

**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 OBJECTIONS
TO FOURTH 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.

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”) Fourth Set of Requests for Production of Documents (“Requests”) as follows:

PRELIMINARY STATEMENT

Oracle has not completed its investigation of the facts related to this case and therefore its responses are of a preliminary nature. Further discovery, investigation, and research may bring to light additional relevant facts that may lead to changes in the responses set forth below. Although these responses are complete to the best of Oracle’s knowledge at this time, these responses are given without prejudice to Oracle’s right to amend its objections and responses or to produce additional relevant evidence that may come to light regarding the issues raised in this lawsuit. To the extent applicable, nothing contained in these responses shall in any way limit Oracle’s ability to make all uses at trial or otherwise of the information or documents referenced herein or of any subsequently discovered information or documents or of information or

DEF. ORACLE AMERICA, INC.'S OBJECTIONS TO FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS

CASE NO. 2017-OFC-00006

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4149-6451-6890.5

Exhibit P-311

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

This set of 27 Requests arrived after OFCCP previously served—and Oracle responded to—over 100 different Requests for Production. Following its written responses and objections, Oracle has produced over 96,000 documents as well as over 85 million discrete fields of data in its database production. Indeed, in October 2017, Oracle produced tens of thousands of additional documents in response to OFCCP’s prior requests. Moreover, a large number of OFCCP’s new Requests, as explained in greater detail below, are entirely duplicative of, or subsumed within, prior Requests made by OFCCP to which Oracle has already responded. It is difficult to see how such frivolous and unnecessary Requests have any purpose other than to improperly harass Oracle.

For the reasons set forth in Oracle’s initial Answer and its prior Responses and Objections to OFCCP’s first three sets of Requests, Oracle’s responses to the document requests related to OFCCP’s recruiting and hiring claims are limited to the PT1 job group at Oracle’s Redwood Shores, CA, location, and responses to the document requests related to OFCCP’s compensation claims are limited to positions in the Product Development, Support, and Information Technology job functions at Oracle’s Redwood Shores, CA, location.

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 OBJECTION

Oracle objects to these requests on the ground that they were initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. These previously-propounded requests, some of which refer to or reference Oracle's Answer to the First Amended Complaint and affirmative defenses identified therein, are not the proper subject of discovery at this time.

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.

DEFINITION NO. 2. "RELEVANT TIME PERIOD" means January 1, 2013 to the present unless otherwise stated.

DEFINITION NO. 3. "AMENDED COMPLAINT" means the pleading filed by OFCCP in this action on January 25, 2017.

DEFINITION NO. 4. "ANALYSIS" or any of its forms like "ANALYSES" or ANALYZED means any and all draft and final: audits, evaluations, studies, models, computations, regression and other statistical analysis, narratives, summaries, chronologies, memorandums, statistical summaries, charts, matrices, spreadsheets.

OBJECTION TO DEFINITION NO. 4:

Oracle objects to this definition as vague, ambiguous, and overbroad because it includes documents that would rarely if ever be considered analyses. For example, narratives, summaries, chronologies, memoranda, and spreadsheets may or may not include any actual analysis, and as a result cannot categorically be deemed to be analyses within the commonly understood definition of the word. Furthermore, to the extent a document is an analysis within the commonly

understood meaning, such a broad definition includes and encompasses analyses that are not relevant to any party's claim or defense nor proportional to the needs of the case.

DEFINITION NO. 5. "ANSWER" means the answer to the AMENDED COMPLAINT filed by YOU in this action on February 8, 2017.

DEFINITION NO. 6. "AND" and "OR" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.

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

OBJECTION TO DEFINITION NO. 7:

Oracle objects to this definition as including the phrase "all transactions or transfers" and the term "orally," which render the definition vague, ambiguous, and overbroad, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

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

DEFINITION NO. 9. "COMPENSATION RELEVANT JOB GROUP" means any PERSON YOU employed in the Product Development, Information Technology or Support lines of business or job functions at YOUR headquarters at Redwood Shores, California during the RELEVANT TIME PERIOD.

OBJECTION TO DEFINITION NO. 9:

Oracle objects to this definition to the extent it seeks to establish or imply that certain PERSONS are relevant to OFCCP's claims. Oracle further objections to this definition as being vague, ambiguous, overbroad, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case.

DEFINITION NO. 10. “CONSIDERED” means looked at, assessed, examined, evaluated, pondered.

OBJECTION TO DEFINITION NO. 10:

Oracle objects to this definition as being inconsistent with the ordinarily understood meaning of the term considered, and which does not mean “looked at” or “pondered.” Oracle therefore adopts the ordinarily understood meaning of the word.

DEFINITION NO. 11. “DESCRIBE IN DETAIL” means to describe fully by reference to underlying facts rather than by ultimate facts or conclusions of fact or law; and particularized as to time, place, manner and identity of PERSONS involved. If asked to state the date upon which a specific event occurred, provide the month, date and year, if known. If such information is not known, identify the date by relating it to some established time.

OBJECTION TO DEFINITION NO. 11

Oracle objects to this definition as vague, ambiguous, overbroad, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition to the extent it purports to place obligations on Oracle beyond the requirements of Rule 34 of the Federal Rules of Civil Procedure. Oracle further objects to the extent this definition renders any request unduly burdensome to respond to.

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 and/or control or known by YOU to exist, and also means all copies of documents by whatever means made, including, but not limited to: papers, letters, correspondence, emails, text messages, presentations, manuals, computerized files, computerized spreadsheets, telegrams, interoffice communications, memoranda, notes, notations, notebooks, reports, records, accounting books or records, schedules, tables, charts, transcripts, publications, scrapbooks, diaries, and any drafts, revisions, or amendments of the above, and all other materials enumerated in the definition provided in Rule 34 of the Federal Rules of Civil Procedure.

OBJECTION TO DEFINITION NO. 12:

Oracle 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.

DEFINITION NO. 13. “HIRING” “HIRE,” OR “HIRED” mean receiving expressions of interest, soliciting, recruiting, communicating with, screening, interviewing, evaluating, determining starting salary and other COMPENSATION for, and/or extending offers to, PERSONS who express interest in a position with YOU or requisition posted by YOU.

OBJECTION TO DEFINITION NO. 13:

Oracle objects to this definition as unintelligible in its entirety. Oracle further objects to this definition as including the term “PERSON” and the phrases “expressions of interest,” “communicating with,” and “express interest,” which render the definition vague, ambiguous, overbroad, unduly burdensome and oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle interprets this definition using the commonly understood use of the word “hiring,” “hire,” or “hired.”

DEFINITION NO. 14. “HIRING RELEVANT JOB GROUP” means any PERSON YOU HIRED to work in the Professional Technical 1, Individual Contributor job group and/or Product Development line of business or job function at YOUR headquarters at Redwood Shores, California during the RELEVANT TIME PERIOD.

OBJECTION TO DEFINITION NO. 14:

Oracle objects to this definition to the extent it seeks to establish or imply that certain PERSONS are relevant to OFCCP’s claims. Oracle further objects to this definition as being vague, ambiguous, overbroad, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition as inconsistent with OFCCP’s stated position on the meet and confer call between the parties on August 2, 2017, on which it acknowledged that its claims related to hiring and recruiting were limited to the Professional Technical 1, Individual Contributor job group at Oracle’s Redwood

Shores, California location, and did not extend to the Product Development line of business or job function as a whole. Furthermore, Oracle objects on the ground that the definition is overbroad in relation to OFCCP's stated position in its motion to amend that OFCCP does not allege that Oracle discriminated against experienced applicants for positions in the PT1 job group at this time.

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

DEFINITION NO. 16. "PERSON" to include "PERSONS," and "PEOPLE" means without limitation individuals (to include YOUR current, former, or prospective employees), firms, associations, partnerships, corporations, governmental agencies or offices and employees, and any other entity.

DEFINITION NO. 17. "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. 17:

Oracle objects to this definition as including the phrases "common understanding," "course of conduct," and "rule, action, or directive, whether formal or informal," which render the definition vague and ambiguous. 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. 18. "SUPPORTING" means relied upon, used, sustained, utilized.

OBJECTION TO DEFINITION NO. 18:

Oracle objects to this definition as vague, ambiguous, overbroad, and extending to support materials not relevant to any party's claim or defense nor proportional to the needs of the

case. Furthermore, the definition is contrary to the ordinarily understood meaning of the word, which does not mean sustained or utilized.

DEFINITION NO. 19. “WHOSE COUNTRY OF NATIONAL ORIGIN IS INDIA” means any PERSON who was born in India and / or whose ancestors came to the United States from India.

OBJECTION TO DEFINITION NO. 19:

Oracle objects to this definition as unintelligible insofar as the phrase “WHOSE COUNTRY OF NATIONAL ORIGIN IS INDIA” is defined to mean a person. Furthermore, the term “ancestors”, which is overbroad because it would encompass ancestors dating back multiple generations without limit, renders the definition not only vague and ambiguous, but also unduly burdensome and oppressive, and relating to persons not relevant to any party’s claim or defense nor proportional to the needs of the case. Oracle further objects to this definition as over-inclusive, as a person could happen to be born in India, but not be of Indian descent. Likewise, it is objectionable insofar as it wrongly assumes or implies such information is known to Oracle. Furthermore, the definition is objectionable as it covers a topic that has no bearing on this litigation.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 104:

All DOCUMENTS identifying the country of origin of any PERSON YOU employed during the RELEVANT TIME PERIOD in the COMPENSATION RELEVANT JOB GROUP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 104:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of

flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is overbroad in scope, unduly burdensome, oppressive, and encompasses documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

In particular, Oracle objects to the term "country of origin" as vague and ambiguous and notes that OFCCP does not provide a definition of this term for the purposes of these requests. To the extent that OFCCP intends "country of origin" to be interpreted in the same way as its definition of "WHOSE COUNTRY OF NATIONAL ORIGIN IS INDIA"—thus meaning the country in which a person "was born" and/or the country from which one's "ancestors came to the United States"—OFCCP is not entitled to such information, because this information is not at all relevant to this matter, which involves claims of discrimination on the basis of race and gender, not national origin. Moreover, Oracle does not compile or maintain information about the countries from which its employees' ancestors came to the United States.

REQUEST FOR PRODUCTION NO. 105:

All DOCUMENTS identifying the country of origin of any PERSON YOU HIRED during the RELEVANT TIME PERIOD in the HIRING RELEVANT JOB GROUP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 105:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time.

Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompasses documents not relevant to any party's claim or defense nor proportional to the needs of the case. More specifically, OFCCP's motion makes clear that the definition of HIRING RELEVANT GROUP far exceeds the scope of the claims at issue. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

In particular, Oracle objects to the term "country of origin" as vague and ambiguous and notes that OFCCP does not provide a definition of this term for the purposes of these requests. To the extent that OFCCP intends "country of origin" to be interpreted in the same way as its definition of "WHOSE COUNTRY OF NATIONAL ORIGIN IS INDIA"—thus meaning the country in which a person "was born" and/or the country from which one's "ancestors came to the United States"—OFCCP is not entitled to such information, because this information is not at all relevant to this matter, which involves claims of discrimination on the basis of race and gender, not national origin. Moreover, Oracle does not compile or maintain information about the countries from which its employees' ancestors came to the United States.

REQUEST FOR PRODUCTION NO. 106:

ALL DOCUMENTS SUPPORTING YOUR claim in the Preliminary Statement of YOUR ANSWER to OFCCP's AMENDED COMPLAINT that "OFCCP's Compensation Discrimination Claim Relies on Flawed Statistics."

RESPONSE TO REQUEST FOR PRODUCTION NO. 106:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of

flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase “supporting”, which OFCCP defines to mean utilized or sustained. Oracle further objects to this request as duplicative to other requests, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP’s Request No. 90, which sought “All DOCUMENTS that support YOUR “Preliminary Statement” (pages 1-9) set forth in YOUR ANSWER,” to which Oracle has already responded. Oracle further objects that this request is premature and improper in light of OFCCP’s pending motion to file a Second Amended Complaint. If successful, OFCCP’s motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 107:

All DOCUMENTS SUPPORTING YOUR claim in the Preliminary Statement of YOUR ANSWER to OFCCP’s AMENDED COMPLAINT that “OFCCP claims that its analysis appropriately ‘controls’ for factors such as job title and job specialty, but this claim is inaccurate.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 107:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the

foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase “supporting”, which OFCCP defines to mean utilized or sustained. Oracle further objects to this request as duplicative to other requests, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP’s Request No. 90, which sought “All DOCUMENTS that support YOUR “Preliminary Statement” (pages 1-9) set forth in YOUR ANSWER,” to which Oracle has already responded. Oracle further objects that this request is premature and improper in light of OFCCP’s pending motion to file a Second Amended Complaint. If successful, OFCCP’s motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 108:

All DOCUMENTS SUPPORTING YOUR claim in the Preliminary Statement of YOUR ANSWER to OFCCP’s AMENDED COMPLAINT that “The Agency’s compensation ‘analysis’ is further flawed because it ignores key factors that make a legitimate difference when it comes to pay at Oracle.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 108:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019,

OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase “supporting”, which OFCCP defines to mean utilized or sustained. Oracle further objects to this request as duplicative to other requests, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP’s Request No. 90, which sought “All DOCUMENTS that support YOUR “Preliminary Statement” (pages 1-9) set forth in YOUR ANSWER,” to which Oracle has already responded. Oracle further objects that this request is premature and improper in light of OFCCP’s pending motion to file a Second Amended Complaint. If successful, OFCCP’s motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 109:

ALL DOCUMENTS SUPPORTING YOUR claim in the Preliminary Statement of YOUR ANSWER to OFCCP’s AMENDED COMPLAINT that “OFCCP’s Compensation Discrimination Claim Relies on Flawed Statistics.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 109:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019,

OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase “supporting”, which OFCCP defines to mean utilized or sustained. Oracle further objects to this request as duplicative to other requests, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP’s Request No. 90, which sought “All DOCUMENTS that support YOUR “Preliminary Statement” (pages 1-9) set forth in YOUR ANSWER,” to which Oracle has already responded. Oracle further objects that this request is premature and improper in light of OFCCP’s pending motion to file a Second Amended Complaint. If successful, Oracle’s motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 110:

All DOCUMENTS SUPPORTING YOUR claim in the Preliminary Statement of YOUR ANSWER to OFCCP’s AMENDED COMPLAINT that “The ‘statistics’ underlying OFCCP’s claim that Oracle engaged in recruiting discrimination are even more problematic than the statistics underlying the Agency’s compensation and hiring claims.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 110:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request as duplicative to other requests, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP's Request No. 90, which sought "All DOCUMENTS that support YOUR "Preliminary Statement" (pages 1-9) set forth in YOUR ANSWER," to which Oracle has already responded. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 111:

All DOCUMENTS SUPPORTING YOUR claim in the Preliminary Statement of YOUR ANSWER to OFCCP's AMENDED COMPLAINT that OFCCP's Complaint Is Improperly Motivated."

RESPONSE TO REQUEST FOR PRODUCTION NO. 111:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request as duplicative to other requests, overbroad in scope, unduly burdensome, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP's Request No. 90, which sought "All DOCUMENTS that support YOUR "Preliminary Statement" (pages 1-9) set forth in YOUR ANSWER," to which Oracle has already responded. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, Oracle's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 112:

All DOCUMENTS SUPPORTING the statement: "Oracle denies that it discriminated against any qualified female employees in its Information Technology, Product Development, or Support lines of business or job functions at Oracle Redwood Shores based on sex" that YOU made in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 112:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP's Request No. 91, which sought "All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT," to which Oracle has already responded. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 113:

All DOCUMENTS SUPPORTING the statement: "Oracle denies that it discriminated against any qualified African Americans in Product Development roles at Oracle Redwood Shores based on race" that YOU made in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 113:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP's Request No. 91, which sought "All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT," to which Oracle has already responded. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 114:

All DOCUMENTS SUPPORTING the statement: "Oracle denies that it discriminated against any qualified Asians in Product Development job functions at Oracle Redwood Shores based on race" that YOU made in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 114:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP's Request No. 91, which sought "All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT," to which Oracle has already responded. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 115:

All DOCUMENTS SUPPORTING the statements: "Oracle's hiring process is open and inclusive, and hiring decisions are based on the unique qualifications of applicants compared to the specific job for which each applicant is considered. In addition, Oracle engages in good faith outreach efforts to find and attract African Americans, Hispanics," that YOU made in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 115:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP's Request No. 91, which sought "All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT," to which Oracle has already responded. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to the compound and confusing nature of this request, which purports to seek documents in support of two separate assertions.

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REQUEST FOR PRODUCTION NO. 116:

All DOCUMENTS SUPPORTING the statements: “Oracle denies the allegations in Paragraph 12 of the Complaint. Oracle did not refuse to produce to the Agency any records the Agency requested that were in Oracle’s possession, nor did Oracle fail to meet its regulatory obligations under 41 C.F.R. §§ 60-1/12, 60-1.20, 60-1.43, 60-2.32 and/or 60-3.4,” that YOU made in YOUR ANSWER to OFCCP’s AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 116:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase “supporting”, which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP’s Request No. 91, which sought “All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT,” to which Oracle has already responded. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine. Oracle further objects that this request is premature and improper in light of OFCCP’s pending motion to file a Second Amended Complaint. If successful, OFCCP’s motion would necessarily result in an entirely different

Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to the compound and confusing nature of this request, which purports to seek documents in support of two separate assertions by Oracle.

REQUEST FOR PRODUCTION NO. 117:

All DOCUMENTS SUPPORTING the statements: “Oracle denies the allegations in Paragraph 13 of the Complaint. To the contrary, the record reflects that Oracle did provide the Agency material, including documents, data, and verbal explanations in the form of manager interviews, demonstrating it met its obligations under 41 C.F.R. § 60-2.17(b)-(d),” that YOU made in YOUR ANSWER to OFCCP’s AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 117:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase “supporting”, which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP’s Request No. 91, which sought “All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT,” to which Oracle has already responded.

Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request.

Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 118:

All DOCUMENTS SUPPORTING the statements: "OFCCP never asked Oracle to produce any adverse impact analyses under 41 C.F.R. §§ 60-3.15A and/or 60-3.4, and Oracle denies the data it did produce was insufficient to demonstrate such analyses had taken place" that YOU made in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 118:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP's Request No. 91, which sought "All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every

numbered paragraph to the AMENDED COMPLAINT,” to which Oracle has already responded. Oracle further objects that this request is premature and improper in light of OFCCP’s pending motion to file a Second Amended Complaint. If successful, OFCCP’s motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 119:

All DOCUMENTS SUPPORTING the statements: “Oracle denies the allegations in Paragraph 14. As explained in response to Paragraph 13, Oracle did not refuse to produce any material requested by OFCCP” that YOU made in YOUR ANSWER to OFCCP’s AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 119:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase “supporting”, which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP’s Request No. 91, which sought “All

DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT,” to which Oracle has already responded. Oracle further objects that this request is premature and improper in light of OFCCP’s pending motion to file a Second Amended Complaint. If successful, OFCCP’s motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 120:

All DOCUMENTS SUPPORTING the statements: “Oracle did not refuse to produce any data or records requested pertaining to its recruiting, hiring and compensation practices” that YOU made in YOUR ANSWER to OFCCP’s AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 120:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP’s Request No. 91, which sought “All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT,” to which Oracle has already responded. Oracle further objects that

this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 121:

All DOCUMENTS SUPPORTING the statements: "the Agency did not engage in reasonable efforts to secure compliance through conciliation" that YOU made in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 121:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. In particular, Oracle objects to this request as entirely duplicative of, and subsumed within, OFCCP's Request No. 91, which sought "All DOCUMENTS that support YOUR responses in YOUR ANSWER denying each and every numbered paragraph to the AMENDED COMPLAINT," to which Oracle has already responded.

Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request.

Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 122:

ALL DOCUMENTS SUPPORTING YOUR Fifth Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 122:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it in seeking "All" documents it is in no way reasonably tailored, is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and

referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 123:

ALL DOCUMENTS SUPPORTING YOUR Sixth Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 123:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it in seeking "All" documents it is in no way reasonably tailored, is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

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REQUEST FOR PRODUCTION NO. 124:

ALL DOCUMENTS SUPPORTING YOUR 13th Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 124:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it in seeking "All" documents it is in no way reasonably tailored, is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

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REQUEST FOR PRODUCTION NO. 125:

ALL DOCUMENTS SUPPORTING YOUR 16th Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 125:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it in seeking "All" documents it is in no way reasonably tailored, is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

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REQUEST FOR PRODUCTION NO. 126:

ALL DOCUMENTS SUPPORTING YOUR 18th Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 126:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it in seeking "All" documents it is in no way reasonably tailored, is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 127:

ALL DOCUMENTS SUPPORTING YOUR 22nd Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 127:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it in seeking "All" documents it is in no way reasonably tailored, is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 128:

ALL DOCUMENTS SUPPORTING YOUR 23rd Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 128:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase "supporting", which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it in seeking "All" documents it is in no way reasonably tailored, is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 129:

ALL DOCUMENTS SUPPORTING YOUR 25th Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 129:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of

flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase “supporting”, which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it in seeking “All” documents it is in no way reasonably tailored, is overbroad in scope, oppressive, and encompassing documents not relevant to any party’s claim or defense nor proportional to the needs of the case Oracle further objects that this request is premature and improper in light of OFCCP’s pending motion to file a Second Amended Complaint. If successful, OFCCP’s motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

REQUEST FOR PRODUCTION NO. 130:

ALL DOCUMENTS SUPPORTING YOUR 26th Affirmative Defense in YOUR ANSWER to OFCCP’s AMENDED COMPLAINT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 130:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle further objects to this request on the ground that it was initially 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, on January 22, 2019, OFCCP filed a motion seeking leave to file a Second Amended Complaint. In light of the foregoing, the scope of litigation and matters relevant for purposes of discovery are in a state of flux. This previously-propounded request is not the proper subject of discovery at this time. Oracle further objects to this request on the grounds that it is unintelligible, vague and ambiguous, including but not limited to the phrase “supporting”, which OFCCP defines to mean utilized or sustained. Oracle further objects to this request on the grounds that it in seeking “All”

documents it is in no way reasonably tailored, is overbroad in scope, oppressive, and encompassing documents not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle further objects that this request is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint. If successful, OFCCP's motion would necessarily result in an entirely different Complaint and response from Oracle, which potentially includes an Answer and Affirmative Defenses that differ from those cited and referenced in this request. Oracle further objects to this request to the extent it seeks information protected by the attorney-client privilege or the attorney work product doctrine.

January 28, 2019

GARY R. SINISCALCO
ERIN M. CONNELL



ORRICK, HERRINGTON & SUTCLIFFE LLP

The Orrick Building

405 Howard Street

San Francisco, Ca 94105-2669

Telephone: (415) 773-5700

Facsimile: (415) 773-5759

Email: grsiniscalco@orrick.com

econnell@orrick.com

Attorneys for Defendant

ORACLE AMERICA, INC.

PROOF OF SERVICE BY ELECTRONIC MAIL

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

On January 28, 2019, I served the interested parties in this action with the following document(s):

DEFENDANT ORACLE AMERICA, INC.’S OBJECTIONS TO FOURTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS

DEFENDANT ORACLE AMERICA, INC.’S OBJECTIONS TO FIRST SET OF INTERROGATORIES

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 January 28, 2019, at San Francisco, California.

Jacqueline D. Kaddah