

**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 FIRST SET OF
INTERROGATORIES**

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. § 60-30.9(a) and, as applicable, Rule 33 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”) First Set of Interrogatories 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. 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.

For the reasons set forth in Oracle's initial Answer and its Responses and Objections to OFCCP's four sets of Document Requests, Oracle's responses to interrogatories related to OFCCP's recruiting and hiring claims are limited to the PT1 job group at Oracle's Redwood Shores, CA, location, and its responses to interrogatories 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 interrogatory 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 interrogatory. 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.

Oracle further objects that, as detailed below, many of OFCCP's interrogatories improperly contain numerous "subpart" interrogatories posing discrete questions calling for dissimilar groups of information. Oracle therefore objects to the extent OFCCP has exceeded the interrogatory limit set forth in Fed. R. Civ. Pro. Rule 33(a)(1).

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GENERAL OBJECTION

Oracle objects to these interrogatories 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 interrogatories, 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 a document 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 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.

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 interrogatory 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 for which Oracle has any obligation to identify, describe, and/or 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 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 documents 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 encompassing

documents 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 INTERROGATORIES

INTERROGATORY NO. 1: Identify all POLICIES, PRACTICES, and / or PROCEDURES, including their implementing criteria, maintained or applied by YOU that YOU contend have or had any impact RELATING TO the COMPENSATION of any PERSON in the COMPENSATION RELEVANT JOB GROUP during the RELEVANT TIME PERIOD.

RESPONSE TO INTERROGATORY NO. 1:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this time.

Oracle further objects to the extent this Interrogatory seeks information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges or immunities. As described in more detail in its objections to Interrogatory Nos. 2 and 3 below, Oracle regularly seeks advice and assistance from legal counsel to analyze employment decisions, policies and practices. Information relating to this legal advice and assistance is privileged and Oracle objects to its disclosure.

Oracle further objects to the phrase “implementing criteria” as vague and ambiguous. It is unclear what “implementing criteria” means, and given OFCCP’s sweeping definition of “POLICIES, PRACTICES, or PROCEDURES,” which includes all informal and formal rules, actions, directives, it is unclear whether OFCCP is seeking, for example, (1) a list of Oracle’s official policies, practices and procedures with respect to its compensation, (2) a list of the factors and criteria that are considered in executing and applying each policy, practice, or procedure, or (3) a list of every conceivable factor that could possibly affect the compensation of an Oracle employee in the relevant job groups. Accordingly, as drafted this Interrogatory is both vague and overbroad.

Oracle also objects that this Interrogatory improperly contains subparts in that it poses at least two separate interrogatories: it seeks a list of all policies, practices, and procedures relating to compensation, in addition to a list of the “implementing criteria” for each. The “implementing criteria” for a particular policy, practice, or procedure are distinct from the policies, practices, and procedures themselves and therefore this interrogatory constitutes at least a two-part question. The Interrogatory is unduly burdensome in terms of the broad scope of information it seeks.

Oracle further objects to the term “impact” as vague and ambiguous. It is unclear

whether the term “impact” is intended to connote a particular degree or type of influence on compensation, such as only a material effect or only a negative effect. Likewise, it is unclear what an impact “relating to” compensation means or how it differs from an impact “on” compensation. To the extent this Interrogatory seeks information about an “impact” that merely “relates to” compensation, Oracle objects that it is overbroad and seeks information not relevant to any party’s claim or defense nor proportional to the needs of the case.

Oracle also objects to the phrase “have or had any” as overbroad to the extent it seeks information on policies, practices, or procedures outside of the relevant time period. Oracle also objects to the phrase “have or had any” as vague and ambiguous, as it is unclear whether OFCCP is seeking only current policies, practices, and procedures, or also discontinued or modified policies, practices, and procedures.

INTERROGATORY NO. 2: DESCRIBE IN DETAIL all ANALYSES YOU performed during the RELEVANT TIME PERIOD wherein YOU CONSIDERED issues related to actual or potential differences in COMPENSATION between PEOPLE of different sexes, races, or national origins involving any PERSON in the COMPENSATION RELEVANT JOB GROUP. For each of these ANALYSES, the description should include, but not be limited to, the beginning and end date of the ANALYSIS; the full names and job titles of all PEOPLE conducting the ANALYSIS; the methodology, to include identification of the material facts, data and variables, used; the full names, job titles; full names of supervisors and the lines of business of the PERSONS that were the subject of the ANALYSIS; all findings and conclusions of the ANALYSIS; and all actions YOU took in response to the ANALYSIS.

RESPONSE TO INTERROGATORY NO. 2:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this time.

Oracle further objects to the extent this Interrogatory seeks information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges or immunities. In addition to implementing and applying its own well-established nondiscrimination policies, Oracle regularly assesses its compliance and legal risks as part of its good corporate governance and human resource policies. Oracle, like other companies, seeks advice and assistance from legal counsel to analyze employment decisions, policies and practices. Accordingly, many “analyses” are done internally as part of HR/compliance oversight. Indeed, Oracle’s analysis efforts can involve privileged audits that OFCCP has long recognized and encouraged. *See*, for example, 2006 Voluntary Guidelines for Self-Evaluation of Compensation Practices, 71 Fed. Reg., No. 116, June 16, 2006. While the 2006 standards and voluntary process were rescinded in 2013, the widely-accepted legal right of employers to conduct a privileged audit was never discarded by OFCCP. For instance, an analysis in which various employee cohorts are reviewed to assess whether the employees were similarly situated and if they were, whether there were legitimate non-discriminatory explanations for any pay differences, would be a widely-accepted privileged audit practice. Oracle objects to the extent this Interrogatory calls for information regarding any privileged audits.

Oracle further objects to the phrase “issues related to actual or potential differences” as vague, ambiguous, and overbroad. It is unclear what a “potential difference” in compensation is, or how Oracle is expected to identify it. Likewise, this Interrogatory is overbroad in that it seeks analyses of issues “related to” differences in compensation rather than merely analyses of differences in compensation.

Oracle further objects to the phrase “the methodology, to include identification of the material facts, data and variables, used” as vague, ambiguous, and unduly burdensome,

especially to the extent it purports to require Oracle to recreate any analyses in the form of an interrogatory response.

Oracle further objects to the phrase “the full names, job titles; full names of supervisors and the lines of business of the PERSONS that were the subject of the ANALYSIS” as overbroad and unduly burdensome in that it appears to request the identity of every person who was embraced by a particular analysis, in addition to their supervisors.

Oracle further objects to the term “national origin” as not relevant to any party’s claim or defense nor proportional to the needs of the case. The “national origin” of a person is not relevant for the purposes of OFCCP’s compensation claims, which allege compensation differences based on race.

Oracle further objects to the term “conducting” as vague and ambiguous. It is unclear what it means to “conduct” an analysis in this context. For example, it is unclear (1) whether Oracle is expected to disclose and identify individuals who are ultimately responsible for analyzing the results of an analysis as well as the individuals who actually performed it; (2) whether the response should include only Oracle personnel or outside consultants as well; or (3) what level of input or authority relating to the methodology of an analysis would be sufficient to rise to the level of “conducting” it.

Oracle further objects to the term “performed” as vague and ambiguous because it is not clear whether that term encompasses analyses that already are completed or analyses that are still in progress.

Oracle further objects to the phrase “all findings and conclusions” as vague, ambiguous, overbroad, and not relevant to any party’s claim or defense nor proportional to the needs of the case. Specifically, Oracle objects to the extent this Interrogatory purports to require Oracle to affirmatively draw findings or conclusions from analyses where it has not done so previously. It is also unclear what constitutes a “finding” or “conclusion” of an analysis, such as whether those terms include only data and statistics, or whether they also encompass subjective, written narratives describing the results of an analysis. Similarly, it is unclear whether mere theories or

hypotheses arising from a particular analysis rise to the level of a “finding” or “conclusion.”

Oracle further objects to the phrase “all actions YOU took in response” as vague, ambiguous, overbroad, and not relevant to any party’s claim or defense nor proportional to the needs of the case. The results of one particular analysis may have been a factor but not the sole cause of a particular action taken by Oracle. Similarly, Oracle may have taken actions in response to a particular analysis that are unrelated to OFCCP’s claims in this action. It is also unclear whether this Interrogatory calls for actions that Oracle may have considered or contemplated in response to an analysis, but not actually executed.

Oracle also objects that this Interrogatory improperly contains subparts in that it poses at least five separate interrogatories. It seeks: (1) a description of each analysis, including its methodology; (2) the names and job titles of each person “conducting” the analysis; (3) the names, supervisors, and lines of business that were the subject of the analysis; (4) all findings and conclusions of each analysis; and (5) all actions taken in response to an analysis.

INTERROGATORY NO. 3: DESCRIBE IN DETAIL all ANALYSES YOU performed during the RELEVANT TIME PERIOD wherein YOU CONSIDERED issues related to actual or potential differences in HIRING between PEOPLE of different sexes, races or national origins involving any PERSON in the HIRING RELEVANT JOB GROUP. For each of these ANALYSES, the description should include, but not be limited to, the beginning and end date of the ANALYSIS; the full names and job titles of all PEOPLE conducting the ANALYSIS; the methodology, to include identification of the material facts, data and variables, used; the full names, job titles, full names of supervisors of the PERSONS that were the subject of the ANALYSIS; all findings and conclusions of the ANALYSIS; and all actions YOU took in response to the ANALYSIS.

RESPONSE TO INTERROGATORY NO. 3:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this time.

Oracle further objects to the extent this Interrogatory seeks information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges or immunities. In addition to implementing and applying its own well-established nondiscrimination policies, Oracle regularly assesses its compliance and legal risks as part of its good corporate governance and human resource policies. Oracle, like other companies, seeks advice and assistance from legal counsel to analyze employment decisions, policies and practices. Accordingly, many "analyses" are done internally as part of HR/compliance oversight. Indeed, Oracle's analysis efforts can involve privileged audits that OFCCP has long recognized and encouraged. *See, e.g.,* 2006 Voluntary Guidelines for Self-Evaluation of Compensation Practices, 71 Fed. Reg., No. 116, June 16, 2006. While the 2006 standards and voluntary process were rescinded in 2013, and were specifically written to address compensation practices, the widely-accepted legal right of employers to conduct a privileged audit was never discarded by OFCCP in the context of compensation practices and remains equally applicable to hiring practices. Oracle objects to the extent this Interrogatory calls for information regarding any privileged audits.

Oracle further objects to the phrase "issues related to actual or potential differences" as vague, ambiguous, and overbroad. It is unclear what a "potential difference" in hiring is, or how Oracle is expected to identify it. Likewise, this Interrogatory is overbroad in that it seeks analyses of issues "related to" differences in hiring rather than merely analyses of differences in hiring.

Oracle further objects to the phrase "the methodology, to include identification of the material facts, data and variables, used" as vague, ambiguous, and unduly burdensome,

especially to the extent it purports to require Oracle to recreate any analyses in the form of an interrogatory response.

Oracle further objects to the phrase “the full names, job titles; full names of supervisors and the lines of business of the PERSONS that were the subject of the ANALYSIS” as overbroad and unduly burdensome in that it appears to request the identity of every person who was embraced by a particular analysis, in addition to their supervisors.

Oracle further objects to the term “sexes” as not relevant to any party’s claim or defense nor proportional to the needs of the case. The sex of a person is not relevant for the purposes of OFCCP’s hiring claims, which allege hiring differences based on race.

Oracle further objects to the term “conducting” as vague and ambiguous. It is unclear what it means to “conduct” an analysis in this context. For example, it is unclear (1) whether Oracle is expected to disclose and identify individuals who are responsible for interpreting and analyzing the results of an analysis as well as the individuals who actually performed it; (2) whether the response should include only Oracle personnel or outside consultants as well; or (3) what level of input or authority relating to the methodology of an analysis would be sufficient to rise to the level of “conducting” it.

Oracle further objects to the term “performed” as vague and ambiguous because it not clear whether that term encompasses analyses that already are completed or analyses that are still in progress.

Oracle further objects to the phrase “all findings and conclusions” as vague, ambiguous, overbroad, and not relevant to any party’s claim or defense nor proportional to the needs of the case. Specifically, Oracle objects to the extent this Interrogatory purports to require Oracle to affirmatively draw findings or conclusions from analyses where it has not done so previously. It is also unclear what constitutes a “finding” or “conclusion” of an analysis, such as whether those terms include only data and statistics, or whether they also encompass subjective, written narratives describing the results of an analysis. Similarly, it is unclear whether mere theories or hypotheses arising from a particular analysis rise to the level of a “finding” or “conclusion.”

Oracle further objects to the phrase “all actions YOU took in response” as vague, ambiguous, overbroad, and not relevant to any party’s claim or defense nor proportional to the needs of the case. The results of one particular analysis may have been a factor but not the sole cause of a particular action taken by Oracle. Similarly, Oracle may have taken actions in response to a particular analysis that are unrelated to OFCCP’s claims in this action. It is also unclear whether this Interrogatory calls for actions that Oracle may have considered or contemplated in response to an analysis, but not actually executed.

Oracle also objects that this Interrogatory improperly contains subparts in that it poses at least five separate interrogatories. It seeks: (1) a description of each analysis, including its methodology; (2) the names and job titles of each person “conducting” the analysis; (3) the names, supervisors, and lines of business that were the subject of the analysis; (4) all findings and conclusions of each analysis; and (5) all actions taken in response to an analysis.

INTERROGATORY NO. 4: For each employee YOU employed in the COMPENSATION RELEVANT JOB GROUP during the RELEVANT TIME PERIOD, identify all other PERSONS that YOU contend are similarly situated for purposes of COMPENSATION setting forth all material facts that YOU rely upon in making such determinations to include the full name, job title, full name of supervisor, and line of business of each employee YOU initially CONSIDERED and the full name, job title, full name of supervisor, and line of business of each PERSON YOU CONSIDERED to be similarly situated.

RESPONSE TO INTERROGATORY NO. 4:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this time.

Oracle further objects to this Interrogatory as vague and ambiguous, including that this Interrogatory assumes facts such as that Oracle contends that any of its employees are similarly situated. This Interrogatory improperly attempts to place the burden of proving OFCCP's case on Oracle. OFCCP, not Oracle, must identify similarly-situated comparators. Oracle has made no representation, contention, or determination about the employees it believes to be similarly situated, if any. In fact, Oracle has repeatedly asked OFCCP to identify those employees it believes are comparators, and OFCCP has refused to provide this information. Oracle accordingly objects to this Interrogatory as overbroad and not relevant to any party's claim or defense nor proportional to the needs of the case.

Oracle further objects to the phrase "similarly situated for purposes of COMPENSATION" and the term "initially" as vague, ambiguous, overbroad, and unduly burdensome. As drafted, this Interrogatory purports to seek information about every employee in the relevant jobs groups and who they are similarly situated to. An evaluation of which Oracle employees in the relevant job groups are similarly situated to others would necessarily require comparing every employee to every other employee in the relevant job groups. Accordingly, this Interrogatory is overbroad and unduly burdensome.

Oracle further objects to the extent this Interrogatory seeks information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges or immunities. To the extent Oracle engaged in any analysis or comparison of potentially similarly situated employees at the direction of counsel, or for the purpose of seeking legal advice, such analyses or comparisons would be privileged and Oracle objects to their disclosure.

Oracle also objects that this Interrogatory improperly contains subparts in that it poses at least three separate interrogatories. It seeks: (1) a list of all similarly situated employees; (2) all material facts relied upon in making that determination; and (3) a list of all employees who were "initially considered" as to whether they were similarly situated.

INTERROGATORY NO. 5: Identify all of the PEOPLE YOU employed in the COMPENSATION RELEVANT JOB GROUP during the RELEVANT TIME PERIOD WHOSE COUNTRY OF NATIONAL ORIGIN IS INDIA by identifying their full names, job titles, full names of supervisors, lines of business and dates of employment.

RESPONSE TO INTERROGATORY NO. 5:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this time.

Oracle further objects to this Interrogatory on the grounds that it is vague, ambiguous, overbroad, and not relevant to any party's claim or defense nor proportional to the needs of the case. The "national origin" of an employee is not relevant to OFCCP's compensation claim, which alleges that it found compensation disparities with respect to women, Asians, and African Americans. Accordingly, whether the "national origin" for employees in the COMPENSATION RELEVANT JOB GROUP is India is wholly irrelevant. Likewise, the supervisors of employees whose "national origin is India" are not relevant to OFCCP's compensation claim, nor proportional to the needs of the case.

Oracle further objects that this Interrogatory is unduly burdensome insofar as it purports to require Oracle to identify the "national origins" of all of its employees in the COMPENSATION RELEVANT JOB GROUP (something that Oracle does not already systematically track for its employees), and then identify numerous facts relating to those employees, such as their job title(s), supervisors and dates of employment at various, unspecified

times.

INTERROGATORY NO. 6: Identify all POLICIES, PRACTICES, or PROCEDURES, including their implementing criteria, YOU used during the RELEVANT TIME PERIOD to HIRE any PERSON into HIRING RELEVANT JOB GROUP, including, but not limited to, identifying by full name, job title, and full name of supervisor of all of YOUR employees involved in recruitment and stating their specific role(s); and by identifying all outside vendors, companies, recruiters, or other PERSONS YOU have relied upon in recruitment and describe the specific services that they provided.

RESPONSE TO INTERROGATORY NO. 6:

Oracle incorporates by reference its Objections to Specific Definitions set forth above. Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this time.

Oracle further objects to the extent this Interrogatory seeks information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges or immunities. As described in more detail in its objections to Interrogatory No. 2 above, Oracle regularly seeks advice and assistance from legal counsel to analyze employment decisions, policies and practices. Information relating to this legal advice and assistance is privileged and Oracle objects to its disclosure.

Oracle further objects to the phrase "implementing criteria" as vague and ambiguous. It is unclear what "implementing criteria" means, and given OFCCP's sweeping definition of "POLICIES, PRACTICES, or PROCEDURES," which includes all informal and formal rules,

actions, directives, it is unclear whether OFCCP is seeking, for example, (1) a list of Oracle's official policies, practices and procedures with respect to its hiring, (2) a list of the factors and criteria that are considered in executing and applying each policy, practice, or procedure, or (3) a list of every conceivable factor that could possibly affect the hiring of an Oracle employee in the relevant job group. Accordingly, as drafted this Interrogatory is both vague and overbroad.

Oracle also objects that this Interrogatory is unintelligible insofar as it improperly seeks not only *identification* of policies, but as part of its policy identification response provide non-policy information, including identification of individuals, vendors and description of roles, responsibilities and services provided. Not only is the Interrogatory unintelligible, it also contains subparts by posing at least five separate interrogatories, rendering it unduly burdensome. It seeks: (1) a list of all policies, practices, and procedures relating to hiring; (2) a list of the "implementing criteria" for each policy, practice, or procedure; (3) a list, including name, job title, supervisor, and role of any employee involved in recruitment; (4) a list of all outside vendors, companies, recruiters, or other persons relied upon in recruitment; and (5) a list of the specific services they provided.

Oracle further objects to the term "used" as vague and ambiguous. It is unclear whether announcing, maintaining, discussing, or implementing a policy, practice, or procedure is synonymous with "using" it. It also unclear whether this Interrogatory seeks information about policies, practices, and procedures used by non-Oracle employees (e.g., vendors) that resulted in an individual being hired at Oracle in the relevant job groups.

Oracle further objects to the term "recruitment" as vague, ambiguous, and overbroad. It is unclear whether this Interrogatory seeks information about new college hires, hiring employees from other companies, or internal promotions.

Oracle further objects to the phrase "specific services they provided" as vague, ambiguous, overbroad, and not relevant to any party's claim or defense nor proportional to the needs of the case. It is unclear whether "they" is referring to Oracle employees, outside vendors, companies, recruiters, other persons, or some combination of the foregoing. This Interrogatory

also seeks irrelevant information to the extent any of the foregoing employees or entities provided services that are unrelated to hiring at Oracle.

INTERROGATORY NO. 7: State all material facts that SUPPORT the allegation that YOU made in YOUR ANSWER to OFCCP's Amended Complaint that "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."

RESPONSE TO INTERROGATORY NO. 7:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this time. Oracle further objects that this Interrogatory is premature and improper in light of OFCCP's pending motion to file a Second Amended Complaint, which, if successful, 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 Interrogatory.

Oracle further objects to the extent this Interrogatory seeks information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges or immunities.

Oracle further objects that this Interrogatory is compound and contains subparts in that it asks Oracle to state all material facts that support at least three separate statements, namely, that (1) Oracle denies the allegations in Paragraph 12 of OFCCP's Amended Complaint; (2) Oracle did not refuse to produce records in its possession to OFCCP; and (3) Oracle met its regulatory

obligations.

Oracle further objects to this Interrogatory on the grounds that the Court has already ruled that the parties should be aware of what documents were demanded by OFCCP and how Oracle responded. Specifically, in the Court's September 11, 2017 order on Oracle's motion to compel, the Court sustained OFCCP's objection to Oracle's interrogatory seeking information about OFCCP's allegations in Paragraphs 12 and 13 of its Amended Complaint that Oracle allegedly refused to produce certain documents, ruling that "The court sustains Plaintiff's objection to this Interrogatory as not proportional to the needs of the case. Defendant presumably already knows what Plaintiff did, or did not, demand of Defendant, and also knows how it responded. Plaintiff need not provide a further response to this interrogatory." Accordingly, based on that ruling Oracle objects to this Interrogatory on the grounds that the information already is in OFCCP's possession and asking Oracle to catalogue it in an Interrogatory is harassing and not proportional to the needs of the case, and that OFCCP should be aware of what it demanded from Oracle and how Oracle responded, including OFCCP's knowledge that Oracle never "refused" to produce documents.

INTERROGATORY NO. 8

DESCRIBE IN DETAIL all anecdotal evidence YOU contend SUPPORTS any statement YOU made in YOUR ANSWER to OFCCP's Amended Complaint.

RESPONSE TO INTERROGATORY NO. 8:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this

time. Oracle further objects that this Interrogatory 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 Interrogatory.

Oracle further objects to the extent this Interrogatory seeks information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges or immunities.

Oracle further objects that this Interrogatory is unduly burdensome, overbroad and not relevant to any party's claim or defense nor proportional to the needs of the case. Oracle's Answer is over 30 pages and this Interrogatory effectively seeks to convert Oracle's Answer into a motion for summary judgment. Oracle further objects that this interrogatory effectively calls for Oracle to set forth its defense in writing. OFFCP cannot engage in "trial by interrogatory." *See, e.g., Hilt v. SFC Inc.*, 170 F.R.D. 182, 186 (D. Kan. 1997) (denying motion to compel responses to interrogatories effectively requiring party to "provide the equivalent of a narrative or otherwise detailed account of her entire case in chief, together with identification of virtually all supporting evidence for each fact.").

Oracle further objects that it is not Oracle's burden to provide "anecdotal evidence" to support the statements made in its Answer. Rather, it is OFCCP's burden to support its affirmative case with "anecdotal evidence."

Oracle further objects to the term "anecdotal evidence" as vague and ambiguous. It is unclear what "anecdotal" means in this context, including whether this term encompasses data; written policies, practices, or procedures; documents such as emails; testimony from Oracle employees; or some combination of the foregoing.

Oracle further objects that this Interrogatory is premature and that discovery is ongoing. Oracle has not completed its factual investigation and is still identifying and analyzing evidence that may support its defenses.

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INTERROGATORY NO. 9: State all material facts that SUPPORT YOUR sixth Affirmative Defense in YOUR ANSWER to OFCCP's AMENDED COMPLAINT.

RESPONSE TO INTERROGATORY NO. 9:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this time. Oracle further objects that this Interrogatory 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 Interrogatory.

Oracle further objects to the extent this Interrogatory seeks information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges or immunities.

Oracle further objects that this Interrogatory is premature and that discovery is ongoing. Oracle has not completed its factual investigation and is still identifying and analyzing evidence that may support its defenses.

Oracle further objects that this Interrogatory is duplicative and seeks information that Oracle has already provided to OFCCP, including in connection with Oracle's motion for summary judgment on the basis that OFCCP did not engage in reasonable conciliation efforts. In addition, OFCCP is obviously aware of what conciliation efforts it made and therefore it already has all information responsive to this Interrogatory.

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INTERROGATORY NO. 10: State all material facts SUPPORTING YOUR position that Oracle's actions complained of by OFCCP were not based upon any discriminatory reasons, but were based upon legitimate, non-discriminatory, job-related reasons, as alleged in the 18th Affirmative Defense in YOUR Answer to OFCCP's AMENDED COMPLAINT.

RESPONSE TO INTERROGATORY NO. 10:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this time. Oracle further objects that this Interrogatory 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 Interrogatory.

Oracle further objects to the extent this Interrogatory seeks information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges or immunities.

Oracle further objects that this Interrogatory is premature and that discovery is ongoing. Oracle has not completed its factual investigation and is still identifying and analyzing evidence that may support its defenses. This Interrogatory seeks answers to the key question in this case: whether any differences in pay are the result of legitimate, non-discriminatory, job-related reasons, or due to other reasons. At this stage of the case, this broad interrogatory, particularly one that just repeats Oracle's affirmative defense, is premature, unduly burdensome, and will not serve to clarify the issues or narrow the scope of the litigation. *See, e.g., In re eBay Seller*

Antitrust Litig., No. C 07-1882 JF (RS), 2008 WL 5212170, at *2 (N.D. Cal. Dec. 11, 2008) (denying motion to compel responses to interrogatories where “answers likely would be materially incomplete” and “the tentative nature of any responses generated at this stage would be of questionable value to the goal of efficiently advancing the litigation.”).

Oracle objects to this interrogatory as purporting to elicit a response setting forth the reason for each and every compensation and hiring decision at issue for a period of approximately six years, and such an interrogatory is purely designed to burden and harass Oracle.

INTERROGATORY NO. 11: DESCRIBE IN DETAIL all criteria YOU used during the RELEVANT TIME PERIOD to set the starting COMPENSATION of any PERSON HIRED into the HIRING RELEVANT JOB GROUP, including, but not limited to, the criteria used to determine what forms of COMPENSATION (stock, relocation, starting bonus, base salary, benefits, vacation, etc.) a PERSON should be awarded and the criteria for determining how much COMPENSATION (stock, relocation, starting bonus, base salary, benefits, vacation, etc.) should be awarded.

RESPONSE TO INTERROGATORY NO. 11:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this time.

Oracle further objects to the extent this Interrogatory seeks information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges or immunities.

Oracle further objects to the term “all criteria” as vague, ambiguous, overbroad, and unduly burdensome. It is unclear whether this Interrogatory is seeking the specific criteria actually used for each employee hired, or the general criteria that are considered. As drafted, this Interrogatory appears to call for every possible factor that was used to determine the starting compensation for every hire in the relevant job groups during the relevant time period. Oracle objects to this interrogatory as eliciting a response setting forth the reason for each and every compensation and hiring decision at issue for a period of approximately six years, and such an interrogatory is purely designed to burden and harass Oracle.

Oracle also objects to the term “starting” as vague and ambiguous. It is unclear whether this Interrogatory seeks information about external hires new to Oracle, employees who are hired as a result of acquisitions of other companies, or transfer employees from Oracle companies outside of the United States.

Oracle further objects to this Interrogatory as unintelligible, vague, and ambiguous in that it characterizes “COMPENSATION” in a manner inconsistent with OFCCP’s specific definition of the term as “remuneration for employment,” and includes items that do not fall within that definition. Oracle further objects that this Interrogatory improperly contains subparts in that it poses at least three separate interrogatories. It seeks: (1) all criteria used to set the starting compensation of every person hired in the relevant job groups; (2) all criteria used to determine the specific mix of types of compensation paid to employees; and (3) all criteria used to determine the total compensation paid to employees.

Oracle further objects that this Interrogatory seeks irrelevant information about “setting” starting compensation for the HIRING RELEVANT JOB GROUP, for whom compensation is not at issue. .

INTERROGATORY NO. 12: DESCRIBE IN DETAIL all criteria YOU used during the RELEVANT TIME PERIOD to determine the awarding of pay raises, stock and / or bonuses to any PERSON working in the COMPENSATION RELEVANT JOB GROUP, including, but not limited to, the criteria used to determine whether a PERSON should be awarded a pay raise,

stock and / or bonus, and the criteria for determining how much of a pay raise, stock and / or bonus the PERSON should be awarded.

RESPONSE TO INTERROGATORY NO. 12:

Oracle incorporates by reference its Objections to Specific Definitions set forth above.

Oracle objects to this Interrogatory 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 Interrogatory is not the proper subject of discovery at this time.

Oracle further objects to the extent this Interrogatory seeks information protected by the attorney-client privilege, the work-product doctrine, or other applicable privileges or immunities.

Oracle further objects to the term "all criteria" as vague, ambiguous, overbroad, and unduly burdensome. It is unclear whether this Interrogatory is seeking the specific criteria actually used for each employee hired, or the general criteria that are considered. As drafted, this Interrogatory appears to call for every possible factor that was used to determine increases in compensation for every hire for in the relevant job groups during the relevant time period.

Oracle objects to this interrogatory as eliciting a response setting forth the reason for each and every compensation and hiring decision at issue for a period of approximately six years, and such an interrogatory is purely designed to burden and harass Oracle.

Oracle also objects to the term "should be awarded" as vague and ambiguous. It is unclear whether this Interrogatory seeks information about criteria used to determine what raises, bonuses, stock were actually paid, or information about what "should" have been paid.

Oracle further objects that this Interrogatory improperly contains subparts in that it poses at least three separate interrogatories. It seeks: (1) all criteria used to determine increases in

compensation of every person hired in the relevant job groups; (2) all criteria used to determine whether an increase in compensation should be awarded; and (3) all criteria used to determine how much of an increase should be awarded.

January 28, 2019

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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)

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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