

1 GARY R. SINISCALCO (STATE BAR NO. 64770)
grsiniscalco@orrick.com
2 ERIN M. CONNELL (STATE BAR NO. 223355)
econnell@orrick.com
3 KATHRYN G. MANTOAN (STATE BAR NO. 239649)
kmantoan@orrick.com
4 ORRICK, HERRINGTON & SUTCLIFFE LLP
405 Howard Street
5 San Francisco, CA 94105-2669
Telephone: 415-773-5700
6 Facsimile: 415-773-5759

7 JESSICA R. PERRY (STATE BAR NO. 209321)
jperry@orrick.com
8 ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
9 Menlo Park, California 94025
Telephone: 650-614-7400
10 Facsimile: 650-614-7401

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,
individually and on behalf of all others
18 similarly situated,

19 Plaintiffs,

20 v.

21 ORACLE AMERICA, INC.,

22 Defendant.

Case No. 17CIV02669

**DEFENDANT ORACLE AMERICA,
INC.'S AMENDED RESPONSES AND
OBJECTIONS TO PLAINTIFFS'
SECOND SET OF FORM
INTERROGATORIES –
EMPLOYMENT LAW**

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 RESPONDING PARTY: Defendant ORACLE AMERICA, INC.
27 SET NUMBER: Two (No. 217.1)
28

ORACLE'S AM. RESPONSES AND OBJECTIONS TO PLAINTIFFS' 2ND SET OF FORM INTERROGATORIES – EMPLOYMENT LAW

4139-0461-0841

Exhibit P-308

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Pursuant to Code of Civil Procedure Sections 2030.210, *et seq.* Defendant Oracle
3 America, Inc. (“Defendant” or “Oracle”) hereby submits the following responses and objections
4 to Plaintiffs’ Form Interrogatories—Employment Law to Defendant Oracle America, Inc. (Set
5 One), served on counsel for Oracle on September 6, 2018.

6 **PRELIMINARY STATEMENT**

7 Oracle has not completed its investigation of the facts related to this case and the
8 following response is, therefore, preliminary. Further discovery, investigation and research may
9 produce additional relevant facts that may change the response set forth below. Although this
10 response is complete to the best of Oracle’s knowledge, this response is given without prejudice
11 to Oracle’s right to produce at the time of trial or beforehand additional relevant evidence that
12 may come to light regarding the issues raised in this lawsuit. Oracle reserves the right to amend
13 its objections and response.

14 **RESPONSE TO FORM INTERROGATORIES**

15 **FORM INTERROGATORY NO. 17.1:**

16 Is your response to each request for admission served with these interrogatories an
17 unqualified admission? If not, for each response that is not an unqualified admission:

- 18 (a) state the number of the request;
19 (b) state all facts upon which you base your response;
20 (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who have
21 knowledge of those facts; and
22 (d) identify all DOCUMENTS and other tangible things that support your response and
23 state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT
24 or thing.

25 **RESPONSE TO FORM INTERROGATORY NO. 17.1:**

26 Request for Admission No. 6

- 27 (a) Request for Admission No. 6
28 (b) On June 15, 2016, OFCCP revised its Sex Discrimination Guidelines and included a

1 lengthy discussion regarding compensation discrimination. In response to comments to the
2 proposal, OFCCP made clear it had no intent to dictate the specific method by which contractors
3 had to evaluate their compensation systems under 60-2.17(b)(3). Rather, OFCCP stated that
4 “[e]ach contractor may continue to choose the assessment method that best fits with its workforce
5 and compensation practices.” *Discrimination on the Basis of Sex*, 81 FR 39108-01, at *39126,
6 2016 WL 3254878 (Final Rule). As part of its regulatory changes OFCCP easily could have
7 required contractors to perform and submit pay equity analyses or statistical analysis of some
8 kind. Instead OFCCP chose a flexible approach for employers to evaluate their compensation
9 systems.

10 Oracle has taken such an approach. Oracle employees, including as warranted, hiring and
11 regular level managers, HR, Compensation, and Recruiting, consider new hire compensation
12 packages in regard to internal pay equity among or between other employees on a team regardless
13 of gender (that is, review or compensation assessment is undertaken without regard to gender to
14 ensure that employees are treated in a fair and consistent manner within Oracle’s pay system and
15 structure).

16 Similarly, with regard to merit increases or bonuses, individual managers responsible for
17 making or recommending such actions are trained and directed to make such decisions in a non-
18 discriminatory manner, without regard to employees’ gender. Individual managers also assess
19 internal pay equity among or between other employees on a team when making pay increases,
20 including bonuses and increases through the focal review process. Documents supporting these
21 decisions can be found in the database Oracle previously prepared and produced to Plaintiffs. In
22 addition, legal counsel undertake privileged analyses to review and evaluate Oracle’s pay
23 systems, pay decisions, and pay data as warranted, for compliance with applicable state and
24 federal non-discrimination requirements and to assess legal risk.

25 (c) In light of the approach described in subpart (b) above, and the vast number of
26 individuals that are involved in making decisions about employee compensation at Oracle, Oracle
27 will not exhaustively list every single person responsive to this subpart. However, managers and
28 hiring managers are responsible for making or recommending decisions relating to compensation,

1 and they are supported by employees in Human Resources and Compensation.

2 (d) In light of Oracle's approach described in subpart (b) above, and the volume of
3 material that supports Oracle's position, Oracle will not exhaustively list every single document
4 responsive to this subpart. However, Oracle directs Plaintiffs to the following materials that
5 support its position: Documents and data already produced in response to Plaintiff's RFPs (e.g.,
6 RFP Nos. 2, 10, 11, 15-28, 48, 49, and 58) related to compensation training, practices, procedures
7 and records; documents and data already produced in response to Plaintiff's RFP No. 84 that
8 reflect the evaluative processes Oracle undertakes to ensure fair and equitable decision-making;
9 and Oracle's testimony provided pursuant to Code of Civil Procedure section 2025.230.

10 Request for Admission No. 8

11 (a) Request for Admission No. 8

12 (b) Oracle is continually evaluating the effectiveness of its total affirmative action plan
13 with regard to compensation. Oracle employees, including as warranted, hiring and regular level
14 managers, HR, Compensation, and Recruiting, consider new hire compensation packages in
15 regard to internal pay equity among or between other employees on a team regardless of gender
16 (that is, review or compensation assessment is undertaken without regard to gender to ensure that
17 employees are treated in a fair and consistent manner within Oracle's pay system and structure).

18 Similarly, with regard to merit increases or bonuses, individual managers responsible for
19 making or recommending such actions are trained and directed to make such decisions in a non-
20 discriminatory manner, without regard to employees' gender. Individual managers also assess
21 internal pay equity among or between other employees on a team when making pay increases,
22 including bonuses and increases through the focal review process. Documents supporting these
23 decisions can be found in the database Oracle previously prepared and produced to Plaintiffs. In
24 addition, legal counsel undertake privileged analyses to review and evaluate Oracle's pay
25 systems, pay decisions, and pay data as warranted, for compliance with applicable state and
26 federal non-discrimination requirements and to assess legal risk.

27 (c) In light of the approach described in subpart (b) above, and the vast number of
28 individuals that are involved in making decisions about employee compensation at Oracle, Oracle

1 will not exhaustively list every single person responsive to this subpart. However, managers and
2 hiring managers are responsible for making or recommending decisions relating to compensation,
3 and they are supported by employees in Human Resources and Compensation.

4 (d) In light of Oracle's approach described in subpart (b) above, and the volume of
5 material that supports Oracle's position, Oracle will not exhaustively list every single document
6 responsive to this subpart. However, Oracle directs Plaintiffs to the following materials that
7 support its position: Documents and data already produced in response to Plaintiff's RFPs (e.g.,
8 RFP Nos. 2, 10, 11, 15-28, 48, 49, and 58) related to compensation training, practices, procedures
9 and records; documents and data already produced in response to Plaintiff's RFP No. 84 that
10 reflect the evaluative processes Oracle undertakes to ensure fair and equitable decision-making;
11 and Oracle's testimony provided pursuant to Code of Civil Procedure section 2025.230. In
12 addition, legal counsel for Oracle undertake analyses to review and evaluate Oracle's pay
13 systems, pay decisions, and pay data as warranted, for compliance with applicable state and
14 federal non-discrimination requirements and to assess legal risk; as Oracle has previously
15 explained, such analyses are performed subject to the attorney-client and attorney work product
16 privileges.

17
18 Dated: December 20, 2018

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

21
22 By: Erin Connell
23 ERIN M. CONNELL
24 Attorneys for Defendant
25 ORACLE AMERICA, INC.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 AMENDED RESPONSES AND
OBJECTIONS TO PLAINTIFFS' SECOND SET OF FORM
INTERROGATORIES – EMPLOYMENT LAW**

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 December 11, 2018 in

Redwood City, California.


Rich Allison

VERIFICATION

4139-0461-0841