

**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 KATE  
WAGGONER RULE 30(b)(6)  
MAY 1, 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,

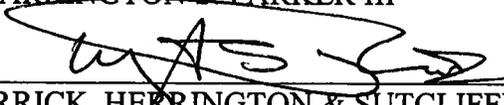
December 20, 2019

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

**RECEIVED**

**DEC 20 2019**

Office of Administrative Law Judges  
San Francisco, Ca

  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
405 Howard Street  
San Francisco, CA 94105-2669  
Telephone: (415) 773-5700  
Facsimile: (415) 773-5759  
Email: grsiniscalco@orrick.com  
econnell@orrick.com  
wparker@orrick.com

Attorneys for Defendant  
ORACLE AMERICA, INC.

DEPOSITION DESIGNATIONS RE THE DEPOSITION OF KATE WAGGONER  
RULE 30(B)(6), MAY 1, 2019

DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019

Page/Line	Objection/Errata
<p>8:1-9:21</p> <p>1 · · · · Q. Ms. Waggoner, can you tell me what your 2 · current job is at Oracle? 3 · · · · A. My current job is the senior director of 4 · global compensation. 5 · · · · Q. And how long have you been in that 6 · position? 7 · · · · A. Since January of 2018. 8 · · · · Q. And what was the position you held before 9 · that? 10 · · · · A. Director of global compensation. 11 · · · · Q. How long did you hold that position? 12 · · · · A. Oh, a year and a half, two years, maybe. I 13 · don't recall the exact dates. It's just a progression. 14 · · · · Q. Did you first get that position in November 15 · of 2014? 16 · · · · A. I think I was probably a senior manager 17 · around that time. 18 · · · · Q. Okay. So for about a year and a half 19 · before you were senior director, you were just director 20 · of global compensation, and then before that, you were 21 · senior manager -- 22 · · · · A. Yes. 23 · · · · Q. -- of compensation? 24 · · · · A. Of compensation. 25 · · · · Q. And when did you first become senior  9 1 · manager of compensation? 2 · · · · A. I think that was November of 2014. Prior 3 · to that, I was a consultant, not in management, but also 4 · in the comp field. 5 · · · · Q. All right, in your current position, what 6 · are your job duties? 7 · · · · A. I'm in charge of the team that does various 8 · things. I work on the -- we do the administration of 9 · all of our annual compensation program, so annual merit 10 · increases, equity grants and corporate bonus plans. We 11 · administer that and work with our Oracle software to 12 · make that happen globally. 13 · My team also is responsible for any M and A 14 · compensation activity, so integrating employees into our 15 · job codes and our pay plans and those -- anything 16 · related to that.</p>	



DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019

Page/Line	Objection/Errata
<p><b>11:18-12:19</b></p> <p>18 · · · · Q. And as senior manager of compensation, what 19 · were your job duties?</p> <p>20 · · · · A. So when I was a senior manager, the -- the 21 · team was not split the way it was, and so I had some 22 · client groups that were -- where I was -- I was part of 23 · a team and managed a team that did some of the 24 · consulting work as well and worked directly with the 25 · business. And then there was another person who did</p> <p><b>12</b></p> <p>1 · consulting work, and both of us split when it came to 2 · the compensation programs, like focal bonus, equity, we 3 · would split those, so we each had a little bit of the 4 · program administration and then a little bit of the 5 · consultative responsibility.</p> <p>6 · · · · Q. And when you say "split," you would have 7 · both had responsibilities for the focal review, for 8 · instance?</p> <p>9 · · · · A. Well, so we each -- we split as far as 10 · client groups. So somebody took -- we split it by 11 · leaders, so --</p> <p>12 · · · · Q. Okay.</p> <p>13 · · · · A. -- so one of -- one of us in our teams 14 · would support certain leaders as their consultant, and 15 · then the other would support the other leaders as their 16 · consultant, but then we each held responsibility for the 17 · administration of a program.</p> <p>18 · · · · Q. Okay. Who was the other senior manager?</p> <p>19 · · · · A. Her name was Lisa Gordon.</p>	
<p><b>13:9-15:17</b></p> <p>9 · · · · Q. So coming back to your job duties as senior 10 · director and I guess also business director, when you 11 · say that you are in charge of administering all annual 12 · compensation programs, what do you mean?</p> <p>13 · · · · A. That means that my team works to -- we 14 · define and establish and communicate the eligibility 15 · rules for those programs. We make sure that our Oracle 16 · system, called work force compensation, is set up and 17 · prepared to accept input from the leaders in the 18 · business for recommendations for their -- their 19 · increases or rewards. And we are the point of contact</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
20· for -- we develop the training for the managers and the 21· HR business partners to be able to conduct those and 22· work within those systems. And we establish the 23· timeline, and we -- we then seek the appropriate 24· approvals and then process it and post it all to their 25· records and audit it and make sure that everything was	
<b>14</b>	
1· submitted in the system appropriately.	
2 And it's just sort of a from start to	
3· finish making sure the program goes smoothly across the	
4· globe.	
5· . . . Q· When you say "audit," what do you mean?	
6· . . . A· That means we make sure that what was	
7· submitted and approved in the plan for that	
8· particular -- actually got posted and sticks to an	
9· employee's record within our HR system.	
10· . . . Q· So I guess what I'm curious about is when	
11· you say what was in a plan, are there plans for	
12· individual employees?	
13· . . . A· There are people who are eligible for each	
14· plan, so we would have like a merit increase. We call	
15· it a focal, so we have a focal plan. If the focal plan	
16· is a non-sales focal plan, we might have 70 thousand	
17· people globally eligible for a non-sales focal plan, so	
18· it's that plan.	
19· When we close it, we post it to employee	
20· records, and we make sure that what was in there -- we	
21· run a report from the HR system after the fact to make	
22· sure that what was in there stuck to the employee	
23· record.	
24· . . . Q· Okay, so the way -- so how does this focal	
25· plan look? I mean, if you're running it against what	
<b>15</b>	
1· actually happened, does it show like amounts to be given	
2· to individual groups or individual people?	
3· . . . A· It's at an individual level.	
4· . . . Q· Okay.	
5· . . . A· Individual employees are -- like I said,	
6· there might be 70 thousand employees eligible in a plan,	
7· and it is each individual employee.	
8· . . . Q· Okay, so what you are actually checking is	
9· to make sure that people who are eligible for that plan	
10· got paid under that plan?	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>11 · · · A. Not necessarily. 12 · · · Q. Okay. What do you -- what are they -- I 13 · guess I'm still a little confused about what you're 14 · comparing between the plan and then what happened. 15 · · · A. If an increase was put in the plan and 16 · received approval for an individual employee, did that 17 · increase get posted to the employee's record.</p>	
<p><b>15:18-16:12</b></p> <p>18 Q. Now, I understand. So after the approval 19 process has happened and the decision has been made, 20 then it's applied to the employee, you're just making 21 sure the employee actually gets that increase? 22 A. Yes, that it's recorded to their record. 23 Q. Okay. All right, so you told me that you 24 dealt with programs, setting them up to receive input 25 from managers related to the annual compensation</p> <p><b>16</b></p> <p>1 program, you told me you develop training for the 2 managers and HR business partners, you told me you set 3 the time lines, you told me you audited submissions. 4 Is there anything else that you do with 5 respect to your responsibilities to the annual 6 compensation programs? 7 A. Not that -- at the end, I seek the CEO sign 8 off on this was our budget, this was what we spent, are 9 you okay with us posting. 10 Q. When you seek that CEO sign off, does it 11 ever get rejected? 12 A. Not if they stay within budget. 13 Q. In the time you've been responsible for the 14 annual programs, has it happened that the CEO has 15 refused to approve the plan? 16 A. We've always stayed within budget, so, no.</p>	
<p><b>16:17-17:13</b></p> <p>17 · · · Q. One of the other job duties you told me you 18 · had was that you worked with software in relationship to 19 · these annual programs, and I think you mentioned that 20 · with your annual program responsibilities. 21 · Apart from setting up the internal Oracle</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>22· software to receive input, are there other things that                  23· you do with the software program?                  24· . . . A· No.                  25· . . . Q· And so what does setting them up entail?</p> <p><b>17</b>                  1· . . . A· So this is someone on my team who does it.                  2· I don't personally do it. She works with internal IT to                  3· set up the script for eligibility, and then they run the                  4· program, and the plan populates according to the script.                  5· Then there are audits that take place to                  6· make sure that the script worked as we intended and that                  7· people who we expected to be eligible are showing as                  8· eligible and the people who we expect not to be eligible                  9· are not eligible.                  10· . . . Q· Which programs do you set up as part of                  11· your annual compensation program responsibilities?                  12· . . . A· The -- any base salary increase programs,                  13· the annual equity grant and a corporate bonus program.</p>	
<p><b>18:10-20:1</b>                  10· . . . Q· You also told me that you have                  11· responsibility for mergers and acquisition activities,                  12· and I believe what you said was involving bringing                  13· employees from the acquired company into the Oracle                  14· compensation system; is that right?                  15· . . . A· Yes.                  16· . . . Q· What does that entail?                  17· MS. CONNELL: Objection, vague as to time.                  18· . . . Q· (By Mr. Miller) Do you need a more                  19· specific time? Has it changed?                  20· . . . A· Yes.                  21· . . . Q· Since you've been senior director, what                  22· does the mergers and acquisition part of your job                  23· entail?                  24· . . . A· So I have a person on my team who is the                  25· main point of contact. She is the global compensation</p> <p><b>19</b>                  1· lead for mergers and acquisitions. It entails                  2· reviewing -- reviewing information on the targeted                  3· company's employees, the duties of those employees and                  4· providing guidance to HR and the business as far as into                  5· which Oracle job family they would probably fall,</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>6· providing guidance in terms of what to do with their  7· compensation package when they come on board and  8· providing guidance in terms of any plan, any  9· compensation type plans that they have at their company  10· and how that might -- how they might be integrated into  11· what we offer at Oracle.  12· . . . Q· Is there anything else that this global  13· comp team does for mergers and acquisitions since you  14· have been the director?  15· MS. CONNELL: Objection, calls for  16· speculation.  17· . . . A· I can't think of anything else.  18· . . . Q· (By Mr. Miller) And how -- how was this  19· process different when you were just director of global  20· compensation?  21· . . . A· I wouldn't say that those general steps are  22· different.  23· . . . Q· Okay, and how is it different when you were  24· senior manager?  25· . . . A· Probably not very different from then</p> <p><b>20</b>  1· either.</p>	
<p><b>20:2-21:11</b></p> <p>2· . . . Q· So earlier I asked you how it changed -- if  3· it had changed over time, and you said yes. Can you  4· tell me what way this part of your job changed over  5· time?  6· . . . A· The part that has changed the most in the  7· time that I have been in the capacity of supporting M  8· and As is in how we kind of evaluate the compensation  9· packages, because we have learned a lot from the  10· hundreds of acquisitions that Oracle has done over the  11· years. The approach that we have taken has sort of  12· evolved.  13· . . . Q· And that's with respect to looking at the  14· compensation the individual received from the business  15· before it was acquired?  16· MS. CONNELL: Objection, misstates her  17· testimony.  18· . . . A· It is in evaluating everything about how  19· they did things at the company -- company wide to how we  20· do things at Oracle.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>21 · · · · Q. (By Mr. Miller) So how has that process 22 · evolved? 23 · · · · A. We -- Oracle used to take a little more of 24 · a firm stance and say we bring people over laterally, 25 · nothing changes with their comp, and we take, you know,</p> <p><b>21</b> 1 · six to 12 months to really evaluate what those employees 2 · do and they're eligible for our next global program, and 3 · any compensation-related changes would be made after 4 · time to evaluate the role in this -- the role of the 5 · person. 6 · Now, there is a little bit more care taken 7 · because we spend so much money on the acquisitions 8 · themselves, and we need to be mindful of making sure the 9 · employees want to stay and work for Oracle. So 10 · sometimes there are adjustments made to ensure that they 11 · are satisfied and don't leave as soon as we buy them.</p>	
<p><b>22:3-25:8</b></p> <p>3 · · · · Q. You told me that one of the tasks that your 4 · team does when you are looking at mergers and 5 · acquisitions, bringing in people, is to review the job 6 · duties of the employee from the acquired company; is 7 · that right? 8 · · · · A. Yes. 9 · · · · Q. How do you review those job duties? 10 · · · · A. They -- the target company provides to us 11 · job title information. They provide survey match 12 · information. They sometimes provide brief summaries of 13 · what people do. And we look at that and are able to 14 · make a general assessment as to which family they will 15 · likely fall into at Oracle. 16 · · · · Q. When you say survey information, are you 17 · talking about the salary surveys that are done, for 18 · example, by companies like Radford? 19 · · · · A. Yes. 20 · · · · Q. And you said they sometimes give brief 21 · summaries, so sometimes they don't give you brief 22 · summaries of the job duties? 23 · · · · A. Sometimes we don't receive that. If we get 24 · a Radford match, it essentially gives us a good idea of 25 · what they do.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p><b>23</b> 1 · · · · Q· And you've mentioned a couple of times now 2 · that you're trying to match these employees to the 3 · correct job family. What is a job family? 4 · · · · A· It is a series of job codes and titles 5 · where the very general duties of what that role does 6 · match, but it's multiple levels. So we have six 7 · individual contributor levels and six or seven manager 8 · levels within a family. 9 · · · · Q· So to take an example and say prior 10 · development, a job family might be software developer? 11 · · · · A· Correct. 12 · · · · Q· And then if -- these career levels you were 13 · talking about, it would be like a software developer 14 · two, that would then represent that they were in the IC2 15 · level in that job family? 16 · · · · A· Correct. 17 · · · · Q· So once you've determined which job 18 · families that match, what do you do with that 19 · information? 20 · · · · A· The -- like I said, our role is to provide 21 · the guidance to say this is where we believe this person 22 · falls within -- as regarding the general duties that 23 · we've been told they perform. And we just document that 24 · our recommendation would be the developer family, and 25 · then that goes to HR and the line of business leader,</p>	<p>Errata: product</p>
<p><b>24</b> 1 · and they make -- they end up doing the final kind of 2 · mapping to say, okay, we know this person, and we can 3 · assess that they perform at this level or whatever. 4 · · · · Q· How does that process relate to the 5 · guidance that you provide for compensation when you're 6 · on boarding people? 7 · MS. CONNELL: Objection, vague, assumes 8 · facts. 9 · · · · A· Repeat the question. 10 · · · · Q· (By Mr. Miller) Sure. Maybe I can make it 11 · clearer. You told me earlier that one of the jobs from 12 · the M and A part of your job is to provide guidance 13 · regarding compensation when on boarding employees. Is 14 · that -- no, you didn't? Okay. Well, why don't you tell 15 · me then if you provide -- 16 · · · · A· When on boarding from an M and A?</p>	

**DEPOSITION OF KATE WAGGONER -- RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>17 · · · · Q. Yes.</p> <p>18 · · · · A. Oh, okay. So, similarly, the person on my</p> <p>19 · team would evaluate the kind of where the -- where the</p> <p>20 · current compensation falls within our broad ranges for</p> <p>21 · those jobs, and they might say -- and also evaluate for</p> <p>22 · internal equity, and they might say, you know, this</p> <p>23 · person's salary fits nicely within our range, fits</p> <p>24 · nicely within the future internal peer group, no change</p> <p>25 · recommended.</p> <p><b>25</b></p> <p>1 · Or they might say it doesn't fit so nicely,</p> <p>2 · we recommend an increase, but, again, it is -- it is</p> <p>3 · guidance. It's not final say.</p> <p>4 · · · · Q. The final say would go to HR and the line</p> <p>5 · of business head?</p> <p>6 · · · · A. HR and the line of business head generally</p> <p>7 · make that decision of whether they're going to do</p> <p>8 · anything with the comp package.</p>	
<p><b>25:14-22</b></p> <p>14 · · · · Q. (By Mr. Miller) The next thing I think you</p> <p>15 · told me you did as part of your job duties is both</p> <p>16 · senior director and director of global compensation was</p> <p>17 · to develop training for managers and HR business</p> <p>18 · partners. What's that entail?</p> <p>19 · · · · A. That is just about taking screenshots and</p> <p>20 · providing step-by-step instruction on how to use our</p> <p>21 · system when we're open for focal or equity or corporate</p> <p>22 · bonus plan.</p>	
<p><b>25:23-26:1.</b></p> <p>23 · · · · Q. Do you also provide policies that Oracle</p> <p>24 · has about compensation in this training?</p> <p>25 · MS. CONNELL: Objection, assumes facts.</p> <p><b>26</b></p> <p>1 · · · · A. We don't really have policies, but as part</p>	
<p><b>26:2-22</b></p> <p>2 of that training, we don't give guidelines either. It</p> <p>3 is strictly about the system.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>4 Q. (By Mr. Miller) So this has come up a 5 couple of times where you are drawing a distinction 6 between policies and guidelines. Can you help me 7 understand what you mean by the distinction between 8 those two things? 9 A. To me a policy is kind of a rule, and if 10 you don't follow the policy, there could be 11 consequences. 12 With guidelines, they're more a general 13 recommendation of best practices, but ultimately, the 14 business leader can choose to do something outside of 15 guidelines should he or she choose to do so. 16 Q. And in the context of the question I just 17 asked, I think what you said is we don't have policies. 18 I mean, to your knowledge, are there any policies at 19 Oracle about compensation? 20 MS. CONNELL: Objection, calls for 21 speculation. 22 A. To my knowledge, no.</p>	
<p><b>27:12-28:12.</b></p> <p>12 · · · · Q. (By Mr. Miller) How often do you develop 13 · training regarding the guidelines for compensation? 14 · · · · A. In my entire time at Oracle, we've -- I 15 · mean, I've been part of training around guidelines and 16 · helping with decision making probably twice. 17 · · · · Q. Do you present training on these 18 · guidelines? 19 · · · · A. Not recently. 20 · · · · Q. When was the last time you presented 21 · training on guidelines? 22 · · · · A. 2013 maybe, 2014 for an in person. 23 · · · · Q. When you were involved in developing 24 · training on these guidelines, were you just part of a 25 · team, or did you have leadership over that development?</p> <p><b>28</b></p> <p>1 · · · · A. I had leadership over the development. 2 · · · · Q. What did you do to develop training on the 3 · guidelines? 4 · · · · A. I worked with global peers to -- to come up 5 · with the topics that we would need to cover, how we 6 · would break them up and then the materials that would be 7 · part of each of those segments of training.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>8 ···· Q· And were you drawing on materials from            9 ·previous iterations of the training?            10 ···· A· I don't remember. I think we had -- we did            11 ·have other -- it was -- around the world different            12 ·groups had perhaps things that they had used before that</p>	
<p><b>28:13-14</b></p> <p>13 we liked and incorporated. But I wouldn't say previous            14 versions of training necessarily.</p>	
<p><b>28:24-29:14</b></p> <p>24 ···· Q· So I believe I asked you who do you            25 ·currently report to, and you said Phil Genish; is that</p> <p><b>29</b></p> <p>1 ·correct?            2 ···· A· Yes.            3 ···· Q· Did you report to Phil Genish when you were            4 ·director of compensation?            5 ···· A· Yes.            6 ···· Q· Did you report to Phil Genish when you were            7 ·senior management of compensation?            8 ···· A· For part of the time. That was when I had            9 ·a change in manager.            10 ···· Q· Who was your manager for the other part of            11 ·the time?            12 ···· A· Sue Charle was her name.            13 ···· Q· And who does Phil Genish report to?            14 ···· A· Joyce Westerdahl.</p>	<p>Errata: Charley</p>
<p><b>30:8-15</b></p> <p>8 ···· Q· Are these titles, senior manager of            9 ·compensation, director of global compensation, senior            10 ·director of global compensation, are those job titles            11 ·that are official within the system, or are they            12 ·discretionary titles?            13 ···· A· They are discretionary titles.            14 ···· Q· Do you know what your system title is?            15 ···· A· Senior director, HR.</p>	
<p><b>33:11-34:4</b></p> <p>11 ···· Q· (By Mr. Miller) Yeah, maybe I'm being a</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>12· little imprecise. Is pay different for the headquarters  13· organization within Oracle than, say, like a  14· non-headquarters location?  15· MS. CONNELL: Objection, vague and  16· ambiguous, assumes facts. Compound and calls for a  17· narrative.  18· . . . A. The -- we have a set of ranges for  19· headquarters versus outside of headquarters.  20· . . . Q. (By Mr. Miller) Okay. When you say  21· "ranges," are you talking about salary ranges?  22· . . . A. Yes.  23· . . . Q. Is there anything else that's different in  24· the compensation system between headquarters and  25· non-headquarters?</p> <p><b>34</b>  1 MS. CONNELL: Objection, vague and  2· ambiguous, calls for a narrative, assumes facts. Calls  3· for speculation.  4· . . . A. Not that I can think of.</p>	
<p><b>35:5-21</b></p> <p>5 A. So could I just clarify, please, when we  6 were talking about policies before? I did think of one  7 policy that I'm aware exists from October of 2017 --  8 Q. (By Mr. Miller) Okay.  9 A. -- that was rolled out by the U.S.  10 compensation team. I didn't have anything to do with  11 the development or the roll out of it, and that's why it  12 was not fresh in my head, but that policy relates to  13 asking candidates about prior salary or using that as a  14 consideration in determining pay for a job at Oracle.  15 So that is a policy that forbids managers from doing  16 that.  17 So, like I said, that's not part of my  18 role, and I wasn't part of it, so it wasn't fresh in my  19 head that we have that one.  20 Q. Thanks for the clarification.  21 A. Yes.</p>	
<p><b>35:22-36:10</b></p> <p>22· . . . Q. So just to help me understand how the U.S.  23· compensation team fits together with your team, does the  24· U.S. compensation team report to global compensation?</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>25 . . . . A. No.</p> <p><b>36</b></p> <p>1 . . . . Q. So are you then in parallel with the U.S.</p> <p>2 . compensation team?</p> <p>3 . . . . A. They are -- I would say they are my client</p> <p>4 . group. My job is to help them help the business to run</p> <p>5 . programs and just global consistency with how --</p> <p>6 . . . . Q. And related to achieving global</p> <p>7 . consistency, you know, you said that you have been</p> <p>8 . involved in creating some trainings for guidelines but</p> <p>9 . years ago at this point; is that right?</p> <p>10 . . . . A. Correct.</p>	
<p><b>37:24-38:2</b></p> <p>24 Q. (By Mr. Miller) So in the specific example</p> <p>25 of the job in which you work, there is a separate job</p> <p><b>38</b></p> <p>1 family for managers from non-managers?</p> <p>2 A. Yes.</p>	
<p><b>38:3-39:1</b></p> <p>3 . . . . Q. And then also you said that -- earlier that</p> <p>4 . the employees can look up information about their system</p> <p>5 . identification on their own; is that right?</p> <p>6 . . . . A. Correct.</p> <p>7 . . . . Q. And then the system identification is a</p> <p>8 . little awkward, but what I meant is the things we have</p> <p>9 . been discussing, you know, job function, job family,</p> <p>10 . global career level, things like that.</p> <p>11 . . . . A. Okay.</p> <p>12 . . . . Q. Can a, you know, front-line sort of IC2</p> <p>13 . employee look up all of that information? Can they see</p> <p>14 . job function?</p> <p>15 . MS. CONNELL: Objection, calls for</p> <p>16 . speculation.</p> <p>17 . . . . A. I'm not sure.</p> <p>18 . . . . Q. (By Mr. Miller) Are you aware of any</p> <p>19 . limitations on what a front-line employee could</p> <p>20 . determine about their job using internal software?</p> <p>21 MS. CONNELL: Objection, calls for</p> <p>22 . speculation and vague.</p> <p>23 . . . . A. I'm not sure exactly what is in when they</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>24 · log in to view their own record. 25 · · · · Q · (By Mr. Miller) And is this internal</p> <p><b>39</b> 1 · software called Aria?</p>	
<p><b>39:2-25</b></p> <p>2 A. That's one place where they can look. 3 Q. Where are other places they can look? 4 MS. CONNELL: Objection, calls for 5 speculation. 6 A. Another place would be HCM in our human 7 capital management. 8 Q. (By Mr. Miller) What else is in Aria? 9 MS. CONNELL: Objection, vague, calls for 10 speculation. 11 A. Physical addresses, phone numbers, org 12 charts. 13 Q. (By Mr. Miller) Would those all be 14 available to, say, an individual contributor? 15 A. Yeah. 16 MS. CONNELL: Objection, calls for 17 speculation. 18 Q. (By Mr. Miller) And what's in HCM? 19 MS. CONNELL: Objection, calls for 20 speculation and vague. 21 A. Could you be more specific? 22 Q. (By Mr. Miller) Sure. Well, first, why 23 don't you tell me what HCM stands for. 24 A. Human capital management. 25 Q. You said that, my apology.</p>	
<p><b>45:22-49:9</b></p> <p>22 · · · · Q · (By Mr. Miller) Okay. So I'd like to ask 23 · you some questions about how these guidelines work. So 24 · I'd like to show you an exhibit I'm going to ask the 25 · court reporter to mark as Exhibit 1.</p> <p><b>46</b> 1 (Exhibit 1 marked for identification.) 2 · · · · Q · (By Mr. Miller) Take a moment just to flip 3 · through it. 4 · · · · A · Okay.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
5 ···· Q. Do you recognize this document?	
6 ···· A. I do.	
7 ···· Q. What is it?	
8 ···· A. It is the -- the -- one of the nine modules	
9 · of our global training.	
10 ···· Q. If I can direct your attention to the	
11 · second page, you'll notice at the bottom it's got a sort	
12 · of long number?	
13 ···· A. Uh-hum.	
14 ···· Q. There's a dash two at the bottom of the	
15 · second page to help you follow along.	
16 ···· A. Okay.	
17 ···· Q. So this is one of the modules, and what's	
18 · underlined here is salary ranges. Is that what this	
19 · module is?	
20 ···· A. Yes.	
21 ···· Q. So how are these guidelines implemented at	
22 · Oracle?	
23 · MS. CONNELL: Objection, vague and calls	
24 · for speculation. Assumes facts.	
25 ···· A. Back in 2011, we created and posted and	
<b>47</b>	
1 · they were made available to managers online as on-demand	
2 · trainings, and we did a big announcement to HR to make	
3 · them aware that they were available for them to help	
4 · support their clients.	
5 ···· Q. (By Mr. Miller) Has it changed since 2011?	
6 ···· A. Not -- not really, no.	
7 ···· Q. And I realize that was a little	
8 · non-specific question. Let me ask it first this way.	
9 · Has the training -- or sorry, the	
10 · guidelines, have they changed since 2011?	
11 MS. CONNELL: Objection, vague.	
12 ···· A. What part of the guidelines, what are we	
13 · talking about?	
14 ···· Q. (By Mr. Miller) Well, you say there's nine	
15 · modules that go into this series, correct?	
16 ···· A. Uh-hum.	
17 ···· Q. And these were the modules that were	
18 · developed in 2011 on the bottom of these slides,	
19 · correct?	
20 ···· A. Yes.	
21 ···· Q. Are the guidelines different today than	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>22· they were in 2011?                  23· MS. CONNELL: Objection, vague.                  24· . . . A· I haven't reviewed every one of these                  25· recently, but when we created them, we intentionally</p> <p><b>48</b></p> <p>1· created them to be very compensation 101, just general                  2· practitioner, the right ways to do things, and so I                  3· would be surprised if much has changed.                  4· . . . Q· (By Mr. Miller) So just a moment ago you                  5· told me how in 2011, they were created and posted and                  6· you told HR about them and made them widely available so                  7· they could use them in doing their work on compensation;                  8· is that right?                  9· . . . A· Yes.                  10· . . . Q· Is that process for making the guidelines                  11· available still the process used now?                  12 MS. CONNELL: Objection, vague and calls                  13· for speculation.                  14· . . . A· So because technology has evolved a lot,                  15· our company has evolved a lot, we have, I would say,                  16· spruced up and now have actually released today like                  17· general comp 101 little video snippets that essentially                  18· cover much of the same topics.                  19· . . . Q· (By Mr. Miller) So perhaps the format has                  20· changed?                  21· . . . A· Yes, yes, they no longer have to just look                  22· at a PowerPoint slide.                  23· . . . Q· I'm drawing your attention to page three,                  24· which is the next page, so I will just represent to you                  25· that this is the comment that was associated with this</p> <p><b>49</b></p> <p>1· slide.                  2· . . . A· Uh-hum.                  3· . . . Q· Looking at this comment, there's two                  4· paragraphs basically, and the second paragraph, there is                  5· a disclaimer about this simply being an overview and                  6· then asks, I guess, whoever the audience is for this, to                  7· work with their local compensation team representative                  8· and HR manager on employee compensation issues. Do you                  9· see that section?</p>	
<b>49:10-50:6</b>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>10 A. Uh-hum. Yes.  11 Q. How does the manager responsible for  12 compensation work with the HR manager and compensation  13 team representative?  14 MS. CONNELL: Objection, assumes facts and  15 calls for speculation.  16 A. What do you mean?  17 Q. (By Mr. Miller) Well, so what this -- what  18 that note seems to be supposing is that you will have a  19 compensation issue arise for an employee of some kind  20 and the focal reviews come up and they are due for an  21 increase or there is some off-cycle increase or  22 something.  23 What is the manager responsible for making  24 that pay decision supposed to do in involving HR in the  25 compensation?</p> <p><b>50</b>  1 MS. CONNELL: Objection, assumes facts and  2 calls for speculation.  3 A. I mean, this is simply telling them that if  4 you have a question about a specific compensation  5 related topic or someone on your team, give your HR  6 manager a call.</p> <p><b>50:20-53:11</b></p> <p>20 · · · · Q. (By Mr. Miller) Okay, I'm going to ask you  21 · to look at another exhibit. The court reporter will  22 · mark this as Exhibit 2.  23 · (Exhibit 2 marked for identification.)  24 · MR. MILLER: There's going to be a lot of  25 · paper in front of you by the end of the day.</p> <p><b>51</b>  1 · · · · Q. (By Mr. Miller) If you will take just a  2 · moment to look at that for me.  3 · MS. CONNELL: I'm just going to say for the  4 · record that -- I can't tell if these have been  5 · designated as confidential, but I do see actual ranges  6 · in here. So to the extent these exhibits have been  7 · marked confidential when they were produced, we are --  8 · our position is they maintain their confidential  9 · designation. I just can't tell.  10 · MR. MILLER: Sure.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>11 · · · · A. I'm not sure these would have been. 12 MR. MILLER: The xerox thing in the middle? 13 · MS. CONNELL: Well, it has way more than -- 14 · MR. MILLER: Just to make it clear, let's 15 · correct that exhibit. 16 · MS. CONNELL: Just to make it even clearer, 17 · I'm going to designate both of these as confidential. 18 · (Off the record discussion.) 19 · · · · Q. (By Mr. Miller) Can you confirm for me 20 · that your exhibit goes to dash 16 on the last page? 21 · · · · A. Yeah. Yeah. 22 MS. CONNELL: Thank you. 23 · · · · Q. (By Mr. Miller) So do you need a moment to 24 · look at this again? 25 · · · · A. No.</p>	
<p><b>52</b></p>	
<p>1 · · · · Q. Do you recognize this document? 2 · · · · A. I do. 3 · · · · Q. What is it? 4 · · · · A. It is our roll-out of global equity 5 · guidelines to global compensation and global recruiting. 6 · · · · Q. Okay. And do you see on the first page 7 · here, the one that's got a one on it, that it's got a 8 · date of September 2016 and then your name on it? 9 · · · · A. Yes. 10 · · · · Q. Did you present this training? 11 · · · · A. Yes. 12 · · · · Q. Did you develop this training? 13 · · · · A. I did. 14 · · · · Q. So we talked a little bit about how 15 · trainings are developed. Can you tell me how this 16 · training was developed? 17 · · · · A. So I wouldn't necessarily call this 18 · training. This was the first time that we ever created 19 · guidelines on the amount of equity to give by location, 20 · by career level. And globally we had been asked to give 21 · some parameters for what a reasonable grant would be to 22 · somebody in India versus somebody in the U.K. versus 23 · somebody in the United States. 24 · So in 2016, I did the market research to 25 · figure out which countries would get bucketed into</p>	
<p><b>53</b></p>	
<p>1 · specific zones based on their equity practices and</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>2· created these ranges to give our global compensation 3· team and our global recruiting team an idea of what the 4· local markets were like in terms of equity practices. 5· So this was more of just a roll-out of 6· saying we now have these, and this is how you would use 7· them. 8· . . . Q· And when you say “ranges,” you’re talking 9· about the tables that appear on the pages that are dash 10· 11 and dash 12? 11· . . . A· Yes.</p>	
<p><b>58:11-59:1</b></p> <p>11 MS. CONNELL: Yeah, yeah. So for purposes 12· of today, we’ll designate Exhibit 3 as confidential. 13· . . . Q· (By Mr. Miller) Okay. Do you recognize 14· this document? 15· . . . A· I recognize it as being kind of a 16· compilation of the nine individual modules we made. 17· Much of the content is -- comes from those. 18· . . . Q· (By Mr. Miller) And when you say “the nine 19· individual modules,” you’re talking about the set of 20· PowerPoint that the first exhibit I showed you was a 21· part of? 22· . . . A· Correct, from 2011. 23· . . . Q· And if you look at the very first page of 24· this exhibit, you can see it is a copyright of 2012 on 25· that slide?</p> <p><b>59</b></p> <p>1· . . . A· Yes.</p>	
<p><b>60:20-62:23</b></p> <p>20· MR. MILLER: I am going to ask the court 21· reporter to mark this as Exhibit 4. 22 (Exhibit 4 marked for identification.) 23· MS. CONNELL: I see Exhibit 4 is labeled 24· confidential, so it should have a confidential 25· designation for the depo.</p> <p><b>61</b></p> <p>1· . . . Q· (By Mr. Miller) Do you recognize this 2· document? 3· . . . A· I do.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>4 · · · · Q. What is it? 5 · · · · A. It is essentially print screens of 6 · information that is available on our global compensation 7 · intranet site. 8 · · · · Q. Who has access to this intranet site? 9 · MS. CONNELL: Objection, calls for 10 · speculation. 11 · · · · A. Oracle employees. 12 · · · · Q. (By Mr. Miller) All Oracle employees? 13 · MS. CONNELL: Same objection. 14 · · · · A. I can't be positive, but I would think so. 15 · · · · Q. (By Mr. Miller) And this particular 16 · exhibit is a printout of three pages with a heading on 17 · it on the first page that says total compensation; is 18 · that right? 19 · · · · A. Yes. 20 · · · · Q. How does the information that's provided on 21 · your intranet website work with the compensation 22 · presentations we've been looking at? 23 · MS. CONNELL: Objection, vague and 24 · ambiguous, assumes facts. 25 · · · · A. I'm not sure what you mean.</p>	
<p><b>62</b></p>	
<p>1 · · · · Q. (By Mr. Miller) I'm curious how they're 2 · related. This appears to cover, from my read of it, 3 · some of the information that's been in, say, the 4 · PowerPoints we have looked at so far. 5 · Is it the case that this is just yet 6 · another version of the same set of guidelines, or is 7 · this something different than what's in the PowerPoints? 8 · MS. CONNELL: I will object that the 9 · documents speak for themselves with regard to the 10 · preamble and lacks foundation and assumes facts, and 11 · it's vague. 12 · · · · A. What is posted on the intranet site is the 13 · target audience is the general employee population, and 14 · what is in the guidelines is manager, it's for managers 15 · and HR, and the overall information provided should be 16 · consistent. 17 · · · · Q. (By Mr. Miller) So the guidelines that we 18 · have been looking at previously, things like Exhibits 1 19 · through 3, those are for managers only? 20 · MS. CONNELL: Objection, misstates her</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
21 · prior testimony. 22 · · · A · The intended audience was HR and managers 23 · as training for them in making decisions.	
<b>62:24-64:14</b>	
24 · · · Q · (By Mr. Miller) Okay. I'm going to show 25 · you another exhibit that I'm going to ask the court	
<b>63</b>	
1 · reporter to mark as Exhibit 5. 2 (Exhibit 5 marked for identification.)	
3 · MS. CONNELL: Mark this as confidential, 4 · also. Also, point out that this also appears to be	
5 · separate, two exhibits in one.	
6 · MR. MILLER: Do we have two exhibits here?	
7 · · · A · We have doubles of this.	
8 · MR. MILLER: Too many copies.	
9 · · · Q · (By Mr. Miller) Can you tell me where your 10 · page ends, Ms. Waggoner, what's the last Bates number?	
11 · · · A · 798.	
12 · · · Q · (By Mr. Miller) Well, that is how I intend 13 · to present them to you, but I will ask you, there are	
14 · actually two documents in here. Actually, let me start 15 · with that.	
16 · Looking at this Exhibit 5 I've given you, 17 · is there more than one document in there?	
18 · · · A · I think it looks like it.	
19 · · · Q · Where -- can you give me the numbers where 20 · the documents begin and end?	
21 · · · A · I think 598 is something totally separate.	
22 · · · Q · So starting then with 594 to 597, do you 23 · recognize this document?	
24 · · · A · Yeah, it looks like the same as Exhibit 4.	
25 · · · Q · It's the same in terms of the same content?	
<b>64</b>	
1 · · · A · It appears to be.	
2 · · · Q · But from a -- I mean, it's -- so the reason 3 · I'm asking you about this is if you look at Exhibit 4,	
4 · this has got a heading that says total compensation, and 5 · it's got a global compensation super header, but then	
6 · Exhibit 5 just says Oracle compensation guidelines 7 · before launching into total compensation.	
8 · I guess what I'm asking, the question I ask	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>9· here, is Exhibit 5 just a different format of Exhibit 4,            10· page 597?            11 MS. CONNELL: Objection. The documents            12· speak for themselves.            13· . . . A· I mean, I'm just comparing. Looks like            14· word for word.</p>	
<p><b>64:15-65:6</b></p> <p>15 Q. (By Mr. Miller) So looking at the last            16 page of Exhibit 5, do you recognize this document?            17 A. Yeah.            18 Q. What is it?            19 A. I'm not sure.            20 Q. But you recognize it?            21 A. I do recognize it.            22 Q. How do you recognize it?            23 A. Because this was shown to me in my previous            24 deposition.            25 Q. Oh, okay, but you don't know where this</p> <p><b>65</b></p> <p>1 came from?            2 A. I don't.            3 Q. Do you know who made it?            4 A. I don't.            5 Q. Okay. Let's -- I should have one more            6 exhibit to show you here in this run.</p>	
<p><b>65:7-66:1</b></p> <p>7· I will ask the court reporter to mark this            8· as Exhibit 6.            9· (Exhibit 6 marked for identification.)            10· MR. MILLER: I will do my best to give you            11· just one copy of it. Yeah.            12 MS. CONNELL: It's just -- it is marked --            13· I am just noting for the record it's marked as            14· confidential. I don't know if I need to do that every            15· time for you if it's already got the confidential            16· designation on it, but I am --            17· (Off the record discussion.)            18· . . . Q· (By Mr. Miller) Do you recognize this            19· document?            20· . . . A· Again, it's -- looks like it's from our</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>21 · internal -- our intranet site in the global 22 · compensation -- on the global compensation page with you 23 · the sub menu of job changes and discretionary titles. 24 · . . . Q. (By Mr. Miller) And, again, the intended 25 · audience for this is all employees, not just managers?</p> <p><b>66</b> 1 · . . . A. Correct.</p>	
<p><b>68:23-69:5</b></p> <p>23 Q. (By Mr. Miller) So in 2011 or 2012, you 24 would have presented these as guidelines even though 25 they don't have that appellation with them?</p> <p><b>69</b> 1 MS. CONNELL: On the front page, to be 2 clear for the record. 3 A. I don't -- I mean, we presented them as 4 comp 101. We didn't present them as anything other than 5 general comp training.</p>	
<p><b>70:3-71:9</b></p> <p>3 · . . . Q. (By Mr. Miller) Well, for instance, in 4 · looking at Exhibit 3, I asked you on page 6, I believe 5 · it is, dash 6 -- I asked you what legally compliant 6 · meant. And you told me a variety of things. One of the 7 · things you mentioned is that it would include a 8 · requirement not to discriminate in setting pay; is that 9 · right? 10 · . . . A. I mean, my -- my response was legally 11 · compliant, I think, speaks for itself, and you asked 12 · what does that mean, and to me, legally compliant would 13 · -- non-discrimination would fall under that, but I 14 · certainly didn't train on anything like that. 15 · . . . Q. So you didn't provide anti-discrimination 16 · in pay training? 17 · . . . A. No. 18 · . . . Q. Are you aware that anybody provides that 19 · training? 20 · MS. CONNELL: Calls for speculation. 21 · . . . A. Non-discrimination training is mandatory 22 · for our managers. I mentioned that that's some of the 23 · mandatory training I received.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>24. . . . Q. (By Mr. Miller) Right. I guess I didn't 25. understand that the training you received specifically</p> <p><b>71</b> 1. dealt with pay discrimination. Is that a portion of the 2. training? 3. . . . A. It's non-discrimination in general in our 4. employment practices. 5. . . . Q. But does it cover appropriately setting pay 6. so as to not create disparities for people based on race 7. or gender? 8. MS. CONNELL: Objection, assumes facts. 9. . . . A. I don't recall.</p>	
<p><b>71:16-72:3</b></p> <p>16. . . . Q. (By Mr. Miller) I'd like to show you 17. another exhibit I'm going to ask the court reporter to 18. mark as Exhibit 7. 19. (Exhibit 7 marked for identification.) 20. MS. CONNELL: Mark Exhibit 7 as 21. confidential. 22. . . . Q. (By Mr. Miller) Have you finished 23. reviewing it? 24. . . . A. Yes. 25. . . . Q. Do you recognize this document?</p> <p><b>72</b> 1. . . . A. Vaguely. 2. . . . Q. What do you recognize it as? 3. . . . A. Looks like it's a manager training.</p>	
<p><b>72:4-9</b></p> <p>4 Q. Did you take any part in developing this -- 5 this document? 6 A. I did not. 7 Q. Did you take any part in delivering this 8 training? 9 A. I did not.</p>	
<p><b>74:11-23</b></p> <p>11. . . . Q. Does this global job table ever include the 12. discretionary title senior director of global 13. compensation?</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>14 · · · A. No, discretionary titles are not included 15 · in the table. 16 · · · Q. And the only other thing I want to confirm 17 · is I believe earlier when we were talking about your 18 · job, you know, I asked what your global career level was 19 · and you told me it's currently M5. 20 · Global career level, in this example 21 · anyway, short for career level, right, but that's the 22 · same thing, isn't it? 23 · · · A. It is.</p>	
<p><b>74:24-75:14</b></p> <p>24 Q. So when you told me early on you were 25 responsible for maintaining and updating the global job</p> <p><b>75</b> 1 table, what does that entail? 2 A. So, again, I have someone on my team who 3 works on this, but it has to do with -- with making 4 sure, for example, if we have an existing family that 5 only goes up to an IC5 and a line of business determines 6 they need an IC6, they come to my team to say we need an 7 IC6 of this particular family, here is how we 8 distinguish the IC5 from the IC6 and could we please add 9 this to our table. 10 And we, as my team being responsible 11 globally, we get a global consensus that the IC6 level 12 is necessary for the business, and then the person on my 13 team is able to go into the system to add that level to 14 the table.</p>	
<p><b>75:15-77:17</b></p> <p>15 · · · Q. How do you distinguish between the global 16 · career levels? 17 · MS. CONNELL: Objection, vague. 18 · · · A. It has to do with years of experience, 19 · level of complexity of what they're working on, the 20 · scope of what they're working on, the complexity, scope, 21 · years, their -- the influence of the role, who they 22 · interact with, if they interact with C suite levels or 23 · most of their interaction is lower levels, there are 24 · various things that go into play in determining a career 25 · level.</p>	

DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019

Page/Line	Objection/Errata
<p>76 1 · · · · Q. (By Mr. Miller) Are there other factors 2 · beyond the ones you just named? 3 · · · · A. There may be, but offhand, I -- 4 · · · · Q. When you say complexity of project and 5 · scope of project, what do you mean by "project"? 6 · · · · A. I don't think I said complexity of project. 7 · I mean complexity of their role, complexity of the 8 · products they work on, the complexity of the duties, the 9 · decision-making authority that that person has -- or not 10 · a person, the decision-making authority that we assume 11 · of a specific career level. Someone of a IC1 has little 12 · to no decision-making authority but someone as a 4 or a 13 · 5 or a 6. 14 · · · · Q. So when you're taking about the complexity 15 · of the product, how do you evaluate that? 16 · MS. CONNELL: Objection, vague and assumes 17 · facts. 18 · · · · A. We don't go down to the product level 19 · evaluating that from a global table perspective. 20 · · · · Q. (By Mr. Miller) How do you evaluate the 21 · complexity of the duties? 22 MS. CONNELL: Objection, assumes facts and 23 · vague. 24 · · · · A. Again, we don't -- we don't personally 25 · evaluate. We -- we speak to at -- at a -- in general,</p>	
<p>77 1 · across any function that we would be talking about, it 2 · could be an attorney, it could be a financial analyst, 3 · it could be a developer, it could be a salesperson. We 4 · have categories or we have these career levels that 5 · really essentially are pretty standard in the market. 6 · We got -- I mean, we got most of our 7 · framework for the career levels from a Radford. They 8 · define at the IC4 level, you would expect that they 9 · would have X types of responsibilities. At the IC1 10 · level, you would expect that they would need a lot of 11 · guidance and have Y types of responsibility. 12 So it's a very -- it essentially talks 13 · about the level at which the job is done in pretty 14 · general terms, but the things that come into play when 15 · it comes to the next step up have to do with a different 16 · level of complexity or a different level of</p>	

<b>DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019</b>	
<b>Page/Line</b>	<b>Objection/Errata</b>
17 · decision-making authority or the other really --	
<p><b>77:18-78:25</b></p> <p>18 Q. So when you're looking at adjusting the  19 global job table and as your example was adding an IC6  20 to a line that recently had an IC5, how do you determine  21 that the IC6 is necessary?  22 MS. CONNELL: Objection, assumes facts and  23 misstates her testimony.  24 A. We review often -- well, always, the  25 business has to define and show us why and to say, you</p> <p><b>78</b></p> <p>1 know, the latest one we had, for example, it talked  2 about how -- for this next level, they -- their current  3 IC5s perform, you know, support or depending on the size  4 of the client or whatever, but then at the next level,  5 it's going to be much bigger, tier one clients, dealing  6 with the C suite. I mean, it has to do with their  7 interactions with, you know, like I mentioned before,  8 who they work with.  9 In our industry, you know, if you are known  10 as an industry guru, if you do white papers, if you  11 present places, you are probably a 5 or a 6. That has  12 to do with the influence of and the different complexity  13 of what it is that you are working on.  14 Q. So you get a request to add a new career  15 level?  16 A. Yes, that usually comes from the business.  17 Q. And then you do an analysis and determine  18 if that's appropriate?  19 A. I don't personally. We review the  20 documentation that the business has given us to decide  21 if there's a good argument and if, in fact, they've  22 defined it as the next step up, and then we have a -- I  23 wouldn't say a committee, but it's sort of all the  24 regional leads around the world, we say this has come  25 before us, what do you guys think.</p>	
<p><b>80:20-22</b></p> <p>20 Q. (By Mr. Miller) Does it affect it  21 indirectly?  22 MS. CONNELL: Same objections.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p><b>80:23-81:5</b></p> <p>23 · · · · A. We have -- discretionary title are --                  24 · discretionary titles are just what they say, they're at                  25 · the discretion of -- we've had people with Queen of</p> <p><b>81</b></p> <p>1 · Sheba for their discretionary title. Like we don't                  2 · control discretionary titles.                  3 · · · · Q. (By Mr. Miller) Did they really have Queen                  4 · of Sheba?                  5 · · · · A. They did. This was back a long time ago,</p>	
<p><b>81:6-8</b></p> <p>6 but we don't -- this isn't a mandatory -- some people                  7 don't have a discretionary title at all. It's -- it's                  8 put in there with a --</p>	
<p><b>81:13-23</b></p> <p>13 Q. (By Mr. Miller) Turning your attention to                  14 slide 15 and the accompanying note. So this is a page                  15 marked 25 and 26. So this slide is titled Choosing the                  16 Correct Job Code. Who selects job code at Oracle?                  17 MS. CONNELL: Objection, assumes facts.                  18 A. So the job code, as it says, it reflects a                  19 role. So a manager will decide what role they have, and                  20 the manager would decide what job code to use in a                  21 posting for an opening on their team, because the job                  22 code reflects in very, very general terms what the role                  23 is that they need to fill.</p>	
<p><b>81:24-82:3</b></p> <p>24 · · · · Q. (By Mr. Miller) So they do that in the job                  25 · code, and then at hiring, are they locked into the job</p> <p><b>82</b></p> <p>1 · code? If the job code is in the requisition or the                  2 · posting, is that the only job code the employee could                  3 · have?</p>	
<p><b>82:4-19</b></p> <p>4 A. Depending on the candidate selected, they                  5 could go up one level or down one level.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>6 Q. So that would then affect --            7 A. But it has to be the same family.            8 Q. Okay. So on this slide, there's a second            9 set of statements after the first one you reference            10 that's about what's important about getting the correct            11 job code. I mean, it lists salary range, bonus            12 eligibility, overtime eligibility, these eligibility            13 systems access and more.            14 Are you aware of other parts of employment            15 at Oracle that are impacted by job code?            16 MS. CONNELL: Calls for speculation.            17 A. The one that comes to mind would be            18 business class for travel but, otherwise, I can't think            19 of anything.</p>	
<p><b>85:5-16</b></p> <p>5 Q. (By Mr. Miller) Have job codes been a            6 factor in setting pay at Oracle for as long ago you've            7 worked there?            8 MS. CONNELL: Objection, assumes facts.            9 Misstates the document.            10 A. There are many, many, many factors that go            11 into setting pay, so I mean, the job code to which            12 someone applies would assist as kind of a starting point            13 to tell us about what that broad range may be. But then            14 we have vocation and product and skills and experience            15 and knowledge and everything that they bring to the            16 table. There's a lot that goes into play with that.</p>	<p>Errata: location</p>
<p><b>85:17-25</b></p> <p>17 . . . . Q. (By Mr. Miller) How long has job code been            18 . used to set salary grade at Oracle?            19 . . . . A. I am not really sure.            20 . MS. CONNELL: Objection, vague.            21 . . . . Q. (By Mr. Miller) Has that always been the            22 . case since you worked there?            23 . . . . A. Yes, I mean, the -- the structure of our            24 . general architecture has been in place since I've been            25 . around. There have been additions and subtractions</p>	
<p><b>86:1-9</b></p> <p>1 throughout the years, but --            2 Q. (By Mr. Miller) And we talked about this</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>3 briefly in passing. You said you were thinking U.S. 4 when you answered my questions, which generally, you 5 know, our case concerns a headquarters facility in 6 California, but are job codes used globally? 7 A. Yes, our table absolutely is global. 8 Q. It says global job table? 9 A. Yes.</p>	
<p><b>86:14-89:11</b></p> <p>14 · · · · Q. · So we've talked about salary grade and 15 · salary ranges to some extent already. And also some of 16 · the other topics on this slide have come up. 17 · When you are setting a salary range, when 18 · Oracle sets a salary range, you've told me you rely on 19 · Radford surveys; is that correct? 20 · · · · A. · Radford -- we have two main surveys, 21 · Radford and Mercer. 22 · · · · Q. · And how do those help you set the salary 23 · range? 24 · MS. CONNELL: Objection, vague. 25 · · · · A. · Our very general jobs can be mapped to very</p> <p><b>87</b></p> <p>1 · general, we call them, benchmark jobs. And if they are 2 · in a survey, they are considered a benchmark job. And 3 · we use data that comes out of those surveys to tell us 4 · what the market rate is for that general job and level. 5 · · · · Q. · (By Mr. Miller) And what do you do with 6 · the market rate information in setting the salary range 7 · at Oracle? 8 · MS. CONNELL: Objection, vague. 9 · · · · A. · Our general philosophy is that the market 10 · 50th percentile would represent Oracle's midpoint of the 11 · range for a specific location. 12 · · · · Q. · (By Mr. Miller) So maybe it would help, 13 · too, just to look quickly as page 29. This is slide 17. 14 · · · · A. · All right. 15 · · · · Q. · And so this slide has what looks to be an 16 · example salary range. Is that what that is? 17 · · · · A. · It appears, yeah. 18 · · · · Q. · So what you're saying is the Radford or the 19 · Mercer survey should be used to set the midpoint that's 20 · identified on this pay-range description? 21 · · · · A. · Correct.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
22 · · · Q. How does Oracle determine the minimum or 23 · the maximum for that range? 24 · · · A. That is something that can vary from -- 25 · from country to country, from level to level generally,	
<b>88</b>	
1 · and this is all kind of compensation theoretical. The 2 · lower level jobs, you don't have to have quite as broad 3 · of a range because there isn't as much variation in what 4 · people bring to the table. But as you get higher in 5 · your career levels, it gets broader because people bring 6 · a wide variety of different knowledge, skills, 7 · abilities, education, all those kinds of things, and we 8 · have to be able to account for the wide variety that 9 · could be in there.	Errata: theory
10 · · · Q. And who ultimately sets the minimum or the	
11 · maximum for a salary range?	
12 MS. CONNELL: Objection, assumes facts,	
13 · vague.	
14 · · · A. There isn't really a who. We have had the	
15 · same range widths for a really long time, and it was	
16 · just kind of a best practices. They might be as narrow	
17 · as 50 percent at the bottom up to 80 percent at the top.	
18 · · · Q. (By Mr. Miller) And then they are just	
19 · adjusted as the market salary surveys change?	
20 · · · A. Correct, we adjust the mid points, and then	
21 · our minimums and maximums adjust with that.	
22 · · · Q. So at the time you worked at Oracle, the	
23 · spread in the salary range has been set as a percentage,	
24 · and you are not aware --	
25 · MS. CONNELL: Objection, misstates her	
<b>89</b>	
1 · testimony and assumes facts.	
2 · · · A. From the time I've been around, the range	
3 · widths, like I said, it has to do with kind of best	
4 · practices, and when you've been in the field for a	
5 · while, you know what other companies are doing, you read	
6 · into what the survey would recommend you do, and we've	
7 · had a fairly consistent range width for as long as I've	
8 · been on -- who originally set them, I don't know. But	
9 · it's been fairly consistent, and our ranges have	
10 · adjusted according to the way the market has adjusted in	
11 · those years or based on the midpoint.	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p><b>89:12-90:2</b></p> <p>12 Q. (By Mr. Miller) And when you're using the 13 Radford surveys to find the midpoint of these salary 14 ranges, you say they are at a fairly general level of 15 description, right? 16 A. Correct. 17 Q. Do you do a job analysis to look at 18 Oracle's job to determine where they -- how they match 19 up with those general descriptions? 20 MS. CONNELL: Objection, vague. 21 A. Every year, our regional comp teams look at 22 Radford's general descriptions to our general system 23 descriptions and make sure we're still benchmarking 24 across, because ours are intentionally very broad, also, 25 and so they match -- they match up to -- but, yeah, we</p> <p><b>90</b></p> <p>1 look at to make sure we're matching to the right general 2 category of job each year.</p>	
<p><b>90:12-92:18</b></p> <p>12 Q. (By Mr. Miller) How is an individual 13 employee positioned within the range? 14 MS. CONNELL: Calls for speculation. 15 A. As I've mentioned, it has to do with 16 knowledge, skills, abilities, education, what they bring 17 to the table, the internal situation of peers doing the 18 same thing and by doing the same thing, it's not just 19 within that job code, but there are differences by the 20 product you are working on or the location where you sit 21 and do your work. 22 There are lots of different factors that go 23 into play as far as where they would be positioned in a 24 range. 25 Q. (By Mr. Miller) How is product accounted</p> <p><b>91</b></p> <p>1 for in positioning an employee? 2 MS. CONNELL: Objection, vague. Calls for 3 speculation. 4 A. Product, if I'm thinking like software 5 developers, the product that they are developing, if 6 it's a really old legacy product or a cutting edge new</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>7 Blazen, and there's not a lot of talent out there that 8 know how to do this, they would command a higher 9 position in the range versus somebody who's working on 10 J.D. Edwards that's existed forever. 11 There are more in the market who could do 12 something like that than there are who could do AI, for 13 example, so an AI developer could command a higher 14 position and be commissioned higher in the range than, 15 say, the on premises PeopleSoft developer. 16 Q. (By Mr. Miller) Who determines which 17 products are more valuable? 18 MS. CONNELL: Objection, assumes facts. 19 A. I wouldn't say anybody decides they're more 20 valuable, but the candidates that come and apply for our 21 positions tell us what they're earning. They tell us 22 what their competitive offers are to do something 23 different. 24 Q. (By Mr. Miller) And so then the manager 25 attempting to make that hire is the one that picks where</p>	<p>Errata: product</p> <p>Errata: positioned Errata: on-premise</p>
<p><b>92</b> 1 they fall in the salary range? 2 MS. CONNELL: Objection, calls for 3 speculation. 4 A. I mean, not necessarily -- it's a 5 collaboration with recruiting and with the manager, and 6 sometimes they involve HR and/or compensation, but it 7 has to do with the local labor market and if they are 8 looking for something that is the more cutting edge 9 technology, there are fewer -- it is general economics, 10 there are fewer people who can do that, and so if they 11 have offers from Amazon and Google and Microsoft and 12 Oracle, we've got to come in with a compelling offer or 13 they won't take ours. 14 Someone who doesn't have that cutting edge 15 hot skill doesn't come -- they don't have all of those 16 other competing offers with which we have to then 17 position them differently in the range. We can pay them 18 a general market salary, and it's not as competitive.</p>	
<p><b>93:1-94:5</b> 1 Q. (By Mr. Miller) Again, looking at slide 2 17, which is page 29 here, or we can just go with what 3 you told me that people have position. One of the</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>4 things you mentioned is internal equity with respect to 5 how the employee's peers are doing or being paid, I 6 guess; is that right? 7 A. That's a factor, yes. 8 Q. What do you mean by "peers"? 9 A. What I mean by peers are people who are 10 performing similar work at a similar level on a similar 11 product where their duties are consistent and similar. 12 And their location, also having to factor 13 in their location and their -- I mean, when we talk 14 peers, we really mean doing the same -- the same role 15 working on the same product. It's not -- it doesn't 16 come to job code or title because, as I said, those are 17 incredibly general. 18 We have to get down a little bit more 19 granular to say, oh, this is our group of people with 20 the hot skill working on AI today. Those are considered 21 the peers, not people in the same job code but 22 developing PeopleSoft. 23 Q. (By Mr. Miller) So for those peer groups, 24 how then do you determine if there's internal equity? 25 MS. CONNELL: Objection, vague. Calls for</p> <p><b>94</b> 1 speculation. 2 A. I don't. The manager who's hiring would 3 look within their own team to say these are the people 4 who will have similar duties and performing at a similar 5 level.</p>	
<p><b>95:19-96:8</b></p> <p>19 · · · · Q · (By Mr. Miller) When you're looking at 20 · these peer groups to think about internal equity, is 21 · there an attempt to ensure that the peer groups are 22 · representative across the relevant work force for race 23 · and gender? 24 · MS. CONNELL: Objection, misstates her 25 · testimony, assumes facts, vague.</p> <p><b>96</b> 1 · · · · A · I'm not involved in any peer group 2 · analysis. 3 · · · · Q · (By Mr. Miller) Is anybody, other than the 4 · front-line manager, involved in peer group analysis?</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>5· MS. CONNELL: Objection, calls for 6· speculation, asked and answered. 7· . . . A· I am not aware of -- I'm not involved in 8· any of it, so I'm not sure.</p>	
<p><b>102:10-23</b></p> <p>10· . . . Q· (By Mr. Miller) I want to show you some 11· new exhibits. Give me a moment. I'm going to ask the 12· court reporter to mark this as Exhibit 8. 13· (Exhibit 8 marked for identification.) 14· MS. CONNELL: Mark this as confidential. 15· . . . Q· (By Mr. Miller) Just take a moment to look 16· at that and let me know when you have -- 17· Do you recognize this document? 18· . . . A· I do. 19· . . . Q· What is it? 20· . . . A· The global approval matrix. 21· . . . Q· And what is the global approval matrix? 22· . . . A· It documents the level of approval needed 23· for various types of changes to an employee record.</p>	
<p><b>103:23-104:18</b></p> <p>23· . . . Q· What is a cost center? 24· . . . A· It is -- it's a category that finance uses 25· to say -- kind of give a general indication of the</p> <p><b>104</b></p> <p>1· organization in which the person works. So like my cost 2· center is 0772, and that just means global compensation. 3· . . . Q· Is that different from line of business? 4· MS. CONNELL: Objection, calls for 5· speculation. 6· . . . A· Yes. 7· . . . Q· (By Mr. Miller) Do you know how it's 8· different? 9· MS. CONNELL: Calls for speculation. 10· . . . A· When we, as in global compensation, talk 11· about line of business, we are more often than not 12· referring to a specific organization under a specific 13· leader. There are many, many cost centers under a 14· leader.</p>	

<b>DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019</b>	
<b>Page/Line</b>	<b>Objection/Errata</b>
<p>15 · · · · Q. (By Mr. Miller) Okay. Does cost center  16 · relate to product?  17 · MS. CONNELL: Objection, vague.  18 · · · · A. I'm not sure.</p>	
<p><b>105:14-106:1</b></p> <p>14 Q. (By Mr. Miller) And moving down to --  15 there's a -- you know, there's a table entitled dollars  16 that -- that doesn't go on to the next page. It's on  17 this first page, though. Do you see the second in the  18 sequence here, base salary change increase?  19 A. Yes.  20 Q. And that has to be approved by HR, but it  21 doesn't look like the first level has to approve it; is  22 that right?  23 MS. CONNELL: Objection, calls for  24 speculation.  25 A. I can see how it's read that way. I</p> <p><b>106</b>  1 believe what this is -- it indicates that that's the</p>	
<p><b>106:2-4</b></p> <p>2 · final, that's the top level that it needs to go to, so  3 · an increase, it would work its way up all these other  4 · levels and the last, quote-unquote, approver is at that</p>	
<p><b>106:5-7</b></p> <p>5 level, but at that level, they're not really digging  6 into the details. It's more about a sanity check of  7 what's going on.</p>	
<p><b>106:25-107:4</b></p> <p>25 · · · · Q. And then if you just look at the first</p> <p><b>107</b>  1 · page, it says global approval matrix, automated?  2 · · · · A. Yeah.  3 · · · · Q. What's the difference between those two  4 · processes?</p>	
<p><b>107:5</b></p>	

<b>DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019</b>	
<b>Page/Line</b>	<b>Objection/Errata</b>
5 A. I don't know.	
<p><b>108:9-22</b></p> <p>9 Q. (By Mr. Miller) Have you had a chance to 10 review this? 11 A. Yes. 12 Q. Do you recognize this? 13 A. No. 14 Q. So this is not a training that you have had 15 a hand in? 16 A. No. 17 Q. It's dated May 2011 on the first page, 18 correct? 19 A. Yes. 20 Q. But then this is not a part of the -- the 21 nine modules that we discussed as Exhibit 1, right? 22 A. It is not.</p>	
<p><b>108:23-109:24</b></p> <p>23 · · · · Q. Drawing your attention to slide four, which 24 · in this one I think is actually marked dash 4. So this 25 · slide is an exhibit titled Summary of All Processes, and</p> <p><b>109</b></p> <p>1 · it's got a bullet point that says, Do not communicate 2 · anything until final LJE approval is obtained. Who is 3 · LJE? 4 · · · · A. Larry Ellison. 5 · · · · Q. So if you look at the first page of this 6 · training, it says it's new manager training for 7 · compensation processes. So does this mean then that you 8 · are not allowed to communicate the outcome of the 9 · compensation process until Larry Ellison approves of it? 10 · MS. CONNELL: Objection, misstates the 11 · document. 12 · · · · A. This is essentially training on how to use 13 · our tool. That's why it says slash compensation work 14 · bench. There are screenshots from our system that we 15 · use -- used to use to administer our compensation 16 · processes. It speaks to the plans that I talked about 17 · before that are run out of my team, and the final LJE 18 · approval obtained, as I mentioned before, these do roll 19 · up to the top level, but it is simply to confirm that 20 · everything was within budget and that there has been no</p>	

<b>DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019</b>	
<b>Page/Line</b>	<b>Objection/Errata</b>
<p>21 · spend outside of budget. It isn't a review or deep dive  22 · into what's been recommended, it is just we have stayed  23 · within budget, it is now okay to communicate what you've  24 · recommended.</p>	
<p><b>111:6-113:12</b></p> <p>6 · (Exhibit 11 marked for identification.)  7 · MS. CONNELL: Also mark Exhibit 11 as  8 · confidential.  9 · · · · Q · (By Mr. Miller) Have you had a chance to  10 · review it?  11 · · · · A · Yes.  12 · · · · Q · Do you recognize this document?  13 · · · · A · I do.  14 · · · · Q · What is it?  15 · · · · A · It is a manager system for our new system,  16 · which is work force compensation, and it gives  17 · screenshots and tells managers how to navigate that in  18 · that new system.  19 · · · · Q · Did you participate in developing this  20 · training?  21 · · · · A · I did not, but the person on my team who  22 · runs programs did.  23 · · · · Q · Did you review this training?  24 · · · · A · Yes.  25 · · · · Q · I should be more clear, not just here</p> <p><b>112</b></p> <p>1 · today, but did you review this training before it was  2 · finalized and given?  3 · · · · A · Yes.  4 · · · · Q · So we were just talking a moment ago about  5 · the way approvals work and the rolling-up process. I  6 · want to draw your attention to slides 20 through 33, so  7 · these are pages marked 53 to 64, and, you know, you can  8 · certainly read whatever you need to read to understand  9 · them, but really I mostly just want to look at the title  10 · of these slides, so let me know when you've had a  11 · moment.  12 · · · · A · 53 to what?  13 · · · · Q · 64.  14 · · · · A · Okay.  15 · · · · Q · So the way that this training is set up for  16 · using your new tool, this work force compensation tool,</p>	<p>Errata: training  Errata: Workforce  Compensation</p>

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>17· it's phrased in terms of managers making recommendations 18· for -- I think these are bonuses; is that right? 19· . . . A. Yes. 20· . . . Q. So why are they termed "recommendations" at 21· this point? 22· . . . A. Because we have -- 23· MS. CONNELL: Objection, calls for 24· speculation. You can answer. 25· . . . A. Because you have multiple -- I mean, some</p> <p><b>113</b></p> <p>1· employees have, you know, three levels above them, some 2· have seven levels above them, but it starts with it's 3· initially a recommendation that could be changed. I 4· mean, it could be changed by them, it could be changed 5· by someone else on the hierarchy, but, like we said, 6· it's essentially not final until we've done the whole -- 7· the whole did everybody stay within budget and did 8· everybody stay within what they were given. 9· And so we always called them 10· recommendations because nothing is final until we've 11· been through the entire process and can verify that 12· everyone stayed within their budget.</p>	
<p><b>113:13-114:23</b></p> <p>13· . . . Q. Okay. Okay, I want to show you another 14· exhibit and ask the court reporter to mark this as 15· Exhibit 12. 16· (Exhibit 12 marked for identification.) 17· MS. CONNELL: Mark this exhibit as 18· confidential as well, designated. 19· . . . Q. (By Mr. Miller) Have you finished 20· reviewing it? 21· . . . A. Uh-hum. 22· . . . Q. So at the very top, you can see this is 23· from Vicki Ton to Sudhakar Kaki, I guess. I am 24· mispronouncing these names. 25· . . . A. Uh-hum.</p> <p><b>114</b></p> <p>1· . . . Q. Do you know either of those people? 2· . . . A. I don't know Sudhakar. I am familiar with 3· Vicki Ton, but I don't know her. 4· . . . Q. What does Vicki Ton do?</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
5· MS. CONNELL: Objection, vague, calls for 6· speculation. 7· . . . A· She's on the HR team. 8· . . . Q· (By Mr. Miller) So I know that you're not 9· on this e-mail, so I assume you have not seen this 10· e-mail before now? 11· . . . A· I have not. 12· . . . Q· But it looks like, if you go back to 22, 23 13· and 24, that this is a -- looks like a recommendation 14· about pay being passed up the chain; is that right? 15· MS. CONNELL: Objection, document speaks 16· for itself, mischaracterizes the document. 17· . . . A· The subject line specifically says it's a 18· job offer. 19· . . . Q· (By Mr. Miller) And do you know what GSI 20· stands for? 21· . . . A· GSI is our global single instance. It has 22· to do with -- it was our old E-business suite before we 23· moved to our new Oracle cloud, for us internally.	
<p><b>118:3-7</b></p> 3 Q. (By Mr. Miller) Could you place an 4 employee in a salary range without considering 5 performance? 6 MS. CONNELL: Objection, incomplete 7 hypothetical, calls for speculation.	
<p><b>118:8-24</b></p> 8· . . . A· You wouldn't know performance for a new 9· hire. 10· . . . Q· (By Mr. Miller) Okay, so excluding new 11· hires, somebody who had been there for sometime, can you 12· place them in a salary range without knowing their 13· performance? 14· MS. CONNELL: Objection, lacks foundation, 15· calls for speculation. 16· . . . A· Could you? Maybe. 17· . . . Q· (By Mr. Miller) So my understanding is 18· that Oracle has a focal review that you mentioned before 19· and that there's also a separate performance review 20· system; is that correct? 21 MS. CONNELL: Objection, assumes facts, 22· lacks foundation.	

<b>DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019</b>	
Page/Line	Objection/Errata
<p>23 . . . A. The performance review system is separate  24 · from compensation programs, yes.</p>	
<p><b>120:2-22</b></p> <p>2 . . . Q. (By Mr. Miller) Okay. So is performance  3 · an element of the focal review?  4 · MS. CONNELL: Objection, calls for  5 · speculation.  6 . . . A. For some lines of business, yes. For  7 · others, no.  8 . . . Q. (By Mr. Miller) Is there a principaled way  9 · to determine which lines of business uses performance  10 · and which don't?  11 MS. CONNELL: Objection, vague.  12 . . . A. No.  13 . . . Q. (By Mr. Miller) Is that a decision that's  14 · left up to the line of business?  15 · MS. CONNELL: Objection.  16 . . . A. What decision?  17 . . . Q. (By Mr. Miller) Whether or not to include  18 · performance in the focal review.  19 · MS. CONNELL: Objection, vague.  20 . . . A. Within a line of business -- it could even  21 · be different within a line of business, but a  22 · performance piece is not required for the compensation.</p>	
<p><b>125:6-11</b></p> <p>6 . . . Q. So during the focal review, are the  7 · managers required to rank the employees they supervise  8 · in making proposals about increases?  9 · MS. CONNELL: Objection, calls for  10 · speculation, assumes facts.  11 . . . A. Required -- required, no.</p>	
<p><b>125:12-21</b></p> <p>12 Q. (By Mr. Miller) Is it common for them to  13 do so?  14 MS. CONNELL: Same objections.  15 A. I -- I don't have any idea. It's not  16 something that's required within our tool. But while  17 it's not required, they do have a limited budget, so  18 assuming they have people among whom they need to spread</p>	

<b>DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019</b>	
<b>Page/Line</b>	<b>Objection/Errata</b>
<p>19 this budget, they likely take into consideration  20 performance and how they would rank in terms of priority  21 for whom to spend that limited budget on.</p>	
<p><b>125:22-126:2</b></p> <p>22 . . . . Q. (By Mr. Miller) But they are not required  23 to consider performance, correct?  24 MS. CONNELL: Objection, asked and  25 answered.</p> <p><b>126</b></p> <p>1 . . . . A. They are not required to enter performance  2 into our program.</p>	
<p><b>126:3-13</b></p> <p>3 Q. (By Mr. Miller) Well, I guess the question  4 I actually asked is are they required to consider  5 performance?  6 MS. CONNELL: Objection, vague, calls for  7 speculation.  8 A. I wouldn't say required. It's part of  9 our -- it's part of our recommendations and our training  10 and our guidelines to say these are the things that you  11 might consider, but we don't have a tracking mechanism  12 for -- within our tool. We don't require that there be  13 a rating or a ranking entered.</p>	
<p><b>130:8-25</b></p> <p>8 . . . . Q. Let me show you another exhibit, ask the  9 court reporter to mark this Exhibit 15.  10 (Exhibit 15 marked for identification.)  11 MS. CONNELL: Mark this exhibit as  12 confidential as well.  13 . . . . Q. (By Mr. Miller) Do you recognize this  14 document?  15 . . . . A. I vaguely recall.  16 . . . . Q. So on the first page, it's labeled as May  17 2013. At that time, you would have worked for -- you  18 would have been a senior manager of compensation?  19 . . . . A. I think so.  20 . . . . Q. Did you have any role in developing this  21 training?  22 . . . . A. I think I did. I think this was -- again,  23 to give a little more precise guidelines to our U.S. HR</p>	

<b>DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019</b>	
<b>Page/Line</b>	<b>Objection/Errata</b>
24 · population based on all those other modules and kind of 25 · pulling things together into one resource kind of place.	
<b>133:6-135:5</b>  6 · · · · Q · (By Mr. Miller) Let's see, I'm going to 7 · show you another exhibit here. I guess it would be 16 8 · and 17. Well, I guess two, 16 and 17. 9 · (Exhibit 16 marked for identification.) 10 · · · · Q · (By Mr. Miller) Are you done reviewing it? 11 · · · · A · Yes. 12 · · · · Q · Do you recognize this document? 13 · · · · A · I don't. 14 · · · · Q · Have you seen documents like this before? 15 · · · · A · I don't know that I have. 16 · MS. CONNELL: For the record, I'll 17 · designate it as confidential, mark it as such. 18 · · · · Q · (By Mr. Miller) If you look at the very 19 · top of the first page, there's a little like -- I guess 20 · it's one sentence, partly italicized. It says, 21 · Consideration, apply online at iRecruitment dot Oracle 22 · dot com. Is iRecruitment the hiring portal? 23 · · · · A · We now use two. There are one of the 24 · acquisitions that -- one of the companies we acquired is 25 · called Taleo, I believe. Taleo is used for our job  <b>134</b> 1 · postings now. Our iRecruitment is used to submit 2 · offers. 3 · · · · Q · And then looking at the bottom of this 4 · first page, you can see there's another italicized 5 · section talking about the employment process requiring a 6 · pre-employment screening process that involves salary 7 · verification. Do you see that? 8 · MS. CONNELL: Where are you? 9 · MR. MILLER: It's at the bottom of the 10 · first page. Actually might be on the bottom of the 11 · second page, too. Yes. 12 · · · · A · I see that. 13 · · · · Q · (By Mr. Miller) So at least as of whenever 14 · this document was created, salary verification was part 15 · of the hiring process? 16 · MS. CONNELL: Objection, misstates the 17 · document, assumes facts, lacks foundation, calls for 18 · speculation.	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>19 · · · A. I don't have any idea. I know identity and 20 · employment verification, that's part of background 21 · checks, but managers aren't involved in background 22 · checks, and recruiters aren't involved in background 23 · checks. 24 · · · Q. (By Mr. Miller) Well, but salary 25 · verification is different, right, than employment</p> <p><b>135</b> 1 · verification, and you mentioned there was something 2 · else? 3 · · · A. The identity, employment, salary 4 · verification, that all comes through on a background 5 · check as well.</p>	
<p><b>135:6-137:17</b></p> <p>6 · · · Q. A background check, okay, all right. 7 · Let's see, we talked about this briefly in 8 · terms of compa-ratio, I think. But when you transfer 9 · within Oracle, within, say, job function, and it's a 10 · lateral transfer, so you're not changing those factors 11 · that go into job codes like assistant job title, 12 · function, global career level, does that require a 13 · change in pay? 14 · MS. CONNELL: Objection, lack of 15 · foundation, assumes facts, calls for speculation. 16 · · · A. Require? I wouldn't -- I wouldn't say 17 · require, no. 18 · · · Q. (By Mr. Miller) Might it come with a 19 · change in pay? 20 · MS. CONNELL: Calls for speculation. 21 · · · A. Repeat the -- 22 · · · Q. (By Mr. Miller) Sure. So if you change 23 · jobs at Oracle, you have a lateral transfer, but you're 24 · not changing global career level, job title, function or 25 · family, I guess. Does that require a change in pay?</p> <p><b>136</b> 1 · · · A. So just moving to a different group doing 2 · the same thing? 3 · · · Q. Yeah. 4 · MS. CONNELL: Objection, incomplete 5 · hypothetical, calls for speculation. 6 · · · A. Require, no. Possibly be considered?</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>7· ·Maybe.  8· ··· Q· (By Mr. Miller) So let's have a look then  9· ·at -- I forgot which exhibit it was. Let me see -- at  10· ·Exhibit 7. I want to draw your attention to slide 31.  11· ·It's at dash 57. Let me know when you've had a chance  12· ·to review it.  13· ··· A· Uh-hum, yep.  14· ··· Q· So this just confirms what you told me,  15· ·right, this is the same thing, it's just lateral  16· ·transfers don't necessarily require a change in pay?  17· ·MS. CONNELL: Objection. The document  18· ·speaks for itself.  19· ··· A· Yeah, it wouldn't necessarily include a  20· ·change in pay. It doesn't say -- I would say, yes, it  21· ·confirms when I said it's not required, but it's  22· ·possible a lateral move could be -- could involve a pay  23· ·change as well.  24· ··· Q· (By Mr. Miller) Would it involve a pay  25· ·change if that lateral move was from, say, cloud – one</p> <p><b>137</b>  1· ·of your cloud products to, say, PeopleSoft?  2 MS. CONNELL: Objection, incomplete  3· ·hypothetical and calls for speculation.  4· ··· A· I don't know. You know, in any of those  5· ·situations, it would be reviewed on case-by-case basis  6· ·and internal equity for peers.  7· ·One of the reasons we do this is because we  8· ·don't want to cause infighting and battling over  9· ·resources and who has more money to throw at this  10· ·developer, so people are always wanting to jump.  11 It doesn't make for a very collaborative  12· ·environment if you have people who think I could jump  13· ·over here and do the exact same thing and get a raise,  14· ·so we try -- we try to limit that kind of activity  15· ·because it can be very toxic if it's competition between  16· ·teams thinking they could get a raise to go do the same  17· ·thing somewhere else.</p>	
<p><b>140:14-23</b>  14 Q. (By Mr. Miller) Does Oracle have policies  15 that discourage employees from discussing pay?  16 MS. CONNELL: Objection, vague.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>17 A. To my knowledge, there are no policies 18 regarding pay except for the one about not asking about 19 prior salary. 20 Q. (By Mr. Miller) Are there any guidelines 21 or practices that discourage employees from discussing 22 pay with one another? 23 A. Not that I'm aware of.</p>	
<p><b>140:24-141:24</b></p> <p>24 · · · · Q. So throughout today, you know, we've talked 25 · about a variety of guidelines, and I asked you early on</p> <p><b>141</b></p> <p>1 · the difference between policy and guidelines, and I 2 · think you explained that to me. And we've commented at 3 · various points, but when we're talking about these 4 · guidelines that you've developed and that we have been 5 · looking at all day, are they -- how are they 6 · communicated to the employees? 7 · · · · A. So at this point, I think we actually only 8 · reviewed one set of guidelines, and it had to do with 9 · the equity guidelines, and that was because there were 10 · specific numbers and ranges around it, and that's why we 11 · called it guidelines. It was just to give them an idea 12 · of what that market might be. 13 · The other -- and those are not available to 14 · employees. And most of the other documentation, there's 15 · some things that I said from the exhibits that are 16 · posted on the intranet that are available, so they can 17 · see definitions of things, definitions of comp terms and 18 · how, say, our annual programs work. 19 · But, for the most part, the rest of those 20 · exhibits and the trainings that we've made available are 21 · -- the intended audience is HR and managers to assist 22 · them in their conversations with them, but the average 23 · employee, it's not something that they would have access 24 · to.</p>	
<p><b>141:25-143:12</b></p> <p>25 · · · · Q. I'd like to turn your attention back to</p> <p><b>142</b></p> <p>1 · Exhibit 2. I'm going to draw your attention to slide 2 · five, which is at dash 7. Have you had a chance to</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>3· review that?  4· . . . A· Yeah.  5· . . . Q· So these are the equity guidelines we were  6· just talking about or you just mentioned, correct?  7· . . . A· Yes.  8· . . . Q· So these guidelines say they're not to be  9· distributed to management and they're only intended for  10· compensation recruiting and HR leader use?  11· . . . A· Yes.  12· . . . Q· So this is even somewhat more restricted  13· than what you were just saying about the trainings that  14· are --  15· . . . A· Yes, yep.  16· . . . Q· So how much -- like I guess my question is  17· if these are restricted to these groups of people, how  18· much of this ever gets communicated further down the  19· road? Like beyond the compensation recruiting and HR  20· leaders, would they communicate any of this to  21· subordinate managers or to managers?  22 MS. CONNELL: Objection, incomplete  23· hypothetical, calls for speculation, assumes facts.  24· . . . A· I don't -- it will vary by the lines of  25· business. The -- these were released and rolled out</p> <p><b>143</b></p> <p>1· more on a needs-to-know basis in lines of business where  2· equity is more common to be offered than the HR leader  3· or recruiting may share, you know, to say, oh, you're  4· hiring in zone one and M5, this is what the range looks  5· like and the guidelines, but we didn't want this to be  6· blasted anywhere because, like I mentioned before, we  7· didn't want anyone to get the impression that an IC2 in  8· China should get this equity with an offer. We didn't  9· want that misunderstanding.  10· So it was meant to be intended for that  11· audience to be shared only really more as a need to know  12· when discussing an offer for the annual grant.</p>	
<p><b>143:13-144:20</b></p> <p>13· . . . Q· Okay. So the -- the documents we've looked  14· at today, the ICs, individual contributors, they would  15· have access to the documents you said were posted on the  16· intranet; is that right?  17· . . . A· Correct.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>18 · · · Q. Would they have access to any of these 19 · other documents? 20 · MS. CONNELL: Take your time. 21 · · · Q. (By Mr. Miller) Yeah, you can look back 22 · through them. I know we've got 16 outstanding. 23 · · · A. So Exhibit 4 and Exhibit 5 minus that last 24 · page, page 598, the one -- Exhibit 6, yes. I don't 25 · know. Exhibits 8 and 9 are the approval matrix. I have</p> <p><b>144</b></p> <p>1 · no idea who has access to those. Exhibit 10, Exhibit 12 2 · is that work flow, that job offer. The ICs don't have 3 · that. I don't know who has access to Exhibit 13. 4 · That's the one on the -- the policy about not asking for 5 · prior salary. I think that's probably for managers 6 · only, but I don't know. And then 14, 15 are managers 7 · only and 16, it looks like this is an open posting that 8 · could potentially be online, so anybody can see that. 9 · · · Q. So I'm just going to try to summarize. 10 · Sounds to me like ICs would have access to Exhibits 4, 5 11 · and 6 with the exception of the last page on five which 12 · is marked 598? 13 · · · A. 598 and 6, yep, 4, 5 and 6, minus that 14 · page. 15 · · · Q. And then you were uncertain about 8, 9, 13 16 · and 16? 17 · · · A. Uncertain about the matrices, and then 13 18 · is the don't ask about prior pay, and 16 is the job 19 · posting. So, I mean, job postings, any outsider can see 20 · those, so that's anyone.</p>	
<p><b>144:21-146:15</b></p> <p>21 Q. Okay. So what steps does Oracle take to 22 ensure that there's no racial, ethnic or gender 23 disparities in its annual pay programs? 24 MS. CONNELL: Objection, calls for 25 speculation, plus it lacks foundation.</p> <p><b>145</b></p> <p>1 A. The steps we take, from a -- from a 2 compensation perspective, I believe the trainings that 3 we've developed, the mandatory trainings that managers 4 are required to take, including non-discrimination in</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>5 employment practices and that training.  6 We -- we prepare and educate by HR and our  7 comp teams on how to advise and be legally compliant as  8 one of our trainers said -- or one of our trainings  9 said.  10 So from that standpoint, I think the  11 guidelines and the trainings that we set forth make that  12 clear that that's what Oracle is about in making fair  13 and equitable decisions and using knowledge, skills,  14 abilities, internal peer equity, pay for performance,  15 those kind of factors when making their pay decisions.  16 That's -- those are the ways that I've been involved in  17 trying to ensure such things.  18 Q. (By Mr. Miller) When you say training we  19 developed, are you talking about something other than  20 the kind of trainings we've been looking at today?  21 A. No, I'm talking about the various modules  22 that we've put together that say what you should  23 consider when making decisions.  24 Q. And when we -- when you mentioned manager  25 HR training, that's a thing that you mentioned a couple</p> <p><b>146</b>  1 of times that has to do with the training, the  2 anti-discrimination training you received or your  3 managers received?  4 A. Correct, correct.  5 Q. And then you say that there is training of  6 HR personnel, I guess, how to avoid pay discrimination.  7 Is that separate from the mandatory training?  8 A. I guess I don't -- I don't recall that I  9 said how to avoid it. It was -- it was about giving  10 them the information on the things they should consider  11 when making their decisions in order to be legally  12 compliant and use the factors that we are allowed to use  13 when making those decisions like knowledge, skills,  14 abilities, education, performance, internal peer equity,  15 those kind of things.</p>	
<p><b>146:16-148:14</b></p> <p>16 · · · Q · Have you had any specific training on  17 · Oracle's obligations under the executive order that  18 · applies to federal contractors?  19 · · · A · Personally, no.</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>20 ··· Q: Are you aware of Oracle's affirmative                  21 · action obligations?                  22 MS. CONNELL: Objection, vague.                  23 ··· A: I am aware they exist, but I'm not aware of                  24 · specifics.                  25 ··· Q: (By Mr. Miller) Do you know what Oracle's</p> <p><b>147</b></p> <p>1 · goals are related to assuring equal employment                  2 · opportunity compensation?                  3 ··· A: I don't.                  4 ··· Q: When reviewing pay decisions, as you say,                  5 · the final check in where you make sure everything is                  6 · within budget and then it's finalized, is there any                  7 · attempt to take into account Oracle's affirmative action                  8 · obligations?                  9 · MS. CONNELL: Objection, calls for                  10 · speculation, vague.                  11 ··· A: I don't know. I do not review the details                  12 · of the submissions.                  13 ··· Q: (By Mr. Miller) Does Oracle make pay                  14 · adjustments for individual employees based on assessment                  15 · of that employee's pay with respect to race, gender or                  16 · ethnicity?                  17 · MS. CONNELL: Objection, calls for                  18 · speculation, vague.                  19 ··· A: I don't know.                  20 ··· Q: (By Mr. Miller) Under what circumstances                  21 · does Oracle make individualized pay adjustments?                  22 MS. CONNELL: Objection, calls for                  23 · speculation, vague.                  24 ··· A: Competitive offer, they might submit a                  25 · resignation and say I have a competitive offer and we</p> <p><b>148</b></p> <p>1 · counter that offer for a promotion, for an increase of                  2 · duties that didn't necessarily mean a promotion, but                  3 · maybe somebody on a team left and someone else had to                  4 · pick up some slack, and the manager would recognize that                  5 · by giving an increase in pay.                  6 ··· Q: (By Mr. Miller) And I've heard this                  7 · competitive offer process referred to as dive and safe.                  8 · Is that what it's referred to sometimes?                  9 ··· A: Yes, yes.                  10 ··· Q: Does Oracle make individualized pay</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>11 · adjustments based on state regulatory actions?  12 MS. CONNELL: Objection, calls for  13 · speculation.  14 · · · · A. I have no idea.</p>	
<p><b>150:3-151:8</b></p> <p>3 · · · · Q. (By Mr. Miller) Ms. Waggoner, before we  4 · went on break, I was asking you for reasons for  5 · individualized pay adjustments, and I believe you told  6 · me they were competitive offers, the dive and safe,  7 · promotions or an increase of duties if they made the  8 · promotion; is that right?  9 · · · · A. Those would be a few of them, yeah.  10 · · · · Q. What are some others?  11 MS. CONNELL: Objection, calls for  12 · speculation.  13 · · · · A. I can't -- I mean, I can't really think of  14 · other specific scenarios.  15 · · · · Q. (By Mr. Miller) Are you aware of  16 · individualized pay adjustments being made because the  17 · employee had low internal or external equity? If you  18 · recall when we were looking at the PowerPoint slides,  19 · one of the two categories we were looking at, external  20 · equity is related to the market and internal equity is  21 · related to peers. So that's a very long question, so  22 · let's start over.  23 · Are you aware of any individualized pay  24 · adjustments made to attract low internal equity?  25 · MS. CONNELL: Objection, calls for</p> <p><b>151</b></p> <p>1 · speculation.  2 · · · · A. No, I am not. No, not personally.  3 · · · · Q. (By Mr. Miller) Have you been involved in  4 · reviewing the fairness of Oracle's pay systems with  5 · respect to race, gender or ethnicity?  6 · MS. CONNELL: Objection, vague.  7 · · · · A. I have not had anything to do with  8 · evaluating for those reasons, no.</p>	
<p><b>151:9-152:5</b></p> <p>9 Q. (By Mr. Miller) So when we talk about  10 these guidelines or the training, I think you have been</p>	

**DEPOSITION OF KATE WAGGONER – RULE 30(B)(6) MAY 1, 2019**

Page/Line	Objection/Errata
<p>11 pretty clear about this, but I just want to make sure I 12 understand. These are recommendations that you are 13 making to managers, they are not requirements; is that 14 right? 15 MS. CONNELL: Objection, vague. 16 A. So the guidelines -- I think the only 17 guidelines really that we've put forth in our exhibits 18 were those global equity guidelines, and those were -- I 19 believe one of slides even stated they are guidelines, 20 not rules. This just tells you where the general market 21 might fall for this kind of job and this career level 22 and this location. 23 The others are we consider more like comp 24 101, general comp best practices for how to use a range, 25 for how to make pay decisions or how to evaluate an</p>	
<p><b>152</b> 1 internal transfer or a promotion, but I would say 2 general -- general practices for how to make the right 3 decisions of the management. 4 Q. (By Mr. Miller) But not requirements? 5 A. Not requirements.</p>	

## Document Slip Sheet

**Filename:** Tamerlane Baxter - 7.3.19 Depo Designations and Counter Designations.pdf

**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  
DEPOSITION OF TAMERLANE  
BAXTER - RULE 30(B)(6) JULY 3,  
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 17, 2019

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

---

ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
405 Howard Street  
San Francisco, CA 94105-2669  
Telephone: (415) 773-5700  
Facsimile: (415) 773-5759  
Email: grsiniscalco@orrick.com  
econnell@orrick.com  
wparker@orrick.com

Attorneys for Defendant  
ORACLE AMERICA, INC.

DEPOSITION DESIGNATIONS RE THE DEPOSITION OF DEPOSITION OF TAMERLANE BAXTER  
RULE 30(B)(6) JULY 3, 2019

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

**12:25-13:24**

25 MS. BREMER: So I'd like to mark as

**13**

1 Exhibit No. 93 OFCCP's Amended Notice of Deposition

2 and Demand for the Designation of Rule 30(b)(6)

3 Deponent Regarding Topics 31 and 32.

4 (Whereupon, Exhibit 93 was marked for  
5 identification.)

6 (Discussion off the record.)

7 BY MS. BREMER:

8 Q. Go ahead and take a look at --

9 A. Oh, sure.

10 Q. -- at the exhibit.

11 Have you seen this document before?

12 A. This exact document?

13 Q. Have you seen a copy of this document  
14 before?

15 A. I don't believe so. I've seen something  
16 with these -- the 31 and 32 listed, though. I think  
17 it was a slightly different document than this.

18 Q. Okay. So it lists two topics for  
19 deposition, No. 31 and 32. Do you see that?

20 A. I do.

21 Q. Is it your understanding that you are going  
22 to testify on behalf of Oracle regarding these two  
23 topics of deposition?

24 A. It is.

**20:5-24:23**

5 · · · · Q. So if I'm understanding you, you've been a  
6 · senior director of HR since 2012, but your role with  
7 · respect to workplace investigations has been just  
8 · since late 2014?

9 · · · · A. That's correct.

10 · · · · Q. And who handled workplace investigations at  
11 · Oracle between January 1st, 2013 until the time that  
12 · you started in that role?

13 · · · · A. Workplace investigations were handled by HR  
14 · business partners, as they are today. We've just  
15 · added some dedicated resources.

16 · · · · Q. So your position is a new position?

17 · · · · A. It was a new position when I took it four

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

18· years ago. Parts of it. Let me just clarify --  
19· sorry, I didn't mean to interrupt you.  
20· . . . Q. Go ahead.  
21· MR. PARKER: No, you should go on and  
22· clarify.  
23· THE WITNESS: Okay. So part of my job was  
24· a new role, right? The part that pertains to  
25 managing our dedicated resources around employee and

**21**

1· workplace investigations.  
2· The role of, like, HR manager for HR,  
3· that's always, as long as I've worked at Oracle,  
4· been in existence. Someone else just had that role,  
5· for instance.  
6· BY MS. BREMER:  
7· . . . Q. So the part -- the dedicated resources  
8· regarding the -- or having one person in charge of  
9· the workforce investigations, was that the part that  
10· was new with you in 2014?  
11· MR. PARKER: Misstates the testimony.  
12· THE WITNESS: Let me try to be more clear.  
13· So I was running our M&A HR function. I  
14· was asked to move into a different role. One part  
15· of that job was to hire -- you know, hire and manage  
16· some HR professionals that would be dedicated full  
17· time to workplace investigations.  
18· That's the part that that particular role  
19· did not exist previously, that part of my role;  
20· however, workplace investigations have been  
21· conducted by HR professionals for as long as I've  
22· worked at Oracle, and they still are today.  
23· BY MS. BREMER:  
24· . . . Q. Okay. I'd like to parse these two roles.  
25· So -- and when in 2014 did you start

**22**

1· working as an HR professional overseeing -- or  
2· working with the HR professionals that were  
3· dedicated full time to the HR investigations?  
4· . . . A. I started working on the -- that function,  
5· if you will, that area of work in, I want to say,  
6· September, it was probably the fall of 2014, and we  
7· hired -- we actually hired people March 1st of 2015,

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

8· the first hires that I made.

9· . . . Q. And for the workplace investigations that  
10· were done by HR professionals and have always been  
11· done at Oracle, what's the title of the people who  
12· conducted those -- those investigations?

13· MR. PARKER: Compound and vague as to time.

14· THE WITNESS: Are you asking -- so HR  
15· business partners, to be specific, sometimes also  
16· referred to as HR consultants at Oracle, and I  
17· specifically conduct investigations, have conducted  
18· investigations and still do.

19· BY MS. BREMER:

20· . . . Q. Okay. So investigations can either be  
21· conducted by the HR business partners and, since  
22· September of 2014, could also be conducted by your  
23· team?

24· MR. PARKER: Misstates the testimony.

25· THE WITNESS: It is -- it is true that

**23**

1· we -- since we hired -- I'll say since we created  
2· the team, my team, some are new hires to Oracle;  
3· some were internal transfers from the HR business  
4· partner community. Both groups do conduct -- have  
5· and do conduct investigations.

6· BY MS. BREMER:

7· . . . Q. Prior to September 2014, how many HR  
8· business partners did Oracle have who conducted  
9· investigations of complaints?

10· . . . A. I don't know.

11· . . . Q. Do you know approximately how many?

12· . . . A. Are you asking me specifically to a time  
13· frame or location?

14· . . . Q. I'm -- okay. Who would investigate  
15· complaints at Oracle's headquarters between January  
16· 1st, 2013 and September 2014?

17· . . . A. I don't know the exact number. I would  
18· be -- it would be hard for me to estimate that.

19· . . . Q. Okay. And when you began hiring -- or when  
20· Oracle began hiring HR professionals who were  
21· dedicated full time to HR -- to human resources  
22· investigations, how many people did it hire?

23· MR. PARKER: Vague as to time.

24· THE WITNESS: At what time?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

25

24

1· BY MS. BREMER:

2· . . . Q. I said when you began hiring.

3· . . . A. When I began hiring?

4· MR. PARKER: Vague as to time.

5· BY MS. BREMER:

6· . . . Q. When Oracle -- okay.

7· In September 2014, how many HR

8· professionals were dedicated full time to HR

9· investigations?

10· . . . A. None.

11· . . . Q. Okay. And then Oracle began hiring people,

12· right, for that role?

13· . . . A. Oracle -- I, as the manager of that group,

14· began to look at what resources would be required to

15· build the team --

16· . . . Q. Okay. And --

17· . . . A. -- in that -- at that time.

18· . . . Q. Okay. And you began hiring people in March

19· of 2015?

20· . . . A. Specifically, the first hires, there were

21· two external hires and two brand-new hires to Oracle

22· who started working for me in this capacity March

23· 1st of 2015.

**30:2-34:2**

2 Q. Do you or anyone on your team interface  
3 with Oracle's legal department regarding complaints?

4 MR. PARKER: So this is outside the scope  
5 of the 30(b)(6) topics. It's compound, and it's  
6 vague as to time.

7 MS. BREMER: I don't think it's outside the  
8 scope.

9 MR. PARKER: It definitely is. The scope  
10 is discrimination and in pay discrimination, and  
11 your question is not limited to that. It's using  
12 the term "complaints."

13 BY MS. BREMER:

14 Q. Okay. Does anyone on your team or you  
15 interface with Oracle's legal department regarding  
16 complaints of discrimination between 2013 and the  
17 present?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

18 A. Are you asking me specifically about the  
19 investigations part of my team?

20 Q. Yes.

21 A. Yes.

22 Q. Okay. Who, in legal, do you interface with  
23 with respect to discrimination complaints?

24 MR. PARKER: Vague as to time. And "you"  
25 is plural or singular in that sentence? Because the

**31**

1 prior one was -- used "you or your team."

2 BY MS. BREMER:

3 Q. Okay. When you said "yes," were you  
4 talking about you or your team interfacing with the  
5 legal department with respect to the discrimination  
6 complaints?

7 A. Both.

8 Q. Okay. So who, in legal, do you and your  
9 team interface with?

10 MR. PARKER: Vague as to time.

11 BY MS. BREMER:

12 Q. Between -- I'm talking about the same time  
13 frame, 2013 through the present.

14 A. Repeat your question. So who --

15 Q. Is there a specific -- if you or your team  
16 are dealing with a complaint of discrimination, is  
17 there a particular person in the legal department  
18 who you're communicating with or more than one  
19 person?

20 A. Are you asking me about a specific -- as it  
21 pertains to a specific location?

22 Q. Headquarters.

23 A. Okay. So it could be a variety of people.

24 Yes. It could be more than one person. Yes.

25 Q. Okay. Who are the people that you -- in

**32**

1 the legal department that you would discuss  
2 complaints of discrimination with if it pertains to  
3 headquarters?

4 A. It would depend on the nature of a  
5 particular -- I can't answer in the abstract who we  
6 might speak to. It would depend on the nature of  
7 the allegations or claim.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

8 Q. Okay. If it's a complaint -- is there a  
9 particular person in the legal department who you  
10 would communicate with regarding a complaint of  
11 compensation discrimination at headquarters?  
12 A. No.  
13 Q. And what about gender discrimination?  
14 A. No.  
15 Q. Race discrimination?  
16 A. No.  
17 Q. Okay. So it's not one person, but who are  
18 the -- who are the people that you would communicate  
19 with regarding those types of claims, the three that  
20 I just mentioned?  
21 A. I cannot answer, again, in the abstract  
22 about what we might do in a given case about those  
23 topics. It would depend on the nature of the claim  
24 or allegation.  
25 MR. PARKER: I think she just wants the

33

1 names of the people who fall into that category.  
2 MS. BREMER: Right.  
3 MR. PARKER: Not who you would go to  
4 specifically.  
5 THE WITNESS: Okay.  
6 MR. PARKER: I think it's more of a general  
7 question, like --  
8 THE WITNESS: Okay.  
9 MR. PARKER: -- who could possibly be the  
10 person you walk in and say, "Listen, we have a  
11 complaint," or something like that. Is that  
12 accurate?  
13 MS. BREMER: Yes.  
14 THE WITNESS: Okay. As it pertains to  
15 workplace investigations or complaints by employees;  
16 is that correct?  
17 MR. PARKER: Yes. That's her question.  
18 MS. BREMER: Yes.  
19 THE WITNESS: It could be -- we could talk  
20 with Emily Sullivan, we could speak with Jenny  
21 Cotner -- oh, forgive me, would you like me to spell  
22 the names? Emily, E-M-I-L-Y, Sullivan,  
23 S-U-L-L-I-V-A-N; Jenny, J-E-N-N-Y, Cotner,  
24 C-O-T-N-E-R; Matt, M-A-T-T, Feiner, F-E-I-N-E-R;

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

25 Sarah Wilson, Sarah with an H, and Wilson,

34

1 W-I-L-S-O-N; or Juana, J-U-A-N-A, Schurman,  
2 S-C-H-U-R-M-A-N.

**36:10-37-14**

10 Q. Yes.

11 How does Oracle inform employees at its  
12 headquarters about how to make a complaint?

13 A. All employees at headquarters are provided  
14 that information when they are hired and then during  
15 our annual training.

16 Q. And what is the annual training that you  
17 are referring to?

18 A. Global compliance training that we run  
19 annually.

20 Q. And is that a required training?

21 A. Yes.

22 Q. And who is required to attend the global  
23 compliance training annually?

24 A. Everyone.

25 Q. All the way to the very top executives?

37

1 A. That's correct.

2 Q. And what are the topics covered by the  
3 global compliance training?

4 A. Are you asking specific to a time frame?

5 Q. 2013 through the present, has it changed?

6 A. It can -- yes, it has changed. We -- so  
7 let me back up.

8 New employees, as well as acquired  
9 employees, take the training on all of the topics  
10 and so they're trained on how to file a complaint.

11 And then when we -- we train on a variety  
12 of those topics annually. It always includes

13 information about how to file a complaint in

14 multiple spots within the different training topics.

**39:3-11**

3 Q. Is Oracle's Integrity Helpline one method

4 that employees can use to make complaints regarding

5 discrimination?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

6 A. Yes.

7 Q. And if employees had concerns that their  
8 compensation -- concerns about compensation  
9 discrimination, they could call the Oracle's  
10 Integrity Helpline?

11 A. Yes, they could.

**40:24-41:7**

24 Q. Has Oracle given information to employees  
25 specifically providing them information of where to

**41**

1 make a complaint regarding discrimination?

2 A. Yes.

3 Q. Okay. And where would that be?

4 A. Employees at headquarters are trained when  
5 they're hired, as well as in our annual training, on  
6 the topic and where to file a complaint -- how and  
7 where they can file complaints.

**41:13-42:9**

13· MS. BREMER: I'm going to mark as  
14· Exhibit 95 a document entitled "Oracle Integrity  
15· Helpline," and it's Bates numbered  
16· ORACLE\_HQCA\_381138 through 41.  
17· (Whereupon, Exhibit 95 was marked for  
18· identification.)

19· BY MS. BREMER:

20· . . . Q. Have you seen this document before?

21· . . . A. Yes.

22· . . . Q. And what is it?

23· . . . A. It is a description of Oracle's Integrity  
24· Helpline.

25· . . . Q. And is this from Oracle's website?

**42**

1· . . . A. We do have a document like this on our  
2· website, yes.

3· . . . Q. What is EthicsPoint?

4· . . . A. EthicsPoint is a product that's from a  
5· company called NAVEX Global, so a third party to  
6· Oracle.

7· . . . Q. And how does Oracle -- does Oracle contract  
8· with EthicsPoint or NAVEX Global?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

9· · · · A. Yes.

**43:17-44:1**

17 Q. Okay. So if there's -- okay. Let me limit  
18 it again to discrimination complaints.  
19 What are the sources of your team's  
20 receiving information that there's been a complaint  
21 about discrimination at Oracle's headquarters?  
22 MR. PARKER: Vague and ambiguous.  
23 THE WITNESS: Can you repeat the question?  
24 MR. PARKER: I think she's asking, how do  
25 you get complaints? How do complaints come to your

**44**

1 attention, your team's attention?

**44:2-25**

2· THE WITNESS: How do complaints come to my  
3· team's attention?  
4· MR. PARKER: Correct. That's what she's  
5· asking.  
6· THE WITNESS: Is that the question you're  
7· asking?  
8· BY MS. BREMER:  
9· · · · Q. Yes.  
10· · · · A. Okay. If you're asking me how do  
11· complaints of discrimination come to my team's  
12· attention, we get them in a variety of ways.  
13· MR. PARKER: Now she wants you to list  
14· them.  
15· THE WITNESS: The ways include referral  
16· from complaints received by the Integrity Helpline;  
17· they could come to us from employees directly;  
18· managers; HR business partners; the legal  
19· department. Externally, we might get external  
20· notification of a complaint, third party.  
21· MR. PARKER: Ms. Bremer, when you get to a  
22 good breaking point, I'd appreciate taking a break.  
23 MS. BREMER: Okay. Why don't we go ahead  
24 and take a break.  
25 MR. PARKER: Okay. Great.

**45:8-21**

8 MR. PARKER: I think that Ms. Baxter --

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

9 there was a question she said she did not  
10 understand, and I think there's been clarity  
11 provided. She can answer. Respond.  
12 THE WITNESS: Specifically you were asking  
13 me about how do employees know that they could use  
14 the Integrity Helpline to file a complaint of  
15 discrimination. We do cover ways to make a  
16 complaint when we train on discrimination, including  
17 the Integrity Helpline.  
18 BY MS. BREMER:  
19 Q. And when do you train on discrimination?  
20 A. In our new employee training and then in  
21 our annual training program.

**46:1-7**

1 A. I wouldn't be able to recite what the  
2 training says specifically.  
3 Q. But just generally.  
4 A. The training covers our policies on  
5 discrimination, and it also includes how you file a  
6 complaint, and that would include complaints of  
7 discrimination.

**52:11-23**

11 Q. Okay. Off the top of your head, I guess,  
12 sitting here as the person who's in charge of the  
13 team that investigates complaints, can you think of  
14 any other method of employees making a complaint of  
15 discrimination that would go to your team?  
16 A. Let's see. I guess the only other way,  
17 there have been instances where -- that I can think  
18 someone sent a letter, you know, directly to  
19 somebody at Oracle -- could be anybody; sometimes  
20 it's a random person -- about a complaint of  
21 something, not necessarily discrimination. I can't  
22 recall that. But that's the only other thing I can  
23 think of is people could do that.

**54:5-55:9**

5 Q. How is a complaint from the Oracle  
6 Integrity Helpline communicated to your group who  
7 investigates complaints?  
8 A. If a report of discrimination comes to the  
9 Integrity Helpline, we would get a written document

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

10 email summarizing what the reporter provided.

11 Q. And do you get an actual transcript or  
12 recording of the complaint?

13 A. No.

14 Q. Any other information that you would  
15 receive with the email summary?

16 A. We get the email that states whatever the  
17 person, you know, provided, whatever information  
18 they provided, and it creates, you know, it creates  
19 a case number for that case.

20 Q. And how is -- so is that complaint  
21 transmitted to your group by email, you said?

22 A. It's transmitted to -- the complaints are  
23 transmitted to my group, yes, sometimes via email.

24 But also, if it comes into the Integrity Helpline,  
25 it may get transferred in the EthicsPoint system to

**55**

1 the, you know, HR. If it's HR-related, it's  
2 transferred. The case gets moved over to our team.

3 Q. So does that -- you said it's transferred  
4 in the EthicsPoint system. Does that mean that you  
5 have some sort of -- that your team has access to  
6 the EthicsPoint system?

7 A. Not to the system in its entirety, but we  
8 do have an HR tier within the NAVEX -- within the  
9 EthicsPoint case management system.

**56:11-59:18**

11 Q. When a call goes into Oracle's Integrity  
12 Helpline, somebody at EthicsPoint takes some  
13 information from the caller, right?

14 A. That is my understanding, yes.

15 Q. And do they then summarize that and put it  
16 directly into this NAVEX or the EthicsPoint system  
17 that you can -- that your team accesses?

18 MR. PARKER: Vague and ambiguous.

19 THE WITNESS: I don't know --

20 MS. BREMER: Okay.

21 THE WITNESS: -- what exactly they do.

22 BY MS. BREMER:

23 Q. Well, what -- when you say you or your team

24 is accessing this EthicsPoint system, what

25 information is available to your team on that? You

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

**57**

1 indicated that it started up -- there's a case file,

2 for example; is that on there?

3 A. I didn't --

4 MR. PARKER: Misstates the testimony.

5 THE WITNESS: I didn't say that.

6 BY MS. BREMER:

7 Q. Okay. Well, can you explain what

8 information is on that system?

9 MR. PARKER: Compound.

10 THE WITNESS: It will depend on the

11 specific case, what information might get input into

12 the system. But whatever information EthicsPoint

13 puts in there, and then anything else that the

14 investigator working on that case might include.

15 BY MS. BREMER:

16 Q. Okay. So how is it -- how is it organized?

17 Is there -- I'm just trying to understand what the

18 system is and what -- obviously, each case will be

19 different in terms of the specifics about, you know,

20 the complaint, et cetera, but what types of

21 information or what categories of information are

22 available on it?

23 A. It's a case management system. So we take

24 in the information that the reporter provides, and

25 we add information along the way in terms of other

**58**

1 parties involved, category of complaint. It

2 would -- I wouldn't be able to recite for you

3 verbatim what's in there.

4 Q. So it sounds like there's -- there's

5 specific information about the complaint that came

6 in, like a summary of the complaint? Is that

7 correct?

8 A. No. Not necessarily. I wouldn't be able

9 to say that there's always a summary or not a

10 summary.

11 Q. Okay. If a complaint goes into

12 EthicsPoint, do they -- they don't always put a

13 summary into this case management system?

14 A. Who is "they"?

15 Q. EthicsPoint.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

16 A. I don't know what they always do or don't  
17 do.

18 Q. Okay. How -- so if a complaint of  
19 discrimination comes in through EthicsPoint, the  
20 information -- one of the ways it's conveyed to you,  
21 you indicated, was the information is placed on the  
22 case management system, correct?

23 A. That's not exactly what I said.

24 Q. Okay. Can you clarify then?

25 A. What I said was, if someone files a

**59**

1 complaint, any type of complaint, through the  
2 Integrity Helpline, and if it's HR-related, then we  
3 would have access to whatever information  
4 EthicsPoint collected.

5 The -- what do they call them? The call  
6 center intake specialist captures the inquiry or  
7 report asking to provide detailed information.  
8 Whatever they collect, we can see in the  
9 system.

10 Q. Okay. And that's in this case management  
11 system that you --

12 A. That's in the case management system called  
13 EthicsPoint.

14 Q. And then there's a place in the EthicsPoint  
15 system for the investigators to add information that  
16 they obtain during the investigation?

17 A. The investigators, yes, can add additional  
18 information into the case management system.

**60:5-13**

5 Q. Since 2015, has the EthicsPoint system been  
6 used for all investigations of discrimination that  
7 your team of investigators does concerning employees  
8 at Oracle's headquarters?

9 MR. PARKER: Vague and ambiguous.

10 THE WITNESS: Specifically, if my team is  
11 investigating an employee complaint, we use the  
12 NAVEX system, case management system, to track those  
13 complaints.

**64:3-17**

3 Q. So what -- is there certain information

**DEPOSITION OF TAMERLANE BAXTER -- RULE 30(B)(6) JULY 3, 2019**

Page/Line

4 about investigations that's required to be put into  
5 that system?

6 A. No.

7 MR. PARKER: She's asking about  
8 discrimination.

9 THE WITNESS: Specifically about  
10 discrimination?

11 MR. PARKER: Yeah.

12 THE WITNESS: If I understand your question  
13 correctly, you're asking are there -- is there  
14 information that we require to be put in the case  
15 management system for -- no. I cannot make that  
16 statement about, that there's something that's  
17 required.

**67:25-68:4**

25 Q. Are you aware that a report -- is that true

**68**

1 that a report submitted through Oracle's Integrity  
2 Helpline is first reviewed by someone in Oracle's  
3 legal department?

4 A. That is my understanding.

**72:19-74:5**

19 . . . . Q. Since 2015, who else has investigated cases  
20 . of discrimination involving Oracle's headquarters?

21 . . . . A. As far as I know, HR business partners.

22 . . . . Q. And can you describe the role of an HR  
23 . business partner?

24 . MR. PARKER: Vague and ambiguous. Vague as  
25 . to time. Outside the scope.

**73**

1 . THE WITNESS: Oh, sorry. I keep scooting  
2 . that way because I think I want to be more in front  
3 . of you.

4 . I'm sorry, could you repeat the question?

5 . BY MS. BREMER:

6 . . . . Q. Could you describe the role of an HR  
7 . business partner?

8 . MR. PARKER: Same objections.

9 . THE WITNESS: Today?

10 . BY MS. BREMER:

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

11· · · · Q. Since 2015 with respect to headquarters.

12· MR. PARKER: Same objections.

13· BY MS. BREMER:

14· · · · Q. Just generally, what their role is.

15· · · · A. Are you specifically -- HR business

16· partners, so we're saying very high level, in

17· general, they're just that, an HR business partner.

18· They're providing support, HR-related support to

19· employees in management, leadership, everything from

20· operational HR to strategic HR.

21· · · · Q. So if a manager in product development had

22· an issue, an HR issue, they would go to their

23· assigned HR business partner?

24· · · · A. They certainly could, yes.

25· · · · Q. And are HR business partners -- they're

**74**

1· assigned to specific groups, like product

2· development?

3· · · · A. Generally, yes. HR business partners are

4· assigned to a group or groups. There may be a

5· variety of functions or one function.

**74:10-19**

10· · · · Q. Okay. So they would -- if an HR business

11· partner received a complaint of discrimination, they

12· could handle that themselves?

13· · · · A. If an HR business partner received a

14· complaint of discrimination, could they handle it

15· themselves?

16· · · · Q. Yes.

17· · · · A. Is that what you asked?

18· · · · Q. Yes.

19· · · · A. They could, yes.

**75:2-25**

2· · · · Q. Are -- is -- if an HR business partner

3· conducts an investigation of discrimination, does --

4· do you -- does your group receive notice of that?

5· · · · A. Not necessarily.

6· · · · Q. You don't necessarily receive information

7· about that investigation or complaint at all?

8· · · · A. Not necessarily, no.

9· · · · Q. And is that just up to the discretion of

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

10· the HR business partners?  
11· . . . A. Is what up to their discretion?  
12· . . . Q. Whether they notify your group.  
13· . . . A. I don't -- we don't have any such practice  
14· that they need to notify my group, so there isn't a  
15· matter of discretion there.  
16· . . . Q. Okay. So there's no requirement that if an  
17· HR business partner receives a complaint of  
18· discrimination, that they should notify your group  
19· who's conducting HR investigations?  
20· . . . A. No. They have no requirement to notify my  
21· team.  
22· . . . Q. So your team is not necessarily aware of  
23· all discrimination complaints that are made by  
24· Oracle employees at Oracle's headquarters?  
25· . . . A. Correct.

**76:1-12**

1· . . . Q. Okay. With respect to managers, if  
2· managers receive a complaint of discrimination, they  
3· can either talk to their HR business partner or come  
4· to your group who handles investigations?  
5· . . . A. Managers can avail themselves of all of the  
6· methods of reporting concerns. They can report it  
7· to their HR business partner. They could -- they  
8· can do a lot of different things, but it's -- they  
9· could come to my team, I guess.  
10· . . . Q. Okay. So might come to your team, but not  
11· necessarily?  
12· . . . A. Not necessarily. No.

**86:4-88:23**

4 Q. And what about -- I'm just trying to find  
5 out all the sources -- all the ways you could get  
6 information about a complaint that your team would  
7 investigate. And I'm wondering if you receive  
8 information about exit interviews that then your  
9 team investigates.  
10 A. I don't know about exit interviews, per se,  
11 but we have received complaints from employees as  
12 they depart the company, yes. Specifically whether,  
13 though, any of those were at HQ, I do not know.  
14 Q. And if an employee makes a complaint as  
15 they depart, do you receive that from managers or HR

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

16 representatives or some other source?

17 A. It could come from any -- it could come

18 from a variety of sources. I don't know

19 specifically.

20 Q. What sources did it come from?

21 A. I don't know specifically.

22 Q. Okay. So if an HR representative receives

23 a complaint that they ask your team to investigate

24 as opposed to doing it themselves, do they load

25 information about it onto the case management system

**87**

1 or notify you by some other means?

2 A. We can be notified in a variety of ways.

3 Q. Okay. Do the HR representatives also have

4 access to the -- to the case management system, the

5 NAVEX case management system?

6 A. No, they do not.

7 Q. Okay.

8 A. Again, if you're asking me specifically as

9 it pertains to U.S. headquarters.

10 Q. Yes.

11 A. No.

12 Q. Okay. So they would notify you by a means

13 other than through the NAVEX system?

14 A. Yes. We do -- we have a mechan- -- we have

15 several ways that they can obviously tell us,

16 however they choose to: Call us, email us. But we

17 also have a reporting incident form that they can

18 fill out. Incident report form, I think it's

19 called.

20 Q. And is that a form that's on Oracle's

21 system or...?

22 A. It's a form, a Web form, that NAVEX created

23 for us so that HR business partners could submit

24 cases, and then it would notify us so they don't

25 have to use email or call.

**88**

1 It's another way that they can send us the

2 information about a case that they would like us to

3 handle.

4 Q. And where are those kept, the incident

5 report forms?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

6 A. Gosh, I don't know.

7 Q. Are those on Oracle's system?

8 A. I don't believe so. No.

9 Q. Is that part of the -- the EthicsPoint  
10 system?

11 A. Uh-huh, yes, it is.

12 Q. Okay. So when a complaint comes in that's  
13 been forwarded to your group, does that go -- do all  
14 of them go through you first?

15 A. No.

16 Q. Okay. How does -- how are investigations  
17 of discrimination complaints assigned to the  
18 investigators within your group?

19 A. Generally we make assignments based on  
20 workload.

21 Q. And who does that?

22 A. Sometimes I do; sometimes others on the  
23 team do it.

**88:24-90:8**

24 . . . . Q. And who decides what investigation to  
25 . . . conduct regarding a complaint of discrimination?

**89**

1 . . . . A. I'm sorry. I don't understand your  
2 . . . question.

3 . . . . Q. So a complaint has been made. It's been --  
4 . . . it's at your team to investigate.

5 . . . . A. Uh-huh.

6 . . . . Q. What's the next step in the process?

7 . . . . A. Oh, I see what you're saying.

8 . . . So if there's a -- if there's a complaint  
9 . . . to be investigated by my team or by an HR business  
10 . . . partner, including discrimination, those are all  
11 . . . done at the direction of counsel.  
12 . . . So after we receive a complaint, we would  
13 . . . do an intake -- assuming it hadn't already been done  
14 . . . because the person didn't just call and tell you, so  
15 . . . there's an intake interview done with the  
16 . . . complainant or the reporter. Sometimes that's done  
17 . . . after legal has been made aware of this concern,  
18 . . . sometimes it's done before. It's done for the  
19 . . . purposes of getting legal advice to then conduct the  
20 . . . investigation.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

21· · · · Q. Okay. Is the intake interview done with  
22· legal -- with somebody from the legal department  
23· present?  
24· · · · A. No.  
25· · · · Q. And the intake interview with the

**90**

1· complainant is done sometimes before legal has been  
2· informed about the complaint?  
3· · · · A. Yes.  
4· · · · Q. And then once -- and one of the five  
5· investigators on your team or you may conduct the  
6· intake interview?  
7· · · · A. Could -- that is correct. But it could  
8· also be an HR business partner.

**91:4-19**

4 Q. So the process is that you conduct an  
5 intake interview, you or your team, and then talk to  
6 one of the attorneys that you mentioned previously  
7 about the complaint?  
8 MR. PARKER: Misstates the testimony.  
9 THE WITNESS: That's not exactly what I  
10 said.  
11 BY MS. BREMER:  
12 Q. Okay. Can you clarify, please?  
13 A. When a complaint is received, there is an  
14 intake interview done. That could occur after legal  
15 has been engaged or notified of the concern or  
16 before, depends on the individual case. But in all  
17 cases, all investigations that we conduct are based  
18 on the advice that we get from our employment legal  
19 team.

**92:25-93:6**

25 Q. Okay. If you're investigating a

**93**

1 discrimination complaint regarding somebody at  
2 headquarters, do you have a general practice as to  
3 how those investigations are conducted?  
4 MR. PARKER: Vague and ambiguous.  
5 Compound.  
6 THE WITNESS: We do not.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

95:7-97:9

7· . . . Q. In conducting a complaint of compensation  
8· discrimination, you talk to the complainant. Who  
9· else would you talk to to investigate a claim of  
10· compensation discrimination?

11· . . . A. That depends on the -- I'm sorry -- depends  
12· on the specific case. That would be done at the  
13· direction and advice of counsel.

14· . . . Q. Would you talk to the manager who set --  
15· who was involved in setting the pay of the  
16· individual claiming compensation discrimination?

17· MR. PARKER: Calls for attorney-client  
18· privilege.

19· BY MS. BREMER:

20· . . . Q. Go ahead. Are you refusing --

21· MR. PARKER: I am instructing not to  
22· answer.

23· You can answer that in the general sense.

24· THE WITNESS: Again, who we may speak to in  
25· any given investigation would be based on that case

96

1· and would be done at the advice and direction of  
2· counsel.

3· BY MS. BREMER:

4· . . . Q. Okay. I'm going to ask my question again.  
5· If you're not going to answer based on your -- the  
6· instruction of your counsel, you can tell me.

7· . . . A. Uh-huh.

8· . . . Q. But I'd like an answer.

9· Would you talk to the manager who was  
10· involved in setting the pay of an individual  
11· claiming compensation discrimination?

12· MR. PARKER: Just for the record, she's  
13· answered the question. If it gets more specific,  
14· she cannot answer the question. But she has  
15· answered the question.

16· THE WITNESS: Depends on the case.

17· BY MS. BREMER:

18· . . . Q. In a case involving an allegation of  
19· compensation discrimination, can you think of a case  
20· where your investigators have not talked to the

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

21· manager who's involved in setting an employee's pay?  
22· MR. PARKER: You can answer that yes or no  
23· if you know.  
24· THE WITNESS: Ask me the question again.  
25

**97**

1· BY MS. BREMER:  
2· . . . Q. In a case involving an allegation of  
3· compensation discrimination, can you think of a case  
4· where your investigators have not talked to the  
5· manager who's involved in setting an employee's pay?  
6· . . . A. I don't know.  
7· . . . Q. You don't know if you can think of one?  
8· . . . A. I can't think of one. Sorry. That is a  
9· better answer. I cannot think of one, no.

**101:23-117:7**

23· . . . Q. So we were talking about steps that might  
24· be taken during the investigation. When -- when an  
25· intake interview is taken, is that -- is information

**102**

1· about that intake interview posted to the NAVEX case  
2· management system?  
3· . . . A. I don't know.  
4· . . . Q. When your team does -- conducts an  
5· interview, an intake interview, is it posted to the  
6· NAVEX case management system?  
7· . . . A. I don't know.  
8· . . . Q. When you conduct an intake interview, do  
9· you post it to the NAVEX case management --  
10· . . . A. I do not.  
11· . . . Q. And what do you do with yours again?  
12· MR. PARKER: Asked and answered.  
13· THE WITNESS: As I said before, all the  
14· notes that I take during interviews of any type, I  
15· keep either on my laptop or in our Beehive folder.  
16· BY MS. BREMER:  
17· . . . Q. Okay. And if -- and that could be  
18· interviews that you take of the complainant or  
19· anybody else would be kept in the Beehive folder?  
20· . . . A. I can only speak for myself --  
21· . . . Q. Yes.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

22· . . . A. -- emphatically, that I keep all of my  
23· interview notes there, yes.  
24· . . . Q. Do you know if your other team members keep  
25· their interview notes on the Beehive?

**103**

1· . . . A. I can tell you there are other files there  
2· other than mine, yes.  
3· . . . Q. And do some of your investigators keep  
4· information about interviews they've taken on the  
5· NAVEX case management system?  
6· MR. PARKER: Asked and answered.  
7· THE WITNESS: I don't know.  
8· BY MS. BREMER:  
9· . . . Q. If you gather other information during an  
10· investigation, do you also keep it in your Beehive  
11· folder?  
12· . . . A. Yes, I do.  
13· . . . Q. Are there -- are you aware of any  
14· guidelines Oracle has on how to conduct  
15· investigations?  
16· MR. PARKER: Vague and ambiguous.  
17· THE WITNESS: What type of investigations  
18· are you referring to?  
19· BY MS. BREMER:  
20· . . . Q. Investigations -- HR investigations of  
21· complaints.  
22· . . . A. HR investigations of compliance?  
23· . . . Q. Complaints.  
24· . . . A. Oh, I'm sorry. I thought you said  
25· "compliance." Pardon me.

**104**

1· No.  
2· MS. BREMER: Are we on Exhibit 96?  
3· MR. PARKER: Yes.  
4· THE REPORTER: Yes.  
5· MS. BREMER: I'd like to mark as Exhibit 96  
6· a document entitled "Mechanics of an Investigation"  
7· by Emily Sullivan, Neil Perry, and Timi Baxter.  
8· (Whereupon, Exhibit 96 was marked for  
9· identification.)  
10· BY MS. BREMER:  
11· . . . Q. Do you recognize this document?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

12· . . . A. Yes, I do.  
13· . . . Q. Okay. What is it?  
14· . . . A. This is a presentation from 2015 from our  
15· HR investigations training with HR business  
16· partners.  
17· . . . Q. So is this a training that you, Emily  
18· Sullivan, and Neil Perry gave to the HR business  
19· partners?  
20· . . . A. It is a training that Emily, Neil, and I --  
21· we definitely created this PowerPoint because our  
22· names are on it, but I don't recall who exactly  
23· conducted this particular section in this particular  
24· year.  
25· . . . Q. And --

**105**

1· . . . A. Sorry. I should put this in airplane mode.  
2· . . . Q. Who is Emily Sullivan?  
3· . . . A. I mentioned Emily Sullivan's name earlier.  
4· She's one of our employment attorneys.  
5· . . . Q. And who is Neil Perry?  
6· . . . A. Neil Perry was an employment attorney at  
7· Oracle. He's since left the company.  
8· . . . Q. Okay. If you look at the second page,  
9· there's a copyright of 2013 at the bottom of the  
10· page?  
11· . . . A. Yes.  
12· . . . Q. Was this PowerPoint created in 2013?  
13· . . . A. I don't know.  
14· . . . Q. Did your investigators participate in this  
15· training on mechanics of an HR investigation?  
16· . . . A. I don't recall.  
17· Let me clarify. Maybe I misunderstood your  
18· . . . Question.  
19· Were you asking me if they were there or if  
20· they presented? You used the word "participate," so  
21· I'm not -- I should have clarified, what do you mean  
22· by that?  
23· . . . Q. Did they -- I guess, were they there?  
24· . . . A. They were absolutely there.  
25· . . . Q. Okay. In what role?

**106**

1· . . . A. I don't recall specifically for 2015 what

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

2· all their roles were, but they're always there.  
3· . . . Q. Okay. If you -- and does this -- does this  
4· document accurately reflect the steps taken during  
5· an HR investigation --  
6· . . . A. No.  
7· . . . Q. -- generally?  
8· No? How is it not accurate?  
9· . . . A. As I've said before, and it says clearly on  
10· page 3, that this document is intended for  
11· discussion purposes only and every case is -- every  
12· investigation is different. So this is not intended  
13· as a general anything.  
14· . . . Q. This was provided as training to the HR  
15· business partners?  
16· . . . A. That is correct.  
17· . . . Q. Okay. And how many times was this training  
18· on the mechanics of an HR investigation presented to  
19· the HR business partners --  
20· . . . A. I don't know.  
21· . . . Q. -- at headquarters?  
22· . . . A. At headquarters? I don't know.  
23· . . . Q. Okay. So this is one -- there's a date,  
24· August 5th and 6th, 2015. Are you aware that this  
25· was presented at any other time?

**107**

1· . . . A. Yes.  
2· . . . Q. Okay. When was that?  
3· . . . A. I don't recall all of the dates off the top  
4· of my head, but we generally run this training -- or  
5· investigations training -- I don't know if it's  
6· specifically this PowerPoint presentation is still  
7· included -- once or twice a year.  
8· . . . Q. And is it always for the HR business  
9· partners?  
10· . . . A. Yes.  
11· . . . Q. Are they required to attend?  
12· . . . A. Are they -- every time we run it? I'm not  
13· sure I understand your question.  
14· . . . Q. Are they ever required to attend it? Are  
15· they --  
16· . . . A. They could be, yes.  
17· . . . Q. What are the requirements for HR business  
18· partners attending the mechanics of an HR

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

19· investigation?  
20· . . . A. It varies.  
21· . . . Q. Do you know how frequently they're required  
22· to attend the training?  
23· . . . A. No. I do not.  
24· . . . Q. Are they required to attend it at least  
25· once?

**108**

1· . . . A. No. Not necessarily.  
2· . . . Q. Do you know?  
3· . . . A. We have a lot of HR business partners at  
4· Oracle and lot of them in the U.S., so -- but the  
5· answer to that question is hard to give in a general  
6· sense.  
7· . . . Q. But the training's provided one to two  
8· times a year. And who attends -- who attends these  
9· trainings?  
10· . . . A. HR business partners, my team, and the  
11· lawyers. Somebody from our employment legal  
12· department will be in attendance.  
13· . . . Q. If you look at page 6 --  
14· . . . A. Page 6. Yes.  
15· . . . Q. -- the training instructs people conducting  
16· investigation to "Take notes during all interviews."  
17· Do you see that?  
18· . . . A. Yes, I do.  
19· . . . Q. We've talked about some places where notes  
20· are kept. Where are the HR business partners' notes  
21· of interviews kept?  
22· . . . A. I have no idea.  
23· . . . Q. Are any of -- is any information from  
24· investigations conducted by HR business partners  
25· posted on the NAVEX case management system?

**109**

1· MR. PARKER: Asked and answered.  
2· THE WITNESS: I don't know.  
3· BY MS. BREMER:  
4· . . . Q. When HR business partners conduct  
5· investigations, do they also meet with or talk to  
6· attorneys in the legal department about the  
7· investigation?  
8· . . . A. I've answered this question a couple of

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

9· times. I'm happy to say it once more if you'd like.  
10· . . . Q. I don't think we've talked specifically  
11· about the HR business partners, but go ahead.  
12· . . . A. Every time I've answered a question about  
13· what my team does, I've also been specific in adding  
14· "or HR business partners" because both groups  
15· conduct investigations. Always have and still do.  
16· So whether it's my team or it's an HR  
17· business partner, we conduct an intake, either  
18· before or after having spoken to legal, and then the  
19· entirety of the rest of the process is done at the  
20· direction of our legal counsel. Whether it's my  
21· investigators or an HR business partner conducting  
22· that investigation.  
23· . . . Q. So -- and at the bottom of this page, it  
24· says, "Prepare disciplinary notices and/or closing  
25· memorandums as applicable and communicate to Legal."

**110**

1· Are closing memorandums prepared for all  
2· investigations of complaints of discrimination?  
3· . . . A. I don't know.  
4· . . . Q. Does your team prepare closing memoranda  
5· for all investigations of discrimination?  
6· . . . A. Every case is different, and what we do in  
7· any given case depends on the nature of that case.  
8· . . . Q. Are you -- can you think of any cases where  
9· you or your team investigated complaints of  
10· discrimination where there was not a closing  
11· memorandum?  
12· MR. PARKER: You can answer that yes or no.  
13· THE WITNESS: No. I cannot think of one.  
14· BY MS. BREMER:  
15· . . . Q. If you turn to the next page.  
16· . . . A. Page 7?  
17· . . . Q. Yes.  
18· . . . A. Okay.  
19· . . . Q. The investigation guidelines, continued,  
20· it's -- the first bullet point says, "Communicate  
21· findings to the complaining individual."  
22· Are results of investigations of  
23· discrimination communicated to anyone else?  
24· . . . A. That would depend on the nature of any  
25· given investigation.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

**111**

1· · · Q. Okay. What about specifically claims of  
2· compensation discrimination?  
3· · · A. What we do in any investigation depends  
4· specifically on that case.  
5· · · Q. The second bullet point says, “Individually  
6· or with management (depending on the matter)  
7· communicate results of the investigation to the  
8· accused individual.”  
9· If someone specifically has been accused of  
10· compensation discrimination, would you convey that  
11· to that person?  
12· · · A. I don’t know.  
13· · · Q. If a manager has been accused of  
14· compensation discrimination, are you aware of any  
15· investigation that was conducted that did not convey  
16· the result -- or let me ask that again.  
17· · · A. Yeah, you kind of lost me there.  
18· · · Q. Where your team conducts an investigation  
19· of compensation discrimination and determines  
20· whether or not there has been compensation  
21· discrimination, can you think of a situation where  
22· you have not conveyed the findings to a person  
23· that’s been accused of compensation discrimination?  
24· · · A. Off the top of my head, no.  
25· · · Q. The next bullet point says you “Work with

**112**

1· LOB” -- does that mean “line of business”?  
2· · · A. I would assume it does, yes.  
3· · · Q. -- “management to implement actions  
4· resulting from the investigation.”  
5· Can you list for me the types of actions  
6· that have resulted from investigations of  
7· compensation discrimination?  
8· MR. PARKER: Instruct not to answer.  
9· Attorney-client privilege.  
10· THE WITNESS: I can’t answer that question.  
11· BY MS. BREMER:  
12· · · Q. You can’t answer because of your attorney  
13· instructing you not to answer?  
14· · · A. I can’t answer because whatever we do in  
15· any given investigation is at the direction of

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

16· counsel.

17· . . . Q. And so you're not answering for that  
18· reason?

19· . . . A. I just answered.

20· . . . Q. Well, that's not an answer to my question,  
21· but --

22· MR. PARKER: That is the reason she's not  
23· answering.

24· BY MS. BREMER:

25· . . . Q. Okay. I just want -- when you say things

**113**

1· were done at the instruction of or at the direction  
2· of counsel, you're saying you're not going to answer  
3· further because you're claiming attorney-client  
4· privilege; is that right?

5· MR. PARKER: She is not. I am. And I'm  
6· instructing her not to answer.

7· And you'll follow my instructions, correct?

8· THE WITNESS: That's correct.

9· MR. PARKER: All right. Now we're clear.

10· BY MS. BREMER:

11· . . . Q. Have you conducted any other training on  
12· how to conduct investigations of complaints?

13· . . . A. Are you asking if I personally have  
14· conducted training on --

15· . . . Q. Why don't I ask, does Oracle provide any  
16· other training on how to conduct investigations of  
17· complaints?

18· . . . A. I don't know.

19· . . . Q. Have you conducted any training on how to  
20· conduct investigations of complaints?

21· . . . A. The training -- the only training that I  
22· conduct is the training that we've already  
23· discussed.

24· MR. PARKER: May I ask a question, just so  
25· we're clear on something?

**114**

1· THE WITNESS: Sure.

2· MR. PARKER: She asked you, do you know of  
3· any other training at Oracle, and you're thinking  
4· globally, aren't you? That's why you're saying I  
5· don't know.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

6· THE WITNESS: She said training on  
7· investigations. I have no idea.  
8· MR. PARKER: Okay. Very good. Would it be  
9· different if she limited it to HQCA?  
10· THE WITNESS: If she limited it to HQCA and  
11· specifically to workplace investigations.  
12· BY MS. BREMER:  
13· . . . Q. Okay. And --  
14· . . . A. Is that what you are asking?  
15· MR. PARKER: She will now.  
16· MS. BREMER: Yes.  
17· THE WITNESS: Okay. Go ahead, I'm sorry.  
18· BY MS. BREMER:  
19· . . . Q. Are you aware of any training that Oracle  
20· conducts at its headquarters regarding workplace  
21· investigations?  
22· . . . A. I am not. Other than what we've already  
23· discussed.  
24· . . . Q. Which was Exhibit 95?  
25· . . . A. 96.

**115**

1· . . . Q. 96, okay.  
2· MR. PARKER: I'm sorry. That misstates the  
3· testimony. It's not just Exhibit 96.  
4· THE WITNESS: Right, right. I was going to  
5· say, this is part of it. Or was in 2015, at least.  
6· Allegedly.  
7· BY MS. BREMER:  
8· . . . Q. This is part of a larger training?  
9· . . . A. This is a document from the training from  
10· 2015. I don't recall specifically what else, if  
11· anything, was in the training in 2015.  
12· . . . Q. Okay.  
13· . . . A. But I don't feel comfortable saying this  
14· was the training. Does that make sense?  
15· . . . Q. So it may have been part of a larger  
16· training?  
17· . . . A. There could have been other presentations  
18· or information provided during that training, yes.  
19· . . . Q. Are you aware of any training on Oracle's  
20· Equal Employment Opportunity obligations?  
21· . . . A. For -- with regard to investigations or HR  
22· business partners? Could you be more specific?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

23···· Q. Either. Does your -- I guess, does your  
24·· group receive any training on Oracle's Equal  
25·· Employment Opportunity obligations?

**116**

1···· A. Well, all employees at Oracle are trained  
2·· on harassment and discrimination; is that what  
3·· you're asking?

4···· Q. And does the training that all employees  
5·· receive on harassment and discrimination include  
6·· information specifically about compensation  
7·· discrimination?

8···· A. Off the top of my head, I don't know.

9···· Q. And are you aware of any other training on  
10·· Oracle's Equal Employment Opportunity obligations  
11·· other than the training that all employees receive  
12·· on harassment and discrimination?

13···· A. Ask me the question again. Am I aware --

14···· Q. Of any other training on Oracle's Equal  
15·· Employment Opportunity obligations other than the  
16·· training that all employees receive on harassment  
17·· and discrimination?

18···· A. Not that I could name, no.

19···· Q. Are you aware of any training on Oracle's  
20·· affirmative action obligations?

21···· A. There is an affirmative action training  
22·· course, yes.

23···· Q. And who attends that?

24···· A. My understanding is it's U.S. -- all of the  
25·· U.S. employees. It's a U.S.-centered law or

**117**

1·· requirement, so I think it's just the U.S.

2···· Q. And who conducts that training?

3···· A. It's virtual training.

4···· Q. And does that -- does the affirmative  
5·· action training provide specific information about  
6·· compensation?

7···· A. I don't recall.

**122:15-123:13**

15·· MR. PARKER: Now you want to do the  
16·· clarification?

17·· MS. BREMER: Oh, yeah. Go ahead.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

18· MR. PARKER: All right.  
19· THE WITNESS: So you were asking me --  
20· MR. PARKER: This is Exhibit 96.  
21· THE WITNESS: -- about Exhibit 96, and on  
22· page 7, about where we would communicate the results  
23· of the investigation to accused individual.  
24· BY MS. BREMER:  
25· . . . Q. Okay.

**123**

1· . . . A. And my clarification is I think I said I  
2· don't know because I'm thinking in, again, the  
3· universe of all cases, might there be a case that  
4· that wouldn't happen. Sure, that's a possibility.  
5· But if you're asking me generally would we  
6· communicate to the accused? Yes, we would.  
7· . . . Q. And that's in cases involving compensation  
8· discrimination?  
9· . . . A. That's -- I'm talking about all cases.  
10· . . . Q. Oh, all cases?  
11· . . . A. Any case. Any complaint. Yeah.  
12· . . . Q. So including cases of discrimination?  
13· . . . A. Yes. Including cases of discrimination.

**123:14-20**

14 Q. You've described some of the materials that  
15 are collected during an investigation, some of the  
16 steps that you've done and your team members.  
17 Who reviews the materials that are  
18 collected during an investigation?  
19 A. The investigator, the attorney they're  
20 working with.

**124:15-126:12**

15 Q. Okay. I guess I'm just wondering if there  
16 are any circumstances where your group has authority  
17 to take action at the end of the investigation  
18 without involving the legal department?  
19 A. What do you mean by "action"?  
20 Q. Or not action. Nonaction. For example, if  
21 the decision is not to take remedial action, would  
22 you have to talk to the legal department before  
23 making that determination?  
24 A. That --

**DEPOSITION OF TAMERLANE BAXTER -- RULE 30(B)(6) JULY 3, 2019**

Page/Line

25 MR. PARKER: Vague and ambiguous.

**125**

1 THE WITNESS: I'm not sure how to answer  
2 that question. That's very abstract.

3 BY MS. BREMER:

4 Q. Are there any cases where you or your team  
5 has conducted an investigation of compensation  
6 discrimination and -- well, let me first ask this  
7 question: When you -- after you gather all the  
8 information, conduct an investigation of  
9 compensation discrimination, you've said that you  
10 generally talk to legal.

11 Do you -- what -- do you make a preliminary  
12 decision or decision or recommendation? What is the  
13 last thing that you do before talking to legal?

14 A. That depends on the case.

15 MR. PARKER: It's compound.

16 BY MS. BREMER:

17 Q. Is your group -- does your group have the  
18 authority to make any decisions on its own, for  
19 example, not to make an adjustment of pay, without  
20 talking to legal first?

21 MR. PARKER: Asked and answered.

22 THE WITNESS: I don't think I can answer  
23 that question. I'm not sure what you're asking me.

24 MR. PARKER: Let me just try to --

25 THE WITNESS: You think we already answered

**126**

1 it?

2 MR. PARKER: I do. Once you finish an  
3 investigation --

4 THE WITNESS: Uh-huh.

5 MR. PARKER: -- do you go to legal with the  
6 results and legal decides what steps should be  
7 taken? Or do you independently, in your group, make  
8 the decision as to what steps should be taken as a  
9 result of the investigation?

10 THE WITNESS: We don't make independent  
11 decisions about what -- generally speaking, we would  
12 not. We would do it in conjunction with legal.

**128:12-21**

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

12 Q. Okay. So looking back at Exhibit 96, where  
13 it says that during investigations or after  
14 investigations the results are communicated to the  
15 complaining individual, what -- or how are the  
16 findings of the investigation communicated to the  
17 complaining individual?

18 A. Again, there's no cookie-cutter answer to  
19 that. It would depend on the case and the  
20 investigator and the lawyer working on that case how  
21 it would be communicated.

**129:17-139:8**

17· MS. BREMER: Okay. I'd like to mark as  
18· Exhibit 97 a document entitled "HR Investigations  
19· Training Handout." It's Bates marked  
20· ORACLE\_HQCA\_381081 through 97.

21· THE WITNESS: So while she's marking that,  
22· there was one clarification --

23· THE VIDEOGRAPHER: You have to hold on so  
24· she can mark it.

25· THE WITNESS: Oh, sorry.

**130**

1· (Whereupon, Exhibit 97 was marked for  
2· identification.)

3· (Discussion off the record.)

4· THE WITNESS: I wanted to clarify a  
5· question you asked me earlier, and my answer to a  
6· question you asked me earlier. So you were -- we  
7· were talking about -- you asked me, I believe,  
8· something along the lines of where do I -- where do  
9· we put the interview notes or the information we  
10· gather in the investigation and I said I don't know.  
11· So I talked to you about what I do  
12· specifically.

13· BY MS. BREMER:

14· · · · Q. Okay. Right.

15· · · · A. So what I'd like to add to that answer is,  
16· as a general rule, HR business partners and the  
17· people who work on my team are supposed to put their  
18· investigation files in a particular place, the  
19· Beehive folder, as we talked about earlier.  
20· I can't, however, 100 percent guarantee  
21· that that always happens, but that is our general

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

22· practice.

23· . . . Q. Okay. Thank you.

24· . . . A. You're very welcome.

25· . . . Q. And a couple times you've mentioned HR

**131**

1· business partners and things, you know,  
2· investigations that they do. Do they conduct the  
3· investigations themselves, or do they have staff who  
4· either conduct those investigations or help them  
5· with investigations?

6· . . . A. You would -- as far as I know, if you're an  
7· HR business partner, you would conduct an  
8· investigation yourself and with your legal partner.

9· . . . Q. Okay. Go ahead and take a look at

10· Exhibit 97.

11· . . . A. Okay.

12· . . . Q. Are you familiar with this document?

13· . . . A. Yes.

14· . . . Q. What is it?

15· . . . A. This document, we create -- my team created  
16· this document, my investigators, as a handout that  
17· we use in our investigations training for HR  
18· business partners.

19· . . . Q. And so that was a training to -- that  
20· accompanied Exhibit 96 that we discussed earlier?

21· . . . A. Not necessarily.

22· . . . Q. Okay. What training are you talking about  
23· then?

24· . . . A. It's the same training in that it is  
25· workplace investigations training for HR business

**132**

1· partners, but this is from 2015, the mechanics of an  
2· investigation presentation. This is a relatively  
3· new document. I think we created this one last  
4· year, maybe, 2018.

5· . . . Q. So --

6· . . . A. Not exactly sure when, after this.

7· . . . Q. Okay. So you're using a lot of "this" and  
8· "that."

9· . . . A. Oh, sorry. Yeah. I'm pointing.

10· . . . Q. So when you say "this was created in 2015,"  
11· you're referring to the Mechanics of an HR

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

12· Investigation, Exhibit 96?

13· . . . A. Exhibit 96, right, was created in 2015.

14· . . . Q. Okay.

15· . . . A. Exhibit 97 is much newer than that.

16· . . . Q. Okay. And when did you say that Exhibit 97  
17· was created?

18· . . . A. Off the top of my head, my best estimate is  
19· sometime in 2018.

20· . . . Q. Okay. And again, this was training then  
21· for the HR business partners who conduct  
22· investigations?

23· . . . A. It's for HR business partners, correct.

24· . . . Q. Okay. And so looking at Roman -- and is  
25· this -- is Exhibit 97 a true and correct copy of the

**133**

1· HR investigations training handout that your group  
2· prepared?

3· . . . A. As far as I know, yeah. It looks like our  
4· document.

5· . . . Q. Okay. So looking at subheading A, it says  
6· "Planning." So your group was advising the HR  
7· business partners to create a plan and plan their  
8· investigation after they receive a complaint?

9· . . . A. This particular handout is for our  
10· particular training and is, like, used by the folks  
11· in the training as we walk through a mock  
12· investigation.

13· . . . Q. Okay. And what's the mock investigation?

14· . . . A. It's just made-up facts.

15· . . . Q. Right. What's the subject matter?

16· . . . A. Oh, gosh. It -- I don't even remember. I  
17· don't remember exactly. Maybe it's in here  
18· somewhere.

19· I don't -- it's a mock investigation we use  
20· just to demonstrate different aspects that could  
21· potentially come up in an investigation.

22· . . . Q. Okay. And the first step in an  
23· investigation would be planning the investigation;  
24· is that right?

25· . . . A. Not necessarily.

**134**

1· . . . Q. No? What other first steps would there be?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

2· . . . A. It depends on the nature of the case.  
3· . . . Q. Have you -- has your group ever provided  
4· the training to the HR business partners regarding  
5· how to conduct a -- an investigation regarding  
6· compensation discrimination?  
7· . . . A. We conduct training about how to -- about  
8· HR investigations in general. Are you asking if the  
9· training includes something specific about  
10· discrimination?  
11· . . . Q. Yes.  
12· . . . A. I would say yes, because we do talk  
13· about --  
14· MR. PARKER: She's asking about  
15· compensation discrimination.  
16· THE WITNESS: Oh, specifically?  
17· BY MS. BREMER:  
18· . . . Q. Yes.  
19· . . . A. I think -- I'm doing this off the top of my  
20· head, but I think we're probably more generic than  
21· that, talk about discrimination, harassment, various  
22· types of complaints you might receive.  
23· . . . Q. In the exercise that you conducted with  
24· this HR investigations training handout, was that  
25· intended to be an example of how -- how an

**135**

1· investigation would be conducted?  
2· . . . A. No.  
3· . . . Q. What was the intent of this?  
4· . . . A. The intent of this training that we conduct  
5· on a regular basis is to help ensure that our HR  
6· business partners have an opportunity to discuss  
7· what they might do in investigations and hone their  
8· skills and practice. Practice interviewing skills,  
9· practice tips of things to remember that are  
10· important. Things like that.  
11· It's just -- it's not -- we're not training  
12· anyone on a process.  
13· . . . Q. Okay. So you're providing practice and  
14· tips.  
15· Did you provide any practice to the HR  
16· business partners regarding compensation  
17· discrimination complaints?  
18· . . . A. Not the -- not that I can definitely

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

19· recall.

20· . . . Q. Have you -- during the trainings of HR  
21· business partners for investigations, have you  
22· provided them with any tips on what to do when  
23· they're investigating a claim of compensation  
24· discrimination?  
25· . . . A. The tips that we provide, in my

**136**

1· recollection, without looking at the materials, are  
2· more general in nature. Not about any specific  
3· category of claim.  
4· . . . Q. If you look at page 3 of the HR  
5· investigations training handout, under the  
6· discussion of planning of the investigation, it  
7· says, "Now think about what documents you will need  
8· to gather and review. Consider: demographic  
9· information, electronic communications, building  
10· access reports, expense reports, calendar  
11· information, personnel file, other reports, photos,  
12· et cetera."  
13· Have you -- has there been any discussion  
14· in training with the HR business associates or  
15· partners about what types of documents you'd need to  
16· gather when investigating a compensation claim?  
17· . . . A. No.  
18· . . . Q. At the bottom of the page, it says, "It is  
19· generally a good practice to confer with Employment  
20· Legal before you begin your investigation. Be  
21· prepared to outline the allegations and discuss your  
22· intended approach to gather information."  
23· So is the practice of the HR business  
24· associates to come up with an intended approach  
25· which they provide to legal?

**137**

1· . . . A. It depends on the case that they are  
2· dealing with.  
3· . . . Q. And this is -- this is advice that your --  
4· you and your team was providing to the HR business  
5· partners, correct?  
6· MR. PARKER: Misstates the testimony.  
7· THE WITNESS: Can you repeat your question?  
8· BY MS. BREMER:

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

9· . . . Q. This is -- Exhibit 97 contains advice that  
10· you and your team was providing to the HR business  
11· partners?  
12· MR. PARKER: Same objection. Vague and  
13· ambiguous.  
14· THE WITNESS: The training is done in  
15· conjunction with our legal department. So the legal  
16· department as well as my team was working with the  
17· HR business partners.  
18· BY MS. BREMER:  
19· . . . Q. In providing advice and tips about how to  
20· conduct an investigation?  
21· . . . A. I would put it a slightly different way,  
22· which is, we talk more in terms of things to  
23· remember, things that we might, you know, need to  
24· think about.  
25· So if -- I know nomenclature can be a

**138**

1· little rough, so that's how I think about it.  
2· . . . Q. So it was advice and information about  
3· things to remember --  
4· . . . A. We don't give advice, you know, because  
5· advice, I think, then goes to, are we lawyers? No,  
6· we're not giving legal advice to anyone. We're not  
7· lawyers. Even Michelle, on my team, who is a  
8· lawyer, does not act as a lawyer on behalf of  
9· Oracle. She acts as an investigator.  
10· . . . Q. Right.  
11· . . . A. So any advice is coming from our legal  
12· department about how you're going to conduct an  
13· investigation.  
14· . . . Q. So this was more guidance as to good  
15· practices?  
16· MR. PARKER: Misstates the testimony.  
17· Asked and answered.  
18· THE WITNESS: Yeah. It's training that we  
19· give. We call it "training" that we give to HR  
20· business partners on HR investigations.  
21· BY MS. BREMER:  
22· . . . Q. And if you look at the next page, it says,  
23· "Below are some helpful tips on how to approach an  
24· HR investigation."  
25· Do you see that?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

**139**

1 · · · · A. Yes.  
2 · · · · Q. Okay. So there's -- and it provides tips  
3 · · on conducting interviews, correct?  
4 · · · · A. Correct.  
5 · · · · Q. Has your team provided tips on how to  
6 · · analyze compensation in a compensation  
7 · · discrimination investigation?  
8 · · · · A. No.

**139:20-140:10**

20 · · · · Q. So we've been talking about what training  
21 · · the HR investigators, your group, provides to the HR  
22 · · business partners about conducting investigations.  
23 · · Now I'm wondering what training your group  
24 · · has received and your HR investigators about  
25 · · investigations.

**140**

1 · · · · A. About investigations in general?  
2 · · · · Q. Specifically compensation discrimination  
3 · · investigations.  
4 · · · · A. So I would say all of my investigators have  
5 · · been doing investigations for a very long time.  
6 · · Some of them have been through formal investigations  
7 · · training, as have I.  
8 · · But I don't know of any training specific  
9 · · about how to -- I'm not -- about  
10 · · compensation-related cases specifically.

**140:11-143:16**

11 · · · · Q. What formal investigations training have  
12 · · you been through?  
13 · · · · A. I attended a week-long certificate course  
14 · · from the Association of Workplace Investigators.  
15 · · · · Q. And who --  
16 · · · · A. I've attended our investigations training  
17 · · every year multiple times a year since 2014. The  
18 · · one that we run.  
19 · · · · Q. Right. The one that we were --  
20 · · · · A. Just talking about. Uh-huh.  
21 · · · · Q. -- just discussing. Right.  
22 · · Okay. The Association of Workplace

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

23· Investigations --  
24· . . . A. Investigators.  
25· . . . Q. 'tors. Have you -- when did you attend the

**141**

1· one-week-long training by the Association of  
2· Workplace Investigators?  
3· . . . A. That was earlier this year. I want to say  
4· February of 2019.  
5· . . . Q. And have you attended other formal  
6· trainings before February of 2019?  
7· MR. PARKER: Asked and answered.  
8· THE WITNESS: Specific --  
9· MR. PARKER: Vague and ambiguous.  
10· BY MS. BREMER:  
11· . . . Q. Regarding workplace investigations.  
12· MR. PARKER: Same objections.  
13· THE WITNESS: I attend the training that we  
14· run at Oracle. Every time we run it, I'm in  
15· attendance.  
16· BY MS. BREMER:  
17· . . . Q. Right.  
18· . . . A. Other than that, I don't recall if I've  
19· attended other trainings specifically about  
20· investigations.  
21· . . . Q. Okay. So the one formal training regarding  
22· investigations that you attended outside of Oracle  
23· was in February of 2019?  
24· . . . A. That's correct.  
25· . . . Q. Okay. At that training in February of

**142**

1· 2019, was there a discussion about conducting  
2· investigations of compensation discrimination?  
3· . . . A. No.  
4· . . . Q. And what about discrimination in general?  
5· . . . A. I'm sure they mentioned discrimination at  
6· some point, but the context of investigations is not  
7· really the focus of that training.  
8· So it's not just for HR professionals.  
9· There's also private investigators and lawyers  
10· there, so sort of HR-centric, but they don't talk a  
11· lot about, you know, what is discrimination and  
12· harassment. They're not talking about that.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

13· It's more about the process that you might  
14· follow to investigate and what are some tips and  
15· things to remember, interviewing skills, how to do  
16· good interviews. Things like that.  
17· . . . Q. And what about gathering information or  
18· conducting analyses of compensation? Did --  
19· . . . A. No.  
20· MR. PARKER: If you don't mind, just give  
21· me a chance because I was going to say compound, but  
22· you've answered the question.  
23· THE WITNESS: Oh, sorry. Sorry. I didn't  
24· even listen to her whole question. I may have cut  
25· you off.

**143**

1· BY MS. BREMER:  
2· . . . Q. Well, let me ask again then.  
3· . . . A. Sure.  
4· . . . Q. Did the training that you received from the  
5· Association of Workplace Investigators include any  
6· training on analyzing compensation?  
7· MR. PARKER: You can go ahead and answer  
8· that question.  
9· Let me just, just for form's sake, vague  
10· and ambiguous.  
11· Have at it.  
12· THE WITNESS: No. Not that I recall.  
13· BY MS. BREMER:  
14· . . . Q. Was -- have you attended any training on  
15· conducting statistical analyses of compensation?  
16· . . . A. No.

**143:17-144:4**

17· . . . Q. Have you ever conducted statistical  
18· analyses of compensation as part of your  
19· investigation of discrimination complaints?  
20· . . . A. I can't answer what I may or may not have  
21· done in any given investigation because that would  
22· be --  
23· MR. PARKER: You can answer that just yes  
24· or no.  
25· THE WITNESS: Generally?

**144**

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

1· MR. PARKER: Yeah, just yes or no.  
2· THE WITNESS: Personally, me specifically?  
3· MR. PARKER: Yes. That's the question.  
4· THE WITNESS: No.

**148:21-162:24**

21· MS. BREMER: Okay. I'd like to mark as  
22· Exhibit 99 --  
23· MR. GARCIA: 98.  
24· MS. BREMER: Oh -- 98 a document Bates  
25· labeled ORACLE\_HQCA\_416517 through -- that's it.

**149**

1· (Whereupon, Exhibit 98 was marked for  
2· identification.)  
3· BY MS. BREMER:  
4· · · · Q. Have you seen this document before?  
5· · · · A. Yes.  
6· · · · Q. Is -- what is it?  
7· · · · A. It appears to be an email between Chad  
8· Zeller, who was an HR business partner with  
9· Oracle -- I don't believe he's with us anymore --  
10· and a person by the name of Rosanne Park, who is a  
11· VP in Oracle customer support, according to her  
12· signature block.  
13· · · · Q. Did you review this in preparation for your  
14· deposition?  
15· · · · A. Yes.  
16· · · · Q. And it's a true and accurate copy of this  
17· email?  
18· · · · A. As far as I know.  
19· · · · Q. Are you familiar with the complaint made by  
20· Rosanne Park?  
21· · · · A. No, I am not.  
22· · · · Q. What did -- and this is a -- in the first  
23· email at the bottom, which is dated May 6, 2016 to  
24· Chad Zeller, it says, "Hi Chad, Can you confirm to  
25· me that I'm being paid equally for my work as per

**150**

1· the Equal Pay Act and Title VII of the Civil Rights  
2· Act, et cetera?"  
3· Do you see that?  
4· · · · A. Yes, I do.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

5 ··· Q. Did this complaint go to the investigative  
6 · unit?  
7 ··· A. I don't know.  
8 ··· Q. Do you know who investigated Rosanne Park's  
9 · complaint?  
10 ··· A. Off the top of my head, no, I do not.  
11 ··· Q. Do you have information about the  
12 · investigation that was conducted regarding Rosanne  
13 · Park's complaint?  
14 ··· A. Do I personally have information?  
15 ··· Q. No, as the person testifying for Oracle.  
16 · MR. PARKER: You can answer that yes or no  
17 · as it's personal knowledge, but beyond if you're  
18 · going to get into specifics of the investigation,  
19 · I'll instruct her not to answer based on  
20 · attorney-client privilege.  
21 · THE WITNESS: I -- ask the question again,  
22 · please.  
23 · BY MS. BREMER:  
24 ··· Q. Do you have information about the  
25 · investigation that was conducted regarding Rosanne

**151**

1 · Park's complaint?  
2 ··· A. I have -- I don't know personally if  
3 · there's information about this complaint, no.  
4 ··· Q. And on behalf of Oracle, you're not  
5 · answering pursuant to your counsel's instruction?  
6 ··· A. I just --  
7 · MR. PARKER: Not as to the specifics of the  
8 · complaint, no, she's not -- I mean, the specifics of  
9 · the investigation, she is not.  
10 · BY MS. BREMER:  
11 ··· Q. Okay. Do you know what the results of the  
12 · investigation regarding this 2016 complaint by  
13 · Rosanne Park were?  
14 ··· A. I do not.  
15 · MS. BREMER: I'm going to mark as  
16 · Exhibit 99 a document Bates labeled  
17 · ORACLE\_HQCA\_547809 through 10.  
18 · (Whereupon, Exhibit 99 was marked for  
19 · identification.)  
20 · BY MS. BREMER:  
21 ··· Q. Have you seen Exhibit 99 before?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

22· . . . A. Yes, I believe so.

23· . . . Q. Is it a true and correct copy of this  
24· string of emails from March 31st, 2016 through  
25· September 1st, 2017?

**152**

1· . . . A. As far as I know.

2· . . . Q. Looking at the first email dated March  
3· 31st, 2016, there's an email from Rosanne Park.

4· . . . A. Uh-huh.

5· . . . Q. Who was it sent to? Actually, it looks --

6· . . . A. Looks like she sent it to herself.

7· . . . Q. And then forwarded it?

8· . . . A. Oh, maybe.

9· . . . Q. Forwarded it to Chad Zeller?

10· . . . A. But this one is sent on March 31st of 2016.

11· The first -- the next email is September of 2017.

12· The subject line is the same, with the added  
13· forward.

14· . . . Q. So in the middle of the second paragraph on  
15· September 1st, 2017, Rosanne Park wrote, "In his  
16· first weeks he directly said he would get his work  
17· done through his network of Indian guys and he also  
18· said that is how Thomas Kurian does it. He says  
19· Thomas just goes through Aria until he finds an  
20· Indian guy and then calls him directly."

21· Who is Thomas Kurian?

22· . . . A. Thomas Kurian was the president of Oracle.

23· He's since left the company.

24· . . . Q. And what's Aria?

25· . . . A. Aria is our corporate director of

**153**

1· employees.

2· . . . Q. Do you know what was done to investigate  
3· this complaint?

4· . . . A. I do not.

5· . . . Q. If -- in a situation involving -- or  
6· claiming giving preference to Indians, is -- what  
7· would Oracle's practice be in investigating that  
8· complaint?

9· . . . A. We don't have a general practice as it  
10· pertains to how we investigate any complaint. We  
11· take all complaints seriously and look into them as

**DEPOSITION OF TAMERLANE BAXTER -- RULE 30(B)(6) JULY 3, 2019**

Page/Line

12· is appropriate.

13· . . . Q. Do you know who Ajay is that's referenced  
14· in these emails?

15· . . . A. I don't. I don't even see a last name. I  
16· have no idea.

17· . . . Q. And what about Srini?

18· . . . A. No.

19· . . . Q. Was this complaint investigated by your  
20· group?

21· . . . A. I don't know.

22· MS. BREMER: Let me mark as Exhibit 100 a

23· memorandum dated November 9th, 2017.

24· (Whereupon, Exhibit 100 was marked for  
25· identification.)

**154**

1· BY MS. BREMER:

2· . . . Q. Have you seen this document before?

3· . . . A. Yes.

4· . . . Q. Is it a true and correct copy of a  
5· memorandum from Mark Lane to Rosanne -- or, yes, to  
6· Rosanne Park dated November 9th, 2017?

7· . . . A. As far as I know.

8· . . . Q. Is Mark Lane one of the investigators on  
9· your team?

10· . . . A. Yes. He is.

11· . . . Q. And is his title senior employee practices  
12· consultant?

13· . . . A. His discretionary title, yes.

14· . . . Q. Did you see this memorandum before it was  
15· sent to Rosanne Park?

16· . . . A. I don't know.

17· . . . Q. Is it your practice to review memorandum of  
18· investigation results before they're sent to the  
19· complainants?

20· . . . A. No.

21· . . . Q. Who does review memorandum of investigation  
22· results before they're sent to complainants?

23· . . . A. The legal department.

24· . . . Q. And do they review all results of  
25· investigations?

**155**

1· . . . A. I can't make -- I can't answer that

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

2· question.

3· MR. PARKER: Do they do so as a general  
4· rule?

5· THE WITNESS: As a general rule, like I  
6· clarified earlier, they would review the results,  
7· yes, with the investigator. The investigation.  
8· That's our general practice.

9· BY MS. BREMER:

10· . . . Q. So looking at this memorandum, it says, "On  
11· September 7th, 2017 you contacted human resources to  
12· report your concerns with your managers.

13· Specifically, the concerns you reported including  
14· concerns that your manager is biased toward Indian  
15· employees and made inappropriate comments about  
16· women. You also informed me that you were upset  
17· that your manager was mentoring one of your  
18· employees and that this employee may have given  
19· preferential treatment to Indian candidates."

20· It says, "As a result of your concerns we  
21· conducted an investigation."

22· Do you know what investigation was  
23· conducted?

24· MR. PARKER: Calls for attorney-client  
25· privilege. Instruct not to answer.

**156**

1· Well, you can answer yes or no to the  
2· question. Do you know what was done?

3· THE WITNESS: No, I do not know what was  
4· done.

5· BY MS. BREMER:

6· . . . Q. So it states, "The investigation included  
7· interviews with you on September 20th, 2017 and  
8· interviews with management and other employees, as  
9· well as a review of various records, emails and  
10· files."

11· Do you know what records, emails, and files  
12· were reviewed?

13· . . . A. I do not.

14· MR. PARKER: And understand, just so the  
15· record is clear, even if she did, I would instruct  
16· her not to answer, asserting privilege.

17· BY MS. BREMER:

18· . . . Q. And the documentation would be in the

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

19· Beehive?

20· . . . A. As a general practice, if the case were  
21· closed, that's where it would be, yes.

22· . . . Q. Okay. The third paragraph says, "The  
23· results of this investigation revealed no evidence  
24· that your manager has bias towards Indian employees  
25· or that he made inappropriate comments about women.

**157**

1· Additionally, we found no reason to believe that  
2· your manager's mentoring of one of your employees on  
3· your team was inappropriate. We also have no  
4· evidence" --

5· . . . A. The last sentence --

6· . . . Q. -- "being given by this employee to Indian  
7· candidates."

8· In an investigation of bias, would  
9· Ms. Park's statements be considered evidence?

10· MR. PARKER: Calls for a legal conclusion.

11· Vague and ambiguous.

12· THE WITNESS: I don't know.

13· BY MS. BREMER:

14· . . . Q. At the bottom it says, "Let me remind you  
15· that the contents of this investigation are  
16· confidential, and will be disclosed only to those  
17· individuals who have a legitimate business reason to  
18· know."

19· Who -- in this investigation, who would  
20· receive the results of the investigation?

21· . . . A. I don't know who received the results of  
22· this investigation.

23· . . . Q. Okay. So, clearly, Rosanne Park received  
24· the results, right?

25· . . . A. Well, clearly, there was a memorandum that

**158**

1· was addressed to her, so I guess we could make the  
2· assumption that this was sent to her.

3· . . . Q. Would it be general practice to also send  
4· the results of an investigation into bias by a  
5· particular manager to the manager?

6· MR. PARKER: Vague and ambiguous as to the  
7· term "results," and also, that was asked and  
8· answered this morning.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

9· MS. BREMER: Well, now I'm asking it  
10· specifically with respect to this investigation.  
11· MR. PARKER: And she's already answered the  
12· question.  
13· I'm sorry. You're saying would it  
14· typically be normal with -- in this investigation to  
15· send this to the manager?  
16· MS. BREMER: Yes.  
17· MR. PARKER: So that's vague and ambiguous.  
18· BY MS. BREMER:  
19· . . . Q. In an investigation where an employee is  
20· accusing a manager of bias, is it general practice  
21· to send the results of the investigation to the  
22· accused manager?  
23· MR. PARKER: Vague and ambiguous as to the  
24· word "results," and asked and answered.  
25· MS. BREMER: This memo is called

**159**

1· "Investigation Results."  
2· MR. PARKER: So you're asking would she  
3· send this document?  
4· BY MS. BREMER:  
5· . . . Q. Who received -- okay. Let me ask, who  
6· received copies of memorandums containing  
7· investigation results?  
8· MR. PARKER: Who received this document,  
9· Exhibit 100, if you know?  
10· THE WITNESS: I don't know who received  
11· this document.  
12· BY MS. BREMER:  
13· . . . Q. Okay. Turning back to Exhibit 97, on  
14· page 11.  
15· . . . A. My pages are sticking together. Okay.  
16· . . . Q. Under "Closure of Investigation," one of  
17· the tips is to follow up with the accused employee,  
18· put together a closeout memo or email depending on  
19· the nature of the investigation, and provide  
20· findings of the investigation.  
21· So where a manager were accused of bias,  
22· would the results of the investigation be provided  
23· to the manager?  
24· . . . A. I said --  
25· MR. PARKER: Object as to the term "results

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

**160**

1· of investigation,” and this was asked and answered.  
2· In fact, we corrected the testimony so that it was  
3· clearly answered.  
4· But you can answer the best you can.  
5· THE WITNESS: As I said earlier, when we  
6· were talking about Exhibit -- I think it was when we  
7· were talking about Exhibit 97 before, yes, generally  
8· as a general practice, you could -- you would expect  
9· that an accused employee may be told what was --  
10· what was determined in an investigation.  
11· But that is -- again, I cannot say that  
12· that happens in every case.  
13· BY MS. BREMER:  
14· . . . Q. Okay. And who else obtains the  
15· determinations of an investigation?  
16· MR. PARKER: Vague and ambiguous.  
17· Compound.  
18· BY MS. BREMER:  
19· . . . Q. The complaining employee, accused -- if  
20· someone has been accused, they receive the findings  
21· or results. Is there someone -- and legal, we've  
22· talked about them.  
23· Is there anybody else who receives the  
24· findings of an investigation?  
25· MR. PARKER: Vague and ambiguous. Portion

**161**

1· misstates her testimony, and it's compound.  
2· THE WITNESS: Do you want to try again?  
3· MR. PARKER: She doesn't. She's not going  
4· to restate that question. She can -- she'll not  
5· reframe it, so just answer the question if you can.  
6· THE WITNESS: So repeat your question, I'm  
7· sorry.  
8· BY MS. BREMER:  
9· . . . Q. Other than the complaining employee, the  
10· accused, and legal, does anyone else receive the  
11· results or findings of investigations of  
12· discrimination?  
13· MR. PARKER: Same objections.  
14· THE WITNESS: I can't answer the question  
15· as pertains to any specific investigation or

**DEPOSITION OF TAMERLANE BAXTER -- RULE 30(B)(6) JULY 3, 2019**

Page/Line

16· specifically about discrimination, but are you  
17· asking me if memorandums like Exhibit 100 go to  
18· other parties?  
19· BY MS. BREMER:  
20· . . . Q. Yes.  
21· . . . A. No.  
22· . . . Q. Do other parties receive --  
23· . . . A. Let me reframe that. Excuse me. Sorry.  
24· Let me clarify one point.  
25· There is -- there may be cases where this

**162**

1· memo- -- a memorandum such as Exhibit 100 could be  
2· seen by the specific HR business partner for the  
3· accused or the complainant. Again, not carved in  
4· stone. It could happen if they happen to be  
5· involved somehow.  
6· . . . Q. And does anyone else receive investigation  
7· results such as Exhibit 100, such as OFCCP's  
8· compliance -- like Shauna Holman-Harries, for  
9· example?  
10· MR. PARKER: It's vague and ambiguous.  
11· THE WITNESS: Is your question whether  
12· Shauna -- my colleague Shauna Holman-Harries  
13· receives these types of documents?  
14· BY MS. BREMER:  
15· . . . Q. Yes.  
16· . . . A. As Exhibit 100?  
17· . . . Q. Right.  
18· . . . A. Not as far as I know.  
19· . . . Q. Does she receive any other reporting from  
20· your group on investigations of compensation  
21· discrimination claims?  
22· MR. PARKER: Vague and ambiguous as framed.  
23· THE WITNESS: I don't interact with her on  
24· investigations at all.

**163:2-8**

2· . . . Q. Okay. We've talked about who receives  
3· copies of investigation results such as the  
4· memorandum that's in Exhibit 100.  
5· Are there other types of memorandum or  
6· summaries of investigation results that would be  
7· sent to other people than the ones we've discussed?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

8· · · · A. Not that I'm aware of.

**175:14-176:20**

14· · · · Q. Does Oracle have a policy or a practice  
15· regarding providing information about other people's  
16· salaries to a person?

17· · · · A. You are asking about all of Oracle, is  
18· there a policy? Is that your question?

19· · · · Q. Well, I'm really asking about your group  
20· who conducts investigations.

21· · · · A. We don't set policy.

22· · · · Q. I know, but -- okay. I'm talking about  
23· following policy.

24· · · · A. Okay. When you ask me a question, "does  
25· Oracle," then I immediately go to, "does Oracle,"

**176**

1· right?

2· · · · Q. Right.

3· · · · A. This huge company with lots of  
4· jurisdictional requirements. And so I can't answer  
5· unless you're being a little more narrow. It's too  
6· broad.

7· · · · Q. All right. You're supposed to be  
8· testifying on behalf of Oracle --

9· · · · A. Sure.

10· · · · Q. -- which is why I ask you --

11· MR. PARKER: But not on this topic.

12· THE WITNESS: Not on this topic so --

13· MR. PARKER: It's a different thing.

14· If you can answer, you can do your best at  
15· doing that.

16· THE WITNESS: Here's what I would say. In  
17· my experience as an HR professional at Oracle, we do  
18· not, as a practice -- this would be in the  
19· United States -- share people's -- one employee's  
20· salary with another employee. No.

**179:2-3**

2 Q. Okay. We were talking about Exhibit 103,  
3 and the document talked about budgetary constraints.

**179:4-22**

4· What authority does the -- do the HR

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

5· investigators have to make adjustments to people's  
6· pay as a result of their investigation?  
7· MR. PARKER: Assumes facts.  
8· THE WITNESS: As far as I know, HR  
9· investigators don't have any authority -- to adjust  
10· someone's salary?  
11· BY MS. BREMER:  
12· . . . Q. Yes.  
13· . . . A. No, we don't have that authority.  
14· . . . Q. If, as a result of an investigation, you  
15· felt that an adjustment to someone's salary was  
16· warranted, what would you do?  
17· . . . A. I would work with legal, and it would  
18· depend on the nature of the case what we would do  
19· next. I can't say.  
20· . . . Q. Does your group have any budget that can be  
21· used to remedy complaints that are made?  
22· . . . A. No.

**181:9-218:11**

9· MS. BREMER: Okay. I'll mark as  
10· Exhibit 105·a document to Nicole Alexander from  
11· Barbara Hardy dated April 11th, 2017.  
12· (Whereupon, Exhibit 105 was marked for  
13· identification.)  
14· BY MS. BREMER:  
15· . . . Q. Do you recognize this document?  
16· . . . A. Yes.  
17· . . . Q. Is this a true and correct copy of an email  
18· exchange between Nicole Alexander and Barbara Hardy  
19· on April -- on or about April 10th and 11th of 2017?  
20· . . . A. As far as I know.  
21· . . . Q. At the bottom -- on the bottom email chain  
22· it says, "The Labor Department claims that Oracle  
23· 'routinely pays white male workers more than their  
24· female and non-white counterparts for comparable  
25· jobs.' In light of this now public disclosure, I

**182**

1· would like my salary discretely reviewed. In my  
2· estimation, my salary is over 50,000 less than what  
3· other software engineers with my level of experience  
4· are paid in the Bay Area."  
5· Was this complaint investigated?

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

6· · · · A. I don't know.  
7· · · · Q. Who is Barbara Hardy?  
8· · · · A. Barbara Hardy was a colleague of mine in  
9· HR. She ran our diversity and inclusion function.  
10· She has left Oracle.  
11· · · · Q. When she received complaints regarding  
12· compensation discrimination, were those forwarded to  
13· your group?  
14· · · · A. I don't know.  
15· · · · Q. Do you know if this one was?  
16· · · · A. No, I do not.  
17· MS. BREMER: I'd like to mark as  
18· Exhibit 107 --  
19· MR. PARKER: 106 is next in order.  
20· MS. BREMER: Sorry. Yep -- 106 a memo  
21· dated July 3rd, 2017 to Nicole Alexander from Nicole  
22· Lurie.  
23· (Whereupon, Exhibit 106 was marked for  
24· identification.)  
25

**183**

1· BY MS. BREMER:  
2· · · · Q. Have you seen this document before?  
3· · · · A. Yes, I have.  
4· · · · Q. And who is Nicole Lurie?  
5· · · · A. Nicole Lurie is one of our HR  
6· investigators. She works for me.  
7· · · · Q. Is it your understanding that this memo  
8· conveys the investigation results of the complaint  
9· made in Exhibit 105?  
10· · · · A. Honestly, I don't -- I would be making an  
11· assumption. I don't know. But it appears to be --  
12· they both appear to be involving Nicole Alexander,  
13· or a person named Nicole Alexander.  
14· · · · Q. And is this a true and correct copy of a  
15· memo from Nicole Lurie to Nicole Alexander on or  
16· about July 3rd, 2017?  
17· · · · A. As far as I know.  
18· · · · Q. So the memo states, "This letter is written  
19· confirmation of the results of the salary review  
20· conducted by Human Resources on your behalf  
21· following your April 10th, 2017 email."  
22· Do you know what salary review was

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

23· conducted?

24· MR. PARKER: Instruct not to answer.

25· Attorney-client privilege.

**184**

1· THE WITNESS: I can't answer that question.

2· BY MS. BREMER:

3· · · · Q. Says, "You alleged that your salary was low  
4· and wanted to know how it compared to others because  
5· following your volunteer relocation from  
6· New Hampshire to California, specifically the  
7· Bay Area, you felt you were paid lower than what  
8· other tech companies were paying in the area."  
9· What information did -- are you aware of --  
10· okay.

11· Let me just -- it says, "We conducted a  
12· thorough investigation of your concerns that  
13· included interviews with you, your manager, other  
14· employees, and management. We also reviewed various  
15· records, emails and files, including information and  
16· documentation you provided relevant to this  
17· investigation."

18· Can you tell me what specifically was  
19· reviewed?

20· MR. PARKER: Instruct not to answer.

21· Attorney-client privilege.

22· THE WITNESS: I can't answer that question.

23· BY MS. BREMER:

24· · · · Q. The investigation results memo states, "Our  
25· investigation found no evidence that gender, race or

**185**

1· anything else inappropriate factored into the  
2· compensation decisions within your department. We  
3· did find that there are variations in pay due to  
4· legitimate business reasons such as performance  
5· levels, job scope and responsibilities, and overall  
6· contribution to the business."

7· Are you aware of additional information  
8· that was provided to Nicole Alexander regarding the  
9· legitimate business reasons for the pay differences?

10· · · · A. I am not aware.

11· · · · Q. Have you had any training regarding what

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

12· legitimate business reasons are for differences in  
13· pay based on gender?  
14· . . . A. Formal training?  
15· . . . Q. Yes.  
16· . . . A. Is that your question?  
17· . . . Q. Yes.  
18· . . . A. No. Not that I can recall.  
19· . . . Q. Do you know if there was any comparison of  
20· Ms. Alexander's compensation to other people's  
21· compensation in Oracle's headquarters as part of  
22· this investigation?  
23· MR. PARKER: Instruct not to answer.  
24· Attorney-client privilege.  
25· THE WITNESS: I can't answer that question.

**186**

1· MS. BREMER: I'm going to mark as  
2· Exhibit 107 an email from Lois Price to Marta Leon  
3· dated April 12th, 2017.  
4· (Whereupon, Exhibit 107 was marked for  
5· identification.)  
6· THE WITNESS: Thank you. Oh, wow this is  
7· the eye chart one. Need my magnifying glass.  
8· BY MS. BREMER:  
9· . . . Q. Do you know who Marta Leon is?  
10· . . . A. Yes.  
11· . . . Q. Who is that?  
12· . . . A. Marta Leon was an HR business partner at  
13· Oracle. I believe she has left the company.  
14· . . . Q. And who is she HR business partner with?  
15· . . . A. You're taxing my memory now. Off the top  
16· of my head, I believe she reported in to Madie's  
17· organization so she could have covered --  
18· MR. PARKER: Sorry, do you know or do you  
19· not know?  
20· THE WITNESS: I don't know.  
21· MR. PARKER: I don't mind you -- as they  
22· say, you're entitled to an estimate.  
23· THE WITNESS: Best information.  
24· MR. PARKER: But if you don't know, then  
25· you just don't know.

**187**

1· BY MS. BREMER:

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

2· · · · Q. The best of your recollection --  
3· · · · A. If your question is --  
4· · · · Q. -- she reported to Madie?  
5· · · · A. That's all I can remember, but who -- your  
6· · question was?  
7· · · · Q. What's Madie's last name?  
8· · · · A. Cheruvu, C-H-E-R-U-V-U. That spelling, I  
9· · may have to check for you at a break.  
10· · · · Q. My question was, what line of business did  
11· · Marta Leon work with?  
12· · · · A. I don't know.  
13· · Q. Do you know what line of business Madie  
14· · Cheruvu did?  
15· · · · A. Lots of them.  
16· · · · Q. And it included product development?  
17· · · · A. Yes, it did.  
18· · · · Q. She worked with Thomas Kurian?  
19· · · · A. Madie did work with Thomas Kurian, yes.  
20· · · · Q. Have you seen Exhibit 107 before?  
21· · · · A. Yes.  
22· · · · Q. And did you see it in preparation for this  
23· · deposition?  
24· · · · A. Yes.  
25· · · · Q. Does it appear to be a true and correct

**188**

1· · copy of an email from Lois Price to Marta Leon sent  
2· · around on or about April 12th, 2017?  
3· · · · A. As far as I know.  
4· · · · Q. The email says, "Hi Marta, Would you  
5· · confirm that I am being paid equally for my work as  
6· · per the Equal Pay Act and Title VII of the Civil  
7· · Rights Act, et cetera? Seems to me that I'm on the  
8· · very low side of what the Senior Director should be  
9· · paid given my experience and contribution to  
10· · Oracle."  
11· · Did this email initiate an investigation by  
12· · Oracle regarding Lois Price's pay?  
13· · · · A. Off the top of my head, I do not know.  
14· · MS. BREMER: Okay. I'll mark as  
15· · Exhibit 108 a memorandum of investigation results  
16· · dated July 7th, 2017 to Lois Price from Nicole  
17· · Lurie.  
18· · (Whereupon, Exhibit 108 was marked for

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

19· identification.)

20· BY MS. BREMER:

21· . . . Q. Have you seen this document before?

22· . . . A. Yes, I have.

23· . . . Q. Is this a true and correct copy of the  
24· investigation results from Nicole Lurie to Lois  
25· Price on or about July 7th, 2017?

**189**

1· . . . A. Yes. As far as I know.

2· . . . Q. And Nicole Lurie is one of the HR  
3· investigators in your group?

4· . . . A. That's correct.

5· . . . Q. Did you review this memorandum before it  
6· was sent to Lois Price?

7· . . . A. Not that I recall.

8· . . . Q. In the first paragraph it says, "You and I  
9· spoke on April 28th, 2017 after I was assigned to  
10· look into your concerns. You felt that your base  
11· salary was on the low side for senior director  
12· position and felt it might be due to your gender.  
13· While we didn't know the pay of others -- while you  
14· didn't know the pay of others, you shared that you  
15· hired Masum Mayana, as a senior director, reporting  
16· to you, and that his pay was 25 percent more than  
17· yours."

18· What was done to investigate Lois Price's  
19· claim of compensation discrimination?

20· MR. PARKER: Objection. Attorney-client  
21· privilege. Instruct not to answer.

22· THE WITNESS: I can't answer that question.

23· MR. PARKER: No.

24· BY MS. BREMER:

25· . . . Q. Do you know, as part of the investigation,

**190**

1· the investigator would look at Masum Mayana's  
2· compensation compared to Lois Price's?

3· MR. PARKER: Same objection. Same  
4· instruction.

5· BY MS. BREMER:

6· . . . Q. The second paragraph of the investigation  
7· results memo states, "We conducted a thorough  
8· investigation of your concerns that included

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

9· interviews with you, your manager, other employees,  
10· and management. We also reviewed various reports,  
11· emails and files, including information and  
12· documentation you have provided relevant to this  
13· investigation.”

14· This paragraph has the same wording as  
15· other memos of investigation results that we’ve  
16· reviewed. Is this -- do you have a template for  
17· memos of investigation results?

18· . . . A. Not that I recall. Template.

19· We probably have examples that we share  
20· with each other, but not a template.

21· . . . Q. Examples that are posted that people can  
22· use?

23· . . . A. Well, yeah. They have -- so if someone  
24· needed and wanted to see, you know, a closeout memo  
25· for a -- you know, wanted some help with wording or

**191**

1· something, yeah, they might talk to each other in  
2· that regard, but there’s not a template per se. The  
3· investigators write their own closeout memos.

4· . . . Q. The third paragraph says, “Our  
5· investigation found no evidence that gender or  
6· anything else inappropriate factored into the  
7· compensation decisions within your department. We  
8· did find that there are variations in pay due to  
9· legitimate business reasons such as performance  
10· levels, job scope and responsibilities, and overall  
11· contribution to the business.”

12· Do you know if Oracle found specific  
13· legitimate business reasons in this case?

14· MR. PARKER: Instruct not to answer.

15· Attorney-client privilege.

16· BY MS. BREMER:

17· . . . Q. It says, “We also did confirm that Masum’s  
18· base pay is higher than yours; however, we found  
19· nothing gender-related in that decision.”

20· Do you know what was reviewed in reaching  
21· that finding?

22· MR. PARKER: Instruct not to answer.

23· Attorney-client privilege.

24· BY MS. BREMER:

25· . . . Q. Are you aware of any other information that

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

**192**

1· Lois Price was -- or received regarding the results  
2· of the investigation of her compensation  
3· discrimination complaint?  
4· . . . A. No, I'm not aware.  
5· MS. BREMER: I'd like to mark as  
6· Exhibit 109 a document dated October 3rd, 2016 from  
7· Katrine Haugerud to Lisa Hanson.  
8· (Whereupon, Exhibit 109 was marked for  
9· identification.)  
10· BY MS. BREMER:  
11· . . . Q. Have you seen Exhibit 109 before?  
12· . . . A. Yes.  
13· . . . Q. Did you see it in preparation for your  
14· deposition?  
15· . . . A. Yes.  
16· . . . Q. Does it appear to be a true and correct  
17· copy of an email from Katrine Haugerud to Lisa  
18· Hanson sent on or about October 3rd, 2016?  
19· . . . A. As far as I know.  
20· . . . Q. The email states, "According to the  
21· California Equal Pay Act that went into effect on  
22· October 6th, 2015," and it provides a link, "I would  
23· like to ensure that I'm treated fairly by being paid  
24· equal to others for my position at Oracle."  
25· Was this complaint investigated by Oracle?

**193**

1· . . . A. Off the top of my head, I don't know.  
2· . . . Q. And who is Lisa Hanson?  
3· . . . A. HR business partner at Oracle.  
4· . . . Q. And what group -- what groups does she work  
5· with?  
6· . . . A. I don't know what groups she works --  
7· worked with. I believe she's also in -- was in  
8· Madie Cheruvu's team at this time. She's left --  
9· doesn't work for the company anymore.  
10· . . . Q. And at the bottom it says that Katrine  
11· Haugerud is senior director of Oracle applications  
12· development. Does that mean that she's an  
13· applications -- in the applications development job  
14· function?  
15· MR. PARKER: Vague and ambiguous. Lacks

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

16· foundation.

17· BY MS. BREMER:

18· . . . Q. If you know.

19· . . . A. I don't.

20· MS. BREMER: I'll mark as Exhibit 110 an

21· email chain between Lisa Hanson and Katrine Haugerud

22· between January 27th (verbatim), 2017 and February

23· 2nd, 2017.

24· (Whereupon, Exhibit 110 was marked for

25· identification.)

**194**

1· BY MS. BREMER:

2· . . . Q. Have you seen this document before?

3· . . . A. Yes, I have.

4· . . . Q. And is it a true and correct copy of the

5· email chain between Katrine Haugerud and Lisa Hanson

6· between January 26th, 2017 and February 2nd, 2017?

7· . . . A. As far as I know.

8· . . . Q. On the bottom email it says, "This email is

9· to acknowledge the concerns you brought to my

10· attention on October 6th, 2016 regarding your

11· compensation."

12· . . . A. Uh-huh. I see that.

13· . . . Q. Do you know, first of all, why the response

14· was in an email rather than an investigation results

15· memo?

16· . . . A. It doesn't have to happen any -- it depends

17· on the case. It can happen either way.

18· . . . Q. So the form of the investigation results

19· can be either email or a memo?

20· . . . A. Yes. That's correct.

21· . . . Q. Okay. It says that "My review included

22· interviews with you and management as well as review

23· of relevant documents and information."

24· Do you know what documents and information

25· was reviewed?

**195**

1· MR. PARKER: Instruct not to answer.

2· Attorney-client privilege.

3· THE WITNESS: I can't answer that question.

4· BY MS. BREMER:

5· . . . Q. Do you know if the review included

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

6· review -- sorry.  
7· Do you know if the investigation included  
8· reviewing compensation of other people in the same  
9· job title as Katrine Haugerud?  
10· MR. PARKER: Same objection. Same  
11· instruction.  
12· BY MS. BREMER:  
13· . . . Q. It says -- the next paragraph is, "As I  
14· explained during our discussion on January 20th,  
15· 2016, my review did not find any evidence that your  
16· gender played a role in decisions that were made  
17· with respect to your compensation."  
18· Do you have any information about the  
19· discussion on January 20th of 2016?  
20· MR. PARKER: You can just answer that yes  
21· or no.  
22· THE WITNESS: No, I do not.  
23· MR. PARKER: And then I want to be clear on  
24· something so I don't -- you've been asking "do you  
25· know" questions about these things. And as I said

**196**

1· earlier, even if she does know, I'm objecting on  
2· attorney-client privilege.  
3· So I've been doing the one-two because  
4· you've asked "do you know." I've been instructing.  
5· So I don't believe she will know anything underlying  
6· any of these investigations because her knowledge  
7· would then be attorney-client privilege, and I would  
8· not allow her to answer.  
9· BY MS. BREMER:  
10· . . . Q. The email says, "Given the nature and scope  
11· of your role which is different than that of your  
12· peers, we believe you are being paid appropriately."  
13· How is the nature and scope of her role  
14· different than that of her peers?  
15· MR. PARKER: Instruct not to answer.  
16· Attorney-client privilege.  
17· BY MS. BREMER:  
18· . . . Q. Okay. The next email chain which is above,  
19· sent January 31st, 2017, says, "Thanks for getting  
20· back to me on my concern regarding the Equal Pay Act  
21· statute and how it relates to my situation  
22· specifically."

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

23· And then it says, “My biggest concern with  
24· your response is that you are not providing any real  
25· data to support your findings, although in my job

**197**

1· code the salary band/range is 230,000 to 414,000.  
2· My salary is 179,167. My salary is significant  
3· below the lowest number in this band. By looking at  
4· this figure alone, I don’t see how that can possibly  
5· be fair, even aside from the new statute.”  
6· Do you know if this information is  
7· accurate?  
8· · · · A. Which information specifically?  
9· · · · Q. About her salary and the range.  
10· · · · A. Off the top of my head, I do not.  
11· · · · Q. The -- okay. At the top there’s a response  
12· dated February 2nd, 2017.  
13· It says “Thanks for the follow-up email. I  
14· am not in a position to share data regarding other  
15· employees’ salaries with you, as that information is  
16· confidential to those employees. I did, however,  
17· review the salaries of other employees in the  
18· process. As we discussed, we were unable to  
19· substantiate your complaint of unlawful pay  
20· disparities based on your gender. To the extent  
21· that disparities exist, those differences can be  
22· explained by legitimate business factors unrelated  
23· to gender.”  
24· Are you aware of any additional information  
25· that was provided to Katrine Haugerud regarding

**198**

1· salary data?  
2· · · · A. I am not.  
3· · · · Q. Are you aware of any additional information  
4· that was provided to her regarding the legitimate  
5· business factors unrelated to gender that Oracle  
6· contended explained the differences?  
7· · · · A. Can you repeat your question? You lost me  
8· there somewhere.  
9· · · · Q. It says at the bottom sentence of the first  
10· paragraph of this first email, it says, “To the  
11· extent that disparities exist, those differences can  
12· be explained by legitimate business factors

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

13· unrelated to gender.”

14· Are you aware of any additional information

15· that was provided to Katrine Haugerud regarding what

16· those legitimate business reasons were?

17· . . . A. I am not.

18· MS. BREMER: Okay. I’m going to mark as

19· Exhibit 111 a document dated February 26th, 2018

20· from Anna Woods to Asmara Beyene. I don’t know if

21· I’m pronouncing it correctly.

22· (Whereupon, Exhibit 111 was marked for

23· identification.)

24· BY MS. BREMER:

25· . . . Q. Have you seen Exhibit 111 before?

**199**

1· . . . A. Yes.

2· . . . Q. Did you see it in preparation for your

3· deposition?

4· . . . A. Yes.

5· . . . Q. Does it appear to be a true and correct

6· copy of an email exchange between Anna Woods and

7· Asmara Beyene between February 22nd, 2018 and

8· February 26th, 2018?

9· . . . A. Yeah, as far as I know.

10· . . . Q. On the email chain at the bottom dated

11· February 21st, 2018, Asmara Beyene wrote in the

12· second paragraph, “I have in the past asked my (used

13· to be) manager, Sharon, on where I stand in salary

14· range and she said that I am in the lowest zero to

15· 20 percent of 100. Based on that information, I

16· would like to know what the range/numbers are

17· exactly. I would also like to know how to request

18· adjustment/raise to bring me up to standard.”

19· Did Oracle conduct an investigation as a

20· result of this concern being raised?

21· . . . A. Off the top of my head, I don’t know.

22· . . . Q. Who is Anna Woods?

23· . . . A. She’s an HR business partner.

24· . . . Q. And what -- do you know who she reports to?

25· . . . A. I’m not sure. She worked there longer than

**200**

1· me. She’s reported to a lot of people.

2· . . . Q. Do you know what lines --

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

3· · · · A. I'd be guessing.

4· · · · Q. Do you know what lines of business she  
5· worked with?

6· MR. PARKER: Vague as to time.

7· BY MS. BREMER:

8· · · · Q. In 2018?

9· · · · A. I do not. Although the signature block  
10· does say "HR Business Partner for Global IT," so  
11· based on what's written here, that's all I know.

12· · · · Q. The email from Asmara Beyene also says, "I  
13· also learned that recently there was a salary  
14· adjustment to women in Oracle. Is there any reason  
15· why I'm not part of that?"

16· MS. BREMER: Okay. I'm going to then move  
17· to Exhibit 112, which I'm going to mark, which is an  
18· email dated June 8th, 2018 from Anna Woods to Asmara  
19· Beyene.

20· (Whereupon, Exhibit 112 was marked for  
21· identification.)

22· BY MS. BREMER:

23· · · · Q. Have you seen this document before?

24· · · · A. Yes.

25· · · · Q. Is it a true and correct copy of an email

**201**

1· from Anna Woods to Asmara Beyene sent on or about  
2· June 8th, 2018?

3· · · · A. As far as I know.

4· · · · Q. Do you know what Anna Woods -- I'm sorry.  
5· Do you know what Asmara Beyene's race is?

6· · · · A. I do not.

7· · · · Q. So the first paragraph says, "As you know,  
8· you came to me because you felt your salary was low  
9· and you've heard that there had been a salary  
10· increase for only women in the December 2017/January  
11· 2018 time frame. As a result of coming to me, I  
12· looked into the concerns you raised. This included  
13· a review of relevant documentation and information,  
14· as well as conversations with you and others."

15· Do you know specifically -- what  
16· specifically did Oracle do to conduct an  
17· investigation of Asmara Beyene's complaint?

18· MR. PARKER: Instruct not to answer.

19· Attorney-client privilege.

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

20· BY MS. BREMER:

21· . . . Q. The second paragraph of this email says,  
22· “As we discussed on the 31st, there was no salary --  
23· increase salary for exclusively women in the  
24· December 2017/January 2018 time frame or any other  
25· time frame. There was, however, a regular

**202**

1· Focal/Salary increase cycle that took place, and any  
2· changes as a result of that process were effective  
3· on January 1st, 2018.”

4· Were you involved in any decisions related  
5· to the focal/salary increase that was effective  
6· January 1st, 2018?

7· MR. PARKER: Vague and ambiguous.

8· THE WITNESS: Can you be more specific?

9· BY MS. BREMER:

10· . . . Q. Were you involved in any decisions related  
11· to the focal/salary increase that was effective  
12· January 1st, 2018?

13· MR. PARKER: Vague and ambiguous.

14· THE WITNESS: I was involved in the  
15· decisions for my own team.

16· BY MS. BREMER:

17· . . . Q. Were you involved in any decisions as  
18· regarding whether there would be a regular  
19· focal/salary increase or the purposes of that  
20· increase?

21· MR. PARKER: Vague and ambiguous.

22· Compound.

23· THE WITNESS: I was only involved as it  
24· pertains to my own team.

25

**203**

1· BY MS. BREMER:

2· . . . Q. Do you know if the salary increase was  
3· disproportionately given to women?

4· MR. PARKER: Lacks foundation.

5· THE WITNESS: I have no idea.

6· MR. PARKER: Vague and ambiguous.

7· BY MS. BREMER:

8· . . . Q. The memo goes on to say --

9· (Reporter clarification.)

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

10· BY MS. BREMER:

11· . . . Q. -- “You, like your peers, were eligible for  
12· the Focal/Salary, but because the budget was very  
13· limited, your management was not able to award you a  
14· salary increase at that time. I reviewed the  
15· reasons for this decision and did not find any  
16· evidence gender played a role in who received a  
17· salary increase in this cycle or any other.”

18· What were the reasons that Oracle found for  
19· the decision not to provide an increase in salary to  
20· Asmara Beyene?

21· MR. PARKER: To the extent that it is  
22· protected by the attorney-client privilege, I  
23· instruct not to answer.  
24· Otherwise, where it comes out of this memo,  
25· if you know independent of this memo, then you can

**204**

1· certainly answer the question.  
2· But I’ll object. Lacks foundation. Calls  
3· for speculation and outside the scope.  
4· THE WITNESS: I don’t know.

5· BY MS. BREMER:

6· . . . Q. So in the third memo (verbatim) it says  
7· that “The business made an exception request to  
8· provide you a salary adjustment and received  
9· approval to do so. Effective February 27th, 2018,  
10· your base pay is \$45.68 per hour, \$95,014.40  
11· annually and your title is ‘Senior Security  
12· Engineer.’”

13· How was approval obtained -- or what was  
14· the process for obtaining this salary adjustment?

15· MR. PARKER: Lacks foundation. Calls for  
16· speculation.

17· THE WITNESS: I don’t have any information  
18· about how this approval was obtained.

19· BY MS. BREMER:

20· . . . Q. Have you -- have you ever obtained a salary  
21· adjustment to someone’s salary after you conducted  
22· an investigation?

23· MR. PARKER: Asked and answered.

24· THE WITNESS: Repeat your question.

25

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

**205**

1· BY MS. BREMER:

2· . . . Q. Have you ever obtained a salary adjustment

3· for anyone after you conducted an investigation?

4· . . . A. You're asking about me specifically?

5· . . . Q. Yes.

6· . . . A. No.

7· . . . Q. Has anyone on your team?

8· . . . A. Off the top of my head, I -- you're asking

9· if I've ever received approval -- my -- okay. So

10· now you're confusing me.

11· MR. PARKER: Has anyone -- has anyone on

12· your team ever conducted an investigation and

13· afterward has that person's salary increased?

14· THE WITNESS: Off the top of my head, I can

15· remember a case, I believe, that ended up in an

16· adjustment, but I would have to check. I'm not

17· 100 percent sure.

18· MR. PARKER: Was it an HQCA?

19· THE WITNESS: Oh, gosh. You know what? I

20· have no idea.

21· MR. PARKER: Okay.

22· THE WITNESS: But, again, I can't remember

23· every single case that we do off the top of my head.

24· BY MS. BREMER:

25· . . . Q. Do you recall any other -- any cases by any

**206**

1· of your HR investigators who report to you that

2· resulted in a salary adjustment after the

3· investigation?

4· MR. PARKER: Asked and answered.

5· THE WITNESS: That's the question I just

6· answered.

7· BY MS. BREMER:

8· . . . Q. I thought the question you just answered

9· related to you specifically.

10· . . . A. Then you asked --

11· . . . Q. I'm broadening it to --

12· . . . A. But you already did that.

13· . . . Q. Okay.

14· . . . A. We did both.

15· . . . Q. Okay.

16· . . . A. So I said no --

**DEPOSITION OF TAMERLANE BAXTER -- RULE 30(B)(6) JULY 3, 2019**

Page/Line

17· · · · Q. Right.

18· · · · A. -- as it pertains to me. I don't recall  
19· myself conducting an investigation that resulted --  
20· that the findings then resulted in an adjustment to  
21· someone's salary. That, I do not recall.  
22· Personally.  
23· I do think it has happened with  
24· investigations that my team did, at least one time I  
25· can recall, but I do not know the location of that

**207**

1· employee.

2· · · · Q. And the one time that you recall, when was  
3· that?

4· · · · A. Oh, gosh. It was sometime between -- it  
5· was maybe sometime between -- it was 2015 to 2018.  
6· Somewhere in there. I don't know exactly when that  
7· was. I don't think it was 2019. It was before  
8· that.

9· · · · Q. And the questions that we -- that I was  
10· just asking and you were answering related to  
11· salary. So I'm going to ask the same thing with  
12· respect to any other compensation.  
13· Are you aware of any adjustments made to  
14· someone's compensation after an investigation was  
15· completed?

16· · · · A. You mean other than salary adjustments?

17· · · · Q. Exactly. Such as equity or bonus or  
18· anything else.

19· · · · A. Not that I can recall. No.

20· · · · Q. What is the process to get a salary  
21· adjustment approval following an investigation?  
22· MR. PARKER: Lacks foundation. Calls for  
23· speculation. And there's going to be a bit of  
24· attorney-client privilege, but if you know, is  
25· there -- do you know of a process, yes or no?

**208**

1· THE WITNESS: No, I do not.

2· (Brief interruption.)

3· BY MS. BREMER:

4· · · · Q. In the time that you were aware of when  
5· there was an adjustment after an investigation by  
6· someone on your team, were you involved in that at

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

7· all in getting the adjustment or discussing it?  
8· . . . A. No.  
9· MR. PARKER: Vague and ambiguous.  
10· Compound.  
11· THE WITNESS: I was not involved.  
12· BY MS. BREMER:  
13· . . . Q. So this memo says, "The business made an  
14· exception request to provide you a salary  
15· adjustment."  
16· Is that talking about -- or is the business  
17· the line of business?  
18· MR. PARKER: Lacks foundation. Vague and  
19· ambiguous.  
20· THE WITNESS: I wasn't involved in this  
21· process, so I would be guessing what is she  
22· referring to there.  
23· I could say generally, if we're saying "the  
24· business," she could mean the line -- the line of  
25· business that that person rolls into. That could be

**209**

1· possible.  
2· MR. PARKER: She's not asking for what's  
3· possible. She's asking whether you know or not.  
4· THE WITNESS: I don't know.  
5· BY MS. BREMER:  
6· . . . Q. Well, I'm asking, you know, if you were  
7· reading this as someone who works in HR at Oracle  
8· and understanding the terminology that's used at  
9· Oracle, what would you understand that term to mean?  
10· MR. PARKER: Lacks foundation.  
11· THE WITNESS: I can say if I was personally  
12· using that term, and I did not write this memo or  
13· was not involved in writing it, the term "the  
14· business" means the specific line of business.  
15· MS. BREMER: I'd like to mark as  
16· Exhibit 113 an email from Lisa Hanson to Chinar  
17· Kapoor dated December 22nd, 2016.  
18· (Whereupon, Exhibit 113 was marked for  
19· identification.)  
20· BY MS. BREMER:  
21· . . . Q. Have you seen this document before?  
22· . . . A. Yes, I have.  
23· . . . Q. Did you review it in preparation for your

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

24· deposition today?

25· . . . A. Yes, I did.

**210**

1· . . . Q. Does it appear to be a true and correct  
2· copy of an email from Lisa Hanson to Chinar Kapoor  
3· sent on or about December 22nd, 2016?

4· . . . A. As far as I know.

5· . . . Q. What is Chinar Kapoor's gender?

6· . . . A. I do not know.

7· . . . Q. So the email says that "You indicated you  
8· felt your salary was low because the increments that  
9· you have received over the years have not kept up  
10· with the market. Given your role and years of  
11· experience, you believe some sort of correction  
12· adjustment could fix this concern. You mentioned  
13· you were curious about the discussions taking place  
14· in the valley about gender gap and equal pay for men  
15· and women."

16· And then it goes on to say, "Per our  
17· discussion on December 15th, 2016, I've looked into  
18· your concerns and did not find any evidence that  
19· your gender played a role in the decisions that were  
20· made with respect to your compensation. The data I  
21· reviewed indicates you were being paid consistently  
22· with your peers performing similar work."

23· What data was reviewed in connection with  
24· this investigation?

25· MR. PARKER: Instruct not to answer.

**211**

1· Attorney-client privilege.

2· BY MS. BREMER:

3· . . . Q. Are you aware of any additional information  
4· that was provided to Chinar Kapoor regarding her  
5· complaint?

6· . . . A. I am not aware.

7· MS. BREMER: I should have given you this  
8· one first, but I'm going to mark as Exhibit 114·a  
9· document dated November 1st, 2018 from Chinar Kapoor  
10· to Lisa Hanson, and it's actually an email chain  
11· with two emails between those two people.  
12· (Whereupon, Exhibit 114 was marked for  
13· identification.)

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

14· BY MS. BREMER:

15· . . . Q. Have you seen this document before?

16· . . . A. Yes.

17· . . . Q. And did you review it in connection with

18· your deposition?

19· . . . A. Yes.

20· . . . Q. Does it appear to be a true and correct

21· email chain between Lisa Hanson and Chinar Kapoor on

22· November 1st, 2018?

23· . . . A. As far as I know.

24· . . . Q. Is it your understanding that this is the

25· email that resulted in the closure email that's

**212**

1· Exhibit 113?

2· . . . A. Well, I don't know that to be true or not

3· true, but the dates don't seem to line up.

4· The 12/22 note says that she brought the

5· concerns to Lisa's attention on October 13th. This

6· email is dated November 1st.

7· . . . Q. Oh, you're right.

8· . . . A. So I don't know -- oh, this is 2016 even.

9· This is a different year entirely.

10· . . . Q. Right. Okay.

11· . . . A. So this one is not attached to this one.

12· Okay.

13· . . . Q. Okay. So the --

14· . . . A. We're in 2018 now.

15· . . . Q. Exhibit 113 is not attached to --

16· . . . A. Okay.

17· . . . Q. -- Exhibit --

18· . . . A. 114.

19· . . . Q. -- 114.

20· . . . A. Okay.

21· . . . Q. Try not to talk over me.

22· . . . A. So sorry.

23· . . . Q. Okay. So in 2016, Chinar Kapoor raised

24· issues regarding whether gender played a role in

25· compensation decisions, and this is the closure memo

**213**

1· which is 113, correct?

2· . . . A. Exhibit 113 does appear to be a closure,

3· based on the subject, to Chinar from Lisa about the

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

4· concerns she raised in October of 2016.

5· . . . Q. Okay. And then in November of 2018 Chinar

6· Kapoor raised questions concerning compensation in

7· her organization in an email to Lisa Hanson, right?

8· . . . A. That's what I read, yes.

9· . . . Q. So then I'm going to mark as Exhibit 115 a

10· memorandum dated February 26th, 2019 from Michelle

11· Nofer to Chinar Kapoor.

12· (Whereupon, Exhibit 115 was marked for

13· identification.)

14· BY MS. BREMER:

15· . . . Q. Have you seen this document before?

16· . . . A. Yes, I have.

17· . . . Q. Who is Michelle Nofer?

18· . . . A. She's an HR investigator. She works for

19· me.

20· . . . Q. And is this a true and correct copy of a

21· confirmation of closure/results of HR investigation

22· by Michelle Nofer sent to Chinar Kapoor on or about

23· February 26th, 2019?

24· . . . A. As far as I know.

25· . . . Q. It states at the beginning, "This is a

**214**

1· written confirmation of our conversation Friday,

2· February 15th during which I provided you with the

3· results of the investigation conducted by Human

4· Resources into concerns you raised regarding your

5· compensation. Specifically, you expressed concerns

6· that you are not being paid fairly and that your

7· male peers may be earning more than you."

8· Do you have any further information about

9· the conversation described as taking place February

10· 15th?

11· . . . A. I do not.

12· . . . Q. The second paragraph says, "We conducted a

13· thorough investigation of your concerns that

14· included a review of data, including compensation

15· information for you and others, interviews with you

16· and other employees, as well as a review of various

17· records, emails and files, including any information

18· and documentation you have provided relevant to this

19· investigation."

20· What specifically was reviewed as part of

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

21· the investigation?

22· MR. PARKER: Instruct not to answer.

23· Attorney-client privilege.

24· BY MS. BREMER:

25· . . . Q. The third paragraph says, “Based on the

**215**

1· evidence gathered, the investigation revealed that

2· you are paid comparably to the majority of your

3· peers who perform substantially similar work. We

4· found no evidence that gender or any other protected

5· characteristic was a factor in the determination of

6· your compensation or that of others.”

7· Are you aware of any other information

8· provided to Chinar Kapoor as a result of her

9· complaint in the investigation?

10· . . . A. I am not aware.

11· . . . Q. Are you aware of any investigation by

12· Oracle that resulted in a finding that there was

13· compensation discrimination?

14· MR. PARKER: Sorry. Hold on.

15· BY MS. BREMER:

16· . . . Q. Are you aware of any investigation by

17· Oracle that resulted in a finding that there was --

18· MR. PARKER: I see it. I think it's vague.

19· BY MS. BREMER:

20· . . . Q. Okay. Are you aware of any investigation

21· by your group --

22· MR. PARKER: Oh, I'm sorry, your question

23· is divorced of Exhibit 115?

24· MS. BREMER: It's not completely divorced.

25· I -- this Exhibit 115 says, “We found no

**216**

1· evidence that gender or any other protected

2· characteristic was a factor in the determination of

3· your compensation or that of others.”

4· I'm wondering if she's aware of any

5· investigation by her group that did find gender

6· discrimination in compensation.

7· MR. PARKER: Okay. As framed, it calls for

8· attorney-client privilege.

9· MS. BREMER: No, I'm asking about the

10· results of the investigation.

11· MR. PARKER: But you didn't say that. And

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

12· are you saying something that was communicated to an  
13· employee? Because if you don't have that, then it  
14· would definitely be protected by attorney-client  
15· privilege.

16· BY MS. BREMER:

17· . . . Q. Okay. Are you aware of any results of an  
18· HR investigation that communicated to an employee  
19· that found compensation discrimination?

20· MR. PARKER: Is this for HQ and HCA?

21· MS. BREMER: Yes.

22· (Reporter clarification.)

23· MR. PARKER: This is for HQ and HCA.

24· Do you have the question in mind?

25· THE WITNESS: Okay. So you ask -- do I

**217**

1· understand your question to be, am I aware of any  
2· results being communicated to an employee that we  
3· found discrimination -- pay discrimination --  
4· discrimination in pay?

5· BY MS. BREMER:

6· . . . Q. Yes.

7· . . . A. I am not aware.

8· . . . Q. Are you aware of any investigation results  
9· by the HR business partners that found pay  
10· discrimination and were communicated to the  
11· employee?

12· . . . A. I can't answer that question as stated.

13· . . . Q. Are you aware of any results of an  
14· investigation by the HR business partners concerning  
15· an employee at headquarters that found  
16· discrimination, pay discrimination?

17· . . . A. I'm --

18· MR. PARKER: As phrased --

19· THE WITNESS: I can't answer that question.

20· MR. PARKER: -- that would call for

21· attorney-client privilege.

22· And I don't understand why -- I don't  
23· understand why she's saying she can't answer the  
24· question. So do you mind if I take a break? I  
25· don't care what the answer is.

**218**

1· MS. BREMER: Let me just try one more time

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

2· because -- okay.  
3· . . . Q. I'm talking about results of an  
4· investigation regarding a claim of compensation  
5· discrimination. And I'm wondering if you're aware  
6· of any results of an investigation by the HR  
7· business partners that had a finding of compensation  
8· discrimination that were conveyed to an employee.  
9· . . . A. No, I am not aware of any communication to  
10· an employee of an investigation result that found  
11· pay discrimination. I am not aware of that.

**226:7-228:2**

7· . . . Q. If your group finds or investigates a  
8· complaint of compensation discrimination and finds  
9· that there's been no discrimination, is there anyone  
10· that they can go to to either reconsider those  
11· results or appeal them, other than escalating the  
12· issue to Dorian Daley?  
13· MR. PARKER: Compound. Vague and  
14· ambiguous.  
15· THE WITNESS: As far as I know, we do not  
16· have a prescribed process for employees appealing  
17· investigation results.  
18· BY MS. BREMER:  
19· . . . Q. Are you aware of any process that employees  
20· have used to appeal investigation results?  
21· MR. PARKER: Asked and answered. Vague and  
22· ambiguous.  
23· THE WITNESS: We don't have a prescribed  
24· process.  
25

**227**

1· BY MS. BREMER:  
2· . . . Q. Okay. When you say "prescribed process,"  
3· that suggests to me that there's some process.  
4· . . . A. No. I'm saying there is no process.  
5· . . . Q. Okay.  
6· . . . A. Let's be more specific. We don't have a  
7· process around appeals.  
8· That was probably a poor choice of words on  
9· my part.  
10· Maybe to clarify, employees do raise

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

11· concerns about the results of their investigations.  
12· It happens.  
13· . . . Q. And then when they do raise concerns, where  
14· does it go from there?  
15· . . . A. It depends on the case.  
16· . . . Q. Have -- are you aware of any results of  
17· investigations being overturned after employees  
18· raise concerns about the results of their  
19· investigation?  
20· . . . A. Off the top -- overturn -- I'm not sure I  
21· understand your question. Can you repeat it?  
22· . . . Q. You said that employees do raise concerns  
23· about investigations. Are you aware of any changes  
24· being made to investigative findings as a result of  
25· concerns employees raised?

**228**

1· . . . A. Not that I can recall, off the top of my  
2· head.

**233:22-25**

22· . . . Q. Have you provided any of the reports on the  
23· types of workplace investigations to Shauna  
24· Holman-Harries?  
25· . . . A. Not that I recall.

**238:2-8**

2· . . . Q. Is there ever a situation that you are  
3· aware of where there was a claim of compensation  
4· discrimination that was investigated where the  
5· result did not go to the manager of the employee who  
6· brought the complaint?  
7· . . . A. I am not aware of any specific case that  
8· meets that criteria.

**238:23-239:25**

23· . . . Q. So there was one example we saw where an  
24· employee received a pay adjustment. Are you aware  
25· of any situation where a complaint has led to a

**239**

1· bigger change? For example, a group of employees  
2· receiving a pay adjustment or any other  
3· structural -- any remedy that impacted more than

**DEPOSITION OF TAMERLANE BAXTER – RULE 30(B)(6) JULY 3, 2019**

Page/Line

4· just the complainant.  
5· MR. PARKER: Vague as to time. Vague and  
6· ambiguous. Outside the scope.  
7· THE WITNESS: Are you asking me about a  
8· specific time frame, and are we talking about at  
9· Oracle HQ?  
10· BY MS. BREMER:  
11· · · · Q. Yes. 2013 through the present at HQ.  
12· · · · A. At HQ, has there been an investigation that  
13· resulted in more than one employee being  
14· disciplined -- impacted?  
15· · · · Q. Yes.  
16· · · · A. What is the word that -- I'm not sure what  
17· the word is you used.  
18· · · · Q. A remedy impacting --  
19· · · · A. Remedy impacting --  
20· · · · Q. -- more than one employee.  
21· · · · A. -- more than one employee. Can I think --  
22· MR. PARKER: Same objections.  
23· THE WITNESS: Off the top of my head, I  
24· cannot think of a specific investigation that meets  
25· that criteria.