

**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

**DEPOSITION DESIGNATIONS  
RE THE DEPOSITION OF  
MADHAVI CHERUVU - RULE  
30(B)(6), JUNE 11, 2019**

Pursuant to the Court's Order on December 9, 2019, Oracle hereby submits the following deposition designations, including any errata and/or objections to such testimony by either party. To the extent that the testimony designated herein calls for privileged and/or confidential information, Oracle objects.

Respectfully submitted,

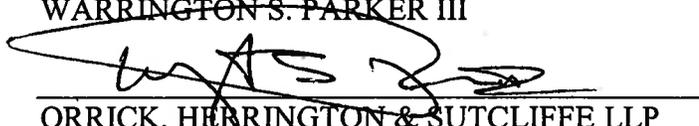
December 20, 2019

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DEPOSITION DESIGNATIONS RE THE DEPOSITION OF MADHAVI CHERUVU  
RULE 30(B)(6), JUNE 11, 2019

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p><b>11:8-17</b></p> <p>8 ··· Q· And what is your current position right 9 ·now? 10 ··· A· I'm a vice president of human resources. 11 ··· Q· Vice president of human resources? 12 ··· A· That's correct. 13 ··· Q· When did you become vice president of human 14 ·resources? 15 ··· A· I don't remember the exact date. 16 ··· Q· Around what year? 17 ··· A· I would -- I would say five, six years ago.</p>	
<p><b>23:2-10</b></p> <p>2 ··· Q· And currently you -- you are the vice 3 ·president of HR· What are your duties? 4 ··· A· I manage a team of individuals, and we 5 ·provide HR support to a -- seven lines of 6 ·businesses. 7 ··· Q· Which lines of businesses? 8 ··· A· Marketing, an organization that's called 9 ·"Database," one that's called "Fusion," one that's 10 ·called a Middleware and Paths, and BI Analytics.</p>	
<p><b>23:11-24:1</b></p> <p>11 ··· Q· Any other lines of business? 12 ··· A· One small group, but I don't -- I -- I 13 ·don't believe it has like a name right now· It's 14 ·just an organization under an individual, but 15 ·doesn't have a name -- identifier name that I can 16 ·give you. 17 ··· Q· What is -- what do they do? 18 ··· A· It is a -- a broad group under -- it's 19 ·called "the Oracle startup accelerator." 20 ··· Q· What does the path group -- what does this 21 ·group do? 22 ··· A· It has a -- a small set of individuals that 23 ·work on expanding our technologies into the startup 24 ·community, the college community with students, so 25 ·evangelizing our products into areas that we don't</p> <p><b>24</b></p> <p>1 ·have a significant footprint in today.</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p><b>59:16-60:11</b></p> <p>16 · · · · Q. “If it’s a key or critical hire, then I’m 17 · asked for my input.” Is that statement true in 18 · March 2015? 19 · · · · · MR. PARKER: Vague and ambiguous. 20 · · · · · THE WITNESS: It is true if I was hiring a 21 · current HR critical person on my team. 22 · BY MS. FLORES: 23 · · · · Q. What about for other teams? 24 · · · · · MR. PARKER: Asked and answered. 25 · · · · · THE WITNESS: I think it is too broad, but</p> <p><b>60</b></p> <p>1 · if it was a -- a senior hire that my executive was 2 · bringing in, then he -- he would determine what the 3 · salary was and would again ask me for what the range 4 · for the position is. 5 · BY MS. FLORES: 6 · · · · Q. For someone in a different line of 7 · business? 8 · · · · · MR. PARKER: Vague and ambiguous. 9 · · · · · THE WITNESS: In the line of business that 10 · I was supporting. 11 · BY MS. FLORES:</p>	
<p><b>60:12-19</b></p> <p>12 · · · · Q. And what are the lines of business that you 13 · were supporting in March 2015? 14 · · · · A. I know I was supporting the -- what -- what 15 · is called “the development organization” that was 16 · run by our executive vice president at that time. 17 · · · · Q. Who was the executive vice president at 18 · that time? 19 · · · · A. Thomas Kurian.</p>	
<p><b>63:4-20</b></p> <p>4 · · · · Q. The next sentence is “I look at what 5 · they’re making in their current company right now.” 6 · Was that true in March 2015? 7 · · · · · MR. PARKER: Vague and ambiguous. 8 · · · · · THE WITNESS: No. 9 · · · · · BY MS. FLORES:</p>	

<b>DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019</b>	
<b>Page/Line</b>	<b>Objection/Errata</b>
<p>10 · · · · Q. What’s not true about it?  11 · · · · A. What you just said.  12 · · · · Q. You never looked at what a -- a potential  13 · employee was making at that moment before they were  14 · hired by -- from -- by Oracle?  15 · · · · ·MR. PARKER: Same objections.  16 · · · · ·THE WITNESS: I did not, no.  17 · · · · ·BY MS. FLORES:  18 · · · · Q. What about now?  19 · · · · ·MR. PARKER: Same objections.  20 · · · · ·THE WITNESS: No, I don’t.</p>	
<p><b>69:7-70:11</b>  7 · · · · Q. Next sentence is “We look at our salary  8 · ranges after talking to the manager, and I look at  9 · what they’re making at their current job.” Was  10 · that -- was that statement true in March 2015?  11 · · · · ·MR. PARKER: Compound; vague and ambiguous.  12 · · · · ·THE WITNESS: No.  13 · · · · ·BY MS. FLORES:  14 · · · · Q. Is it true now?  15 · · · · ·MR. PARKER: Same objections.  16 · · · · ·THE WITNESS: No.  17 · · · · ·BY MS. FLORES:  18 · · · · Q. What part is not true?  19 · · · · ·MR. PARKER: Again, compound.  20 · · · · ·THE WITNESS: I’m -- I’m going to give a  21 · little bit of clarity here. If I’m trying to hire  22 · somebody in my team, we look at a number of -- the  23 · hiring manager, if I’m the hiring manager, this is  24 · what I would look at: I would look at what is the  25 · experience; what are the skills they bring; what</p> <p><b>70</b>  1 · other similar companies have they worked for that  2 · would make their experience useful to the -- the  3 · Oracle situation. For instance, I would find  4 · synergy and try and find similar candidates from  5 · companies that do technology work like we do.  6 · And at that time, yes, I would look at the  7 · salary range as a hiring manager. I would look at  8 · their résumé, the skills, the experience that they  9 · bring, and make a determination based on, you know,  10 · some of those factors how -- where I would position</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p>11 · them coming in. Does that answer your question? <b>70:12-71:4</b></p> <p>12 · . . . . BY MS. FLORES: 13 · . . . Q. Somewhat. Half, I think. So the first 14 · part says, “We look at our salary ranges after 15 · talking to the manager.” That part is true? 16 · . . . . MR. PARKER: Misstates the testimony. It’s 17 · vague and ambiguous. 18 · . . . . THE WITNESS: When -- when we are trying to 19 · hire for a position, my hiring manager would be the 20 · hiring manager, would come to me and say, “Hey, I am 21 · trying to bring this individual in as an HR business 22 · partner to support this particular organization” -- 23 · I’m giving you an example. I’m not telling you -- 24 · you know, “This individual now works for Adobe, and 25 · these are the skills that, you know, in the hardware</p> <p><b>71</b></p> <p>1 · space that we could use and have this individual 2 · support the hardware organization, and this is the 3 · salary range. This is what I am considering 4 · bringing the individual in at.”</p>	
<p><b>71:5-21</b></p> <p>5 · And that discussion is something that, you 6 · know, before he would put -- put it all into work 7 · low for approval, as a courtesy he would talk to me 8 · because the first time I see a transaction, 9 · typically just out of courtesy, shouldn’t be when it 10 · hits my inbox, but they’ve had the discussion with 11 · me. So when I look at this, it seems familiar, 12 · we’ve talked about it, and the justification or the 13 · decision-making process the hiring manager in -- on 14 · my team has gone through seems like a logical 15 · approach, and that -- that’s how it’s done on my 16 · team. 17 · BY MS. FLORES: 18 · . . . Q. Okay. What about for other people’s teams? 19 · . . . . MR. PARKER: Lacks foundation. 20 · . . . . THE WITNESS: I don’t know how it’s done 21 · for other people’s teams.</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p><b>72:5-24</b></p> <p>5 · · · · Q · Does HR have a role in talking with other 6 · people’s teams in terms of when a new potential 7 · employee like an applicant is being considered? 8 · · · · · MR. PARKER: · Same objections. 9 · · · · · THE WITNESS: · So, again, a hiring manager 10 · who was making the determination, if he was trying 11 · to hire in -- in India or in Guadalajara or in -- 12 · would -- would -- would not -- you know, would -- 13 · may not always have access to the hiring ranges or 14 · would not know -- may not know where to go and look 15 · just because they don’t do it very frequently and 16 · would talk to HR to ask that information and say, 17 · you know, “I’m thinking of bringing this individual 18 · in and here is why. · And I can see them talking to 19 · their HR person just like I just described my own HR 20 · manager would talk to me during the hiring process. 21 · BY MS. FLORES: 22 · · · · Q · Okay. 23 · · · · A · But it’s the hiring manager that makes the 24 · determination what the salary should be.</p>	
<p><b>74:4-75:2</b></p> <p>4 · · · · Q · And also a hiring manager from another 5 · team, if they want to know the salary ranges. · Is 6 · that correct? 7 · · · · · MR. PARKER: · Lacks foundation. 8 · · · · · THE WITNESS: · If they want to know the 9 · salary range of -- a range in -- in a specific 10 · geography, then yes. 11 · BY MS. FLORES: 12 · · · · Q · Okay. · And the next -- 13 · · · · A · And they don’t always do that. · If they 14 · have access to the information, and if they feel 15 · con -- you know, if they feel they can make the 16 · determination of what the range is without talking 17 · to anybody, then they would go ahead with the 18 · determining what the starting salary is. 19 · · · · Q · And what do you mean, without talking to 20 · anybody? · Like, do you mean HR? 21 · · · · A · Yes. 22 · · · · Q · So a hiring manager can determine a 23 · starting salary or set a starting salary without</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p>24 · talking to HR? 25 · · · · A · Yes.</p> <p><b>75</b> 1 · · · · Q · What about without notifying HR? 2 · · · · A · Yes.</p>	
<p><b>75:13-76:5</b></p> <p>13 · · · · Q · So for somebody in your own team, you will 14 · look at the -- at the salary that the applicant is 15 · making at their job. 16 · · · · · MR. PARKER · Vague as to time. 17 · · · · · THE WITNESS · No · That's not what I said. 18 · · BY MS. FLORES: 19 · · · · Q · Okay · What did you say? 20 · · · · A · They would -- you know, it could be one of 21 · the factors if they share that information, in 22 · addition to several others, and that could include 23 · years of experience, similar jobs, or relevant 24 · experience that's valuable to -- to me as a hiring 25 · manager · Skills that he or she brings that is</p> <p><b>76</b> 1 · valuable to me in the role that they're going to 2 · come in and -- and perform, a -- a number of such 3 · factors. 4 · · · · Q · So it is just one factor? 5 · · · · A · Sometimes, not always.</p>	
<p><b>77:3-78:3</b></p> <p>3 · seems reasonable. 4 · · BY MS. FLORES: 5 · · · · Q · The next sentence, it says, "We look at the 6 · deliverable when it is" -- "when is it due?" Do we 7 · need someone right away?" 8 · · · · A · I don't know what that means. 9 · · · · Q · Okay · I'll finish reading the rest of the 10 · paragraph and then -- 11 · · · · A · Okay. 12 · · · · Q · -- you can tell me if it is true in 13 · March 2015 · Okay? 14 · "We look at the deliverable when it is due. 15 · Do we need someone right away? We might go over the</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p>16 · range if the skill sets are critical. · I don't  17 · approve all the hiring that was done, so I can't say  18 · how often the range may be over."  19 · · · · A. · What's your question?  20 · · · · Q. · Is that statement true in March 2015?  21 · · · · · MR. PARKER: · Compound; vague and ambiguous.  22 · THE WITNESS: · I'd have to go line by line.  23 · I don't approve any of the hiring unless it's hiring  24 · on my team.  25</p> <p><b>78</b>  1 · BY MS. FLORES:  2 · · · · Q. · So that part is true?  3 · · · · A. · Which?</p>	
<p><b>78:4-12</b></p> <p>4 · · · · Q. · "I don't approve all the hiring."  5 · · · · A. · No.  6 · · · · · MR. PARKER: · Misstates the testimony.  7 · · · · · THE WITNESS: · I said, "I don't approve any  8 · of the hiring" --  9 · BY MS. FLORES:  10 · · · · Q. · Okay.  11 · · · · A. · -- "unless it is a hiring that is in my own  12 · team."</p>	
<p><b>84:22-85:6</b></p> <p>22 · · · · · THE WITNESS: · We talked about using current  23 · salary as one of the factors?  24 · BY MS. FLORES:  25 · · · · Q. · Yes.</p> <p><b>85</b>  1 · · · · A. · We do not do that today.  2 · · · · Q. · Okay.  3 · · · · A. · It was one of the factors, but -- but not  4 · since the change in the law.  5 · · · · Q. · Okay. · But it was true in March 2015?  6 · · · · A. · It was one of the factors, yes.</p>	
<p><b>85:7-8</b></p> <p>7 · · · · Q. · Okay.  8 · · · · A. · Sometimes.</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p><b>104:11-14</b></p> <p>11 ···· Q· Does Thomas Kurian still work at Oracle? 12 ···· A· No. 13 ···· Q· When did he stop working at Oracle? 14 ···· A· Last September.</p>	
<p><b>114:15-115:3</b></p> <p>15 ···· Q· Is there a group of individuals who review 16 · all offers that come in from hiring managers? 17 ···· A· Not that I'm aware of. 18 ···· Q· Okay· Is there a group of individuals who 19 · review all offers of -- of starting wages? 20 ···· A· Not -- no. 21 ···· Q· Is there a group of individuals that review 22 · any wage increases for current Oracle employees? 23 ···· A· Can you -- can you repeat that question? 24 ···· Q· Is there a group of individuals that review 25 · any wage increases for cor -- current Oracle</p> <p><b>115</b></p> <p>1 · employees? 2 ···· A· Not that I'm aware of -- oh, what happened? 3 · Oh.</p>	
<p><b>177: 21-178:9</b></p> <p>21 ···· Q· So is it the hiring manager that sets an 22 · employee's initial compensation? 23 ···· A· That's correct. 24 ···· Q· And how does the hiring manager determine 25 · the initial compensation for an employee?</p> <p><b>178</b></p> <p>1 ····· MR. PARKER:· Lacks foundation. 2 ····· THE WITNESS:· I can speak to when I'm doing 3 · it as a -- a hiring manager. 4 · BY MS. FLORES: 5 ···· Q· Okay. 6 ···· A· I would look at their skills, their -- what 7 · they bring, their résumé, what their experience is, 8 · their background is· Those are some of the factors 9 · I would consider.</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p><b>189:20-190:23</b></p> <p>20 · BY MS. FLORES: 21 · . . . Q. · Does the hiring manager have to set initial 22 · pay within the range? 23 · . . . . MR. PARKER: · Lacks foundation. 24 · . . . . THE WITNESS: · No. 25</p> <p><b>190</b></p> <p>1 · BY MS. FLORES: 2 · . . . Q. · Can a hiring manager set initial pay below 3 · the salary -- the salary range? 4 · . . . . MR. PARKER: · Lacks foundation. 5 · . . . . THE WITNESS: · I personally haven't done 6 · that. 7 · BY MS. FLORES: 8 · . . . Q. · But can a hiring manager do that? 9 · . . . . MR. PARKER: · Lacks foundation. 10 · . . . . THE WITNESS: · It's -- it's a range, but I 11 · don't -- I don't believe they would. 12 · BY MS. FLORES: 13 · . . . Q. · But my question is can they. 14 · . . . . MR. PARKER: · Same objection. 15 · . . . . THE WITNESS: · Hiring -- hiring manager can 16 · determine what the -- the range -- the starting 17 · salary is. 18 · BY MS. FLORES: 19 · . . . Q. · Okay. · And even if it's below the salary 20 · range? 21 · . . . A. · I'm not -- 22 · . . . . MR. PARKER: · Lacks foundation. 23 · . . . . THE WITNESS: · I don't know.</p>	
<p><b>190:25-191:9</b></p> <p>25 · . . . Q. · Is there anything else the hiring manager</p> <p><b>191</b></p> <p>1 · considers when setting initial pay? · I know we 2 · talked about the scales experience and the -- the 3 · salary ranges. 4 · . . . . MR. PARKER: · That misstates her testimony 5 · and generally that it lacks foundation. 6 · . . . . THE WITNESS: · I'd look at several</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
7 · factors -- I think we covered that -- how critical 8 · it all is, what sort of deliverable they have, what 9 · sort of skill sets they need, number of factors.	
<b>191:20-192:5</b>  20 · . . . Q · Well, I guess we'll take a step back · Each 21 · hiring manager, are they given a certain budget that 22 · they have to work within when they hire people? 23 · . . . . MR. PARKER · Lacks foundation. 24 · . . . . THE WITNESS · They are given sometimes a 25 · head count budget, but not a dollar budget.  <b>192</b> 1 · BY MS. FLORES: 2 · . . . Q · Oh · What's a head count budget? 3 · . . . A · They could hire ten people for this 4 · project, or they can hire 20 · That's just a head 5 · count that they could have.	
<b>193:8-21</b>  8 · . . . Q · Are you aware of anyone who reviews the 9 · first line manager when they make an offer of 10 · employment to someone? 11 · . . . . MR. PARKER · Same objections. 12 · . . . . THE WITNESS · Immediate manager. 13 · BY MS. FLORES: 14 · . . . Q · The immediate manager? 15 · . . . A · From a budget perspective, yes. 16 · . . . Q · Of the hiring manager? 17 · . . . A · Correct. 18 · . . . Q · What do they review? 19 · . . . . MR. PARKER · Lacks foundation. 20 · . . . . THE WITNESS · It's within head count 21 · budget.	
<b>194:11-14</b>  11 · . . . Q · Do hiring managers also decide who is going 12 · to -- how much equity an employee may receive? 13 · . . . . MR. PARKER · Lacks foundation. 14 · . . . . THE WITNESS · That's correct.	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p><b>195:2-196:25</b></p> <p>2 · · · · Q · Ms. Cheruvu, if you could please go through 3 · Exhibit 75 and tell me if you recognize it. 4 · · · · A · I do not. 5 · · · · Q · Do you see on the first page of Exhibit 75, 6 · at the bottom it's Oracle HQCA 23758, an e-mail that 7 · was sent to you? 8 · · · · A · Yes. 9 · · · · Q · And who is the e-mail from? 10 · · · · A · Ariel Lewis. 11 · · · · Q · What -- what is Ariel Lewis's job position? 12 · · · · A · I don't know who Ariel Lewis is. 13 · · · · Q · Do you know any of the other people that 14 · are cc'd on this e-mail? 15 · · · · A · I recognize Les Kondo. 16 · · · · Q · Do you work with Les Kondo? 17 · · · · A · I have. 18 · · · · Q · How do you know Les Kondo? 19 · · · · A · He is in the college hire program. 20 · · · · Q · Okay · So in looking at this e-mail, I had 21 · a question · Can you explain what does it mean · So, 22 · "Hi, Madie · Please approve the FY 14 head counts 23 · transfer from one person to another." · Is that 24 · correct? · Is that -- 25 · · · · A · That's what --</p>	
<p><b>196</b></p> <p>1 · · · · · MR. PARKER: · Document speaks for itself. 2 · (Reporter requests clarification.) 3 · · · · · MR. PARKER: · Document speaks for itself; 4 · lacks foundation · Sorry. 5 · BY MS. FLORES: 6 · · · · Q · Is that correct? 7 · · · · A · Yes. 8 · · · · Q · Okay · And is it part of your job duties 9 · that you approve head count transfers? 10 · · · · A · In this situation -- not -- not typically, 11 · but in this situation, there was -- so the answer is 12 · not typically. 13 · · · · Q · Okay · What are the reasons that you would 14 · be approving a head count transfer? 15 · · · · A · This is for a college hire budget, and at 16 · the beginning of the year, each -- at the executives 17 · under Thomas would get a college hire budget across</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p>18· the globe. There was no way to track this, and so 19· when budget was moved from one individual to another 20· because of organizational changes, I would be asked 21· to approve because I was aware of the organizational 22· changes that happened. So when it is from one to 23· another person, that -- that would mean that there 24· was an organization of change because of which the 25· budgets also moved.</p>	
<p><b>205:6-16</b></p> <p>6· . . . Q· Who -- I think we mentioned Thomas Kurian 7· stopped working in September of last year? Is that 8· right? 9· . . . A· That is correct. Maybe September, October, 10· somewhere around there. 11· . . . Q· Who has his job now? -- or who replaced 12· him? 13· . . . A· Nobody. 14· . . . Q· So who is managing his group now? 15· . . . A· Some of his directs have left, and some of 16· his directs report in to Larry Ellison.</p>	
<p><b>208:17-209:25</b></p> <p>17· . . . Q· So when Thomas Kurian did his annual focal 18· reviews, how was the amount of money that he 19· received allocated between his employee? 20· . . . MR. PARKER: Lacks foundation; vague as to 21· time. 22· . . . THE WITNESS: He would look at a number 23· of factors as well, and I can't tell you all that 24· he'd cover, factors that he looked for, but some of 25· them would be, again, how critical some groups were;</p> <p><b>209</b></p> <p>1· what were they delivering that year; what was the 2· performance of the group; how critical a certain 3· project is. I don't know what else he would look 4· at. 5· BY MS. FLORES: 6· . . . Q· How are you aware of those factors that he 7· would consider? 8· . . . A· Because I've worked with him long enough 9· that he -- he and I would have conversations.</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p>10 · · · Q· And why is it that Thomas Kurian would 11 · discuss with you how he’s going to allocate money 12 · for raises to his employees? 13 · · · · · MR. PARKER:· Misstates the testimony. 14 · · · · · THE WITNESS:· I would put together all of 15 · the information for him.· He -- he would -- he 16 · would -- did not go into the tool to allocate. I 17 · would allocate on his behalf. 18 · BY MS. FLORES: 19 · · · Q· Well, what kind of information did you 20 · prepare for him? 21 · · · A· His global employee population, where they 22 · were, what -- you know, an easy way for him to 23 · calculate based on the budget, so it could show his 24 · total budget, and he could go in and then on the 25 · Excel file decide which group he wants to allocate.</p>	
<p><b>217:12-219:4</b></p> <p>12 · · · Q· Do you run any reports when you conduct 13 · your annual focal review for your team? 14 · · · A· I don’t because my team’s really small. 15 · · · Q· Do you run any reports for other teams? 16 · · · A· I have in the past run a report for -- for 17 · Thomas Kurian, yes. 18 · · · Q· Anyone else? 19 · · · A· No, I have not. 20 · · · Q· Okay.· And what kind of reports do you run 21 · for them? 22 · · · · · MR. PARKER:· Misstates the testimony. 23 · · · · · THE WITNESS:· I’ve run it for Thomas 24 · Kurian. 25</p> <p><b>218</b></p> <p>1 · BY MS. FLORES: 2 · · · Q· Okay.· Is there specific information that’s 3 · in the report? 4 · · · A· I look at somebody who has a -- a 5 · performance rating, if they have not -- a high 6 · performance rating and have not received an 7 · increase, or if they’ve gotten a token increase. I 8 · look at country guidelines. 9 · · · Q· What do you mean by “token increase”? 10 · · · A· Sometimes managers do not -- or forget</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p>11 · that, you know, giving a 3 percent raise in -- in  12 · China or India is -- is not really meaningful  13 · because of the inflation of the adjustment, so I  14 · kind of call it out.  15 · · · · Q. And you also call out when there's a --  16 · someone has a high performance rating?  17 · · · · A. Correct, and -- and for some reason, if --  18 · if they don't get an increase. I want to make sure  19 · it wasn't an error. It wasn't missed.  20 · · · · Q. And what is -- what did Thomas Kurian do  21 · with that information?  22 · · · · A. Sometimes, you know, I would actually  23 · even -- before I go to him, we would use that  24 · information to ask the managers if that's what they  25 · intended to do, and if they did, then we submit it.</p> <p><b>219</b>  1 · I just have the information available if, when I  2 · give it to him and he were to ask me, I was able to  3 · tell him, so he just approves and sends it out. He  4 · approves it and -- he approves it, yes.</p>	
<p><b>219:5-220-12</b></p> <p>5 · · · · Q. So you were able to set the amount that  6 · someone could get as a raise, and then Thomas Kurian  7 · approved it?  8 · · · · ·MR. PARKER: Misstates the testimony.  9 · · · · ·THE WITNESS: I didn't say that.  10 · ·BY MS. FLORES:  11 · · · · Q. Oh. Okay. What -- what was your  12 · involvement in sort of like deciding how much the  13 · raise was for then Thomas to review?  14 · · · · ·MR. PARKER: Misstates the testimony.  15 · · · · Q. Okay. So it says, "I just have the  16 · information available if then I give to him, and he  17 · were to ask me, I was able to tell him. He just  18 · approves it and sends it out."  19 · · · · A. Right. Okay. So it's his managers who  20 · would put in the information. He had 35,000 people  21 · or more under him.  22 · · · · Q. Oh. Okay. And then you get the  23 · information from the managers to give to Thomas  24 · Kurian?  25 · · · · A. Right. He would not go into the tool, and</p>	

<b>DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019</b>	
Page/Line	Objection/Errata
<p><b>220</b></p> <p>1 · this was just -- I would make it easy for him to  2 · call out a few things.  3 · · · · Q · Okay · And with the -- the managers below  4 · him that gave you -- that you worked with, did you  5 · tell them when somebody has a good -- a high  6 · performance?  7 · · · · A · Again, most times I did not · My team  8 · would -- would probably look at -- you know, have  9 · those discussions at their levels · I would look at  10 · maybe, you know, one or two levels below Thomas just  11 · to make sure some of the key individuals were -- you  12 · know, I would draw attention to it if I needed to.</p>	
<p><b>223:2-6</b></p> <p>2 · BY MS. FLORES:  3 · · · · Q · Do you recognize Exhibit 5?  4 · · · · A · No, I don't.  5 · · · · Q · You don't recognize it?  6 · · · · A · I don't.</p>	
<p><b>227:10-15</b></p> <p>10 · · · · Q · So I'm talking about you and your team.  11 · When you're doing the focal review and you're using  12 · the software compensation workbench or information  13 · workbench, does it include the gender or sex that an  14 · employee identifies with at Oracle?  15 · · · · A · No.</p>	
<p><b>227:21-228:18</b></p> <p>21 · · · · Q · Did -- did you ever do any -- like a pay  22 · analysis for Thomas Kurian at his direction?  23 · · · · A · No.  24 · · · · Q · What about for the people that reported to  25 · Thomas Kurian? Did they ever ask for a pay analysis</p> <p><b>228</b></p> <p>1 · from you?  2 · · · · A · No.  3 · · · · Q · The people that reported to Thomas Kurian,  4 · did they ever ask for reports where they can compare  5 · people for raises and it includes information of</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p>6 · a -- of an employee's gender?            7 · . . . . MR. PARKER: · Lacks foundation.            8 · . . . . THE WITNESS: · No. · Nobody asked me.            9 · BY MS. FLORES:            10 · . . . Q. · What about race or ethnicity?            11 · . . . . MR. PARKER: · Lacks foundation.            12 · . . . . THE WITNESS: · What's the question?            13 · BY MS. FLORES:            14 · . . . Q. · If the people that report to Thomas Kurian            15 · ever asked you to do a report for them on the            16 · potential people to receive raises that included            17 · a -- that included employees' race or ethnicity?            18 · . . . A. · No.</p>	
<p><b>235:15-19</b></p> <p>15 · . . . Q. · Do you or anyone in your team, and we're            16 · going back to March 2015, review the employee            17 · evaluations that the managers in Thomas Kurian's            18 · team conducted?            19 · . . . A. · No.</p>	
<p><b>236:6-237:2</b></p> <p>6 · . . . Q. · Do you think it is relevant to include the            7 · fact that an employee became a new parent in            8 · their -- in their evaluation?            9 · . . . . MR. PARKER: · Lacks foundation; vague and            10 · ambiguous.            11 · . . . . THE WITNESS: · No.            12 · BY MS. FLORES:            13 · . . . Q. · Would it be concerning to you if you            14 · reviewed a performance evaluation and you saw that            15 · somebody was evaluated as -- as a person who's not            16 · committed because they're a parent?            17 · . . . . MR. PARKER: · Lacks foundation; calls for            18 · speculation; vague and ambiguous.            19 · . . . . THE WITNESS: · Can you repeat that question            20 · again?            21 · BY MS. FLORES:            22 · . . . Q. · Would it be concerning to you if you            23 · reviewed a performance evaluation and you saw that            24 · the employee was evaluated as someone who wasn't            25 · committed, as into their work, because they're a</p>	

<b>DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019</b>	
<b>Page/Line</b>	<b>Objection/Errata</b>
<p><b>237</b>  1 · parent?  2 · · · · · MR. PARKER: · Same objections.</p>	
<p><b>237:3-7</b>  3 · · · · · THE WITNESS: · Yeah, I would be concerned.  4 · BY MS. FLORES:  5 · · · · Q: · What would you do in that circumstance?  6 · · · · A: · Hasn't happened to me, so I -- I can't  7 · answer that question.</p>	
<p><b>240:23-241:11</b>  23 · · · · Q: · Have you received any training -- any  24 · affirmative action training as Oracle being a  25 · government contractor?    <b>241</b>  1 · · · · A: · No, I have not.  2 · · · · Q: · Are you aware of any of the affirmative  3 · action requirements that Oracle has to meet because  4 · they're a government contractor?  5 · · · · · MR. PARKER: · Assumes facts; calls for a  6 · legal conclusion.  7 · · · · · THE WITNESS: · That's -- that's not in my  8 · scope. · I don't know.  9 · BY MS. FLORES:  10 · · · · Q: · You are not aware of any?  11 · · · · A: · I'm not aware.</p>	
<p><b>245:2-7</b>  2 · Does anyone in your team, your HR team,  3 · have any kind of role to ensure compliance with  4 · OFCCP regulations?  5 · · · · · MR. PARKER: · Calls for a legal conclusion;  6 · lacks foundation; vague and ambiguous.  7 · · · · · THE WITNESS: · No.</p>	
<p><b>245:15-25</b>  15 · · · · Q: · Do you remember the goals in the  16 · affirmative action plan that you did see maybe about  17 · two years ago?</p>	

<b>DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019</b>	
<b>Page/Line</b>	<b>Objection/Errata</b>
<p>18 · · · · A. I don't remember.  19 · · · · Q. Are you aware of any Oracle's problem areas  20 · when it comes to complying with affirmative action  21 · regulations?  22 · · · · · MR. PARKER: Vague -- vague and ambiguous  23 · and calls for a legal conclusion.  24 · (Reporter requests clarification.)  25 · · · · · THE WITNESS: I'm not aware.</p>	
<p><b>246:2-6</b></p> <p>2 · · · · Q. Do you know of any actions that Oracle  3 · takes to ensure compliance with regulations for  4 · being a government contractor?  5 · · · · · MR. PARKER: Calls for a legal conclusion.  6 · · · · · THE WITNESS: No, I'm not aware.</p>	
<p><b>247:16-21</b></p> <p>16 · · · · Q. For Thomas Kurian's team, are you aware  17 · whether they -- employees in his team had to take  18 · any compensation-related training?  19 · · · · A. I'm not aware.  20 · · · · Q. What about any affirmative action training?  21 · · · · A. No, I'm not aware.</p>	
<p><b>250:6-251:10</b></p> <p>6 · · · · Q. Do you do anything to comply with  7 · affirmative action regulations?  8 · · · · · MR. PARKER: Calls for a legal conclusion;  9 · vague and ambiguous.  10 · · · · · THE WITNESS: I personally, no.  11 · BY MS. FLORES:  12 · · · · Q. Oh, what actions, if any, do you know that  13 · Thomas Kurian took during his -- his focal reviews  14 · to comply with affirmative action law?  15 · · · · · MR. PARKER: Same objections and lacks  16 · foundation.  17 · · · · · THE WITNESS: I -- I don't know.  18 · BY MS. FLORES:  19 · · · · Q. Are you aware whether or not -- are you  20 · aware whether Thomas Kurian tried to comply with  21 · affirmative action regulations?  22 · · · · · MR. PARKER: Same objections.</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p>23 · · · · · THE WITNESS: I -- I don't know.                  24 · · · · · BY MS. FLORES:                  25 · · · · · Q. Did you and Thomas Kurian ever discuss</p> <p><b>251</b></p> <p>1 · · · · · affirmative action regulations?                  2 · · · · · MR. PARKER: Vague and ambiguous.                  3 · · · · · THE WITNESS: No, we did not.                  4 · · · · · BY MS. FLORES:                  5 · · · · · Q. Did you and Thomas Kurian ever discuss                  6 · · · · · antidiscrimination laws or regulations?                  7 · · · · · MR. PARKER: Vague and ambiguous --                  8 · · · · · THE WITNESS: No.                  9 · · · · · MR. PARKER: -- compound.                  10 · · · · · THE WITNESS: We did not.</p>	
<p><b>259:12-22</b></p> <p>12 · · · · · Q. Okay. The next sentence is, "I look at how                  13 · · · · · many employees" -- "how many years of experience                  14 · · · · · they have." In March 2015 is that still a -- was                  15 · · · · · that a factor that you considered in determining                  16 · · · · · someone's starting -- initial salary?                  17 · · · · · A. In my group or in product development?                  18 · · · · · Q. In your group?                  19 · · · · · A. Can you ask that question again now that I                  20 · · · · · have context. In my group did I look at what?                  21 · · · · · Q. How many years of experience they may have.                  22 · · · · · A. It's one of the factors.</p>	
<p><b>264:5-265:9</b></p> <p>5 · · · · · Q. From your directs in March 2015, which                  6 · · · · · of -- which of your directs are the ones that worked                  7 · · · · · most with Thomas Kurian?                  8 · · · · · MR. PARKER: Vague and ambiguous.                  9 · · · · · BY MS. FLORES:                  10 · · · · · Q. If any?                  11 · · · · · A. You mean other than me?                  12 · · · · · Q. (Nods head.)                  13 · · · · · A. It was me.                  14 · · · · · Q. You. Did you and Thomas Kurian work                  15 · · · · · together or speak on a daily basis?                  16 · · · · · MR. PARKER: Vague as to time.                  17 · · · · · THE WITNESS: Many days, not every day.</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p>18 · BY MS. FLORES: 19 · . . . Q. Was your main function when Thomas Kurian 20 · worked for Oracle to assist him for his team? 21 · . . . MR. PARKER: Vague and ambiguous. 22 · . . . THE WITNESS: Can you repeat that? 23 · BY MS. FLORES: 24 · . . . Q. Was your main function -- we can say 25 · priority -- when Thomas Kurian worked at Oracle, was</p> <p><b>265</b> 1 · it to assist him for his team? 2 · . . . MR. PARKER: Vague and ambiguous; compound. 3 · . . . THE WITNESS: Yeah, that was one of my 4 · roles, yes. 5 · BY MS. FLORES: 6 · . . . Q. Did you have other people that were on the 7 · same level in – in terms of seniority as Thomas 8 · Kurian that you assisted? 9 · . . . A. I don't think so.</p>	
<p><b>266:2-272:3</b></p> <p>2 · . . . MS. FLORES: 77? Can we please mark this 3 · 77. 4 · (Plaintiff's Exhibit 77 was marked 5 · for identification.) 6 · . . . MR. PARKER: Do you know what the Bates 7 · stamp number is for this exhibit? 8 · . . . MS. FLORES: I don't. It was a native 9 · production. 10 · . . . MR. PARKER: Does this involve HCQA [sic] 11 · or does this involve Santa Clara? 12 · . . . MS. FLORES: It involves the deponent and 13 · Thomas Kurian. 14 · . . . MR. PARKER: No, not my question. 15 · Otherwise I'll instruct not to answer. So it needs 16 · to relates to HCQA [sic] or it's not relevant to 17 · this case. 18 · . . . MS. FLORES: So you would instruct the 19 · witness not to answer -- 20 · . . . MR. PARKER: I would. 21 · . . . MS. FLORES: -- based on relevance? 22 · . . . MR. PARKER: I would because if this is not 23 · regarding HQCA, then it has no relevance, and I will 24 · not allow the witness to answer the question.</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p>25 · · · · · MS. FLORES: Well, relevance isn't a basis</p> <p><b>267</b></p> <p>1 · for instructing the witness --</p> <p>2 · · · · · MR. PARKER: But I will instruct not to</p> <p>3 · answer. If this was not produce in this case, and</p> <p>4 · it doesn't relate to this case, all you have to do</p> <p>5 · is tell me if it relates HQCA. If it doesn't, then</p> <p>6 · we'll move on.</p> <p>7 · · · · · MS. FLORES: I believe it does because it</p> <p>8 · was produced by your office.</p> <p>9 · · · · · MR. PARKER: Then where is the Bates stamp?</p> <p>10 · · · · · MS. FLORES: I -- I don't know. It was</p> <p>11 · produced in native format for relativity.</p> <p>12 · · · · · MR. PARKER: Well, I'll let her answer</p> <p>13 · until we find out whether this relates to HQCA and</p> <p>14 · then I'm going to cut it out.</p> <p>15 · BY MS. FLORES:</p> <p>16 · · · Q. Okay. So, Ms. Cheruvu, looking down at</p> <p>17 · this e-mail, can you tell me what in out -- what an</p> <p>18 · out-of-cycle raise is? -- or what an I --</p> <p>19 · out-of-cycle request for a raise is?</p> <p>20 · · · A. A salary increase that's done outside of</p> <p>21 · the annual focal process.</p> <p>22 · · · Q. Okay. What -- what are the circumstances</p> <p>23 · that this would be done -- that someone would</p> <p>24 · request an out-of-cycle request for a raise?</p> <p>25 · · · · · MR. PARKER: Lacks foundation.</p>	
<p><b>268</b></p> <p>1 · · · · · THE WITNESS: In what group?</p> <p>2 · BY MS. FLORES:</p> <p>3 · · · Q. For product development, for Thomas</p> <p>4 · Kurian's group?</p> <p>5 · · · A. If they felt they were at risk of losing</p> <p>6 · somebody?</p> <p>7 · · · Q. Are there any other reasons?</p> <p>8 · · · A. I don't know.</p> <p>9 · · · Q. What about reasons to ensure fairness and</p> <p>10 · equity among employees on a team for -- under Thomas</p> <p>11 · Kurian?</p> <p>12 · · · · · MR. PARKER: Lacks foundation.</p> <p>13 · · · · · THE WITNESS: I don't know what the manager</p> <p>14 · would use to determine salaries that he need to</p> <p>15 · adjust. I don't know.</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
<p>16· ·BY MS. FLORES: 17· ···· Q· Okay· And looking at the e-mail down 18· March 24th, 2017, it -- it is appears to be an 19· e-mail from Thomas Kurian to you, cc Ken Ibarra· It 20· says “approved.”· Was it the regular practice for 21· Thomas Kurian to inform you when he’s approving an 22· out-of -- out-of-cycle raise? 23· ···· MR. PARKER:· Vague and ambiguous. 24· ···· THE WITNESS:· Yes. 25· Can I answer.</p>	
<p><b>269</b> 1· ···· MR. PARKER:· You’ve done -- you’ve already 2· answered. 3· ···· THE WITNESS:· Okay. 4· ·BY MS. FLORES: 5· ···· Q· Did -- do you remember the name of the 6· employee that you recommended to join the 7· investigations of HR? 8· ···· A· I -- what do you mean? 9· ···· Q· There was an employee at a staff meeting 10· that you recommended for HR under internal 11· investigations· Do you remember that employee’s 12· name? 13· ···· MR. PARKER:· Misstates the testimony. 14· ···· THE WITNESS:· I don’t know what you’re 15· talking -- I don’t know what your question is· You 16· have to clarify. 17· ·BY MS. FLORES: 18· ···· Q· Okay· Do you remember attending a staff 19· meeting and recommending someone as an internal 20· investigator for Oracle? 21· ···· MR. PARKER:· Misstates the testimony. 22· ···· THE WITNESS:· I don’t think I said that -- 23· was that today? 24· ·BY MS. FLORES: 25· ···· Q· Oh, yeah -- yes, but if you don’t remember,</p>	
<p><b>270</b> 1· that’s fine. 2· ···· A· I don’t remember. 3· ···· Q· You don’t remember? 4· ···· A· I don’t remember. 5· ···· Q· Okay· Do you know anyone who works in the 6· internal investigation unit of HR?</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata	
7 ···· A· Yes, I do.		
8 ···· Q· Who do you know?		
9 ···· A· Karima Ladha.		
10 ···· Q· How do you spell --		
11 ···· A· L-A-D-H-A.		
12 ···· Q· Lahada?		
13 ···· A· No, Ladha, L-A-D-H-A.		
14 ···· Q· Okay· Anyone else?		
15 ···· A· Sabreen Sidhu.		
16 ···· Q· How do you spell Sabreen's last name?		
17 ···· A· S-I-D-H-U.		
18 ···· Q· Anyone else?	Errata: "Timi Baxter"	
19 ···· A· <b>Timmy</b> Baxter.		
20 ···· Q· Anyone else?		
21 ···· A· Don't remember --		
22 ···· (Reporter requests clarification.)		
23 ···· THE WITNESS: I don't -- I can't remember		
24 · all -- any other names.		
25		
<b>271</b>		
1 · BY MS. FLORES:		
2 ···· Q· Have you worked with <b>Tim</b> Baxter before?		Errata: "Timi Baxter"
3 ···· A· Yes, I have.		
4 ···· Q· Okay· And in what context?		
5 ···· A· We -- we both reported to Vickie Thrasher,		
6 · so we were peers.		
7 ···· Q· Did -- did you play any role in helping		
8 · <b>Timmy Baxter</b> with his job at Oracle?		
9 ···· A· No.		
10 ···· Q· And did you help out the investigators in		
11 · any way when they're conducting investigations for		
12 · Oracle?		
13 ···· A· No.		
14 ···· Q· Are you aware when employees make an		
15 · internal complaint that then is forwarded to be		
16 · investigated?		
17 ···· A· Not usually.		
18 ···· Q· How do employees make complaints that may		
19 · get their way into being investigated?		
20 ····· MR. PARKER: Asked and answered.		
21 ····· THE WITNESS: They could come to the HR		
22 · business partner· They could go to the hotline.		
23 · There are various ways that are available to		

<b>DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019</b>	
Page/Line	Objection/Errata
<p>24 employees.</p> <p>25 BY MS. FLORES:</p> <p><b>272</b></p> <p>1 Q. Okay. HR business partner or the hotline.</p> <p>2 Do you know of any others?</p> <p>3 A. No.</p> <p><b>267:16-268:24</b></p> <p>16 Q. Okay. So, Ms. Cheruvu, looking down at</p> <p>17 this e-mail, can you tell me what in out -- what an</p> <p>18 out-of-cycle raise is? -- or what an I --</p> <p>19 out-of-cycle request for a raise is?</p> <p>20 A. A salary increase that's done outside of</p> <p>21 the annual focal process.</p> <p>22 Q. Okay. What -- what are the circumstances</p> <p>23 that this would be done -- that someone would</p> <p>24 request an out-of-cycle request for a raise?</p> <p>25 MR. PARKER: Lacks foundation.</p> <p><b>268</b></p> <p>1 THE WITNESS: In what group?</p> <p>2 BY MS. FLORES:</p> <p>3 Q. For product development, for Thomas</p> <p>4 Kurian's group?</p> <p>5 A. If they felt they were at risk of losing</p> <p>6 somebody?</p> <p>7 Q. Are there any other reasons?</p> <p>8 A. I don't know.</p> <p>9 Q. What about reasons to ensure fairness and</p> <p>10 equity among employees on a team for -- under Thomas</p> <p>11 Kurian?</p> <p>12 MR. PARKER: Lacks foundation.</p> <p>13 THE WITNESS: I don't know what the manager</p> <p>14 would use to determine salaries that he need to</p> <p>15 adjust. I don't know.</p> <p>16 BY MS. FLORES:</p> <p>17 Q. Okay. And looking at the e-mail down</p> <p>18 March 24th, 2017, it -- it is appears to be an</p> <p>19 e-mail from Thomas Kurian to you, cc Ken Ibarra. It</p> <p>20 says "approved." Was it the regular practice for</p> <p>21 Thomas Kurian to inform you when he's approving an</p> <p>22 out-of -- out-of-cycle raise?</p> <p>23 MR. PARKER: Vague and ambiguous.</p>	

<b>DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019</b>	
<b>Page/Line</b>	<b>Objection/Errata</b>
24 · · · · · THE WITNESS: · Yes.	
<p><b>276:3-14</b></p> <p>3 · · · · Q: · Okay. · And I know we already discussed the  4 · certain factors for salary range. · Who -- who are  5 · your -- who are the executives in HR?  6 · · · · · MR. PARKER: · Vague as to time.  7 · BY MS. FLORES:  8 · · · · Q: · In March 2015.  9 · · · · A: · I don't know what your question means.  10 · · · · Q: · Okay. · Is there anyone at the executive  11 · level in -- in HR?  12 · · · · A: · No.  13 · · · · Q: · What about in product development?  14 · · · · A: · Thomas Kurian is the executive.</p>	
<p><b>283:6-15</b></p> <p>6 · · · · Q: · Did -- did you review whether a manager  7 · spent more than their allotted budget in March 2015?  8 · · · · A: · During the annual focal process.  9 · · · · Q: · Yes.  10 · · · · A: · Yes.  11 · · · · Q: · Okay.  12 · · · · A: · And a level below Thomas.  13 · · · · Q: · A level below Thomas. · I forgot their name.  14 · That's okay. · Do you remember their name?  15 · · · · A: · Andrew Mendelsohn?</p>	
<p><b>283:18-284:13</b></p> <p>18 · The next sentence is, "I verify wage  19 · increases are within budget and see how many people  20 · received bonuses." · In March 2015 did you keep track  21 · of how many people received bonuses in Thomas  22 · Kurian's team?  23 · · · · · MR. PARKER: · Asked and answered; vague as  24 · to team.  25 · · · · · THE WITNESS: · When we do the process we</p> <p><b>284</b></p> <p>1 · talked about -- this is one of the end line reviews  2 · I talked to you about.  3 · BY MS. FLORES:</p>	

**DEPOSITION OF MADHAVI CHERUVU – RULE 30(B)(6) JUNE 11, 2019**

Page/Line	Objection/Errata
4 · · · · Q · So is -- is that a "yes"?	
5 · · · · A · I -- I don't know in what context you're	
6 · asking me · If it is in setting wages, the answer is	
7 · no.	
8 · · · · Q · No, during an -- the annual focal review,	
9 · did you keep track of the people that received	
10 · bonuses?	
11 · · · · A · I did not keep track, but we did look at	
12 · overall that people were submitting within their	
13 · budget.	