUEST FOR ADMISSION NO. 7:**

14 Admit that, pursuant to 41 C.F.R. § 60-2.17(d)(1), as a FEDERAL CONTRACTOR,  
15 ORACLE must develop and implement an auditing system that periodically measures the  
16 effectiveness of its total affirmative action program, including monitoring all records of all  
17 personnel activity, including compensation, at all levels, to ensure the nondiscriminatory policy is  
18 carried out.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

20 Oracle objects to this Request as not reasonably calculated to lead to the discovery of  
21 relevant, admissible evidence given that Oracle’s status as a FEDERAL CONTRACTOR and its  
22 affirmative action program are not relevant to the subject matter of this action.

23 Subject to and without waiving the foregoing objections, Oracle admits that 41 C.F.R.  
24 § 60-2.17(d)(1) states that “The contractor must develop and implement an auditing system that  
25 periodically measures the effectiveness of its total affirmative action program. The actions listed  
26 below are key to a successful affirmative action program: Monitor records of all personnel  
27 activity, including referrals, placements, transfers, promotions, terminations, and compensation,  
28 at all levels to ensure the nondiscriminatory policy is carried out . . . .”

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**REQUEST FOR ADMISSION NO. 8:**

Admit that ORACLE has not developed and implemented an auditing system that periodically measures the effectiveness of its total affirmative action program, including monitoring all records of all personnel activity, including compensation, at all levels, to ensure the nondiscriminatory policy is carried out.

**RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

Oracle objects to the Request as being compound, and also objects to this Request as not reasonably calculated to lead to the discovery of relevant, admissible evidence. Oracle further objects on the ground that the Request is overbroad and relies on an incorrect premise of what is legally required by 41 C.F.R. § 60-2.17(d)(1).

Dated: October 8, 2018

GARY R. SINISCALCO  
JESSICA R. PERRY  
ERIN M. CONNELL  
KATHRYN G. MANTOAN  
Orrick, Herrington & Sutcliffe LLP

By:   
ERIN M. CONNELL  
Attorneys for Defendant  
ORACLE AMERICA, INC.

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**VERIFICATION**

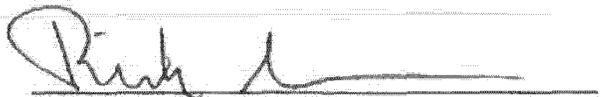
I, Rich Allison, declare I am the Senior Vice President, Global Practices and Risk Management, for Oracle America, Inc., and am authorized to make this verification on its behalf.

I have read the following:

**DEFENDANT ORACLE AMERICA, INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFFS' SECOND SET OF REQUESTS FOR ADMISSIONS**

and know its contents. I am informed and believe that the matters stated therein are true and on that ground declare under penalty of perjury under the laws of the State of California that the same are true and correct and that this verification was executed on October 3, 2018 in

Redwood City, California.

  
Rich Allison

VERIFICATION

4129-3596-3159