

**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 SEVENTH
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: Seven

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

1

4130-4378-8828

Exhibit P-310

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’s (“OFCCP”) Seventh Set of Requests for Production of Documents (“Requests”) as follows:

PRELIMINARY STATEMENT AND CONDITIONS OF RESPONSE

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 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 31 Requests arrived after OFCCP previously served—and Oracle responded to—183 prior Requests for Production. In fact, the total of individual Requests for Production served by OFCCP now totals 237, of which 107, or more than 45%, have been served starting only January 30 of this year, with this additional increment not being served until April 10, 2019 – all of this with a document production deadline of May 13, 2019. These tardy Requests demand search, retrieval, review and production of voluminous data and documents, which OFCCP apparently expects to be completed in declining tranches of time over, at most, a 103-day period. The burden of this belated discovery juggernaut is obvious, and no justification is proffered for it.

Moreover, following its written responses and objections, Oracle to date has produced over 121,000 documents, consisting of over 414,000 Bates-stamped pages, as well as over 85 million discrete fields of data in its database production, comprising in all almost 45 gigabytes of

information. Indeed, as far back as October 2017, Oracle had produced almost half of the documents and information produced to date in response to OFCCP's prior requests. The additional documents have been produced in March and April 2017, updating the prior productions to January 18, 2019, and that production is continuing as rapidly as documents can be retrieved, reviewed and prepared for production. Additionally, 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 further both notable and ironic that this latest, last-minute and onerous set of 31 Requests, purporting to be limited to requests occasioned for the first time by *new* matter alleged in Oracle's Answer to OFCCP's Second Amended Complaint ("SAC"), is propounded against the background of OFCCP's Motion for Partial Summary Judgment on Oracle's Affirmative Defenses re Conciliation, filed April 17, 2019, in which OFCCP now argues forcefully that it should be granted summary judgment against Oracle's failure-to-conciliate affirmative defenses *because* "the SAC does not contain any new claims that are outside the scope of this litigation;" that "the SAC merely refined and streamlined OFCCP's original claims;" and "the SAC does not allege any 'new claims' that are outside the scope of the original Complaint." OFCCP Mem. In Support of OFCCP's Motion for Partial Summary Judgment, Etc., filed Apr. 17, 2019, pp. 1, 9. Given that the parties' agreement was that OFCCP be permitted to serve additional requests for production beyond the Court's otherwise applicable deadline of March 29, 2019, provided that any such additional requests were "based specifically on Oracle's impending Answer to OFCCP's revised Second Amended Complaint," and that OFCCP's position now is that there is nothing new in the SAC, there is no apparent reason why these requests, or almost all of them, could not have been propounded much earlier, and, in fact, they are substantially duplicative of requests that *were* propounded earlier, such as RFPs Nos. 29, 89 and 91.

Also material to the burden and impropriety of the present Requests is that they are, to the extent they could be justified as clean-up matters, premature. OFCCP knows that discovery in this case is ongoing, that a number of principal fact witnesses have yet to be deposed, that

expert reports and depositions, upon which both sides will ultimately substantially rely, are not due to be completed until the end of August, and that the identification of trial exhibits is not required prior to November 8 – a deadline which, by these Requests, OFCCP is effectively trying unilaterally to advance.

Given all of the foregoing, it is difficult to see how these Requests, almost all of which are expressed in tortured syntax and most of which are frivolous and unnecessary, 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 six sets of Requests, because OFCCP has stated it is not pursuing claims related to recruiting and hiring of experienced employees at this time, and because OFCCP and Oracle have now resolved OFCCP's College Recruiting claims against Oracle, Oracle's responses to these document requests are limited to those related to OFCCP's compensation claims, and 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 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 also 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 that have not already been produced.

Oracle objects to these Requests to the extent they seek information or documents about hiring or college recruiting, on the grounds that such Requests are irrelevant and unduly burdensome, in that OFCCP has abandoned its claims with respect to the hiring of experienced hires, and the parties have resolved OFCCP's college recruiting claims, such that no hiring or recruiting claims remain 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 proportionate 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 legal conclusions 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 proportionate 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 period of January 1, 2013, through December 31, 2014, for Requests related to OFCCP's compensation claims, which are the only claims remaining in this case. 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 proportionate 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 compensation processes at issue in this case, inasmuch as individuals apply for employment in positions against specific requisitions.

DEFINITION NO. 7. “CAP-GAP EXTENSION” means a temporary extension of employment authorization under provisions allowing relief for holders of F-1 VISAs who are seeking H1-B US VISAs.

OBJECTION TO DEFINITION NO. 7

Oracle objects to this definition on the grounds that it is irrelevant, in that the term is not used in any of these Requests.

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, whatever meaning it was intended to have, it is irrelevant, inasmuch as OFCCP’s college recruiting claims have been resolved and are no longer in issue in this case.

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 or 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. Oracle further objects to this Definition on the grounds that it is duplicative and redundant of Definition No. 26, *infra*. Oracle further objects to this Definition on the grounds that it is irrelevant, inasmuch as it is not used in any of these Requests.

DEFINITION NO. 11. “COMPENSATION” means any payments made to, OR on behalf of, YOUR employee [sic] 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 proportionate 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 and all documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine.

DEFINITION NO. 13. “HIRING” OR “HIRE,” means to establish an employer to employee relationship, to employ someone.

OBJECTION TO DEFINITION NO. 13:

Oracle objects to this Definition on the grounds that it is generally irrelevant, inasmuch as no hiring claims, either of experienced hires or College Recruits, remain in this litigation.

DEFINITION NO. 14. “LIST” means a compilation of information, a record of information AND includes Excel spreadsheets OR other types of documents OR files compiling information.

OBJECTION TO DEFINITION NO. 14:

Oracle objects to this Definition on the grounds it is vague, ambiguous, overbroad and fails to comport with the commonly understood meaning of the term “list.” Oracle further objects to this definition on the grounds that, by its terms, together with the definition of YOU and YOUR, it would include all documents protected from discovery by the attorney-client privilege and the attorney work-product doctrine.

DEFINITION NO. 15. “OFCCP” means the Office of Federal Contract Compliance Programs, United States Department of Labor.

DEFINITION NO. 16. “OPT EXTENSION” means Optional Practical Training employment authorization extension for students with F-1 VISAs.

OBJECTION TO DEFINITION NO. 16:

Oracle objects to this definition on the grounds that it is irrelevant, inasmuch as the term is not used in any of these Requests.

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. “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.

OBJECTION TO DEFINITION NO. 19:

Oracle objects to this definition on the grounds that the language “whether directly or

indirectly” render it vague, ambiguous, uncertain, overbroad and argumentative.

DEFINITION NO. 20. “SELECTION PROCESS” mean [sic] YOU responding to expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary AND other COMPENSATION for, OR extending job offers to, persons who express interest in a job at Oracle.

OBJECTION TO DEFINITION NO. 20:

Oracle objects to this definition on the grounds that it is compound, argumentative and uncertain, including, but not limited to, its attempted inclusion of “determining starting salary and other compensation” in its concept of “selection process.”

DEFINITION NO. 21. “STEM OPT EXTENSION” means Optional Practical Training employment authorization extension for students with F-1 US VISAs who earned degrees in science, technology, engineering OR mathematics.

OBJECTION TO DEFINITION NO. 21:

Oracle objects to this Definition on the grounds that it is irrelevant, inasmuch as the term is not used in any of these Requests.

DEFINITION NO. 22. “SUPPORTING” OR “SUPPORTS” means relied upon, used, sustained, utilized.

OBJECTION TO DEFINITION NO. 22:

Oracle objects to this Definition on the grounds that is it arbitrary, capricious and incoherent, in that, in common and comprehensible usage, whether something, such as a document, “supports” an inference or conclusion is not at all congruent with whether a person “relied upon, used, sustained [or] utilized” something, thereby rendering the use of the terms “supporting” and “supports” in these Requests as those terms are used inherently and incurably vague, ambiguous and argumentative and requiring improper and indeterminate speculation on the part of anyone responding to these Requests.

DEFINITION NO. 23. “USCIS” means the United States Custom AND Immigration Services.

OBJECTION TO DEFINITION NO. 23:

Oracle objects to this Definition on the grounds that it is erroneous in common usage, in that “USCIS” generally refers to the United States Citizenship and Immigration Services agency. Oracle further objects to this definition on the grounds that it is irrelevant, inasmuch as the term is not used in any of these Requests.

DEFINITION NO. 24. “US VISA” means an endorsement issued by an authorized representative of the United States AND marked in a passport, permitting the passport holder to enter, travel through, OR reside in the United States.

OBJECTION TO DEFINITION NO. 24:

Oracle objects to this Definition on the grounds that it is irrelevant, inasmuch as the term is not used in any of these Requests.

DEFINITION NO. 25. “BSN” means Bates stamp number.

DEFINITION NO. 26. “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. 26:

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. Oracle further objects to this Definition on the grounds that it is duplicative and redundant of Definition No. 10, *supra*. Oracle further objects to this Definition on the grounds that it is irrelevant, inasmuch as it is not used in any of these Requests.

DEFINITION NO. 27. “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. 28. “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 [sic] referred to as Individual Contributors (or IC). There is no direct mapping between the management and non-management career level structures.”

OBJECTION TO DEFINITION NO. 28:

Oracle objects to this Definition on the grounds that it is irrelevant, inasmuch as it is not used in any of these Requests.

DEFINITION NO. 29. “PT1 JOB GROUP” means Professional Technical I, Individual Contributor Job Group.

DEFINITION NO. 30. “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. 30:

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

DEFINITION NO. 31. “SALARY RANGE” means a range of pay that Oracle assigns to a SALARY GRADE.”

OBJECTION TO DEFINITION NO. 31:

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. 32. “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. 207:

All DOCUMENTS YOU relied upon or reviewed in preparing YOUR ANSWER TO OFCCP’s SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 207:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request in its demand for all documents “reviewed” in preparing its answer on the grounds that it improperly extends to attorney mental impressions and even non-relevant documents by encompassing any and all documents that Oracle’s counsel may have reviewed but which were not ultimately relied upon or referenced in Oracle’s answer and would thereby invade the protections of the work product doctrine.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that in preparing its answer to the Second Amended Complaint, it relied on the documents and data produced to that point by the parties to each other, on communications between the parties, and on the prior pleadings and papers filed in this proceeding.

REQUEST NO. 208:

All DOCUMENTS that support YOUR responses in YOUR ANSWER TO OFCCP’s SECOND AMENDED COMPLAINT in which you denied allegations in the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 208:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denials, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a series of negatives.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged by the parties with each other, and the deposition taken in this proceeding to date fail to support the allegations of the Second Amended Complaint.

REQUEST NO. 209:

ALL DOCUMENTS SUPPORTING YOUR Affirmative Defenses in YOUR ANSWER to OFCCP's SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 209:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's various affirmative defenses, whether they were specifically relied upon not.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that its affirmative defenses are supported by all of the documents and data

produced by the parties to each other to date, by communications exchanged between the parties with each other, by the pleadings on file in this proceeding, and by the deposition taken in this proceeding to date, and that Oracle expects that its affirmative defenses will be further supported by the ongoing documentary and deposition discovery still to be completed in this proceeding and by the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court.

REQUEST NO. 210:

ALL DOCUMENTS SUPPORTING YOUR denials in YOUR ANSWER TO OFCCP's SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 210:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is substantially duplicative and redundant of Request No. 208, *supra*, and therefore refers OFCCP to the response and objections to Request No. 208, *supra*.

REQUEST NO. 211:

ALL DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "[s]ince at least January 1, 2013, Oracle discriminated against qualified female employees in its Product Development, Information Technology, and Support Job Functions at HQCA based upon sex by paying them less than comparable males employed in similar roles" in Paragraph 12 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 211:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad,

argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 12 or, except to the extent expressly admitted in Oracle's Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP's allegations.

REQUEST NO. 212:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "[s]ince at least January 1, 2013, Oracle discriminated against qualified Asian and Black or African American employees in its Product Development job function at Oracle's headquarters based on race or ethnicity by paying them less than comparable White employees employed in similar roles" in Paragraph 12 of the Second Amended Complaint.

RESPONSE TO REQUEST NO. 212:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad,

argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 12 or, except to the extent expressly admitted in Oracle's Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP's allegations.

REQUEST NO. 213:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle's compensation policies and data recording [sic] its compensation of employees from 2013 through 2016, shows that Oracle systematically undercompensated female and Asian employees with respect to their total compensation from at least 2013 to 2016" in Paragraph 13, of the SECOND Amended Complaint.

RESPONSE TO REQUEST NO. 213:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad,

argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is a misrepresentation and incomplete statement of the allegation of Paragraph 13 of the Second Amended Complaint to which it refers, in that the allegation is prefaced by and clearly contingent upon an "analysis" OFCCP claims to have conducted, which at the time Oracle answered the SAC, had not been produced to Oracle and Oracle therefore had no basis upon which to admit or deny whether OFCCP had, in fact, conducted any such analysis, nor the details of what it purports to show. Although it appears OFCCP recently has produced some information indicating how the various analyses relied upon in the SAC were done, Oracle is still analyzing that information, and believes OFCCP still has yet to produce additional information needed to understand these analyses.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 13 or, except to the extent expressly admitted in Oracle's Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP's allegations.

REQUEST NO. 214:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "[b]ecause

OFCCP believes that Oracle has not adjusted pay and corrected its compensation practices as of the date of [the] Amended Complaint, the total cost of Oracle's discrimination is much higher as these practices have continued . . . more than two years after the initial filing of the first Complaint in January 2017" in Paragraph 17 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 214:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is a misrepresentation and incomplete statement of the allegation of Paragraph 17 of the Second Amended Complaint to which it refers, in that the allegation is prefaced by and clearly contingent upon an "analysis" OFCCP claims to have conducted, which at the time Oracle answered the SAC, had not been produced to Oracle and Oracle therefore had no basis upon which to admit or deny whether OFCCP had, in fact, conducted any such analysis, nor the details of what it purports to show. Although it appears OFCCP recently has produced some information indicating how the various analyses relied upon in the SAC were done, Oracle is still analyzing that information, and believes OFCCP still has yet to produce additional information needed to understand these analyses.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the

communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 17 or, except to the extent expressly admitted in Oracle's Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP's allegations.

REQUEST NO. 215:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "preliminary analyses show that Oracle's discriminatory payment practices may start at hire. Oracle pays women and Asians less on hire, either by suppressing their pay relative to other employees in the same or comparable job, or by hiring them for lower-paid jobs" in Paragraph 18 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 215:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is a misrepresentation and incomplete statement of the allegation of Paragraph 18 of the Second Amended Complaint to which it refers, in that the

allegation is prefaced by and clearly contingent upon an “analysis” OFCCP claims to have conducted, which at the time Oracle answered the SAC, had not been produced to Oracle and Oracle therefore had no basis upon which to admit or deny whether OFCCP had, in fact, conducted any such analysis, nor the details of what it purports to show. Although it appears OFCCP recently has produced some information indicating how the various analyses relied upon in the SAC were done, Oracle is still analyzing that information, and believes OFCCP still has yet to produce additional information needed to understand these analyses.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 18 or, except to the extent expressly admitted in Oracle’s Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP’s allegations.

REQUEST NO. 216:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP’s allegation that “There were *zero* Black or African American employees in management career levels at Oracle between 2013 and 2016” in Paragraph 20 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 216:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle’s denial of the referenced allegation, whether

they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is a misrepresentation and incomplete statement of the allegation of Paragraph 20 of the Second Amended Complaint to which it refers, in that the allegation is prefaced by and clearly contingent upon an "analysis" OFCCP claims to have conducted, which at the time Oracle answered the SAC, had not been produced to Oracle and Oracle therefore had no basis upon which to admit or deny whether OFCCP had, in fact, conducted any such analysis, nor the details of what it purports to show. Although it appears OFCCP recently has produced some information indicating how the various analyses relied upon in the SAC were done, Oracle is still analyzing that information, and believes OFCCP still has yet to produce additional information needed to understand these analyses.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 20 or, except to the extent expressly admitted in Oracle's Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP's allegations.

REQUEST NO. 217:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "preliminary analyses show that the systematic underpayment of female and Asian employees is due, in part, to suppression of those employees' starting pay. That is, Oracle paid women and Asians less on

hire, either by suppressing their pay relative to other employees in the same or comparable job, or by hiring them for lower-paid jobs” in Paragraph 22 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 217:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle’s denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP’s allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP’s allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is a misrepresentation and incomplete statement of the allegation of Paragraph 22 of the Second Amended Complaint to which it refers, in that the allegation is prefaced by and clearly contingent upon an “analysis” OFCCP claims to have conducted, which at the time Oracle answered the SAC, had not been produced to Oracle and Oracle therefore had no basis upon which to admit or deny whether OFCCP had, in fact, conducted any such analysis, nor the details of what it purports to show. Although it appears OFCCP recently has produced some information indicating how the various analyses relied upon in the SAC were done, Oracle is still analyzing that information, and believes OFCCP still has yet to produce additional information needed to understand these analyses.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the

deposition taken in this proceeding to date fail to support the allegations of Paragraph 22 or, except to the extent expressly admitted in Oracle's Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP's allegations.

REQUEST NO. 218:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "the data and information obtained thus far, reveals that Asian employees are paid less than White employees on hire at Oracle" in Paragraph 24 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 218:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is a misrepresentation and incomplete statement of the allegation of Paragraph 24 of the Second Amended Complaint to which it refers, in that the allegation is prefaced by and clearly contingent upon an "analysis" OFCCP claims to have conducted, which at the time Oracle answered the SAC, had not been produced to Oracle and Oracle therefore had no basis upon which to admit or deny whether OFCCP had, in fact,

conducted any such analysis, nor the details of what it purports to show. Although it appears OFCCP recently has produced some information indicating how the various analyses relied upon in the SAC were done, Oracle is still analyzing that information, and believes OFCCP still has yet to produce additional information needed to understand these analyses.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 24 or, except to the extent expressly admitted in Oracle's Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP's allegations.

REQUEST NO. 219:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "preliminary analyses show that the systemic underpayment of female, Black or African American, and Asian employees continued and worsened throughout their employment by Oracle. That is, Oracle suppressed the pay of female and Asian employees by ensuring they remained in lower-paid positions relative to other employees, or at the lower end of the pay range relative to other employees in the same positions" in Paragraph 25 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 219:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether

they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is a misrepresentation and incomplete statement of the allegation of Paragraph 25 of the Second Amended Complaint to which it refers, in that the allegation is prefaced by and clearly contingent upon an "analysis" OFCCP claims to have conducted, which at the time Oracle answered the SAC, had not been produced to Oracle and Oracle therefore had no basis upon which to admit or deny whether OFCCP had, in fact, conducted any such analysis, nor the details of what it purports to show. Although it appears OFCCP recently has produced some information indicating how the various analyses relied upon in the SAC were done, Oracle is still analyzing that information, and believes OFCCP still has yet to produce additional information needed to understand these analyses.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 25 or, except to the extent expressly admitted in Oracle's Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP's allegations.

REQUEST NO. 220:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "data and information obtained thus far, reveals that the pay gap increases for female employees as they remain at Oracle for longer periods of time" in Paragraph 26 of the SECOND AMENDED

COMPLAINT.

RESPONSE TO REQUEST NO. 220:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is a misrepresentation and incomplete statement of the allegation of Paragraph 26 of the Second Amended Complaint to which it refers, in that the allegation is prefaced by and clearly contingent upon an "analysis" OFCCP claims to have conducted, which at the time Oracle answered the SAC, had not been produced to Oracle and Oracle therefore had no basis upon which to admit or deny whether OFCCP had, in fact, conducted any such analysis, nor the details of what it purports to show. Although it appears OFCCP recently has produced some information indicating how the various analyses relied upon in the SAC were done, Oracle is still analyzing that information, and believes OFCCP still has yet to produce additional information needed to understand these analyses.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 26 or, except to the extent expressly admitted in Oracle's Answer, any other paragraph of the Second

Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP's allegations.

REQUEST NO. 221:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "the data and information obtained thus far, reveals that the pay gap increases for Asian employees as they remain at Oracle for longer periods" in Paragraph 27 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 221:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is a misrepresentation and incomplete statement of the allegation of Paragraph 27 of the Second Amended Complaint to which it refers, in that the allegation is prefaced by and clearly contingent upon an "analysis" OFCCP claims to have conducted, which at the time Oracle answered the SAC, had not been produced to Oracle and Oracle therefore had no basis upon which to admit or deny whether OFCCP had, in fact, conducted any such analysis, nor the details of what it purports to show. Although it appears

OFCCP recently has produced some information indicating how the various analyses relied upon in the SAC were done, Oracle is still analyzing that information, and believes OFCCP still has yet to produce additional information needed to understand these analyses.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 27 or, except to the extent expressly admitted in Oracle's Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP's allegations.

REQUEST NO. 222:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "the data and information obtained thus far, reveals that the pay gap increases for Black or African American employees as they remain at Oracle for longer periods" in Paragraph 28 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 222:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's

allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is a misrepresentation and incomplete statement of the allegation of Paragraph 28 of the Second Amended Complaint to which it refers, in that the allegation is prefaced by and clearly contingent upon an “analysis” OFCCP claims to have conducted, which at the time Oracle answered the SAC, had not been produced to Oracle and Oracle therefore had no basis upon which to admit or deny whether OFCCP had, in fact, conducted any such analysis, nor the details of what it purports to show. Although it appears OFCCP recently has produced some information indicating how the various analyses relied upon in the SAC were done, Oracle is still analyzing that information, and believes OFCCP still has yet to produce additional information needed to understand these analyses.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 28 or, except to the extent expressly admitted in Oracle’s Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail to support OFCCP’s allegations.

REQUEST NO. 223:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP’s allegation that “preliminary analyses show that the systemic underpayment of female, Black or African American and Asian employees may be due, in part, to Oracle’s reliance on prior salary in setting compensation for employees upon hire” in Paragraph 32 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 223:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is a misrepresentation and incomplete statement of the allegation of Paragraph 32 of the Second Amended Complaint to which it refers, in that the allegation is prefaced by and clearly contingent upon an "analysis" OFCCP claims to have conducted, which at the time Oracle answered the SAC, had not been produced to Oracle and Oracle therefore had no basis upon which to admit or deny whether OFCCP had, in fact, conducted any such analysis, nor the details of what it purports to show. Although it appears OFCCP recently has produced some information indicating how the various analyses relied upon in the SAC were done, Oracle is still analyzing that information, and believes OFCCP still has yet to produce additional information needed to understand these analyses.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by stating that the documents and data produced by the parties to each other to date, the communications exchanged between the parties, the pleadings on file in this proceeding, and the deposition taken in this proceeding to date fail to support the allegations of Paragraph 32 or, except to the extent expressly admitted in Oracle's Answer, any other paragraph of the Second Amended Complaint. Oracle expects that the ongoing documentary and deposition discovery still to be completed in this proceeding, along with the expert reports and deposition testimony the parties are expected to complete according to the schedule set by the Court, will likewise fail

to support OFCCP's allegations.

REQUEST NO. 224:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle's 'college recruiting program' recruited graduates in Computer Science, Engineering, and Math from a list of 'top schools' Oracle created, primarily hiring students from those schools with Masters degrees" in Paragraph 33 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 224:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is irrelevant, in that OFCCP's college recruiting claims have been resolved and are no longer a part of this litigation.

REQUEST NO. 225:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle's data for applicants recruited and hired through its college recruiting program is unreliable" in Paragraph 34 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 225:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is irrelevant, in that OFCCP's college recruiting claims have been resolved and are no longer a part of this litigation.

REQUEST NO. 226:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle failed to maintain and provide to OFCCP data for all applicants who it considered for PT1 positions through its college recruiting program" in Paragraph 34 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 226:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of

rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is irrelevant, in that OFCCP's college recruiting claims have been resolved and are no longer a part of this litigation.

REQUEST NO. 227:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "the database Oracle used to track college recruits did not contain race or ethnicity data for the vast majority of the applicants Oracle did track" in Paragraph 34 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 227:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is irrelevant, in that OFCCP's college recruiting claims have been resolved and are no longer a part of this litigation.

REQUEST NO. 228:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "[s]ince at least January 1, 2013, Oracle utilized and continued to utilize a recruiting and hiring process that discriminates against qualified non-Asians – including African Americans or Blacks, Hispanics, and Whites – based on race and ethnicity for positions in the PT1 job group at Oracle's headquarters in Redwood Shores, California" in Paragraph 36 of the SECOND AMENDED

COMPLAINT.

RESPONSE TO REQUEST NO. 228:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is irrelevant, in that OFCCP has withdrawn its claims based on experienced hires and OFCCP's college recruiting claims have been resolved and are no longer a part of this litigation.

REQUEST NO. 229:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle only hired 5 Hispanic college graduates into its PT1 job group at its headquarters out of closes to 500 hires, and hired zero Hispanics in 2015" in Paragraph 38 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 229:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether

they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is irrelevant, in that OFCCP's college recruiting claims have been resolved and are no longer a part of this litigation.

REQUEST NO. 230:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle only hired six Black or African American college graduates into its PT1 job group at its headquarters from 2013 through 2016, and hired zero Black or African American college graduates in 2016" in Paragraph 36 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 230:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is irrelevant, in that OFCCP's college recruiting claims have been resolved and are no longer a part of this litigation.

REQUEST NO. 231:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle further increased its hires of Asian recent college graduates by hiring approximately 15 additional Asians each year directly from India through a campus hiring program solely for graduates of colleges in India" in Paragraph 40 of the SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 231:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is irrelevant, in that OFCCP's college recruiting claims have been resolved and are no longer a part of this litigation.

REQUEST NO. 232:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle refused to produce: a. compensation data for 2013, b. applicant and hiring data for 2012, c. data showing personnel actions providing job and salary information (such as starting job title, starting salary, and wage increases) for employees, d. analyses of Oracle's total employment process as required by 41 C.F.R. § 60-2.17 (including analyses of its compensation system, personnel activity, and selection and recruitment procedures to determine if disparities existed based on race, ethnicity, or gender), and e. application materials for those who applied for jobs during the review period." in Paragraph 44 of Your ANSWER to OFCCP's SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 232:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is argumentative, in that it assumes legal conclusions as to what the referenced regulation "requires," which is a matter in dispute between the parties. Oracle further objects to this Request on the grounds that it is irrelevant and oppressive to the extent it is intended to include any purported refusal to produce documents outside of the compliance review period, inasmuch as the referenced Paragraph 44 of the Second Amended Complaint, to which the scope of this Request is expressly tethered, confines its allegations to purported obligations "during the compliance review." Oracle further objects to this Request to the extent it purports to extend to Paragraphs 44(b) and 44(e) on the grounds that, to that extent it is irrelevant, because any allegations referring to or based upon those subparagraphs have been resolved and are no longer in issue in this litigation.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by referring OFCCP to the correspondence, email and otherwise, between the parties during or with reference to the compliance review period.

REQUEST NO. 233:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle failed to

provide any evidence that it complied with the other requirements of 41 C.F.R. § 60-2.17, or conducted an adverse impact analysis required by 41 C.F.R. §§ 60-3.15A and 60-3.4.” in Paragraph 45 of YOUR ANSWER to OFCCP’s SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 233:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle’s denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP’s allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP’s allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is argumentative, in that it assumes legal conclusions as to what the referenced regulations “require,” which is a matter in dispute between the parties. Oracle further objects to this Request on the grounds that it is vague and ambiguous in its reference to “the other requirements” of a referenced regulation, which lacks any comprehensible specificity. Oracle further objects to this Request and the referenced language of Paragraph 45 of the Second Amended Complaint on which it depends on the grounds that it is vague and ambiguous with respect to the time of the purported “failure” to provide “evidence.” Oracle further objects to this Request to the extent it calls for documents related to hiring on the grounds that the Request, to that extent, is irrelevant, since neither experienced hire claims nor college recruiting claims are any longer at issue in this litigation.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by referring OFCCP to the substantial database and folders produced on October 11,

2017, which has and is being updated to January 18, 2019, containing data and documents sufficient to demonstrate and reflect Oracle's actions related to compensation within the Product Development, Support, and Information Technology lines of business at Oracle's Redwood Shores headquarters during the relevant period, including data from Oracle's systems of record related to compensation, that reflect the evaluative processes and actions Oracle undertakes to ensure fair and equitable decision-making and the justifications for the aforementioned compensation decisions, as well as documents showing Oracle's good faith diversity and outreach efforts.

REQUEST NO. 234:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle admits it failed to collect and maintain information required by 41 C.F.R. § 60-1.12 and the Internet Applicant Rule (41 C.F.R. § 60-1.3, 70 FR 58946-01, Obligation to Solicit Race and Gender Data for Agency Enforcement Purposes (2005))." in Paragraph 46 of YOUR Answer to OFCCP/s SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 234:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is argumentative, in that it assumes legal conclusions as to what the referenced regulations "require," which is a matter in dispute between the parties. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the

grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is irrelevant, inasmuch as it depends upon and is limited by Paragraph 46 of the Second Amended Complaint, which is entirely focused on OFCCP's college recruiting claims, and those claims are no longer in issue in this litigation.

REQUEST NO. 235:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle's college recruiting database is further flawed, because Oracle failed to solicit race, ethnicity, and gender information from the subset of college applicants it did input into its college recruiting database" in Paragraph 46 of YOUR ANSWER to OFCCP's SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 235:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is argumentative, in that it assumes legal conclusions as to what the regulations referenced in Paragraph 46 of the Second Amended Complaint "require," which is a matter in dispute between the parties. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is irrelevant, inasmuch as it depends upon and is limited by Paragraph 46 of the Second Amended Complaint, which is entirely focused on OFCCP's college recruiting claims,

and those claims are no longer in issue in this litigation.

REQUEST NO. 236:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP’s allegation that “Oracle failed to maintain and make available to OFCCP documentation of its compliance with its obligation to develop and maintain an Affirmative Action Program by failing to maintain and make available documentation of its organizational profile, job group analysis, placement of incumbents in job groups, determination of availability, comparing incumbency to availability, placement goals, and internal audits of its employment processes (as alleged in paragraphs 45 and 48).” in Paragraph 47 of YOUR ANSWER to OFCCP’s SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 236:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle’s denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP’s allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP’s allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is argumentative, in that it assumes legal conclusions as to what the regulations referenced in Paragraphs 45, 47 and 48 of the Second Amended Complaint “require,” which is a matter in dispute between the parties. Oracle further objects to this Request on the grounds that it is confusingly compound and irrelevant, inasmuch as it refers both to purported affirmative action “requirements” generally and, in Paragraph 48, to purported college recruiting deficiencies, with the latter being irrelevant, inasmuch as OFCCP’s college recruiting

claims are no longer in issue in this litigation. Oracle further objects to this Request on the grounds that it is otherwise irrelevant because there is no claim in this litigation that Oracle's affirmative action plan is or has been deficient.

Without waiver of the foregoing objections, and subject thereto, Oracle responds to this Request by referring OFCCP to the correspondence, email and otherwise, between the parties during or with reference to the compliance review period.

REQUEST NO. 237:

All DOCUMENTS SUPPORTING YOUR denial of OFCCP's allegation that "Oracle's failure to even collect and maintain information regarding all Internet Applicants to Oracle's college recruiting program reveals that the applicant and hiring data Oracle produced during the compliance review was inaccurate, Oracle failed to conduct the analysis of Oracle's recruiting and hiring practices required by the regulations." In Paragraph 48 of YOUR ANSWER to OFCCP's SECOND AMENDED COMPLAINT.

RESPONSE TO REQUEST NO. 237:

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 from disclosure by the attorney-client privilege or the attorney work product doctrine. Oracle further objects to this Request on the grounds that it is argumentative, in that it assumes legal conclusions as to what the regulations referenced in Paragraph 48 of the Second Amended Complaint "require," which is a matter in dispute between the parties. Oracle further objects to this Request on the grounds that it is overbroad, argumentative, vague and oppressive, in that it calls for creation of an encyclopedic listing of all documents that in any way might support Oracle's denial of the referenced allegation, whether they were specifically relied upon not. Oracle further objects to this Request on the grounds that it improperly attempts to shift the burden of proof of OFCCP's allegations, which at all times remains with OFCCP, to Oracle, which does not have the burden to prove that OFCCP's allegations are false. Oracle further objects to this Request on the grounds that it is impossible of rational response, in that it

attempts to require Oracle to prove a negative. Oracle further objects to this Request on the grounds that it is irrelevant, in that OFCCP's college recruiting claims have been resolved and are no longer a part of this litigation.

May 6, 2019

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



ORRICK, HERRINGTON & SUTCLIFFE LLP

The Orrick Building

405 Howard Street

San Francisco, CA 94105-2669

Telephone: (415) 773-5700

Facsimile: (415) 773-5759

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

Attorneys for Defendant
ORACLE AMERICA, INC.

PROOF OF SERVICE BY ELECTRONIC MAIL

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

On May 6, 2019, I served the interested parties in this action with the following document(s):

DEFENDANT ORACLE AMERICA, INC.'S RESPONSES & OBJECTIONS TO SEVENTH 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 May 6, 2019, at San Francisco, California.

Jacqueline D. Kaddah