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Office of Administrative Law Judges
San Francisco, Ca

Attorneys for OFCCP

**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.

Case No. 2017-OFC-00006

OFCCP'S OBJECTIONS TO ORACLE'S EXHIBITS

Pursuant to the Court's Order Following Pre-Hearing Conference dated November 29, 2019, 29 C.F.R. § 18.33 and the Parties' Exhibit Status Report, Plaintiff, the Office of Federal Contract Compliance Programs (OFCCP"), hereby submits its objections to 18 exhibits that

Oracle America, Inc. (“Oracle”) identified in its amended exhibit list. Specifically, OFCCP is objecting to exhibits: D88-91, D93, D95-97, D99-106, D117-118.

OFCCP objects to exhibits D88-91, D93, D95-97, D99-106 on the basis of relevance, lack of foundation and hearsay. In its proof column, Oracle identifies these exhibits as “describing Oracle’s good faith efforts to advance diversity in the workplace.” For some documents Oracle goes further and identifies the good faith efforts as applying to “people with disabilities” (D95) or “veterans” (D97). These documents are not relevant because this case is not about disabilities, veterans and Oracle’s global or national diversity outreach¹ efforts. Instead, this case is about compensation for women in three job functions at Oracle’s headquarters at Redwood Shores, California and for Asians and African-Americans in just the product development job function at the same location. These documents are also not relevant because they do not pertain to any of the issues for hearing listed in Section C. of the Court’s Order Following Pre-Hearing Conference dated November 29, 2019. There is also a lack of foundation provided for the content of these documents. Along with a lack of foundation, the information in these documents is hearsay from the person composing the document about what allegedly happened.

OFCCP also objects to exhibits D118-119 on the basis of hearsay and lack of foundation. These two documents are hearsay because they represent the information that one person identified as coming from this person’s interview of an Oracle employee. The people who took the interview notes at D118-119 do not have any personal knowledge about the information contained within the notes other than it represents their evaluation of the information that they

¹ This is especially so for outreach since the parties settled OFCCP’s hiring claims in the Second Amended Complaint.

were told. There is also a lack of foundation because the circumstances in which the communications in which these notes took place were not provided and are known only to the people who were present when these interviews occurred.

DATED: December 2, 2019

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/s/ Norman E. Garcia
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OFFICE OF THE SOLICITOR
U.S. DEPARTMENT OF LABOR
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CERTIFICATE OF SERVICE

I, Norman E. Garcia, am a citizen of the United States of American and am over 18 years of age. I am not a party to the within action. My business address is 90 7th Street, Suite 3-700, San Francisco, California, 94103.

On December 2, 2019, I served **OFCCP'S OBJECTIONS TO ORACLE'S EXHIBITS with Certificate of Service**

in this action by **e-mail** to:

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I certified under penalty of perjury that the above is true and correct.

Executed: December 2, 2019

/s/ Norman E. Garcia
NORMAN E. GARCIA
Senior Trial Attorney

Office of the Solicitor
United States Department of Labor